


 A portrait of Hon. Mark Kappelhoff, a middle-aged man with short brown hair, smiling warmly. He is wearing a dark suit jacket, a white dress shirt, and a blue patterned tie. The background is a blurred indoor setting with a window.

Hon. Mark Kappelhoff

By Elizabeth Odette

Judge Mark Kappelhoff has fond memories of growing up in Minnesota. The third of five boys in the Kappelhoff family, he loved playing football and hockey in his hometown of Anoka. Kappelhoff's journey to the Hennepin County bench began at Saint John's University in Collegeville where he earned a degree in psychology. His parents set an example of treating people equally. This drove him to find opportunities to fight for fairness.

Kappelhoff left Minnesota after college for Washington D.C. to work for Congressman Gerry Sikorski, who then represented Minnesota's 6th Congressional District. Being surrounded by individuals who worked in the law, he knew he wanted a career that gave a voice to the voiceless, so he decided to attend law school at American University.

After graduating from law school, he worked

briefly for a law firm in D.C., before landing a job as a public defender for Montgomery County in Rockville, Maryland. Kappelhoff represented adult and juvenile clients charged with misdemeanor and felony criminal offenses. He gained valuable courtroom experience, which included work on a capital case. He was challenged, but also fulfilled by standing up and speaking for those who trusted him with their liberty and livelihood.

Kappelhoff left the public defender's office in the mid-90s to serve as legislative counsel to the American Civil Liberties Union, where he worked on policy and legislation in the areas of criminal justice and civil rights.

His career path eventually led to a position as a trial attorney in the Civil Rights Division at the U.S. Department of Justice (DOJ), where he spent the next 15 years prosecuting and supervising

hate crimes, human trafficking, and police misconduct cases all across the country. He was recruited for this position by Tom Perez, his longtime friend, who at the time was an official in the Civil Rights Division and now serves as the U.S. Secretary of Labor.

One particular hate-crime case left a lasting impression on Kappelhoff; it involved a 10-year-old child who had discovered a 12-foot-tall burning cross in his family's yard. "I will never forget the visible pain and anguish in the face of that little boy and his father as they recounted the events of that evening and had to confront the intractable problem of racism. That child's innocence was stolen because of racism, recalled Kappelhoff. The family eventually moved away from the area because they were haunted by the events of that evening.

"I feel incredibly fortunate and honored to have had the opportunity to work at DOJ and enforce our nation's civil rights laws," Kappelhoff said. During his tenure at the DOJ, he rose through ranks, serving in a number of senior leadership positions, including the Chief of the Criminal Section and Acting Principal Deputy Assistant Attorney General of the Civil Rights Division. He co-chaired the U.S. Attorney General's Advisory Group on Racial Disparities in federal sentencing and created the Civil Rights Division's groundbreaking Human Trafficking Prosecution Unit.

While building his career on the east coast, Kappelhoff always kept an eye out for an opportunity to return to Minnesota. "There's no other place like it," he said. That opportunity came in 2012 when he was hired as an associate clinical professor at the University of Minnesota Law School to direct the school's criminal justice clinic and teach a course on human trafficking. This was not his first experience at the head of a classroom, having taught classes at Georgetown University Law School, the University of Maryland School of Law, and his alma mater, American University, while working in the D.C. area.

In the summer of 2014, the DOJ recruited him to come back to serve in what was supposed to be a temporary role as a deputy assistant attorney general in the Civil Rights Division. "I thought I would serve over the summer break and return to teaching in the fall. But then Michael Brown was shot by a police officer in Ferguson, Missouri, and within days I found myself on a plane with U.S. Attorney General Eric Holder, headed for Ferguson." From there, he spent the next six months overseeing the DOJ investigation of the Ferguson Police Department and the shooting death of Michael Brown. What the investigation found were ingredients for a perfect storm. For example, the police department and the court system operated as racially-biased revenue generators for the local government by imposing steep fines and fees for low-level offenses. The investigation also uncovered that African-Americans were stopped, searched, and arrested at disproportionate rates. And, uses of force disproportionately targeted African-Americans, reflected by such facts as in all 14 cases where dogs were used, the suspects were African-American. Kappelhoff noted, "Trust had completely eroded between the police and the community they were hired to serve and protect."

The critical report he and other investigators issued included specific recommendations to improve Ferguson police and court practices and procedures. From there, he oversaw a number of other federal investigations of police departments and officer-involved deaths across the country, including the highly publicized death of Freddie Gray in Baltimore. When asked what he's learned from this experience, Judge Kappelhoff remarked, "Our nation is involved in an important conversation about race, policing, and community trust. If we commit ourselves to this work across the country, I am optimistic that together we can build and strengthen trust within our communities." Much like how he sees his role on the bench as being a daily test to meet the expectations and obligations that come with it, improvement of police-community relations "is not a checklist, but a continued mission."

Kappelhoff's enthusiasm and drive for the work he did with the DOJ on civil rights are reflected in the numerous honors he has

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received over his years of service to the agency. For example, in 2015, he received the U.S. Attorney General's Award for Exceptional Service—the department's highest honor—for his work on the Ferguson Police Department investigation. He also earned the 2011 Presidential Rank Award and the 2010 Attorney General's John Marshall Award for his efforts to secure passage of the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act.

Prior to his appointment to the bench, he sought advice from a number of Hennepin County judges. One specific piece of advice he aims to follow is the "80-20" rule: listening 80 percent of the time and talking 20 percent of the time. Kappelhoff appreciates the responsibility that comes with his new role. "I want everyone who comes into my courtroom to feel that they've been heard, regardless of the ruling." When not on the bench, Judge Kappelhoff enjoys running two mornings a week with a group of other attorneys and a judge and exploring the multitude of green spaces in the Twin Cities.



Elizabeth Odette

erodette@locklaw.com

Ms. Odette is a partner at the firm of Lockridge Grindal Nauen. She focuses her practice on antitrust, product liability, securities, and class-action litigation. She was named an "Up and Coming Attorney" by Minnesota Lawyer.