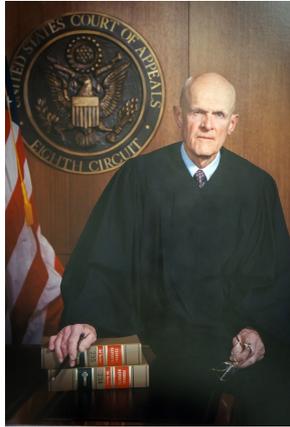


RESOLUTION
IN MEMORIAM
of
THE HONORABLE GEORGE G. FAGG
United States Circuit Judge
United States Court of Appeals for the Eighth Circuit



Presented by:
The Honorable C. Arlen Beam
United States Circuit Judge
United States Court of Appeals for the Eighth Circuit

Professor Douglas O. Linder perfectly captured the personal and judicial embodiment of our esteemed colleague and friend Judge George G. Fagg when he declared that he "loves the law, the Constitution, the Eighth Circuit Court of Appeals, and everything that has to do with the law." How Judges Judge: A Study of Disagreement on the United States Court of Appeals for the Eighth Circuit, 38 Ark. L. Rev. 479, 529 (1984-1985). This appraisal was more artfully and eloquently amplified by the Honorable David R. Hansen on the occasion of Judge Fagg's transition to senior status in 1999. Judge Hansen then said, "Judge Fagg's diligence, his deep respect for the Constitution and the law, and his virtuous, principled self-discipline are an inspiration to all who come in contact with him. Lawyers who appear before him know that he will be better prepared for the argument than anyone else in the courtroom, and that he will expect of them no less and no more than the same standards of high performance that he imposes on himself. They also know the opinion they receive from him will be clear, direct, concise, and written in an immediately understandable fashion."

However, even these generous accolades do not fully embrace the magnitude of Judge Fagg's contributions to this Circuit. His noteworthy judicial achievements became evident shortly after he received a personal telephone call from his appointing officer, President Ronald Reagan, and then on October 1, 1982, assumed his duties as a federal appellate judge. Without question, the Judge has been the most prolific formulator of judicial opinions, published and unpublished, in Eighth Circuit history. When queried in 2007 about this feat, he responded with typical Fagg humility. He said he enjoyed working long hours and was comfortable being a "productive judge." He then sought to somewhat attenuate this outstanding record by noting that his opinions were often "short, to the point, readable, and with no footnotes." What Judge Fagg failed to mention in the context of this modesty was that he had earlier noted, accurately, that "[e]ach [court work] day is sort of like running down a rocky slope with an avalanche right behind you."

Of course, no Judge Fagg memoriam would be complete without recognition of the building blocks, especially the family influences. George was born in Eldora, Iowa, in 1934. A graduate of Drake University and Drake Law School, he practiced law from 1958 to 1972 with Cartwright, Druker, Ryden and Fagg in Marshalltown, Iowa. He then served as a state district court judge for ten years during which time he chaired the Iowa Committee on Uniform Jury Instructions, served as a member of the Advisory Committee on Rules of Civil Procedure of the Iowa Supreme Court and was a faculty member of the National Judicial College.

Judge Fagg's parents owned and operated a local dairy in Eldora. He described one of his early dairy-related jobs as beginning "well before daylight" with him standing on the running board of the home delivery milk truck from which location he deposited full bottles of milk on the porch, returning to the vehicle with the "empties." This family business activity led to a life-long proclivity toward an early morning schedule, prompting him to arrive at his law office and state and federal judicial chambers as early as 4:00 a.m. Indeed, as an Iowa state trial judge in a multi-county judicial district, he obtained the keys to the several courthouses in the Second Judicial District in order to begin his judicial service as early as 3:45 a.m. He noted that his above-described dairy duties commenced for him as early as eight years

of age and he saw no reason to modify his work schedule as he got older and changed vocations.

Judge Fagg married Jane E. Wood of Eldora on August 19, 1956. Jane and George had been acquainted since attending kindergarten at Eldora grade school, but did not finally formalize the relationship until George graduated from Drake in 1956. They became the parents of six children. Martha, is an attorney, Tom is a physician, Ned is a certified public accountant, Susan is a speech therapist, George is an electrical engineer, and Sarah is also a lawyer.

George's legacy of hard work, intellectual honesty, clear thinking, plain talk and warm friendship survive him to the benefit of all of us who knew him personally as well as the thousands of other citizens who now or in the future will benefit from his prodigious and superior work product. Indeed, a writing in "Mr. Justice Frankfurter: 'A Heritage for all Who Love the Law'" provides a fitting epilogue to the life and service of Judge Fagg, a member of the United States Court of Appeals for the Eighth Circuit. It says: "For the highest exercise of judicial duty is to subordinate one's personal pulls and one's private views to the law of which we are all guardians—those impersonal convictions that make a society a civilized community, and not the victims of personal rule." This wonderful society that we are all privileged to know and love, the United States of America, is, without cavil, a more civilized community because of the life and work of our dear friend George Gardner Fagg.