

MINUTES

Historical Society of the United States Courts in the Eighth Circuit

Executive Committee Conference Call

December 4, 2002

noon-1:00 p.m.

Officers present:

Hon. Richard G. Kopf, President
Frances Ross, Vice-President
Ann Fessenden, Secretary-Treasurer

Others present:

Hon. Richard W. Peterson, Past-President
Tom Boyd, Past-President
Joan Stevens, Library Staff

President of the Historical Society Judge Kopf initiated the conference call and took roll. He asked Secretary-Treasurer Ann Fessenden to begin with the first item on the agenda, information updates.

Information Updates

Ms. Fessenden reported on several efforts to gather branch information from the Board of Directors:

- Contact information Two-thirds of the Board responded and gave permission for their contact information to be posted on the Society's internet website. Each branch has at least one Board member's contact information on the web now.
- Officers Half of the branches reported who their officers are, or if they have no officers at all. Ann said she wonders how many branches do not in fact have officers.
- Branch reports Ann reported that it has been difficult to get branches to submit their annual reports. Judge Peterson commented that this was "historical," and Ann conveyed that it has gotten worse in the time she has been associated with the Historical Society. She pointed out that the Society's bylaws call for the branches to submit reports, but they're not all doing it. She had somewhat given up on receiving activities reports from all branches and decided to extract oral reports from the minutes of the September 4

annual meeting for posting on the web. To date, the Society has not received an activities or financial report from one branch and is still lacking a financial report from three others.

- Website Several additions have been made to the Historical Society's website: branch reports, September 4, 2002 meeting minutes, IRS documents regarding incorporation, and Board contact information. Planned additions are the Society's bylaws and amendments, articles of incorporation, and policies as found in the portfolio Judge Peterson compiled. Judge Kopf complimented the library's work on the website, saying it was very well done, and provided the URL:

http://www.ca8.uscourts.gov/library/hist_society.html

Parent/branch structure review

Judge Kopf then asked Ms. Fessenden to report on the review of the Society's parent/branch structure, an undertaking approved by the Board of Directors during the September 4 annual meeting. Ms. Fessenden suggested the first step be surveys to the other circuits and to the branches of the Society itself.

- Circuit survey

The circuit survey's aim would be to find out how the other circuit's societies are organized. Ms. Fessenden reported she's gathered contact information for each circuit and discovered the FJC had already conducted a survey to the circuits on this very topic. She suggested the 8th Circuit Historical Society expand on the FJC survey to find out if the other circuits' historical societies have branches.

An inquiry was made as to how many circuits had societies and it was reported that six do.

- Branch survey

The branch survey would be designed to find out if the branches have interest in merging with the parent arm of the Society; what the branches are looking for from the parent; the relationship the branch has with its local court, i.e., is the branch independent from the court or is it run out of the clerk's office; and related issues. Ms. Fessenden pointed out that the Society's bylaws call for the branches to each have their own members, meetings, etc., but she didn't know how many actually do.

Judge Kopf said he thought the survey directed to the Board of Directors and the circuits was a good way to proceed and suggested the Society be able to report on the results by the Judicial Conference meeting in July. Ms. Fessenden said that she would distribute the surveys in January

in order to be able to report by the Conference and actually hoped to be able to get a report to the Board before then for their review.

Judge Kopf proposed the survey consist of relatively few objective questions and at the end, a couple of open-ended questions. He noted the essence of the survey would be to determine whether we should maintain the present organizational structure in which the court of appeals and district court branches operate separately, or whether we should all function as one unit. He suggested a question that lists organizational variations (branch in each district court and court of appeals, one unified society, or option for individual branches to operate separately) and allows the survey participants to simply select. Then the results could be compiled in a spreadsheet. Ms. Fessenden said she would make the draft report available to Judge Kopf and if they wished, the other Executive Committee members. Judge Kopf thought the draft report should be sent to the entire Executive Committee with a due date for responses. He then made a motion authorizing Ms. Fessenden to conduct the survey on behalf of the Historical Society, and the motion was seconded and passed.

Judge Peterson then commented that his perception was that the stronger branches are those with financial assistance, for example Minnesota and Western District of Missouri. He said the smaller branches are not as active because they have no funds, so there seems to be a relationship between the two. It may be that the larger branches will opt to continue as separate organizations. He also pointed out that it is important to offer something to members of a society, which often requires money.

Judge Kopf then proposed the Society discuss funding at its July meeting. Should the Society pursue asking that a portion of attorney admission fees in each district and court of appeals go to the Historical Society and then discontinue membership drives? He said that one could argue that attorney admission fees could be directed to this cause.

Judge Kopf suggested that the Society, should it get that source of revenue, would need to have answers for several questions. How would the money be deposited? Would it go to the parent organization or to the branches? Will it be tapped on a uniform basis, and who will control the money? He pointed out that the Society can't ask the courts to react to this proposal unless it has a plan for its deposit and control. He then suggested the branch survey pose these questions.

Judge Kopf then solicited opinions. Tom Boyd said all branches could benefit from sustained funding. He added that he felt the Society has the best possible structure but that it was still healthy to review.

Meeting at Judicial Conference, July 2003

Judge Kopf asked Ms. Fessenden to convey the plans for the July meeting. Ms. Fessenden said the meeting would be held at the Hyatt again, she believed, but that this year, the Historical Society would meet Thursday afternoon. She explained that Judge Kopf was kind enough to

agree to changing the meeting time from noon Wednesday to Thursday afternoon. This will allow her to attend the Historical Society meeting, as Wednesday she is scheduled to attend other meetings as a member of the American Association of Law Libraries' Executive Board. Judge Peterson asked what the date of the Historical Society meeting would be and Judge Kopf noted it would be the 17th. Ms. Fessenden added that the meeting would be after the Conference luncheon where the American Inns of Court award is presented. The Thursday afternoon slot will probably conflict with CLEs but that shouldn't be a problem. The hour hadn't been pin pointed yet but it might be 2 or 3 p.m. Judge Kopf noted that the main issues for the meeting would be review of the structure and election of officers.

Nominations of Officers

Judge Kopf brought up the next item on the agenda, nominations of officers. He asked if the process in the past was to involve the Executive Committee. Judge Peterson said during the last round of nominations, a committee was headed by Judge Dwight Kautzmann. Mr. Boyd added that usually a small group of three persons served to nominate officers. Judge Kopf proposed that Frances Ross be elevated to president and that a judge be nominated for vice-president. He said if the Society used the Executive Committee, that would be his recommendation. Friendly banter ensued. Frances Ross asked Judge Kopf if he wouldn't like another term as president. Judge Kopf then asked Ms. Ross if under those circumstances she would continue as vice-president, and she replied yes. Judge Kopf said he thought it would be good for the Society to have an historian as president, and Ms. Ross offered that she thought it would be better left to the attorneys and judges. Mr. Boyd suggested a subcommittee be appointed, and Judge Kopf proposed Mr. Boyd, Ms. Fessenden and Judge Peterson be that subcommittee. This was agreed upon.

Ms. Fessenden then relayed that the Minnesota branch had agreed to work on a display for the Judicial Conference. She also reminded everyone that articles will be needed for the newsletter. Judge Peterson asked what the theme of the Conference was going to be, and Ms. Fessenden said she wasn't sure that had been decided upon yet. Judge Kopf asked Ms. Fessenden to ask Millie Adams about the theme.

State and Federal Court Historical Societies Annual Meeting, Sept. 26-28, 2002, Portland, OR

Judge Kopf asked Mr. Boyd and Ms. Ross to report on this year's meeting of the State and Federal Court Historical Societies. Mr. Boyd thought it was very good, and Ms. Ross commented that it was well organized and well attended. Judge Kopf asked them what they learned about what we were doing wrong, or what we ought to be doing. Mr. Boyd replied that he didn't find that we were doing anything wrong. He felt the meeting affirmed the Society is not the weakest and not the strongest and that societies take various forms. He added that the 9th Circuit and Supreme Court societies are the "granddaddies" with the most funding and separate organizations. Some circuits have no society but are doing things. Mr. Boyd shared his observation that a society's strength seems to depend on having paid staff rather than volunteers.

Judge Peterson agreed that the 9th Circuit has a very good director. Mr. Boyd also pointed out that historical societies associated with district courts tend to be larger than those associated with circuit courts. The Eastern District of Michigan, for example, has a regular newsletter, regular programs, impressive displays and a nice website. It's a good example of a society without paid staff but able to get things done. Mr. Boyd said the 8th Circuit Historical Society was pretty respectable in comparison with other societies.

Mr. Ross then mentioned that Mr. Boyd gave a very good presentation at the State and Federal Court Historical Societies meeting. Judge Kopf inquired as to the topic, and Mr. Boyd said it was a potpourri program relating the structure of the 8th Circuit Historical Society. Ms. Fessenden asked if Mr. Boyd had a written version of his presentation, and Mr. Boyd replied that he had an outline to offer. Ms. Fessenden requested a copy for the Society's records.

Judge Kopf asked Ms. Ross her perception of the meeting, and she said there was a lot of interest in the program. She proposed getting an Historical Society program worked into the Judicial Conference schedule, and Judge Kopf liked that idea. Judge Peterson mentioned that in the past, time for the Historical Society has been restricted. Long ago the Society was given 10 then 5 minutes to talk about the Society, but that had been removed from the program. Judge Kopf said he will propose the Historical Society be added to the agenda since judges do take part in developing the Conference agenda. He asked Ms. Fessenden the status of the program, and she replied that she thought time blocks had been set but not topics. Judge Kopf asked Ms. Fessenden to visit with Millie to see if a substantive program on an historical topic could be added to the program. He added that if the programming was too far along, this request could serve as advance notice for the next Conference. Ms. Fessenden said she would pursue this with Ms. Adams.

Judge Kopf then asked if Ms. Ross or Mr. Boyd had received funding to attend the State and Federal Court Historical Societies meeting. Ms. Ross said the courts and her university had covered her expenses. Mr. Boyd said he had been able to receive funding from his firm. Judge Kopf then extended an offer to all present at the conference call meeting to ask the Society for funding should anyone wish to attend the next meeting. Ms. Fessenden asked the location and date of the next meeting, and Mr. Boyd said it would be in Providence. Ms. Ross said it was always held in conjunction with the American Association for State and Local History annual meeting, so would be in September of next year.

Court Histories

Judge Kopf brought up the next agenda item, court histories. He asked Mr. Boyd if he had any updates on the Court of Appeals branch's 8th Circuit history project. Mr. Boyd said the University of Missouri Press had felt the manuscript was too long, so the author, Jeff Morris, was editing it. Mr. Boyd spoke with Mr. Morris about two weeks ago, and Mr. Morris had said he was almost completely done with the revision. Mr. Boyd said they were looking for funding for printing the history through the AO or the GPO, since those agencies had worked with the 4th Circuit to

publish their history. Millie Adams has been pursuing this. Mr. Boyd he hoped to get the revised manuscript soon. Once edited, it will be sent through the peer review process. Judge Kopf reported that the Nebraska history was also still in draft, and had problems with length similar to those of the circuit history. Judge Kopf asked Ms. Ross if the Eastern District of Arkansas had completed its history project, and Ms. Ross replied that they were waiting for a few more essays to come in. Mr. Boyd commented on the new book on the history of North Dakota's judges written by Ardell Tharaldson. He said it was quite nice and very interesting.

In wrapping up the meeting, Judge Kopf announced the next meeting would be held Friday, April 18 at noon and appointed Tom Boyd as chair of the Nomination Subcommittee. Judge Kopf then asked if anyone had anything further to add to the conference call. As there were no further comments, the meeting concluded at approximately 1:00.