

RESOLUTIONS
UNITED STATES COURTS
for the
EIGHTH CIRCUIT

Adopted
Eighth Circuit Judicial Conference
Kansas City, Missouri
July 8, 1999

RESOLUTION

SENIOR STATUS

of

THE HONORABLE GEORGE G. FAGG

United States Circuit Judge

United States Court of Appeals for the Eighth Circuit

Presented by:

The Honorable David R. Hansen

United States Circuit Judge



The Bench and Bar of the Eighth Circuit assembled at the Eighth Circuit Judicial Conference in Kansas City, Missouri, on July 8, 1999, pause to note with great respect the transition of The Honorable George G. Fagg of Iowa from active to senior status, an event which occurred on May 1, 1999, after more than sixteen years of active service as a United States Circuit Judge, and more than twenty-seven years of service to the people of Iowa and the Nation as a state and federal judge.

Judge Fagg was born in Eldora, Hardin County, Iowa, on April 30, 1934, the only child of Ned and Arlene Fagg. Judge Fagg's parents owned and operated a local dairy, and from an early age he realized the benefits of beginning the work day very early, a life long habit and character trait he still maintains today, consistently arriving in his chambers at 4:00 a.m. Judge Fagg graduated from high school in Eldora where he played center on the football team and was a varsity baseball player. He graduated with honors from the College of Business at Drake University in 1956, first in his class, and from the Drake University Law School in 1958 where he was also first in the class, Editor of the Drake Law Review, and admitted to the Order of the Coif. After graduation from law school, he began the general practice of law (with an emphasis on civil litigation) in Marshalltown, Iowa, in the Cartwright firm, a firm which would later become known as Cartwright, Druker, Ryden & Fagg. In 1972 he was appointed by Governor Robert D. Ray as a Judge of the District Court, a position he held at the time of his appointment to the Eighth Circuit by President Reagan in 1982 as the successor to the late Judge Roy L. Stephenson. Judge Fagg served with great distinction as a state trial judge. He was called on more than once by the Supreme Court of Iowa to preside over very difficult high profile cases outside of his district. When then Chief Justice Ward Reynoldson of the Supreme Court of Iowa spoke at Judge Fagg's investiture as a United States Circuit Judge, he told the group that he did not know of a single case where the Supreme Court of Iowa had reversed one of Judge Fagg's decisions as a trial judge. Judge Fagg is a member of the American Bar Association, the Iowa State Bar Association, and the American Judicature Society. He was on the faculty at the National Judicial College in Reno, Nevada in 1979.

Judge Fagg married Jane E. Wood of Eldora, Iowa on August 19, 1956, and they are the parents of six children. Martha is an Assistant United States Attorney in the Northern District of Iowa, Tom is a physician, Ned is a certified public accountant, Susan is a speech therapist, George is an electrical engineer, and Sarah is a lawyer with the office of the United States Trustee in Minneapolis.

Judge Fagg is consistently the most prolific opinion producer on the Eighth Circuit Court of Appeals. He has authored nearly 600 signed majority opinions and over 100 dissents, together with numerous concurring opinions. But those opinions which bear his name as the author belie the real story of his productivity because he is known on the court as a judge who, out of a deep respect for a collegial team approach to the court's work and because of his own personal modesty, authors more per curiam opinions than signed ones.

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.

Judge Fagg's finely tuned but generally privately displayed sense of humor contributes greatly to his success. His ability to disperse the heat of a contested case conference enables consensus to bloom, and his willingness to listen to and consider the differing views of his colleagues has marked him as one who understands that the court's decisions must be more than the sum of the individual views of its judges.

As a senior judge of the court Judge Fagg has not slowed down. Until such time as the court is again at full strength, he has told us that he will continue to carry the same heavy share of the court's work as he did as an active judge, for which we are deeply appreciative.

The following lines of poetry, attributed to Elizabeth Barrett Browning, aptly describe our feelings about Judge Fagg:

The sweetest lives are those to duty wed
whose deeds, both great and small, are but close knit strands of
an unbroken thread
where loyalty and love ennoble all.

The world may sound no trumpets,
the world may sound no bells,
the Book of Life as lived the shining record tells.

We look forward to many more enjoyable years of close association with Judge Fagg, and to his continuing significant contributions to the work of the Court and to the law of the circuit. We wish him well as a senior judge, and we hope that he and Jane find more time, so richly earned, to enjoy their home on the lake.