

MINUTES

The Historical Society of the United States Courts in the Eighth Circuit

Annual Meeting
Conference Call
September 9, 1998

Directors present:

Court of Appeals

Thomas H. Boyd

Southern District of Iowa

Magistrate Judge Richard W. Peterson

Eastern District of Missouri

Robert St. Vrain (substituting for Judge Limbaugh)

Western District of Missouri

Judge Howard F. Sachs

F. Russell Millin

District of Nebraska

Mary J. Hewitt

District of South Dakota

Judge Mark F. Marshall

Also participating in the conference call was Secretary - Treasurer Ann Fessenden.

Absent from the conference call were Judge Donald P. Lay, Judge William R. Wilson, Dr. Frances Ross, Judge Jimm L. Hendren, Katherine C. Gay, Judge Mark W. Bennett, Eric W. Lam, Judge Ronald E. Longstaff, Duane W. Krohnke, Judge Stephen N. Limbaugh, Ann E. Buckley, Judge Richard Kopf, Judge Dwight C.H. Kautzmann, M. Daniel Vogel, and Judge Lawrence L. Piersol.

President Richard W. Peterson did a roll call and called the meeting to order. He welcomed members and thanked them for taking the time to participate in the conference call.

Approval of New Secretary - Treasurer

A motion was made, seconded, and carried to approve Ann T. Fessenden as the new Secretary/Treasurer of the Historical Society retroactive to July 1, 1998.

Approval of 1997 Minutes

A motion was made, seconded, and carried to approve the minutes of the July 25, 1997 annual meeting.

Treasurer's Report

A motion was made, seconded, and carried to approve the treasurer's report.

President's Report

Judge Peterson reported that he had prepared and submitted to the Circuit Executive's office the Society's annual report for inclusion in the 8th Circuit annual report. He also reported that the Executive Committee had discussed whether to issue a newsletter this year, and had decided not to do so because of the costs involved, particularly since a newsletter issued when there is no Judicial Conference would have to be mailed to everyone.

Judge Peterson then reported on his trip June 1 - June 2, 1998 to Washington, D.C., for the annual meeting of the U.S. Supreme Court History Society and the organizational meeting for the Conference of State and Federal Court Historical Societies. On June 1st, he had the opportunity to meet with Justice Thomas, and present an album of photographs taken at the 1997 8th Circuit Judicial Conference of Justice Thomas with various conference attendees. Judge Peterson also sent a second copy of the album to Ann Fessenden for the Circuit Archives. Justice Thomas was very pleased to receive the photo album, and to learn about the work of the Society and the plans for an 8th Circuit history. On June 2nd, Judge Peterson met with Justice Blackmun. Justice Blackmun expressed interest in the preparation of the 8th Circuit History and in other Historical Society activities.

Development of Directors Portfolio

Judge Peterson spoke about the development of a Directors Portfolio, a draft of which has now been completed. This portfolio will be given to new directors to help acquaint them with the Society. It will contain a history of the Society, Articles of Incorporation, Bylaws, policies, and other information.

Report on the Court of Appeals History Project

Tom Boyd reported on the history project. Professor Dunne unfortunately cannot complete the project due to illness. Professor Jeffrey Morris has been engaged to take over the project. He is an accomplished author who has written a number of court histories including Federal Justice in the Second Circuit. The new Court of Appeals book will be more detailed than the Bicentennial history, but not as detailed as the Western District of Missouri history by Larsen. The final draft is expected from Professor Morris in fall of the year 2000. To gather information for the book, Professor Morris will be making several visits to the 8th Circuit. He is currently scheduled to go

to North and South Dakota in September and to meet with Justice Blackmun in September or October. Professor Dunne will continue to be involved as much as possible and may write the Forward to the book. Mr. Boyd stated that Judge Heaney has been, and continues to be, very involved in the project and has been largely responsible for moving it forward.

Most of the funding is in place for Professor Morris' fee and expenses. The University of Minnesota Press has agreed to publish the book. The financial details of this are being reviewed. Judge Sachs raised questions previously expressed to him by Judge Bowman concerning the costs of publication through the University of Minnesota Press. He wondered if the Larsen project got special finances, and thought a different press might be better - maybe the University of Missouri Press. Mr. Boyd said there was no commitment made yet to the University of Minnesota Press, and that he would check into this possibility. Judge Peterson commented that, in addition to Judge Heaney, Mr. Boyd should be recognized for his considerable efforts on the history project.

Web Page

Mr. Boyd reported that an Internet web site has been developed for the 8th Circuit. It is accessible to the public through Washington University and includes a section for the Historical Society. The web page could be used to provide information on programs, exhibits at courthouses, bibliographies, etc. Anne Toulouse of the Court of Appeals Clerk's Office was working on this project for the Historical Society, but Anne accepted a new position and is no longer available to finish it. Ann Fessenden said Jim Voelker of the library staff would be available to prepare documents to place on the web page, though someone else would have to develop the content. Mr. Boyd will continue to pursue this project.

Branch Reports

Court of Appeals Branch

Tom Boyd reported that the Court of Appeals may be able to sponsor an essay contest in conjunction with the University of Iowa. The University received a bequest for an essay contest on judicial history. Mr. Boyd is getting touch with the University of Iowa to pursue this possibility.

Southern District of Iowa

Judge Peterson reported on the donation of the refurbished Kimball-Peterson conference table to the Southern District of Iowa court chambers in Council Bluffs. A ceremony was held to accept the donation. He also reported that the Branch hopes to develop a display in the main courthouse in Des Moines.

Eastern District of Missouri

Robert St. Vrain reported on behalf of Judge Limbaugh. The first floor of the new Thomas F. Eagleton Courthouse has a 2,400 square foot area off the lobby for historical display. The District hopes to hire a designer who will arrange a display of a variety of items, including pictures, video vignettes, summaries of significant cases - a "Judicial Education Center". A

docent program is being discussed in which retired court employees or other volunteers would give tours of the new building and answer questions. The Historical Society, New Building Committee and Memorial Trust Fund are working together on this project.

Western District of Missouri

Judge Sachs reported that the new Kansas City courthouse, scheduled to open in October, is quite large and beautiful. The Western District is trying to raise funds to use for the display area in the new courthouse. The judges have approved \$25,000 for a design firm. They plan to seek some financial backing from the Bar. Paul Donnelly, who previously raised money for the writing of the Western District history, is working on raising \$100,000 - \$150,000 through lawyers and foundations. They are hoping to have the display area completed by July of 1999 for the Judicial Conference.

District of Nebraska

Mary Hewitt reported that the Nebraska Branch membership has escalated from 85 to 236. The Branch has several different types of membership, with different dues amounts. A professor from the University of Nebraska has been hired to write the District history. The history will start with the Standing Bear trial of 1878 and continue through the Wounded Knee trial of 1973. The professor does not wish to profile any living judges in the history.

District of South Dakota

Judge Marshall reported they are gathering materials for display cases. The district court history has been completed.

No reports were presented for:

Eastern District of Arkansas

Western District of Arkansas

Northern District of Iowa

District of Minnesota

District of North Dakota

1999 Judicial Conference

Judge Peterson announced that the 1999 Judicial Conference will be held July 7 - 9 in Kansas City, Missouri. As is the custom, the Historical Society will have an annual meeting luncheon. It was agreed that it should be held the afternoon of Friday, July 9. Any ideas on a program or speaker for the Conference are welcome.

Fund Raising by Judicial Board Members

The Board discussed two questions which had been raised by Judge Kopf regarding fund raising by judicial board members: 1) Can judicial members raise money for Historical Society projects? and 2) Does Canon 5 of the Judicial Code of Ethics pertain to judges serving on the Board of the Historical Society? Some members expressed the view that judges should never ask for funds or do any type of fund raising. It was suggested that the A.O. General Counsel be contacted for an

opinion. Judge Peterson offered to write a letter to the A.O. General Counsel for an opinion on this subject unless Judge Kopf would prefer to do so himself.

Other Business

None

The meeting adjourned.

Ann T. Fessenden
Secretary - Treasurer

Approved:

Magistrate Judge Richard W. Peterson
President