

MINUTES
Historical Society of the United States Courts in the Eighth Circuit
Executive Committee Conference Call
January 11, 2017 at 1:00 p.m.

Participants:

F. Richard Lyford, President
Frances Ross, Vice-President
Joan Voelker, Secretary
Sheila Greenbaum, Treasurer
Thomas H. Boyd, Past-President
Eric Brust, Circuit Librarian
Kristin Leininger, Judicial Assistant to Hon. Richard G. Kopf, Chair

Roll call was taken. Kris Leininger listened in for Judge Kopf, at his request, as he was occupied with judicial proceedings.

The minutes of the Executive Committee's October 5, 2016 meeting were approved.

Treasurer's Report

Treasurer Greenbaum reported the balance of the parent account as \$9,997.08, and the balance of the appeals branch account as steady at \$627.93.

Secretary's Report

Secretary Voelker said that she would send a welcome email to Kevin H. Collins, who was replacing Paula Roby as the non-judicial board member representing the Northern District of Iowa, and that she would draft the parent annual report due to the Circuit Executive's office in February. Mr. Lyford offered to look over the draft report. She also reported that she had updated the Historical Society website to include memorial information on Judge Bright and had updated the Court of Appeals succession chart on the Appeals branch page to reflect his death. She said that, at Judge Kopf's request, she was in the process of adding photos of the historic law book collection once used by Judge Delehant and held by the District of Nebraska.

Circuit oral histories

The topic then turned to the project to carry out oral history interviews of the Eighth Circuit's court of appeals judges. *[This project was extended since the last meeting of the executive committee to include circuit judges who would turn 70 five years out, or by 2021. Ms. Voelker created a spreadsheet of the Eighth Circuit's living circuit judges to keep track of the status of their oral histories. The list, which records birth year among other information, reflects that seven judges without interviews will turn 70 by 2021: Judges Bowman, Wollman, Murphy, Bye, Loken, Riley, and Melloy.]*

Status Updates

The discussion began with updates on the target interviews.

Judge David R. Hansen - Retired

Mr. Lyford said that Judge David Hansen's oral history, conducted on August 31, 2016, by Judge Thad Collins, had been sent to him for review. Later in the discussion, Mr. Lyford offered to send Ms. Voelker, for the U.S. Courts Library's court archives, a copy of Judge Hansen's finalized interview on both DVD and in MP4 format.

Judge Pasco M. Bowman – Senior Status

Mr. Lyford said that he will send a copy of Judge Hansen's interview to Judge Bowman.

Judge Michael J. Melloy – Senior Status

Mr. Lyford said that he will also send a copy of Judge Hansen's interview to Judge Melloy.

Judge Diana E. Murphy – Age over 80

Mr. Boyd reported that Judge Murphy was interviewed in mid-December by Margaret Chutich. *[Chutich is a former law clerk of Judge Murphy's and an Associate Justice on the Minnesota Supreme Court.]* He said that he should receive the recording later in January or in February, at which time he will share it with Judge Murphy and Justice Chutich. Mr. Boyd said that the District of Minnesota was agreeable to providing some funding for the oral history of Judge Murphy, who also served on their Court.

Judge Roger L. Wollman – Age over 80

Mr. Boyd reported that Judge Wollman responded favorably to his letter proposing an oral history interview. It has been agreed that Judge Hansen will interview Judge Wollman at an upcoming court session in St. Paul, likely either March or June 2017.

Judge James B. Loken – Age over 70

Mr. Boyd said that he will contact Judge Loken.

Judge Kermit E. Bye - Retired

Mr. Brust reported that he sent the Bye family copies of Judge Fagg and Judge Bright's recent interviews and that the family would like to pursue some form of oral history.

Judge William Jay Riley – 70 in 2017

[At the executive committee's last meeting, Judge Kopf offered to interview Judge Riley after Judge Riley steps down as Chief Judge in March 2017.]

Funding

The topic then turned to funding the oral histories.

Mr. Brust said that after informally approaching Circuit Executive Millie Adams and Court of Appeals Chief Judge Riley regarding funding for the outstanding seven oral histories (Bowman, Wollman, Murphy, Bye, Loken, Riley, and Melloy), he could report that they were both agreeable to using attorney admission fee funds. He said they appreciate when the Historical Society can fund such work but that they realize it is not really feasible. He said that he thought it would be preferable to request a lump sum, rather than piecemeal requests for each interview, to be deposited in the Historical Society's Court of Appeals bank account. He noted that

historically, the Historical Society's appeals branch account has been used to fund circuit judge interviews.

He further said that the question at hand was how much to request for the seven interviews. His draft memo to Chief Judge Riley requested a lump sum of \$15,750, or \$2250 per interview. The memo proposes that if the funds received are not used on the targeted seven interviews, that the money would be used to fund interviews at a later date of those next on the list of circuit judges to turn 70. [In order by age: Benton, Shepherd, Smith, Colloton, Gruender, Kelly]

Mr. Boyd said that the Minnesota videographer who recorded Judge Murphy's interview had charged \$2000, including editing. Mr. Lyford said that Judge Hansen's three-hour interview using two cameras meant six hours of video recorded and to be edited, at a cost of \$1800. As the length of interview and cost can vary, all agreed that the proposed request of \$2250 per interview was appropriate.

The committee discussed whether the Historical Society should try to raise funds from law firms to support this project, as some judges may be uncomfortable with such funds being used for their interviews. It was thought this might best be approached on a case by case basis, and it was proposed that Mr. Lyford and Mr. Boyd discuss the matter with Judge Kopf. It was agreed that Mr. Brust, in his memo to Chief Judge Riley, request "up to" the proposed lump sum and note that the Historical Society would attempt to raise supplemental funding. Ms. Leininger offered to set up a call between Judge Kopf, Mr. Lyford, and Mr. Boyd.

Release Agreements

The committee also discussed draft release agreements Ms. Voelker had emailed the committee prior to the meeting, proposing they be used with the circuit oral history project. She noted in her email that without such signed agreements, the U.S. Courts Library did not technically have permission to use or provide access to oral history interviews.

She explained that she adapted the draft interviewee agreement from the form used by the Eastern District of Missouri branch of the Historical Society in its oral history work, simply substituting "Historical Society of the United States Courts in the Eighth Circuit" (official name on Articles of Incorporation) where they had "Eighth Circuit Historical Society" and substituting "U.S. Court of Appeals for the Eighth Circuit" where they had "U.S. District Court for the Eastern District of Missouri." She thought that it appeared to be based on the sample forms offered by the Federal Judicial Center (FJC) in its *Initiating a Federal Court Historical Program*, linked to on the Historical Society's [page on oral history](#). Ms. Voelker adapted the draft interviewer form from the FJC's sample release agreements. Both the draft interviewee and interviewer forms transfer ownership and rights of the interviews to "Historical Society of the United States Courts in the Eighth Circuit and the U.S. Court of Appeals for the Eighth Circuit, and thus to the public domain."

Mr. Boyd commented that he thought the draft forms looked good. It was discussed whether the forms should include language that allows the Historical Society and the Court of Appeals to publish the interviews on the Internet, keeping in mind that posting interviews on the Internet could be a sensitive issue for living judges. The FJC form includes such language but the Eastern

District of Missouri form does not. It was agreed that this question would be tabled until the executive committee's meeting in April.

Other Items

Arkansas

Ms. Ross reported that there had been a book signing event to promote the history of the district courts of Arkansas and that more copies were sold.

Southern District of Iowa

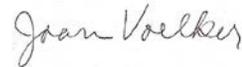
Mr. Lyford said that the Iowa legislature had appropriated \$10,000 for oral histories. He further reported that the Southern District of Iowa branch of the Historical Society was working on interviews of Judges Longstaff and Gritzner and was planning to work on Judge Pratt's oral history.

Next meeting

The date of the next conference call meeting was discussed and agreed upon as **Wednesday, April 5, 2017, at 1:30 p.m.**

There being no other business, the conference call meeting was adjourned.

Respectfully submitted,



Joan Voelker, Secretary