

## MINUTES

Historical Society of the United States Courts in the Eighth Circuit

Executive Committee Conference Call

April 18, 2003

noon-1:05 p.m.

### **Officers present:**

Hon. Richard G. Kopf, 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. He announced those present and informed the committee that Vice-President Frances Ross was unable to participate in the call due to a conflict in her schedule. He asked Secretary-Treasurer Ann Fessenden to begin with the first item on the agenda, survey results.

### Survey Results

In February, 2003, the Historical Society's executive committee conducted surveys to review the Society's structure. A survey on existing historical programs was sent to the other circuits, and a survey on the 8<sup>th</sup> Circuit Historical Society's structure was sent to the branches. Ms. Fessenden reported that the surveys got a very good response rate, in part due to follow ups. While discussing her findings, she referred to the compiled results sent to executive committee members prior to the meeting. (Please see survey results following the minutes.)

#### 1. Other circuits survey

Ms. Fessenden explained that the circuit survey results included not only the information received in the responses but also information gathered from a variety of sources, which were cited in the compilation. This was done to provide the bigger picture of what was going on in other circuits in terms of historical programs. In summarizing the results, Ms. Fessenden pointed out that while there are several other circuits with 501(c)(3) organizations, the 8<sup>th</sup> Circuit is unique in having the parent/branch structure. In the other circuits, some have independent societies or programs in various districts. Sources of funding varies, but there's a fair amount of use of attorney admission fee funds (AAFF).

Judge Kopf said that what had struck him was that several circuits had no problems using AAFF. He said that he had contacted the District of Nebraska's Federal Practice Committee with a request that the Federal Practice Fund (AAFF) contribute \$3,000 per year to the Nebraska branch, and this request was approved. Judge Kopf went on to say that he was very interested in making sure each district's AAFF be assessed on a regular basis to the respective branches so that the branches have a consistent means of funding. Everyone expressed that Judge Kopf's accomplishment in setting up AAFF funds for the Nebraska branch was wonderful and that his intention to establish AAFF funding for each branch was a fantastic idea.

## 2. Branch survey

Ms. Fessenden said the branch survey was sent to all the board members, so in a few instances we received more than one response from a branch. The responses were usually consistent, but not always.

One very interesting note was that the survey questions are generating activity in some districts. The Eastern and Western Districts of Arkansas held a meeting in response to the survey, and the Eastern District of Missouri has one scheduled for April 30. She said she and Joan Stevens would attend this meeting.

Ms. Fessenden then summarized the results of the branch survey. (Please see survey results following the minutes.)

### Survey followup

Ms. Fessenden then voiced her concerns with the current structure. She felt that since she was the one who suggested reviewing the current structure, she should explain her reasoning:

- Some branches are just too small to operate at the level originally intended when the Society was created.
- Many branches have difficulty meeting reporting requirements.
- The Society experiences some communication problems because the parent Board members and the branch officers may not be the same people.
- The current structure is inordinately complex to maintain.

Judge Kopf then voiced his concern for the Society: funding. He suggested that the Society discuss:

- Securing \$3,000 per year from each district's AAFF to a) a branch or b) the parent organization. The AAFF should, in addition to this, be available for reimbursing travel to the circuit's historical society meeting.
- Whether each branch would like to a) remain a branch, or b) merge with the parent.

Judge Kopf said the Society needs a consistent funding stream and felt it was appropriate to ask that the AAFF be used to support the preservation of court history. The amount of \$3,000 was arbitrary.

Judge Kopf suggested that in July, the first thing to be done would be to make sure each AAFF fund was supporting its district before approaching the possible collapse of any branches. If South Dakota, for example, feels it can't function as a branch, South Dakota could merge with the parent organization.

Judge Peterson expressed that he thought this approach was very good. The original concept of the structure came from a friend of Judge Lay. The more affluent districts tend to have good programs while the less affluent may not. Merging is a good consideration for smaller numerical districts like South Dakota. He also noted that in the 6<sup>th</sup> Circuit, the Eastern District of Tennessee was selling paperweights, and had suggested this idea to the Southern District of Iowa's branch president.

Mr. Boyd expressed that the AAFF funding concept was a tremendous idea—one of the best developments in the history of the Society. He supports this effort 100 percent. As regards the Society's structure: he is a big fan of the current structure but doesn't want to not consider other structures.

Mr. Boyd then asked what would be done with merging branches. Judge Kopf and the executive committee discussed how this would be handled. Judge Kopf suggested that officers could be elected to the parent Board to represent the branch. That jurisdiction's AAFF money would go to the parent organization. The South Dakotans, for example, could propose a project to the parent and request funding from the parent. The money would not necessarily be ear-marked for South Dakota, but it would be available upon request. Management of funds and organizational details could be handled as a centralized function, but the local officers could carry out the projects. Ms. Fessenden offered the term "district representative" as a possible name for these elected persons.

Judge Peterson said that perhaps the Northern and Southern Districts of Iowa could merge together, and Ms. Fessenden commented that the two Arkansas districts are already functioning this way to some extent. Judge Kopf said this is because Arkansas has one AAFF fund. He related that Frances Ross reported to him that the Arkansas judges were going to consider using AAFF for the Historical Society.

Judge Kopf asked the executive committee if they thought they'd have difficulty in securing \$3,000 from their courts' AAFF. Ms. Fessenden replied that for the court of appeals, the allocation of AAFF comes from the circuit executive's office, and the court has been committed to preserving its history. If an expenditure of AAFF is for something new, it would have to be taken before the Federal Practice Committee, but using AAFF to support the Historical Society wouldn't be new. Judge Peterson felt the Southern District of Iowa would be receptive to supporting the Historical Society with its AAFF, and Mr. Boyd felt the same in terms of the District of Minnesota.

Judge Peterson added that the Southern District of Iowa branch would welcome the funding. Judge Kopf commented that the amount approved would be less important than the consistency. If an organization knows it can count on some amount of dollars, it can then begin to make plans. Nebraska has 3,600 attorneys admitted to the federal bar, so the \$3,000 was based on receiving roughly \$1 per attorney. There was discussion that perhaps the amount per district should be based on the number of attorneys.

Judge Kopf then offered to write up resolutions to be put before the Board at its July meeting. The resolutions would address the proposal to secure continued funding from each jurisdiction's AAFB and the proposal to allow branches to merge. He will send them to the executive committee for consideration before the meeting.

Judge Kopf also mentioned the need to change the bylaws and articles of incorporation. Ms. Fessenden mentioned she is the agent of the corporation and suggested forming a committee to draft the changes. Since the Society is a Missouri corporation, she suggested having an attorney admitted to the Missouri bar on the committee. (Ms. Fessenden has a JD but is not admitted to the Missouri bar.)

The executive committee then discussed what information they would like to give the Board for review before the meeting. Judge Kopf suggested sending the survey results sent to the committee along with a couple of background paragraphs. Ms. Fessenden also offered to send the summary branch results reported here but not sent to the committee. Judge Peterson thanked Ann and Joan for their work on the surveys and said it had massive indications for the future of the Historical Society. It was also agreed the information would be sent to all chief judges.

#### Status of annual reminder to preserve and donate chambers papers

Ms. Fessenden reported that, per the executive committee's agreement last year, the Society would send out an annual reminder to the judges of the need to preserve and donate their chambers papers. It was agreed that Ms. Fessenden would draft the letter and offer the text to Chief Judge Loken who could then perhaps send it out to the judges. This would most likely be done by the end of April.

#### Report of nominations committee

Mr. Boyd reported that the nominations committee, consisting of Judge Peterson, Ann Fessenden, and himself, recommended the nomination and re-election of the current officers: Judge Kopf as president, Frances Ross as vice-president, and Ann Fessenden as secretary-treasurer. The committee approved this unanimously, with Ms. Fessenden abstaining for her position. Judge Kopf said this should be added to the July agenda and thanked the committee for their work.

### Annual meeting at Judicial Conference

- mailing of notices

Ms. Fessenden reported the meeting would be after the Inns of Court presentation on Thursday afternoon, most likely at 2:00, though the hour was not an absolute certainty. She anticipated mailing notices to the Board by the end of May or first of June. If feasible, the survey information would be sent at the same time. She will ask for agenda items and confirmation of attendance. The Society may be allotted one and a half hours for its meeting, but it was hoped that only an hour would be necessary.

- agenda suggestions

Judge Kopf commented that the most important items for the agenda were the election of officers and the resolutions on funding and structure. He suggested there be a forum for open discussion on the resolutions. As it was anticipated there may be some lengthy discussion, it was suggested they forego the usual oral reports by each branch, with the open forum allowing any branch to mention projects should they so desire.

- display

Mr. Boyd reported that at a recent meeting of the Minnesota branch, the branch selected a theme for the display it will be creating for the Judicial Conference: "Legal Historical Societies in the Modern Era." They will invite each branch to submit information on their branch. The Minnesota branch is preparing general background information to include.

- newsletter

Ms. Fessenden asked for comments, suggestions, and volunteer writers regarding the list of newsletter article ideas sent to the committee. She added that articles would be needed by June 1. Each executive committee member volunteered to write, or in a few cases seek a volunteer, for the topics related to their branches.

### Court history update

Judge Kopf inquired as to the status of the 8<sup>th</sup> Circuit history. Mr. Boyd replied that the branch hopes to soon receive the edited manuscript for peer review in Missouri. The review process would take six months, and then production will take a further one and half years. But the most important thing is they do have the draft manuscript.

As there were no further items for discussion, the meeting adjourned at 1:05 p.m.

List of Attachments to April 18, 2003, Executive Committee Minutes

Branch Survey Information

1. Survey on 8<sup>th</sup> Circuit Historical Society Structure
2. Summary Results
3. Compiled Responses

Circuit Survey Information

1. Survey on Circuit Historical Programs
2. Summary Results