

Initiating a Federal Court Historical Program

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Introduction

Historical programs associated with the federal courts help to preserve the history of the nation's judiciary and to improve understanding of the courts' role in the nation's system of government. These programs, whether independently organized historical societies or internal court activities, contribute to an awareness of the long-term significance of the work of the federal courts and thus strengthen the judiciary's institutional identity. Historical programs offer judges and court staff a broad perspective on their court and its role in the public life of the district or circuit. Historical programs usually prove to be of great interest to members of the federal bar and can enhance the public's understanding of the judiciary's historical importance.

Court historical programs broaden and preserve the historical record. Oral history projects, efforts to preserve documents that are not included in official court records, and the exhibition of prints, photographs, and material artifacts all contribute to a more complete record of a court's responsibilities and influence. While the Federal Judicial Center works to record and make more accessible the history of the judicial branch, in the decentralized federal judicial system, local historical programs can play a vital role in documenting the unique work of each court.

Historical programs also serve as a foundation for public outreach and community education. The history of a court presents an excellent opportunity for educating the public about the role of the judiciary in United States governance. Federal court historical programs also bring together judges, lawyers, educators, scholars, and others with an interest in the federal judiciary.

The Federal Judicial Center produced this guide as part of its mandate to "encourage programs relating to the history of the judicial branch of the United States government." The guide surveys the range of historical programs in the federal courts and offers suggestions for courts considering a new program or looking to expand the activities of an existing program. The guide also incorporates the Center's manual on conducting oral history projects.

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Organizing a Court Historical Program

More than forty-five federal courts are served by some form of historical program, ranging from informal in-house projects that collect historical materials to independently organized nonprofit societies qualified to raise funds. The organizational structure of a federal court historical program usually reflects the scope of envisioned projects and the available resources, including both funding and staffing. Courts that are considering the establishment of a historical program will want to define the mission and goals of the program as well as determine whether the anticipated support and access to resources will be sufficient to carry out those goals. Court historical programs fall into three broad models: independently organized societies; committees of judges, court staff, and private individuals; and internal court programs conducted by judges and court staff.

Regardless of its structure, an ongoing historical program will depend on the commitment of individuals within the court and in the community, particularly among the federal bar. Sustained programs are usually characterized by the close involvement of at least one judge of the court and the designation of at least one staff person to coordinate the program's activities. Any program intending to raise funds or develop other kinds of support outside the court will benefit from having a member of the bar or other person from the community who is willing to take responsibility for these efforts. People with a strong interest in history and in the institutional culture of the court will join a historical society or support a court program, but their continued involvement will depend on regular programs that satisfy this interest in the court's past.

Independently Organized Historical Societies

Nearly half of the historical programs serving federal courts are independent historical societies incorporated under state nonprofit corporation laws and organized for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code. Organizing as a nonprofit corporation enhances the ability of a historical program to raise and spend money. These independent historical societies can accept funds through grants, membership dues, and donations of nonappropriated court funds. Incorporation also provides protection against personal liability so that the society's officers can enter into con-

tracts with authors, publishers, oral historians, and exhibit designers. The societies are able to purchase historical items, such as portraits, or accept loans of exhibit items and gifts of historically valuable documents or artifacts. The societies also can employ salaried staff to coordinate a historical program and hire contractors to carry out specific projects.

These societies are organized under articles of incorporation or, less commonly, a declaration of trust. The articles of incorporation generally state the group's broad purposes, such as "preserving the legal history of the Federal Courts" of the circuit or "fostering scholarly understanding and public appreciation of the history of the Federal Courts." The articles also make clear a society's adherence to the respective state's requirements for nonprofit status and may set out the governing structure of the society. The corporation's bylaws describe the governance of the society, financial management arrangements, membership categories, and provisions for annual meetings. Sample bylaws and articles of incorporation are presented in Appendix A.

Most independent court historical societies are organized around a single court, but several focus on all the federal courts within a judicial circuit. The Historical Society of the U.S. Courts in the Eighth Circuit consists of individual branches for the court of appeals and each district court in the circuit, and has a circuit-wide board of directors made up of two persons from each branch.

Incorporated court historical societies typically are governed by a board of directors that appoints officers, who in turn supervise the activities and projects of the society. The articles of incorporation or bylaws usually require a minimum of one meeting of the board a year. Most of the societies are membership organizations, although some only require a one-time payment of dues. Multiple categories of membership allow for the recognition of honorary members or those who make sizable financial contributions to the society. Several societies provide for lower-cost student memberships, though they may not give the students the right to vote if that is one of the society's membership privileges. If the society is organized for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, membership dues and donations may be tax deductible as allowed by law. These societies are also subject to whatever obligations exist under state law regarding annual reports and tax returns.

Most historical societies are able to carry out their programs through the efforts of volunteers or by contracting for specific projects, but a few societies with more extensive and ongoing programs have found it useful to hire an executive director or staff assistant.

The historical societies are legally independent of the courts, but judges and court staff are closely involved in the activities of most societies. Court staff frequently provide assistance to the societies' projects. Judges are frequently among the original incorporators of a society. In many societies, the articles of incorporation or bylaws prescribe certain roles for judges or reserve certain positions of leadership for judges; in other societies, judges serve as advisers. The Judicial Conference Committee on Codes of Conduct has issued Advisory Opinion No. 104, which reviews ethical considerations for judges involved in historical societies that are organized as nonprofit corporations. The opinion is presented in Appendix B.

Court Historical Committees

In some courts, a historical program is directed by a committee of judges, court staff, and private individuals, including attorneys and professors of history and law, and a judge serves as chair of the committee. The projects of these historical committees are typically conducted by court staff and volunteers and are funded by nonappropriated funds, such as attorney admission fees. (Guidelines for the expenditure of attorney admission fees are discussed in Chapter 20 of the *Guide to Judiciary Policies and Procedures*.) Publications, special events, and exhibits might be undertaken with the financial underwriting of cosponsors, such as bar associations or law schools and universities.

Internal Court Historical Programs

Some courts have established internal programs at a minimal cost and with modest staffing. These programs might undertake an initiative to preserve records that would otherwise not be preserved as part of the official records of the court or to collect basic reference materials about the history of the court. These types of programs have organized modest exhibits using materials in the court's possession. Often someone on the library staff or in the clerk's office is responsible for these efforts. Judges and court staff might also undertake oral history projects with little out-

side assistance. In at least two circuits, history- and archives-related responsibilities are a significant component of the job of a professional staff member in the circuit library.

Activities of Federal Court Historical Programs

Publications

Publications are likely to be the most lasting and widely disseminated projects sponsored by court historical programs. These publications range from periodic newsletters to scholarly books that survey the full history of a court. Publications, particularly book-length histories, can be expensive and time-consuming to produce, but they make an unmatched contribution to explaining the judiciary's historic role in public affairs, they establish a foundation for more specialized research on the court, and they provide the material for exhibits and public outreach. A program that undertakes a variety of publications, including books, newsletters or journals, and Web sites, will expand the audience for judicial history. The following is a review of the types of publications frequently sponsored by federal court historical programs and a description of options for facilitating their preparation and distribution.

Court histories

The publication of a book-length, narrative history will do more to stimulate interest in court history than any other project. A survey of a court's history can place the careers of judges and the court's notable and characteristic cases in the context of the history of the region as well as the history of the federal judiciary. For many audiences, a court's history will be more accessible and significant if it is integrated into a narrative of the broader history of public life within a court's jurisdiction. Many independent court historical societies were organized to mobilize the resources for these demanding publication projects, on the understanding that writing a survey of the court's history is an essential step in developing support for other historical projects.

Defining the scope and format

The first stage of a book publication project is to define the scope and format of a court history. Most of these published histories focus on a judicial district or a court of appeals, although others encompass all the federal courts within a circuit or a state. Other options are the collective biographies of the judges who have served on a court or a compilation of

topical essays on a court's history. The literature of federal court histories is now substantial enough to allow courts to review various models to determine what format will best serve their goals.

The first generation of modern court histories were those sponsored by the bicentennial committees of the Judicial Conference of the United States. The Committee on the Bicentennial of Independence and the Committee on the Bicentennial of the United States Constitution provided the circuits with grants to support the publication of materials on the history and significance of the courts within each circuit. Some of the resulting volumes were written by historians or legal scholars; others were compiled by judges or court staff. A number of these histories were collected biographies of the court's judges or groups of essays on selected topics in the court's history. More recently, courts or court historical societies have commissioned scholars and other authors to produce comprehensive monographs surveying the full history of a court. Appendix C is a bibliography of recent court histories sponsored by federal courts or court historical societies.

Selecting an author

Most courts or court historical societies sponsoring a narrative history hire an author with whom they enter into a contract. The authors typically are professors of history, law, or political science. Some courts have hired lawyers or journalists with a strong interest in the law. A contract between a sponsoring historical society and an author in 2000 specified the general length of the proposed manuscript, the types of historical records that the author would consult, and the scholarly documentation that would accompany the manuscript. The author's outline of the proposed manuscript was appended to the contract. The contract stated the fee to be paid for the work and specified the terms of payment. One-half of the fee was to be paid to the author at the signing of the contract, one-quarter was to be paid at the delivery of a completed draft, and the final one-quarter was to be paid at the delivery of the finished manuscript. A general timetable was included, but it allowed enough flexibility to accommodate the unforeseeable demands of original historical research. The contract provided that the author assign copyright in the manuscript to the sponsoring society and required the author to deliver to the society all research notes and any oral histories conducted for the project.

A few courts have offered other models for sponsoring a book-length history. One court offered stipends to two history graduate students who agreed to write their dissertations on the history of the court, and these dissertations were subsequently published by university presses. (The costs of these stipends were comparable to the costs of hiring an author.) Other courts have relied on volunteer authors who prepared single chapters for a collection of essays on the history of the court.

Editorial review

The court or court historical society can decide what, if any, role it will play in the editorial review of the manuscript. Many authors have found that the substantive input of judges has made an invaluable contribution to their understanding of the court's business and the judicial process. In other cases the review by judges and court staff has served to clarify the recent historical record. At the same time, academic professors and journalists will expect the sponsors of the publication to respect their judgment and independence, which are the basis of their professional reputation and credibility.

The author's independence is likely to serve the interests of everyone. In his foreword to Jeffrey Morris's history of the courts of the Second Circuit, Judge James L. Oakes wrote that he and the other members of the sponsoring history committee "agreed with Jeffrey Morris at the outset that this would be *his* book and that we would keep hands off. We believe the result has fully vindicated this approach, for it has left Professor Morris free to write in lively prose, expressing his views whenever he felt like it, and thereby enlivening and enriching the final product."¹ Judge Marvin E. Aspen of the U.S. District Court for the Northern District of Illinois wrote in the foreword to Richard Cahan's *A Court That Shaped America*:

Although the court supported the research of the book and offered guidance, it is not an official history in that neither the author nor the publisher is affiliated with the District Court. This was done intentionally to give the book needed objectivity and credibility. So while Cahan

1. Jeffrey B. Morris, *Federal Justice in the Second Circuit: A History of the United States Courts in New York, Connecticut & Vermont, 1787-1987* (New York: Second Circuit Historical Committee, 1987), ix.

had the benefit of extensive consultation with individual judges of the court, the book is the author's perspective of our history.²

A university press or commercial publisher will often send a manuscript to peer reviewers, such as historians or law professors with some expertise in the history of the court or that of the federal judiciary. Even if the publisher does not submit the manuscript to a peer review process, the publication will be much stronger if the sponsoring court or court historical society asks appropriate scholars either to review the text or to advise the project from its inception.

Costs

The principal costs of a book-length court history will be the author's fees and the printing of the book. Recent authors' fees have varied widely, in part determined by the type of publication commissioned and the amount of time the author devoted to research and writing. These projects can easily require a full year's work, and often require several years, and sponsors can expect to pay fees proportionate to that amount of time. These costs in large part reflect the time required for the archival research for what are often pathbreaking studies of the institutional history of the court and its role in the public life of the jurisdiction. Since few secondary resources are available for federal judicial history, most authors will need to spend considerable time examining the original records of the courts and other primary sources. For many of the federal courts, it will be necessary for the author to reconstruct the most basic outline of the court's history. It is seldom possible to compile a history of a federal court through a synthesis of published sources.

The research, particularly for the history of a court of appeals or all of the courts of a circuit, may require travel to scattered repositories. When extensive travel has been anticipated, contracts have usually provided for the author's travel expenses separate from the payment for writing the book.

Selecting a publisher

Most recent federal court histories have been published by either university presses or private printers. University presses have established arrangements for advertising and marketing the book, particularly to audi-

2. Richard Cahan, *A Court That Shaped America: Chicago's Federal District Court from Abe Lincoln to Abbie Hoffman* (Evanston, Ill.: Northwestern University Press, 2002), x.

ences interested in the history of the state or region. These presses will also provide the professional services of editing and designing the book. University presses might require the court or historical society to provide a subvention of publication costs, because the sales of even the most popular volumes of court history are unlikely to cover the production costs. The book's sponsor may be able to find grant money for the subvention, since the resulting publication will have a public benefit. Private printers require the sponsoring program or society to commit to the purchase of a certain number of copies.

One important consideration in the choice of publishers is the anticipated distribution of a court history. Volumes published by university presses or commercial publishers are far more likely to be purchased by libraries, which often would be unaware of privately printed books and face more obstacles in ordering such books.

The court histories produced with funds from the bicentennial committees were published by the government, but since then courts have not had the appropriated funds to support such publications. Some courts in recent years have been able to fund a court history with attorney admission fees, although not all courts receive the level of such fees necessary to pay for the publication costs.

Producing shorter publications

Court historical programs without the resources to commission and publish a book-length history can sponsor more modest publications that will help to satisfy interest in the court's history and establish a research foundation for eventual publication of a full narrative history. Newsletters and Web sites can present short historical articles or the text of talks delivered at conferences or the annual meetings of historical societies. Several courts have sponsored pamphlets containing biographical sketches of judges or an outline of the legislative history of the court. Others have published reference works containing lists of court officers and U.S. attorneys, notes on the meeting places of the court, and descriptions of notable cases.

These shorter publications can make an important contribution because there are no federal publications or reference sources with this kind of information organized around individual courts, and researchers in the courts are likely to have the easiest access to this historical information.

Courts have invited local scholars to contribute short essays to introduce these reference works.

Newsletters

Printed newsletters are a valuable tool for publicizing the activities of a court historical program. Newsletters serve as a tangible reminder of membership in a historical society and may be more broadly distributed for membership recruitment. The most common newsletter articles are announcements or reports of a historical program's activities. Several newsletters publish historical articles about the careers of judges, significant cases, or meeting places of a court as well. *The Court Legacy*, published by the Historical Society for the United States District Court for the Eastern District of Michigan, regularly features illustrated, footnoted articles contributed by attorneys and others, who conduct original research to prepare the articles.

Several court historical programs that publish newsletters also maintain their own Web sites, suggesting that the two media can be used to reach different audiences or to reinforce the program's outreach effort.

The following is a list of program-sponsored newsletters:

- *The Court Legacy*, the Historical Society for the United States District Court for the Eastern District of Michigan
- *Court Historical Society Newsletter*, the Historical Society of the United States District Court for the Eastern District of Tennessee
- *Nunc Pro Tunc*, the Historical Society of the United States District Court for the District of New Jersey
- *Historical Society News*, the Historical Society of the United States Courts in the Eighth Circuit
- *The Historical Reporter*, the Historical Society of the U.S. District Court for the Northern District of California
- *11th Circuit Historical News*, the Historical Society of the United States Courts in the Eleventh Circuit
- *Oregon Benchmarks*, the U.S. District Court of Oregon Historical Society.

Journals

The Ninth Judicial Circuit Historical Society publishes a scholarly journal, *Western Legal History*, which focuses on the legal history of the western United States and the Pacific territories. This semiannual publication features original scholarly articles, book reviews, bibliographies of articles related to western legal history, and information about the historical society.

This kind of scholarly journal requires a significant commitment of staff and funds but makes an important and lasting contribution to scholarly research. Historical programs that want to pursue the idea of a scholarly journal might want to consider the possibility of a partnership with a law school or university.

Web sites

The Internet or the judiciary's intranet are suitable for presenting a variety of information about court historical programs. Several court historical programs use Web sites to present announcements of activities, online versions of photo exhibits, historical information about the court, and names of program officers and contacts. A few post extensive text drawn from published histories of the court and back issues of printed newsletters.

Historical programs conducting an oral history project may want to consider presenting oral histories in some format on the Internet or the judiciary's intranet. Many libraries and sponsors of oral histories have found that the Web is an effective and relatively inexpensive way to make the interviews available to the public. Some additional formatting may be necessary to present the text in more readable sections, but the effort is offset by the lower costs of distribution.

Almost all of the court-history-related Web sites are hosted by the official site of the court with which the historical program is affiliated. Only a few have established independent sites. Links to Web sites related to court history are available on the Federal Judicial Center's home page at <http://www.fjc.gov/history/home.nsf>.

Oral Histories

Oral history projects are one of the most popular activities for federal court historical programs. A modest oral history project is within the means of most historical programs, and the representatives of the histori-

cal programs are often in the best position to identify valuable subjects for oral history interviews and to approach the judges and others who might participate. In addition to making a substantive contribution to the historical record, oral history projects are a practical way for a court historical program to involve judges and other members of the court family in its activities and to build relationships with lawyers and scholars in the community.

Although oral history projects may be easily initiated, their success requires thorough preparation for the interviews, extensive editorial work to make the transcriptions an accessible record of the court's history, and some oversight to maintain consistency and adherence to the goals of the project. Much of the work involved in an oral history takes place after the interviews are completed.

Defining oral history

Oral history is a method of collecting and preserving information about the past. Oral historians create historical materials by interviewing people and by recording and transcribing their recollections about events, institutions, and individuals. Some of the most well-known oral history projects, such as the interviews with former slaves recorded by Works Progress Administration (WPA) historians in the 1930s, document the lives of individuals who left little or no written record of their experiences. Other oral history projects, such as those conducted by the presidential libraries, record the memories and experiences of well-known individuals at the highest levels of government. These interviews with notable figures seek to fill the gaps in the written record and to reveal attitudes and perspectives missing from traditional documentary sources.

In recent years, oral histories have become a popular project for local organizations seeking to reconstruct the history of their communities. Oral history has come to encompass nearly the full range of topics studied by historians. Regardless of the subject, oral histories tend to be most successful in documenting experiences, perceptions, and memories, rather than recovering precise factual details about the past.

The contribution of oral history to federal judicial history

Oral history is of particular value to students of the federal courts because the official record of the nation's judiciary is limited to published opinions and to case files and summaries of judicial administration preserved

at the National Archives and Records Administration. These records are the starting point for most historical research on the federal courts, but they contain little information about the individuals who perform the work of the judiciary or about the institutional culture of the courts.

The historical record of the federal courts has been enriched by oral histories of judges, court staff, law clerks, attorneys, litigants, and others who have had significant interactions with the judiciary. These oral histories contribute to an understanding of such topics as the deliberative process, judicial nominations, the role of court officers in the operations of the federal courts, and the challenges of judicial administration. Oral histories also explore the public's interactions with the court system and relations between the judiciary and the other branches of the government.

Many well-known books on judicial history have relied on oral histories. Richard Kluger's *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (1975) drew on dozens of interviews with judges, law clerks, and those involved in the litigation leading up to the Supreme Court decision barring racial segregation of public schools. Jack Bass, author of *Unlikely Heroes* (1981), conducted oral histories with sixteen judges from the Fifth Circuit for his history of civil rights litigation in the federal courts of the Deep South. One of the most acclaimed judicial biographies of recent years, Gerald Gunther's *Learned Hand: The Man and the Judge* (1994), relied on more than three dozen oral histories with Hand's former law clerks to supplement the judge's extensive personal papers. Other court histories that have benefited from oral history interviews are Charles Zelden's *Justice Lies in the District: The U.S. District Court, Southern District of Texas, 1902–1960* (1993) and Richard Cahan's *A Court That Shaped America: Chicago's Federal District Court from Abe Lincoln to Abbie Hoffman* (2002).

Starting an oral history project

Defining the goals and the scope of the project and establishing certain procedures at the outset will help to ensure that an oral history project will create a valuable resource for court history. Well before any interviews begin, it will be helpful to ask a series of questions. What aspect of the court's history will the project seek to document? Who is the intended audience for the oral histories? How will the oral histories be made available? Who will be responsible for conducting the interviews

and who will oversee the project? What, if any, restrictions will be placed on access to the interviews? Regardless of the scope of an oral history project, its organizers will need to consider the costs and the availability of persons to work on the project.

Costs

The costs of an oral history project will depend on the scope of the project, the use of professional transcribers and editors, and the purchase of equipment. Other than equipment, the greatest costs will be the use of professional transcription services. These costs, however, need to be balanced against the large investment in time required for an accurate transcription, usually estimated at more than eight hours of work for each hour of an interview.

Some costs will be inevitable, but the reliance on dedicated volunteers can bring an oral history project within the reach of most historical programs. For example, the Historical Society of the District of Columbia Circuit, which operates one of the more ambitious court-related oral history projects, relies on volunteer members of the local bar and area law professors to conduct interviews, to provide transcription services, to donate recording equipment, and to draft certain legal agreements.

Court historical societies that are qualified to accept donations may find support for an oral history project from foundations or other grant-making institutions, particularly if the project will produce a publicly available series of interviews on a broad topic of judicial history.

Determining the subjects of oral histories

Many court oral history projects concentrate on the biographies of individual judges. Other projects survey an important transition or development in the history of the court, such as the authorization of bankruptcy judgeships or the construction of a courthouse. Oral histories might also be organized by topic, such as a significant case or an area of litigation that was particularly important for a district or circuit.

The most common subjects of oral history projects sponsored by federal court historical programs are the judges of the district courts and the courts of appeals. Typically the judges are interviewed some time after they assume senior status or retire, when they have more flexibility in their schedules and have developed the perspective gained from years of service on the bench. These oral histories generally focus on the biogra-

phy of the judge and seek to establish a record of that individual's experience on the court and reflections on the judiciary. Biographical oral histories of judges serve as a resource for the court's history, for study of notable cases heard by a judge, and for more general histories of the times.

Projects with a topical or institutional focus might interview court officers and staff, members of the bar, parties to interesting cases, and others who can provide a varied picture of federal judicial history and of a particular court's place in its community. Court officers and staff are especially valuable subjects for projects that want to record the history of the court's operations and functions. Such projects will be more ambitious enterprises, but ones that have the potential to contribute to a more detailed history of the court and its public role.

Selecting an interviewer

If possible, the individual or individuals selected to conduct interviews for an oral history project should have previous oral history experience or have attended an oral history workshop. An interviewer should also have extensive knowledge of the project's goals, the relevant history of the court, and the subjects' life and work, although the interviewer can acquire this knowledge through research before the start of the oral history.

The subject of an oral history should have confidence in the interviewer and feel comfortable talking candidly. For this reason, many oral histories of federal judges have been conducted by their former law clerks, by members of the local bar, or by others with whom the judges have a working relationship. Other oral history projects have obtained a valuable perspective on court history by using interviewers, such as historians or law professors, who have no personal connection with the judge or the court but are experts on the court's business or the relevant period of public affairs.

Selecting a format for recording oral histories

Oral histories have traditionally been recorded on audiotapes and then transcribed for use by researchers. This format continues to meet the needs of most researchers and people interested in a court's history. Many projects now record interviews on video to capture insights into the personality and attitudes of a subject and to document a revealing setting, such as a judge's chambers or the interior of a historic court-

house. A video record is essential if the historical program anticipates use of the oral histories in exhibits or documentaries. If the goal is simply to produce research materials, a video of a single segment will document the image of the subject, and audio recordings of the remaining segments will reduce costs and make scheduling much easier.

Until recently, video recording substantially increased the costs of an oral history project and required more people to assist in the recording and editing of interviews. Developments in digital technology and the ease of use of newer recorders have made video more practical and less expensive than in the past, although it still makes for a more complicated and costly project than one that relies on audio recordings. It is usually possible for an interviewer to operate an audio recorder without assistance.

Digital recording makes it possible to post audio or video clips of interviews on the Internet. The rapidly changing technology for digital recording and concerns about preservation of all electronic formats make it difficult to offer up-to-date advice on choices of format and equipment. The oral history professional associations and regional oral history workshops are good resources for information on the latest practices and opportunities. A list of these resources appears at the end of this section.

Preparing for the interviews

A successful oral history interview requires extensive preparation by both the interviewer and the interviewee. Interviewers should be familiar with the relevant period of the court's history and the career of the interviewee. Those interviewing judges should read the judge's most important decisions and become familiar with other significant events in the judge's career, especially for chief judges and others who were involved in judicial administration. A solid understanding of the events and topics to be discussed will enable the interviewer to formulate more useful questions and to supply the context that might be necessary to help a general audience understand the interviewee's comments. A well-prepared interviewer is also more likely to gain the trust and confidence of the interviewee.

The preparation of an outline of subjects to be discussed will allow the interviewee to review whatever materials might refresh memories and prompt suggestions for additional topics for discussion. Where possible, the interviewer and the interviewee should meet before the first session

to establish a rapport, to discuss the objectives and scope of the interview, and to ensure that the interviewee understands and is comfortable with the equipment that will be used to record the sessions.

Conducting the interviews

There is no universal formula for conducting an oral history interview, nor is it advisable to follow a prepared script. Certain steps can be taken to increase the likelihood of a successful interview, however, and interview strategies will vary according to the subject and goals of the project.

At the outset of the session, the interviewer should state his or her name, the name of the interviewee, and the date and location of the interview. To place the interviewee at ease and to prompt thinking about the past, it can be helpful to begin the interview with general questions about the time period covered by the oral history project. For biographical projects, these general questions can focus on family background and early education.

Since the purpose of oral history is to record the subject's recollections rather than to obtain or confirm factual information, most questions should be open-ended. A question such as "Tell me about your relationship with President Reagan" is much more likely to stimulate an interesting response than is a question such as "Who appointed you to the district court?" Where details about an event or a person are sought, questions should proceed from the general to the specific.

The interviewer should do more listening than talking during an interview. Interruptions should be limited to those necessary to prevent the interview from straying from the focus of the project or to limit repetition.

A single interview session should last no longer than two hours. Additional sessions, as necessary, should be scheduled at a later date, after the interviewee has reviewed a transcript of the earlier session.

Transcription and editing

Timely transcription of each interview will allow the participants to review the document and correct any errors while the session is fresh in their minds. Review of the transcriptions will also encourage them to suggest topics for the next session. This is a good point at which to ask the interviewee to explain any references or abbreviations that are not clear. Some interviewees will suggest that certain comments made during

the course of the interview be rephrased or even deleted from the transcript. To the extent that they do not substantially alter the tenor of the interview, such revisions ensure the best record of the interviewee's thoughts and intentions. A transcript that has been edited and revised by the interviewee should be labeled as such.

Indexing and annotation will greatly enhance the research value of the oral history. Indexing is particularly important if the oral history is lengthy. At a minimum, before they are deposited in an archive, oral history transcripts should be supplemented with a biographical sketch of the interviewee and with information about the interviewer and the date, location, and circumstances of the interview. Relevant photographs, clippings, and documents written by or about the interviewee can also be appended to an oral history transcript to provide researchers with a context for the interview. Although time-consuming to produce, a master index of all the topics discussed in all of the interviews that compose a particular oral history project will be an invaluable research tool, especially for users who are interested in the institutional history of the court.

Making oral histories available

Oral histories will only be as valuable as they are accessible to users interested in the history of the federal courts. During the planning stages of an oral history project, decisions about the preservation and archiving of the completed interviews will help to ensure the success of the project. Interviewees will find it easier to make decisions about the disposition of their particular oral history if they know the arrangements through which the project's oral histories will be made available to users.

Many court historical programs deposit copies of the completed oral histories in the court library, where they will be available to judges and court staff. Scholars and other students of the judiciary will find it easier to use the oral histories if they are also deposited with a university library or a local historical society that is equipped to process them and make them available. The oral histories commissioned by the Historical Society of the District of Columbia Circuit, for example, are deposited in three repositories: the Judges' Library at the local courthouse, the Manuscript Reading Room of the Library of Congress, and the Historical Society of Washington, D.C.

The choice of a repository will help to ensure that interested users learn about the oral histories. University libraries and historical societies

that accept oral histories will enter the transcripts in their own catalogs, many of which are available on the Internet. These repositories will also list the oral histories in one or more of the standard national catalogs, such as the Online Catalog Library Center; the Research Libraries Information Network (RLIN); and the National Union Catalog of Manuscript Collections (NUCMC), maintained by the Library of Congress. Many court historical programs also announce the availability of their oral histories in newsletters and on court Web sites.

Internet presentation of the transcripts provides the most cost efficient and effective means of making oral histories available to the public. Many libraries and historical societies outside the courts have found that oral histories can be easily formatted for presentation on the Internet, as long as lengthy interviews are divided into sections for easier reading on line. If a court historical program anticipates presenting an oral history project on the Internet, the release agreements (discussed below) should explicitly authorize such distribution.

Disposition, restrictions on use, and other legal considerations

To make an oral history available to the public, the sponsoring program needs to obtain a legal release agreement from the interviewee and, in most cases, from the interviewer. The recording of an interview automatically establishes a copyright in the content of the oral history. The release agreement, usually in the form of a deed of gift or occasionally a contract, assigns that copyright to the public domain or conveys it to an institution or oral history program. The legal release agreement also sets out any restrictions on the use of the oral history. Some interviewees may prefer that all or a portion of the oral history be restricted for a specified length of time. Others may want to make an edited transcription available but restrict access to the recordings. Restrictions should be imposed only for so long as they are necessary to meet legitimate concerns, such as protecting judicial confidentialities and preventing the release of any inappropriate comments about litigation that may be pending. Excessive restrictions will deter repositories from accepting the oral history and will often lead to neglect of the entire resource.

Although neither the federal government nor its employees acquire a copyright in works produced by those employees, it is still necessary to obtain releases from federal judges and court officers who conduct or give

oral history interviews if participation in an oral history project is not part of their official duties.

Some interviewees may choose to retain the copyright for their oral history and require permission from them or their heirs for use of the oral history; this is a complicated process that may deter repositories from accepting the oral history.

All restrictions should be made clear in writing to the sponsoring historical programs and whatever repository will hold the recordings and transcripts. Restrictions should also be indicated in any catalog entry of oral history interviews, so that prospective users will be aware of them. Possible restrictions and copyright issues should be discussed with interviewees and interviewers before any interviews are conducted, but agreements are usually signed after the edited transcript is completed. Sample release agreements that can be tailored to the needs of individual oral history programs appear in Appendix D. Most oral histories conducted in the federal courts can be released immediately without any concerns about violations of confidentiality or judicial ethics.

For an in-depth discussion of legal issues related to the practice and use of oral history, see John A. Neuenschwander, *Oral History and the Law* (Oral History Association 2002). This publication contains samples of the documents that a program might use to hire interviewers, to obtain copyrights by gift or by contract, and to regulate access to interview recordings and transcripts in accordance with any use restrictions placed upon them.

Oral history resources

The following resources offer guidelines and professional assistance for oral history projects.

Donald A. Ritchie. *Doing Oral History: A Practical Guide*. New York: Oxford, 2003. This updated version of a leading guide to oral history addresses the full range of issues involved in conducting oral history projects.

Oral History Association. The Oral History Association is a national professional organization that serves groups and individuals engaged in oral history. Its annual meeting provides a forum for discussion of oral history methods, theories of oral history, and the practical results of oral history projects. Its various publications provide standards and guidelines for the conduct of oral

histories. The association's Web site (<http://www.omega.dickinson.edu/organizations/oha>) offers links to regional oral history centers and other practical resources.

Oral History Review, the official publication of the Oral History Association, is published twice a year and presents articles on the practice of oral history as well as the results of oral history projects.

Oral History Evaluation Guidelines. Oral History Association, rev. ed., Sept. 2000. This publication offers standards for the conduct of an oral history project.

H-Oralhist is an on-line network for scholars and professionals active in studies related to oral history. It provides a list serve for on-line discussions and offers links to a wide variety of resources for oral historians. The Web site is <http://www.h-net.org/~oralhist/>.

Exhibits

Federal court historical programs often create exhibits for display in courthouses. Whether they are in accessible public spaces or in secure areas frequented by judges and court staff, historical exhibits are one of the most popular and effective ways to increase interest in the history of the federal courts. The subjects of the exhibits run the full range of judicial history: the careers of individual judges; historic courthouses, a topic that lends itself very easily to visual displays; notable cases or areas of litigation, such as school desegregation; and topics of institutional history, such as the role of the U.S. marshals or the bankruptcy courts. The format of the exhibits can be as simple as a few display cases in the court library or as elaborate as a large-scale, museum-style display of a variety of images, objects, and interactive media.

Content

Exhibit planning usually begins with a discussion of the expected audience and the subject matter or story line of the exhibit. Planners of court history exhibits will want to consider topics that lend themselves to effective visual displays. The most compelling exhibits will be those that seek to place the court's history in the context of a historical era and those that focus on the role of individuals or communities rather than on

legal principles or constitutional ideals. The judicial process, with its emphasis on lengthy documents and courtroom colloquies, can present challenges to anyone who wants to narrate court history through images and artifacts, but as many exhibits have demonstrated, the process of searching for visual materials often leads to a more inclusive definition of judicial history and makes the business of the courts accessible and compelling for public audiences. Portraits or photographs of the parties in a case help to convey the impact of court proceedings on individuals' lives. Prints of old courthouses, city views, and newspaper headlines establish the historical setting for court proceedings. The display of any exhibits submitted in a case makes the legal issues more immediate and tangible.

Documents can and almost always should be part of court history exhibits, but documents alone will not sustain the interest of most visitors. The most interesting documents for display will be those that as artifacts reveal something about the judicial process of the time or provide insights into an individual, rather than those that are important historical evidence based solely on the content of their text. Historical documents presented for the import of their text should be short and legible, or exhibit labels should direct visitors to the most interesting parts.

The staff at the National Archives and Records Administration Regional Research Centers, which hold the official records of the federal courts, are an excellent resource for identifying documents that are likely to be of interest and effective on display. Local libraries and historical societies and area newspaper archives are the best sources for images related to famous cases or the careers of judges.

Sites and format

Most historical programs are likely to begin the process of exhibit planning with a specific site in mind, and the available space will affect many choices about content and format. Often courts want to use courthouse lobbies and other public spaces for exhibits that help the public understand the work of the federal judiciary. Historical exhibits can be ideal for these civic education projects.

If the exhibit is to include historic documents, portraits, or other valuable artifacts, the display area will need to be in a controlled environment and secure from possible damage by visitors. The security procedures in most courthouses will usually be sufficient to protect displays.

If the area cannot be secured and the objects protected, the exhibit can consist of panels with copies of images and documents. Such an exhibit will require the services of a museum design consultant, but the investment is repaid in the exhibit's attractive design, its durability, and its portability, which allows the exhibit to be displayed in other courthouses within a district or circuit. The Second Circuit Committee on History and Commemorative Events, for example, sponsored a series of panel exhibits in New York City that explored such topics as the role of commissioners in the nineteenth century, the history of the Legal Aid Society, and bankruptcy law in the circuit.

The renovation of historic courthouses or construction of new facilities has provided some courts the opportunity to design dedicated exhibit space. At the Theodore Levin U.S. Courthouse in Detroit, the Historical Society for the U.S. District Court for the Eastern District of Michigan created a historical exhibit that occupies the space originally designed as the post office lobby. The teller windows and other architectural details were fitted to display documents from some of the court's most famous cases, images of former judges, and photographs of historic courthouses.

The choice of exhibit format will also depend on the nature of the items to be exhibited and the available funds. Many courts have display cases that are adequate for the display of documents, prints, and photographs, and such small-scale exhibits can often be mounted by court staff. More extensive exhibits will usually require hiring a museum design firm and constructing specially designed exhibit cases that will allow for the safe display of a variety of objects.

Historical exhibits now frequently include video or audio recordings. The Historical Society of the District of Columbia Circuit, for instance, developed an exhibit that combines sound clips from seven oral history interviews with a visual display about the judges who participated in the oral histories. The exhibit is located in the lobby of the E. Barrett Prettyman U.S. Courthouse in Washington, D.C. The use of recordings or electronic media will usually require hiring a museum design consultant.

Costs

Museum-scale exhibits are costly and usually require hiring museum design consultants who have experience in coordinating the complicated tasks of planning, development, and production. The research and collection of materials for a large exhibit are both time-consuming, as is the

design of the displays. Other potential costs include purchasing or constructing display cases; renovating or preparing space to accommodate the exhibit; producing posters, brochures, and educational materials; and obtaining insurance to protect valuable items. The Historical Society for the U.S. District Court for the Eastern District of Pennsylvania has been able to reduce its exhibit costs through partnerships with local historical museums, which provided much of the curatorial expertise for developing a pair of exhibits focusing on landmark civil rights cases.

Exhibit planners can consult a publication of the American Association for State and Local History: *Preparing Your Exhibits: Methods, Materials, and Bibliography*, and other related technical leaflets available through the association's Web site at www.aaslh.org. Local historical societies and history-related museums are a good resource for identifying museum design firms with experience in historical exhibits.

Lectures, Symposia, and Reenactments

Historical lectures are frequently a feature of the annual meeting of a court historical program. These talks emphasize the shared interests of the program's supporters and can be an effective way of promoting publications or inaugurating exhibits. The lecture events can also be used to recruit new members in a historical society. Historians, law professors, and judges are the most common speakers at these events.

Some court historical societies organize symposia that address a particular topic in the court's history or in the legal history of the jurisdiction. Through these more ambitious events, a society can establish valuable connections with the legal and academic communities in a court's area. The proceedings of the symposium can also be published so that the society can reach a wider audience. Symposia topics have included the contributions of women to law and legal culture in a judicial district, the maritime and admiralty law of a coastal judicial district, and the life and times of a notable courthouse architect. Some symposia serve as a kind of "live" oral history. At its annual meeting in 2003, the Historical Society for the U.S. District Court for the Eastern District of Michigan hosted a symposium on a well-known case from the 1960s, and the speakers included judges and lawyers who participated in the case.

The Historical Society for the Northern District of California has sponsored reenactments of famous trials in the court's history. These reenactments have required detailed research in court records, local news-

papers, and the papers of judges and lawyers, but they have proven very popular.

Educational Programs

As the federal judiciary expands its public outreach and civic education efforts, court historical programs are in a good position to provide materials and encouragement. The Judicial Conference Committee on the Judicial Branch's Subcommittee on Civic Education has endorsed a resolution recognizing "the central importance of civic education to justice and the rule of law in a democratic society" and calling for the establishment of civic education "as a high priority for all educational institutions."

The Discovering Justice program (www.discoveringjustice.org) in the First Circuit has demonstrated how historical cases can be an effective subject of civic education for young students. Discovering Justice presented a play about the trial of a fugitive slave in the 1850s and invited federal judges to meet with students to discuss how the judicial system dealt with the conflicts raised by the case. Historical programs in the federal courts can support these kinds of efforts through partnerships with local educational institutions and wider distribution of materials developed for publications, exhibits, and oral history projects.

The Federal Judicial Center has prepared educational materials on notable federal trials and great debates in U.S. history. The goals of this educational project are to provide educators and students with accessible information about the history of the federal courts and to facilitate the use of such materials in existing school curricula. The individual case units demonstrate that the federal courts have been an essential forum for discussion of significant political and social issues. The units on notable federal trials include documents from the formal court proceedings, biographies of the parties and judges, excerpts from contemporary media coverage, and commentaries by participants and observers. Descriptive texts provide a broad narrative of events and an analysis of the historical context for the cases. Each unit offers suggestions for the federal courts in using the materials in public outreach programs and guides for incorporating the materials in high school curricula. The units, which include the trial of Susan B. Anthony, the *Amistad* case, and the court enforcement of school desegregation in New Orleans, are available on the FJC's home page at <http://www.fjc.gov/history/home.nsf>.

Court historical programs also have developed innovative ways to encourage and recognize student research on the history of the federal courts. One historical program offered stipends to graduate students who engaged in research on federal court records. Another offers prizes to encourage student research in legal history and to honor legal history projects developed by participants in National History Day competitions. The U.S. District Court of Oregon Historical Society presents an annual educational program that offers summer law clerks a review of the court's history. The society received a foundation grant to provide copies of its book-length court history, *The First Duty*, to high school libraries throughout the state.

Records Preservation

Many court historical programs play a role in preserving some portions of the historical record of the federal judiciary. Many historical materials that document the judiciary are not part of the official federal court records and therefore are not preserved in the regional branches of the National Archives. These non-official records include photographs of judges, court personnel, and courthouses; programs and other materials relating to special events and ceremonies held at the court; and publications about the court and its judges. Courts are occasionally the recipients of memorabilia from a judge's chambers, and these artifacts have served as the basis of broader historical exhibits, such as one centered on Justice Byron White in the U.S. Courthouse in Denver, Colorado, and one in the U.S. Courthouse in Atlanta that surveys the career of Judge Elbert Tuttle. In most courts, such materials are collected, preserved, and organized by court librarians or by clerks' office staff, though a few courts have hired a full-time archivist or historian to maintain historical reference materials about the court.

The chambers papers and other personal records of a judge are not part of the official court records. Court historical programs sometimes coordinate efforts to make judges aware of the historical value of their papers and to assist them in identifying a repository that is capable of accepting the papers and making them available for eventual use by scholars and other students of judicial history. Programs interested in preserving judges' papers can consult *A Guide to the Preservation of Federal Judges' Papers* (Federal Judicial Center 1996).

Resources for Court Historical Programs

Federal Judicial Center

A statutory mandate of the Federal Judicial Center is to “conduct, coordinate, and encourage programs relating to the history of the judicial branch of the United States government.” In furtherance of that mandate, the Federal Judicial Center provides courts with a variety of resources to support court historical programs and to assist researchers interested in the history of the federal courts. The Center’s Federal Judicial History Office makes available the results of its own research on judicial history and compiles judicial history reference guides to promote historical study of individual courts and judges. The history office also serves as a clearinghouse for information about historical programs in the federal courts.

The Federal Judicial History site on the FJC’s home page (<http://www.fjc.gov/history/home.nsf>) serves as a reference source for research on the history of the federal court system. The Federal Judges Biographical Database includes the service record and biographical profile of all federal judges appointed with life tenure since 1789. This database, which is the only complete record of federal judicial service available in any format, allows users to create customized searches to analyze groups of judges, such as all who were appointed by a certain president or all who served on a type of court during a specific span of years.

The biographical profiles are linked to entries from three historical reference guides compiled by the FJC. The guide to manuscript collections lists the principal collections of judges’ papers at libraries and research centers throughout the nation, the oral history directory lists oral histories conducted with federal judges and available to researchers, and the bibliography presents citations to scholarly publications related to a judge.

The Courts section on the Federal Judicial History site provides the legislative history of the judgeships and jurisdictional divisions of all district and circuit courts. This section also describes the history of each type of court that has been a part of the federal judiciary, including courts of special jurisdiction.

The Judicial Administration section of the site lists the historical organization of the federal judicial circuits, describes the various federal

agencies that have had administrative responsibility for the federal courts, and offers a brief history of the principal officers and staff positions in the courts.

A section on historic courthouses presents photographs of more than 600 buildings that have served as federal courthouses. These images from the collections of the National Archives and the Library of Congress can be downloaded in a high-resolution format for use by individual courts.

Other features of the Federal Judicial History site include educational units devoted to significant federal trials, news of court historical programs, and links to federal court history Web sites.

The Federal Judicial History Office welcomes researchers who want to use the office's more extensive files on judges, courts, and other aspects of judicial history. The office also answers reference questions from the courts and the general public. The office can be reached by phone at 202-502-4180, or questions can be submitted on line at www.fjc.gov/history/home.nsf.

National Archives and Records Administration

The starting point for most research on the history of a federal court is the National Archives and Records Administration (NARA), which holds the official records of the courts. These records are preserved at the regional facilities of NARA. In addition to documenting the cases and proceedings in the courts, the materials at NARA are essential for identifying the service of judges and court officers and the meeting places of the court. The location of each court's records is listed in Appendix E.

The reference staff at NARA's regional archives are invaluable contacts for anyone who wants to learn about the documentary sources for a court's history. NARA staff can explain the most frequent uses of court records and often know about the most interesting case records. They can also be helpful in identifying documents and other materials that might be suitable for exhibits.

Historical Societies

The State and Federal Court Historical Societies Roundtable is a group of representatives from court historical programs throughout the United States. The group meets in conjunction with the annual meeting of the American Association for State and Local History and coordinates panel

discussions to share ideas about various programs related to court history. Topics of discussion have included the organization of an independent court historical society, public outreach programs for students, fund-raising and membership campaigns, and the staging of historical reenactments. For information about future meetings of the State and Federal Court Historical Societies Roundtable, contact the Federal Judicial History Office at the FJC, at 202-502-4180.

The American Association for State and Local History is a professional membership organization that serves a broad array of historical organizations, including many small and specialized historical societies such as those associated with the federal courts. The association offers its members technical resources, professional development workshops, and publications that help historical societies plan exhibits, publications, oral history projects, and educational outreach. The association's Web site is <http://www.aaslh.org>.

State and local historical societies within the jurisdiction of a federal court are good resources for research and exhibit materials, as well as information on area museum design consultants. A *Directory of Historical Organizations in the United States and Canada* is published biennially by the American Association for State and Local History.

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*Appendix A: Sample Bylaws and
Articles of Incorporation for a
Court Historical Society*

BYLAWS
for the
NORTHERN DISTRICT OF ILLINOIS
COURT HISTORICAL ASSOCIATION
a Not-for-Profit Corporation

Section 1. Name. The name of the corporation is “Northern District of Illinois Court Historical Association.”

Section 2. Address. The name of the corporation’s agent and the address of its registered office is:

[name and address of the corporation’s agent]

Section 3. Purposes. The corporation is incorporated under the Illinois General Not For Profit Corporation Act of 1986, 805 ILCS 105/101.01 *et seq.*, exclusively for education and charitable purposes within the meaning of 501(c)(3) of the Internal Revenue Code of 1986, or the corresponding provisions of any future United States Internal Revenue Law (hereinafter referred to as the “Code”). To further its exempt purposes, the corporation will:

(a) Research such historic, scientific, literary and other documents, records, objects, memorabilia of or relating to the United States District Court for the Northern District of Illinois (“District Court”) and any other miscellaneous data as are pertinent to increased public knowledge of the District Court and its place in American history;

(b) Publish and disseminate materials acquired to scholars, historians, and the public under conditions prescribed from time to time by the Board of Directors;

(c) Acquire through gift or loan, or on occasion through purchase, when and as funds for such purposes become available, documents, objects of historical significance, or objects of personal property or other memorabilia which may relate to the corporation’s purposes, or incorporated into continuing displays within the Court building or elsewhere, in

order to portray to visitors to the premises the persons and events associated with the District Court in the course of its history;

(d) Preserve documents, records, objects and memorabilia which are of significance for the benefit of scholars and the people in general especially as those materials affect the development, functions, personnel, buildings and history of the District Court, and as such preservation may be accomplished through specified activities such as the installation and presentation of educational exhibits, documentation, registration, storage, and when necessary through acceptance of gifts of services and materials for preservation, conservation, maintenance and security of any articles or data acquired for such exhibits;

(e) Acquire, own, hold, improve, use and pledge, sell, donate or otherwise dispose of any personal property wherever situated including gifts to the District Court, and borrow sums of money, all in furtherance of the corporation's objectives and purposes, and subject always to the provision of the introductory paragraph in this section;

(f) Accept contributions from the public in varying amounts, in return for membership in the corporation and benefits derived therefrom, or any otherwise lawful contributions independent of membership;

(g) Employ such staff, personnel or agents as may be necessary, enter into contracts, and do each and everything now or hereafter permitted by the not-for-profit law of the State of Illinois which are necessary, suitable or proper for the accomplishment of any of the purposes or the attainment of any one or more of the objects herein enumerated or which shall at any time appear to be conducive to, or expedient for, the protection or benefit of the corporation and which are not inconsistent with these By-laws or the Articles of Incorporation, and subject always to provisions of the introductory paragraph in this section; and

(h) Grant funds for all lawful activities that may be incidental to or reasonably necessary for any of the foregoing purposes, and have and exercise all other powers and authority now or hereafter conferred upon not-for-profit corporations by the laws of the State of Illinois.

Section 4. Prohibited Activities. The corporation is subject to the following prohibitions:

(a) No part of the net earnings of the corporation shall inure to the benefit of the corporation or be distributed to its directors, officers, members or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services

rendered and to make payments and distribution in furtherance of its exempt purposes.

(b) No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

(c) Notwithstanding any other provision of these bylaws, the corporation shall not carry on any other activities not permitted to be carried on by (i) a corporation exempt from federal income tax under section 501(a) of the Code as an organization described in section 501(c)(3) of the Code; or (ii) a corporation, contributions to which are deductible under section 170(a) of the Code as being an organization referred to in section 170(c)(2) of the Code.

Section 5. Dissolution. Upon dissolution, the corporation shall, after paying or making provision for the payment of all liabilities of the corporation, distribute all of its net assets, if any, to the United States of America.

Section 6. Additional Restrictions. Notwithstanding any other provisions of these bylaws, at all times when the corporation is a private foundation within the meaning of section 509 of the Code, it shall be subject to the following additional restrictions:

(a) It shall distribute its income at such times and in such manner as not to subject it to any tax under section 4942 of the Code;

(b) It shall not engage in any act of self-dealing as defined in section 4941(d) of the Code;

(c) It shall not retain excess business holdings as defined in section 4943(c) of the Code;

(d) It shall not make any investment as would subject it to section 4944 of the Code;

(e) It shall not make any taxable expenditure as defined in section 4945(d) of the Code.

Section 7. Not-for-Profit. The corporation does not contemplate pecuniary gain or profit, incidental or otherwise.

Section 8. Term. The term for which the corporation is to exist is perpetual.

Section 9. Non-Stock Corporation. The corporation is organized as a non-stock corporation.

Section 10. Incorporators. The names and addresses of the incorporators are as follows:

[names and addresses of the three incorporators]

Section 11. Board of Directors and Officers. The first board of directors shall have six members. The names and addresses of the initial board and officers are as follows:

[names, addresses, and positions of the seven board members and officers]

(b) *Private Property.* The private property of the incorporators, trustees, officers and members of the corporation shall not be subject to the payment of corporate debts to any extent whatsoever.

(c) *Officers.* The officers of the corporation shall be the Chair of the board of directors, a president, one or more vice presidents (the number thereof to be determined by the board of directors), a secretary-treasurer, and such other officers as may be elected or appointed by the board of directors. Officers whose authority and duties are not prescribed in these bylaws shall have the authority and perform the duties prescribed, from time to time, by the board of directors. Any two or more offices may be held by the same person. The initial officers and directors shall be those persons identified in these bylaws.

(d) *Election and Term of Officers.* Vacancies may be filled or new offices created and filled at any meeting of the board of directors. Each officer shall hold office until (i) the officer's successor has been duly elected; (ii) the officer's death; (iii) the officer resigns; or (iv) the officer has been removed in the manner hereinafter provided. Election of an officer shall not of itself create contract rights.

(e) *Removal of Officers.* Any officer elected or appointed by the board of directors may be removed by the board of directors whenever in its judgment the best interests of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

(f) *Chair.* The Chair shall be a district judge of the District Court who is a member of the corporation. Successors to the Chair shall be selected by the Executive Committee of the District Court. The Chair shall preside at meetings of the board and at membership meetings. The Chair shall exercise authority consistent with these bylaws and, in general, he or she shall discharge all duties incident to the position of Chair

and such other duties as may be prescribed by the board of directors or, in the absence of the president, the duties of the president.

(g) *President.* The president shall be the principal executive officer of the corporation and shall be a member of the bar of the District Court. Successors to the initial chair shall be selected from among eligible members of the corporation. Subject to the direction and control of the board of directors, he or she:

- (1) shall be in charge of the business and affairs of the corporation;
- (2) shall see that the resolutions and directives of the board of directors are carried into effect except in those instances in which that responsibility is assigned to some other person by the board of directors;
- (3) shall discharge all duties incident to the office of president and such other duties as may be prescribed by the board of directors; and
- (4) may execute for the corporation any contracts, deeds, mortgages, bonds, or other instruments that the board of directors has authorized to be executed, unless the authority to execute is expressly delegated to another officer or agent of the corporation or a different mode of execution is expressly prescribed by the board of directors or these bylaws.

(h) *Secretary-Treasurer.* The secretary-treasurer shall be the principal accounting and financial officer of the corporation. The secretary-treasurer shall:

- (1) have charge of and be responsible for the maintenance of adequate books of account for the corporation;
- (2) have charge and custody of all funds of the corporation and for the receipt and disbursement of the funds;
- (3) record the minutes of the meetings of the members and of the board of directors in one or more books provided for that purpose;
- (4) see that all notices are duly given in accordance with the provisions of these bylaws or as required by law;
- (5) be a custodian of the corporate records and of the seal of the corporation;
- (6) keep a register of the post office address of each member;

- (7) serve as the corporation's registered agent; and
- (8) perform all duties incident to the office of secretary-treasurer and such other duties as from time to time may be assigned to him or her by the president or by the board of directors.

(i) *Powers of Board of Directors.* The affairs of the corporation shall be managed by or under the direction of its board of directors. The board of directors shall set the qualifications for membership. A majority of the board of directors may establish reasonable compensation for their services and the services of other officers, irrespective of any personal interest.

(j) *Number, Tenure and Qualifications of Board of Directors.* The number of directors shall be six. Each director shall hold office for a one-year term or until a successor is appointed. Directors need not be residents of Illinois or members of the corporation. The number of directors may be decreased to not fewer than three or increased by the board of directors. No decrease shall have the effect of shortening the term of any incumbent director.

(k) *Meetings.* A regular annual meeting of the board of directors and of the membership shall be held without other notice than these bylaws, immediately after, and at the same place as, the annual meeting of members. The board of directors may provide, by resolution, the time and place for the holding of additional meetings of the board without other notice than such resolution.

(l) *Special Meetings.* Special meetings of the board of directors and the members may be called by the directors. The person or persons authorized to call special meetings of the board may fix any place as the place for holding any special meeting of the board called by them.

Section 12. Members

(a) *Classes of Members.* The corporation shall have one class of members. The members of the corporation shall consist of the Incorporators and such additional persons as may be admitted to membership in accordance with these bylaws.

(b) *Election of Members.* Members shall be elected by an affirmative vote of the board of directors.

(c) *Voting Rights.* Each member shall be entitled to one vote on each matter submitted to a vote of the members.

(d) *Termination of Membership.* The board of directors by affirmative vote may suspend or expel a member for cause after an appropriate hear-

ing, and may terminate the membership of any member who becomes ineligible for membership, or suspend or expel any member who shall be in default in the payment of dues.

(e) *Resignation.* Any member may resign by filing a written resignation with the secretary-treasurer, but such resignation shall not relieve the member so resigning of the obligation to pay any dues, assessments, or other charges theretofore accrued and unpaid.

(f) *Reinstatement.* Upon written request signed by a former member and filed with the secretary-treasurer, the board of directors may, by the affirmative vote of two thirds of the members of the board, reinstate such former member to membership on such terms as the board of directors may deem appropriate.

(g) *Transfer of Membership.* Membership in this corporation is not transferable or assignable.

(h) *No Membership Certificates.* No membership certificates of the corporation shall be required.

(i) *Annual Meeting.* In accordance with Section 11(k), an annual meeting of the members shall be held each year for the purpose of electing directors and for the transaction of such other business as may come before the meeting.

(j) *Special Meeting.* Special meetings of the members may be called by the board of directors in accordance with section 11(l).

(k) *Dues.* Each member shall pay annual dues of \$10.00, or such other sum as determined by the board of directors.

Section 13. Contracts, Checks, Deposits and Funds

(a) *Contracts.* The board of directors may authorize any officer or agent of the corporation in addition to the officers authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

(b) *Checks and Drafts.* All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or agent of the corporation and in the manner determined by resolution of the board of directors. In the absence of a resolution by the board of directors, instruments shall be signed by the secretary-treasurer.

(c) *Deposits.* All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks or other depositories as the secretary-treasurer may select.

(d) *Gifts.* The board of directors may accept on behalf of the corporation any contribution, gift, bequest, or devise for any general or special purpose of the corporation.

Section 14. Waiver of Notice

Whenever notice is required to be given under the provisions of the General Not For Profit Corporation Act of Illinois or under the provision of the articles of incorporation or these Bylaws, a waiver in writing, signed by the person(s) entitled to such notice, whether before or after the time stated therein, will be deemed equivalent to giving such notice. Attendance at any meeting will constitute waiver of notice unless the person at the meeting objects to holding of the meeting because proper notice was not given.

Section 15. Amendment of Bylaws

The power to alter, amend or repeal these bylaws or adopt new bylaws is vested in the board of directors. Such action may be taken at a regular or special meeting for which written notice of the purpose shall be stated. The bylaws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

IN TESTIMONY WHEREOF, the Incorporators have signed these Bylaws this ____ day of _____, 1997.

[signatures of the three incorporators]

Approved and filed in the office of the Secretary of State of Illinois on the ____ day of _____, 1997.

**THE HISTORICAL SOCIETY OF THE TENTH
JUDICIAL CIRCUIT
BYLAWS**

**ARTICLE I
OFFICES**

§1. **Principal Office.** The principal office for the transaction of the business of the Society is hereby located at the Byron White U.S. Court-house, 1823 Stout Street, Denver, Colorado 80257.

§2. **Registered Office.** The Society, by resolution of its board of directors, may change the location of its registered office as designated in the Articles of Incorporation to any other place in Colorado. By like resolution the resident agent at such registered office may be changed to any other person or corporation. Upon adoption of such a resolution, a certificate certifying the change shall be executed, acknowledged and filed with the Secretary of State in accordance with the provisions of the Colorado Revised Nonprofit Corporation Act.

§3. **Other Offices.** Branch or subordinate offices may at any time be established by the board of directors at any place or places where the Society is qualified.

**ARTICLE II
MEMBERS**

§1. **Members.** Membership in the Society shall be open to individuals, organizations, institutions, and corporations interested in advancing the purposes of the Society. None of the members of this Society have any voting rights and are thus not “members” within the meaning of the Colorado Revised Nonprofit Corporation Act (the “Act”) entitled to rights set forth in that Act. Various membership categories and annual contributions for such membership categories shall be as established from time to time by the Board of Directors.

§2. **Application for Membership.** Applications for membership shall be made in the manner prescribed by the board of directors.

§3. **Transfer of Membership.** Memberships in the Society shall be nontransferable.

§4. **Termination of Membership.** A member may resign his, her or its membership at any time by notifying the secretary. Membership shall

terminate automatically one year from the date of the member's contribution unless renewed with a new contribution.

§5. **Meetings.** Annual meetings shall not be required. However, notice of the time and place of any meetings that are held shall be sent (to the address on file with the Secretary) at least fourteen (14) days in advance of the meeting.

§6. **Members' Rights.** Members shall have rights to attend any meetings that are called but they shall have no rights that are inconsistent with qualifying all payments made by members as tax deductible contributions. The Society intends, but is not obligated, to provide to members with an annual report on the Society's membership and financial status, the nature and location of historical displays in courthouses or elsewhere within the Tenth Circuit, scheduled events, ongoing projects, and other activities of the Society. It intends to make available to members monographs on historical figures and events that it publishes or promotes. It intends to encourage members to suggest projects to be undertaken by the Society and to volunteer themselves for particular activities they believe will further the educational purposes of the Society.

§7. **Inspection of Bylaws.** The Society shall keep at its principal office for the transaction of business the original or a copy of these bylaws as amended to date, certified by the secretary, which shall be open to inspection by the members at all reasonable times during ordinary business hours.

ARTICLE III DIRECTORS

§1. **Powers.** As set forth in the Articles of Incorporation, subject to the duties of directors as prescribed by these bylaws, all corporate powers shall be exercised by or under the authority of, and the business and affairs of the Society shall be controlled by, the board of directors, which shall have all the powers granted by Colorado law. Subject to any limitations proscribed by law or other provisions of these bylaws, it is hereby expressly declared that the board of directors shall have the following powers, to wit:

First: To alter, amend or repeal the bylaws of the Society.

Second: To select and remove any officers, agents and employees of the Society, prescribe such powers and duties for them as may not be inconsistent with the law, or with the Articles of Incorporation or

the bylaws, fix any compensation, and require from them security for faithful service.

Third: To conduct, manage, and control the affairs and business of the Society, and to make such rules and regulations therefore not inconsistent with the law, or with the Articles of Incorporation or the bylaws, as they may deem best.

Fourth: To change the principal office and registered office for the transaction of the business of the Society from one location to another as provided in Article I hereof; to fix and locate from time to time one or more subsidiary offices of the corporation within or without the State of Colorado; to designate any place within or without the State of Colorado for the holding of any members' meeting or meetings; to adopt, make and use a corporate seal; to prescribe the categories and conditions of membership and the forms of membership certificates, if any; and to alter the categories and conditions of membership and membership certificates and seals as the board shall determine from time to time.

Fifth: To borrow money and incur indebtedness for purposes of the Society, and to cause to be executed and delivered therefor, in the Society's name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations or other evidences of debt and securities therefor.

Sixth: To appoint an executive committee and other committees, and to delegate to such committees any of the powers and authority of the board in the management of the business and affairs of the Society, except the power to adopt, amend or repeal bylaws. Any such committee shall be composed of two or more directors.

§2. Number and Qualifications of Directors. The authorized number of directors of the Society shall be no less than five (5) nor more than twenty-one (21) until changed by amendment to this bylaw. Two directors shall serve ex-officio: the Tenth Circuit Executive and the Tenth Circuit Librarian (or his or her designee).

§3. Selection and Term of Office. The board of directors shall select their replacement directors upon such terms and conditions as established by resolution of the board of directors from time to time.

§4. Resignation and Removal. A director may resign by notification to the Secretary. A director may be removed from office at any time,

with or without cause, by a majority vote of the other directors. Vacancies on the board shall be filled in the same manner as set forth in §3.

§5. Place of Meetings. Regular and special meetings of the board of directors shall be held at any place within or without the State of Colorado which has been designated from time to time by resolution of the board or by consent of all members of the board. In the absence of such designation, all meetings shall be held at the principal office of the corporation.

§6. Organizational Meetings. No annual meeting is required. But at least once each two years the board of directors shall hold a regular meeting for the purpose of organization, election of officers, and the transaction of other business. Notice of the time and place of such meeting will be given to board members at least fourteen (14) days in advance of the meeting date.

§7. Other Regular Meetings. Other regular meetings of the board of directors shall be held without call at such time as the board of directors may designate in advance of such meetings. Notice of all such regular meetings of the board of directors is hereby waived.

§8. Special Meetings. Special meetings of the board of directors for any purpose or purposes shall be called at any time by the president or, if he or she is absent or unable or refuses to act, by three or more directors. Notice of such special meetings, unless waived by attendance thereat or by written consent to the holding of the meeting, shall be given by written notice mailed at least five (5) days before the date of such meeting or hand-delivered or notified by e-mail at least two (2) days before the date such meeting is to be held. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail with postage thereon addressed to the director at his or her residence or usual place of business.

§9. Notice of Adjournment. Notice of the time and place of holding an adjourned meeting need not be given to absent directors if the time and place is fixed at the meeting adjourned.

§10. Waiver of Notice. The transactions of any meeting of the board of directors, however called and noticed or wherever or whenever held, shall be as valid as though had at a meeting duly held after regular call and notice, if a quorum be present, and if, either before or after the meeting, each of the directors not present signs a written waiver of notice, or a consent to holding such meeting, or an approval of the minutes

thereof. All such waivers, consents or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

§11. **Quorum.** One-third (1/3) of the total number of directors shall be necessary to constitute a quorum for the transaction of business, except to adjourn as hereinafter provided. Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the board of directors, unless a greater number be required by law or by the Articles of Incorporation.

The directors present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal of enough directors to leave less than a quorum.

§12. **Meeting by Telephone.** Members of the board of directors of the corporation, or any committee designated by such board, may participate in a meeting of the board of directors by means of conference telephone or similar communications equipment, by means of which all persons participating in the meeting can hear one another, and such participation in a meeting shall constitute presence in person at the meeting.

§13. **Actions Without a Meeting.** Any action which under any provision of the Colorado Nonprofit Act may be taken at a meeting of the board of directors, may be taken without a meeting if authorized in a writing signed by all of the persons who would be entitled to vote upon such action at a meeting, and filed with the secretary of the Society, or such other procedure followed as may be prescribed by statute.

§14. **Adjournment.** A majority of the directors present may adjourn any directors' meeting to meet again at a stated day and hour or until the time fixed for the next regular meeting of the board.

§15. **Votes and Voting.** All votes required of directors hereunder may be by voice vote or show of hands, unless a written ballot is requested, which request may be made by any one director. When meetings are held by telephone or particular votes are sought without a formal meeting, voting may be by e-mail, regular mail or other means agreed to by the board of directors. Each director shall have one vote. Every reference to a majority or other proportion of directors shall refer to a majority or other proportion of the votes of such directors.

§16. **Inspection of Books and Records.** Any director shall have the right to examine the Society's membership ledger and its other books

and records for a purpose reasonably related to such director's position as a director.

§17. **Fees and Compensation.** Directors shall not receive compensation for their services as directors, but, by resolution of the board, adopted in advance of or after the meeting for which payment is to be made, may allow one or more of the directors their expenses of attendance at a meeting. Nothing herein contained shall be construed to preclude any director from serving the Society in any other capacity as an officer, agent, employee, or otherwise.

ARTICLE IV OFFICERS

§1. **Officers.** The officers of the Society shall be a president, one or more vice-presidents, a secretary, a treasurer, an archivist, and an historian. The corporation may also have, at the discretion of the board of directors, such other officers as may be appointed in accordance with the provisions of §3 of this Article IV. Any number of offices may be held by the same person except the offices of president and secretary.

§2. **Selection of Officers.** The officers shall be chosen no less often than every two years by the board of directors, and shall hold office until he or she shall resign or shall be removed or otherwise disqualified to serve, or a successor shall be elected and qualified.

§3. **Subordinate Officers, Etc.** The board of directors may appoint such other officers as the business of the Society may require, each of whom shall have authority and perform such duties as are provided in these bylaws or as the board of directors may from time to time specify, and shall hold office until he or she shall resign or shall be removed or otherwise disqualified to serve.

§4. **Compensation of Officers.** Unless otherwise provided explicitly by resolution of the board of directors, officers of the Society shall serve without compensation from the Society except for expenses incurred in conducting the Society's business.

§5. **Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in these bylaws for regular appointments to such office.

§6. **Removal and Resignation.** Any officer may be removed, either with or without cause, by a majority of the directors at the time in office, at any regular or special meeting of the board, or, except in the case of

an officer chosen by the board of directors, by any officer upon whom such power of removal may be conferred by the board of directors. Any officer may resign at any time upon written notice to the secretary or the board of directors.

§7. **President.** The president shall be the chief executive officer of the Society and shall, subject to the control of the board of directors, have general supervision, direction and control of the business and officers of the Society. The president shall preside at all meetings of the members and at all meetings of the board of directors. The president shall be ex officio a member of all the standing committees except as are delegated by the board to another, and shall have such other powers and duties as may be prescribed by the board of directors or these bylaws. The president shall have overall responsibility for solicitation of members for the Society with the direct assistance of the directors.

§8. **Vice-Presidents.** In the absence or disability of the president, a designated vice-president shall perform all the duties of the president, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the president. The vice-president shall have such other powers and perform such other duties as from time to time may be prescribed by the board of directors or these bylaws.

§9. **Secretary.** The secretary shall keep, or cause to be kept, a book of minutes at the principal office or such other place as the board of directors may order, of all meetings of directors and members, with the time and place of holding, whether regular or special, and if special, how authorized, the notice thereof given, the names of those present at directors' meetings, the members present or represented at members' meetings and the proceedings thereof.

The secretary shall give, or cause to be given, notice of all meetings of the members and of the board of directors, required by these bylaws or by law to be given, and shall keep the seal of the corporation in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the board of directors or these bylaws.

§10. **Treasurer.** The treasurer shall keep and maintain or cause to be kept and maintained adequate and correct accounts of the properties and business transactions of the Society including accounts of its assets, liabilities, receipts, disbursements, gains and losses. The books of account shall at all reasonable times be open to inspection by any director. The treasurer shall be responsible for all filings with federal and state tax and

regulatory authorities as necessary to satisfy statutory requirements and to keep the Society a nonprofit corporation in good standing.

The treasurer shall deposit all monies and other valuables in the name and to the credit of the Society with such depositories as may be designated by the board of directors. The treasurer shall disburse the funds of the Society as may be ordered by the board of directors, shall render to the president and directors, whenever they request it, an account of all the transactions as treasurer and of the financial condition of the Society and shall have such other powers and perform such other duties as may be prescribed by the board of directors or these bylaws. The treasurer shall be bonded, if required by the board of directors.

§11. **Archivist.** The archivist shall have responsibility to receive, store and maintain in good condition all memorabilia, pictures, data and other items (except money) donated to the Society or purchased by it of interest or value to the purposes of the Society. The archivist may delegate to librarians in other court libraries within the Circuit responsibilities for a particular state, or for a traveling exhibit, but shall maintain in the Circuit library a record of such matters and materials so delegated. The Circuit librarian or his or her designee shall serve as archivist if willing to so serve.

§12. **Historian.** The historian shall suggest exhibits to the board of directors. The historian may also suggest topics of historical interest, prospective authors, and the like based on items or other information in the archives or coming to his or her attention and may contribute other historic analysis as appropriate.

§13. **Counselor.** The counselor shall provide guidance and counsel to the Society and take on special assignments as may be appropriate from time to time.

ARTICLE V MISCELLANEOUS

§1. **Control of the Society.** The policies and programs of the Society shall be the responsibility of the board of directors.

§2. **No Interest in Assets.** No director or member shall possess any property right in or to the property of the Society.

§3. **Liability to Third Parties.** As provided in CRS 7-126-103, no director, officer, employee or member of the Society, as such, shall be

personally liable for the acts, debts, liabilities, or obligations of the Society.

§4. Indemnification. If it has assets or insurance coverage to do so, the Society shall indemnify against liability incurred when a person is made a party to a proceeding because he or she is or was a director, officer, employee or agent of the Society, to the full extent permitted by CRS 7-129-101 to 7-129-110.

§5. Insurance. As permitted by CRS 7-129-108, the Society may purchase and maintain insurance on behalf of a person who is or was a director, officer, employee or agent of the Society against liability asserted against or incurred by the person in that capacity or arising from the person's status as a director, officer, employee or agent, whether or not the Society would have power to indemnify the person under CRS 7-129-102, 7-129-103, or 7-129-107.

§6. Use of Roberts Rules of Order. The most current revision of Roberts Rules of Order shall be used for the conduct of all members' and directors' meetings except as otherwise provided hereunder or in the Articles of Incorporation.

§7. Checks, Drafts, Etc. All checks, drafts or other orders for payment of money, notes or other evidences of indebtedness, issued in the name of or payable to the Society, shall be signed or endorsed by such person or persons and in such manner as, from time to time, shall be determined by resolution of the board of directors.

§8. Annual Report. No annual report to members shall be required, but the board of directors may cause to be sent to the members reports in such form and at such times as may be deemed appropriate by the board of directors.

§9. Contracts, Deeds, Etc., How Executed. The board of directors, except as in these bylaws otherwise provided, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Society, and such authority may be general or confined to specific instances; and unless so authorized by the board of directors, no officer, agent or employee shall have any power or authority to bind the Society by any contract or engagement or to pledge its credit or to render it liable for any purpose in any amount. Any contracts, agreements, deeds or other instruments conveying lands or any interest therein, and any other documents shall be executed on behalf of the Society by the president (or by the vice-president, serving in

the absence of the president), or by any other specific officer or agent or attorney so authorized under letter of attorney or other written power which was executed on behalf of the Society by the president (or vice-president serving in the absence of the president).

§10. **Membership Certificates.** If the Society utilizes membership certificates, a certificate of membership shall be issued to each member when any such member so requests, and no such certificate shall be issued when initial membership contributions are required until such contributions are paid in full, unless the board of directors specifically authorizes installment payments.

§11. **Fiscal Year.** The board of directors shall have the power to fix and from time to time change the fiscal year of the Society. In the absence of action by the board of directors, however, the fiscal year of the Society shall end each year on the date which the Society treated as the close of its first fiscal year, until such time, if any, as the fiscal year shall be changed by the board of directors.

ARTICLE VI DISSOLUTION

§1. **Dissolution.** Upon the dissolution of this corporation, the governing body shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets to an agency of the United States government, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under §501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue law), as the governing board shall determine.

I, the undersigned, do hereby certify:

- (1) That I am the duly selected and acting secretary of the Historical Society of the Tenth Judicial Circuit, a Colorado not-for-profit corporation; and
- (2) That the foregoing bylaws, comprising nine (9) pages, constitute the original bylaws of said corporation, as duly adopted at the

first meeting of the board of directors thereof duly held on the
___ day of _____, 2003.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name and affixed the seal of the said corporation this ___ day of
_____, 2003.

Secretary

**ARTICLES OF INCORPORATION
OF
THE HISTORICAL SOCIETY OF THE TENTH
JUDICIAL CIRCUIT**

We, the undersigned incorporators, hereby form and establish a nonprofit corporation under the laws of the State of Colorado.

ARTICLE FIRST

The name of this corporation is The Historical Society of the Tenth Judicial Circuit.

ARTICLE SECOND

The location of its registered office in Colorado is Office of the Circuit Executive, Byron White U.S. Courthouse, 1823 Stout Street, Denver, Colorado 80257. The registered agent at this address is [name].

ARTICLE THIRD

The location and address of the corporation's initial principal office is Byron White U.S. Courthouse, 1823 Stout Street, Denver, Colorado 80257.

ARTICLE FOURTH

The corporation is organized NOT FOR PROFIT and exclusively for educational and charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 (the "Code"), or the corresponding provisions of any future United States internal revenue law. To further its exempt purposes, the corporation's activities may include, but shall not be limited to:

(a) Collect historical material, sponsor research, and develop programs pertaining to the federal courts within Colorado, Kansas, New Mexico, Oklahoma, Utah and Wyoming and the attorneys who have practiced in those courts.

(b) Present programs of historical or current interest at the biennial Tenth Circuit Judicial Conferences, including possibly assuming responsibility for the Fireside Chats, which involve informal conversational presentations with the Tenth Circuit Justice and other notable judges and attorneys within the Tenth Circuit.

(c) Assist in the development and presentation of the Byron R. White Collection of historical materials which have been donated to the Tenth Circuit and develop and present programs utilizing material from this collection.

(d) Sponsor bench/bar activities and programs, including local law day activities and programs for schools or community groups.

(e) Develop and preserve material of future historical significance, including the following: secure oral histories of notable judges and attorneys; preserve relevant photographs and news accounts of notable cases and events involving the federal courts; and inventory existing historical resources within the circuit.

(f) Sponsor grants or prizes for the most significant publications within the circuit relevant to court and legal histories.

(g) Assist in the acquisition of art work, statues, plaques, benches, and other furniture or fixtures of an historical significance.

(h) Prepare periodic reports to the membership listing exhibits, displays, and information pertinent to the commission of the Historical Society of the Tenth Judicial Circuit.

(i) All other purposes permitted by law of a Colorado not-for-profit corporation qualified under Section 501(c)(3) of the United States Internal Revenue Code.

ARTICLE FIFTH

In all events, the following restrictions and provisions shall apply:

(a) The corporation shall use and apply the assets of the corporation, including all income therefrom, exclusively for the purposes for which the corporation is organized. The corporation shall not be operated for the primary purpose of carrying on a trade or business for profit. No part of the net earnings of the corporation shall inure incidentally or otherwise to the benefit of, or be distributable to, its directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article FOURTH hereof.

(b) No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign

on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these Articles of Incorporation the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under the Code (or the corresponding provision of any future United States internal revenue law) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code (or the corresponding provision of any future United States internal revenue law).

ARTICLE SIXTH

The corporation will not have authority to issue capital stock, and will not have voting members.

ARTICLE SEVENTH

The Board of Directors shall have all powers granted by Colorado law and statutes.

ARTICLE EIGHTH

(a) No director shall be personally liable to the corporation or its members for monetary damages for any breach of fiduciary duty by such director as a director. Notwithstanding the foregoing sentence, a director shall be liable to the extent provided by applicable law (i) for breach of the director's duty of loyalty to the corporation or its members, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) under the provisions of Colo. Rev. Stat. §§ 7-128-403 or 7-128-501 and any amendments thereto, or (iv) for any transaction from which the director derived an improper personal benefit.

No amendment to or repeal of this Article shall apply to or have any effect on the liability or alleged liability of any director of the corporation for or with respect to any acts or omissions of such director occurring prior to the date when such provision becomes effective.

(b) If the Colorado corporation law or other applicable Colorado laws are amended to further limit or eliminate liability of this corporation's directors for breach of fiduciary duty, then a director of this corporation shall not be liable for any such breach to the fullest extent permitted by the applicable Colorado laws, as so amended. If the applicable

Colorado laws are amended to increase or expand liability of directors of this corporation for breach of fiduciary duty, no such amendment shall apply to or have any effect on the liability or alleged liability of any director of this corporation for or with respect to any acts or omissions of such director occurring prior to the time of such amendment or otherwise adversely affect any right or protection of a director of this corporation existing at the time of such amendment.

ARTICLE NINTH

The term for which this corporation is to exist is perpetual.

ARTICLE TENTH

No member of this corporation shall benefit financially from the dissolution thereof. In the event of dissolution of this corporation, the governing body shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under § 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States internal revenue law), as the governing board shall determine. Any such assets not so disposed of shall be disposed of by the state district court of the county in which the principal office of the corporation is then located exclusively for such purposes or to such organization or organizations, as said court shall determine which are organized and operated exclusively for such purposes.

ARTICLE ELEVENTH

The initial number of directors of the corporation shall be thirteen (13). The number of directors and their terms of service may be changed from time to time in such manner as prescribed in the bylaws of the corporation. The directors shall serve without compensation, provided that they may receive, pursuant to resolution of the Board of Directors, compensation for services other than those as a director.

The Board of Directors may employ the personnel and agents, including a director, necessary to carry out the purposes and objectives of the corporation. The private property of the officers and directors of this

corporation shall not be subject to the payment of this corporation's debts to any extent whatever.

ARTICLE TWELFTH

The power to adopt, amend and repeal the bylaws of this corporation shall reside in the Board of Directors of this corporation. Subject to the limitations set forth in these Articles of Incorporation, the corporation's Board of Directors reserves the right to amend, alter, change or repeal any provision contained in these Articles of Incorporation, in the manner now or hereafter prescribed by statute, provided, however, that said power of amendment shall not authorize any amendment which would have the effect of disqualifying the corporation as an exempt organization under the provisions of § 501(c)(3) of the Internal Revenue Code.

ARTICLE THIRTEENTH

The names and addresses of the incorporators are:
[names and addresses of the thirteen incorporators]

ARTICLE FOURTEENTH

The management and operation of the business and affairs of the corporation shall be vested in the Board of Directors selected as prescribed in the bylaws of the corporation. Election of directors need not be by written ballot unless the bylaws so provide. The names and addresses of the initial Board of Directors who will serve for a one-year term, or until their successors are elected and qualified, are listed below:
[names and addresses of the ten directors]

IN TESTIMONY WHEREOF, we have hereunto set our names
this 24th day of July, 2003.
[notarized signatures of the thirteen incorporators]

Appendix B: Committee on Codes of Conduct, Advisory Opinion on Court Historical Societies and Learning Centers

This opinion was released on June 30, 2004. It is incorporated in the *Guide to Judiciary Policies and Procedures*, vol. 2, chap. 4, Published Advisory Opinions.

COMMITTEE ON CODES OF CONDUCT ADVISORY OPINION NO. 104

Court Historical Societies and Learning Centers.

Court historical societies have been established in many communities for the purpose of developing, preserving, and promoting historical information and materials pertaining to a court or circuit and its judges, attorneys, and notable litigation. In recent years, learning centers have also been established to perform educational and outreach functions, such as educating the public about the role of the federal courts in American society and presenting the history of a court or circuit. Often historical societies and learning centers are operated by nonprofit corporations whose boards of directors and officers may include judges, judicial employees, and attorneys who practice in the court or circuit. The society or center may employ staff to conduct its operations and to engage in fund-raising to finance programs and activities.

Organizations such as these play a valuable role in preserving and communicating our country's judicial heritage. Historical societies and learning centers may, however, have or be perceived to have some palpable connection to a court or circuit, thus giving rise to ethical concerns. This opinion reviews relevant ethical considerations for judges who are involved in such organizations.

Relevant ethical guidance appears in the Code of Conduct for United States Judges. Canon 2 provides:

- A. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. . . . A judge should not lend the prestige of the judicial office to advance the private interests of others; nor convey or permit others to convey the impression that they are in a special position to influence the judge. . . .

Canon 4C provides:

A judge may serve as a member, officer, or director of an organization . . . devoted to the improvement of the law, the legal system, or the administration of justice. A judge may assist such an organization in planning fund-raising activities and may participate in the management and investment of funds, but should not personally participate in public fund-raising activities. . . . A judge shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fund-raising mechanism.

Canon 5B provides:

A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational . . . [or] charitable . . . organization not conducted for the economic or political advantage of its members, subject to the following limitations:

* * *

(2) A judge should not solicit funds for any educational . . . [or] charitable . . . organization, or use or permit the use of the prestige of the judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. A judge should not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fund-raising mechanism.

In view of their close association with the judiciary and the legal system, court historical societies will ordinarily be considered law-related activities within the meaning of Canon 4. Canon 4C limits a judge's role in fund-raising for law-related projects to assistance in planning such activities. Learning centers designed to provide information and instruction to the public at large are more properly considered non-law-related activities within the meaning of Canon 5 (although a particular center might be characterized as a Canon 4 activity if it meets the criteria set forth in Advisory Opinion No. 93). Canon 5B(2), applicable to fund-raising for non-law-related projects, prohibits not only soliciting funds but also use of the prestige of office for that purpose. Both Canons also

advise judges not to participate personally in soliciting members if such solicitations are essentially fund-raising mechanisms. Although there are differences between the two Canons, both are subject to the Canon 2 prohibition against lending the prestige of office to advance fund-raising efforts. *See* Advisory Opinion No. 89.

Fund-raising. In light of these Canons, fund-raising activities by a historical society or learning center can raise ethical concerns if the organization appears to be an activity or function of the court. If a society or center is created by and operated for the benefit of the court, or is reasonably perceived as an activity or function of the court or under the court's direction and control, then any fund-raising will inevitably be attributed to the court and its judges. Because the Code of Conduct proscribes even indirect solicitation of funds by a judicially-created entity, an organization that is controlled by a court or its judges, or reasonably perceived to be so, may not solicit funds without violating the Code of Conduct.

Conversely, if the society or center is a truly separate organization, and is reasonably perceived as independent and under the guidance and control of an entity other than the court, then fund-raising by that independent entity will not be attributed to the court and its judges. In assessing whether a society or center is established as a truly independent organization, judges should consider the following factors: (1) founding or incorporation by non-judges; (2) members of the governing board or officers, including the chairperson, who are non-judges; (3) independent staffing; (4) physical separation of the society or center and court offices; and (5) emphasis in the society's or center's literature, including its fund-raising materials, that it is a separate entity from the court. Although historical societies may properly use the name of a court or circuit in the organization's name, it would be advisable for a Canon 5 entity, such as a learning center, to select a name that indicates some separation between it and the court, to avoid use of the prestige of the court in fund-raising.

Involvement of Judges and Judicial Employees. As discussed, in order for a historical society or learning center to engage in fund-raising without raising ethical concerns, it is critical that the organization avoid any appearance of being controlled by the court. Thus, although it is permissible for a judge or judicial employee to serve as an officer or director, these organizations should avoid having a majority of the governing board or officers comprised of judges or judicial employees (although

there is no strict formula, a majority of non-judge board members or officers will help ensure that the organization is viewed as separate from the court). For the same reasons, the Committee believes that the service of a judge or judicial employee as chairperson or president of the organization may raise ethical concerns.

If a judge serves as an officer or director of a society or center that engages in fund-raising, the judge's involvement in fund-raising activities must be strictly limited to comply with Canons 4C and 5B(2). Use of the judge's name and title on organization literature is permissible only in certain circumstances. The Commentary to Canons 5B(2) and (3) states, "[u]se of an organization's letterhead for fund-raising or membership solicitation does not violate Canons 5B(2) and (3) provided the letterhead lists only the judge's name and position in the organization, and, if comparable designations are listed for other persons, the judge's judicial designation."

Similar restrictions apply to any judicial employee who may serve as a director or officer of a society or center. Although the Code of Conduct for Judicial Employees is generally less restrictive than the Code of Conduct for United States Judges with respect to fund-raising activities, Canon 4B prohibits a judicial employee from using or permitting "the use of the prestige of the office in the solicitation of funds," and from soliciting or accepting "funds from lawyers or other persons likely to come before the judicial employee or the court or office the judicial employee serves." In light of these restrictions, and in light of the likely contributors to a society or center (e.g., practicing lawyers, area businesses), the Committee believes that a judicial employee serving as a director or officer of a society or center should refrain from engaging in any fund-raising activities on behalf of the society or center.

Finally, we note that any judge or judicial employee who serves as an officer or director of a society or center should not be involved on behalf of the court in administrative decisions the court is asked to make about the organization, such as whether to permit use of court space and whether donations of property or services to the court should be accepted by the judiciary.

Location in the Courthouse. One recurring ethical question is the permissibility of locating a historical society or learning center on court

premises.¹ This question also raises legal issues under federal statutes and regulations governing the allocation of space provided for official court use. The Committee on Codes of Conduct is not authorized to provide advice on legal issues such as these. However, to the extent applicable statutory and regulatory provisions permit private, non-official entities (e.g., fitness facilities, day care centers) to occupy court space, judges who are responsible for these administrative decisions will not violate the Code of Conduct by arranging for an independent historical society or learning center to occupy court space in accordance with applicable legal requirements. Nor would a judge violate the Code of Conduct by belonging to a society or center whose representatives make such a request. However, no fund-raising should be permitted in the courthouse.

It should be observed, as noted above, that the location of a society or center is one of the factors to consider in assessing its independence from the court. If the society or center is located inside the courthouse, the risk arises that it will be perceived as an activity or function of the court, which in turn will either require greater efforts to separate the organization from the court or else will necessitate some limitations on fund-raising by the organization.

Recognition of Contributors. Another recurring question is the permissibility of recognizing financial contributors to a society or center by displaying plaques or hosting donor receptions. To the extent this question raises legal concerns as to use of court space, they are beyond the scope of this opinion and should be addressed separately.

If a society or center is located at a site separate from the courthouse, recognizing contributors there is unlikely to raise ethical concerns under the Code of Conduct. For example, it would be permissible for a society or center to hang a plaque or host a recognition reception at its off-site location not linked to the court. It would also be permissible for judges and court personnel to attend such a reception, assuming they play no formal role (e.g., as speaker, guest of honor, or featured on the program).

If the society or center is located in the courthouse, however, efforts to recognize contributors, and specifically efforts that occur within the

¹Housing the administrative offices of a historical society or learning center in an individual judge's chambers would be inconsistent with Canons 4D and 5H (restricting judges from using judicial chambers for outside activities unless the use is minimal or insubstantial). This opinion addresses housing an organization's offices elsewhere in court space.

courthouse, may be perceived as an activity or function of the court. This in turn may create the appearance that contributors have a special relationship with, or special access to, the court. Because of these concerns, it is inadvisable for a society or center to conduct these sorts of recognition activities in a courthouse.

June 30, 2004

Appendix C: Published Court Histories

An important review of recent federal court histories and suggestions for future research are presented in Edward A. Purcell, Jr., "Reconsidering the Frankfurterian Paradigm: Reflections on Histories of the Lower Federal Courts." *Law & Social Inquiry* 24 (Summer 1999): 679–750.

The following are recently published court histories sponsored by courts or court historical societies.

J. Ralph Beard, Thomas E. Baker & Sharon A. Kennedy. *United States Court of Appeals for the Eleventh Circuit: The First Decade, 1981–1991*. Athens, Ga.: The Georgian Press, 1994.

Patricia E. Brake. *Justice in the Valley: A Bicentennial Perspective of the United States District Court for the Eastern District of Tennessee*. Franklin, Tenn.: Hillsboro Press, 1998.

Carolyn M. Buan, ed. *The First Duty: A History of the U.S. District Court for Oregon*. Portland: U.S. District Court of Oregon Historical Society, 1993.

Richard Cahan. *A Court That Shaped America: Chicago's Federal District Court from Abe Lincoln to Abbie Hoffman*. Evanston, Ill.: Northwestern University Press, 2002.

George Dargo. *A History of the United States Court of Appeals for the First Circuit, vol. 1, 1891–1960*. Boston: United States Court of Appeals for the First Circuit, 1993.

Peter Graham Fish. *Federal Justice in the Mid-Atlantic South: United States Courts from Maryland to the Carolinas, 1789–1835*. Washington, D.C.: Administrative Office of the U.S. Courts, 2002.

David Frederick. *Rugged Justice: The Ninth Circuit Court of Appeals and the American West, 1891–1941*. Berkeley: University of California Press, 1994.

Tony Freyer & Timothy Dixon. *Democracy and Judicial Independence: A History of the Federal Courts of Alabama, 1820–1994*. Brooklyn, N.Y.: Carlson Publishing Inc., 1995.

Kermit Hall & Eric Rise. *From Local Courts to National Tribunals: The Federal District Courts of Florida, 1821–1990*. Brooklyn, N.Y.: Carlson Publishing Inc., 1991.

- Carol Hoffecker. *Federal Justice in the First State: A History of the United States District Court for the District of Delaware*. Wilmington: Historical Society for the United States District Court for the District of Delaware, 1992.
- Lawrence H. Larsen. *Federal Justice in Western Missouri: The Judges, the Cases, the Times*. Columbia: University of Missouri Press, 1994.
- Jeffrey Brandon Morris. *Calmly to Poise the Scales of Justice: A History of the Courts of the District of Columbia Circuit*. Published for the Historical Society of the District of Columbia Circuit. Durham: Carolina Academic Press, 2001.
- Jeffrey B. Morris. *Federal Justice in the Second Circuit: A History of the United States Courts in New York, Connecticut and Vermont, 1787 to 1987*. New York: Second Circuit Historical Committee and Federal Bar Council, 1987.
- Jeffrey B. Morris. *To Administer Justice on Behalf of All the People: The United States District Court for the Eastern District of New York, 1965–1990*. New York: Federal Bar Association, 1992.
- Steven Harmon Wilson. *The Rise of Judicial Management in the U.S. District Court, Southern District of Texas, 1955–2000*. Athens: University of Georgia Press, 2002.
- Charles L. Zelden. *Justice Lies in the District: The U.S. District Court, Southern District of Texas, 1902–1960*. College Station: Texas A&M University Press, 1993.

Forthcoming volumes include those by Roberta Alexander on the U.S. District Court for the Southern District of Ohio, Mark Lender on the U.S. District Court for the District of New Jersey, Jeffrey Morris on the U.S. Court of Appeals for the Eighth Circuit, and Erwin C. Surrency on the federal courts in Georgia.

Appendix D: Sample Oral History Legal Release Agreements

Below are sample release agreements that can be used to transfer rights in an oral history from interviewers and interviewees to an independently organized historical society or, in cases where the sponsor of an oral history project is a federal court or agency, to the public domain. A release need not be obtained from an interviewer who is an employee of a federal court or agency and who conducts an interview as part of official duties. When a federal court or agency hires someone to conduct interviews, that person retains rights in those interviews unless he or she transfers them to the federal entity, and thus to the public domain.

Anyone with further questions about legal release agreements should consult John A. Neuenschwander, *Oral History and the Law* (Oral History Association 2002).

INTERVIEWER ORAL HISTORY AGREEMENT

Oral History Agreement of [name of Interviewer]

1. Having agreed to conduct an oral history interview with _____ [name of Interviewee] for the Historical Society of _____, and its employees and agents (hereinafter “the Society”), I, _____ [name of Interviewer], do hereby grant and convey to the Society and its successors and assigns, all of my rights, title, and interest in the recordings, transcripts, and electronic copies of interviews dated _____, including literary rights and copyrights.
2. I authorize the Society to duplicate, edit, and publish, including publication on the Internet, or permit the use of, said recordings, transcripts, and electronic copies in any manner that the Society considers appropriate, and I waive any claims I may have or acquire to any royalties from such use.

3. I agree that I will make no use of the interview or the information contained therein until it is concluded and edited, or until I receive permission from the Society.

[Signature of Interviewer]

Date _____

SWORN TO AND SUBSCRIBED before me this
____ day of _____, 200__.

Notary Public

My Commission expires _____

ACCEPTED this ____ day of _____, 200__, by
_____, President of the Historical Society
of _____.

INTERVIEWEE ORAL HISTORY AGREEMENT

Oral History Agreement of [name of Interviewee]

1. In consideration of the recording and preservation of my oral history memoir by the Historical Society of _____ and its employees and agents (hereinafter “the Society”), I, _____, do hereby grant and convey to the Society and its successors and assigns all of my rights, title, and interest in the recordings, transcripts, and electronic copies of my interviews dated _____, including literary rights and copyrights. All copies of the recordings, transcripts, and electronic copies are subject to the same restrictions herein provided.
2. I also reserve for myself and for the executor of my estate the right to use the recordings, transcripts, and electronic copies and their content as a resource for any book, pamphlet, article, or other writing of which I or my executor may be the author or co-author.
3. I authorize the Society to duplicate, edit, and publish, including publication on the Internet, or permit the use of, said recordings, transcripts, and electronic copies in any manner that the Society considers appropriate, subject to the exceptions noted below, and I waive any claims I may have or acquire to any royalties from such use.

Exceptions to Oral History Agreement

(Please initial only those provisions that you wish to apply, and only if you wish to limit the use of your history.)

- A. _____ None of the recordings, transcripts, and electronic copies shall be made available to anyone other than myself, the interviewer, and the Society without my express written permission until _____ [identify date or event].
- B. _____ The following page(s) of the transcript of the interview of me on _____ [date], and the recordings and electronic copies relating thereto, shall be closed to all users until _____ [identify date or event], except with my express written permission.

- C. _____ It is agreed that the Society shall not authorize publication of the transcripts or any part thereof during my lifetime without my express written permission, but that the Society may authorize scholars, researchers, and others to make reasonable quotations therefrom without my written permission.
- D. _____ It is agreed that the Society shall not authorize publication by others of the transcripts or any part thereof, including brief quotations, during my lifetime without my express written permission.
- E. _____ I retain all of my right, title, and interest in the recordings, transcripts, and electronic copies and their content, including literary rights and copyrights, until _____ [identify date or event], at which time these rights shall vest in the Historical Society of _____.
- F. _____ In the event of my incapacity, I designate _____ [Name] of _____ to make decisions related to the use of the interview of me. Upon the death or incapacity of this designee, I authorize the Society to make such decisions on my behalf.
- G. _____ I impose the following conditions: [describe]

 [Signature of Interviewee]

Date _____

SWORN TO AND SUBSCRIBED before me this
 ____ day of _____, 200__.

 Notary Public

My Commission expires _____

ACCEPTED this ____ day of _____, 200__, by
 _____, President of the Historical Society
 of _____.

Interviewer Oral History Agreement—Work for Hire
[Transfer of Rights to the Public Domain]

1. I, _____ [name of Interviewer], agree, in consideration of a payment of _____, to conduct an oral history interview with _____ [name of Interviewee], for the _____ [name of court or agency], as a work for hire. I acknowledge that my work will be in the public domain, and I waive any claim I might have to copyright of any material contained in the interview, including my own words. I also waive any claim I might have to any royalties derived from any work published or disseminated by the _____ [name of court or agency] or any other party, which includes any part of the material resulting from the interview.
2. I agree that I will make no use of the interview and the information contained in it until it is concluded and edited, and that I will use it then if permitted by the _____ [name of court or agency] only according to the policies, rules, regulations, restrictions, and protocols established by the _____ [name of court or agency], and restrictions placed on the material by agreement between the _____ [name of court or agency] and _____ [name of Interviewee] regarding the use of and access to the product of the interview and information contained therein.

Interviewee

Signature _____

Date: _____

Place: _____

Representative of Court or Agency

Signature _____

Date: _____

Place: _____

Interviewee Oral History Agreement
[Transfer of Rights to the Public Domain]

1. In consideration of the recording, transcription, cataloging, and preservation of my oral history memoir by the _____ [name of court or agency], its employees and agents, I, _____ [name of Interviewee], do hereby relinquish and transfer to the _____ [name of court or agency], and thus to the public domain, the ownership of the recordings and transcripts of interviews of me as described below, except as otherwise provided herein. I also convey to the _____ [name of court or agency], and thus to the public domain, all rights, title, and interest I might have in such recordings, transcripts, and their content, including copyrights, and waive any copyright I might have to such recordings, transcripts, and content, except as otherwise provided below.
2. I reserve the right to use the recordings and transcripts, and their content, as a resource for any book, pamphlet, article, or other writing of which I am an author or co-author. This transfer is also subject to the exceptions specifically noted in this agreement.
3. I warrant that I have not assigned, encumbered, or impaired my rights and interest in the recordings, transcripts, and their content referred to above. This warranty shall not apply to information in the interview that may be contained in a prior published work of mine.
4. It is agreed that access to the aforementioned recordings and transcripts shall be available to qualified researchers under the direction and control of the _____ [name of court or agency]. I authorize the _____ [name of court or agency], subject to the following restrictions, to duplicate, edit, publish, or permit the use of my oral history memoir in any manner that the _____ [name of court or agency] considers appropriate, and I waive my claim to any royalties from that use.

Description of material: Recording and transcript from oral history interview sessions conducted by _____ [name of Interviewer] on _____ [date(s)].

Restrictions on Use of Oral History

(Place an "X" next to each box that applies)

_____ I do not wish to place any restrictions on either the recording or the transcript of my oral history interview.

_____ I wish to place the following restrictions on the transcript and/or recording of my oral history interview:

Use with Prior Permission

_____ The _____ transcript/ _____ recording shall not be made available to anyone other than myself, the Interviewer, and designated staff of the _____ [name of court or agency] without my written permission or that of my heirs or assigns.

_____ The _____ transcript/ _____ recording shall not be cited, quoted, or published without my written permission or that of my heirs or assigns.

Date and Substance Restrictions

_____ The entire _____ transcript/ _____ recording shall not be made available to anyone other than myself, the Interviewer, and designated staff of the _____ [name of court or agency] without my written permission until _____ [date]. Thereafter, the _____ [name of court or agency] will allow researchers to read and use this transcript in accordance with the general procedures of the _____ [name of court or agency].

_____ The following page(s) and the recording relating thereto shall be closed to all researchers until _____ [date] except with my written permission to the _____ [name of court or agency]. Thereafter, the _____ [name of court or agency] will allow researchers to read and use this (these) portion(s) of the transcript/recording in accordance with the general procedures of the _____ [name of court or agency].

_____ [indicate page numbers]

Other Restrictions

_____ I will retain all copyright interest in the materials until _____ [date], at which time these rights shall pass in their entirety to the _____ [name of court or agency], and thus to the public domain.

_____ In the event of my incapacity, I designate _____ of the _____ [name of court or agency] to make decisions related to the use of my oral history interview.

_____ The use of my oral history interview is subject to the following additional conditions (if none write "none"):

_____.

Interviewee

Signature _____

Date: _____

Place: _____

Representative of Court or Agency

Signature _____

Date: _____

Place: _____

*Appendix E: Location of Court Records
At the National Archives and
Records Administration*

Alaska

National Archives and Records Administration's Pacific Alaska Region
(Anchorage)
654 West Third Avenue
Anchorage, AK 99501-2145
Phone: 907-271-2441
E-mail: alaska.archives@nara.gov
Fax: 907-271-2442
Court: U.S. District Court for the District of Alaska

California

National Archives and Records Administration's Pacific Region (Laguna
Niguel)
24000 Avila Road, 1st Floor, East Entrance
Laguna Niguel, CA 92677-3497
Mailing address: P.O. Box 6719, Laguna Niguel, CA 92607-6719
Phone: 949-360-2641
E-mail: laguna.reference@nara.gov
Fax: 949-360-2624
Courts: U.S. District Courts for the Districts of Arizona and Central and
Southern California, with the exception of the Southern District, North-
ern Division, 1900-1966

National Archives and Records Administration's Pacific Region (San
Francisco)
1000 Commodore Drive
San Bruno, CA 94066-2350
Phone: 650-238-3500
E-mail: sanbruno.reference@nara.gov
Fax: 650-238-3511
Courts: U.S. Court of Appeals for the Ninth Circuit; U.S. District
Courts for the Northern and Eastern Districts of California; Southern

District of California, Northern Division, 1900–1966; Hawaii; and Nevada

Colorado

National Archives and Records Administration's Rocky Mountain Region (Denver)

Bldg. 48, Denver Federal Center
West 6th Avenue and Kipling Street

Denver, CO 80225-0307

Mailing address: P.O. Box 25307, Denver, CO 80225-0307

Phone: 303-407-5700

E-mail: denver.reference@nara.gov

Fax: 303-407-5707

Courts: U.S. Court of Appeals for the Tenth Circuit; U.S. District Courts for the Districts of Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming

District of Columbia

National Archives and Records Administration
7th Street and Pennsylvania Avenue, N.W.

Washington, DC 20408

Phone: 202-501-5400

General e-mail inquiry address:

www.archives.gov/global_pages/inquire_form.html

Courts: U.S. Court of Appeals for the District of Columbia Circuit; U.S. District Court for the District of Columbia

Georgia

National Archives and Records Administration's Southeast Region (Atlanta)

1557 St. Joseph Avenue

East Point, GA 30344-2593

Phone: 404-763-7383

E-mail: atlanta.reference@nara.gov

Fax: 404-763-7059

Courts: U.S. District Courts for the Districts of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Puerto Rico (partial, other records in New York)

Illinois

National Archives and Records Administration's Great Lakes Region
(Chicago)

7358 South Pulaski Road

Chicago, IL 60629-5898

Phone: 773-948-9019

E-mail: chicago.archives@nara.gov

Fax: 773-948-9050

Courts: U.S. Courts of Appeals for the Sixth Circuit and Seventh Circuit; U.S. District Courts for the Districts of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin

Massachusetts

National Archives and Records Administration's Northeast Region
(Boston)

Frederick C. Murphy Federal Center

380 Trapelo Road

Waltham, MA 02452-6399

Phone: 866-329-6465

E-mail: waltham.reference@nara.gov

Fax: 781-663-0154

Courts: U.S. Court of Appeals for the First Circuit; U.S. District Courts for the Districts of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

Missouri

National Archives and Records Administration's Central Plains Region
(Kansas City)

2312 East Bannister Road

Kansas City, MO 64131-3011

Phone: 816-268-8000

E-mail: kansascity.reference@nara.gov

Fax: 816-268-8037

Courts: U.S. Court of Appeals for the Eighth Circuit; U.S. District Courts for the Districts of Iowa, Kansas, Missouri, and Nebraska

New York

National Archives and Records Administration's Northeast Region
(New York City)

201 Varick Street

New York, NY 10014-4811

Telephone: 212-401-1620

E-mail: newyork.archives@nara.gov

Fax: 212-401-1638

Courts: U.S. Court of Appeals for the Second Circuit; U.S. District
Courts for the Districts of New Jersey, New York, and Puerto Rico (par-
tial, other records in Atlanta)

Pennsylvania

National Archives and Records Administration's Mid Atlantic Region
(Center City Philadelphia)

900 Market Street

Philadelphia, PA 19107-4292

Phone: 215-606-0100

E-mail: philadelphia.archives@nara.gov

Fax: 215-606-0116

Courts: U.S. Court of Appeals for the Third Circuit; U.S. District
Courts for the Districts of Delaware, Maryland, Pennsylvania, Virginia,
and West Virginia

Texas

National Archives and Records Administration's Southwest Region (Ft.
Worth)

501 West Felix Street, Building 1

Ft. Worth, TX 76115-3405

Mailing address: P.O. Box 6216, Ft. Worth, TX 76115-3405

Phone: 817-831-5900

E-mail: ftworth.archives@nara.gov

Fax: 817-334-5511

Courts: U.S. Court of Appeals for the Fifth Circuit; U.S. District Courts
for the Districts of Arkansas, Louisiana, Oklahoma, and Texas

Washington

National Archives and Records Administration's Pacific Alaska Region
(Seattle)

6125 Sand Point Way, N.E.

Seattle, WA 98115-7999

Phone: 206-336-5115

E-mail: seattle.archives@nara.gov

Fax: 206-336-5112

Courts: U.S. District Courts for the Districts of Idaho, Oregon, and
Washington

The Federal Judicial Center

Board

The Chief Justice of the United States, *Chair*
Judge Pierre N. Leval, U.S. Court of Appeals for the Second Circuit
Judge Terence T. Evans, U.S. Court of Appeals for the Seventh Circuit
Judge James A. Parker, U.S. District Court for the District of New Mexico
Judge Sarah S. Vance, U.S. District Court for the Eastern District of Louisiana
Judge Bernice B. Donald, U.S. District Court for the Western District of Tennessee
Chief Judge Robert F. Hershner, Jr., U.S. Bankruptcy Court for the Middle District of Georgia
Magistrate Judge Robert B. Collings, U.S. District Court for the District of Massachusetts
Leonidas Ralph Mecham, Director of the Administrative Office of the U.S. Courts

Director

Judge Barbara J. Rothstein

Deputy Director

Russell R. Wheeler

About the Federal Judicial Center

The Federal Judicial Center is the research and education agency of the federal judicial system. It was established by Congress in 1967 (28 U.S.C. §§ 620–629), on the recommendation of the Judicial Conference of the United States.

By statute, the Chief Justice of the United States chairs the Center's Board, which also includes the director of the Administrative Office of the U.S. Courts and seven judges elected by the Judicial Conference.

The Director's Office is responsible for the Center's overall management and its relations with other organizations. Its Systems Innovation & Development Office provides technical support for Center education and research. Communications Policy & Design edits, produces, and distributes all Center print and electronic publications, operates the Federal Judicial Television Network, and through the Information Services Office maintains a specialized library collection of materials on judicial administration.

The Education Division plans and produces educational programs, services, and resources for judges and for nonjudicial court personnel, such as those in clerk's offices and probation and pretrial services offices. Its products include travel-based and in-court programs that participants attend in person, Web-based programs and publications, television programs broadcast by satellite, and manuals, monographs, and other print publications.

The Research Division undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, often at the request of the Judicial Conference and its committees, the courts themselves, or other groups in the federal system.

The Federal Judicial History Office develops programs relating to the history of the judicial branch and assists courts with their own judicial history programs.

The Interjudicial Affairs Office provides information about judicial improvement to judges and others from foreign countries and identifies international legal developments of importance to personnel of the federal courts.