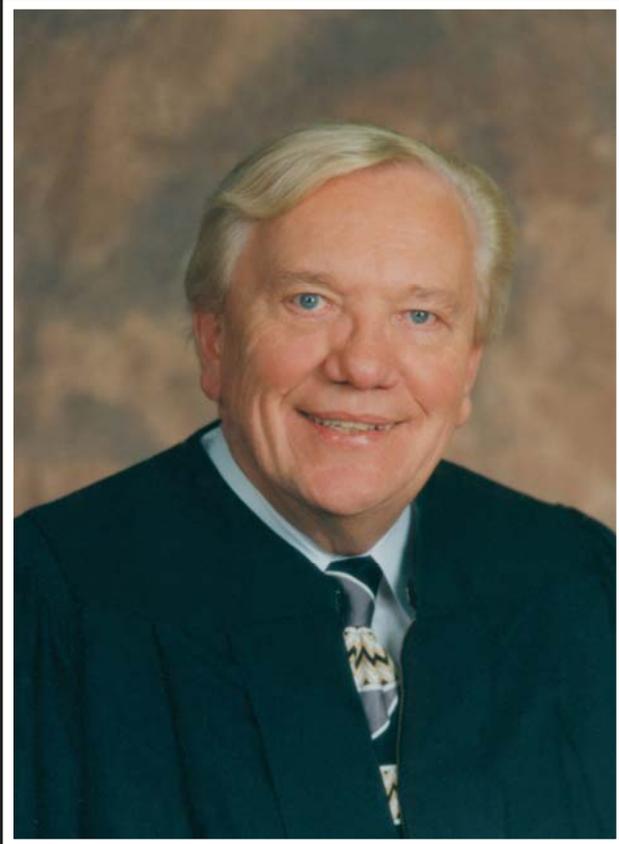


JUDGE KERMIT E. BYE

U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT



U.S. Court of Appeals for the Eighth Circuit, 2010.
Sitting L-R: Judges C. Arlen Beam, Myron H. Bright, William Jay Riley (Chief),
Roger L. Wollman, James B. Loken, David R. Hansen.
Standing L-R: Judges Bobby E. Shepherd, Raymond W. Gruender, Lavenski R.
Smith, Kermit E. Bye, Diana E. Murphy, Michael J. Melloy, Steven M. Colloton,
Duane Benton.

EARLY YEARS AND CAREER

Kermit Bye was born in this Great Northern Railroad section house in Hatton, ND. His grandfather worked for the railroad, and his parents lived there. They could not get to the hospital because of a January blizzard.



Kermit Edward Bye was born in a railroad section house to Kermit and Margaret Bye during a raging blizzard in Hatton, North Dakota, on January 13, 1937.

Kermit grew up in the small town of Hatton and graduated from its high school in 1954. He worked nine summers during high school, college, and law school at Hatton's Cooperative Creamery, delivering milk. He also sold advertising for Grand Forks' KNOX radio station and worked in catalog sales at Montgomery Ward.



Judge Bye's father, Kermit Berthrand Bye, was an accountant and State Farm agent. Judge Bye's mother, Margaret Brekke Bye, was an elementary school teacher.

He graduated with his B.S. in Business Administration from the University of North Dakota in 1959 and his Juris Doctorate, with distinction, from the University of North Dakota School of Law in 1962. He served on the editorial board of the *North Dakota Law Review* (1961-1962) and was a member of the International Legal Honor Society of Phi Delta Phi, whose members are selected for their academic ability, moral compass, and personal integrity. He is the first University of North Dakota School of Law graduate to be appointed as a United States Circuit Judge.



Kermit (standing), sister Marjorie, and brother Carl.



Two above: Judge Bye as a child.

Following law school, Kermit Bye launched his legal career working for the state of North Dakota as Deputy Securities Commissioner from 1962 until 1964 and as Special Assistant Attorney General from 1964 until 1966. He then was appointed Assistant U.S. Attorney for the District of North Dakota, serving from 1966 until 1968. Thereafter, he joined the Vogel law firm (later Vogel, Weir, Bye, Hunke & McCormick) in Fargo, North Dakota, where he practiced in both federal and state trial and appellate courts, specializing in business litigation and professional liability, for nearly 32 years from 1968 until 2000.

High school graduation, 1954.



Hatton High School, where Judge Bye attended 12 years of school.



Left: Judge Bye as a young lawyer.



Below: Judge Bye with his mentor and friend, Mart Vogel of the Vogel law firm, where Bye practiced law for 32 years.



University of North Dakota School of Law in Grand Forks.



Law school graduation, 1962.



JUDGESHIP & LEADERSHIP

Kermit Bye's professional competency and integrity did not go unnoticed. On April 22, 1999, Bye was nominated by President Clinton to the U.S. Court of Appeals for the Eighth Circuit to fill the vacancy created by the death of his friend and former law partner, Judge John David Kelly. North Dakota Senator Kent Conrad said, "North Dakota needs to send our best for a position on the second highest court in the land. Kermit Bye is our best."



stand trial. The Supreme Court agreed and remanded the case. In *Brown v. Crawford*, his dissent argued that a Missouri inmate's execution should be stayed because Missouri would not reveal the amount of sodium pentothal used, information needed to determine whether Brown would be unconscious during the execution process. In *U.S. v. McDonald*, his dissent in the Eighth Circuit's reversal of a downward departure in sentencing post-Booker warned that failure to afford proper deference to sentencing discretion could create an unconstitutional de facto mandatory sentencing system.

Bye's nomination was unanimously approved by the U.S. Senate Judiciary Committee on November 17, 1999, and he was unanimously confirmed by the U.S. Senate on February 24, 2000.

Judge Bye assumed senior status on April 22, 2015, at the age of 77, on the 15th anniversary of his private oath of office.

As a jurist, Judge Bye has supported the rights of criminal defendants and civil liberties. In *U.S. v. Sell*, he dissented against the Court's upholding that the government could force Sell to ingest antipsychotic medication in order to render him competent to

He served on the United States Judicial Conference Advisory Committee on Appellate Rules and on the Eighth Circuit Judicial Council as chair of the Court Reporter Management Committee and the Rules Committee.



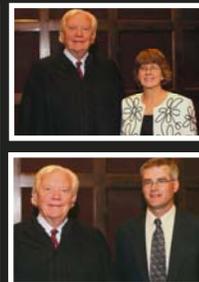
The Byes at lunch with Senators Kent Conrad and Byron Dorgan on the day of Judge Bye's nomination hearing before the U.S. Senate Judiciary Committee, November 17, 1999.



North Dakota's Circuit Judges Magill, Bye, and Bright at Judge Bye's private swearing in, April 22, 2000.



Judge Bye taking his oath of office before Chief Judge Wollman at his investiture at the Quentin N. Burdick U.S. Courthouse in Fargo, June 2, 2000. (Photo by Bruce Crummy courtesy of Fargo Forum)



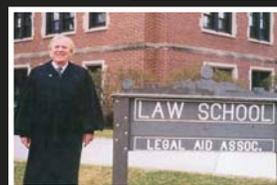
Judge Bye with Zue Zan Hanna (top), Administrative Assistant to attorney Bye, 1985-2000, and Judicial Assistant to Judge Bye, 2000-2015, and James E. Nicolai (above), Career Law Clerk, 2006-2015.

He also served in leadership roles in state, regional, national, and international legal communities. A past president of the State Bar Association of North Dakota, Judge Bye is the 13th lawyer in the history of North Dakota to receive the Distinguished Service Award from the State Bar Association. He was president of the Western States Bar Conference and the National Caucus of State Bar Associations. Long active in the American Bar Association, he is a former member of its Board of Governors and was a member of the Executive Board of the Central and East European Law Initiative (CEELI), a service project fostering the rule of law that is supported by the U.S. State Department, sponsored by the American Bar Association, and based in Prague, Czech Republic. He also represented the judges and lawyers of North Dakota as North Dakota's State Delegate to the ABA House of Delegates.

Right: Judge Bye meeting President Clinton prior to his nomination to the Eighth Circuit.



Far right: Judge Bye served on the Executive Board of CEELI.



Above, left: Judge Bye continued his commitment to UND School of Law throughout his legal career. He lectured to classes after judging moot court and supported the summer extern program. Above, right: Judge Bye and Carol Beth Bye at ABA London Meeting, Queen's Garden Party, July 19, 2000.



FAMILY AND COMMUNITY

Judge Bye's service has extended far beyond the legal community. He was chair of the Advisory Board and a founder of the North Dakota Small Business Investment Company, and served on the Board of Directors of the Greater North Dakota Association and the State Executive Board of U.S. West (now CenturyLink) Communications, Inc. He served on numerous other boards of businesses and civic and philanthropic organizations, including as vice chairman and founding member of the Board of Trustees of the Hope Lutheran Church Foundation, and was a founder and member of the Board of Directors of the North Dakota State University Hockey Club, Inc.

He is a past member of the North Dakota Combined Law Enforcement Council, past member of the Board of Directors of the Southeast Mental Health Center, and past chair and board member of the Red River Human Services Foundation in Fargo.

Judge Bye has been married to Carol Beth, also a native of Hatton, for 57 years. They have three children, Laura (Anthony Yuill), William (Stephan Lindemann), and Bethany (Stephan Lindemann), and four grandsons, Brekken, Britton, Oscar, and Conrad. His enjoyments, besides his family and the law, are cameras and photography, hockey, hunting, fishing, and going to the lake.



Above, right: Kermit and Carol Beth Bye's wedding day, August 23, 1958 at St. John's Lutheran Church in Hatton.
Above: Three generations of the Bye family, June, 2015.

Top: Carol Beth and Kermit Bye.
Middle: The Byes' children: William, Laura, Bethany, June 2015.
Bottom: The Byes' four grandchildren.

Judge Bye left his small hometown of Hatton, North Dakota to become one of the most highly respected attorneys in the state of North Dakota, and then to ascend to one of the highest, most prestigious legal positions in the nation, that of a federal circuit judge. His contributions to the law and to legal and civic communities are valuable and many.



Judge Bye, as Grand Marshall, and Carol Beth in Hatton's 4th of July celebration, 2006.



Left: Chief Judge Riley, Judge Smith, and Judge Bye at a UND hockey game.
Below: Judge Bye hunting with Vogel law firm friends.



Above: Judge Bye hunting with ABA friends.



Left: One of Judge Bye's fishing trips to Canada and Lake Sakakawea in North Dakota.



Left: Judge Bye's camera collection.