

# HISTORICAL SOCIETY OF THE UNITED STATES COURTS IN THE EIGHTH CIRCUIT

President: **F. Richard Lyford**

In 2019, the Historical Society executive committee met four times via conference call and continued working with the Appeals branch on its oral history project. New board members are Judge Alice Senechal for North Dakota, succeeding Judge Ralph Erickson, and Jeffrey Simon for Western Missouri, succeeding Lawrence Rouse. As several officers announced the need to eventually step down after many years of outstanding service, successor candidates were sought. Treasurer Sheila Greenbaum was succeeded by Benjamin Wilson on April 13, in an appointment approved by the board via email. By the same email vote, the board approved retaining an accountant to assist the treasurer with tax filings for the parent Society and branches. Circuit Judge Jane Kelly agreed to be a candidate to succeed Judge Richard Kopf as Chair, subject to a vote by the board at its meeting at the 2020 Judicial Conference. Successor candidates were considered for the positions of president and vice president. In addition, Chair Judge Kopf and Assistant Vice President Nick Batter drafted revisions to the Society's Articles of Incorporation and Bylaws to allow the branches maximum structural flexibility in a future project to update branch regulations to reflect de facto branch operation as well as to comply with the parent documents.

## ***Court of Appeals***

The branch collaborated with the executive committee on its oral history project to obtain interviews of the circuit judges who will have reached age 70 by 2021: Judges James Loken, Michael Melloy, Duane Benton, and Bobby Shepherd. Judge David Hansen will conduct Judge Loken's interview, and the other interviews are in the planning stages.

## ***Arkansas Eastern***

The branch identified Judge Susan Hickey to conduct an oral history interview with Circuit Judge Bobby Shepherd.

## ***Iowa Northern***

Judge Donald E. O'Brien's book was published. The court's history is being updated to include judges and staff from 2000 to 2018, an expansion on historical buildings, and new chapters on civil cases and photos of the Flood of 2008. Interviews of retired or senior judges continue. Future projects include updating the History Center in Cedar Rapids and potentially creating a history display for the Sioux City courthouse. Contract negotiations are underway for assistance with concept and design development.

## ***Iowa Southern***

The branch continued to sell the second edition of the district's history, published in 2018. Judge James Gritzner and Robert Pratt declined initial invitations to create their oral history interviews, but interviews of Circuit Judge Michael Melloy and former Iowa Court of Appeals Chief Judge Rosemary Sackett are being planned. Interviews of former Iowa Supreme Court Justices Zager, Streit and Baker will be future projects.

### **Minnesota**

The branch continues to record oral histories for its Portraits of Justice program, with those of Judges Eric Tostrud and Nancy Brasel planned for 2020. The branch unveiled Judge Ann Montgomery's portrait and Judge Philip Neville's posthumous portrait. Work continues on full length histories of the court. Paul Nelson has drafted four chapters on the judges and cases, and Steve Flanders is making progress on writing and compiling images of the court's presence in Minnesota. The district's history, published in 1989, was updated to include new judges, as well as landmark cases in the district.

### **Missouri Eastern**

The branch is planning to film *City of Ladue v. Gilleo*, one of the district's most historically significant cases. It will be viewable in the Eagleton Courthouse's Learning Center.

### **Missouri Western**

The branch held three programs: 1) Don Fehr, former head of the Major League Baseball Players Association, discussed arbitrator Peter Seitz's ruling on the Andy Messersmith case on free agency; 2) U.S. District of South Carolina Judge Richard Gergel presented on his new book, *Unexampled Courage: The Blinding of Sergeant Isaac Woodard and the Awakening of President Harry S. Truman and Judge J. Waties Waring*; and 3) J. Michael Cronan discussed his book, *James A. Reed: Legendary Lawyer: Marplot in the United States Senate*. Mark Morris continues work on oral histories of the district's six senior judges, and the branch is in the preliminary stages of digitizing existing oral histories.

### **Nebraska**

A history of the district entitled *Echo of Its Time: The History of the Federal District Court of Nebraska, 1867-1933*, by Professors John R. Wunder J.D., Ph.D., and Mark R. Scherer, J.D., Ph.D., both well-published legal historians, was released by the University of Nebraska Press in February 2019. The book includes a professionally compiled index, paid for by the branch. A review by Judge Laurie Smith Camp entitled "Judging a Book: Smith Camp Reviews *Echo of Its Time*" was published in *Law360*. Professor Scherer headlined a continuing legal education (CLE) program on the book offered by the branch and the Federal Practice Committee, and a reception in Omaha's Hruska courthouse followed.

### **North Dakota**

The branch completed Judge Patrick Conmy's oral history interview and is inventorying items of historical importance in chambers for storage in various locations in the district. The branch plans to publish histories of the district's judges and prepare a brief history of the district on the court's public website.

### **South Dakota**

Plans are underway to commemorate the 125<sup>th</sup> anniversary of the Sioux Falls courthouse, believed to be the oldest United States courthouse in continuous use west of the Mississippi River. Portraits of past judges in courtrooms are being moved to public hallways, and biographical portrait captions are being written. Efforts to engage interviewers for Judges Lawrence Piersol and Charles Kornmann's oral histories continue, as do plans to update the court history published in the 1990s.

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**as of December 31, 2019**

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