

MINUTES

Historical Society of the United States Courts in the Eighth Circuit

Executive Committee Conference Call

August 2, 2004

12:15 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
Joan Voelker, Library Staff

Historical Society President Judge Kopf initiated the conference call at 12:15 p.m. He announced the participants and noted that Tom Boyd and Frances Ross were not present.

In updating the executive committee on the Eighth Circuit Judicial Conference, Chief Judge Kopf said there was nothing to report regarding the Historical Society. He shared that this was not the time to bring up the issue of using Attorney Admission Fee Funding to support the Historical Society for two reasons: the judges at the Conference were consumed with the implications of the recent *Blakely* decision, and the current financial atmosphere was one of serious budget cuts.

Judge Peterson mentioned that Tom Boyd suggested appointing a court historian for each court. The Judge also reported he had deposited some old Gladstone and Cooley titles with Nancy Adams in the Clerk's Office of the Southern District of Iowa.

At this point in the meeting, Frances Ross joined the call.

State and Federal Court Historical Societies Annual Meeting

Ann Fessenden reported on progress in planning the events the Historical Society will host at the 2004 State and Federal Court Historical Societies annual meeting, which will be held in St. Louis, September 30 - October 2. She reported that Tom Boyd had given Bruce Ragsdale, Chief Historian at the Federal Judicial Center History Office, the name of a St. Louis attorney as a contact for finding funding for the reception the Historical Society will host at the Eagleton Courthouse, but hadn't heard back. President Kopf confirmed that the Society had agreed to donate \$500 toward the cost of using the Courthouse after hours and that the treasury had

sufficient funds to raise the amount. He then moved that the Society approve up to an additional \$1,000 for the others costs associated with the reception. Frances Ross voiced approval, noting that the receptions had always been very nice. The motion passed. Judge Kopf then proposed a secondary motion that Ms. Fessenden be given discretion to disburse funds as needed up to \$1,000 so a lower amount might be donated if other funding became available. This second motion also passed.

The executive committee then reported who would be in attendance at the State and Federal Court Historical Societies meeting. Judge Kopf said he would tentatively be there, Judge Peterson said he couldn't make it but had sent the meeting information to Richard Lyford, and Frances Ross said her attendance was uncertain. It was agreed that Joan Voelker would send registration information to the board.

Treasurer's Report

The executive committee had no questions on the 2004 treasurer's report faxed to them prior to the meeting.

AO Memorandum on Handling of Historical Society Funds

Judge Kopf brought to the executive committee's attention an emerging ethical question regarding historical society fund handling. He said that a couple of weeks ago, the Administrative Office (AO) reported that auditors were finding that court employees were handling historical society funds. In reaction to this, the AO issued a memorandum on July 14 strongly recommending that court personnel cease handling the money of historical societies because the Judicial Conference has not approved handling of this non-appropriated fund.

Judge Kopf then asked Secretary-Treasurer Ms. Fessenden if this issue had ever come up with auditors on her behalf. She said it hadn't because she had never considered the funds to be part of government funds and therefore didn't mention the Historical Society funds during an audit. It was mentioned that the Eastern District of Arkansas did have such a finding.

The committee discussed the possibility of splitting the position of parent Society secretary-treasurer into two positions, one secretary and one treasurer, so that Ann Fessenden could continue on as secretary and be relieved of her duties as treasurer. Judge Kopf pointed out that the bylaws allow the board to appoint an officer to assist in the duty of treasurer, thereby allowing Ms. Fessenden to resign from her post. He then suggested that the parent Society find a non-court person, preferably in St. Louis, to replace Ann Fessenden as treasurer. He asked Ms. Fessenden to pursue a replacement and report on the prospective nominee for assistant treasurer at the next meeting, Monday, November 8.

Ms. Fessenden asked Judge Kopf if the branches should be alerted to the AO memorandum, and he asked that Joan Voelker send them the memo.

AO Advisory Opinion No. 104

Judge Kopf then brought up Advisory Opinion No. 104 issued by the AO on the matter of judicial involvement in court historical societies and learning centers. As the opinion had just been issued by the AO approximately an hour before the meeting, and subsequently emailed by Judge Kopf to the committee, there had been no time to really digest the content and discussion on this topic was very brief. Judge Kopf said he would ask one of his law clerks to write a one page analysis of the opinion for review at the executive committee's next meeting in November.

Judge Kopf asked Joan Voelker to email the board the advisory opinion along with the July 14 memorandum.

Conclusion

As there were no further items for discussion, the meeting was adjourned.