

## MINUTES

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

**Annual Meeting**  
**July 11, 2001**  
**St. Louis, Missouri**  
(Revised April 19, 2002)

#### **Directors present:**

Court of Appeals:	Thomas H. Boyd
Eastern District of Arkansas:	Frances Ross
Western District of Arkansas:	Judge Jimm Hendren
Southern District of Iowa:	F. Richard Lyford
District of Minnesota:	Judge John R. Tunheim
Eastern District of Missouri:	Judge Edward Filippine
Western District of Missouri:	Judge Howard F. Sachs
District of Nebraska:	Judge Richard G. Kopf
District of Nebraska:	Mary J. Hewitt
District of North Dakota:	Judge Dwight C. H. Kautzmann

#### **Others in attendance:**

Ann Fessenden, Secretary-Treasurer  
June Boadwine, former Secretary-Treasurer  
Judge Richard W. Peterson, Iowa Court Historian  
Judge John Simko, District of South Dakota  
Judge Gerald Heaney, Court of Appeals  
Mark Killenbeck, Vice-President, Appeals Branch  
Joan Stevens, Library Staff  
René Mulligan, Library Staff

President of the Historical Society Thomas H. Boyd called the meeting to order and welcomed everyone to the board meeting, noting that it had been two years since the last meeting. He asked each person attending to introduce him or herself.

#### **Secretary/Treasurer's Report**

Prior to the secretary/treasurer's report, President Boyd complimented Ann Fessenden on the newsletter. Ms. Fessenden gave thanks and praise to Joan Stevens for her role in creating the

newsletter. Ms. Fessenden distributed copies of the 1999 Historical Society Minutes and indicated that the Minutes needed to be approved. She noted that the Historical Society should meet annually; and that a conference call meeting should have taken place in 2000, however she was unable to arrange it. Ms. Fessenden apologized to the board members, explaining the unusual circumstances in the year 2000 (primarily the move to the new St. Louis courthouse), which prevented her from arranging the conference call. President Boyd asked for any corrections, additions, and/or deletions to the 1999 Minutes. A motion was made to adopt the 1999 Minutes; it was seconded; all responded favorably; and the 1999 Historical Society Minutes were approved.

Ms. Fessenden remarked that little financial activity had occurred in 1999 and 2000. The only expenses were postage, supplies and other administrative expenses. No new monies had been deposited in the accounts other than accrued interest. No new membership dues to report.

Ms. Fessenden brought to the attention of the Board the substantial amount of money in the Historical Society's certificate of deposit. She suggested that because the checking and savings account balances were low, perhaps taking the interest out of the certificate of deposit and moving it to the other accounts, might prove to be beneficial. There were no objections to this plan.

Ms. Fessenden requested that members check their addresses and phone numbers on the Board listings and notify her of any changes in the branch representatives on the Board. She reminded the Board that their branches' annual reports are now due and that she hoped to send these and the minutes by the end of August, 2001.

### **Reports from Branches**

President Boyd asked for a report from each branch on its activities.

#### ***Court of Appeals***

Speaking on behalf of the Court of Appeals branch, President Boyd indicated that Professor Jeffrey Morris was nearing completion of the draft of the History of the Eighth Circuit. Also, the branch prepared a preface to the Eighth Circuit Practice Manual. The Court of Appeals Branch was continuing to co-sponsor an essay competition, and prepared items for the Society's newsletter.

#### ***Eastern Arkansas***

Ms. Ross reported that oral histories are nearing completion. Thus far, they have completed 13 out of 16 interviews for biographical essays.

### ***Western Arkansas***

Judge Hendren reported that on August 2, 2001, the federal courthouse in Harrison, Arkansas, will be named for the Honorable J. Smith Henley. Also, they recently had a Court group picture taken.

### ***Minnesota***

Judge Tunheim reported that a number of projects are in the works, namely, standardized practice among judges regarding preservation of their papers; activity in getting information ready for court's website; and working on planning a judicial milestone exhibit. GSA acquired funding to renovate the courthouse in Fergus Falls. The Historical Society will help insure that it is done with historical accuracy. Oral histories on all newer judges have been finished.

### ***Nebraska***

Ms. Hewitt reported a drastic drop in membership and said they will try to encourage all to maintain their membership. Professor Wunder continues working on the written history of the Nebraska branch, anticipating a summer, 2003 completion. The resultant book will be published, probably by the University of Nebraska Press. To recoup funds, a signing will take place. All Board members will be invited.

### ***South Dakota***

Judge Simko reported that Judge Jones' secretary, Peggy Teslow, gathered pictures and memorabilia that are on display, and may have the beginnings of a book.

### ***North Dakota***

Judge Kautzmann reported that the Grand Forks courthouse will be renamed the *Ronald N. Davies Federal Building and United States Courthouse*. In approximately 90 days, the written histories of all Fargo judges will be completed. The book will be published and sold in the state museum. Ardell Tharaldson, a law clerk, is the author.

### ***Eastern Missouri***

Judge Filippine reported that the videotapes of senior judges have been on hold due to the move. Judge Filippine encouraged all Board members to view the Curry murals, the Harry Blackmun display and the Eagleton display at the new Eagleton Courthouse. The learning center will be on line in a year or so. Non-appropriated funds are being used for the learning center, which is basically a non-for-profit corporation run by lawyers. Also, a 17-minute film on the building construction of the Eagleton Courthouse will be shown in connection with the official dedication of the Harry Blackmun Rotunda, which will take place today, July 11, 2001, at 4:30 p.m.

### ***Western Missouri***

Judge Sachs reported no new projects. Their objective is to have a display/learning center similar to that planned for St. Louis. They need to develop a more definite plan before soliciting funds from the Bar.

### ***Northern Iowa***

President Boyd reported he had received a letter from Eric Lam who could not attend. Mr. Lam reported that Judge O'Brien has completed a draft history of the federal judiciary in the Northern District.

### **Reports on Ongoing Projects**

President Boyd reported on the state and federal historical society meeting he had attended. This year's conference will take place September 13, 14, 15 in Indianapolis. President Boyd indicated that we have been invited to participate in this historical society conference, and that he will attend. President Boyd also indicated that he will make copies of information from the Indianapolis conference for any interested Board member.

President Boyd further reported on the 8<sup>th</sup> Circuit History, authored by Professor Morris. The original plan calls for 7 chapters. Six chapters are completed. The 7<sup>th</sup> chapter will be shorter than any of the first six. The draft will be finalized at the end of this month.

President Boyd also reported that a collection of 8<sup>th</sup> Circuit briefs is being maintained at the University of Iowa, beginning as far back as 1890. Few have been available and accessible to scholars in the past. They are valuable for substantive purposes and the briefs themselves reveal how lawyers operated at the turn of the century. The hope is that the Society may be able to find some way to help support this collection in Iowa.

Progress is being made in development of the web page. President Boyd thanked Ann Fessenden and Jim Voelker for their successful efforts on this project. Ann Fessenden explained the web page and described sample pages she had distributed. President Boyd noted the potential for recruiting new members through the website. The website address is [http://www.ca8.uscourts.gov/library/hist\\_society.html](http://www.ca8.uscourts.gov/library/hist_society.html)

### ***Court Historian***

Judge Peterson reported his thoughts on the value of court historians, noting that a court historian is one who is a catalyst to suggest ideas and coordinate and execute projects. Judge Peterson also noted that annual lectures could be given by a court historian.

### **Old Business**

Judge Peterson reported on the "Directors' Manuals" distributed to Board members at the beginning of the meeting. They include bylaws, policies, etc. Judge Peterson hoped the Board members find the manual useful.

### **New Business**

President Boyd would like to have the Historical Society included on the general session program of the next 8<sup>th</sup> Circuit Judicial Conference. He has discussed this idea with Chief Judge Wollman, who was interested, but it was too late to include this year.

Ms. Fessenden reported that Millie Adams, the Circuit Executive, is very concerned about the need to create oral histories of all judges. Possible funding sources are attorney admission fee funds and the Society's certificate of deposit. Her main concern is how to coordinate such an effort. She did not make a motion, but instead brought up the matter for the Board's information and thoughts. Some members suggested that grants may be available. Ms. Fessenden said she would hope to have a more definite plan by the next Board meeting.

Ms. Fessenden then outlined the more expansive role of the library regarding the Historical Society, citing the collection of rare books donated by Judge Limbaugh, her assignment as curator of the collection of pictures and memorabilia from the Blackmun family; the library's role as creator and editor of the newsletter, and its development of displays—including the previous conference. She acknowledged the roles of Jim Voelker and Joan Stevens of the library staff in the growth and responsibilities of the library regarding the Historical Society. She also mentioned that the library may designate a current librarian as an historian/archives librarian or that serious thought may be given to hiring someone as an historian/archivist. In any case, a more formalized assignment of historical/archives duties is anticipated.

### **Election of Officers**

Judge Peterson praised the work and effort by current President Boyd, who has decided not to continue as President. Judge Peterson reported that the nominations committee recommended Judge Kopf for the new President of the Historical Society, Frances Ross for Vice President, and Ann Fessenden to continue as Secretary/Treasurer. A motion was made and seconded to accept the slate, and all members voted in the affirmative.

Judge Peterson thanked President Boyd for his outstanding dedication and leadership in serving the Historical Society so well these past few years. President Boyd thanked Judge Peterson and the Board members.

A motion was made to adjourn the Historical Society Board meeting. The motion was seconded. The meeting was adjourned.

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Ann T. Fessenden,  
Secretary-Treasurer

Approved:

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Thomas H. Boyd,  
President