

MINUTES

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

Board Meeting Minneapolis, Minnesota August 12, 2010

Directors and officers present:

Thomas H. Boyd
Hon. Jimm L. Hendren
Hon. Linda R. Reade
Hon. Robert W. Pratt
F. Richard Lyford
Hon. E. Richard Webber
Ann E. Buckley
Hon. Fernando J. Gaitan, Jr.
Hon. Richard G. Kopf, Chair
Hon. Karen K. Klein
Hon. Jeffrey L. Viken
Donald P. Knudsen
Ann Fessenden, Secretary
Sheila Greenbaum, Treasurer

Branch

Court of Appeals
Western District of Arkansas
Northern District of Iowa
Southern District of Iowa
Southern District of Iowa
Eastern District of Missouri
Eastern District of Missouri
Western District of Missouri
District of Nebraska
District of North Dakota
District of South Dakota
District of South Dakota

Guests:

Hon. William Jay Riley, Chief Judge, U.S. Court of Appeals
Hon. Celeste Bremer, Southern District of Iowa
Marge Krahn, Clerk of Court, Southern District of Iowa
Ann Thompson, Court Executive, Western District of Missouri (for Paul Donnelly)

Directors and officers absent were Hon. Morris S. Arnold (Court of Appeals), Hon. H. David Young (Eastern Arkansas), Frances Ross (President, Eastern Arkansas), Katherine C. Gay (Western Arkansas), Leonard T. Stand (Northern Iowa), Hon. John R. Tunheim (Minnesota), Cheryl Heilman (Minnesota), Paul E. Donnelly (Western Missouri), Jeanette Stull (Nebraska), and M. Daniel Vogel (North Dakota). Also absent was Hon. Richard W. Peterson, ex officio board member.

Roll Call/Call to Order

Historical Society Chair Judge Kopf called the breakfast meeting to order at 7 a.m. and asked the attendees to introduce themselves. Following introductions, the minutes of the Board's 2008 meeting were approved.

Treasurer's Report

Treasurer Sheila Greenbaum reported the balance of the parent Society's account at \$9,584.81 and the Appeals account at \$1,142.52. The treasurer's report was approved.

Bylaws

Judge Kopf introduced the proposed Bylaws, and he and Ms. Fessenden provided a summary of the proposed changes:

- Eliminate requirement to maintain a post office box for Historical Society mailings.
- Change mentions of "annual" meeting to "regular" meeting to be consistent with already approved Bylaw 3, Regular Meeting.
- Specify how the Chairman of the Board is selected.
- Separate the positions of secretary and treasurer.
- Add a new Bylaw to formally recognize the existing executive committee.
- Renumber Bylaws following the new Bylaw addressing existence of executive committee.

As Chief Judge Riley was in attendance, Chair Judge Kopf inquired as to whether the Chief Judge saw any administrative problems with the proposed Bylaws, and Chief Judge Riley said he did not. The Board then voted to approve the proposed Bylaws.

Election of Officers

The following slate of candidates was elected for a two year term:

President: Dick Lyford
Vice President: Frances Ross
Treasurer: Sheila Greenbaum
Secretary: Ann Fessenden

Branch Reports

Judge Kopf then invited the branch representatives to report on their activities if they wished to do so.

Court of Appeals

Tom Boyd said that the written history of the 8th Circuit, *Establishing Justice in Middle America*, had been widely reviewed and well received. He said that it had been cited in a number of scholarly pieces, including law review articles and 8th Circuit opinions. He reported that of the initial printing of 1,500 copies, only 321 remained. He added that with this long time project completed, he was open to suggestions for future projects.

Arkansas Western

Chief Judge Hendren reported that the new U.S. Marshals Museum in Fort Smith, Arkansas was coming along. He also said that he had been writing up his recollections of attorneys.

Iowa Northern

Judge Reade reported that the new courthouse in Cedar Rapids was slated to open in 2012 and that the branch was planning to create historical displays in the building. She also said the Iowa Bar would be holding a dinner later in August during which Judge Hansen would be giving a history of the courthouse plans.

Iowa Southern

Judge Bremer mentioned the many outreach programs in the Southern District of Iowa. In conjunction with the State Historic Museum, the court participated in the History through the Arts Series—Abe Lincoln. Students played roles in the mock trial of a case heard by Abraham Lincoln. The court also participated with the Iowa Department of Cultural Affairs to bring a play covering three Iowa civil rights cases to students and to allow them to participate in a mock jury trial workshop. The court also helped the Civic Center of Greater Des Moines sponsor a program to educate students about the jury system, serve as jurors in a mock trial involving the search of a school locker, and attend a performance of *Twelve Angry Men*. The branch has also hired an Iowa lawyer to write biographies of the court's newer judges in order to update the district's history written by George Mills, *No One Is Above the Law*. Judge Bremer handed out copies of a brochure on the outreach programs as well as a disc containing the programs' scripts.

Chief Judge Pratt conveyed to the board that Judge Stuart was currently on hospice care. He noted that Iowa had two 90-year old judges: Judge Stuart from the Southern District and Judge McManus from the Northern District.

Minnesota

Mr. Boyd, on the Board for the Appeals branch but also very active in the Minnesota branch, said that the branch had completed a display on the Foshay case. He said that the case, which took place during the Depression era, centered around ponzi scheme activities and that the three judges handling the case were also featured. Mr. Boyd said the branch helped with a panel discussion of five of the district's senior judges. In this discussion they shared their collective experiences on court, thereby updating their biographies and the court's history. He noted that the branch has also supported the Landmark Center's programs.

Missouri Eastern

Judge Webber said that the branch was finishing up its project to interview the district's senior judges. He said that Judge Nangle's interview could be viewed in the Eagleton Courthouse's Learning Center and that Judge Filippine's would be there soon. Judge Stohr was interviewed on June 22. Judge Webber said he met with Judge Webster in Washington, D.C. in preparation for his oral history interview. After Judge Webster's taping, work would begin on interviewing Judge Limbaugh, Sr. Judge Webber also reported that the branch, which had previously compiled a list of the district's 17 important cases, had plans to interview attorneys who put together the briefs. Judge Webber said the branch was very pleased with the work of Burton Boxerman, who was hired to write the history of the district. His work has been progressing, with over seven chapters drafted.

Missouri Western

Ann Thompson reported for the branch, noting that the Paul Donnelly, branch president, and Tom Larson, branch vice president, were the forces behind the organization. Ms. Thompson said the branch has sponsored a successful lecture series. The lecture on U.S. Attorney Maurice Milligan, who went after Kansas City boss Tom Pendergast, filled the house. She said that plans were underway for an historical exhibit in the Kansas City courthouse's Bell Room. It was to incorporate both a traditional museum approach along with interactive components. Six cases would be featured. Ms. Thompson also shared a poignant story that will be conveyed in the exhibit: Bankruptcy Judge Federman's mother was naturalized in federal court while pregnant with the Judge, and now Judge Federman himself presides over naturalization ceremonies.

Nebraska

Judge Kopf reported that the branch is working with two professors on the written history of the district and is making progress. It will cover up to the Wounded Knee period. He also said that the branch is supporting the publication of Judge Urbom's memoirs. He noted that in his opinion, Judge Urbom was the best trial judge bar none and that he possessed beautiful oratory and writing skills. He added that he would like to see Judge Urbom's book placed in libraries throughout Nebraska.

North Dakota

Judge Klein reported that the branch has been cataloging materials belonging to Judge Webb, who passed away in 2009. She said they have been involved in outreach to middle schools and partnering with the YMCA on programs on racism. She said that the Fargo library rotates a good number of displays in the courthouse. The branch meets quarterly, though last winter's meeting fell victim to a blizzard and their spring meeting, to a flood. They hoped to meet the week following the Judicial Conference in August.

South Dakota

Judge Viken reported that the branch was working on oral history interviews of Judges Piersol and Kornmann. He noted that Judge Urbom, who was about to publish his memoirs, was the principal trial judge of Wounded Knee, a case involving the state's longest period of civil unrest, and that the branch was pleased that the memories of those still living were being captured. He also said that Chief Judge Riley would be writing the preface.

For the Good of the Order

It was resolved by a vote of the Board that the Historical Society was supportive of the American Society of Legal History meeting in St. Louis in November, 2012.

Secretary Ann Fessenden encouraged everyone to take a look at the display area, which was coordinated by the Historical Society. She noted that on exhibit were the following: the display, *Baseball in the Eighth Circuit*, prepared by the U.S. Courts Library Eighth Circuit; a DVD showing interviews of Negro League baseball players; the display, *Foshay: An Empire Built on Paper*, made by the Minnesota branch of the Historical Society; and a DVD featuring Judge Heaney's oral history, in memoriam.

It was then moved, seconded, and approved that the meeting be adjourned. The meeting adjourned at approximately 8:15 a.m.

Approved:

Ann T. Fessenden,
Secretary

Hon. Richard G. Kopf,
Chairman of the Board

F. Richard Lyford,
President