

MINUTES

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

Board Meeting Omaha, Nebraska August 7, 2014

Directors and officers present:

Thomas H. Boyd
Beth E. Hansen (Acting Director)
Hon. Robert W. Pratt
F. Richard Lyford, President
Hon. John R. Tunheim
Dulce Foster
Hon. E. Richard Webber
Hon. Brian C. Wimes
Hon. Richard G. Kopf, Chair
Hon. Ralph Erickson
Hon. Roberto A. Lange

Branch

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

Ann Fessenden, Secretary
Sheila Greenbaum, Treasurer

Guests:

Hon. Jane Kelly, Court of Appeals
Ann Thompson, Court Executive, Missouri Western
Marge Krahn, Clerk of Court, Iowa Southern

Directors and officers absent were: Hon. Morris S. Arnold (Court of Appeals), Frances Ross (Vice President, Eastern Arkansas), Hon. David Young (Eastern Arkansas), Hon. Leonard T. Stand (Northern Iowa), Ann E. Buckley (Eastern Missouri), Paul E. Donnelly (Western Missouri), Jeanette Stull (Nebraska), M. Daniel Vogel (North Dakota) and Donald P. Knudsen (South Dakota).

Roll Call/Call to Order

Historical Society President Richard Lyford called the breakfast meeting to order. He welcomed everyone, recognized those new to the group, and then asked all attendees to introduce themselves. Following introductions, the minutes of the board's 2012 meeting were approved.

Secretary's Update

Secretary Ann Fessenden asked attendees to update their contact information on the board member list that she passed around. She also mentioned that the Historical Society had

coordinated the displays near the hotel ballroom which featured a four-panel display on Judge Ross and three DVDs: one of Judge Ross' memorial session, one a discussion of the Criminal Justice Act and *Gideon v. Wainwright* by Judge Morris Arnold and Federal Public Defender Jennifer Horan, and Judge Webster's oral history, contributed by the Eastern District of Missouri. She also noted that the Northern and Southern Districts of Iowa had contributed posters describing their activities and that Western Missouri had brought packets with pictures of their "Bell Room" project. She also mentioned that there was a Historical Society table where members could display any additional materials about their local projects.

Presentation to Judge Kopf

Chief Judge Riley then arrived to make a presentation to Board Chair Judge Richard Kopf, recognizing his many years of service to the Society. The presentation included a certificate signed by the officers and an antique railroad lantern.

Treasurer's Report

Treasurer Sheila Greenbaum reported the balance of the parent Society's account as \$8983.54.

Resolution granting Parent Society approval to file 990s on behalf of branches

Treasurer Greenbaum provided background regarding the handling of 990 forms which the IRS now requires each branch to file annually. In order to avoid the necessity of asking each branch to provide permission every year for the Parent to file on its behalf, she offered the following resolution:

Each United States Court Branch of the Eighth Circuit Historical Society hereby consents to all necessary future filings of any required IRS papers, including Form 990-N, by the Eighth Circuit Historical Society on behalf of each District Court Branch.

The resolution carried.

History Workshop at 2016 Judicial Conference

President Lyford then led a discussion about the possibility of holding a "history workshop" before the 2016 Judicial Conference, which will be held May 4-6, 2016 in Rogers, Arkansas. Such a program would provide an opportunity for participants to share information about programs and projects they have tried, and what worked or didn't work. Lyford said that he envisioned break out brainstorming sessions on topics such as oral histories, learning centers, fund raising, etc. In response to a question as to whether district or circuit judges would be included, Lyford replied that he would like as many as possible to take part. It was suggested that participation could probably be improved if the program could also be available through a remote, electronic format. Ann Thompson of Western Missouri noted that her district could probably help with IT equipment and support. It was also suggested that involvement of a senior

judge from Arkansas would be valuable. Tom Boyd agreed to chair a subcommittee to work on planning.

Election of Officers for 2014-2016

As no new nominations were brought from the floor, the following slate of candidates was re-elected for a two year term:

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

Branch Reports

Appeals

Tom Boyd said that the branch published a history of the court several years ago. Current projects include supporting publication of Judge Myron Bright's memoir, which is expected to be published by the end of the year. The branch displayed a poster promoting the upcoming book and a sign up sheet for anyone interested in purchasing a copy.

Iowa Southern

Mr. Lyford reported that the branch recently completed Judge Shield's interview and was planning interviews of Judges Pratt and Gritzner. The branch is also hoping to interview Judge David Hansen and Magistrate Judge Walters and to update Judge Longstaff's interview. Drake Professor Anthony Gaughan is working with President Lyford and Judge Bremer to produce a sequel to the district's history, "No One is Above the Law," and they are hoping to involve students in the work. The branch has also conducted oral histories of state judges. The branch brought several DVDs to the meeting for sharing with interested board members: Judges Longstaff and Shields' oral history interviews, Judge Stuart's memorial session, and Judges Rose and Adams' investitures. Judge Pratt mentioned that he has performed Naturalization ceremonies at a house that was once part of the underground railroad and has accompanied the group of newly inducted citizens to a minor league Cubs team.

Minnesota

Tom Boyd reported that the branch has an active oral history program, *Portraits of Justice*. They conduct an interview after a judge has been on the court for a few years and then again when the judge takes senior status. They include magistrate judges in the project and allow the interviewee to select the interviewer. The branch recently interviewed Senior Judge Kyle and Magistrate Judge Boylan, who has retired. Congress renamed the Fergus Falls Courthouse for Judge Edward Devitt in the spring. The district hosted the traveling display, *Freedom Riders*, in the Minneapolis courthouse for two weeks, and Chief Judge Davis spoke at a kickoff reception. Judge Montgomery presented excerpts from the district's oral histories at a meeting of the bench and bar.

Missouri Eastern

Judge Webber said that the branch made arrangements to conduct interviews of the district's senior judges with funds from the Eastern District of Missouri's Federal Practice Memorial Trust and with funds raised through the branch's not-for-profit organization. He said that six interviews had been completed and that Judge William Webster's interview on DVD was being shown at the conference. The branch has also filmed interviews relating to the district's significant cases, including *Green v. McDonnell Douglas*, *Jones v. Mayer*, and *Dred Scott*. The case filming is done in-house using three cameras, with a camera focused on each speaker and a third on both speakers. The branch developed a learning center in the Thomas F. Eagleton U.S. Courthouse. Thousands of students visit the Learning Center annually, and the courthouse has become a tourist attraction. The branch has also been working on a written history of the district, *And Justice for All*, authored by Burton Boxerman. The scope of the book is from 1821 to 2013 and will include many photos. Southeast Missouri State University Press will be releasing the book in the fall. Additionally, Judge Shaw published his autobiography, *Watch Everything: A Judicial Memoir with a Point of View*.

Missouri Western

Ann Thompson said that the branch had completed an historical gallery, the "Bell Room," in Kansas City's Charles Evans Whittaker U.S. Courthouse. The project was funded by the Bar, but the writing was done in-house. The Bell Room was designed with adults in mind, but it is also useful for children. The content includes a section on the district's judges and another section on its significant cases, such as the swimming pool case, the Greenlease case, and the Hyatt disaster. There is an interactive touch screen with modules that include quizzes on bankruptcy and whether a cause of action falls under state or federal jurisdiction. The electronic nature of the touch screen allows the branch to keep the content current. With the history center complete, the challenge is now marketing. The branch sent out a mailer to people in the region and created packages of information on the Bell Room. These packets were available at the conference.

North Dakota

Chief Judge Erickson said that the branch has been mostly dormant this past year. He noted that the district does have a rich history, with prominent figures such as Judge Ronald Davies and Judge Charles Amidon, who was a friend of Justice Brandeis. He is looking to develop North Dakota's history by beginning with the district's first judges and going forward. He hopes to get students from the University of North Dakota involved.

South Dakota

Judge Lange reported that the branch has no money, no officers, and no members. The district does have a display case, but it does not have a courthouse that lends itself to developing a learning center. The branch is trying to arrange oral history interviews of Judges Kornmann and Piersol.

Oral History Projects

As this subject arose, Judge Webber shared that he found it takes approximately 150 hours of preparation to carry out an oral history project, but that it is well worth the effort. He noted that Judge Hungate died shortly after his interview. There was general discussion that some judges resist being interviewed but that it is very important to keep trying to obtain their permission. It

was noted that it can be effective to arrange interviews for a couple of judges at the same time, as they are more likely to agree than if singled out.

It was then moved, seconded, and approved that the meeting be adjourned.



Ann T. Fessenden,
Secretary

Approved:

s/ Hon. Richard G. Kopf,
Chairman of the Board

s/ F. Richard Lyford,
President