



**HISTORY OF THE UNITED STATES  
DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF IOWA**

**1882-2020**





## PREFACE

The Northern District of Iowa Historical Society, a branch of the Eighth Circuit Historical Society, was formed in 1999 and remains an active branch today. The Historical Society is comprised of judges, court staff, and attorneys admitted to the bar and practicing in the Northern District of Iowa. The Historical Society's mission is to collect and preserve historical information, data, documents, artwork, writings, artifacts, and exhibits pertaining to the United States District Court for the Northern District of Iowa.

In 1987, the Northern District of Iowa Historical Society published the *History of the United States District Court for the Northern District of Iowa, 1882-1987*. The book was written to honor the Nation's bicentennial anniversary and to provide the public with an overview of the development of the Northern District of Iowa. Using the first edition as a basis, and adding records and recollections from current and former judges, the *History of the United States District Court for the Northern District of Iowa, 1882-2000* was published in April 2003. Working from the prior versions, and with assistance, records, and recollections from judges and court agencies, the history book has been updated through 2020. Notable changes include a chapter on the historic 2008 Cedar Rapids Flood, inclusion of agencies such as the United States Marshals Service and United States Attorney's Office, a section on the Iowa Civil Bar, and more in-depth historical information on the structures that have housed the Court.

The Northern District of Iowa Historical Society extends its thanks to all who have made the *History of the United States District Court for the Northern District of Iowa, 1882-2020* possible, especially the Honorable C.J. Williams, his former law clerk Shelby Mars, American General Insurance Associate Professor of Insurance Law Chad Marzen, and Eighth Circuit Branch Librarian Hilary Naab, who spearheaded the revision and edited the final version.

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## CREATION AND EARLY HISTORY

The United States District Court for the Northern District of Iowa is a creature of federal statute.<sup>1</sup> Though technically existing for just over one hundred thirty-seven years,<sup>2</sup> its real origin dates back to 1845, when Congress provided for Iowa's admission to the Union.<sup>3</sup> The Court's subsequent history has been interwoven with the history, economic growth, and population expansion of Iowa, as well as of the United States.

On March 3, 1845, Congress provided for the State's admission to the Union, established one judicial district—called the District of Iowa—and created a court known as the United States District Court for Iowa.<sup>4</sup> The following year, President Polk appointed John J. Dyer of Dubuque to serve as the Court's first district judge.<sup>5</sup>

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<sup>1</sup>See U.S. CONST. art. III, § 1; Act of Mar. 3, 1845, ch. 76, § 2, 5 Stat. 789.

<sup>2</sup>See Act of July 20, 1882, ch. 312, 22 Stat. 172.

<sup>3</sup>See Act of Mar. 3, 1845, ch. 48, § 1, 5 Stat. 742; L. SAGE, *A History of Iowa* 87 (1974). Although President Tyler signed the Act admitting Iowa to the Union on March 3, 1845, Iowa's admission was qualified on the acceptance of certain state boundaries. The boundary issue remained unresolved until 1846, at which point Iowa officially joined the Union. *Id.* at 89-91.

<sup>4</sup>Act of Mar. 3, 1845, ch. 76, § 2, 5 Stat. 789.

<sup>5</sup>See N. Reed, *Southern Judicial District of Iowa*, 30 *Annals of Iowa* 123, 123 (1949-1951).



Judge Dyer held the Court's first session in Burlington, Iowa, on October 15, 1849.<sup>6</sup> He continued to hold court until his death in 1856.<sup>7</sup> During his years on the bench, Judge Dyer witnessed the separation of the District of Iowa into three divisions.<sup>8</sup> In 1849, Congress divided the district into Northern, Middle, and Southern Divisions and directed that annual terms of court be held at Dubuque, Iowa City, and Burlington.<sup>9</sup> Those formal terms were changed several times before being abolished in 1963.<sup>10</sup>

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<sup>6</sup>*Id.*

<sup>7</sup>*Id.*

<sup>8</sup>When the divisions were established, those divisions determined where the judge would regularly hold court within the district. *See generally* R. Richardson & K. Vines, *The Politics of Federal Courts - Lower Courts in the United States* 38-39 (1970). Separation of the district into divisions made court attendance more convenient for attorneys, witnesses, and litigants. At the time the divisions were created, travel was primarily by railroad and by horse and buggy. Since that time, however, automobile and air travel have supplanted travel by rail and have reduced the need to hold court at various places. *See* H.R. Rep. No. 2324, 58th Cong. 2d Sess. (1904), *reprinted in 4 Congress and the Courts: A Legislative History - 1787-1977*, at 6301 (B. Reams, Jr. & C. Haworth eds. 1978); H.R. Rep. No. 1111, 56th Cong., 1st Sess. (1900), *reprinted in 4 Congress and the Courts: A Legislative History - 1778-1977*, at 6243 (B. Reams, Jr., & C. Haworth eds. 1978).

<sup>9</sup>Act of Mar. 3, 1849, ch. 124, 9 Stat. 410. Terms of court required the district court to sit at specified times at designated places throughout the district. Congress declared that the annual term at Dubuque would commence on the first Monday in January, the annual term at Iowa City would commence on the first Monday in October, and the annual term at Burlington would commence on the first Monday in June.

<sup>10</sup>Act of Oct. 16, 1963, Pub. L. No. 88-139, § 1, 77 Stat. 248 (codified at 28 U.S.C. § 138) (abolishing all terms of court).

Judge Dyer's successor was James M. Love of Keokuk, Iowa. Love was born in Fairfax, Virginia, in 1820 and migrated to Keokuk in 1850.<sup>11</sup> President Pierce appointed Love as district judge in February of 1856.<sup>12</sup> When Judge Love died in 1891, he had served as an active judge for thirty-five years.<sup>13</sup>

During Judge Love's tenure on the bench, Congress made several changes in the District's conformation. In 1859, Congress reapportioned the District into northern, southern, an western divisions and designated Dubuque, Keokuk, and Des Moines as the places for holding court.<sup>14</sup> Congress added a central division by Act of June 30, 1870, increasing the number of divisions to four.<sup>15</sup> The designated court point for the central division became Des Moines and the court site for the western division was changed to Council Bluffs.<sup>16</sup> Then in 1882, Congress divided the judicial district in two.<sup>17</sup> The existing district court became the district court for the

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<sup>11</sup>N. Reed, *supra* note 5, at 123.

<sup>12</sup>*Id.*

<sup>13</sup>*Id.* at 123-24.

<sup>14</sup>Act of Mar. 3, 1859, ch. 85, § 5, 11 Stat. 437.

<sup>15</sup>Act of June 30, 1870, ch. 178, § 1, 16 Stat. 174; *see* Tit. 13, ch. 1, § 537, 1873 Rev. Stat. 88, 89.

<sup>16</sup>Tit. 13, ch. 4, § 572, 1873 Rev. Stat. 97, 98.

<sup>17</sup>Act of July 20, 1882, ch. 312, § 1, 22 Stat. 172; *see* App'x D.

Southern District of Iowa, and the district court for the Northern District of Iowa was created.<sup>18</sup> For the purpose of holding terms of court, Congress divided the two districts into eastern, central, and western divisions and designated the cities of Keokuk, Des Moines, Council Bluffs, Dubuque, Fort Dodge, and Sioux City as court points.<sup>19</sup> Congress also declared that the judge of the then-existing District of Iowa, Judge Love, would serve as District Judge for the Southern District and directed the President to appoint someone to serve as judge of the Northern District.<sup>20</sup>

Acting almost immediately upon Congress's directive, President Arthur appointed Oliver Perry Shiras of Dubuque.<sup>21</sup> Judge Shiras's abilities were so widely recognized and his qualifications so outstanding that his was the only name to be suggested, and his appointment received the unanimous approval of the bar.<sup>22</sup>

After Judge Shiras entered on duty, Congress made only a few significant changes in the Northern District. In

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<sup>18</sup>Act of June 25, 1948, ch. 646, § 95, 62 Stat. 869, 879.

<sup>19</sup>Act of July 20, 1882, ch. 312, §§ 5-6, 22 Stat. 172.

<sup>20</sup>*See id.* § 2.

<sup>21</sup>The appointment was in August 1882. *See* The Bicentennial Committee of the Judicial Conference of the United States, *Judges of the United States* (2d ed. 1983) [hereinafter cited as "Bicentennial Committee"]; E. Stiles, *Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa* 168 (1916).

<sup>22</sup>*Tribute to Judge Shiras*, Dubuque Times J., Jan. 6, 1916.

1891, Congress added the Cedar Rapids division with court to be held in Cedar Rapids.<sup>23</sup> Subsequently, Waterloo and Mason City were added as designated court points.<sup>24</sup>

The first term of court in the Northern District of Iowa convened at Dubuque on November 21, 1882.<sup>25</sup> The dates of the first terms held at the other court points are as follows:

Fort Dodge, January 16, 1883  
Sioux City, February 13, 1883  
Cedar Rapids, September 8, 1891  
Waterloo, Mary 14, 1912  
Mason City, June 26, 1923

Since its creation in 1882, thirteen judges have served the District Court for the Northern District of Iowa. Each judge has had a personal staff. The early judges employed a court crier<sup>26</sup> and a personal secretary.<sup>27</sup> The more recent judges have added law clerks to assist with legal research

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<sup>23</sup>Act of Feb. 24, 1891, ch. 282, § 1, 26 Stat. 767.

<sup>24</sup>See Act of Mar. 3, 1911, ch. 231, § 81, 36 Stat. 1087, 1111. (Waterloo); Act of Mar. 4, 1923, ch. 256, 42 Stat. 1483 (Mason City).

<sup>25</sup>L. McNeely, Northern Judicial District of Iowa 10 (Mar. 31, 1949) (unpublished manuscript).

<sup>26</sup>See Act of Feb. 1853, § 1, 10 Stat. 165, *reprinted in* F. Brightly, *Analytical Digest of the Laws of the United States - 1789-1857*, at 200 (1858); A. Conkling, *Treaties on the Organization, Jurisdiction and Practice of the Courts of the United States* 99 (1831) (citing Act of Feb. 28, 1799, (vol. 3, p. 133, § 7)); *see also* 28 U.S.C. § 755 (1976).

<sup>27</sup>See Act of June 25, 1948, ch. 646, § 752, 62 Stat. 869, 921.

and drafting activities.<sup>28</sup>

In the 1980's, then Chief Judge O'Brien, Judge Hansen, and Judge McManus had each employed two law clerks and a secretary. Judge Hansen, officing in Des Moines, had one law clerk and one secretary. The law clerks perform the crier duties. In recent years, the Judges have been allocated additional law clerks.

The procedure of the Court is governed by the Federal Rules of Civil and Criminal Procedure and by local rules that are shared with the Southern District of Iowa and revised periodically. Copies of the Federal Rules, as well as the local rules, are available to assist attorneys and may be obtained from the Clerk of Court's office. The Northern District of Iowa Clerk's Office is headquartered in Cedar Rapids, with a divisional office in Sioux City, and is staffed by the Clerk, chief deputy clerk, and court administrators.

Other Court personnel include court reporters, two full-time magistrate judges, a bankruptcy judge, bankruptcy court personnel, probation officers and their support staff, and the marshal and his support staff.

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<sup>28</sup>See Act of Feb. 17, 1936, ch. 75, 49 Stat. 1140 (authorizing only selected district court judges to obtain law clerks); Act of June 25, 1948, ch. 646, § 752, 62 Stat. 869, 921 (authorizing district judges to appoint a law clerk upon certification of necessity); Act of Sept. 1, 1959, Pub. L. No. 86-221, 73 Stat. 452 (authorizing district judges to appoint necessary law clerks subject to an aggregate salary limitation imposed by law); Act of Oct. 21, 1965, Pub. L. No. 89-281, 79 Stat. 1012 (authorizing appointment of crier-law clerks); R. Carp & R. Stidham, *The Federal Courts 78-79* (1985) (tracing history of use of law clerks).

The biographical sketches of individuals who have served the Court appear in the sections that follow. The focus is on individuals because they comprise the Court. The greatest attention is given to the judges because they have been primarily responsible for shaping the Court's character.

## UNITED STATES DISTRICT COURT JUDGES



**Judge Oliver P. Shiras**  
**(1833-1916)**  
**Served 1882-1903**

*Photography courtesy of the State Historical Society of Iowa*

Oliver P. Shiras was born October 22, 1833, in Pittsburgh, Pennsylvania.<sup>29</sup> To pursue his early education, he traveled by buckboard from the family farm to an academy that was located along the Ohio River, about twenty miles from Pittsburgh. At the academy, he practiced reading from *McGuffey's Readers* and learned about his country from *Morse's American Geographies*.<sup>30</sup>

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<sup>29</sup>O. Shiras, Address at the Dubuque County Bar Association Banquet, *The Dubuque Bar of the Past* 5 (Oct. 22, 1914) (available in Iowa State Historical Society Library).

<sup>30</sup>O. Shiras, *supra* note 29, at 21, 23.

He continued his education at Ohio University at Athens, entering the preparatory branch in 1848.<sup>31</sup> After graduating from the University in 1853 with an *artium baccalaureus* degree, he studied natural sciences for one year at Yale University and became determined to become a lawyer.<sup>32</sup> He then entered the Yale Law School and graduated with a Master of Laws degree in the spring of 1856.<sup>33</sup>

Following his graduation from Yale Law School, he traveled to what was then considered the northwest.<sup>34</sup> After a brief stay in St. Paul, he decided to return to Chicago to begin his life's work. The return trip to Chicago from St. Paul took him through Dunleith, which is now East Dubuque. Arriving in Dunleith on a Saturday afternoon, he was forced to wait until Sunday evening to board the next train to Chicago. While in Dunleith, he called upon former Pittsburgh friends and classmates. Before long, the group had persuaded him that Dunleith was the city of opportunity to which he should relocate.<sup>35</sup>

Shortly thereafter, he began to study the Iowa Code. At the opening of its August term in 1856, the Dubuque

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<sup>31</sup>*Id.* at 42.

<sup>32</sup>O. Shiras, *supra* note 29, at 5; E. Stiles, *supra* note 21, at 167.

<sup>33</sup>*Id.* at 5-8.

<sup>34</sup>*Id.*

<sup>35</sup>*Id.*; *Dubuque's Benefactor*, *Dubuque Times J.*, Jan. 8, 1916 (available in Iowa State Historical Society Library).



District Court admitted him to the Iowa bar.<sup>36</sup> He then became the junior member of the firm Bissell, Mills & Shiras.<sup>37</sup> In 1861, Mr. Mills retired and the firm assumed the name of Bissell & Shiras.<sup>38</sup>

Early in the Civil War, he joined the Union forces. In August 1862, he was commissioned a first lieutenant and quartermaster in the Twenty-Seventh Regiment of Iowa Volunteers.<sup>39</sup> He did not, however, serve with his regiment, as he was transferred to staff duty as aide to his cousin, Brigadier-General F.J. Herron, who was in command of the Third Division of the Army of the Frontier, which was being organized in Missouri. Shiras served as aide and judge advocate of General Herron's staff and campaigned with the Army of the Frontier in Missouri, Arkansas, Mississippi, and Louisiana until 1864, when General Herron was ordered to Brownsville, Texas.<sup>40</sup>

Shiras then returned to Dubuque to practice law. In 1867, his partner, Frederick E. Bissell, died, and the firm

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<sup>36</sup>O. Shiras, *supra* note 29, at 8.

<sup>37</sup>*Id.*

<sup>38</sup>E. Stiles, *supra* note 21, at 168; *see* Bicentennial Committee, *supra* note 21, at 450.

<sup>39</sup>*See* O. Shiras, *supra* note 29, at 66; E. Stiles, *supra* note 21, at 168.

<sup>40</sup>*See* O. Shiras, *supra* note 29, at 66-67; E. Stiles, *supra* note 21, at 168.

became Shiras, Ballou & Van Duzee.<sup>41</sup> Soon thereafter, Mr. Ballou left and Colonel D.B. Henderson joined. The firm then became Shiras, Van Duzee & Henderson.<sup>42</sup> Shiras continued to actively practice law in Dubuque until August 1882, when President Arthur appointed him judge of the newly created United States District Court for the Northern District of Iowa.<sup>43</sup>

While on the Court, Judge Shiras demonstrated his versatility and superior qualifications by being called upon frequently to sit in Minnesota, the Southern District of Iowa, Missouri, Arkansas, Kansas, Nebraska, and South Dakota, and with other judges on the Court of Appeals for the Eighth Circuit.<sup>44</sup> His opinions, which are scattered throughout the early volumes of the Federal Reporter, are distinguished for their clarity and brevity. Those opinions reflected the times, with a majority of the opinions involving bankruptcies and the rights and liabilities of the railroads.<sup>45</sup>

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<sup>41</sup>E. Stiles, *supra* note 21, at 168.

<sup>42</sup>*Id.*

<sup>43</sup>*Id.*; Bicentennial Committee, *supra* note 21, at 450.

<sup>44</sup>E. Stiles, *supra* note 21, at 168.

<sup>45</sup>This information is gained from examination of Judge Shiras' published opinions. For a description of the development of the railroad industry and the state economy during Judge Shiras' tenure, see the Federal Writers' Project of the Works Progress Administration for the State of Iowa, *Iowa-A Guide to the Hawkeye State* (1938) [hereinafter "Federal Writers' Project"]; SAGE, *supra* note 3.

Judge Shiras compiled *Equity Practice in the United States Circuit Courts* and, in 1886, received an honorary Doctor of Laws degree from Yale University.<sup>46</sup>

He served the federal Judiciary with distinction for twenty-one years until, in November of 1903, he retired from the bench at age seventy.<sup>47</sup>

Judge Shiras remained active as a civic benefactor. His two principal interests after retirement were the Carnegie Free Public Library of Dubuque, of which he became president of the board, and the city of Dubuque's public park system, of which he was chairman for a number of years.<sup>48</sup> He also served as trustee of Finley Hospital.<sup>49</sup> When he died on January 7, 1916, he was declared, "Dubuque's most distinguished citizen."<sup>50</sup>

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<sup>46</sup>Bicentennial Committee, *supra* note 21, at 450.

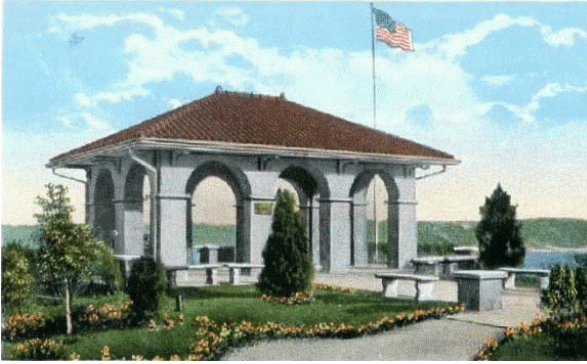
<sup>47</sup>*See* E. Stiles, *supra* note 21, at 210.

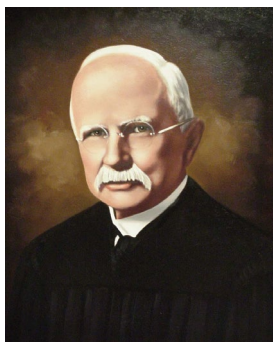
<sup>48</sup>*See id.*; O. Shiras, *supra* note 29, at 210.

<sup>49</sup>E. Stiles, *supra* note 21, at 168.

<sup>50</sup>*Dubuque's Benefactor*, *supra* note 35; *Noted Iowan Goes to Rest*, *Dubuque Times J.*, Jan. 8, 1916 (available in Iowa State Historical Society Library).

## SHIRAS MEMORIAL – DUBUQUE





**Judge Henry T. Reed  
(1846-1924)  
Served 1904-1921**

Henry T. Reed was born October 1, 1846, in Alburg, Vermont, the son of George and Jane Reed.<sup>51</sup> The family moved to a farm in Howard County, Iowa, in 1855, where Reed attended public schools and Craig Academy.<sup>52</sup> After leaving the Academy, he worked two years as deputy county clerk of Howard County (1865-1866), then spent the next several years working as a clerk in the bank of Kimball & Farnsworth.<sup>53</sup> Although his early plans were to study medicine, he began studying law privately while employed as a bank clerk.

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<sup>51</sup>Bicentennial Committee, *supra* note 21, at 412-13.

<sup>52</sup>*Judge H.T. Reed Called by Death*, Cresco Plaindealer, Feb. 29, 1924 (available in Iowa State Historical Society Library).

<sup>53</sup>*See id.*; Bicentennial Committee, *supra* note 21, at 412-13.

He was admitted to the bar in 1870.<sup>54</sup> He became involved in the Republican party and, in 1876, was elected to the lower house of the Iowa Legislature.<sup>55</sup> His political career was brief, lasting only one term. He continued his law practice in Cresco, Iowa, until 1904, when he was appointed district judge by President Theodore Roosevelt.<sup>56</sup>

He held court in Dubuque, Cedar Rapids, Fort Dodge, and Sioux City,<sup>57</sup> and, like Judge Shiras, Judge Reed decided many cases that involved the railroads.<sup>58</sup> Judge Reed was described as having a quiet disposition and a retiring nature.<sup>59</sup> Judge Reed's health was failing at the time of his

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<sup>54</sup>*Judge H.T. Reed Called by Death*, *supra* note 52; *Hon. Henry T. Reed*, Decorah Republican, Feb. 26, 1924 (available in Iowa State Historical Society Library); *see* Bicentennial Committee, *supra* note 21, at 412-13.

<sup>55</sup>Bicentennial Committee, *supra* note 21, at 412-13; *Judge H.T. Reed Dies at Cresco*, Des Moines Capitol, Feb. 25, 1924 (available in Iowa State Historical Society Library).

<sup>56</sup>*Judge H.T. Reed Called by Death*, *supra* note 52.

<sup>57</sup>*Id.*

<sup>58</sup>*E.g.*, *Dahn v. McAdoo*, 256 F. 549 (N.D. Iowa 1919); *Vanek v. Chi. Great W. R.R.*, 252 F. 871 (N.D. Iowa 1918); *United States v. Chi., St. P., M. & O. Ry.*, 245 F. 179 (N.D. Iowa 1917); *First Tr. Co. v. Crooked Creed R.R. & Coal Co.*, 243 F. 450 (N.D. Iowa 1917); *Waverly Stone & Gravel Co. v. Waterloo, C.F. & N. Ry.*, 239 F. 560 (N.D. Iowa 1917).

<sup>59</sup>*Judge H.T. Reed Called by Death*, *supra* note 52.

retirement from the bench,<sup>60</sup> and he passed away on December 1, 1921,<sup>61</sup> at his home in Cresco.

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<sup>60</sup>*Id.*

<sup>61</sup>*Judge H.T. Reed Dies at Cresco, supra* note 55. The newspaper accounts identify February 24, 1924, as the date of death. *See id.*; *Judge H.T. Reed Called by Death, supra* note 52; *Hon. Henry T. Reed, supra* note 54. The Bicentennial Committee, however, gives February 22, 1924, as the date of death. *See Bicentennial Committee, supra* note 21, at 412-13.



**Judge George C. Scott**  
**(1864-1948)**  
**Served 1922-1943**

George C. Scott was born on a farm in Monroe County, New York, on August 8, 1864.<sup>62</sup> Orphaned at age five, he went to live in the home of an uncle.<sup>63</sup> At sixteen, he decided to relocate to the Midwest. Settling in Dallas County, Iowa, he worked as a farmhand and attended public schools. He graduated from Dallas Center High School, then taught school for two years. He spent his summers working as a laborer.<sup>64</sup> His brief teaching career ended when he went to work as an assistant in the county clerk's office.<sup>65</sup> During his

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<sup>62</sup>See Bicentennial Committee, *supra* note 21, at 440; *Death Takes Judge Scott*, Des Moines Tribune, Oct. 6, 1948 (available in Iowa State Historical Society Library).

<sup>63</sup>*Service with Distinction - Twenty Years on the Federal Bench*, Sioux City J., Mar. 8, 1942 (available in Iowa State Historical Society Library).

<sup>64</sup>*Id.*

<sup>65</sup>*Id.*



free hours, he read the law and was admitted to the Iowa bar in 1887.<sup>66</sup>

Scott moved to Le Mars in 1888, where he opened a law office.<sup>67</sup> He practiced law in Le Mars until 1901, when he moved to Sioux City.<sup>68</sup>

Scott began his political career as a Republican in 1912, when he was elected to Congress from the Iowa's Eleventh District to fill a vacancy created by the death of a Congressman E.H. Hubbard.<sup>69</sup> In 1913, he was reelected but was defeated by Democrat Tom J. Steele in 1915.<sup>70</sup> Thereafter, in the election in 1917, he was again reelected to Congress.<sup>71</sup> He served in the House of Representatives until 1919, when he returned to the practice of law.<sup>72</sup>

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<sup>66</sup>*Id.*; Bicentennial Committee, *supra* note 21, at 440.

<sup>67</sup>*Service with Distinction - Twenty Years on the Federal Bench*, *supra* note 63.

<sup>68</sup>*Id.*

<sup>69</sup>*Judge George C. Scott*, Sioux City J., Oct. 7, 1948 (available in Iowa State Historical Society Library).

<sup>70</sup>*See Scott About to Close Long Career on Bench*, Des Moines Reg., Sept. 16, 1943 (available in Iowa State Historical Society Library); *Service with Distinction - Twenty Years on the Federal Bench*, *supra* note 63.

<sup>71</sup>*See Judge George C. Scott*, *supra* note 69; Bicentennial Committee, *supra* note 21, at 440.

<sup>72</sup>*Judge George C. Scott*, *supra* note 69.

On February 16, 1922, President Harding nominated Scott for a district judgeship in the Northern District of Iowa, and Scott was confirmed by the Senate within one week.<sup>73</sup> He took his oath of office on March 4, 1922, and held his first term of court in Cedar Rapids the following month.<sup>74</sup> Judge Scott regularly held court at all six court points and brought with him a keen sense of fairness and integrity.<sup>75</sup>

On the district bench, he presided over a wide variety of disputes. After the Civil War, industry began to establish its position within the State,<sup>76</sup> and the subsequent advance of industrialization brought before Judge Scott cases that involved labor-management conflicts,<sup>77</sup> contract disputes,<sup>78</sup> and issues of unfair competition.<sup>79</sup> As did his predecessors,

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<sup>73</sup>*Service with Distinction - Twenty Years on the Federal Bench*, *supra* note 63; see Bicentennial Committee, *supra* note 21, at 440.

<sup>74</sup>*Service with Distinction - Twenty years on the Federal Bench*, *supra* note 63.

<sup>75</sup>*Id.*

<sup>76</sup>See Federal Writers' Project, *supra* note 45, at 57.

<sup>77</sup>*E.g. Schwarz v. Witwer Grocer Co.*, 49 F. Supp. 1003 (N.D. Iowa 1943); *Ellinger v. Goodyear Tire & Rubber Co.*, 40 F. Supp. 626 (N.D. Iowa 1941).

<sup>78</sup>*E.g., Bareco Oil Co. v. Alexander*, 33 F. Supp. 32 (N.D. Iowa 1940); *Rich v. Corno Mills Co.*, 300 F. 236 (N.D. Iowa 1924).

<sup>79</sup>*E.g., Farmers Co-op Oil Co. v. Socony-Vacuum Oil Co.*, 51 F. Supp. 440 (N.D. Iowa 1943); *Beneficial Indus. Loan Corp. v. Kline*, 45 F. Supp. 168 (N.D. Iowa 1942); *Mumm v. Rath Packing Co.*, 33 F. Supp. 591 (N.D. Iowa 1940); *United States Gypsum Co. v. Heslop*, 39 F.2d 228

Judge Scott also decided several cases that involved farm bankruptcies.<sup>80</sup>

Arguably the most well-known trial over which Judge Scott presided was that of Oscar M. Hartzell who was tried and convicted of using the mails to defraud investors.<sup>81</sup> Hartzell claimed to have an assignment from Sir Francis Drake's only surviving heir that would entitle him to the buccaneer's twenty-two-billion-dollar estate, which otherwise may have escheated to England. To pursue his claim against England, Hartzell said that he needed contributions totaling \$2,500.00 each week. He promised his backers that for every dollar they contributed on loan, each would receive a handsome \$1,000.00 in return.

A former Iowa farm boy, Hartzell made Sioux City his fundraising headquarters. Seventy thousand individuals, most of them "Siouxlanders," saved to send two-million dollars to Hartzell in London. His scheme worked well until he unwittingly confided to a private investigator that he was

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(N.D. Iowa 1930).

<sup>80</sup>*E.g.*, *In re Olson*, 21 F. Supp. 504 (N.D. Iowa 1937); *In re Lindsay*, 12 F. Supp. 625 (N.D. Iowa 1935); *In re Tyler*, 284 F. 152 (N.D. Iowa 1922).

<sup>81</sup>*See Hartzell v. United States*, 72 F.2d 569 (8th Cir. 1934), *cert. denied*, 293 U.S. 621; *see also* Miller, *The Slicker Who Hoodwinked 70,000 Investors*, Sioux City J., Jan. 12, 1958, *reprinted in An Account of the Case of United States of America versus Oscar Hartzell, Generally Known as the Drake Estate Case* (H. Graven ed.) (unpublished manuscript); *Service with Distinction - Twenty Years on the Federal Bench*, *supra* note 63.

living comfortably on a racket that was based on an old legend. When England deported him as an undesirable alien in the winter of 1933, the United States issued a fraud order, and the federal marshals brought him to Sioux City for trial. The jury returned a guilty verdict on November 15, 1933, and Judge Scott sentenced Hartzell to serve ten years in the federal prison. The decision was affirmed on appeal.

Judge Scott was a member of the First Congregational Church, the Blue Lodge at Le Mars, the Sioux City Consistory No. 5, and the Abu-Bekr Shrine.<sup>82</sup> He was also active in the masonry in northwestern Iowa.<sup>83</sup> For pleasure, he read Macaulay, Mark Twain, and selected detective tales.<sup>84</sup> He was declared a “master of phraseology,” was said to be “*apt at repartee*,” and would frequently quote Wescott’s David Harum.<sup>85</sup>

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<sup>82</sup>J. Marshall, Remarks at the Memorial Service for Judge Scott, United States Courthouse, Sioux City, Iowa (Jan. 13, 1949), *reprinted in* L. McNeely, *supra* note 25, at 28, 30.

<sup>83</sup>*Id.*

<sup>84</sup>*Service with Distinction - Twenty Years on the Federal Bench*, *supra* note 63.

<sup>85</sup>*Id.*

On November 1, 1943, Judge Scott retired at the age of seventy-nine.<sup>86</sup> He lived in Sioux City until he died from a heart attack at his home on October 6, 1948.<sup>87</sup>

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<sup>86</sup>McNeely, *supra* note 25; see *Scott About to Close Long Career on Bench*, *supra* note 70.

<sup>87</sup>See *Judge George C. Scott*, *supra* note 69; *Death Takes Judge Scott*, *supra* note 62. Judge Scott is buried at Graceland Park Cemetery, Sioux City, Iowa.



**Judge Henry N. Graven**  
**(1893-1970)**  
**Served 1944-1961, Senior Judge 1961-1970**

Henry N. Graven was born the son of Endre and Elise (Thompson) Graven on June 1, 1893, at St. James, Minnesota.<sup>88</sup> Born in a rural area, Graven received his early education from his mother.<sup>89</sup> One book that she read to her four children was *Easy Steps for Little Feet*. The book taught that the children to whom it was read would go to Heaven. Concerned, Graven asked whether this meant that all of them, including his younger brother Jim, would go to Heaven. When his mother responded that it did, Graven reportedly complained, “Can’t we even go to Heaven without taking that pest along?”<sup>90</sup>

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<sup>88</sup>Bicentennial Committee, *supra* note 21, at 193; Memorial Service for the Honorable Henry N. Graven, 316 F. Supp. 5 (Apr. 21, 1970) [hereinafter “Memorial Service”].

<sup>89</sup>J.G., Honorable Henry N. Graven I (unpublished manuscript).

<sup>90</sup>*Id.* at 2.

Later, Graven attended public and parochial schools.<sup>91</sup> He and his brother Jim both played high school football at St. James. He studied his opponents carefully and kept an indexed card file on the techniques and peculiarities of each.<sup>92</sup> When he became a judge, he used cards to record legal principles. This “library” accompanied him when he traveled to the various court points.<sup>93</sup>

From 1912 to 1915, he attended the University of Minnesota, working odd jobs to support himself.<sup>94</sup> One summer, he worked with harvest and threshing crews in North Dakota and slept in jails to conserve funds. A friend later exclaimed that “[h]e [was] the only Federal Judge with such a wide first-hand knowledge of penal conditions.”<sup>95</sup>

After studying three years at the University, he moved to Mobridge, South Dakota.<sup>96</sup> He worked as a car man for the railroad until the United States entered World War I.<sup>97</sup>

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<sup>91</sup>*Id.*

<sup>92</sup>*Id.*

<sup>93</sup>Letter from Marcella E. Moritz to Judge Eugene O’Brien (Oct. 15, 1985) (discussing history of the Northern District of Iowa). Ms. Moritz, a former deputy clerk in the Northern District of Iowa, provided Judge O’Brien with information relating to the Court’s history.

<sup>94</sup>J.G., *supra* note 89, at 3-4.

<sup>95</sup>*Id.* at 4.

<sup>96</sup>*Id.*

<sup>97</sup>*Id.*

During the War, he served with the Combat Engineers of the United States Army.<sup>98</sup> Before his outfit returned to America, he took a course in law at the University of Dijon in France.<sup>99</sup>

In 1921, he and his brother Jim graduated with law degrees from the University of Minnesota, where Graven had served on the editorial board of the Law Review and gained membership to the Order of the Coif.<sup>100</sup> The brothers were admitted to the Iowa bar and, together, opened a law office in Greene, Iowa.<sup>101</sup>

A brief description of one of their early trials is reproduced below:

*Jim and the Judge had no secretary, so one or the other always stayed in the office to prevent the calamity of missing a client. One day, Jim had gone over to try a case in JP court with the Judge holding down the office and eagerly awaiting word of the outcome. Jim returned, threw open the door, and cried, "Justice triumphed." To this the Judge exclaimed, "Hell! Did we lose again?"<sup>102</sup>*

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<sup>98</sup>Bicentennial Committee, *supra* note 21, at 193; J.G., *supra* note 89, at 5.

<sup>99</sup>J.G., *supra* note 89, at 5.

<sup>100</sup>*Id.* at 6, app.

<sup>101</sup>*Id.* at 6; Memorial Service, *supra* note 88, at 6.

<sup>102</sup>J.G., *supra* note 89, at 6.



In 1937, after serving one year as Special Assistant Attorney General of Iowa, Graven became a judge of the State's twelfth judicial district.<sup>103</sup> He remained in that position until 1944, when President Franklin D. Roosevelt nominated him to the federal bench.<sup>104</sup> He was sworn in on March 30, 1944.<sup>105</sup>

Judge Graven was a prodigious worker. While on the Court, he presided over a growing number of tax disputes<sup>106</sup> and motor vehicle accident cases,<sup>107</sup> and authored several opinions that put him in the public eye. His opinion in *Amos v. Prom, Inc.*<sup>108</sup> (the "Surf Ballroom Case") attracted much positive comment. *Amos* was a civil rights case brought by a woman who had been denied admittance to the Surf

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<sup>103</sup>*Id.*

<sup>104</sup>*See id.* Although nominated by a Democratic President, Judge Graven was a Republican. Telephone interview with Butler County Auditor (Nov. 10, 1986).

<sup>105</sup>*See* J.G., *supra* note 89, app. The Senate confirmed his appointment on March 22, 1944. Memorial Service, *supra* note 88, at 6.

<sup>106</sup>*See, eg., Fort Dodge By-Products v. United States*, 133 F. Supp. 254 (N.D. Iowa 1955); *Dubuque Packing Co. v. United States*, 126 F. Supp. 796 (N.D. Iowa 1954); *Beck v. F.W. Woolworth Co.*, 111 F. Supp. 824 (N.D. Iowa 1953).

<sup>107</sup>*See, eg., Burkhardt v. Bates*, 191 F. Supp. 149 (N.D. Iowa 1961); *Brandt v. Olson*, 190 F. Supp. 683 (N.D. Iowa 1961); *Wendt v. Lillo*, 182 F. Supp. 56 (N.D. Iowa 1960); H. Glick, *Courts, Politics, and Justice* 40 (1983); H.R. Rep. No. 2433, 84th Cong., 2d Sess. 4.

<sup>108</sup>117 F. Supp. 615 (N.D. Iowa 1954).

Ballroom at Clear Lake, Iowa because she was black. Judge Graven rejected the defendant's argument that its discrimination did not violate the Iowa Civil Rights Act because its dance hall was a "place of recreation," rather than a "place of amusement." The case, which had been followed with interest by the National Association for the Advancement of Colored People, the national organization of ballroom owners, and the press, was declared, "A Victory for Civil Rights in Iowa."<sup>109</sup>

A panel of Eighth Circuit judges described Judge Graven as a "thoroughly competent and conscientious trial judge."<sup>110</sup> His opinion in *Denver-Chicago Trucking Co. v. Lindeman*<sup>111</sup> demonstrates how he earned such praise.

*Lindeman* addressed whether a statute of limitations defense is available to a foreign corporation in a cause of action arising under Iowa law. Judge Graven concluded that a determination of the availability of the statute of limitations defense required consideration of whether the foreign corporation could escape service during the statutory period. Judge Graven named the test "inescapability from service,"

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<sup>109</sup>Des Moines Reg., Nov. 26, 1953; 'Rights' Case is Near Jury, Des Moines Reg., Nov. 24, 1953; 'Rights' Jury Awards, \$400 in Damages, Des Moines Reg., Nov. 25, 1953.

<sup>110</sup>*Gerberding v. United States*, 471 F.2d 55, 62 (8th Cir. 1973).

<sup>111</sup>73 F. Supp. 925 (N.D. Iowa 1947).

an apt description that was later adopted by the Iowa Supreme Court.<sup>112</sup>

Judge Graven received an honorary Doctor of Laws degree from Capital University in 1942, an honorary Doctor of Humane Letters degree from Wartburg College in 1962, and an Award of Merit from the Iowa State Bar Association in 1957.<sup>113</sup> He was Director of the Legal Institute of the Iowa State Bar Association and a member of the Iowa Supreme Court Rules Advisory Committee.<sup>114</sup>

He assumed senior status<sup>115</sup> on August 31, 1961.<sup>116</sup> He tried no further cases in the Northern District of Iowa, but continued to take judicial assignments in Florida, Louisiana, California, New York, North Dakota, Texas, and Puerto

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<sup>112</sup>*Kokenge v. Holthaus*, 243 Iowa 571, 52 N.W.2d 711 (1952).

<sup>113</sup>Bicentennial Committee, *supra* note 21, at 193.

<sup>114</sup>J.G., *supra* note 89, app.

<sup>115</sup>Federal judges who assume senior status by retiring pursuant to 28 U.S.C. § 371(b) (1986 Supp.) retain office even though no longer in regular active service. Senior judges are “called upon and authorized to perform such judicial duties as [they] may be willing to undertake” and when performing judicial duties in another district or circuit, their status is the same as that of active judges assigned to such duties. 46 Am. Jur. 2d *Judges* § 17 (1969).

<sup>116</sup>*See* Memorial Service, *supra* note 88, at 6.

Rico.<sup>117</sup> He died February 1, 1970, while on assignment at San Antonio in the western district of Texas.<sup>118</sup>

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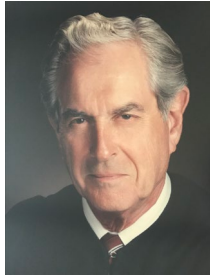
From August 31, 1961, until Edward J. McManus' appointment July 16, 1962, the Northern District of Iowa was without an active federal judge. During the interim, when the need to dispose of cases became critical, judges from other districts sat by assignment.<sup>119</sup> Judges John Delehant and Robert Van Pelt from Nebraska and Roy Stephenson from the Southern District of Iowa were among the judges who sat.

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<sup>117</sup>*See id.*

<sup>118</sup>Northern Judicial District of Iowa 4 (unpublished, undated manuscript). Judge Graven's personal papers are available in the University of Iowa Main Library, Special Collections Department.

<sup>119</sup>Northern Judicial District of Iowa 4 (unpublished, undated manuscript).



**Judge Edward J. McManus  
(1920-2017)  
Chief Judge 1962-1985; Senior Judge 1985-2017**

The first native Iowan to be appointed to the United States District Court for the Northern District of Iowa was Edward J. McManus. He was born February 9, 1920, in Keokuk, Iowa. His early education was in the Keokuk parochial and public schools. After graduating from Keokuk High School in 1936, he attended St. Ambrose College, then transferred to the University of Iowa, where he received a Bachelor of Arts degree in 1940. His legal education at Iowa was accelerated by World War II. In October 1941, he was admitted to the Iowa bar and three months later he received his Juris Doctor degree.

In March 1942, he enlisted in the United States Naval Air Corps as a seaman 2nd class. He and thirty other young men who had attended the University of Iowa, known as the “Flying Hawkeyes,” received training in St. Louis, Missouri, and received their commissions in early 1943. McManus served as a flight instructor from 1943 to 1944, and as a pilot in the Marauder Target Towing unit in Florida from 1944 until early 1946. Upon retiring from the Navy with rank of

lieutenant, McManus returned to Keokuk and joined his father, Edward W. McManus, and brother, Neil E. McManus, in the general practice of law under the firm name McManus and McManus. He served as city attorney for Keokuk for ten years and authored the city's municipal code.

He became active in Democratic Party affairs and in 1954 was elected to the Iowa Senate.<sup>120</sup> He occupied the senate seat of his grandfather, Edward P. McManus, and his great-grandfather, John Downey. In 1958, he was elected lieutenant governor of Iowa.<sup>121</sup> In 1960, McManus was the Democratic candidate for Governor, but he lost the general election to Norman A. Erbe. Retiring from politics and returning to his law practice in Keokuk, he was appointed by President John F. Kennedy on July 16, 1962, as chief judge of the Northern District of Iowa.

Shortly after his appointment to the federal bench, Judge McManus met with then Chief Judge Roy L. Stephenson of the Southern District of Iowa and roving Judge William C. Hanson. They agreed to undertake the novel experiment of apportioning the burgeoning caseloads of both districts by geographical proximity. Under this plan, Judge McManus handled all cases in the Cedar Rapids and Eastern (Dubuque and Waterloo) Divisions of the Northern District of Iowa as well as the Davenport and Eastern (Keokuk) Divisions of the Southern District of Iowa. Judge Hanson handled all cases in the Central (Fort Dodge) and Western

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<sup>120</sup>He served as a state senator from 1955 to 1959.

<sup>121</sup>During 1959-1961, he served as lieutenant governor.

(Sioux City) Divisions of the Northern District of Iowa and the Western Division (Council Bluffs) of the Southern District of Iowa, and Judge Stephenson served the Southern (Clarinda), Central (Des Moines), and Ottumwa Divisions of the Southern District of Iowa. This system of handling cases remained in effect for about a year.

After discovering that a severe case backlog was developing in the Northern District of Iowa, Judge McManus discontinued the experiment in order to fulfill his primary statutory duty to provide litigants in the Northern District of Iowa with prompt judicial service. Thereafter, he handled all cases in the Western, Eastern, and Cedar Rapids Divisions of the Northern District of Iowa, while Judge Hanson took the cases in the Northern District of Iowa's Central Division. Judge Hanson spent the rest of his time in the Southern District with Judge Stephenson.

Under the new arrangement, the Northern District of Iowa's docket has remained current, despite a drastic increase in cases filed. In 1962, for instance, 244 new cases were filed, while in 1977, 404 new cases were filed. The number of new case filings increased to 875 in 1985, but the Northern District of Iowa's docket remained current, despite Judge Hanson's retirement in 1977. Judge McManus was also responsible for the present organization of the District. When he took office in the summer of 1962, the day-to-day functions of the Court were spread throughout the District based on geography. The United States Marshals Service and the Clerk's Office were headquartered in Dubuque, the United States Attorney's office in Sioux City, the Probation Office in Waterloo, the referee in bankruptcy in Fort Dodge.

Concerned with the inefficiencies that this caused, Judge McManus proceeded to centralize the Court's operations. He chose Cedar Rapids as the headquarters of the Court and of the chief district judge. Although the only court employee based in Cedar Rapids at that time was a deputy clerk, the size of the City and its accessible location made it an attractive locale for the Court's home base.<sup>122</sup> He entered an order on August 15, 1962, directing that the Clerk's Office, the Probation Office, and referee in bankruptcy be moved to Cedar Rapids.<sup>123</sup> Thereafter, the United States Marshals Service and the United States Attorney's Office for the Northern District of Iowa moved their office headquarters to the federal building at Cedar Rapids.

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<sup>122</sup>Cedar Rapids was, at the time, the largest city in the Northern District.

<sup>123</sup>Administrative Order Book, in Cedar Rapids, Iowa (Aug. 15, 1962 entry). The order directed that the transfer of the Clerk's headquarters commence September 1, 1962, and be completed by no later than October 1, 1962. The order further directed that the transfer of the probation office and referee's headquarters be held in abeyance until appropriate accommodations became available at Cedar Rapids. Thereafter, by order entered August 8, 1963, the chief probation officer was directed to transfer his headquarters from Waterloo to Cedar Rapids by September 16, 1963, Administrative Order Book, in Cedar Rapids, Iowa (Aug. 8, 1963 entry), and by order entered February 10, 1964, the probation branch office was ordered moved from Waterloo to Sioux City, Administrative Order Book, in Cedar Rapids, Iowa (Feb. 10, 1964 entry). The headquarters of the referee remained in Fort Dodge until 1965. Administrative Order Book, in Cedar Rapids, Iowa (Mar. 11, 1965 entry) (directing that the transfer commence April 1, 1965, and be completed by Apr. 30, 1965).



In 1972, Judge McManus petitioned the Judicial Council for the Eighth Circuit, the Chief Justice and the Judicial Conference, and Congress, requesting that the State be redistricted on an east-west basis to alleviate the geographic travel inefficiencies caused by the present north-south system. In the petition, Judge McManus also requested a fourth federal judge for Iowa. Although Judge McManus' redistricting suggestion has not come to fruition, even today, Judge McManus' petition for a fourth judgeship was heeded, and Harold D. Vietor was appointed as a federal judge for the Southern District of Iowa in May 1979.<sup>124</sup>

In the 1970s, Judge McManus was involved with closing district offices that received relatively little business. Pursuant to the Public Building Amendments of 1972, the Judiciary was required to pay rent to the General Services Administration for court-assigned space beginning July 1, 1974. To reduce the percentage of the Judiciary budget used for rent, the Court, at the behest of the Administrative Office, closed the Clerk's divisional office at Dubuque in 1973 and Fort Dodge office in 1979.

During his twenty-three years of active service on the federal bench, Judge McManus received recognition as a talented administrator and trial judge. Early in his tenure, he instituted a case management system for civil cases that included a preliminary pretrial report; final pretrial conference; and establishment of discovery and settlement

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<sup>124</sup>See Act of Oct. 20, 1978, Pub. L. No. 95-486, § 1(c). 92 Stat. 1630 (amending 28 U.S.C. § 133 (1976) to create additional judgeship in Southern District). A third judgeship had been created in 1961.

deadlines, and a specific trial date. On the belief that judges seldom, if ever, change their minds after oral argument, Judge McManus' innovative system also required written briefs and arguments instead of oral arguments on motions and other submissions, which minimized the parties' expenses. Although controversial when first used, the procedures proved so effective in eliminating attorney unpreparedness and courthouse-door settlements that many were later embodied in federal and state practice.

Some of Judge McManus' notable decisions include *United States v. Kloberdanz*,<sup>125</sup> *Davis v. Synhorst*,<sup>126</sup> and the South Dakota Indian cases of *United States v. Crow Dog*<sup>127</sup> and *United States v. Butler and Robideau*.<sup>128</sup> In *Kloberdanz*, a rural mail carrier lost his job and retirement benefits for failing to deliver to a dead woman on his route. When the government refused to settle for suspension without pay, Judge McManus fined the man \$0.25 on each of two counts and accused the zealous government attorney of pursuing a mean and malicious prosecution. In *Synhorst*, a three-judge panel decided that Iowa's system of legislative apportionment violated the Equal Protection Clause of the Fourteenth Amendment.<sup>129</sup> *Crow Dog* involved an Indian

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<sup>125</sup>No. CR 76-2013 (N.D. Iowa 1976).

<sup>126</sup>217 F. Supp. 492, 501 (S.D. Iowa 1963), *aff'd sub. nom. Hill v. Davis*, 378 U.S. 565 (1964).

<sup>127</sup>399 F. Supp. 288 (1975).

<sup>128</sup>No. CR 76-11 (N.D. Iowa July 16, 1976).

<sup>129</sup>217 F. Supp. 492.

uprising at Wounded Knee, South Dakota, while *Butler-Robideau* involved two American Indian Movement members who had been charged with killing two FBI agents on the Pine Ridge Indian Reservation in South Dakota in June of 1975.

Judge McManus received an honorary Doctor of Laws degree from St. Ambrose College in 1964 and is a member of the Order of Coif. He often sat by designation on the Eighth Circuit Court of Appeals in St. Louis and St. Paul; the Court of Customs and Patent Appeals in Washington, D.C.; the District Court for the District of Columbia, Eastern District of Arkansas at Little Rock, District of Minnesota at Minneapolis, Southern District of Iowa, and District of Nebraska at Omaha. He served on the Eighth Circuit Bicentennial of the Constitution Committee and was chairman of the Northern District of Iowa Branch of the Eighth Circuit Historical Society

Judge McManus assumed senior status at age sixty-five on February 9, 1985. He remained in Cedar Rapids and handled some 320 cases while on senior status.

Judge McManus passed away on March 20, 2017. He served 55 years on the bench as a federal district judge, which is longer than any federal judge in Iowa to date.



**Judge William C. Hanson**  
**(1909-1995)**  
**Served 1962-1977; Senior Judge 1977-1995**

By Act of May 19, 1961, Congress authorized the appointment of an additional judge to serve the Northern and Southern Districts of Iowa. President Kennedy appointed William C. Hanson to share his time between the two districts.<sup>130</sup>

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<sup>130</sup>Pub. L. No. 87-36, 75 Stat. 80. The Act of July 20, 1882, 22 Stat. 172, which divided the State into two judicial districts, provided for one judge in the Northern District of Iowa and one judge in the Southern District of Iowa. Except for the creation of a temporary judgeship in the Southern District of Iowa in 1928, the number of judgeships remained unchanged until 1961. *See* Act of Jan. 19, 1928, 45 Stat. 52 (creating temporary judgeship that expired in 1931). In 1961, Congress decided that the creation of a roving judgeship in Iowa was justified by the great distance between the numerous places of holding court within the State, the increase in the number of cases filed in the two district courts, and the State's population growth. *See* H.R. Rep. No. 2433, 84th Cong., 2d Sess. 3-4, 32-39, *reprinted in* 4F *Congress and the Courts: A Legislative History-1787-1977*, at 10781 (B. Reams, Jr. & C. Haworth eds. 1978).

Judge Hanson was born May 14, 1909, in rural Greene County, Iowa.<sup>131</sup> Judge Hanson received his higher education at the University of Iowa, where he earned a Bachelor of Arts degree in 1933 and a Juris Doctorate degree in 1935. In 1935, he was admitted to the Iowa Bar.<sup>132</sup> He practiced law in Jefferson, Iowa, from 1935 to 1955, and served as Greene County Attorney from 1939 through 1946.<sup>133</sup> In 1955, he became a state district court judge of the Sixteenth Judicial District.<sup>134</sup> From 1956 to 1958, he served as secretary-treasurer of the Iowa Judges Association.<sup>135</sup> He served as a state judge until July 23, 1962, when President Kennedy appointed him as a roving judge for the Northern and Southern District Courts of Iowa.<sup>136</sup> Judge Hanson became chief judge of the Southern District of Iowa on July 6, 1971, following Judge Roy Stephenson's appointment to the Eighth Circuit Court of Appeals.<sup>137</sup>

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<sup>131</sup>Bicentennial Committee, *supra* note 21, at 207.

<sup>132</sup>*Id.*

<sup>133</sup>*See id.*

<sup>134</sup>*Id.*

<sup>135</sup>Telephone interview with Clifford Ramstad, Secretary to Judge Hanson (July 22, 1986).

<sup>136</sup>Interview with William Kanak, Clerk of Court, in Cedar Rapids, Iowa (July 10, 1986); *see* Bicentennial Committee, *supra* note 21, at 207.

<sup>137</sup>*See* Administrative Office of the United States Courts, *Justices and Judges of the United States*.

Judge Hanson served on the United States Judicial Conference Committee on the Operation of Criminal Law from 1975 to 1981.<sup>138</sup> In addition, he sat by designation on the Eighth and Ninth Circuit Courts of Appeals and on the District Courts of North Dakota, South Dakota, Minnesota, and Missouri.<sup>139</sup> Judge Hanson assumed senior status on August 15, 1977.

Testimony of his service as a trial judge can be found in his published opinions. A sampling of these opinions demonstrates Judge Hanson's role in the evolution of the law in the Northern District of Iowa.

In 1963, in the defamation case of *Cimijotti v. Paulsen*,<sup>140</sup> Judge Hanson held that statements made to priest by penitent, who was seeking church sanctions, and by non-penitents to provide corroboration of penitent's statement as required by church law were privileged communications not available on deposition, and were at least qualifiedly privileged from slander.<sup>141</sup> Judge Hanson also presided over

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<sup>138</sup>Telephone interview with Clifford Ramstad, *supra* note 135.

<sup>139</sup>*Id.*

<sup>140</sup>219 F. Supp. 621 (N.D. Iowa), *appeal dismissed*, 323 F.2d 716 (8th Cir. 1963).

<sup>141</sup>230 F. Supp. 39, 43-44 (N.D. Iowa 1964), *aff'd*, 340 F.2d 613 (8th Cir. 1965).

the three-month obscenity case, *Luros v. United States*,<sup>142</sup> in which he dismissed over half of the government's twenty-five counts. The Eighth Circuit Court of Appeals subsequently dismissed the remaining counts.<sup>143</sup> Other noteworthy cases tried in the Northern District of Iowa by Judge Hanson include *Mini Cinema 16 Inc. v. Habhab*,<sup>144</sup> *Stockdale v. Agrico Chemical Co.*,<sup>145</sup> *Jackson v. American Yorkshire Club*,<sup>146</sup> and *Webb v. Lake Mills Community School District*.<sup>147</sup>

In the Southern District of Iowa, Judge Hanson presided over several other notable cases. In *Doe v. Turner*,<sup>148</sup> writing for the three-judge district court panel, he ruled unconstitutional an Iowa statute prohibiting abortions except to save the life of the mother. In *Williams v. Brewer*,<sup>149</sup> he reversed the first-degree murder conviction of

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<sup>142</sup>260 F. Supp. 697 (N.D. Iowa 1966, *rev'd in part*, 389 F.2d 200 (8th Cir. 1968).

<sup>143</sup>389 F.2d 200, 206 (8th Cir. 1968).

<sup>144</sup>326 F. Supp. 1162 (N.D. Iowa 1970).

<sup>145</sup>340 F. Supp. 244 (N.D. Iowa 1972).

<sup>146</sup>340 F. Supp. 628 (N.D. Iowa 1971).

<sup>147</sup>344 F. Supp. 791 (N. D. Iowa 1972).

<sup>148</sup>361 F. Supp. 1288 (S.D. Iowa), *appeal denied*, 488 F.2d 1134 (8th Cir. 1973).

<sup>149</sup>375 F. Supp. 170 (S.D. Iowa), *aff'd*, 509 F.2d 227 (8th Cir. 1974), *aff'd*, 430 U.S. 387 (1977).

Anthony Williams on the basis of the well-known “Christian burial speech.”

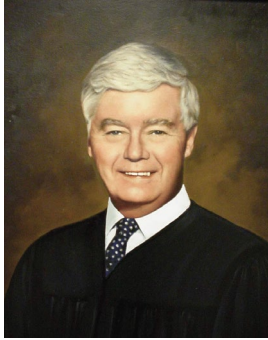
Judge Hanson’s statement in, *In Re Builders Supply Co.*,<sup>150</sup> that “common sense often makes good law,” reflects his approach to a lawsuit.

Judge Hanson died on June 6, 1995. He is buried in Jefferson, Iowa.

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<sup>150</sup>278 F. Supp. 254 (N.D. Iowa 1968).





**Judge Donald E. O'Brien  
(1923-2015)**

**Served 1978-1992; Senior Judge 1992-2015**

Donald E. O'Brien was born September 30, 1923, in Marcus, Iowa.<sup>151</sup> He moved with his family to Rock Rapids, Iowa, then to Sioux City, Iowa, where he attended parochial schools.<sup>152</sup> His education at Trinity College in Sioux City was interrupted during World War II.<sup>153</sup>

O'Brien was in the United States Army Air Force from 1943 to 1945, attaining the rank of first lieutenant.<sup>154</sup> He was a bombardier in a B-17 Flying Fortress and flew

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<sup>151</sup>Bicentennial Committee, *supra* note 21, at 373

<sup>152</sup>Lamberto, *O'Brien's Passions are Law, Courts*, Des Moines Reg., June 20, 1979, at 1B; *O'Brien's Ruling*, Sioux City J., Dec. 26, 1985.

<sup>153</sup>*See* Bicentennial Committee, *supra* note 21, at 373.

<sup>154</sup>Telephone interview with Nelma De Bauche, Secretary for Judge O'Brien from 1978-1999 (Nov. 10, 1986).

thirty missions over Europe with the Eighth Air Force. O'Brien was awarded the Distinguished Flying Cross and five air medals.<sup>155</sup>

After his military duty, he returned to Trinity College for one semester of study, then transferred to Creighton University in Omaha, Nebraska.<sup>156</sup> He graduated with his law degree in 1948, was admitted to the Iowa bar, and commenced the practice of law in Sioux City.<sup>157</sup>

From 1949 to 1953, he served as part-time city prosecutor for Sioux City.<sup>158</sup> He reentered private practice full time in 1954. From 1955 through 1958, he served as county attorney for Woodbury County, Iowa.<sup>159</sup> In 1959, he became a municipal court judge in Sioux City.<sup>160</sup> He held that post for one year before returning to his law practice.

In 1958 and 1960 O'Brien was the Democratic nominee to represent Iowa's 8th congressional district in the United States House of Representatives, but lost both races to

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<sup>155</sup>Lamberto, *supra* note 152.

<sup>156</sup>*Id.*

<sup>157</sup>*See* Bicentennial Committee, *supra* note 21, at 373.

<sup>158</sup>*Id.* at 373.

<sup>159</sup>Telephone interview with Nelma De Bauche, *supra* note 154.

<sup>160</sup>*Id.*

Republican incumbent Charles B. Hoeven of Alton, Iowa.<sup>161</sup> In 1961, he was appointed United States Attorney for the Northern District of Iowa by President Kennedy.<sup>162</sup> In 1965, he was reappointed as United States Attorney by President Lyndon B. Johnson.<sup>163</sup> He tried many cases before both Judge McManus and Judge Hanson during those years. He resumed private practice again in 1967 and served as special counsel for a House of Representatives committee headed by Democratic Representative Neal Smith during 1977 through 1978.<sup>164</sup>

He was appointed as judge of the Northern and Southern Districts of Iowa by President Carter in 1978.<sup>165</sup> Judge O'Brien took the oath of office on Thursday, November 2, 1978.<sup>166</sup> In 1985, he succeeded Judge McManus as Chief Judge of the Northern District of Iowa.<sup>167</sup>

He was admired by his colleagues and the bar as a hardworking, conscientious, and able judge. He served by

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<sup>161</sup>*See, O'Brien's Ruling, supra* note 152.

<sup>162</sup>Lamberto, *supra* note 152.

<sup>163</sup>*Id.*

<sup>164</sup>*Id.*

<sup>165</sup>Bicentennial Committee, *supra* note 21, at 373.

<sup>166</sup>*See* Administrative Order Book, in Cedar Rapids, Iowa (Oct. 10, 1978, entry) (setting date and time for administration of oath).

<sup>167</sup>Interview with Judge McManus, in Cedar Rapids, Iowa (July 21, 1986).

designation on the United States District Courts for the Districts of Nebraska, Minnesota, and South Dakota, and he served for ten years on the Budget Committee of the Judicial Conference of the United States.<sup>168</sup>

Judge O'Brien presided over several important trials. One was a controversial case involving the question of whether the United States had the responsibility to pay damages to a citizen who had, at the urging of then-President Ford, participated in the National Swine Flu Immunization Program in 1976 and suffered serious injuries as a result. Judge O'Brien held that the United States was responsible. This case was twice reviewed by the Eighth Circuit Court of Appeals, which affirmed Judge O'Brien's rulings.<sup>169</sup>

Judge O'Brien was affirmed by the United States Supreme Court in two important cases in 1995 and 1996. In *Varity Corp. v. Howe*,<sup>170</sup> a group of beneficiaries in Varity's Employment Welfare Benefit Plan sued its employer, which had, through trickery, led the employees to withdraw from the Plan and forfeit their benefits. The Supreme Court agreed

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<sup>168</sup>Telephone interview with Mark Roeder, Courtroom Deputy (July 22, 1986); telephone interview with Nelma De Bauche, Secretary to Judge O'Brien 1978-1999 (Dec. 22, 1986). On November 22, 1985, he was asked by Chief Justice Burger to serve on the Budget Committee, and on December 3, 1985, he wrote Chief Justice Burger accepting the appointment. *Id.*

<sup>169</sup>*Petty v. United States*, 536 F. Supp. 860 (N.D. Iowa 1980), vacated, 679 F.2d 719 (8th Cir. 1982), 592 F. Supp. 687 (N.D. Iowa 1983), *aff'd*, 740 F.2d 1428 (8th Cir. 1984).

<sup>170</sup>516 U.S. 489 (1996).

with the District Court, which had reinstated the beneficiaries back into the Welfare Plan and awarded damages.

In *Asgrow Seed Co. v. Winterboer*,<sup>171</sup> a farmer had purchased two varieties of soybean seed from Asgrow Seed Company, planted the seeds, realized a substantial increase in bushels, and then, in the next year, sold the reproduced seed to many farmers in direct competition with Asgrow. The Supreme Court agreed with the District Court that under prevailing law, the only protected seed that the farmer could sell was seed that had been saved by that farmer to replant his own acres.

In *Goff v. Harper*,<sup>172</sup> the Eighth Circuit Court of Appeals adopted Judge O'Brien's directions to Iowa Prison Officials to remedy constitutional violations found at the Iowa State Penitentiary at Fort Madison, Iowa. Among the directions that were affirmed were instructions to build a special-needs unit to separate those with mental health problems, revise the disciplinary procedures, and provide inmates with indoor exercise facilities.

In *Hendrickson v. Griggs*,<sup>173</sup> a class action, Judge O'Brien held after trial that the State of Iowa was in violation of the Juvenile Justice and Delinquency Prevention Act and that juveniles in Iowa were entitled to relief from the State's

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<sup>171</sup>513 U.S. 179 (1995).

<sup>172</sup>235 F.3d 410 (8th Cir. 2000).

<sup>173</sup>672 F. Supp. 1126 (N.D. Iowa 1987).

noncompliance with requirements for removal of juvenile offenders from adult jails in Iowa. The State was ordered to submit a plan to accomplish this, and as a result, several juvenile jails were erected in Iowa.

In 1990, Judge O'Brien was elected to be the district court representative for the Eighth Circuit to the Judicial Conference of the United States, and he served in that role for seven years. In 1991, Congress added another federal judge to the Southern District of Iowa, and that same legislation relieved Judge O'Brien of being a "swing" judge. As a result, the new judge took over Judge O'Brien's assignment in the Southern District of Iowa, and Judge O'Brien became responsible only for cases in the Northern District of Iowa.

On December 30, 1992, Judge O'Brien took senior status. On June 5, 1993, the Woodbury County Bar Association sponsored a dinner to honor Judge O'Brien's public service as a United States District Judge in Iowa. The event was one of the largest functions ever sponsored with six hundred people in attendance. Chief Judge Richard Arnold of the Eighth Circuit Court of Appeals, and his predecessor, Judge Donald Lay, praised Judge O'Brien's judicial career. Other speakers represented the clergy, the Judiciary, the bar, and Judge O'Brien's family.<sup>174</sup>

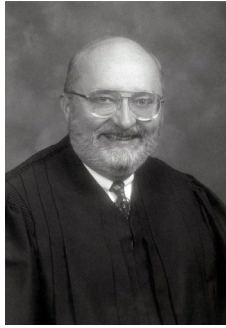
Judge O'Brien always strove to operate on the premise that the office of a judge does not sanctify the holder

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<sup>174</sup>A full transcript of the senior status program is set out at 922 F. Supp. in the opening pages of the book.

of it. “Never take yourself too seriously” was his constant reminder to himself.

On August 18, 2015, Judge O’Brien passed away. Characteristically, he worked up until approximately a week before his death.



**Judge David Rasmussen Hansen**  
**(1938- )**  
**Served 1986-1991**  
**(Elevated to the Eighth Circuit Court of Appeals, 1991)**

David R. Hansen was born in Exira, Iowa, on March 16, 1938.<sup>175</sup> He graduated from the Atlantic, Iowa, high school in 1956 and received his Bachelor of Arts degree, with highest honors, from Northwest Missouri State University in 1960, with a triple major in history, economics, and social science.<sup>176</sup> Thereafter, he traveled to Washington, D.C., where he served for three years as an aide to Congressman Ben F. Jensen.<sup>177</sup> He attended George Washington University Law School and, in 1963, received his Juris Doctorate with honors. He was admitted to the Iowa bar and began the practice of law in Atlantic, Iowa, in the firm of

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<sup>175</sup>Interview with Jan Evans, Secretary to Judge Hansen, in Cedar Rapids, Iowa (July 10, 1986).

<sup>176</sup>Address by Judge Hansen, Meeting of the Linn County Bar Association (May 15, 1986).

<sup>177</sup>*Id.*



Jones, Cambridge & Carl.<sup>178</sup> In 1964, he was ordered to active duty with the United States Army and spent the next four years trying general courts martial in the Judge Advocate General's Corps and serving as post judge advocate for Fort Monroe, Virginia.<sup>179</sup> He rose to the rank of captain and received the Army Commendation Medal for his work at Fort Monroe.

Following his honorable discharge from the Army in 1968,<sup>180</sup> he moved to Iowa Falls, where he entered private practice as an associate with Attorney Don W. Barker, later forming the partnership Barker & Hansen.<sup>181</sup> Hansen served as Hardin County Republican chairman and as treasurer of the Third District Republican Central Committee. He served as police court judge for the City of Iowa Falls, Iowa, from 1969 to 1973. In 1974, he was chairman of the Hardin County congressional campaign of Republican Charles Grassley.<sup>182</sup>

In 1976, he was appointed an Iowa district court judge for the Second Judicial District by Governor Robert

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<sup>178</sup>*Id.*

<sup>179</sup>*Id.*

<sup>180</sup>*Id.*

<sup>181</sup>Address by Judge Hansen, *supra* note 176.

<sup>182</sup>Carlson, *Hansen Lays Down the Law: The Mold I'll Fit Is My Own*, Des Moines Reg., Mar. 30, 1986, at 1B, col. 5.

Ray.<sup>183</sup> He resigned from that post following his appointment by President Ronald W. Reagan on March 4, 1986, to be a judge of the United States District Court for the Northern District of Iowa.<sup>184</sup> At the time of his selection, he was president-elect of the Iowa Judges Association. He assumed his duties as a federal judge on March 11, 1986, at the age of forty-eight.<sup>185</sup>

As a district court judge, he tried a case involving three prominent Cedar Rapids businessmen for involvement in a drug conspiracy.<sup>186</sup> The case received heavy media coverage, and many in the local United States Attorney's office were disqualified to represent the United States. Department of Justice staff from Washington, D.C. were brought in to try the case, and all three businessmen were tried and sentenced together.

After serving six and one-half years as a United States District Judge, President George H.W. Bush nominated Judge Hansen to be a judge on the United States Court of Appeals for the Eighth Circuit. He was confirmed by the United States Senate on November 15, 1991, was appointed by the President on November 18, 1991, and took the oath of office November 26, 1991. In 1997, Chief Justice Rehnquist appointed Judge Hansen to chair the Judicial Conference's

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<sup>183</sup>Address by Judge Hansen, *supra* note 176.

<sup>184</sup>*Id.*; interview with Jan Evans, *supra* note 175.

<sup>185</sup>Interview with Jan Evans, *supra* note 175.

<sup>186</sup>*United States v. Bishop*, 704 F. Supp. 910 (N.D. Iowa 1989).

Committee on the Judicial Branch, and Judge Hansen held that chair for a number of years.<sup>187</sup> Judge Hansen served as Chief Judge of the United States Court of Appeals for the Eighth Circuit from February 1, 2002, until March 31, 2003. He was the second Iowan to serve as the Chief Judge.

In April 2003, Judge Hansen received an honorary Doctor of Laws degree from Cornell College in Mt. Vernon, Iowa. That same year, he teamed up with Cornell politics professor Dr. Robert Sutherland to teach “Current Cases Before the Supreme Court.” Among the cases examined was one that Judge Hansen heard while on the Eighth Circuit: *United States of America v. Basim Omar Sabri*,<sup>188</sup> which involved the bribery of a public official in Minneapolis.

In 2004, he was appointed to the United States Judicial Panel on Multidistrict Litigation, serving on that panel for seven years.<sup>189</sup> Judge Hansen was a member of the Iowa State Bar Association and Iowa Judges Association. He

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<sup>187</sup> The Committee on the Judicial Branch of the Judicial Conference of the United States is one of the most important committees of the conference. Judge Hansen, as the Chairperson, was selected by the Chief Justice of the United States. Judge Hansen and fifteen other judges comprised the Committee. Judge Hansen and his Committee handled all matters that affect judges, including pay, judicial independence, travel, and other matters. The Committee works closely with Congress on these matters, and the Chairperson reports directly to the Chief Justice and the Conference.

<sup>188</sup>326 F.3d 937 (8th Cir. 2003).

<sup>189</sup>Federal Judicial Center. History of the Federal Judiciary. Hansen, David Rasmussen, <https://www.fjc.gov/history/judges/hansen-david-rasmussen>.

served on the Ad Hoc Judicial Advisory Committee, United States Sentencing Commission; and Advisory Panel, Federal Courts Study Committee (1989-1990). He is a nationally known authority on issues surrounding the Prison Litigation Reform Act and the Habeas Corpus Reform Act.

Judge Hansen played a pivotal role in the design of two courthouses within the Eighth Circuit. The first courthouse, the Thomas F. Eagleton courthouse in St. Louis, Missouri, opened September 11, 2000. Judge Hansen saw the need and importance of having a centralized courthouse in Cedar Rapids, Iowa. The Cedar Rapids flood of 2008 pushed the Northern District of Iowa to the top of the list, and a newly built courthouse opened on November 5, 2012.<sup>190</sup>

Judge Hansen retired April 30, 2011. In his oral history interview he stated:

*“[I]t has been a rare privilege and an unearned honor for me to be able to serve the people of my State and my Nation as a judicial officer. I’ve had a wonderful career. I’ve enjoyed it. It’s been fun. It’s been hard work. But, I hope that I’ve made some contribution to the advancement of the law as a method of continuing to solve human disputes and human arguments in a just way.”*<sup>191</sup>

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<sup>190</sup>“Judge David R. Hansen Honored at ISBA Federal Practice Seminar.” *Association of the Bar of the United States Court of Appeals for the Eighth Circuit*, Winter Newsletter 2012, 6-7.

<sup>191</sup>David R. Hansen, interview by Thad J. Collins, August 31, 2016, in Cedar Rapids, Iowa video recording, Northern District of Iowa Historical Society.



**Judge Michael J. Melloy**  
**(1948 - )**  
**Served 1992-2002**  
**(Elevated to the Eighth Circuit Court of Appeals, 2002)**

Michael J. Melloy was born on January 15, 1948, in Dubuque, Iowa. He graduated *cum laude* from Loras College in Dubuque with a Bachelor of Arts degree in 1970. From 1970 through 1972, he served two years in the United States Army, then continued to serve in the Army Reserves until 1976. While in the Reserves, he graduated with his Juris Doctorate degree, with high distinction, from the University of Iowa College of Law in 1974.

From 1974 until 1986, Melloy practiced civil and commercial litigation in the Dubuque firm O'Connor, Thomas, Wright, Hammer, Bertsch and Norby (later O'Connor & Thomas, P.C.), where he ultimately became a partner.

In January 1986, Melloy was selected as the United States Bankruptcy Judge for the Northern District of Iowa,

succeeding Judge William Thinner. He was the only judge on the Bankruptcy Court during the height of the farm crisis, and he held court in Cedar Rapids, Dubuque, Waterloo, Mason City, Fort Dodge, and Sioux City. Melloy also held court and presided over cases in the Southern District of Iowa and District of Colorado. When Judge William L. Edmonds was appointed to a new seat in August 1987, Judge Melloy became Chief Judge of the Bankruptcy Court, a position he held until his appointment to the District Court.

As a bankruptcy judge, Judge Melloy handled the noteworthy case *In re Morris Plan Company of Iowa*,<sup>192</sup> which involved the failure of a privately owned thrift savings company with over 20,000 depositors. The case was filed just prior to Judge Melloy's appointment to the bankruptcy bench. Other significant bankruptcy cases included *In Re Peoples Bankshares, LTD.*; *In Re Cedar Rapids Meats, Inc.*; and *In Re Iowa Trust*.<sup>193</sup>

After six years of service on the bankruptcy court, Judge Melloy was nominated by President George H.W. Bush to serve as a United States District Judge for the Northern District of Iowa. Judge Melloy received his commission on August 17, 1992, succeeding Judge David R. Hansen. Judge Melloy became Chief Judge shortly thereafter, when Judge O'Brien took senior status on December 30, 1992, and served in that capacity until 1999. He continued on

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<sup>192</sup>62 B.R. 348 (N.D. Iowa 1986).

<sup>193</sup>68 B.R. 536 (N.D. Iowa 1986); 117 B.R. 448 (N.D. Iowa 1990); 135 B.R. 615 (N.D. Iowa 1992).

the Court until 2002, when he was elevated to the United States Court of Appeals for the Eighth Circuit.

Judge Melloy presided over many important criminal cases as a district court judge. He presided over the trial of Tommy Farmer, the first “three strikes and you’re out” prosecution in the United States.<sup>194</sup> In addition, Judge Melloy handled cases involving more than forty defendants arising out of the investigation and prosecution of members of the “Sons of Silence” motorcycle gang.<sup>195</sup> Judge Melloy also tried Ronald Downs, who was accused and convicted of murdering a postal employee.<sup>196</sup>

Judge Melloy’s major civil cases include an antitrust case in which the United States Department of Justice attempted to enjoin the merger of two Dubuque hospitals, Mercy Hospital and Finley Hospital under the Clayton Act.<sup>197</sup> He presided over a major environmental case, *E.T. Holdings, Inc. v. Amoco Oil Company*.<sup>198</sup> And, at the end of his tenure as a district judge, he tried the significant sexual harassment case, *Flockhart v. Iowa Beef Processors, Inc.*<sup>199</sup>

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<sup>194</sup>*United States v. Farmer*, 73 F.3d 836 (8th Cir. 1996).

<sup>195</sup>*United States v. Gruber*, 994 F.Supp. 1026 (N.D. Iowa 1998).

<sup>196</sup>*United States v. Downs*, 56 F.3d 973 (8th Cir. 1995)

<sup>197</sup>*United States v. Mercy Health Services and Finley Tri-States Health Group, Inc.*, 902 F.Supp. 968 (N.D. Iowa 1995).

<sup>198</sup>No. C95–1034 MJM (N.D. Iowa 1998); 1998 WL 34113907.

<sup>199</sup>192 F.Supp.2d 947 (N.D. Iowa 2001).

On September 4, 2001, Judge Melloy was nominated by President George W. Bush to succeed Judge Fagg on the United States Court of Appeals for the Eighth Circuit. He was unanimously confirmed by the Senate on February 11, 2002 and received his commission on February 14, 2002. Then Chief Judge Hansen, whose seat he had succeeded on the District Court, presided at his investiture. Judge Melloy took senior status on February 1, 2013.

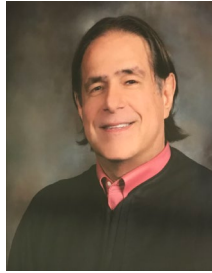
In addition to his work on the bench, Judge Melloy has played a vital role in the administration of justice and the federal court system on a national level. He served as a member and chair of the Judicial Conference of the United States Committee on the Administration of the Bankruptcy System and as a member of the Committee on Space and Facilities. He was on the Board of the Federal Judicial Center and its Committee on Appellate Judge Education, of which he also served as chair. In addition, he served on the District Judges Advisory Group to the United States Sentencing Commission.

On the Circuit level, he has served on the Eighth Circuit Judicial Council, not only as a circuit judge, but as a bankruptcy judge representative on the Bankruptcy Committee. He served on the Eighth Circuit Committee on Uniform Pattern Jury Instructions, as well as the Gender Bias Task Force, and had an active role in planning the Cedar Rapids courthouse.

Active in professional associations, he served on the Board of the Federal Judges Association, as a member of the



National Council of Bankruptcy Judges, and as an honorary member of the Dean Mason Ladd Inn of Court. In 2007, he was honored as a Fellow of the American College of Bankruptcy.



**Judge Mark W. Bennett**  
**(1950 - )**  
**Served 1994-2019**  
**Chief Judge 2000-2006; Senior Judge 2015-2019**

Mark W. Bennett was appointed a United States District Court judge in the Northern District of Iowa on August 26, 1994, by President William Jefferson Clinton. Judge Bennett had previously served as a United States magistrate judge in the Southern District of Iowa. Judge Bennett graduated from Drake University Law School in 1975. Upon graduation, he started his own law firm in Des Moines, in the basement of a long-since demolished building that housed the Polk County Legal Aid Society.

Over the course of more than sixteen years, his extensive practice took him to numerous state and federal trial and appellate courts throughout the United States, resulting in more than fifty reported decisions, including arguing *Evans v. Oscar Mayer Co.*,<sup>200</sup> in the United States Supreme Court. Judge Bennett had three *certiorari* petitions granted before he turned 35.

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<sup>200</sup>441 U.S. 750 (1979).

Prior to his appointment to the federal bench, Judge Bennett was actively involved in professional organizations and community service. This included serving as the first Chair of the Civil Justice Reform Act of 1990 Advisory Group for the United States District Court for the Southern District of Iowa, as a member of the Board of Governors of the Association of Trial Lawyers of Iowa, as a Fellow in the Iowa Academy of Trial Lawyers and as a Master of the Bench and founding member of the Blackstone Inn of Court. Judge Bennett was selected for inclusion in Naifeh & Smith, THE BEST LAWYERS IN AMERICA. He was the youngest lawyer in the state to receive an AV rating by Martindale-Hubbell and to be inducted as a Fellow in the Iowa Academy of Trial Lawyers.

Throughout his career, Judge Bennett has been active in the Iowa State Bar Association, where he has served as a member of and co-chaired several committees, including the Federal Practice Committee, the Professional Development Committee, and the Committee on Professionalism, to name a few. Judge Bennett has enjoyed teaching law students at the University of Iowa, University of Nebraska, University of Hawaii, and Drake University. He has been a visiting jurist in residence at numerous law schools.

Judge Bennett became Chief Judge of the Northern District of Iowa on January 1, 2000, holding the position until December 30, 2006. He assumed senior status on June 4, 2015, and fully retired from the bench on March 1, 2019. Judge Bennett sat by designation on both the Eighth and Ninth Circuit Courts of Appeals and has presided over civil

jury trials as a judge in 5 jurisdictions spanning from the District of the Northern Mariana Islands to the Middle District of Florida and the District of Arizona.

Judge Bennett sentenced more than 3,500 defendants and tried more than 400 jury trials, including two three-month long federal death penalty cases where the severed co-defendants, boyfriend and girlfriend, were separately convicted of murdering witnesses, two of whom were young children, in furtherance of a drug conspiracy and a CCE—a continuing criminal enterprise. Both received the death penalty. Dustin Honken was executed by lethal injection on July 17, 2020, making him the first Iowan in more than fifty years to be put to death in an Iowa case.<sup>201</sup> Defendant Angela Johnson became the first female on federal death row since 1953. In a subsequent habeas corpus proceeding, Judge Bennett found that Johnson received ineffective assistance of counsel and granted a new penalty phase trial. Johnson subsequently received a life sentence without parole.<sup>202</sup>

Two of Judge Bennett’s sentencings became landmark United States Supreme Court decisions. In *United States v. Spears*,<sup>203</sup> the Supreme Court affirmed Judge Bennett’s 20-1 crack/powder variance from the accepted

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<sup>201</sup>Crodwer, ‘Hail Mary, Mother of God, pray for me’: Iowan Dustin Honken says short prayer before being executed, Des Moines Reg., Jul. 17, 2020.

<sup>202</sup>915 F.Supp.2d 958 (N.D. Iowa 2013); 764 F.3d 937 (8th Cir. 2014).

<sup>203</sup>555 U.S. 261 (2009); 129 S.Ct. 840 (2009).

100-1 ratio, established by the United States Sentencing Guidelines, after being reversed by the Eighth Circuit Court of Appeals. Again, in *United States v. Pepper*,<sup>204</sup> the Supreme Court vindicated Judge Bennett's reliance on post offense rehabilitation and reversed the Eighth Circuit Court of Appeals. Judge Bennett was reversed a total of five times in *Spears and Pepper*, twice by the *en banc* Eighth Circuit Court of Appeals, before the Supreme Court reversed that Court of Appeals in each case.

Judge Bennett published frequent sentencing decisions that included policy disagreements with the United States Sentencing Guidelines, especially in drug, career offender, child pornography, and antitrust cases. He was one of the first judges in the Nation to adopt a 1:1 crack/powder cocaine ratio both before and after the Fair Sentencing Act. In May of 2013, he received the first "Judge Mark W. Bennett Annual Award" presented by the National Sentencing Conference for his scholarship in federal sentencing judicial opinions and for their impact on federal sentencing law.

Judge Bennett is a prolific writer, and his more than 1,400 published opinions reflect his keen interest in legal scholarship. He is the author of numerous law review articles, on legal topics that include implicit bias, witness questioning, mass incarceration, and white-collar sentencing.

Judge Bennett was one of the first federal district court judges in the country to allow live blogging from his

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<sup>204</sup>562 U.S. 476 (2011); 131 S. Ct. 1229 (2011).

courtroom. He is also featured in the BBC documentary, “The House I Live In,” which won the Grand Jury Prize at the 2012 Sundance Film Festival. In the process of making the documentary, which focuses on crime in America, Judge Bennett allowed unusual access to his courtroom. He was also filmed leading a discussion group at a federal prison of ten inmates he had sentenced, each of whom received a mandatory minimum sentence in a drug case. He wrote a highly acclaimed op-ed piece opposing mandatory minimum sentencing in the November 12, 2012, issue of *The Nation* magazine, *How Mandatory Minimums Forced Me to Send More Than 1,000 Nonviolent Offenders to Federal Prison*, and appeared on the MSNBC Melissa Harris-Perry television show that same month. He has visited more than 250 defendants he has personally sentenced in the Federal Bureau of Prisons facilities around the United States and has written about these experiences in an article published in *Judicature* titled *Hard Time: Reflections on Visiting Federal Inmates*.<sup>205</sup>

Judge Bennett has been extremely honored to work with his District Court colleagues, and is extremely grateful for the leadership, foresight, and commitment of Chief Judges Reade and Strand for all they have done for the benefit of the judges, employees, litigants, and lawyers of the Northern District of Iowa. The same is true for the wonderful folks who have and are serving in the Clerk’s Office and the United States Probation Office, and his long-time court reporter Shelly Semmler. He wants to recognize the amazing men and women who have served as his law clerks for the

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<sup>205</sup>Bennett, Mark W., *Hard Time: Reflections on Visiting Federal Inmates* (March 1, 2011). 94 *Judicature* 304 (2011).

past 22 years, especially his career clerks, Bob Johnson and Roger Mastalir. He thanks them all for their service, dedication, and friendship. Above all, he is forever indebted to his judicial assistant, Jennifer Gill, for her unfailing dedication in managing his chambers, scheduling cases, trials, and hearings, and never forgetting to make sure the taxpayers get their money's worth from all of us.

When asked about his most significant cases, Judge Bennett declined to name any specific cases, but said: "Every case and every decision I have worked on was extremely important to the litigants. The line between justice and injustice can be very thin, so it is important to remember that whether it is a social security disability, prisoner rights, securities, antitrust, death penalty, commercial, employment discrimination, habeas, product liability, civil rights, bank robbery, fraud, or drug case, each case and every judicial decision is vitally important to the litigants and their lawyers."



**Judge Linda R. Reade**  
**(1948 - )**  
**Served 2002-Present**  
**Chief Judge 2007-2017; Senior Judge 2017-Present**

Linda R. Reade was appointed as a judge for the United States District Court for the Northern District of Iowa by President George W. Bush. Her commission was signed by the President on November 26, 2002, and she became the first Presidentially appointed woman judge in the State of Iowa.

Judge Reade was born in Sioux Falls, South Dakota on February 1, 1948. She received an undergraduate degree in Biology from Drake University in 1970, and a master's degree in Higher Education Administration from Iowa State University in 1973. She graduated with Honors and was inducted Order of Coif from Drake University Law School in 1980



From 1980 to 1986, Judge Reade was in the private practice of law, handling civil and criminal matters in state and federal courts.

In 1986, Judge Reade began serving as an Assistant United States Attorney for the Southern District of Iowa. She served as an Assistant United States Attorney from 1986 to 1993, and as Chief of the Criminal Division of that office from 1990 to 1993. While an Assistant United States Attorney, Reade prosecuted white-collar crimes, federal income tax offenses, firearms offenses, bank robberies, controlled substances offenses, and arson. She wrote appellate briefs and argued cases on appeal to the United States Court of Appeals for the Eighth Circuit. Judge Reade received commendations for her work as a federal prosecutor from the United States Department of Justice as well as from the Iowa Firemen's Association and the American Library Association. In 1993, the Executive Office for United States Attorneys formally recognized her managerial skills with an award for superior performance in a supervisory role.

In 1993, Judge Reade was appointed a judge for the Iowa District Court. Judge Reade handled a diverse docket of cases ranging from complex tort and business litigation to criminal prosecutions to family and juvenile matters. In addition to hearing cases, Judge Reade was a leader in state court initiatives aimed at improving the delivery of judicial services.

Judge Reade has been extensively involved in bar activities throughout her professional life. Judge Reade has served on the Iowa State Bar Association Jury Instruction

Committee and the Annual Meeting Committee. She frequently makes presentations to professional groups, including lawyers and judges on a variety of topics, including ethics, trial practice, and changes in the law.

She is a former director of the Iowa Judges' Association and has served as co-chair of the Iowa Judges' Association Education Committee. She has also served on the Iowa Judicial Branch Education Committee.

While an Assistant United States Attorney, she taught segments of courses for the United States Department of Justice and for the United States Bureau of Alcohol, Tobacco and Firearms at the Federal Law Enforcement Training Center. In addition, Judge Reade has taught in the Trial Techniques Program at Emory Law School in Atlanta, Georgia. She also taught Trial Advocacy for the Drake University Law School in Des Moines, Iowa. Judge Reade served as a member and an officer in the C. Edwin Moore American Inn of Court and as a member of the Blackstone Inn of Court.

From January 1, 2007, until February 12, 2017, Judge Reade served as the Chief Judge for the Northern District of Iowa. During her term as Chief Judge, Cedar Rapids endured the 2008 flood and its aftermath. The Court operated out of industrial buildings on the southeast of town until the new Cedar Rapids Courthouse was designed, constructed, and opened in November 2012.

On October 1, 2016, Judge Reade was elected to serve a three-year term as the Eighth Circuit District Judge

Representative to the Judicial Conference of the United States. The Chief Justice of the United States Supreme Court previously appointed her to two different Judicial Conference Committees: Financial Disclosure; and Criminal Law. She also served as a Director of the Federal Judges Association.

On October 1, 2017, Judge Reade took senior status, but continued to carry a full case load until Judge C.J. Williams was sworn in on September 11, 2018.



**Judge Leonard T. Strand**  
**(1965 - )**  
**Served 2016-Present**  
**Chief Judge 2017-Present**

Leonard T. Strand was appointed as a United States Magistrate Judge for the Northern District of Iowa on June 9, 2012. He served in that capacity until 2016, when he was appointed as a United States District Judge by President Barack Obama.

Judge Strand was born in Sioux City, Iowa on July 14, 1965. He was raised in Sioux City and graduated from West High School in 1983 as the class Valedictorian. He then attended the University of Iowa, receiving a Bachelor of Arts with high distinction in 1987. Judge Strand continued his education at the University of Iowa College of Law, receiving his Juris Doctorate degree with highest distinction in 1990 and graduating first in his class.

In 1990, Judge Strand became a member of the Iowa bar and joined the Cedar Rapids law firm then known as Simmons, Perrine, Albright & Ellwood as an associate

attorney. He started in the firm's commercial litigation practice group, representing clients in a wide variety of business-related lawsuits in state and federal courts. Over time, his practice expanded to include employment law. Judge Strand advised clients on employment law compliance issues and represented both plaintiffs and defendants in lawsuits arising from various employment law claims.

Judge Strand became a partner in the firm on January 1, 1996, and, a few years later, was elected by his fellow partners to serve on the firm's management committee, a position he held until his appointment as a magistrate judge was announced in late 2011. While on the management committee, Judge Strand was actively involved in negotiating and implementing a merger of the Simmons Perrine firm with another Cedar Rapids law firm, Moyer & Bergman. The merger took effect in 2009, creating one of the largest law firms in Iowa and, at the time, the largest firm based in the Northern District of Iowa.

As a trial lawyer, Judge Strand was involved in many cases that were high-profile and/or resulted in changes to existing law. He was one of three attorneys in the Simmons Perrine firm who represented the plaintiffs in the *Iowa Eye Center*<sup>206</sup> antitrust litigation, which was filed in the Northern District of Iowa in 1995. The lawsuit alleged a conspiracy among most of the optometrists in the Cedar Rapids area to direct ophthalmology referrals to one ophthalmologist in exchange for his promise not to compete with optometrists by providing primary care. The case settled during trial in 1998.

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<sup>206</sup>*Iowa Eye, P.C., et al v. Noyes, et al.* C95-0288 (N.D. Iowa).

In *Jensen v. Sattler*,<sup>207</sup> while still in private practice, Judge Strand argued that a buyer need not prove the elements of fraud to recover under Iowa’s Real Estate Disclosure Act. The Iowa Supreme Court agreed and overruled the Iowa Court of Appeals’ to the contrary. In *Schoff v. Combined Insurance*,<sup>208</sup> Judge Strand persuaded the Iowa Supreme Court that promissory estoppel should be recognized as an exception to Iowa’s at-will employment doctrine—unfortunately for Judge Strand’s client, the Court also concluded that the record did not support the elements of a promissory estoppel claim. In *Quaker Oats Co. v. Coperion Corp.*,<sup>209</sup> Judge Strand served as co-counsel with a New Jersey attorney to defend Coperion against a claim that its industrial extrusion equipment failed, causing metal shavings to appear in Quaker Oats’ ‘Cap’n Crunch’ cereal. After a three-week trial in 2007, the jury returned a verdict in Coperion’s favor.

While in private practice, Judge Strand was a member of numerous bar organizations and was actively involved with the Iowa State Bar Association’s Labor and Employment Committee, assisting with the planning of the Committee’s annual seminar. He was also a regular speaker on a variety of topics, especially issues relating to employment law. He was named a “Super Lawyer” for both Iowa and the Great Plains Region and was recognized

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<sup>207</sup>696 N.W.2d 582 (Iowa 2005).

<sup>208</sup>604 N.W.2d 43 (Iowa 1999).

<sup>209</sup>2006 WL 5508551 (Iowa Dist.).

favorably in the Chambers USA directory for Iowa attorneys during the last several years of his practice. In 2009 and 2012, he was named to the “BTI Client Service All-Star Team for Law Firms,” an honor awarded to a small number of private practice attorneys in the United States based on input from in-house attorneys.

Upon taking the bench in 2012, Judge Strand and his family relocated to his hometown of Sioux City. He became a regular speaker at various bar-sponsored seminars, usually on topics relating to discovery and procedure in federal cases. In 2015, he was appointed to represent the Northern District of Iowa on the Eighth Circuit Pattern Jury Instruction Committee. As a magistrate judge, Judge Strand dealt with a wide variety of issues in civil and criminal cases, including constitutional challenges to various searches and seizures.

Early in his tenure, in *Wells Enterprises v. Olympic Ice Cream*,<sup>210</sup> he addressed unique issues arising under the Federal Arbitration Act. In *United States v. Mosley*,<sup>211</sup> Judge Strand conducted an evidentiary hearing on a motion to suppress evidence and recommended that the motion be granted because local law enforcement officers conducted an improper, warrantless search of a bag found in the defendant's yard. His recommendation was later adopted. In *United States v. Johnson*,<sup>212</sup> the defendant was charged with

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<sup>210</sup>903 F. Supp. 2d 740 (N.D. Iowa 2012).

<sup>211</sup>2014 WL 5454575 (N.D. Iowa 2014).

<sup>212</sup>2016 WL 212366 (N.D. Iowa 2016).

possession of a firearm as a prohibited person and sought to dismiss the indictment as an infringement of his Second Amendment rights in light of *District of Columbia v. Heller*.<sup>213</sup> Judge Strand surveyed the case law in this rapidly-developing area and concluded that the motion should be denied. His recommendation was later adopted.

On July 21, 2015, President Obama nominated Judge Strand to fill the vacancy created when Judge Bennett assumed senior status. The nomination was confirmed by the United States Senate on February 11, 2016, and the President signed Judge Strand's commission the following day. Ten days after assuming office, Judge Strand presided over his first criminal trial, which was held in Cedar Rapids and lasted eight days. *United States v. Wright*<sup>214</sup> was a complex heroin and fentanyl distribution case that included allegations that the drugs distributed by the defendant resulted in multiple deaths and serious bodily injuries. After a two-week trial, the jury found the defendant guilty on all counts, and he received a mandatory sentence of life in prison. The judgment was affirmed on appeal.

Since ascending to the District Court bench, Judge Strand has presided over and decided a large number of significant cases. For example, *Board of Water Works Trustees v. Sac County Board of Supervisors*<sup>215</sup> was a

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<sup>213</sup>554 U.S. 570 (2008).

<sup>214</sup>2016 WL 3676572 (N.D. Iowa 2016).

<sup>215</sup>2017 WL 1042072 (N.D. Iowa 2017).



complex civil action in which the Des Moines municipal water utility sought damages from ten upstream drainage districts and three county boards of supervisors to recover the costs of removing excess nitrates from the water supply. After the Iowa Supreme Court answered certified questions of Iowa law, Judge Strand granted the defendants' motions for summary judgment and dismissed the case. The plaintiff did not appeal. In *United States v. McLemore*,<sup>216</sup> defendants were charged with unlawful possession of a firearm after a traffic stop. Judge Strand granted their motion to suppress evidence, finding that the traffic stop, which was based on an officer's alleged inability to read the writing on a lawful temporary license tag, violated the defendants' Fourth Amendment rights. The decision was affirmed on appeal, after which the government dismissed the charges.

On February 12, 2017, Judge Strand became the Chief United States District Court Judge for the Northern District of Iowa, replacing the Judge Reade, who held that position for ten years.

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<sup>216</sup>2017 WL 776096 (N.D. Iowa 2017).



**Judge Charles J. (“C.J.”) Williams  
(1963 - )**

**Served 2019-Present**

**Magistrate Judge, February 16, 2016-September 11, 2019**

Charles J. (“C.J.”) Williams was born in 1963 in Cedar Rapids, Iowa, and grew up in Mt. Pleasant, Iowa. In 1985, he graduated with High Honors from the University of Iowa with a Bachelor of Arts in business administration. In 1988, he graduated with High Honors from the University of Iowa College of Law with a Juris Doctorate degree. While in law school, Williams served on and published an article in the Iowa Law Review and was a Member of the Moot Court Board. In 1997, he earned a Master of Laws (LL.M.) degree from the University of Missouri-Kansas City Law School, attending school part time while working full-time as a trial attorney.

After graduating from the University of Iowa with his law degree in 1988, Williams served a two-year term as a law clerk for the Honorable Donald E. O’Brien, then Chief Judge of the United States District Court for the Northern District of Iowa.

From 1990 to 1992, Williams served as a trial attorney with the Narcotics and Dangerous Drug Section, Criminal Division, United States Department of Justice in Washington, D.C. In connection with this assignment, Williams was appointed as a Special Assistant United States Attorney for the Eastern District of Virginia, during which he prosecuted narcotics, firearms, witness tampering, and other cases.

From 1992 to 1997, Williams worked as a trial attorney with the firm of Lathrop & Gage in Kansas City, Missouri. His practice consisted primarily of complex civil litigation, but also included civil fraud, financial fraud, civil RICO, eminent domain, contracts, employment discrimination, labor law, medical malpractice, and personal injury cases. During the last two years of his practice, he also teamed with another partner in the firm to do criminal defense work for corporations and professionals in white collar cases. While in private practice, Williams provided pro bono representation of a plaintiff who successfully sued for a violation of his civil rights when assaulted by a law enforcement officer during an arrest. On a separate occasion, Williams represented a death row inmate in an unsuccessful challenge to his sentence in post-conviction litigation.

In 1997, Williams joined the United States Attorney's Office for the Northern District of Iowa. He maintained his office in the Cedar Rapids location but tried many cases in the Sioux City courthouse. During the last eight years of service with the United States Attorney's Office, Judge Williams occupied the position of Senior Litigation Counsel.

During his career as an Assistant United States Attorney, Williams prosecuted more than 900 people, handling some of the most complex cases in the office. These included the first two death penalty cases tried in the District since 1953,<sup>217</sup> the prosecution of a psychiatrist for the distribution of drugs for non-medical purposes, resulting in the deaths of patients,<sup>218</sup> many complex fraud cases,<sup>219</sup> and several criminal environmental law violations.

While serving as an Assistant United States Attorney, Williams had more than fifty felony jury trials and argued more than sixty cases before the Eighth Circuit Court of Appeals. Williams received a number of awards for his service as an Assistant United States Attorney, including three Director's Awards, more than a dozen awards from law enforcement agencies, the Exceptional Service Award from the Association of Former United States Attorneys, and the Richard S. Arnold Award for Distinguished Service and Lifetime Achievement. In 2013, Judge Williams was inducted as a Fellow with the Iowa Academy of Trial Lawyers.

On February 16, 2016, Williams was sworn in as the sixth United States Magistrate Judge for the Northern District

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<sup>217</sup>See discussion of Judge Bennett presiding over Honken's and Johnson's trials, *supra* 202.

<sup>218</sup>*United States v. Shultice*, 2000 WL 34030842 (N.D. Iowa 2000).

<sup>219</sup>*United States v. Rubashkin*, 718 F.Supp.2d 953 (N.D. Iowa 2010).

of Iowa, succeeding Judge Leonard T. Strand upon the Judge Strand's elevation to the District Court bench. Judge Williams initially served in the Sioux City courthouse until Magistrate Judge Jon Stuart Scoles retired on December 31, 2016, at which time Judge Williams established his office in the Cedar Rapids courthouse.

On February 15, 2018, President Donald J. Trump nominated Judge Williams to become a United States District Court Judge for the Northern District of Iowa, succeeding Judge Linda R. Reade upon her assumption of senior status. On September 6, 2019, the United States Senate confirmed his appointment and on September 11, 2019, Judge Williams was sworn in as a United States District Court Judge.

In addition to Judge Williams' employment, he has also maintained an active academic interest. While earning his LL.M. degree, Judge Williams taught as an Adjunct Professor of Law at the University of Missouri-Kansas City Law School. Judge Williams regularly taught for the Department of Justice at the National Advocacy Center in Columbia, South Carolina while he served as a prosecutor. Since 2001, Judge Williams has served as an Adjunct Professor of Law at the University of Iowa College of Law, regularly teaching Federal Criminal Practice, Federal White-Collar Crime, and Advanced Evidence. He also taught one semester in 2016 at the University of South Dakota College of Law. Additionally, Judge Williams has published a dozen academic law review articles and three books, *Federal Criminal Practice*, with Sean Berry,<sup>220</sup> *Advanced Evidence*:

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<sup>220</sup>West Academic Publishing, 2015.

*Using the Federal Rules of Evidence in Pretrial and Trial Advocacy,*<sup>221</sup> and *For the Prosecution: How to Prosecute Criminal Cases from Investigation to Appeal.*<sup>222</sup>

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<sup>221</sup>West Academic Publishing, 2018.

<sup>222</sup>Rowland & Littlefield, 2020.

## UNITED STATES MAGISTRATE JUDGES

The Federal Magistrates Act of 1968<sup>223</sup> was aimed at a sweeping reform of the commissioner system that had been in effect for almost two hundred years. Until 1968, United States commissioners functioned as judicial officers in the district courts.<sup>224</sup> The commissioners were called upon to referee civil claims, certify depositions, file complaints, admit accused persons to bail, issue attachments, dispose of tax matters, grant or deny applications for search warrants, and try persons accused of petty offenses.<sup>225</sup> The commissioners' decisions, however, were subject to a trial de novo on appeal.<sup>226</sup>

In 1965 and 1966, a United States Senate subcommittee conducted comprehensive hearings on the commissioner system and concluded that reform was needed.<sup>227</sup> Two proposals emerged. The first would have transferred the commissioners' duties to United States district court judges. The second would have upgraded the position

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<sup>223</sup>Pub. L. No. 90-578, 82 Stat. 1107 (codified at 28 U.S.C. §§ 604, 631-639 (1976 & Supp. II 1981) and 18 U.S.C. §§ 3060, 3401-3402 (1982)).

<sup>224</sup>Fannie J. Klein, FEDERAL AND STATE COURT SYSTEMS - A GUIDE 191 (Ballinger Pub. Co., 1977).

<sup>225</sup>*Id.*

<sup>226</sup>*Id.*

<sup>227</sup>Administrative Office of the United States Courts, I LEGAL MANUAL - UNITED STATES MAGISTRATES § 2.03, at 2-5 to -6.

of commissioner. The subcommittee adopted the latter proposal and on October 17, 1968, President Johnson signed the Federal Magistrates Act into law.<sup>228</sup>

As enacted, the 1968 Act grants United States magistrate judges the power to administer oaths and affirmations, try misdemeanors in all but a few cases, establish conditions of release other than bail for accused persons, and perform such additional duties as the district judge may direct.<sup>229</sup> The latter may include serving as a special master in a civil action, assisting the district judge in the conduct of pretrial or discovery proceedings, and preliminary review of habeas corpus petitions.<sup>230</sup> The Act has been amended several times to improve the magistrate system and to expand the jurisdiction of the magistrates.<sup>231</sup> In 1971, the Court appointed the original magistrates for the Northern District of Iowa.<sup>232</sup>

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<sup>228</sup> *See id.*; *See also* Federal Magistrates Act, Pub. L. No. 90-578, 82 Stat. 1107 (1968).

<sup>229</sup>Federal Magistrates Act, Pub. L. No. 90-578, § 636(a), 82 Stat. 1107, 1113 (1968); Klein, *supra* note 224, at 192; Administrative Office of the United States Courts, *supra* note 227, § 2.03, at 2-16.

<sup>230</sup>Federal Magistrates Act, Pub. L. No. 90-578, § 636(b), 82 Stat. 1107, 1113 (1968); Administrative Office of the United States Courts, *supra* note 227, §2.03, at 216.

<sup>231</sup>*See* ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, *supra* note 227, §2.01, at 2-2.

<sup>232</sup>Administrative Order Book, in Cedar Rapids, Iowa (Jan. 12, 1971, entry).





**Magistrate Judge James D. Hodges**  
**(1944 - )**  
**Served 1971-1987**

James D. Hodges was born November 9, 1944, in Torrance, California.<sup>233</sup> He received his law degree from the University of Iowa College of Law in 1969, earning the Order of Coif.<sup>234</sup> After law school, he served as a law clerk to Judge Edward J. McManus from 1969 and 1970.<sup>235</sup>

Thereafter, Hodges was appointed United States Commissioner for the Northern District of Iowa and Chief Deputy Clerk. He held that position until January 1, 1970. With the passage of the Federal Magistrates Act, he was

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<sup>233</sup>Interview with Magistrate Judge Hodges, in Cedar Rapids, Iowa (June 2, 1986).

<sup>234</sup>*Id.*

<sup>235</sup>Administrative Office of the United States Courts, BIOGRAPHICAL DIRECTORY - UNITED STATES MAGISTRATES (1982).

appointed to a combination position as magistrate judge (with full range of duties)/chief deputy clerk.<sup>236</sup> On January 1, 1980, Hodges was appointed to a combination position of magistrate judge (with full range of duties)/clerk<sup>237</sup> where he served until he was appointed the first full-time magistrate judge of the United States District Court for the Northern District of Iowa on September 22, 1980.<sup>238</sup>

He continued to serve as a full-time magistrate judge until he resigned on October 4, 1987, to enter private practice as a partner with the firm of Shuttleworth & Ingersoll, P.C. in Cedar Rapids. He practiced with Shuttleworth & Ingersoll, P.C., until he returned on January 1, 1996 to serve as Clerk of Court for the Northern District of Iowa. Hodges retired on June 28, 2004.

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<sup>236</sup>Interview with Magistrate Judge Hodges, *supra* note 233.

<sup>237</sup>*Id.*

<sup>238</sup>*Id.*



**Magistrate Judge John A. Jarvey**  
**(1956 - )**  
**Served 1987-2007**

On October 5, 1987, John A. Jarvey was selected to succeed James D. Hodges as United States Magistrate Judge for the Northern District of Iowa. Jarvey received a Bachelor of Science degree in Accounting from the University of Akron in 1978. He is a 1981 graduate of the Drake University School of Law in Des Moines, Iowa

Upon completion of law school in 1981, Jarvey became a law clerk to the Honorable Donald E. O'Brien, then United States District Court Judge for the Northern and Southern Districts of Iowa. Following this clerkship, he was selected for the Honors Program at the United States Department of Justice. At the Justice Department, Jarvey worked briefly in the criminal division's Asset Forfeiture Office and then spent the remainder of his prosecuting career in the Narcotics and Dangerous Drug Section. In that position, he traveled the country trying complex criminal

cases. He developed a specialty prosecuting physicians and pharmacists for illegal pharmaceutical drug diversion. He also became specialized in investigations involving wiretapping. On assignment in Iowa, he secured the first conviction in Iowa for violation of the continuing criminal enterprise statute.

As a magistrate judge, Jarvey presided over 400 civil cases. Among his noteworthy cases is *Lundell Manufacturing, Inc. v. American Broadcasting Companies, Inc.*<sup>239</sup> In that case, the plaintiff, a small manufacturing firm from northwest Iowa, sued ABC news for a defamatory statement concerning Lundell's garbage recycling machine that was aired on its evening national news. The plaintiff in that case won a verdict in excess of one million dollars.

In another high profile case, *Wright v. Mason City Community School District, et al.*,<sup>240</sup> Judge Jarvey presided over the first jury trial in the country in which a high school student sued the school administration for failing to address sexual harassment by other students at the school. The plaintiff won a verdict against the school district, but the verdict was set aside by Judge Jarvey on post-trial motions.

In 1999, the Eighth Circuit Court of Appeals affirmed an award of \$4 million in punitive damages by Judge Jarvey in *S&W Agency, Inc. v. Foremost Insurance Co.*, a case where a national insurance company wrongfully terminated a

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<sup>239</sup>98 F.3d 351 (8th Cir. 1996).

<sup>240</sup>940 F. Supp. 1412 (N.D. Iowa 1996).

local agency in an effort to appropriate business generated by the agent on a unique insurance product developed for the company by the local agent.<sup>241</sup>

On January 9, 2007, President George W. Bush nominated Judge Jarvey to a seat the on United States District Court for the Southern District of Iowa. The United States Senate confirmed his nomination on March 8, 2007, and Judge Jarvey received his commission on March 14, 2007. On March 1, 2015, he became the Chief Judge of the Southern District of Iowa.

Judge Jarvey served on the adjunct faculty at the University of Iowa College of Law teaching trial advocacy courses starting in 1993. He was also a frequent lecturer at Iowa Continuing Legal Education seminars. Judge Jarvey is a charter member of the Dean Mason Ladd American Inn of Court and served as its President in 2000-2001.

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<sup>241</sup>51 F. Supp. 959 (N.D. Iowa 1998).



**Magistrate Judge Paul A. Zoss**  
**(1947 - )**  
**Served 1997-2013**

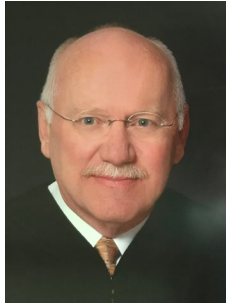
Paul A. Zoss was born in South Bend, Indiana, in 1947. He attended Northwestern University in Evanston, Illinois, and earned a Bachelor of Science degree from Indiana University in Bloomington, Indiana, in 1969. He graduated with honors from the University of Texas School of Law in 1972, earning the Order of the Coif.

Zoss entered the United States Justice Department honors program in May 1972, and for three years was a trial attorney in the Court of Claims section of the Civil Division. He was appointed Assistant United States Attorney in the Southern District of Iowa in September 1974, and in 1977, he served as Acting United States Attorney in Des Moines. In 1977, he entered the private practice of law, and in 1984, he was a founding partner of Adams, Howe and Zoss. While in private practice, Zoss handled mostly litigation matters, representing a wide range of clients, including indigent and

non-indigent criminal defendants in state and federal courts; individuals with tort, contract, and employment claims, corporations and transportation companies, both large and small; several major banks; a large pension and health welfare trust; the Federal Deposit Insurance Corporation; and the Resolution Trust Corporation.

In 1993, Zoss became the first Federal Public Defender in Iowa, and he established offices in Des Moines, Cedar Rapids, and Sioux City. As the Federal Defender, he served on several committees at the Administrative Office of the United States Courts, and was an officer with the Federal Public Defender Organization.

On January 27, 1997, Zoss was appointed as a United States Magistrate Judge for the Northern District of Iowa, with chambers in Sioux City, Iowa. Prior to his appointment, Paul Deck had served as a part-time magistrate judge in the Sioux City courthouse. In 2007, Judge Zoss became the Chief Magistrate Judge in the Northern District of Iowa. On June 8, 2012, Judge Zoss retired from his position, but for one year following his retirement remained on recall status. After fully retiring, Judge Zoss moved back to Indiana to be closer to his family.



**Magistrate Judge Jon S. Scoles**  
**(1951 - )**  
**Served 2007-2016**

Jon S. Scoles was born in Charles City, Iowa, in 1951. After earning a Bachelor of Arts degree from the University of Northern Iowa in 1973, he taught math and coached for three years. Scoles then received his law degree from the University of Iowa College of Law in 1979 and moved to Mason City, where he clerked for the judges in the Second Judicial District. Following his clerkship, Scoles joined the firm of DeVries, Scoles, and Price in Mason City.

In October 1986, Scoles was appointed a Second Judicial District court judge. He was named assistant chief judge in 1992 and served as chief judge from February 2005 until 2007. As chief judge of Iowa's Second Judicial District, Scoles oversaw 29 judges, 32 magistrates and the equivalent of 205 full-time court staff.

On March 20, 2007, Scoles was appointed as a United States Magistrate Judge in the Northern District of Iowa, succeeding Judge Jarvey in the Cedar Rapids courthouse.



In 2012, Judge Scoles became the Chief Magistrate Judge for the Northern District of Iowa. On March 20, 2015, the district judges of the Northern District of Iowa reappointed Judge Scoles for an additional term as a magistrate judge. Judge Scoles retired on December 31, 2016.



**Magistrate Judge Leonard T. Strand**  
**(1965 - )**  
**Served 2012-2016**

See United States District Court Judges Section for full biography.



**Magistrate Judge Charles (‘C.J.’) Williams**  
**(1963 - )**  
**Served 2016-2018**

See United States District Court Judges Section for full biography.



**Magistrate Judge Kelly K.E. Mahoney**  
**(1975 - )**  
**Served 2017-Present**

Kelly K.E. Mahoney was born in 1975 in Anthony, Kansas. She graduated with honors from Kansas State University in 1998 with a Bachelor of Arts degree in History and Women's Studies. She was a member of Phi Kappa Theta History Honorary and the Golden Key National Honor Society at Kansas State University. She attended Washburn University School of Law, graduating cum laude with a Juris Doctorate degree in 2002. While working on her Juris Doctorate degree she also took classes toward a Master of Criminal Justice degree. Mahoney was a Staff Writer and Articles Editor for the Washburn Law Journal.

From 2005 to 2017, Mahoney practiced law in the federal courts as a Special Assistant United States Attorney, as a panel attorney under the Criminal Justice Act representing indigent defendants, and as an Assistant United States Attorney. Through this work she handled a variety of criminal matters and received numerous awards for her work from law enforcement and the United States Attorney's

Office for the Southern District of Iowa. Mahoney served as an Assistant District Attorney in the 18th Judicial District in Wichita, Kansas from 2002 - 2003. She was in the general practice of law from 2006 - 2008 with the Jordan & Mahoney Law Firm, P.C., where she handled both civil and criminal matters.

On January 3, 2017, Judge Mahoney was sworn in as a United States Magistrate Judge, occupying chambers in Sioux City, Iowa, after Judge Williams moved to the Cedar Rapids courthouse. On September 11, 2019, Judge Mahoney became Chief United States Magistrate Judge for the Northern District of Iowa upon Judge Williams' elevation to the district court bench. Judge Mahoney was the first female magistrate judge and the second female judge for the district, serving with the Honorable Linda R. Reade.



**Magistrate Judge Mark A. Roberts**  
**(1966 - )**  
**Served 2018-Present**

Mark A. Roberts was born in Ames, Iowa, in 1966. He graduated from Iowa State University in 1989, receiving a Bachelor of Arts with distinction in English and Political Science. He attended the University of Nebraska College of Law, graduating with high distinction with a Juris Doctorate in 1993. Roberts was an Executive Editor of the Nebraska Law Review and was awarded the Order of the Coif.

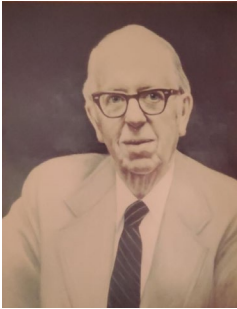
He joined the Cedar Rapids law firm now known as Simmons Perrine Moyer Bergman PLC in 1993 and began litigating a wide variety of cases. His early practice included some notable criminal defense work. He litigated a wide variety of complex real estate, commercial and construction claims on behalf of design professionals, general contractors, subcontractors, suppliers, corporate and institutional owners, as well as individuals. In addition to his construction and commercial practice, Roberts had an active employment law practice in which he represented employers and employees with regard to their respective rights on a wide variety of claims, including non-competition agreements, ERISA,

harassment claims, discrimination claims, and termination of employment.

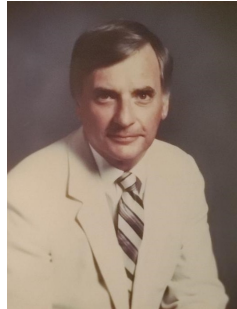
On September 17, 2018, Roberts was appointed as a United States Magistrate Judge in the Northern District of Iowa, succeeding then Judge Williams in the Cedar Rapids courthouse.

## UNITED STATES BANKRUPTCY COURT

The United States Bankruptcy Court for the Northern District of Iowa has been represented by six judges.



John H. Mitchell  
1944-1965



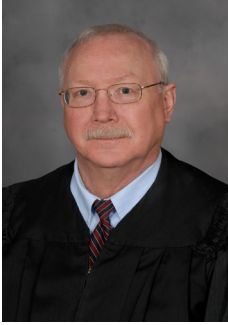
William W. Thinnes  
1965-1985



Michael J. Melloy  
1986-1992



William L. Edmonds  
1987-2012



Paul J. Kilburg  
1993-2014



Thad J. Collins  
2010-Present

The office of “referee” was created in 1898 to assist the district judges in administering bankruptcy proceedings.<sup>242</sup> Although the referees’ jurisdiction under the 1898 Act was limited, eighty years later Congress passed the Bankruptcy Act of 1978 which expanded the jurisdiction of the referees and established “in each judicial district, a bankruptcy court which shall be a court of record known as the United States Bankruptcy Court for the district.”<sup>243</sup> That same year, Congress gave the referees the title “bankruptcy judge” which was more commensurate with their responsibilities.<sup>244</sup>

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<sup>242</sup>See Bankruptcy Act of 1898, § 33, 30 Stat. 544, 555.

<sup>243</sup>Bankruptcy Act of 1978, Pub. L. No. 95-598, tit. 11, § 151(a), 92 Stat. 2549, 2657.

<sup>244</sup> By Act of Nov. 6, 1978, Pub. L. No. 95-598, tit. 11, § 213, 92 Stat. 2549, 2661, Congress amended 28 U.S.C. § 451 which defines the term “judge of the United States” to include within its definition the term “judge of the bankruptcy courts.”



Prior to 1944, there are no official records of the individuals who served as referees in the Northern District. In 1944, John H. Mitchell of Fort Dodge was appointed to the position which was then only part-time.<sup>245</sup> In a report dated January 25, 1963, the Bankruptcy Division of the Administrative Office of the United States Courts recommended that the part-time referee position in the Northern District be changed to a full-time position.<sup>246</sup> The Bankruptcy Division noted that the volume of business in the Northern District had increased rapidly since 1960. In 1960, there were 254 bankruptcy cases filed in the district, and in 1962 the total rose to 550 cases.<sup>247</sup> The Director of the Administrative Office of the United States Courts approved the recommendation; however, change was deferred for lack of funds.<sup>248</sup>

In 1964, the Bankruptcy Division reported that 724 cases had been filed in the Northern District of Iowa that

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<sup>245</sup>Interview with Barbara Everly, Clerk of the Bankruptcy Court for the Northern District of Iowa, in Cedar Rapids, Iowa (July 15, 1986).

<sup>246</sup>*Admin. Office of the United States Courts Rep.* A-47 (Jan. 25, 1963).

<sup>247</sup>*Id.*

<sup>248</sup>*See id.* at A-1; *Admin. Office of the United States Courts Rep.* 48 (Aug. 18, 1964).

year.<sup>249</sup> The Bankruptcy Division again recommended changing the referee position to full-time.<sup>250</sup>

Mitchell served as part-time referee until March 26, 1965, when the court ordered that the office and headquarters of the first full-time referee in bankruptcy for the district be located in Cedar Rapids.<sup>251</sup> The court appointed William W. Thinnes as a full-time referee on March 27, 1965.<sup>252</sup> Thinnes was born April 28, 1930, in Chicago, Illinois.<sup>253</sup> He received his Artium Baccalaureus degree from Loras College in Dubuque, Iowa, in 1952 and his law degree from De Paul University College of Law in 1959.<sup>254</sup> He engaged in the private practice of law at varying times in Dubuque<sup>255</sup> and from 1964 to 1965 served as United States Commissioner for the Northern District of Iowa.<sup>256</sup>

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<sup>249</sup>*Admin. Office of the United States Courts Rep.* 48 (Aug. 18, 1964).

<sup>250</sup>*Id.*

<sup>251</sup>*See* Administrative Order Book, in Cedar Rapids, Iowa (Mar. 11, 1965, entry).

<sup>252</sup>*Id.*

<sup>253</sup> Bankruptcy Division of the Administrative Office of the United States Courts, *Biographical Directory of Bankruptcy Judges*.

<sup>254</sup>*Id.*

<sup>255</sup>*Id.*; Interview with Louise Wortman, Deputy Clerk, in Cedar Rapids, Iowa (July 21, 1986).

<sup>256</sup> Administrative Order Book, in Cedar Rapids, Iowa (Jan. 7, 1964, and Mar. 11, 1965, entries).

Judge Thinnes served until his untimely death September 4, 1985.<sup>257</sup> During his last few years on the bench, Judge Thinnes presided over many farm bankruptcies. The number of farm bankruptcies filed in the district had risen from 2 in 1980 to 198 in 1985; and, on March 19, 1986, 500 farm bankruptcies were pending in the Northern District of Iowa.<sup>258</sup> Many close to the situation were persuaded that overwork was one of the reasons for Judge Thinnes' untimely death.

From September 4, 1985, until January 30, 1986, the Northern District of Iowa was without a bankruptcy judge. During this period, several judges from other districts sat by assignment. The visiting judges included Thomas Wood from Muncy, Pennsylvania; John J. Connelly from St. Paul, Minnesota; Peder K. Ecker from Sioux Falls, South Dakota; William A. Hill from Fargo, North Dakota; Robert J. Kressel and Margaret A. Mahoney from Minneapolis, Minnesota; Robert D. Martin from Madison, Wisconsin; Mark B. McFeeley from Albuquerque, New Mexico; Joel Pelofsty from Kansas City, Missouri; Richard F. Stageman from Des Moines, Iowa; and, James E. Yacos from Manchester, New Hampshire.<sup>259</sup> On January 30, 1986, Michael J. Melloy was

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<sup>257</sup>Interview with Louise Wortman, *supra* note 249.

<sup>258</sup>Telephone interview with Wayne Messerly, Iowa Department of Agriculture (September 3, 1986). The number of farm bankruptcies filed in the Southern District also rose sharply—from 7 in 1980 to 370 in 1985. *Id.*

<sup>259</sup>Interview with Verlene Cannon, Deputy Clerk, in Cedar

sworn in as the United States Bankruptcy Judge for the Northern District of Iowa.

Judge Melloy was born in Dubuque, Iowa, on January 15, 1948.<sup>260</sup> He graduated from Loras College in 1970 with his Bachelor of Arts degree, then attended the University of Iowa College of Law where, in 1974, he graduated with his law degree.<sup>261</sup> He was admitted to the Iowa and Illinois bars and practiced law in Dubuque, Iowa, with O'Connor & Thomas, P.C., until his appointment as bankruptcy judge. Judge Melloy was appointed a district court judge for the Northern District of Iowa on August 18, 1992, and to the Eighth Circuit Court of Appeals on February 14, 2002.

On October 27, 1986, Congress enacted the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986.<sup>262</sup> In response to increased bankruptcy filings throughout the nation, the Act established 52 new bankruptcy judgeships nationwide, including one in the Northern District of Iowa. On August 9, 1987, the Eighth Circuit Court of Appeals appointed William L. Edmonds to fill the new position.

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Rapids, Iowa (Jan. 15, 1987).

<sup>260</sup>*The Iowa Legal Directory* 129 (1985).

<sup>261</sup>*Id.*

<sup>262</sup>Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986, Pub. L. 99-554, Oct. 27, 1986, 100 Stat. 3088.

Judge Edmonds was born in New York City on March 1, 1944. He attended the University of Missouri at Columbia and received a Bachelor of Arts degree in 1966 and a Master of Arts degree in Journalism in 1968. From 1967 to 1976, he worked in communications. In 1978, he graduated from the University of Iowa College of Law where he was named to the Order of the Coif. From 1978 until his appointment to the bench, he practiced law in Sioux City, Iowa, with the firm of Carter, Sar and Edmonds.

On April 23, 1993, Judge Paul J. Kilburg was sworn in as a bankruptcy judge for the Northern District of Iowa. Judge Kilburg was born in Bellevue, Iowa, on January 15, 1945. He served in the United States Air Force from 1963-1968. He graduated from the University of Nebraska in 1971 with his Bachelor of Arts degree. He graduated from Washburn University School of Law in 1974. He was admitted to the Iowa Bar and practiced law in Cedar Rapids, Iowa, with the firm of Keyes and Crawford until his appointment as assistant juvenile judge in 1978. In 1981, he was appointed district court judge for the Sixth Judicial District in Iowa and served in that capacity until his appointment as bankruptcy judge.

On March 29, 2010, the United States Court of Appeals for the Eighth Circuit appointed Thad J. Collins as United States Chief Bankruptcy Judge for the Northern District of Iowa for a term of 14 years. Judge Collins filled a vacancy created by the retirement of Judge Kilburg.

Judge Collins is a native of Iowa City and a 1990 graduate from the University of Iowa College of Law. After

completing law school, Judge Collins did three judicial clerkships: the first was law clerk to the Honorable Michael J. Melloy, then Chief Bankruptcy Judge for the Northern District of Iowa; the second was law clerk to the Honorable Michael J. Melloy, then Chief United States District Court Judge for the Northern District of Iowa; and the third was law clerk to the Honorable David R. Hansen, then United States Eighth Circuit Court of Appeals Judge. After these clerkships, Judge Collins was an associate with the firm of Leonard, Street and Deinard in Minneapolis, Minnesota, before joining the firm of Pickens, Barnes & Abernathy in Cedar Rapids, Iowa, where he was an associate and partner prior to being appointed United States Chief Bankruptcy Judge for the Northern District of Iowa.

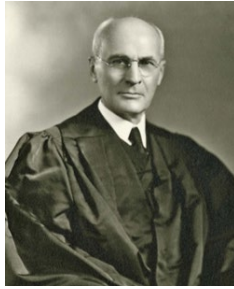
## **CIRCUIT JUDGES RESIDENT IN THE NORTHERN DISTRICT OF IOWA**

Several judges on the Eighth Circuit Court of Appeals have resided in the Northern District of Iowa and have maintained chambers in its courthouses. Indeed, two of them previously served as district court judges in the Northern District of Iowa. Today, two Eighth Circuit judges maintain chambers in the United States Courthouse for the Northern District of Iowa in Cedar Rapids, Iowa; Senior Judge Michael J. Melloy and Judge Jane Kelly.



**Judge William S. Kenyon**  
**(1869 - 1933)**  
**Served 1922-1933**

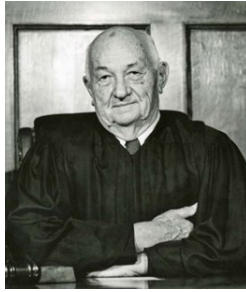
William S. Kenyon was born in Ohio, but graduated from the University of Iowa College of Law and practiced law in Fort Dodge, Iowa. He served as a United States Senator for Iowa from 1911 to 1922 before being appointed to the Eighth Circuit Court of Appeals by President Warren G. Harding.



**Judge Seth Thomas**  
**(1873 - 1962)**  
**Served 1935-1954**

Seth Thomas was born in Ohio, but graduated from the University of Iowa College of Law and practiced in Fort Dodge, Iowa. He also served for six years as an Assistant United States Attorney in the Northern District of Iowa. President Franklin D. Roosevelt appointed him as a judge for the Eighth Circuit Court of Appeals and he resided in Sioux City, Iowa until his death in 1962.





**Judge Martin D. Van Oosterhout**  
**(1900 - 1979)**  
**Served 1954-1979**

Martin D. Van Oosterhout was born in Orange City, Iowa, and graduated from the University of Iowa College of Law. Van Oosterhout served as a state court judge before President Eisenhower appointed him to the Eighth Circuit Court of Appeals in 1954. He was on active duty from 1954 to 1971, chief judge for two and a half years from 1968 to 1970, and a senior judge from 1971 until his death on January 28, 1979.



**Judge David R. Hansen**  
**(1938 - )**  
**Served 1991-2011**

David R. Hansen served as a United States District Court Judge in the Northern District of Iowa and his biography is provided in the chapter on district court judges.



**Judge Michael J. Melloy**  
**(1948 - )**  
**Served 2002-Present**

Michael J. Melloy served as a United States Bankruptcy Court Judge and a United States District Court Judge in the Northern District of Iowa. His biography is provided in the chapter on district court judges.



**Judge Jane L. Kelly**  
**(1964 - )**  
**Served 2013-Present**

Jane L. Kelly received her Bachelor of Arts degree summa cum laude in 1987 from Duke University. She received her Juris Doctorate cum laude in 1991 from Harvard Law School. In 1991 she was a law clerk to Judge Donald J. Porter of the United States District Court for the District of South Dakota. She then was a law clerk to Judge David R. Hansen of the United States Court of Appeals for the Eighth Circuit. After working as a visiting instructor at the University of Illinois College of Law, she became an Assistant Federal Public Defender in the Northern District of Iowa in 1994, serving as Supervising Attorney in the Cedar Rapids office from 1999 to 2013.

President Barack Obama signed her commission as Circuit Judge for the United States Court of Appeals for the Eighth Circuit on April 25, 2013.

## CLERKS OF THE DISTRICT COURT

The clerk, chief deputy clerk, and deputy clerks comprise the Clerk's Office which serves as the Court's contact with the members of the bar and the public.<sup>263</sup> The District Court Clerk handles administrative matters including filing all papers, entering judgments, managing jury administration, issuing writs, and keeping the administrative orders and the records of all cases, naturalizations, and attorneys admitted to practice in the district. With the transition to decentralized budgeting in the 1990s, the duties of the Clerk expanded substantially with the Clerk becoming the primary financial officer for the District. As certifying officer, the Clerk is responsible for managing the finances for the District including making all procurements, and drafting and managing the budget, including payroll, and paying the bills for the Clerk's Office and all chambers. With the adoption of automation in the 2000s and beyond, the Clerk also coordinates the implementation of information technology for the Court, to include technology in the courtrooms and mobile devices for chambers. The Clerk also collaborates on information technology and facilities with the Probation/Pretrial Office and the Bankruptcy Court.

The first clerk for the Northern District of Iowa was Alonzo J. Van Duzee. He was appointed by Judge Oliver P. Shiras in 1882, just after the Court for the Northern District

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<sup>263</sup>Act of Mar. 3, 1845, ch. 76, § 2, 5 Stat. 789, directs the district judge to appoint a clerk of court to keep the Court's records. Thereafter, Congress authorized the Clerk to appoint deputy clerks. Act of Mar. 3, 1849, ch. 124, § 4, 9 Stat. 410, 412.

of Iowa was created.<sup>264</sup> Born January 6, 1834, in Governor, New York,<sup>265</sup> Alonzo Van Duzee had practiced law with Judge Shiras in Dubuque, Iowa.<sup>266</sup> Mr. Van Duzee remained clerk for thirty years, until his death November 15, 1912.<sup>267</sup>

On November 27, 1912, Judge Henry Reed appointed Lee McNeely to succeed Mr. Van Duzee.<sup>268</sup> Mr. McNeely was born August 21, 1876, in Beaver, Pennsylvania.<sup>269</sup> In 1878, his family moved to Washington, D.C., where he received his education .<sup>270</sup>

After completing high school, he worked as a Washington correspondent for several newspapers, then came to Dubuque in 1897 as secretary to Colonel David B. Henderson.<sup>271</sup> From 1899 to 1903, while Henderson served

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<sup>264</sup>Interview with William Kanak, *supra* note 136.

<sup>265</sup> L. McNeely, *supra* note 25, at 17.

<sup>266</sup>E. Stiles, *supra* note 21, at 168.

<sup>267</sup>Special Session of the United States District Court for the Northern District of Iowa in Recognition of Mr. Lee McNeely's Completion of Forty Years of Service as Clerk of Said Court 5 (Dec. 13, 1952) (remarks of Judge Graven) [hereinafter cited as Special Session].

<sup>268</sup>L. McNeely, *supra* note 25, at 18.

<sup>269</sup>*McNeely Resigns. . . Appoint Riley to Federal Court Clerk's Position*, Dubuque Telegraph-Herald, Aug. 15, 1957.

<sup>270</sup> *Id.*

<sup>271</sup> *Id.*

as speaker of the House of Representatives, Mr. McNeely worked as his clerk.<sup>272</sup> When Joe Cannon of Illinois became speaker in 1903, he kept Lee McNeely as his clerk. In 1905, McNeely resigned to become secretary to Senator William B. Allison of Dubuque.<sup>273</sup>

During William Howard Taft's election battle of 1912, McNeely served in New York City as stenographer to Charles D. Hillis.<sup>274</sup> After the election, McNeely became clerk of the district court.<sup>275</sup> He retired August 31, 1957, at the age of eighty-one, after serving longer at the time of his retirement than any other clerk in the history of the federal district courts.<sup>276</sup>

It is interesting to note that prior to 1925, the Clerk was dependent on the collection of fees for his compensation. Mr. McNeely described the pay system as follows:

*“[T]here was a ten cents charge for filing a bill of complaint; for a removal case to the District Court, there was a ten cents charge; filing a praecipe was ten cents, and making an entry fifteen cents. In those*

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<sup>272</sup>Renner, 200 *Jan. U.S. Court to Honor McNeely for 'Excellent' Service*, Dubuque Telegraph-Herald, Dec. 14, 1952, at 1.

<sup>273</sup>*Id.*

<sup>274</sup> *Id.* Charles Hillis was chairman of the national committee for Taft. *Id.*

<sup>275</sup>*Id.*

<sup>276</sup>*McNeely Resigns...Appoint Riley to Federal Court Clerk's Position*, *supra* note 269.

days, there was a statute by which we took a commission out of every cash deposit - 1 per cent. For instance, when a case was filed there was a ten dollar fee for filing the same, and against that there was a charge of ten cents. All of these small items had to be taxed and estimated in the judgment. It was really quite a vexatious task. In 1925, Congress passed a fee bill, which was a very efficient step in bringing up to date the administrative details of the Clerk's office."<sup>277</sup>

Following Mr. McNeely's retirement in 1957, Judge Henry Graven named Carl V. Riley of Dubuque as Clerk.<sup>278</sup> Mr. Riley was already familiar with the Court, having worked as the court reporter from September 1946 to January 1955.<sup>279</sup> He resigned from his position as Clerk on August 31, 1962, but was reappointed to serve twelve days in September (September 1, 1962 - September 12, 1962).<sup>280</sup> John J. O'Connor of Strawberry Point, Iowa, succeeded Carl Riley. Mr. O'Connor served as an Iowa State Senator from 1957 to 1961, then as a member of the Iowa State Tax Commission beginning in 1962.<sup>281</sup> He resigned from his commission post when Judge Edward J. McManus appointed him Clerk on September 1, 1962.<sup>282</sup> About the time of Mr.

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<sup>277</sup>Special Session, *supra* note 267, at 68-69 (remarks of Lee McNeely).

<sup>278</sup>*McNeely Resigns...Appoint Riley to Federal Court Clerk's Position*, *supra* note 269.

<sup>279</sup>*See id.*

<sup>280</sup>Interview with William Kanak, *supra* note 136.

<sup>281</sup>*Id.*, - 48 *Iowa Official Register* 253 (1959-1960).

<sup>282</sup>Interview with William Kanak, *supra* note 136.



O'Connor's appointment, Judge McManus transferred the Clerk's headquarters from Dubuque to Cedar Rapids. Mr. O'Connor worked as Clerk in the Cedar Rapids office until July 1, 1970, when he transferred to the Sioux City office.<sup>283</sup>

The next Clerk was Kenneth W. ("Bud") Fuelling, a native of Farmersburg, Iowa.<sup>284</sup> After graduating from the University of Iowa in 1934, he worked a variety of jobs and served two terms in the Iowa General Assembly. He resigned as state representative of Clayton County in 1962 to work with the federal court.<sup>285</sup> He served as a United States commissioner and as a chief deputy clerk for the Northern District of Iowa before being appointed Clerk by Judge McManus in June of 1970.<sup>286</sup> He entered duty on July 1, 1970, then voluntarily retired December 28, 1979.<sup>287</sup> When Mr. Fuelling retired, Judge McManus appointed his former law clerk James D. Hodges, Jr., to the position. From January 1, 1980, to September 21, 1980, James Hodges functioned as both part-time Magistrate Judge and as Clerk of Court.<sup>288</sup>

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<sup>283</sup>*Id.*

<sup>284</sup>Interview with William Kanak, *supra* note 136.

<sup>285</sup>*Id.*

<sup>286</sup>*Id.*; Administrative Order Book, in Cedar Rapids, Iowa (Oct. 24, 1962, entry) (appointing Kenneth Fuelling as U.S. commissioner).

<sup>287</sup>Interview with William Kanak, *supra* note 136.

<sup>288</sup>Interview with Magistrate Judge Hodges, *supra* note 233.

Judge McManus next appointed William J. (“Bill”) Kanak. Mr. Kanak was born in Iowa City, Iowa, on September 27, 1924.<sup>289</sup> After attending local grade and high schools, he studied engineering at the University of Iowa for one year, then served with the Army Air Corps during World War II.

Upon medical discharge from the Army in 1943, Mr. Kanak returned to the university where he attended liberal arts and law school. In 1947, he received his B.A. degree in political science. Thereafter, he worked in the lumber and brokerage businesses until he assumed his position as Clerk September 29, 1980.<sup>290</sup>

On January 8, 1996, Chief Judge Michael J. Melloy appointed James D. Hodges, Jr., as Clerk of Court. Mr. Hodges’ prior service to the Court is documented under the Magistrate Judges’ section of this history. Prior to his return to the court in 1996, Mr. Hodges had practiced with the law firm of Shuttleworth & Ingersoll, P.C., in Cedar Rapids, Iowa.

Pridgen J. (“Jud”) Watkins was hired by Chief Judge Mark Bennett to be Clerk of Court on June 28, 2004. Mr. Watkins was born on January 1, 1945 in Wilmington, North Carolina. He graduated from New Hanover High School in 1963 and attended The Citadel, The Military College of

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<sup>289</sup>Interview with William Kanak, *supra* note 136.

<sup>290</sup>*Id.*; Administrative Order Book, in Cedar Rapids, Iowa (Sept. 26, 1980, entry).

South Carolina. Mr. Watkins graduated with a bachelor's degree in English in 1967 and was commissioned as a second lieutenant in the United States Air Force (USAF).

While on active duty with USAF, Mr. Watkins served in various law enforcement and weapons systems security roles up to the rank of Captain. Upon completion of active duty in 1972, Mr. Watkins returned to full-time academic work in the Graduate School of Justice, The American University. He completed requirements for the Master of Science, Administration of Justice degree in May 1981.

In February 1974, Mr. Watkins was sworn in as a United States probation officer, United States District Court, Washington, D.C., and was promoted in 1977 as a supervising United States probation officer. In 1987, Mr. Watkins was selected as the probation system's national training coordinator. During these years, Mr. Watkins enrolled in post-graduate management studies with the Wharton School, University of Pennsylvania.

In October 1992, Mr. Watkins was appointed Chief United States Probation Officer, Federal District Court, District of Hawaii. In early 2004, Mr. Watkins applied for the position of Clerk of Court for the Northern District of Iowa. Reporting in June 2004, Mr. Watkins took up duties overseeing and coordinating district court operations in both duty stations, Cedar Rapids and Sioux City. Mr. Watkins retired in September 2007.

Robert L. Phelps II was appointed Clerk of Court on September 4, 2007. He served the previous three years as

Chief Deputy Clerk under the tutelage of Jud Watkins. Before that he served as Chief Deputy Clerk at the 11th Circuit Court of Appeals and as Chief Deputy Clerk at the Kansas Appellate Courts. Mr. Phelps earned his Bachelor of Arts in Business and Management from the University of Maryland, a Master of Public Administration from the University of Georgia, and a Juris Doctorate from the University of Kansas. He served in the United States Army from 1981 to 1989, stationed in the United States and overseas, first in Military Intelligence and later as a Field Artillery Officer.

Mr. Phelps was Clerk of Court during the May 2008 federal immigration raid in Postville, Iowa and oversaw the relocation of all court operations for two weeks to the Cattle Congress fairgrounds in Waterloo, Iowa. While this relocation aided court operations in relation to the large immigration enforcement action by Executive Branch agencies, it was primarily used by the Court as a disaster preparation exercise for court personnel. Mr. Phelps recalled that the Court was given scant information by the Executive Branch agencies, other than a large number of arrests (in the hundreds) would happen soon somewhere north of Cedar Rapids. The Court's approach was to simulate the Cedar Rapids courthouse being struck by a tornado with extensive damage and execute a Continuity of Operations Plan (COOP) and practice relocation. The two weeks of court operations in Waterloo included all Clerk's Office operations and was a huge training success.

This COOP practice was extremely useful when the flood of 2008 hit Cedar Rapids two weeks later on June 13,

2008. That training assisted the Court in flood disaster recovery and resulted in quick relocation of court operations to dry ground on the southeast edge of Cedar Rapids for the next four years as a new courthouse was constructed. The successful training in Waterloo and the quick recovery of operations after the flood resulted in Mr. Phelps receiving, on behalf of the Clerk's Office, the Director's Award for Extraordinary Actions from the Administrative Office in August 2009.

## THE PROBATION OFFICE

In 1916, the United States Supreme Court held that the federal courts did not have the inherent power to suspend indefinitely the imposition or execution of a sentence.<sup>291</sup> The Court indicated, however, that the legislature could empower the courts to suspend sentence.<sup>292</sup> Between 1916 and 1925, several unsuccessful attempts were made to give federal judges the authority to grant probation.<sup>293</sup> Then in 1925, Congress enacted the National Probation Act.<sup>294</sup>

The Act authorized the federal district judges (with the exception of the District of Columbia) to appoint one salaried probation officer and one or more volunteer officers to each district.<sup>295</sup> To qualify for the salaried appointment, an applicant had to take a competitive civil service examination.<sup>296</sup> In 1930, the provision allowing only one salaried probation officer to each district was removed and the federal judges were given the right to appoint without

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<sup>291</sup>*Ex parte United States*, 242 U.S. 27 (1916).

<sup>292</sup>*Id.*

<sup>293</sup>R. Henningsen, *PROBATION AND PAROLE* 15 (Harcour Brace Jovanovich, 1981); G. Killinger, H. Kerper & P. Cromwell, Jr., *PROBATION AND PAROLE IN THE CRIMINAL JUSTICE SYSTEM* 25 (West, 1976).

<sup>294</sup>Act of Mar. 4, 1925, ch. 251, 43 Stat. 1259.

<sup>295</sup>*Id.* § 3, 43 Stat. at 1260.

<sup>296</sup>*Id.*

reference to the civil service list.<sup>297</sup> In addition, Congress assigned responsibility for coordinating probation in the federal system to the Bureau of Prisons in the Department of Justice and designated the United States Attorney General as chief administrator.<sup>298</sup> The responsibility for federal probation was transferred, however, to the Administrative Office of the United States Courts after its creation by Congress in 1939.<sup>299</sup>

The first probation officer to serve the Northern District of Iowa, Michael L. Healy, was appointed in 1933 and worked in the Cedar Rapids courthouse.<sup>300</sup> Prior to his appointment, Mr. Healy served as a deputy United States marshal for the Northern District of Iowa. Mr. Healy retired in 1935.

Charles F. Holly was chosen by Judge Scott to

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<sup>297</sup>Act of June 6, 1930, ch. 406, § 1, 46 Stat. 503; G. Killinger, H. Kerper & P. Cromwell, Jr., *supra* note 301, at 25.

<sup>298</sup>R. Henningsen, *supra* note 301, at 15-16; see Act of June 6, 1930, ch. 406, § 2, 46 Stat. 503, 503-04 (Attorney General's administrative responsibilities).

<sup>299</sup>R. Henningsen, *supra* note 301, at 16; see Act of Aug. 7, 1939, ch. 501, 53 Stat. 1223 (creating Administrative Office).

<sup>300</sup>E. Anderson, A HISTORY OF THE PROBATION OFFICE FOR THE NORTHERN DISTRICT OF IOWA: 1933-1986, at 4-5 (Apr. 1986) (unpublished manuscript available in the Administrative Order Book, in the clerk of court's office, United States Courthouse, Cedar Rapids, Iowa (Apr. 28, 1986, entry)).

succeed Mr. Healy.<sup>301</sup> Mr. Holly was born in Cherokee County, Iowa, and served in the Spanish American War and World War I. Sometime later, he was employed as a deputy United States marshal for the Northern District of Iowa. Mr. Holly served as a probation officer in the Sioux City office until September 30, 1946, when he resigned.<sup>302</sup>

Edward L. Anderson became the next probation officer for the Northern District of Iowa. After receiving his Bachelor of Arts and Master of Arts degrees from the University of Iowa, Mr. Anderson worked eight years as a teacher and superintendent in the Iowa public school system. He left the school system when Judge Graven appointed him as a probation officer in October of 1946.<sup>303</sup>

In 1957, with increased appropriations from Congress, the Probation Division of the Administrative Office of the United States Courts authorized the appointment of a second probation officer for the Northern District of Iowa. Dale H. Martin was appointed to the new post and Mr. Anderson became the district's first chief probation officer.<sup>304</sup> In 1949, Mr. Anderson witnessed the establishment of a national training center for probation officers in Chicago, Illinois. The Center was a significant step toward obtaining national uniformity in the probation

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<sup>301</sup>*Id.* at 5-6.

<sup>302</sup>*Id.*

<sup>303</sup>*See Id.* at 8.

<sup>304</sup>*Id.* at 10-11.



system. In 1967, it was replaced with the Federal Judicial Center in Washington, D.C.<sup>305</sup> He retired on June 30, 1975.<sup>306</sup>

As noted above, in January of 1957, Dale H. Martin was appointed as a probation officer.<sup>307</sup> He received his Bachelor of Arts degree from the University of Northern Iowa and his Master of Arts degree from the University of Northern Colorado before becoming employed with the Iowa public school system. He left the school system to work in the probation office in 1957.

In 1964, Mr. Martin moved to Sioux City, Iowa, to become “officer in charge” of the newly established branch probation office.<sup>308</sup> In 1975, Mr. Anderson retired and Mr. Martin became Chief Probation Officer.<sup>309</sup> Mr. Martin served until his retirement on July 30, 1980.<sup>310</sup>

In 1974, the Northern District of Iowa was allocated a position for a third probation officer. Michael E. Ebinger was

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<sup>305</sup>*See Id.* at 10.

<sup>306</sup>*See Id.* at 11-12.

<sup>307</sup>*Id.* at 10-11.

<sup>308</sup>*Id.* at 10-12.

<sup>309</sup>*Id.* at 12; Administrative Order Book, in Cedar Rapids, Iowa (June 30, 1975, entry).

<sup>310</sup>E. Anderson, *supra* note 300, at 14.

appointed and entered duty in March 1975.<sup>311</sup> He received his Bachelor of Arts degree from the University of Iowa and his Master of Arts degree from Iowa State University. On August 1, 1980, he was promoted Chief Probation Officer.<sup>312</sup>

On September 3, 1975, Ronald G. Telecky commenced service as a probation officer.<sup>313</sup> He graduated with his Bachelor of Arts from the University of Northern Iowa and with his Master of Arts from the University of Iowa.<sup>314</sup> Ronald Telecky retired as deputy chief in 2000.

The Sentencing Reform Act of 1984 changed the course of federal sentencing. The Act, among many other things, created the United States Sentencing Commission as an independent agency in the Judicial Branch and directed it to develop guidelines and policy statements for sentencing courts to use when sentencing offenders. The importance of the Federal Sentencing Guidelines was acknowledged by the Supreme Court in *United States v. Booker*.<sup>315</sup> The Court ruled that the Sixth Amendment right to jury trial requires that, other than a prior conviction, only facts admitted by a defendant or proved beyond a reasonable doubt to a jury may

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<sup>311</sup>*Id.* at 12; see Administrative Order Book, in Cedar Rapids, Iowa (February 28, 1975, entry).

<sup>312</sup>E. Anderson, *supra* note 300, at 14.

<sup>313</sup>*Id.* at 13.

<sup>314</sup>*Id.*

<sup>315</sup>543 U.S. 220 (2005).

be used to calculate a sentence, whether the defendant has pled guilty or been convicted at trial.<sup>316</sup> The Court reasoned that an advisory guideline system, while lacking the mandatory features that Congress enacted, retains other features that help to further congressional objectives, including providing certainty and fairness in meeting the purpose of sentencing, avoiding unwarranted sentencing disparities, and maintaining sufficient flexibility to permit individualized sentences when warranted.<sup>317</sup> The Court concluded that an advisory guideline system would help to avoid excessive sentencing disparities while maintaining flexibility sufficient to individualize sentences where necessary.<sup>318</sup> Accordingly, district courts are required to properly calculate and consider the guidelines when sentencing, even in an advisory guideline system.<sup>319</sup>

On January 1, 2005, Gregory Ellerbroek succeeded Michael E. Ebinger as Chief United States Probation Officer. At that time, Robert Askelson was promoted to serve as Ellerbroek's Deputy Chief. Ellerbroek retired on January 3, 2007, and Askelson became Chief United States Probation Officer. Askelson entered on duty with the Northern District of Iowa as a probation officer in January 1995, after a ten-year career with the Federal Bureau of Prisons. He earned his Bachelor of Science from Winona State University and a

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<sup>316</sup>*Id.* at 244.

<sup>317</sup>*Id.* at 264.

<sup>318</sup>*Id.*

<sup>319</sup>*Id.* at 267.

Master of Arts in Law Enforcement & Justice Administration from Western Illinois University. In April 2011, Askelson retired from a 26-year career in federal service

On May 1, 2011, John Zielke was appointed as Chief United States Probation Officer. Zielke earned his Bachelor of Science from Western Illinois University in 1991. In 1994, he earned a Master of Arts in Law Enforcement Administration from Western Illinois University. Zielke retired on December 31, 2020, and Lisa Feuerbach was appointed Chief United States Probation Officer.

From 1987 through 1997, the Probation Office continued to experience substantial growth due to several factors, including a continued emphasis on the prosecution of street crimes, primarily drug offenses, with the concomitant growth in the staff of the United States Attorney's Office.<sup>320</sup> The growth was also enabled by the refinement of work measurement formulas and the decentralization of the budgets, which occurred in all of the court units.<sup>321</sup> Much of this activity flowed from the implementation of the sentencing guidelines and other Congressional Acts, which attempted to address the crime problem. All of these factors tended to increase the duties of probation officers and

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<sup>320</sup>Letters from Michael Ebinger to Regional Probation Administrator Stephen M. Donnelly with attachments - April 28, 1988, and March 1, 1990 - *See also*, Report of the Judicial Conference of the United States Congress - Impact of Drug Related Criminal Activity on the Federal Judiciary, March 1989.

<sup>321</sup>Memo, February 10, 1989, from Director L. Ralph Mecham - subject "Staffing Allocation Studies".

required more human resources to fulfill legal mandates.

In late 1987 and early 1988, the Federal Judicial Center, which had primary responsibility for providing orientation for newly hired probation officers, established the “Academy” concept of training. Thereafter, the training was extended to seven to ten day training sessions outside of Baltimore, Maryland, at a contract facility referred to as MITAGS.<sup>322</sup>

In addition to the establishment of the Federal Sentencing Guidelines, which were effective for offenses committed on or after November 1, 1987, the Sentencing Reform Act spawned the Bail Reform Act of 1984, which eventually resulted in the separation of pretrial services from probation offices in many districts throughout the nation.<sup>323</sup> In the Northern District of Iowa, it was impractical to separate the units and the district has remained a “combined” operation, performing both functions. However, the significance of this division of labor cannot be understated and even resulted in the Probation Division of the Administrative Office of the United States Courts being renamed the Probation and Pretrial Services Division.<sup>324</sup>

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<sup>322</sup>News and Views, Volume XIII, No. 13 - June 27, 1988, pg. 6.

<sup>323</sup>For an extensive history of this issue, *see* Judicial Conference Committee on Criminal Law's Report on the Study of Savings in Probation and Pretrial Services - September 1997.

<sup>324</sup>News and Views, Volume XV, No. 20, October 1, 1990, pg. 1; also, Memo from L. Ralph Meham, September 28, 1990, re: “Name Change for Probation Division.”

The Probation Office opened a branch office in Waterloo, Iowa, in January 1991, to address the increasing caseload in that territory. With emerging technology and a move toward efficiency, this office was closed during the early 2000s.

In March 1993, the Probation Office instituted one of the more profound organizational changes in its history. Due to the increasing complexity of both the Federal Sentencing Guidelines and the newly-introduced Enhanced Supervision System, the duties of probation officers were bifurcated so that officers either prepared presentence reports or supervised offenders, and officers were asked to “specialize” in one or the other.<sup>325</sup>

Throughout the 1990s, the Probation Office continually modernized and began to utilize new technology in the performance of duties. All computers were networked locally and in a wide area. Officers were provided with cellular telephones and laptop computers. The office telephone system had extensive voice messaging capabilities. Offenders could be monitored electronically with the use of receivers and bracelets. Urine testing to detect drug use became more sophisticated, including the employment of on-site devices that would give immediate results.<sup>326</sup>

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<sup>325</sup>Interview with Michael Ebinger.

<sup>326</sup>News and Views, Volume XVIII, No. 21 – “Electronic Monitoring Contract Awarded.” Interview with CUSPO Ebinger.

In 1995, the Probation Office, as in the case of all other court units, came under the new pay system, which was incorporated under the Court Personnel System (CPS) and included a Cost Control Monitoring System (CCMS). This was significant in that it changed human resources from a concept of hiring people to fit into a predetermined kind of position established by the Administrative Office of the United States Courts, to a system whereby people were hired for locally prescribed needs that were only constrained by an overall salaries allotment. In short, the new system provided a great deal of flexibility.<sup>327</sup>

Prompted by the 1986 murder of United States Probation Officer Thomas Gahl (Southern District of Indiana at Indianapolis), officers in the Northern Iowa of Iowa, beginning in 1987, were given the option of being trained in the use of carrying firearms in the performance of their official duties for self-protection and defensive purposes.<sup>328</sup> Judge O'Brien granted authorization to carry firearms pursuant to the Judicial Conference Policy that had been in effect since September 26, 1975.<sup>329</sup> Gregory Ellerbroek became the first Firearms Instructor for the Northern District

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<sup>327</sup>Court Personnel System Revised Interim Report, September 1994. Human Resources Division - Administrative Office of the United States Court.

<sup>328</sup>News and Views, Volume XXII, No. 19 - September 15, 1997 - "We Remember United States Probation Officer Thomas E. Gahl, 1947-1986" and Firearms Instructor/Officer Safety Update #27, September 4, 1996. Memo from the Administrative Office.

<sup>329</sup>Administrative Order book in Sioux City (August 20, 1987 entry signed by then Chief Judge Donald E. O'Brien).

of Iowa after attending FBI instructor training.

Under the Federal Courts Improvement Act of 1996, permission for United States Probation Officers to carry firearms was codified, and on March 11, 1997, the Judicial Conference approved the Firearms Regulations submitted by the Director of the Administrative Office of the United States Courts. Under those new regulations, then Chief Judge Melloy continued the authorization for officers to carry firearms. The new legislation relieved officers from having to obtain previously-required state permits.<sup>330</sup>

In December 1996, the Probation Office volunteered as a pilot district for Operation Drug Test (ODT), a Justice Department initiative that attempted to obtain urine specimens from every criminal defendant brought into federal court. Each defendant needed to consent to such a test. The Judicial Conference had approved the program in 25 pilot districts throughout the nation. The purpose was to determine the strength of any association between drug use and criminal activity.<sup>331</sup>

In the late 1990s, the initial orientation training for all new United States Probation Officers changed locations. The

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<sup>330</sup>Administrative Order Book in Cedar Rapids (Filed November 5, 1997, signed by Chief Judge Melloy on October 14, 1997). See also, The Federal Courts Improvement Act of 1996 [Publ. No. 104-317, 110 Stat. 3847 (October 19, 1996)] and 18 U.S.C § 3603(9).

<sup>331</sup>Letter from Attorney General Janet Reno to Chief Judge Michael J. Melloy, August 6, 1996, and The Third Branch, Vol. 29, No. 2., February 1997.



Federal Judicial Center took over training responsibilities from MITAGS. From the late 1990s to 2005, all new officer training occurred at the Federal Judicial Center in Washington, D.C. In 2005, a training academy was established at the Federal Law Enforcement Training Center (FLETC) in Charleston, South Carolina. This academy is now the training site for all new officers. Training is six weeks in duration and covers classroom work, testifying skills, firearms training, self-defense, and even a driving course. Officers are clearly able to learn in six weeks what would take them years to learn in their home district.

FLETC has been renamed the National Training Academy (NTA) and is situated on the site of the former Charleston Naval Base and serves more than 1,000 students and staff. Other agencies that train at the NTA include the United States Coast Guard, United States Customs and Border Protection, United States Naval Criminal Investigative Service, and United States Immigration and Customs Enforcement.

In 2006, a correctional theory started gaining momentum nationally after having been researched and implemented in many state correctional systems. Districts were encouraged to educate themselves on and implement Evidenced Based Practices (EBP). EBP is a set of correctional practices that have been proven to reduce recidivism. It includes concepts such as strategic risk/needs assessments, the risk principle, cognitive behavioral programming, and motivational interviewing. The Northern District of Iowa embraced EBP with vigor and were one of 18 original districts to receive grant funding for EBP in what

was called Research to Results (R2R). EBP is now the “way we do business” and is being refined every year. Risk assessment tools for pretrial (Pretrial Risk Assessment-PTRA) and post-conviction supervision (Post Conviction Risk Assessment-PCRA), the use of communication techniques to improve offender outcomes (Staff Training Aimed at Reducing Recidivism-STARR), and cognitive behavioral programs such as Thinking for a Change (T4C) are included in standard probation operating procedures in the Northern District of Iowa.

The job of a probation officer has become more dangerous over the past several decades with 60% of cases in the Northern District of Iowa consisting of drug and gun crimes. The inherent nature of these cases, coupled with offenders' extensive criminal histories, has changed the officer's work dynamic. In 2002, the Probation Office created and launched the District's first search and seizure policy, allowing a search of an offender's residence, based upon reasonable suspicion of a violation of supervision. Searches have uncovered drugs, firearms, and various other contraband that sometimes result in new federal charges. To equip and prepare officers to perform their hazardous duties, safety training has become a critical job component. The Probation Office has seven safety instructors that train staff in the use of firearms, defensive tactics, search and seizure, and scenario-based decision-making.

## THE COURT REPORTERS

The Court en banc appoints reporters who must be present at and record verbatim specified court proceedings.<sup>332</sup> The Court Reporter Act mandates that all proceedings in criminal cases held in open court be recorded and that all proceedings in civil cases held in open court be recorded unless the parties, with the judge's approval, agree to the contrary.<sup>333</sup> Proceedings not held in open court must also be recorded if any party to the proceeding so requests.<sup>334</sup> The Judicial Conference of the United States determines the number of reporters to be appointed by the court and also determines the qualifications that a reporter must possess to serve the district court.<sup>335</sup> At a minimum, reporters must qualify by obtaining the Registered Professional Reporter certification after examination from the National Court Reporters Association or by passing an equivalent qualifying examination. Once appointed, a court reporter serves at the pleasure of the court en banc.<sup>336</sup>

Prior to 1946, there are no accessible records of the individuals who served as the court reporter in the Northern

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<sup>332</sup>Administrative Office of the United States Courts, *Court Reporters' Manual 1*.

<sup>333</sup>28 U.S.C. 753(b) (1976).

<sup>334</sup>*Id.*

<sup>335</sup>*Id.* § 753(a).

<sup>336</sup>Administrative Office of the United States Courts, *supra* note 338, at 2.

District of Iowa. In 1946, Carl Riley was appointed to the position which he held until 1955.<sup>337</sup> Both he and his successor, Arthur Bye, were pen writers who used either Pitman or Gregg shorthand.<sup>338</sup> By contrast, the Court's more recent reporters use the more efficient machine shorthand, also known as stenotype or touch shorthand.<sup>339</sup> This enables the court reporters to utilize computers to prepare transcripts instead of the outdated methods of dictating and typing court proceedings. The current reporters are real-time reporters. Their skillset, combined with software, allow the simultaneous translation of the spoken word to text, which is displayed through software viewing programs on the court participants' computers, iPads, etc. Court participants can review, search, mark, and annotate the text.

In addition to Carl Riley and Arthur Bye, Victor Maes, Dennis Quinn, Clifford Ramstad, Burton Boudreau, Donald Petersen, Mary Anne Cassel, David Launspach, Carroll Copeland, Catherine Clark, Dan Shaw, Kerry Masten, Carol Johnson, Robert Carroll, Kay Carr, and Delayne Johnson have served the court in either an official or long-term contract capacity. Patrice Murray and Shelly Semmler have served as the Court's official reporters since 1996 and 1997, respectively.

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<sup>337</sup>See *McNeely Resigns...Appoint Riley to Federal Court Clerk's Position*, *supra* note 269.

<sup>338</sup>Interview with Burton Boudreau, Court Reporter, in Cedar Rapids, Iowa (Dec. 18, 1986).

<sup>339</sup>*Id.* For a brief discussion of the history of shorthand reporting see R. Wuster, *Court Reporters Manual 2* (1973).

## **THE UNITED STATES ATTORNEYS OFFICE**

The United States Attorney's Office serves as the primary representative of the federal government in criminal and civil cases litigated in the United States District Courts, in the United States Courts of Appeal, and in the United States Bankruptcy Courts.

The United States Attorney is appointed by the President of the United States for a term of four years or through the President's term in office, with appointments subject to confirmation by the Senate. A United States Attorney continues in office beyond the appointed term until a successor is appointed and qualified. By law, each United States Attorney serves at the pleasure of the President and is subject to removal by the President. The Attorney General has had the authority since 1986 to appoint interim United States United States Attorneys to fill vacancies.

There are 93 United States Attorney's offices located throughout the United States, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands. One United States Attorney is assigned to each federal judicial district, except for Guam and the Northern Mariana Islands, where a single United States Attorney serves both districts. The United States Attorney is the chief federal law enforcement officer within his or her particular jurisdiction, acting under the guidance of the Attorney General and the Department of Justice.

An Assistant United States Attorney (AUSA), or federal prosecutor, is a public official who represents the

federal government on behalf of the United States Attorney and the citizens of the United States. In carrying out their duties as prosecutors, AUSAs have the authority to investigate persons for involvement in potential criminal activity, issue subpoenas, file formal criminal charges, plea bargain with defendants, and grant immunity to witnesses and accused criminals. AUSAs represent agencies of the federal government and seek to collect money owed to the federal government. AUSAs also defend the United States from claims brought in civil actions against the United States or an agency or employee of the United States.

The Office of the United States Attorney was created by the Judiciary Act of 1789, along with the office of Attorney General and the United States Marshals Service. The Judiciary Act also specified the structure of the Supreme Court of the United States and established lower courts making up the federal judiciary, including a district court system. The Judiciary Act provided for the appointment in each judicial district of a “person learned in the law to act as attorney for the United States...whose duty it shall be to prosecute in each district all delinquents for crimes and offenses, recognizable under the authority of the United States, and all civil actions in which the United States shall be concerned....” The Office of the United States Attorney is older than the Department of Justice, which was created in 1870.

The Senate draft of the Judiciary Act of 1789 granted district judges the authority to appoint the United States Attorneys, but the Judiciary Act as approved simply provided for their appointment, thereby leaving such authority with the

President. In 1820, Congress prescribed a term of four years for United States Attorneys, and it provided for their removal at the pleasure of the President. The Judiciary Act made no provision for supervision of United States Attorneys, although members of the cabinet occasionally gave the attorneys direction regarding suits within the jurisdiction of their departments. As early as 1791, Attorney General Edmund Randolph complained to President Washington of his lack of supervisory authority, but during debate on a bill in 1792, the House of Representatives refused to provide such authority. Not until 1861 did Congress grant the Attorney General authority to supervise and direct United States Attorneys, although earlier statutes provided for some supervision by other officials. In 1830, for example, Congress created the Office of the Solicitor of the Treasury, who had the power to direct the district attorneys in matters in which the United States had an interest. Upon its creation in 1870, the Department of Justice took over primary responsibility for supervising United States Attorneys and their accounts.

The principal duty of the United States Attorneys was to prosecute suits on behalf of the federal government. As it did with other officers of the federal courts, Congress occasionally gave the United States Attorneys specific responsibilities related to the administration and operation of the courts. Such duties ranged from reporting on the nature of the federal judicial docket (as under an 1816 law directing the United States Attorneys to transmit to the secretary of the Navy a statement of all cases pending or disposed of concerning prizes captured by armed ships of the United States) to actually controlling the docket of a particular

federal court (as under an 1846 law giving them the authority to transfer criminal cases between the circuit and district courts). Occasionally, the extra duties of the United States Attorneys were broad enough to affect the substantive rights of the parties to a federal court proceeding. In 1901, for example, Congress enacted a law authorizing United States Attorneys to designate the particular United States Commissioner before whom any person arrested for violating the Chinese Exclusion Act was to be brought for a hearing.

United States Attorneys collected fees for their services until 1896, when Congress transformed them into salaried officers in response to the Attorney General's concern that the fee system encouraged them to bring vexatious lawsuits. No significant changes were made regarding the office of United States Attorneys in the twentieth century, but there was an increase in the degree of control exerted by the Attorney General and the Department of Justice over the conduct of these officers in the field and over the appointment of AUSAs, who, unlike the United States Attorneys, are not limited to four-year terms. In 1953, an order of the Attorney General established the Executive Office for United States Attorneys within the Department of Justice to serve as a liaison between the Department and the United States Attorneys in the field.

When the first United States Attorneys were commissioned in 1789, the Northern District of Iowa was part of French territory later acquired in the Louisiana Purchase of 1803. Bordered by the Mississippi River to the east and the Missouri River to the west, this land between two great rivers holds in its rich soil traces of civilizations



which existed long before the first trains of “prairie schooners” inched their way into the Iowa territory. When Iowa was admitted to the Union in 1846, Congress established the federal judicial district of Iowa. In July 1882, the state was divided into two districts. Six months later, in January 1883, Maurice D. O’Connell was appointed as the first United States Attorney for the Northern District of Iowa.

Early United States Attorneys were allowed to select the court point nearest their residence for the site of the office. Travel for early United States Attorneys was more time consuming, less comfortable, and required a watchful eye on the odometer since mileage was paid only from the city limits of one town to the city limits of the next. In the beginning, the position of United States Attorney was a part-time one. One former United States Attorney remembered when the salary was \$8,500 a year.

Twenty-eight different persons have served as presidentially appointed or interim United States Attorneys for the Northern District of Iowa. The majority were native Iowans and received their legal education at what is now the University of Iowa College of Law. At the conclusion of their terms, many returned to private practice, while at least four went on to distinguished careers in the judiciary.

## UNITED STATES MARSHALS SERVICE

The Judiciary Act of 1789 was signed into law by President George Washington on September 24, 1789. Although amended throughout the years by Congress, the basic outline of the federal court system established by the First Congress remains largely intact today. The Judiciary Act of 1789 included the appointment of the first 13 United States Marshals. Today, the United States Marshals Service has grown to include over 4,000 deputy marshals and administrative personnel operating in 94 judicial districts, including all 50 states and every United States territory. In addition, there are 94 United States Marshals, one in charge of each district, who are individually appointed by the President of the United States.

Iowa was established as a Federal Territory on June 12, 1838. Francis Gehon was selected to serve as the first United States Marshal on June 26, 1838. The District of Iowa was established on March 3, 1845 but did not become effective until Iowa's admission as the 29th state on December 28, 1846. Gideon S. Bailey served as the first United States Marshal for the District of Iowa, receiving commission on March 3, 1847. On July 20, 1882, the District of Iowa was divided into two separate federal judicial districts, the Northern District of Iowa and the Southern District of Iowa. George C. Heberling would serve as the first United States Marshal for the Northern District of Iowa, located in Dubuque, Iowa. Today the office headquarters is located in Cedar Rapids, Iowa.

Throughout the years, the tasks and challenges facing

the United States Marshals Service have always been difficult, yet necessary. More than four hundred representatives of the United States Marshals Service have died in the line of duty since the creation of the agency, more than any other federal law enforcement agencies combined. On July 20, 1972, Deputy United States Marshal Dick D. McKinney for the Northern District of Iowa was shot and killed during a robbery attempt on 11th Avenue, in Cedar Rapids, Iowa. He had just left the federal office building when he encountered a group of men who robbed him at gunpoint and then stole his wallet. As McKinney attempted to take action, one of the men opened fire on him with a .22 caliber handgun and struck him in the heart. McKinney was able to drive himself to the hospital but died a short time after arriving. He had served the United States Marshals Service for 10 years.

As the nation's oldest federal law enforcement agency, the United States Marshals Services has stood on the front lines for nearly every aspect of the nation's unending fight for justice. At critical points in America's history, the United States Marshals Service has been called upon to either establish order or defend justice - in the Wild West, following the Civil War, during labor strikes, through Prohibition, and during the civil rights era. As the nation's most versatile federal law enforcement agency, the United States Marshals Service has evolved time and again to meet the changing needs of our growing nation. While consistently fulfilling traditional missions that the public has come to associate with the United States Marshals star - securing federal courts, investigating and apprehending violent fugitives, and detaining and transporting federal prisoners –

the United States Marshal Service has also assumed new, lesser known roles. Over the past 50 years, the new responsibilities include the protection of federal witnesses, the seizure of criminal assets, the tracking and investigation of sex offenders, the recovery of missing children, and the training of international law enforcement agencies.

In recent years, the United States Marshals for the Northern District of Iowa were on the forefront of implementing the Adam Walsh Act. They were among the first in the nation to have full-time Deputy United States Marshals assigned to investigating and indicting suspected sex offenders. In 2010, the district conducted the “First in the Nation” 100% compliance check of all registered sex offenders. Entitled Operation Northern S.T.A.R. (Sex Offender Tracking and Registration), the district's operation consisted of three phases lasting nine months. The operation identified 155 sex offenders as non-compliant, and resulted in over 78 state warrants, and 13 federal warrants for sex offender violations. Nationally, the arrests resulted in the second highest number of 18 USC § 2250 prosecutions and convictions of the Adam Walsh Act, and the fourth highest number of federal sex offender arrests.

From 2007 to 2012, the Northern District of Iowa United States Marshals Office faced several challenges. Between October 2007 and May 2008, the District United States Marshals along with the United States Courts, the United States Attorney's Office, and United States Immigrations and Customs Enforcement (ICE), planned for the execution of Operation Cedar Valley Junction (CVJ). At the time CVJ was the largest criminal ICE case ever

conducted in United States history, involving 1,000 criminal complaints with approximately 400 criminal arrests, of which 300 were detained in United States Marshals' custody. The case doubled the Northern District of Iowa's prisoner population overnight and required the United States District Court to conduct all court hearings at an off-site location to handle the massive court load. Over 60 additional temporary duty travel Deputy United States Marshals and several administrative support personnel were deployed to assist. The end result was over 900 criminal court hearings spanning 10 days at the off-site facility, all without incident.

On May 25, 2008, an EF5 tornado ripped through the community of Parkersburg, Iowa, devastating the southern third of the town. The storm destroyed more than 280 homes, 22 businesses, and killed 7 community members. United States Marshal Tim Junker's parents were one of the many families that lost their homes that day. On June 13, 2008, the Cedar Rapids United States Courthouse was submerged under water during a record setting flood of the Cedar River. Cresting at 31.12 feet and covering more than 10 square miles of the city in water, the extensive flooding forced the evacuation of the courthouse and the United States Marshals Office. The office was forced to run their entire operations out of their United States Marshals Service Mobile Command Center, and out of their Sioux City sub-office located was 5 hours away. Eventually, the United States Marshals were relocated and helped to establish a temporary courthouse in two warehouse buildings. The District operated under a "COOP" plan for four and a half years. In October 2012, the United States Marshals Service obtained security responsibilities for the new courthouse while continuing

court and enforcement operations in the temporary courthouse buildings. District staff and management had to develop new operational policies and procedures, train for operation in the new facility, and still maintain full operational workloads in the other temporary COOP sites. The displacement made the United States Marshals Service employees appreciate many of the agency accommodations that most always take for granted. They discovered that hard work and dedicated service was achievable no matter what hardships they faced.

## **FEDERAL PUBLIC DEFENDER'S OFFICE NORTHERN AND SOUTHERN DISTRICT OF IOWA**

The office of the Federal Public Defender for the Northern and Southern Districts of Iowa was established on December 27, 1993, pursuant to authority granted in 18 U.S.C. § 3006A. The Eighth Circuit Court of Appeals appointed Paul Zoss as the first Federal Public Defender, and he served in that capacity until January 24, 1997, when he was selected to serve as the first full-time United States Magistrate Judge in Sioux City, Iowa. Paul Papak was appointed Acting Federal Public Defender in January 1997 and was later appointed Federal Public Defender in September of 1997. Mr. Papak served in that capacity until January 1, 1999, when he resigned to join the Federal Public Defender's Office in Portland, Oregon. Mr. Papak was later appointed United States Magistrate Judge for the Western District of Oregon and continues to serve in that capacity. On June 10, 1999, Nick Drees was appointed by the Eighth Circuit Court of Appeals to serve as the Federal Public Defender, and served until October 10, 2011, when he succumbed to cancer. In October 2011, Jim Whalen was appointed Acting Federal Public Defender; on April 16, 2012, the Eighth Circuit Court of Appeals appointed him Federal Public Defender. He was reappointed in 2016 to another four-year term. Brad Hansen was appointed to serve as the Federal Public Defender on February 1, 2021.

Initially, the Federal Public Defender had staffed offices only in Des Moines and Cedar Rapids. However, from the inception of the office, generally at the request of the bench, the Federal Public Defender's Office also

undertook representation of clients in selected cases in Sioux City and Davenport. In 1995, Mr. Zoss received permission from the Eighth Circuit Court of Appeals to open an unstaffed office in the Sioux City Post Office building. From approximately 1996 to 1997, one Assistant Federal Public Defender (“AFPD”) from the Des Moines office was assigned specifically to handle cases in Sioux City. In October 1997, the Federal Public Defender received authority to open a staffed office in Sioux City in response to increased case filings and a greater concentration of law enforcement and United States Attorney resources in Sioux City. For similar reasons, the Federal Public Defender opened a staffed branch office in Davenport in November 1998.

Initially, the Sioux City office was staffed by one attorney and one secretary. In 2001, another AFPD was added to the Sioux City office, and in 2002, an investigator was also added. That staffing level persisted until July 2013, when, in response to budget issues and a declining caseload, the Sioux City office was reduced to only one AFPD. Brad Hansen is the AFPD currently assigned to the Sioux City office, where he is assisted by an investigator (shared with Council Bluffs), an interpreter/clerical assistant (also shared with Council Bluffs), and a senior legal secretary.

Originally, Paul Papak and Jane Kelly were the only AFPDs assigned to Cedar Rapids. In 1997, JoAnne Lilledahl was hired as a research and writing attorney. Ms. Lilledahl was promoted to an AFPD position in 2000. Jane Kelly continued to serve as an AFPD in the Cedar Rapids office until May 16, 2013, when she was appointed as a judge of the Eighth Circuit Court of Appeals. JoAnne Lilledahl continued



to serve until August 14, 2013, when she resigned to accept a position as permanent clerk for the Honorable Jane Kelly. The Cedar Rapids office now has three full-time AFPDs: Jill Johnston, Chris Nathan and Heather Quick. Ms. Quick and Nova Janssen, an AFPD based in Des Moines, are responsible for handling the vast majority of appeals assigned to the Federal Public Defender's Office. In addition, one attorney based in Des Moines, Melanie Keiper, is also assigned to represent clients in Cedar Rapids, and spends approximately 85% of her time representing such clients. Over the last six years, AFPDs from Davenport and Des Moines have regularly been assigned to represent clients in Sioux City and Cedar Rapids to deal with temporary fluctuations in caseloads. The Cedar Rapids office is also staffed with an investigator, a paralegal, a judicial assistant, and an administrative assistant. In addition, the computer systems analyst for all Iowa Federal Public Defender offices is based in the Cedar Rapids office.

The Federal Public Defender's Office for the Northern and Southern Districts of Iowa currently has a total of 13 AFPDs, representing clients in Cedar Rapids, Sioux City, Council Bluffs, Des Moines, and Davenport. They are assisted by four investigators, six paralegals, three administrative staff, four legal assistants, and one CSA.

## CIVIL PRACTICE

This chapter provides an overview of civil law practice, including seminal cases and procedures, key jurists and practitioners, and statistics and developments within the Northern District of Iowa since the District's inception.

### *Northern District of Iowa's Establishment and Recent Civil Practice Statistics*

The first term of court in the Northern District of Iowa convened in Dubuque on November 21, 1882, with the first term of court in Sioux City held on February 13, 1883.<sup>340</sup> In 1891, Congress added the Cedar Rapids Division, and its first term of court was held on September 8, 1891.<sup>341</sup>

The Northern District of Iowa first published Local Rules governing civil practice in 1905, more than thirty years prior to the adoption of the Federal Rules of Civil Procedure in 1937.<sup>342</sup> “These rules govern the procedure in all civil actions and proceedings in the United States district courts...They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and

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<sup>340</sup>L. McNeely, Northern District of Iowa 10 (Mar. 31, 1949) (unpublished manuscript).

<sup>341</sup>*Id.*; see also Act of Feb. 24, 1891, ch. 282, § 1, 26 Stat. 767.

<sup>342</sup>See *In re Rules of Procedure*, 302 U.S. 783 (1937).

proceeding.”<sup>343</sup> The advisory committee’s notes to 1937 Adoption states that “there is one form of action—the civil action. Reference to actions at law or suits in equity in all statutes should now be treated as referring to the civil action prescribed in these rules.”<sup>344</sup>

The Northern District of Iowa has seen a decline in civil actions filed in recent years, dropping from 657 civil actions filed in 2001 to 501 civil suits filed in 2018, a 24% decline.<sup>345</sup> This appears to follow a national trend,<sup>346</sup> but civil actions filed in federal courts nationwide actually *increased* to 234,655 during the 12-month period ending March 31, 2018, which demonstrates a 3% increase from 2010.<sup>347</sup>

Statistics on civil trials in the Northern District of Iowa show similar trends, with the District’s judges trying a total of eight civil trials (five to a jury, three to the bench) in 2011, dropping down to three civil trials (two to a jury, one

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<sup>343</sup>FED. R. CIV. P. 1

<sup>344</sup>FED. R. CIV. P. 2

<sup>345</sup>Federal Court Management Statistics, Admin. Office of the U.S. Courts

<sup>346</sup>For example, during the 12-month period ending March 31, 2010, there were 229,840 civil actions filed in United States District Courts, dropping to approximately 206,616 for the same period ending March 31, 2014

<sup>347</sup>*See* [https://www.uscourts.gov/statistics/table/c-4/federal-judicial-caseload-statistics.](https://www.uscourts.gov/statistics/table/c-4/federal-judicial-caseload-statistics))

to the bench) in 2018, but then increasing back to eight civil trials in 2019 (five to a jury, three to the bench).<sup>348</sup>

Consistent with Federal Rule of Civil Procedure 1’s requirement of a “speedy” determination of every civil action, the Northern District’s median time from the filing of a civil action through final disposition has continued to be less than one year in recent years, and has shown a 26% decrease in the number of months between a civil case’s filing and final disposition, down from 9.9 months in 2013 to just 7.3 months in 2018.<sup>349</sup> And, for the 12-month period ending March 31, 2019, the Northern District *ranked first* among all United States District Courts for trials completed.<sup>350</sup>

### ***Northern District of Iowa Civil Actions Appealed to and Decided by the United States Supreme Court***

Judges from the Northern District of Iowa have presided over several civil actions that made their way to the United States Supreme Court. The first two reported cases, arising from the then Northern *Division* of the United States

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<sup>348</sup>Clerk of Court for the Northern District of Iowa.

<sup>349</sup>In 2018, the Northern District of Iowa was ranked 13<sup>th</sup> amongst all federal judicial districts nationally for the length of time between a civil case’s filing and final disposition.

<sup>350</sup>Both civil and criminal, with “trials” defined for this purpose as any hearing with facts in dispute. 2019 Biennial Survey of Article III Judgeship Needs, Iowa Northern; Clerk of Court for the Northern District of Iowa.

District Court for Iowa, arose from the same dispute. *Shields v. Thomas*<sup>351</sup> involved an interstate estate contest involving one male and one female slave, and other personal property. These cases were concerned with the enforcement of a Kentucky chancery court<sup>352</sup> judgment in the Iowa federal District Court, the District Court's jurisdictional limit, and other jurisdictional issues. The *Shields* appellees were representatives of the decedent who obtained a Kentucky decree entitling them to apportioned sums of money against Shields, an Iowa resident who married the decedent's widow, thereby obtaining possession of the decedent's property at issue.<sup>353</sup> When Shields moved to block the *Shields* appellees' efforts to enforce their Kentucky judgment in the Northern Division of the District Court for Iowa, the Supreme Court in *Shields I* disagreed with the Northern Division and ruled that the *Shields* appellees' awards under the Kentucky decree should be viewed collectively, rather than considered separately, for purposes of the District Court's monetary jurisdictional threshold. As a result, the Supreme Court overruled the Northern Division's finding that it lacked jurisdiction and sent the case back to the District Court for further disposition.<sup>354</sup>

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<sup>351</sup>58 U.S. 3 (1854) ("*Shields P*"), and 59 U.S. 253, 255 (1855) ("*Shields IP*").

<sup>352</sup>Today, courts of chancery as more commonly known as state, or commonwealth, courts.

<sup>353</sup>*Shields I*, 58 U.S. at 4.

<sup>354</sup>*Id.* at 4-5.

Confronting another jurisdictional challenge, the Supreme Court in *Shields II* affirmed the District Court’s decree granting the Shields appellees’ “bill in equity” to enforce the Kentucky state court judgment, recognizing that the federal courts had jurisdiction over both actions at law and in equity: “We can perceive no just exception to the jurisdiction of the [D]istrict [C]ourt of Iowa in entertaining the bill of the appell[ees], nor to the measure of relief decreed, nor with respect to the party against whom that relief has been granted. We therefore order that the decree of the district court of Iowa be affirmed.”<sup>355</sup>

Then, in 1899 and 1900, the United States Supreme Court again issued two decisions that arose from the same underlying Northern District of Iowa case, *Bardes, Trustee v. First National Bank of Hawarden, Iowa*,<sup>356</sup> wherein a bankruptcy trustee sought to pursue fraudulent conveyance (“of the value of \$3500”) and related claims in the Northern District of Iowa during the pendency of a bankruptcy. The Supreme Court again confronted jurisdictional issues arising from the Northern District of Iowa action, and ruled in *Bardes I* that the District Court could not present to the Supreme Court a certified question of the District Court’s jurisdiction over the bankruptcy trustee’s action while the bankruptcy remained pending.<sup>357</sup> In light of the Supreme Court’s jurisdictional holding, the Northern District of Iowa

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<sup>355</sup>59 U.S. at 262-63.

<sup>356</sup>175 U.S. 526 (1899) (“*Bardes I*”), and 178 U.S. 524, 525 (1900) (“*Bardes II*”).

<sup>357</sup>175 U.S. at 527-28

dismissed the action, and the bankruptcy trustee appealed “directly to [Supreme Court].”<sup>358</sup>

In affirming the Northern District of Iowa’s dismissal in *Bardes II*, the Supreme Court recognized the significance of the jurisdictional question of whether the district court had concurrent jurisdiction over claims related to a pending bankruptcy action: “This is a question of general importance, upon which there has been much difference of opinion in the lower courts of the United States,” and ruled that as a matter of statutory construction, “[t]he district court of the United States can, by the proposed defendant’s consent, but not otherwise, entertain jurisdiction over” bankruptcy trustee suits during the pendency of the bankruptcy.<sup>359</sup>

Nearly a century passed before a Northern District of Iowa civil ruling again made its way to the United States Supreme Court. *Wilson v. Omaha Indian Tribe*<sup>360</sup> involved consolidated civil actions by the Omaha Indian tribe and the United States to quiet title to contested tribal land affected by movements of the Missouri River on the interstate boundary between Nebraska and Iowa. Pursuant to an 1854 treaty and an 1867 General Land Office survey, the Omaha Indian Tribe reservation was established in the territory of Nebraska on the west bank of the Missouri river. Over the years, the river changed course several times, leaving most of the surveyed

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<sup>358</sup>*Bardes II*, 178 U.S. at 525.

<sup>359</sup>*Id.* at 527, 538-39.

<sup>360</sup>442 U.S. 653, 658-660 (1979),

area and reservation on the Iowa side of river, separated from the Tribe. Iowa residents settled on and improved the Iowa-side land, and the non-Native American, white owners and successors occupied that land for several years, until they were dispossessed by the Tribe and the United States Bureau of Indian Affairs. The United States Attorney's Office for the Northern District of Iowa, including Assistant United States Attorney Larry Kudej, were involved in condemning the disputed land for the Tribe.<sup>361</sup> Thereafter, each side sought to quiet title in its own name.<sup>362</sup>

Judge Bogue, sitting by designation, concluded that state law, rather than federal law, should be the basis of the Court's decision. Judge Bogue applied Nebraska law in concluding that changes to the river were gradual and awarded ownership to the east-bank (white, non-Native American) owners of the disputed area, but the Eighth Circuit Court of Appeals reversed Judge Bogue's decision.<sup>363</sup> The Supreme Court, in considering *Omaha Indian Tribe* (Justice Byron White writing), vacated and remanded the case. Confronting statutory burden shifting rules between whites and Native Americans in property disputes, the Supreme Court ruled that federal law, not state law, governed the substantive aspects of the dispute, but that the law of Nebraska must be considered in determining if the river changes were sudden or gradual, a key factor in resolving the

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<sup>361</sup>Interview with L. Kudej, 10/22/20.

<sup>362</sup>*Omaha Indian Tribe*, 442 U.S. at 660.

<sup>363</sup>*Id.* at 660-61.



dispute.<sup>364</sup> Thereafter, the Eighth Circuit Court of Appeals entered final judgment awarding all but 700 acres of the 2,900 acres in dispute to the Tribe.

Over the next eleven years, however, the dispute bounced back and forth between the Northern District of Iowa (Judge McManus) and the Eighth Court of Appeals five more times before the District Court issued an order in the spring of 1987 awarding the remaining 700 acres to the State of Iowa. Once the District Court awarded the final 700 acres to the State, members of the Tribe barred surveyors from the land, resulting in Judge McManus holding the entire tribal council in contempt of court, jailing them overnight, and releasing them only upon a tribal resolution agreeing to abide by the Court's orders.<sup>365</sup>

Next, in *Asgrow Seed Co. v. Winterboer*,<sup>366</sup> the Supreme Court (Justice Antonin Scalia writing) reversed the Court of Appeals for the Federal Circuit, siding with

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<sup>364</sup>442 U.S. at 678-79.

<sup>365</sup>See Scherer, Mark R., "Imperfect Victory: The Legal Struggle for Blackbird Bend, 1966-1995," *The Annals of Iowa* 57, 38-71 (at 64-65). This dispute was part of the "Red Power" movement of the 1960s and early 1970s, in which Native American groups became embroiled in a series of confrontations with federal authorities, including the Native American occupation of Alcatraz Island in San Francisco Bay, the occupation of Wounded Knee on the Pine Ridge Reservation in South Dakota, and the 1975 shoot-out between American Indian Movement members and the FBI at Pine Ridge that left one Indian and two federal agents dead.

<sup>366</sup>513 U.S. 179, 192 (1995).

Northern District of Iowa Judge Donald O'Brien's grant of summary judgment for the seed company, in a case that involved farmers planting and harvesting seeds under the Plant Variety Protection Act: "We hold that a farmer who meets the requirements set forth in the [Act] may sell for reproductive purposes only such seed as he has saved for the purpose of replanting his own acreage."

In 1999, in another federal statutory interpretation case, the Supreme Court (Justice Stevens writing) affirmed the Northern District of Iowa's (Judge McManus) grant of summary judgment in favor of a quadriplegic student in *Cedar Rapids Community School District v. Garret F. ex rel. Charlene F.*<sup>367</sup> In doing so, the Supreme Court ruled that the Individuals with Disabilities Education Act required the Cedar Rapids School District to provide the student-plaintiff with one-on-one nursing services during school hours: "This case is about whether meaningful access to public schools will be assured, not the level of education that a school must finance once access is attained. It is undisputed that the services at issue must be provided if Garret is to remain in school." Northern District of Iowa attorney Douglas R. Oelschlaeger argued this case on behalf of the student-plaintiff.<sup>368</sup>

Recently, in 2016, the Supreme Court issued two civil action decisions emanating from the Northern District of

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<sup>367</sup>526 U.S. 66, 78-79 (1999).

<sup>368</sup>*Id.* 526 U.S. at 67.

Iowa. In the first, *Tyson Foods, Inc. v. Bouaphakeo*,<sup>369</sup> a class of employees at Tyson’s pork processing plant in Storm Lake, Iowa prevailed at a jury trial that Judge John Jarvey presided over,<sup>370</sup> recovering \$2.9 million in compensatory damages against Tyson for violations of the Fair Labor Standards Act (FLSA). The employees’ primary grievance was that they did not receive FLSA-mandated overtime pay for time spent donning and doffing protective clothing and equipment.<sup>371</sup>

In affirming Judge Jarvey’s denial of Tyson’s motion for decertification under Federal Rule of Civil Procedure 23 governing class actions and the jury’s verdict, the Supreme Court held that representative proof from a sample, based on an expert witness’s examination of the average time that employees took putting on and taking off protective gear, could be used to show the predominance of common questions of law or fact required to maintain the class action.

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<sup>369</sup>136 S. Ct. 1036, 1041-42 (2016).

<sup>370</sup>Sitting by designation in the Northern District due to his familiarity with the federal statute in dispute—the Fair Labor Standards Act (“FLSA”)—and such cases in which Tyson Foods was a party (November 6, 2008 Order Reassigning Case, Northern District Case No. C 07-4009-MWB, Doc. 81.).

<sup>371</sup>136 S. Ct. 1041.

<sup>372</sup>*Once a district court finds evidence to be admissible, its persuasiveness is, in general, a matter for the jury.* Tyson Foods, 136 S. Ct. at 1048-49 (emphasis added).

Right behind the *Tyson Foods* decision, the Northern District of Iowa was once again affirmed by the Supreme Court, this time in *CRST Van Expedited, Inc. v. Equal Employment Opportunity Commission*,<sup>373</sup> an action involving Title VII of the Civil Rights Act of 1964’s fee-shifting provision. In *CRST*, the District Court confronted over 250 claims of Title VII violations arising from allegations that male trucks drivers sexually harassed female truck drivers during road-trips or otherwise at work. The Equal Employment Opportunity Commission asserted these claims on behalf of the aggrieved female truck drivers.<sup>374</sup> Following extensive discovery on the claims, Judge Reade dismissed all of the EEOC’s claims on the grounds that the EEOC had not adequately investigated, nor attempted to conciliate, these claims as required by Title VII before filing suit.<sup>375</sup> *CRST* then moved for and were awarded over \$4 million in attorneys’ fees by the District Court as the prevailing party under Title VII’s fee-shifting provision.<sup>376</sup> After being twice reversed on this issue by the Eighth Circuit Court of Appeals (which held that a Title VII defendant can be a “prevailing party” only by obtaining a “ruling on the merits,” and that the District Court’s dismissal of the claims was not a ruling on the merits), the Supreme Court (Justice Anthony Kennedy writing for a unanimous Court) held that a

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<sup>373</sup>136 S. Ct. 1642 (2016).

<sup>374</sup>136 S. Ct. at 1647-48.

<sup>375</sup>*Id.* at 1648-49.

<sup>376</sup>*Id.* at 1644.

favorable ruling on the merits was not necessary to find a defendant is a prevailing party and entitled to its fees under Title VII's fee-shifting provision. In affirming the Northern District of Iowa's disposition of this issue, the Supreme Court opined:

*“In cases like these, significant attorney time and expenditure may have gone into contesting the claim. Congress could not have intended to bar defendants from obtaining attorney[s'] fees in these cases on the basis that, although the litigation was resolved in their favor, they were nonetheless not prevailing parties. Neither the text of the fee-shifting statute nor the policy which underpins it counsels in favor of adopting the Court of Appeals' on-the-merits requirement.”*<sup>377</sup>

### ***Other Key Northern District Decisions, Including Those Impacting Discovery Practice***

Through implementing Federal Rule of Civil Procedure 1's charge that the Rules of Civil Procedure “be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding,” the judges of the Northern District of Iowa have set a nationwide standard for civility and efficiency among attorneys during the civil discovery process. During the discovery process, parties (and their attorneys) are expected to work together to exchange information regarding their case, including sharing documents and taking depositions, with the goals of producing all relevant information in the most cost-effective

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<sup>377</sup>CRST, 136 S. Ct. at 1653.

manner possible, avoiding unfair surprise at trial, and achieving a just result for both sides.

Recognizing that the goals of discovery are frustrated when attorneys fail to provide relevant information and object to reasonable requests for information from the other side, the judges of the Northern District of Iowa have made it clear that such conduct is not tolerated within the District. For example, in a series of decisions examining civil discovery practice, Judge Bennett rejected so-called “boilerplate” discovery responses, in which a party objects to the other side’s request without a particularized explanation of why that request is improper.<sup>378</sup>

In *St. Paul Reinsurance Co. Ltd. v. Commercial Fin. Corp.*, Judge Mark Bennett found that counsel filed obstructionist, boiler-plate objections to discovery requests and sanctioned counsel by requiring him to write and submit an article to a New York and Iowa bar journal explaining why it was improper to assert boilerplate, non-specific discovery objections:

*“This court will not tolerate these type of objections because not only do they disrespect the judicial process, but such objections thwart discovery’s purpose of providing both parties with ‘information essential to the proper litigation of all relevant*

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<sup>378</sup>*E.g., Liguria Foods, Inc. v. Griffith Labs., Inc.*, 320 F.R.D. 168, 190 (N.D. Iowa 2017) (“Federal discovery rules and the cases interpreting them uniformly finding the ‘boilerplate’ discovery culture impermissible are not aspirational, they are the law.”); *St. Paul Reinsurance Co. Ltd. v. Commercial Fin. Corp.*, 198 F.R.D. 508 (N.D. Iowa 2000).

*facts, to eliminate surprise, and to promote settlement.’ ... ‘Rambo’ style obstructionist discovery tactics like those employed here, if not stopped dead in their tracks by appropriate sanctions, have a virus[-]like potential to corrupt the fairness of our civil justice system.”<sup>379</sup>*

This and related Northern District of Iowa civil discovery practice rulings are now reflected in the text of the Federal Rules of Civil Procedure, including the 2015 Amendments to Rule 34 (“Producing Documents”), which were amended to require that objections to Rule 34 discovery requests be stated “with specificity” and to add a new provision in Rule 34(b)(2)(C) directing that an objection must state whether any responsive materials are being withheld on the basis of lack of specificity.<sup>380</sup>

The Northern District of Iowa has also addressed excessive objections and witness coaching during depositions in *Sec. Nat. Bank of Sioux City, Iowa v. Abbott Laboratories*,<sup>381</sup> Arising from the Court’s *sua sponte* show cause order, filed during a product liability trial but tabled until after trial (at which the sanctioned counsel’s client, Abbott Laboratories, prevailed), and after the Court’s review of “hundreds of unnecessary [deposition] objections and interruptions during the examiner’s questioning,” Judge

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<sup>379</sup>198 F.R.D. at 517 (internal quotation marks omitted).

<sup>380</sup>Fed. R. Civ. P. 34(b)(2); FED. R. CIV. P. 34 advisory committee’s note to 2015 amendment.

<sup>381</sup>299 F.R.D. 595 (N.D. Iowa 2014), *rev’d*, 800 F.3d 936 (8th Cir. 2015) (reversed on other grounds).

Bennett ruled: (1) “lawyers are *required*, not just permitted, to state the basis for their objections...‘form’ objections are inefficient and frustrate the goals underlying the Federal Rules [of Civil Procedure]...[u]nspecified ‘form’ objections are improper and will invite sanctions if lawyers choose to use them in the future;” (2) “clarification-inducing objections are improper...the defending lawyer may not suggest to the witness that the lawyer deems the question to be unclear... [t]he *witness*—not the lawyer—gets to decide whether he or she understands a particular question;” and (3) “excessive and unnecessary interruptions [during a deposition] are an independent reason to impose sanctions.”<sup>382</sup> For civil practitioners within the Northern District of Iowa, these are highly instructive, influential, and widely-discussed decisions drastically affecting (and improving) the conduct of civil discovery within the District and beyond. With these and other decisions, the Court has encouraged attorneys to strive not only to be zealous advocates for their clients during discovery, but to work together to ensure that discovery serves the interests of truth and justice.

The judges of the Northern District of Iowa have also addressed the intersection of (and occasional tensions between) individual liberties and government regulation of public safety and welfare. In *Sak v. City of Aurelia*, the Court considered a city resident’s claim (brought on his own behalf and on behalf of the resident’s certified service dog, Snickers) that the City of Aurelia’s prohibition on pit bulls violated the resident’s rights under the Americans with Disabilities Act (“ADA”) to use a pit bull, which was

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<sup>382</sup>*Abbott Labs.*, 299 F.R.D. at 602-04, 605, 609.



specially trained to assist him following his stroke, as a service animal. The Court opened its ruling by quoting George G. Vest’s “Eulogy to the Dog” (from Vest’s closing argument to a jury in an 1872 case involving the illegal shooting of a hunting dog): “The one absolutely unselfish friend that man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is his dog...,” and granted the resident’s motion for a preliminary injunction. In its decision, the Court determined that the resident established a likelihood of success on his claim that the city’s refusal to accommodate his use of Snickers, which had no history of violence, violated the resident’s rights under the ADA.<sup>383</sup>

The Court again addressed the ADA’s interplay with city regulations in *Heather K. ex rel. Anita K. v. City of Mallard*, in which the plaintiff, a young child with severe respiratory and cardiac conditions, brought suit through her mother against the City of Mallard, claiming that the city’s regulation permitting open burning of trash, which she alleged aggravated her conditions, violated her rights under the ADA. The Court, rejecting the city’s argument that it was not liable under the ADA as a matter of law, determined that the city could be liable under the ADA if the plaintiff established that the city’s open-burning regulation had a discriminatory effect on the ability of individuals with disabilities to take advantage of city services, programs, or facilities, or, alternatively, that the city’s regulation of open

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<sup>383</sup>*Sak v. City of Aurelia, Iowa*, 832 F. Supp. 2d 1026 (N.D. Iowa 2011).

burning was, itself, a service, program, activity, or benefit offered by the city.<sup>384</sup>

### ***Local Rules and Practice Changes Over Time***

Although the first term of court of the Northern District of Iowa convened in late 1882, the first known Local Rules of Northern District of Iowa became effective on October 1, 1905 and consisted of 23 Rules.<sup>385</sup> Rule I of the 1905 Local Rules permitted any person admitted to the bar of the United States Supreme Court to practice before the Northern District of Iowa after “sign[ing] the roll of attorneys, and pay[ing] to the Clerk of this Court a fee of one dollar,” but Rule II required attorneys who “reside outside of the District” to “appoint an agent, who shall be an attorney of this court and reside within the District.” The “local counsel” requirement embodied in Rule II can still be found in the modern Local Rules.<sup>386</sup>

Also of note, the 1905 Local Rules leaned heavily on Iowa State Court practice: “Except as otherwise provided in these Rules...the summons, pleadings and practice in the

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<sup>384</sup>See *Heather K. by Anita K. v. City of Mallard, Iowa*, 946 F. Supp. 1373 (N.D. Iowa 1996).

<sup>385</sup>Rules were also applicable to the Southern District of Iowa, just as the Local Rules are still today. There are now over 83 Rules in effect as of May 1, 2017, see LR 1(b).

<sup>386</sup>See LR 83(d)(4) (2017).

action shall be as then prescribed in the laws of the state.”<sup>387</sup> The 1905 Local Rules also required that motions to dismiss and other motions only be heard in the morning “before any case upon the calendar has been called.”<sup>388</sup> Today, however, procedures for summonses, pleadings, and practice, including motions practice, are governed by the Federal Rules of Civil Procedure.

Later revisions to these first Local Rules became effective April 1, 1924 (and applied only to the Northern District of Iowa, not the Southern District of Iowa), with Rule 1, captioned “Form and Conduct,” setting forth the regular hours of the Northern District of Iowa (convening at 9 a.m. and 2 p.m.), how counsel should address the Court (by standing), and that “[p]rovision will be made for the deposit of the hats and wraps of counsel...counsel will avoid... bringing their hats or overcoats into the court room while court is in session.”<sup>389</sup> The origin of current (2017) Local Rules 7, 10, and the Northern District of Iowa’s current Trial Scheduling and Final Pretrial Orders can be found in the 1924 version of Local Rule 3 – Briefs, which required counsel to prepare trial briefs “[i]n all cases involving controverted questions of law,” with citations to supporting authorities “in advance of trial to be presented to the court at the commencement of trial....Compliance with this order will materially expedite the business of the court.” Numbering 44

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<sup>387</sup>Rule III(4) (1905).

<sup>388</sup>Rule XV (1905).

<sup>389</sup>Rule 1(1) and (6) (1924).

rules since their original adoption less than two decades prior, the 1924 Local Rules set motion day as the first Tuesday of each month (Rule 40), and recognized and outlined the local rules of United States Commissioners (Rule 42).<sup>390</sup>

Additional revisions to the Local Rules became effective September 16, 1938, again applying only in the Northern District of Iowa. Rule 5 addressed depositions, requiring litigants to file with the Clerk an intention to take depositions for use at trial “within 10 days after the pleadings are closed,” and Rule 7 placed the civil action on the Court’s trial calendar 10 days after the period for taking depositions closed. Rule 10 of the 1938 Local Rules provided that jury instructions “may be either in writing or oral in the discretion of the court.”

The Local Rules were revised, again, and became effective July 1, 1953, adopted this time by both the Northern and Southern Districts of Iowa. The 1953 Local Rules consisted of only 26 Local Rules, Rule 9 set a filing fee of \$15, Rule 15 provided that motions were to be determined without oral argument,<sup>391</sup> and began to trend toward current Court active case management practices by providing for pre-

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<sup>390</sup>United States Commissioners were predecessors to the Northern District’s Magistrate Judges (*compare with* LR 72 and 72A (2017)).

<sup>391</sup>A predecessor to current LR 7(c).

trial conferences.<sup>392</sup> By 1953, the Northern District of Iowa had dispensed with the option of oral jury instructions and, instead, required jury instructions to be in writing (Rule 18).

Judge Hodges played a key role in drafting the next version of the Local Rules, which became effective on October 1, 1973, and were adopted by both the Northern and Southern Districts of Iowa. He assisted in drafting the Rules when he served as a law clerk to Judge McManus (1969-1979). Judge Hodges reported that the intent of this version of the Local Rules was to make them detailed enough to level the playing field for all Northern District of Iowa practitioners, including those from both large and small communities, as well as large and small law firms. The Rules were further aimed at focusing on active case management by the District, including adding new provisions regarding pretrial conferences and requirements that attorneys meet and confer prior to engaging the Court.

The 1973 Local Rules applied to procedures in civil, criminal and bankruptcy cases in both the Northern and Southern Districts of Iowa.<sup>393</sup> The Rules specified jury trial processes, including that “in civil jury cases the parties shall be bound by the verdict of not less than six jurors” and that,

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<sup>392</sup>*Compare* Rule 16 (1953) (court *may* order Fed. R. Civ. P. 16 pre-trial conference) *with* Rules 16 and 16(A) (2017) (now mandatory for civil litigants).

<sup>393</sup>42 total Rules; 26 of which governed civil practice. Rule 1 (1973).

unless otherwise ordered, the Court was to conduct voir dire, allowing for counsel to submit proposed voir dire questions to the Court.<sup>394</sup> Today, however, although the Court still takes part in voir dire, counsel may also conduct voir dire.<sup>395</sup> Like current Local Rule 10 (2017), the 1973 Rules addressed the forms of civil action documents filed with and/or delivered to the Court.<sup>396</sup>

Importantly, the 1973 Local Rules required, for the first time, that discovery motions include “an affidavit of counsel certifying that he has conferred with counsel for the opposing party in good faith to resolve by agreement the issues raised by the motion without intervention of the court, has been unable to reach such agreement and that the resulting motion is therefore contested.”<sup>397</sup> Also for the first time under the 1973 edition of the Local Rules, Rule 18(A),

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<sup>394</sup>Compare Rule 6(B) (C) (1973) with current LR 48(a) (2017) (civil jury size between six and twelve).

<sup>395</sup>See, e.g., Trial Management Order for Civil Jury Trial in *GenoSource, LLC v. Inguran, LLC*, No. 18-CV-113-CJW-KEM (Doc. 111), § XI(D) (Judge to conduct initial *voir dire*; counsel for parties to conduct additional *voir dire*, no need to submit preliminary questions unless to be asked by the Judge).

<sup>396</sup>See Rules 11 (Pleadings), 15 (Complaints) and 16 (Motions and Other Requests for Court Action).

<sup>397</sup>Compare Rule 16(E) (1973) with Rule 7(k) (2017) (good faith meet and confer between counsel required for all non-dispositive motions) and 37 (similar declaration required for discovery-related motions to compel).

which was made applicable only in the Northern District of Iowa, required the parties to meet within 60 days after the filing of the civil action, to “conduct a Preliminary Pre-Trial Conference for the purpose of reaching agreement and stipulation” as to the pre-trial conduct of the civil action and to file “a written report signed by counsel for all parties to the action” of the results of that conference.<sup>398</sup> Also a first, the 1973 Local Rules set forth specific provisions, jurisdiction, and additional duties for the Northern District of Iowa’s Magistrate Judges, including to “[s]upervise the pre-trial procedures set out in these Local Rules and to make such orders as necessary for insuring compliance.”<sup>399</sup>

Judge Hodges noted that this era of rising Northern District of Iowa active case management was driven largely by increasing civil and criminal filings within the District. Judge Hodges also noted that he could not recall very many civil actions where, as Magistrate Judge, he did not stress and “drive” settlement conferences, as was consistent with the District’s practice of emphasizing and driving settlement efforts.<sup>400</sup> Prominent and long-time Northern District of Iowa practitioner Stephen Holtman also recalls nearly “mandatory” settlement conferences before the District during this time

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<sup>398</sup>*Compare with* Rule 16 (2017) (meet and confer regarding proposed civil action Scheduling Order and Discovery Plan required to be submitted to the Clerk of Court within 90 days after filing of complaint).

<sup>399</sup>*Compare* Rule 37 (1973) *with* Rules 72 and 72(a) (2017).

<sup>400</sup>June 2019 interview with Judge Hodges conducted by Timothy Hill.

and into the 1980s.<sup>401</sup> Finally, Local Rule 19 (1973) required the Clerk to inspect all civil complaints and answers filed and to promptly notify the presiding Judge, the Chief District Judge, and the Administrative Office of the United States Courts of potentially complex cases, including antitrust cases, those seeking injunctive relief in business disputes, stockholder derivative claims, and products liability actions.

The most current version of the Northern District of Iowa's Local Rules, which became effective on May 1, 2017,<sup>402</sup> retains many of the processes adopted in 1973, applies in both the Northern and Southern Districts of Iowa, but includes over 83 civil action Local Rules, as compared to the 1973 version's 26 civil action Local Rules. The Parties' meet-and-confer (prior to filing discovery motions) requirements remain,<sup>403</sup> and are expanded upon.<sup>404</sup> The current Local Rules also retain and expand upon previous versions' active Court management processes.<sup>405</sup> Finally,

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<sup>401</sup>*Cf.* Rule 72B (2017) (“The court’s primary ADR procedure is private mediation.”).

<sup>402</sup>Rule 1(b) (2017).

<sup>403</sup>*See* Rule 37 (2017).

<sup>404</sup>*See* Rule 7(k) (2017) requiring parties to meet and confer in good faith before filing any non-dispositive motion.

<sup>405</sup>E.g., Rule 16 (2017), requiring the parties to confer and submit a proposed Scheduling Order and Discovery Plan within 90 days after the filing of a civil complaint and providing for a scheduling conference before the assigned Magistrate Judge at the onset of the case.



rules of procedure are more specific in the 2017 Local Rules than in previous versions, including as to motions,<sup>406</sup> attorney fee petition contents (Rule 54A (2017)), summary judgment motion and briefing requirements (Rule 56 (2017)), and the procedures governing removed actions (Rule 81 (2017)). Given the advent of electronic filing of documents and electronic case management within the Northern District of Iowa, the 2017 Local Rules set forth requirements for electronic filing and electronic access to documents (Rule 5A (2017)) and electronic delivery of documents (Rule 5 (2017)). And harkening back to the Northern District of Iowa’s 1905 Local Rules, the District’s 2017 Local Rules continue to require non-admitted counsel to associate with an attorney admitted to the bar of the Northern District of Iowa, including requiring the signature of admitted (local) counsel on each document filed in the District.<sup>407</sup>

The Northern District of Iowa has been a leader in innovative practice and processes for its civil actions. For example, effective January 1, 2018, the Northern District of Iowa put into place a direct assignment program for civil cases to be assigned to its magistrate judges, providing “for the direct assignment of civil cases to the full-time Magistrate Judges to conduct any and all proceedings in jury and non-jury civil actions and order the entry of judgment...[t]he objective...is to maximize the judicial resources within the

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<sup>406</sup>E.g., Rule 7 (2017), including the process to seek expedited relief and Rule 10 (2017) (“Form of Documents Filed with the Court; Citations to Statutes; Personal Identifiers”).

<sup>407</sup>Rule 83(d)(4) (2017).

Northern District of Iowa by recognizing the full extent of Magistrate Judge jurisdiction...in civil cases to ‘secure the just, speedy, and inexpensive determination of every action and proceeding’ consistent with.”<sup>408</sup> Also, through an effort to provide less-experienced Northern District of Iowa attorneys more Court hearing experience, certain Northern District of Iowa judges have recently started to include the following in their scheduling orders:

*“The Court encourages participation in the conduct of hearings on motions by lawyers who drafted or contributed to the motion or resistance and/or preparation for the hearing. A representation that the argument on motions will be handled, in whole or in part, by the lawyer(s) who drafted or contributed to the motion or resistance may weigh in favor of granting a hearing.”*<sup>409</sup>

### ***Noteworthy Committees within the Northern District of Iowa***

The Northern District of Iowa has established committees, comprised of court staff and civil and criminal practitioners admitted in the Northern District of Iowa, to provide the Court with input and feedback, and to foster stronger bench-bar relations. For instance, the *History of the United States District Court for the Northern District of Iowa* (2020 ed.) has been prepared through the efforts of the

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<sup>408</sup>Federal Rule of Civil Procedure 1. Public Administrative Order No. 17-AO-0015-P, at 1.

<sup>409</sup>*E.g.*, Scheduling Order and Discovery Plan, *Eco Lips, Inc. v. Blistex, Inc.*, No. 19-cv-62-LRR-MAR, Doc. 18, § 4.

Historical Society for the Northern District of Iowa,<sup>410</sup> whose purpose is to “collect and preserve historical information, data, documents, artwork, writings, artifacts and the like of the United States District Court for the Northern District of Iowa.”<sup>411</sup> In addition to this book, the Northern District of Iowa’s Historical Society has been conducting, cataloguing and making available to the public oral histories of its judges and re-designing historical displays within its courthouses, among other community outreach projects.

The Northern District of Iowa also has an active Federal Practice Committee, whose purpose “is to serve as liaison between the Bench and Bar. The Committee suggests changes to local rules of court and procedures; advises the Court concerning perspectives of the Bar on operation of the Court;...and, in general, offers assistance and advice to work with the Court to improve the administration of justice.” Northern District of Iowa Federal Practice Committee members (8-12) are selected by the Chief Judge and “are considered learned in the areas of federal civil or criminal law. In selecting members, the Chief Judge shall strive to balance membership geographically throughout the District.”

<sup>412</sup> The Northern District of Iowa’s Federal Practice

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<sup>410</sup>The Historical Society for the Northern District of Iowa is a branch of the Historical Society of the United States Courts in the Eighth Circuit.

<sup>411</sup>*See, e.g.*, <https://www.iand.uscourts.gov/historical-society> for additional information.

<sup>412</sup>Bylaws of the Northern District’s Federal Practice Committee (adopted August 13, 2015), §§ I, II(A).

Committee and its judges also routinely present continuing legal education programs for both new and experienced practitioners, which, in recent years, have been followed by social gatherings to bolster bench-bar relations.

## FLOOD OF 2008

The Flood of 2008 irrevocably altered the history of the Northern District of Iowa. Originally predicted to crest at 19 feet, the Cedar River crested at a record height of 31.12 feet in Cedar Rapids on June 13, 2008. Floodwaters reached nearly 20 feet above flood stage and more than 11 feet above the previous record crests of the river in June 1851 and March 1929. The river swept through the federal courthouse at the corner of First Avenue and First Street Southeast, effectively destroying the building that had served the public well for 75 years.



The flood wrought widespread devastation to Cedar Rapids. Its waters inundated more than 10 square miles, or about 14%, of the city. The flood impacted 1,126 city blocks and 5,390 houses. Fortunately, there were no fatalities or serious injuries, in no small measure to the 423 rescues performed by Cedar Rapids firefighters who navigated submerged city streets in boats.

Heavy winter snow, extremely moist soils, and heavy June rains contributed to historic flooding throughout Eastern Iowa in 2008. Storms that spring included an EF5 tornado, the first in Iowa since 1976, which killed 9 people and devastated Parkersburg and New Hampton. But mainly the floodwaters in Cedar Rapids resulted from “too much rain in the wrong spot again and again,” according to a National Weather Service meteorologist at the time. Indeed, it rained every day in June in the Cedar Valley. Notably, on June 8, 2008, 6 inches of rain fell between Waterloo and Mason City, within the Upper Cedar watershed. On June 9, 2008, 3 to 5 inches of rain fell between Waterloo and Cedar Rapids.

The Cedar River rose swiftly and unexpectedly to its historic crest in Cedar Rapids. On Monday, June 8, 2008, the river had not yet reached its flood stage of 12 feet; by the end of Wednesday, June 10, 2008, the river already had risen above its previous record height of 20 feet. A significant portion of the city that some had bragged would never flood - and thus a downtown that had no need for a comprehensive flood protection system - was under water.



Upon learning that the Cedar River would rise above flood stage, court staff began familiar preparations. The porous basement of the courthouse was near to the river and often leaked, so some water in the courthouse's basement was neither unusual nor unexpected. Staff moved items from lower to higher shelves in the basement in expectation of the minor flooding that was forecast at that time. The basement housed a small branch of the Eighth Circuit Library, with a part-time librarian, as well as space for the United States Marshals Service and court security staff.

By Wednesday, June 10, 2008, it was clear that this time would be different and courthouse operations would be interrupted for at least the remainder of the week. Many who left the courthouse early that Wednesday afternoon - surely unaware that they would be commuting from the 75-year-old courthouse for the final time - had to drive around floodwaters that were beginning to seep over city streets immediately west of the river. By that night, city officials had evacuated neighborhoods near the river, imposed a curfew, closed bridges across the river, and called in the Iowa National Guard for assistance. The river was now forecast to crest at about 23 feet.

But it continued to rain. On Thursday, June 12, 2008, another 5 inches of rain fell as the Cedar River inundated downtown Cedar Rapids. Clerk of Court Robert Phelps returned to the courthouse Thursday morning to assist the General Services Administration (GSA) with refueling generators for water pumping, but by mid-morning the effort was overwhelmed, and GSA ordered the building to be evacuated and abandoned. Floodwaters were rising and running rapidly down the streets around the courthouse, eventually flowing over the city's downtown bridges and leaving only the I-380 bridge high above the Cedar River dam available for emergency travel across the river at Cedar Rapids. The United States Marshals Service assisted in evacuating more than 300 inmates, including several federal defendants, from the Linn County Jail on May's Island in the middle of the Cedar River. This emergency evacuation began at 4:30 A.M. and ended by 7:30 A.M., by city buses as floodwaters flowed over the Third Street bridge.



The historic United States Courthouse at 101 First Street would not reopen as a federal courthouse after June 11, 2018. Floodwaters completely submerged the basement, which contained the courthouse's mechanical and electrical equipment, and rose approximately 4 feet above the elevated first floor. The second and third floors remained intact but inaccessible. Even after floodwaters receded, due to continued seepage of water, recovery crews would eventually pump 64 million gallons of water, debris, and aquatic life out of the courthouse. So unthinkable was the height of the Cedar River that the operational limit of the United States Geological Survey's flood gauge in Cedar Rapids was 25 feet, more than 6 feet less than the record crest of 31.12 feet on June 13, 2008.

Many members of the District's bar maintained their offices in downtown Cedar Rapids and also suffered losses from the flood. The last trial held in the historic third-floor courtroom of the old First Street courthouse was a civil case, *McCabe, et al. v. U.S. Secret Service et al.* The McCabe trial concluded on June 4, 2008.<sup>413</sup>

Then Chief Judge Reade, District Clerk of Court Robert Phelps, Bankruptcy Clerk of Court Sean McAvoy, and others immediately began searching for a temporary courthouse location. Given the large number of businesses in the downtown Cedar Rapids area, the Court faced a short timeframe and stiff competition for finding space on higher

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<sup>413</sup>See, e.g., *McCabe v. Mais*, 580 F. Supp. 815 (N.D. Iowa 2008).

ground. On Thursday, June 11, 2018, the Court was evaluating several sites, including vacant space at the then-struggling Westdale Mall in southwest Cedar Rapids and a vacant office building in north Cedar Rapids. With the assistance of the GSA, it was ultimately decided that the United States would rent an old, long-empty industrial building just north of U.S. Highway 30 at 4200 C Street SW in Cedar Rapids to house the Court and various federal agencies. This was the first building inspected by a contingent of executives and judges, and after a walk through and mental mapping of office space allocations, the group huddled in the hallway of this empty building. Robert Phelps recalled, “after a quick walk through, we stood around in a circle. Judges, court executives, representatives from USAO, USMS, GSA, and other agencies. I outlined how this building might be divided and suggested we take this building now. There were serious security issues with the other two locations. I finished, asked whether we needed to go scout the other two locations, and looked around the group. No one spoke. Everyone looked around and ended up staring at me in silence. I caught Judge Reade’s eye, she smiled and almost imperceptibly nodded, so I knew she was in agreement to stay here. I announced that we would stay here and not bother looking at the alternate locations. There were smiles and murmurs of agreement, so after a brief discussion of how to allocate the space, parking and security options, it was agreed upon to occupy this building with district court, bankruptcy court, probation, chambers (including appellate), U.S. Attorneys, U.S. Marshals, GSA, and space for courtrooms. GSA later brought in trailers from Chicago for additional storage space, grand jury space, and additional appellate chambers.”

For the next two weeks, court staff and others worked to clean the temporary courthouse at C Street and furnish it with minimally necessary accommodations. Even after floodwaters receded, the First Street courthouse remained inaccessible to court staff, so it was necessary to temporarily procure replacement furniture and equipment, or as Judge Reade liked to describe it, bingo tables.





Meanwhile, court employees in Sioux City performed docketing and other court services for the District. Probation officers continued to supervise defendants in the community with increased home and employment visits. Many court personnel continued to work remotely using their laptop computers and the Internet, through the servers of the Administrative Office of the United States Courts. Staff were well prepared in this regard. The Court had recently completed a continuity of operations (“COOP”) exercise, in which court personnel practiced working remotely in Waterloo in conjunction with the Department of Justice’s arrests of hundreds of individuals in Postville.<sup>414</sup>

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<sup>414</sup>See, e.g., *United States v. Rubashkin*, 718 F. Supp. 953 (N.D. Iowa 2010).

On June 17, 2018, Judge Reade announced to members of the District's bar that the Court would not be returning to the First Street courthouse in the foreseeable future. Judge Reade announced that, remarkably, the temporary courthouse on C Street would open in one week and would house the judges of the District, the Probation Office, the Clerk's Office, the Eighth Circuit Branch Library, and the United States Marshals Service. This temporary courthouse would also for a time house the United States Attorney's Office and the Bankruptcy Court, which previously had occupied leased space in downtown Cedar Rapids due to overcrowding at the First Street courthouse.

The temporary courthouse at C Street had three courtrooms, one jury courtroom, and two non-jury courtrooms, as well as abundant parking in an industrial area on the outskirts of southwest Cedar Rapids. But as Judge Reade observed, the courthouse was "quite limited in furnishings and amenities."<sup>415</sup> For example, when U.S. Magistrate Judge Jon S. Scoles presided over the first hearing at the temporary courthouse on June 24, 2008,<sup>416</sup> the bench was on a rental riser with a short black curtain hem around the base. Space for the jury was also on stepped risers.

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<sup>415</sup>In the weeks following the flood, court staff were permitted an opportunity to retrieve some essential items the First Street courthouse. Only months later did staff have an opportunity to clean out offices, creating an unforgettable time capsule effect.

<sup>416</sup>*United States v. Macal*, No. 08-CR-33-LRR (initial appearance, arraignment, and plea hearing).

In October 2008, Judge Reade announced that the Court would remain at C Street until a new courthouse was built in Cedar Rapids. The temporary courthouse would expand into a second building after that building had time to undergo a complete renovation for court services. In the meantime, various members of the “court family” returned to offsite leased space as recovery efforts progressed in Cedar Rapids. The United States Attorney’s Office, Senior Judge McManus, Circuit Judge Melloy, and the Bankruptcy Court all returned to downtown Cedar Rapids during this time.

On June 15, 2009, two days after the one-year anniversary of the flood’s historic crest, Cedar Rapids courthouse operations at C Street expanded to new accommodations in the second building. The original building, known as “Building A,” continued to house the District Court Clerk’s Office, United States Probation Office, Eighth Circuit Branch Library, and GSA. The newly renovated “Building B” now housed specially designed courtrooms and judges’ chambers, as well as space for the Clerk of Court and satellite offices for the United States Attorney and Federal Public Defender.

On June 29, 2008, Judge Reade invited members of the District’s bar for an open house. The open house was a celebration of the opening of the new temporary courthouse at C Street and demonstrated its advanced courtroom technology, always a subject of pride for the judges of the District.

Finally, on November 5, 2012, the present-day courthouse opened at 111 Seventh Avenue SE in Cedar

Rapids. The new courthouse was a welcome sight, but the temporary courthouse at C Street, whose sight was chosen in the middle of a natural disaster, served the Court well for over four years. Countless hearings took place in its buildings, including 62 jury trials.<sup>417</sup> Even the old First Street courthouse itself survived the flood. The United States would later trade the First Street courthouse to the City of Cedar Rapids in exchange for the land upon which the new Seventh Avenue courthouse would be built.

Long-stalled efforts to build a new federal courthouse in Cedar Rapids gained momentum after the flood. It was clear many years before the flood that the First Street courthouse no longer had sufficient space to accommodate the growth of the Court and associated federal agencies in Cedar Rapids since the time of its erection in 1933. Further, the building was deteriorating, especially the roof, and constantly needed repairs; in the years before the flood, for example, Judge Reade had to move her chambers to other locations in Cedar Rapids due to the discovery of mold in the walls of her chambers and significant leaks from the roof into her chambers and third floor courtroom. GSA had repeatedly shortlisted the Northern District of Iowa for a new courthouse in Cedar Rapids, but Congress had not funded the efforts despite the best efforts of Iowa's Congressional delegation over several years.

It was with great relief that to all in the District that, on September 30, 2008, President George W. Bush, who had

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<sup>417</sup>After the Court moved to the new courthouse, the United States Marshals Service continued use of the C Street building B.

personally observed the flood damage in Cedar Rapids on June 20, 2008, signed into law a continuing resolution for FY2009 that included up to \$182 million for the construction of a new courthouse in Cedar Rapids.<sup>418</sup> The full funding amount was contingent on additional design, construction, and management and inspection required to elevate the new courthouse to a level of 12 inches above the crest of the June 2008 flood. Passage of funding for the new courthouse, despite the fact the nation was in the grips of the worst economic recession since the Great Depression, is a great credit to the tireless efforts of Iowa’s Congressional delegation, especially United States Senators Charles Grassley and Thomas Harkin, and Congressman Dave Loebsack.

Often the changing forces of history are incremental and imperceptible. That was not the case with the Flood of 2008. The flood left an immediate and indelible mark on the history of the Northern District of Iowa. It wrought destruction, but it also brought out the best in members of the “court family,” who worked together under difficult and unprecedented circumstances to maintain a functioning federal court system in Cedar Rapids. The present-day courthouse at 111 Seventh Avenue is a testament to, and product of, the sacrifices the flood required of those who lived through it.

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<sup>418</sup>P.L. 110-329.



## **STRUCTURES THAT HAVE HOUSED THE COURT**

During its history, the United States District Court operated from courthouses located in Cedar Rapids, Dubuque, Fort Dodge, Mason City, Sioux City, and Waterloo. Over time, the courthouses in Dubuque, Fort Dodge, Mason City, and Waterloo closed. Since 2006, the United States District Court for the Northern District of Iowa has maintained court sites only in Cedar Rapids and Sioux City. A brief history of each of the courthouses follows.

### **CEDAR RAPIDS**



The first United States Courthouse in Cedar Rapids was located at the corner of Second Avenue and Third Street at 305 2nd Avenue, SE. Construction began in 1892, but due to the length of time it took contractors to finish up the interior, the building was not occupied until 1895.



In March 1908, the building closed for extensive renovations, including the addition of a third floor and a 35-foot expansion along the entire east side of the building. In addition, the entire interior of the building was remodeled and almost doubled the working space for employees. Around March 1910, the building was completely finished and the courts were able to move back into the building. The federal courts were housed on the second floor of the refurbished building until 1933 when they moved into a new building on First Street. The building survives today and is known as the Witwer Building. In 1983, the building was added to the National Register of Historic Places and was noted for its “elaborate example of Renaissance Revival.”



In 1933, the court moved to 101 1<sup>st</sup> Street S.E. The building cost approximately \$1 million to build. The three-story, Indian limestone-clad building is located on the northeast bank of the Cedar River. In June 2008, the Cedar River flooded, inundating much of the downtown, including the first floor of this courthouse. The federal government deeded the building to the City of Cedar Rapids after the flood, and the City restored the building and now uses it as City Hall. The courtroom on the third floor hosted murals painted on the upper walls, above the wood paneling. The murals were painted by several artists in 1936. They were painted over a short time later, but the City of Cedar Rapids has since restored them.



In 2008, a flood devastated downtown Cedar Rapids, flooding the courthouse at 101 1<sup>st</sup> Street S.E., and rendering it unusable. For the next four years, the Court operated out of two former commercial buildings at 4200 C Street. At first, the entire courthouse was limited to the space in the first building shown above, together with some FEMA trailers set on the lawn behind the building. Approximately one year later, the court expanded to a second building located to the west of the first building and across a wide parking lot, while the first building remained occupied by the United States Probation Office, a portion of the District Court Clerk's Office staff, the General Services Administration and the Eighth Circuit Branch Library. The renovated second building had two courtrooms, judges' chambers, and space

for the Clerk of Court and the United States Marshals Service. It continues to be used today by the United States Marshals Service.



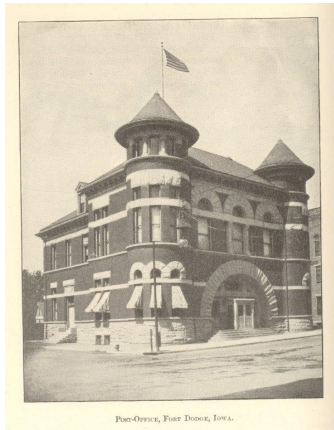
On November 6, 2012, the court moved into a new, eight-story building at 111 7<sup>th</sup> Avenue S.E. The 300,000 square-foot building contains five courtrooms, houses nine federal agencies in addition to the court, and cost \$182 million to build.

## DUBUQUE

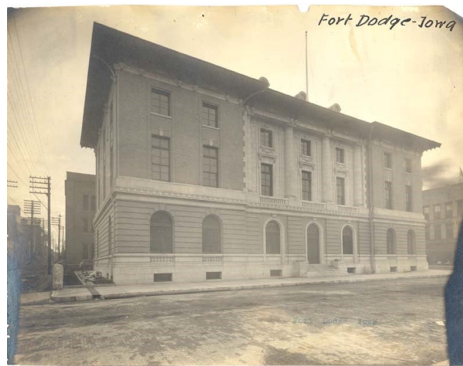


Built in 1934, the United States Post Office and Courthouse located at 350 West 6<sup>th</sup> Street in Dubuque housed the court until 2006. The Art Deco architectural style has strong rectilinear qualities and minimal ornamentation. Similar to the 1933 Cedar Rapids courthouse, the building also hosts murals painted by local artists. William E.L. Bunn and Bertram Adams, who each studied and worked with Grant Wood, were chosen to paint the murals in the building. Completed in 1936 and 1937, the murals depict historical references to the city's pioneering days and to the importance of Mississippi steamboats as a transportation source around the Midwest. The City of Dubuque purchased the building from the federal government in 2006 and conducted a \$3.1 million renovation in 2007. The building is now used as the Dubuque City Hall and Community Center. The United States Post Office and Courthouse was placed on the National Register of Historic Places in 1985 as a contributing resource within the Cathedral Historic District.

## FORT DODGE



Construction on a new federal government building began in April 1893 and was completed around November 1894. The building housed the United States Post Office and the Court from 1895 to 1910. By 1910, the need for more room was apparent and government architects were brought in to develop plans for a new building.



A new federal building was proposed at the site of the old building on Central Avenue and Ninth Street. In February 1910, the Court and the Post Office relocated to a temporary facility housed in the Knights of Columbus Hall at the southeast corner of Ninth Street and First Avenue. Demolition of the old building began immediately and by August 1910, work was underway on the new building. The building was completed in October 1911 and included space for the new post office, federal courts, and the railroad postal clerks. The fate of this building is unknown.



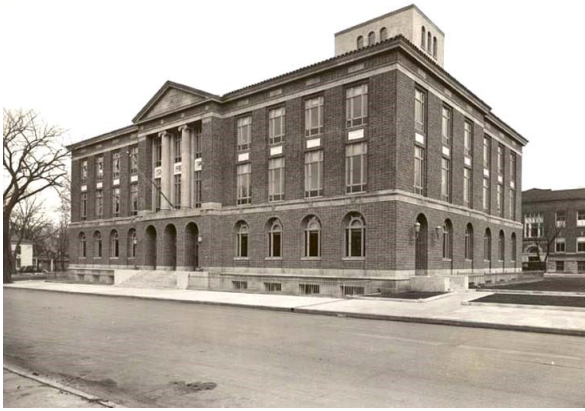


From 1959 to 2005, the Court used a courtroom on the third floor of this building. By the late 1990s, the Court seldom held court at the location. The building closed for good in October 2005.

## MASON CITY



Beginning in 1899, the Cerro Gordo County Courthouse, built out of Bedford stone, was completed in 1902. The two-story Romanesque Revival building featured a large clock tower in the center and was completed for \$64,000. The Court used space in the building until a new federal building was completed in 1932. The building was later demolished in 1962.



Construction for a new federal building began in 1931 and was completed in September 1932. Located on the corner of Second Street and Delaware Avenue Northeast, the red brick building was built for \$203,200. The United States District Courts, the United States Marshals Service, and the United States Attorney's Office occupied the entire third floor of the building. The courtroom featured oak panel wainscoting and a large decorative marble panel behind the judge's bench. The court occupied the building until the 1980s. The building also served as the United States Post Office and still does so today.

## SIOUX CITY



The first federal courthouse in Sioux City was located on the corner of Sixth and Pearl Streets. The court occupied this building from 1897 to 1933, when it moved to the opposite corner across the street to the south. An example of Richardsonian Romanesque architecture, the building cost nearly \$240,000 and took four years to complete. It was patterned after the Plazzo Vechhio in Florence, Italy. The clock tower was added in 1900. In 1948, the City of Sioux City remodeled the building and uses it as City Hall today.



The Court currently occupies this building, which opened in 1933 at a cost of a little more than \$1 million. The three-story, stone structure has a combined Stripped Classicism and Art Deco architectural style. The United States Post Office moved out of the building in 1984, and other agencies left the building in succeeding decades, allowing the court to expand to occupy almost the entire building. In the 1980s, a bankruptcy courtroom was built on the west end of the first floor. In the 1990s, a new district court courtroom was constructed on the east end of the first floor in a space formerly occupied by the Social Security Administration. From 1999 to 2000, the building went through a thorough renovation by the General Services Administration. The courthouse was placed on the National Register of Historic Places in 2013 as an outstanding example of 1930 Art Moderne architecture with interior remains intact that reflect fine Art Moderne detailing.

## WATERLOO



In April 1902, the city of Waterloo was informed that they were getting funds for a new government building. Construction on the new \$150,000 building began in 1904, with an anticipated completion in November 1905. The building was fully occupied by January 1906. Situated on the corner of West Park Avenue and Commercial Street, the white marble building drew influences from Roman-Doric architecture and included an elaborate carved ornamentation of an eagle and scroll above the main entrance. The Court was housed on the second floor of the building and the courtroom included golden oak finishings. The Court moved into a temporary building on Jefferson Street in 1937 so that the building could be razed to make way for a new, larger federal building.



Construction on the new federal building began in June 1937 and was completed by May 1938. The three-story structure was built of Mankato limestone and rests on a granite base. Once again, the court occupied the second floor of the building and included space for the United States Department of Justice as well as postal inspectors. In 1940, Edgar Britton was commissioned to paint two murals, “Holiday” and “Exposition.” A student of Grant Wood in the 1920's, Britton's mural “Exposition” depicts preparation for a livestock showing in tribute to the National Dairy Cattle Congress exposition while his mural “Holiday” depicts a picnic scene. In November 1977, voters passed a bond issue to repurpose the building for a library and in 1981, the Waterloo Public Library became the current occupant of the building.

**APPENDIX A**  
**JUDGES AND COURT STAFF OF**  
**THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF IOWA**

**United States District Court Judges**

	<b>Office</b>	<b>Service</b>
Oliver P. Shiras	Cedar Rapids	1882-1903
Henry T. Reed	Cedar Rapids	1904-1921
George C. Scott	Cedar Rapids	1922-1943
Henry N. Graven	Cedar Rapids	1944-1970
Edward J. McManus	Cedar Rapids	1962-2017
William C. Hanson	Cedar Rapids	1962-1977
Donald E. O'Brien	Sioux City	1978-2015
David R. Hansen	Cedar Rapids	1986-1991
Michael J. Melloy	Cedar Rapids	1992-2002
Mark W. Bennett	Sioux City	1994-2019
Linda R. Reade	Cedar Rapids	2002-Present
Leonard T. Strand	Sioux City	2016-Present
Charles J. Williams	Cedar Rapids	2018-Present



## United States Magistrate Judges

	<b>Office</b>	<b>Service</b>
Fred G. Clark, Jr.	Waterloo	Jan. 1, 1971 (part-time)
Peter W. Klauer	Dubuque	Jan. 1, 1971 (part-time)
Patrick C. McCormick	Sioux City	Jan. 1, 1971 (part-time)
Francis E. Tierney	Fort Dodge	Jan. 1, 1971 (part-time)
David Blair	Sioux City	Jan. 1, 1973 (part-time)
William J. Thatcher	Fort Dodge	Jan. 1, 1974 (part-time)
Paul W. Deck, Jr.	Sioux City	Jan. 1, 1976 (part-time)
James D. Hodges	Cedar Rapids	1971-1987
John A. Jarvey	Cedar Rapids	1987-2007
Paul A. Zoss	Sioux City	1997-2013
Jon S. Scoles	Cedar Rapids	2007-2016
Leonard T. Strand	Sioux City	2007-2016
Charles J. Williams	Cedar Rapids	2016-2018
Kelly K.E. Mahoney	Sioux City	2017-Present
Mark A. Roberts	Cedar Rapids	2018-Present

## United States Bankruptcy Judges

	<b>Office</b>	<b>Service</b>
John H. Mitchell	Fort Dodge	1944-1965
William W. Thinnes	Cedar Rapids	1965-1985
Michael J. Melloy	Cedar Rapids	1986-1992
William L. Edmonds	Sioux City	1987-2012
Paul J. Kilburg	Cedar Rapids	1993-2014
Thad J. Collins	Cedar Rapids	2010-Present

## Judge Henry N. Graven Chamber's Staff

<b>Law Clerks</b>	<b>Service</b>
William C. Fuerste	1947-1948
Harry G. Slife	1948-1949
Maurice E. Stark	1949-1950
Marvin C. Hayward	1950-1951
Eugene Davis	1951-1952
Kenneth L. Keith	1952-1953
Pater Van Metre	1953-1954
John E. McTavish	1954-1955
LeRoy R. Voigts	1955
James F. Pickens	1955-1956
Bruce M. Snell, Jr.	1956-1957
Raymond A. Sloan, Jr.	1957-1958
Arthur Peterson	1958-1959
Larry I. Ashlock	1959-1960
James H. Carter	1960-1962

## Judge Edward J. McManus Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Mary C. Ferris	1963-1963
Rosane Sammons	1963-1963
Mary E. Hughes	1963-1966
Janice Marie Fuller	1966-1970
Linda A. Toomer	1970-1973
John W. Schrimper	1973-1976
Norma Jean Silvasi	1976-1981
Taletha M. Plagman	1981-1988
Dawn R. Johnson	1988-1989
Terri A. Churchill	1989-1989
Deborah J. Frank	1989-2017

<b>Law Clerks</b>	<b>Service</b>
John T. Nolan	1962-1963
Michael O. McDermott	1963-1964
Dennis Valentine	1964-1965
David N. Cox	1965-1966
Richard A. Shors	1966-1967
Fred R. Jacobberger	1966-1968
Thomas L. Barton	1967-1969
William C. Wildberger II	1968-1970
James D. Hodges, Jr.	1969-1970
Jean Evashevski	1970-1970
John H. Ehrhart	1970-1972
David G. Schmidt	1971-1971
James K. Freeland	1971-1972
James F. Holderman	1971-1972
David A. Scott	1972-1972
Michael J. Lehan	1972-1973
John C. Monroe	1972-1974
Thomas J. Hearity	1973-1975
Dennis L. Fisher	1974-1976
James M. Dower	1975-1977

Timothy J. Whitters	1976-1978
Richard H. Zimmerman	1977-1979
J. Rene Frechette	1978-1980
Daniel J. McDermott	1979-1981
Robert J. King, Jr.	1980-1982
Charles M. Kernats	1980-1982
Paul C. Lillios	1982-1983
Richard L. Murphy	1982-1984
Matthew J. Brandes	1983-1985
Nancy M. Moriarty	1984-1987
Diana J. Vance-Bryan	1985-1987
Barbara E. Mauer	1987-1988
John Nash	1987-2017

## Judge William C. Hanson Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Dorothy Lewin	1962-1974
Clifford M. Ramstad	1974-1995

<b>Law Clerks</b>	<b>Service</b>
Terry W. Guinan	1962-1966
Jerry C. Estes	1966-1968
Earl L. Devine	1967-1969
David J. Blair	1968-1970
Richard G. Santi	1969-1971
William G. Hoerger	1970-1971
Alan Kirshen	1971-1972
Glenn L. Norris	1971-1973
John Martens	1972-1974
Larry D. Dorocke	1973-1975
Jack Fribley	1974-1977
Donald J. Polden	1975-1976
Barry A. Russell	1976-1978
Ross A. Walters	1977-1979
Philip A. Ostien	1979-1981
Gary A. Van Cleve	1980-1983
Daniel W. Hart	1983-1985
William Scott Simmer	1985-1987
Michael Keller	1987-1990
Renae Angerth	1990-1991

## Judge Donald E. O'Brien Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Nelma L. DeBauche	1978-1999
Jami L. Gollhofer	2000-2015

<b>Law Clerks</b>	<b>Service</b>
Robert L. Teig	1979-1979
Larry N. Harris	1979-1980
R. Todd Gaffney	1979-1981
Charles F. Becker	1980-1982
John A. Jarvey	1981-1983
Randall E. Nielsen	1982-1984
Michael T. Maurer	1983-1985
Willard L. Boyd III	1984-1986
Mary C. Luxa	1985-1988
John M. Baker	1986-1988
Mark A. Roeder	1984-1987
Martha M. McMinn	1987-1989
Gene M. Cullan	1988-1989
Charles J. Williams	1988-1990
Douglas J. Nill	1989-1990
Nicholas T. Drees	1989-1991
Mark L. Walk	1990-1992
Robert A. Finney	1990-1993
Michael P. Lennon, Jr.	1991-1993
Kathryn E. Ford	1992-1994
Elizabeth C. Porter	1993-1995
Joseph Fernandez	1993-1996
Ronald E. Temple	1994-1996
Ian D. Hoffman	1995-1997
Christopher B. Synsvoll	1996-1998
Laura D. Schmitt	1997-1999
Patrick T. Parry	1998-1999
Matthew J. Reilly	1999-1999
Kimberly W. Bacon	1999-2000

Melanie Liebsack	2000-2002
Greta Vietor	2000-2002
Brian Flannery	2002-2004
Tessie Buttram	2002-2005
Cory Rooney	2004-2007
Daniel Murvin	2005-2006
Jack Williams	2006-2008
Alexandra Tinkham	2007-2008
Aaron Geist	2008-2011
Johnathan Foley	2008-2011
Garret Garnos	2011-2012
Matthew Winter	2012-2015



## Judge David R. Hansen Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Janis K. McVeigh	1986-1991

<b>Law Clerks</b>	<b>Service</b>
Rustin Davenport	1986-1988
Stephen T. Brennecke	1986-1989
Samuel A. Thumma	1988-1990
Webb L. Wassmer	1989-1992
Perrie H. Naides	1990-1991

## Judge Michael J. Melloy Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Louise Wortman	1986-1987
Jane Bell	1987-1989
Anita D. Wolrab	1989-2002

<b>Law Clerks</b>	<b>Service</b>
Ronald L. Schnack	1992-1993
Thomas P. Reznicek	1985-1986
Michael R. Nelson	1985-1987
Andra K. Heller	1986-1987
Vicki Blackburn Harrison	1986-1987
September Wethington-Smith	1987-1988
Mark K. Suri	1988-1989
John F. Schmillen	1989-1990
Thad J. Collins	1990-1993
Edward J. Green	1992-1994
Kelly L. Jackson	1993-1995
Peter J. Reitan	1994-1996
Natalie J. Spears	1995-1996
Donna R. Miller	1996-1997
Michael J. Hoffman	1996-1998
Emily Hughes	1997-1998
Robert Hogg	1998-1999
Jake Ryan	1998-2000
Lisa Stephenson	1999-2000
Lara Sutherland	2000-2001
Kathleen Wolfe	2000-2002
Brian Fagan	2001-2002

## Judge Mark W. Bennett Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Maura F. Jannenga	1994-1999
Jennifer Gill	1999-2019

<b>Law Clerks</b>	<b>Service</b>
Roger Mastalir	1994-2019
Robert Johnson	1994-2018
Julie Lierly	1995-1997
Jennifer Clark	1997-1999
Colleen Mallon	1999-2001
Lisa Kirkpatrick	2001-2003
Holly Schaffter Chari	2002-2003
Melanie Liebsack	2002-2005
Carey Gephart	2003-2005
Jill Alesch	2005-2007
Kirk Schuler	2007-2008
Sharon Red Deer	2006-2007
Nick Herbold	2008-2010
Dawn Mastalir	2008-2013
Luke Holst	2010-2011
Melissa Carrington	2011-2012
Margaret Wade	2012-2013
Matthew Jarvey	2013-2014
David Waterman	2014-2015
Matt Winter	2015-2016
Will Blackton	2016-2017

## Judge Linda R. Reade Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Diane L. Leibold	2002-2013
Dawn Newbill	2013-2014
Danielle Cripe	2014-2019

<b>Law Clerks</b>	<b>Service</b>
Mackenzie Flynn	2002-2003
Kathryn Jones	2002-2004
Sarah Van Houten	2002-2005
Bethany Currie	2003-2005
Nikki Johnson	2004-2005
Elizabeth Butler-Nolen	2005-2007
Teresa Baumann	2005-2008
Timothy Vavricek	2005-2009
Peter Moyers	2007-2008
Fran Haas	2008-2010
Annie Fox-Reynolds	2008-2009
Megan Heneke	2009-2011
Ryan Leemkuil	2009-2011
Kari Frye Scheer	2010-2012
Erin Snider	2011-2013
Ingrid Anderson	2011-2013
Kelsie Brandlee	2012-2014
Timothy Christianson	2013-2014
Noah Goerlitz	2013-2015
Emily Kolbe	2014-2016
Zachary Fairlie	2015-2015
Zane Umsted	2015-2017
Ethan Olson	2015-2017
Stephen Packer	2016-2017
Brittany Hedstrom	2017-2019
Lewis Field	2017-2018
Patrick Thompson	2018-2018
Aaron Shileny	2018-Present

## Judge Leonard T. Strand Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Leslie R. Walker	2012-2017
Donaline Schmith	2017-Present

<b>Law Clerks</b>	<b>Service</b>
Holli Andresen	2012-2014
Sabrina Rideout	2014-2016
Holli Andresen	2016-Present
Sean Corpstein	2015-2017
Matthew Winter	2016-2017
Will Blackton	2016-2016
Jessica Donels	2017-2019
Elizabeth Heffernan	2017-2019
Jenny Juehring	2019-2020
Derek Huish	2019-Present
Joseph Malanson	2020-Present

## Judge Charles J. Williams Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Jami L. Gollhofer	2016-2016
Sali Van Weelden	2016-Present

<b>Law Clerks</b>	<b>Service</b>
Ariane Janz	2016-2017
Shelby Mars	2017-2019
Patrick Thompson	2018-2019
Graham Carl	2018-2020
Daniel Moeller	2019-Present
Jackson O'Brien	2019-Present
Nathan Peterson	2020-Present

## Judge James D. Hodges, Jr. Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Betty Mae Ketelson	1979-1981
Marilyn Wilkes-Shaffer	1981-1984
Karolyn K. Stigler	1984-1987

<b>Law Clerks</b>	<b>Service</b>
Nancy Nowak	1982-1983
Dennis Cohen	1983-1984
Thomas Diehl	1984-1985
Pamela Jo Lewis	1985-1986
Anna Wirt O'Flaherty	1986-1988

## Judge John A. Jarvey Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Karolyn K. Stigler	1987-2007

<b>Law Clerks</b>	<b>Service</b>
Anna Writ O'Flaherty	1987-1988
Robert Caldwell	1988-1989
Brett Nitzschke	1989-1991
Peter Whitmore	1991-1992
JoAnne Lilledahl	1992-1993
Roger Mastalir	1993-1994
Jay Petig	1994-1995
Mona Schuchman	1995-1996
Sara VanHouten	1996-1997
Tim Semelroth	1997-1998
Lisa Stephenson	1998-1999
Iris Frost	1999-2000
Jennifer K. Swartz	2000-2001
Ben Dvergsten	2001-2002
Renee Wiszowaty	2002-2004
Stephanie Legislador	2003-2006
Lisa Stephenson	2004-2007
Dawn Gibson	2006-2007



## Judge Paul A. Zoss Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Joanie Smith	1997-1999
Judith Grunewaldt	1999-1999
Tomme Fent	1999-2000
Maura F. McNally	2000-2002
Leslie Walker	2002-2013

<b>Law Clerks</b>	<b>Service</b>
Thomas E. Maxwell	1998-2000
Lisa J. Marshik Prostrollo	1999-2000
Tomme Fent	2000-

*\*Judge Zoss served the Court until 2013.*

*Unfortunately, his chamber's staff records were lost in the flood of 2008.*

### **Judge John S. Scoles Chamber's Staff**

<b>Judicial Assistants</b>	<b>Service</b>
Karolyn K. Stigler	2007-2016

<b>Law Clerks</b>	<b>Service</b>
Aaron Shileny	2007-2016

### **Judge Kelly K.E. Mahoney Chamber's Staff**

<b>Judicial Assistants</b>	<b>Service</b>
Jami Gollhofer	2017-Present

<b>Law Clerks</b>	<b>Service</b>
Paige Burnham	2017-Present

### **Judge Mark A. Roberts Chamber's Staff**

<b>Judicial Assistants</b>	<b>Service</b>
Amy Steele	2018-Present

<b>Law Clerks</b>	<b>Service</b>
Brenda Tofte	2018-Present

## Judge William W. Thinnes Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Louise Wortman	1972-1987

<b>Law Clerks</b>	<b>Service</b>
Joyce B. Kerber	1979-1981
Thomas S. Kiriakos	1981-1982
Kristin I. Tolvstad Davis	1982-1983
Christena Wagoner	1982-1983
Darlene Geiger	1983-1983
Clara Krumrei	1983-1983
Dan Childers	1982-1984
Eric W. Lam	1983-1984
Reta Noblett-Feld	1984-1985
Joseph A. Peiffer	1984-1985
Ronald L. Schnack	1985-1986

## Judge William J. Edmonds Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Larris E. Slagle	1987-2012

<b>Law Clerks</b>	<b>Service</b>
Kay Cee Hodson	1987-1988
Jerry L. Jensen	1988-1989
Joseph G. Basque	1989-1990
John T. Kelly	1990-1991
James C. Wherry	1991-1992
Jannette M. Domayer	1992-2012

## Judge Paul J. Kilburg Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Gail M. Jones	1993-2011
Janis McVeigh	2011-2013

<b>Law Clerks</b>	<b>Service</b>
Amy Kilpatrick	1993-2014

## Judge Thad J. Collins Chamber's Staff

<b>Judicial Assistants</b>	<b>Service</b>
Gail M. Jones	2010-Present

<b>Law Clerks</b>	<b>Service</b>
Elizabeth Johnson	2010-2010
Lou Ebinger	2010-2011
Tawny Alvarez	2011-2012
Matthew Johnson	2012-2013
Abram Carls	2013-2013
Laura Hyer	2013-2014
Jessica Uhlenkamp	2014-2015
Zachary Sanderson	2015-2018
Drew Powell	2018-2020
Tirzah Roussell	2019-Present

## Clerks of the District Court

	<b>Office</b>	<b>Service</b>
Alonzo Van Duzee	Dubuque	1882-1912
Lee McNeely	Dubuque	1912-1957
Carl V. Riley	Dubuque	1957-1962
John J. O'Connor	Cedar Rapids	1962-1970
Kenneth W. Fuelling	Cedar Rapids	1970-1979
James D. Hodges, Jr.	Cedar Rapids	1980-1980; 1996-2004
William J. Kanak	Cedar Rapids	1980-1996
Pridgen J. Watkins	Cedar Rapids	2004-2007
Robert L. Phelps II	Cedar Rapids	2007-Present

## Deputy Clerks of the District Court

	<b>Office</b>	<b>Service</b>
Adelaide C. Avery	Cedar Rapids	
Mr. Bolton	Sioux City	
Bessie G. Engle	Cedar Rapids	
Gerda Hanselmann Chappell	Dubuque	
Viola Martin	Fort Dodge	
Mary L. Norman	Dubuque	
Helen Johnson Palmquist	Sioux City	
Alice C. Quintal	Sioux City	
Jane Valentine	Sioux City	
Margaret Wilson	Dubuque	
Esther A. Anderson	Sioux City	1927-1956
Marcella E. Mortiz	Dubuque	1930-1966
Helen Cornell	Dubuque	1935-1963
Jeannette Coughlin	Dubuque	1941-1973

Herman C. Richmann	Cedar Rapids	1945-1965
Jane Sullivan	Fort Dodge	1945-1974
Lorraine O'Heron	Sioux City	1955-1970
Kenneth W. Fuelling	Cedar Rapids	1962-1970
Kay A. Yazvac		1962-1973
Dorothy Henry	Sioux City	1963-1985
Mary Jo McSweeney		1963-1966
Kenneth C. Schatz		1964-1968
Norma Jean Silvasi		1964-1968
Mary Lou Brunkhorst	Cedar Rapids	1965-2004
Ronald R. Wright	Fort Dodge	1966-1977
John W. Collins		1966-1972
Charlene B. Fenton		1968-1978
Janet J. Hawkins		1969-1979
James D. Hodges, Jr.	Cedar Rapids	1970-1979
John J. O'Connor	Sioux City	1970-1976
Joyce L. Paynter		1970-1974
Rita K. Bigelow		1973-1978
Ann Christine Voigt		1973-1975
Cheryll S. Scott	Cedar Rapids	1974-2001
William F. Moffatt		1974-1984
Mary Ann Pisarik		1975-1984
Patsy Christianson	Cedar Rapids	1978-2003
Marilyn Wilkes-Shaffer		1978-1981
Elizabeth Henriksen	Cedar Rapids	1978-1979
Charles M. Kernats	Cedar Rapids	1979-1981
Joyce A. Jacobsen		1979-1982
Dianne G. Eveland	Cedar Rapids	1980-1986; 1996-2010
Theodore E. Karpuk	Cedar Rapids	1981-1983
Susan Duenow		1981-1996
Janna L. Dimmer	Cedar Rapids	1982-2002
Gregory P. Lippolis	Cedar Rapids	1983-1984
Janet S. Roemig		1984-1995
John A. Nash	Cedar Rapids	1984-1987
Gary L. Bohlke	Sioux City	1984-2002
Julie Hoch	Sioux City	1984-2014

Martha Deel (Hoch)	Sioux City	1985-1997
Julie Arndt		1986-1989
Daniel C. Tvedt	Cedar Rapids	1987-1989
Mary Jehle	Cedar Rapids	1988-2007
Patrice J. Eichman	Cedar Rapids	1989-1991
William Courter	Cedar Rapids	1991-1992
Charles Nichols		1991-1998
Thomas A. Gustafson	Cedar Rapids	1991-2002
Rita C. Wall	Cedar Rapids	1992-2002
Kathryn Stumpf	Cedar Rapids	1991-1993
Michael Lahammer	Cedar Rapids	1993-2002
Marcia M. Prochnow	Cedar Rapids	1994-Present
Susan Young	Sioux City	1994-2013
Debra S. Ratay	Cedar Rapids	1995-2014
Julie A. Lierly	Sioux City	1995-1997
Timi M. Ruff	Cedar Rapids	1996-2017
Andrea Kjos	Sioux City	1996-2010
Jennifer R. Clark	Sioux City	1997-1999
Kim F. Schwartz	Sioux City	1997-2019
Teresa Ardrey		1997-1999
Bryan D. Woodward	Cedar Rapids	1998-2020
Colleen Mallon	Sioux City	1999-2001
Virginia C. Clark	Cedar Rapids	2000-2004
Lisa Kirkpatrick	Sioux City	2001-Present
Denise L. Pickens	Cedar Rapids	2001-2020
Rick J. Hunt	Cedar Rapids	2001-
Roger J. Brockmeyer	Cedar Rapids	2001-2004
Pamela K. Maynard	Sioux City	2001-2004
Denise E. Scott	Sioux City	2002-Present
Mackenzie Flynn	Cedar Rapids	2002-Present
Brad E. Carson	Cedar Rapids	2002-2008
Carla K. Loverink		2002-
Melanie Liebsack	Sioux City	2002-2005
Paul De Young	Cedar Rapids	2002-Present
Karen S. Yorgensen	Cedar Rapids	2003-Present
Maura McNally		2003-2007



Nicole Lennon-Fisher	Cedar Rapids	2003-2019
Suzanne Carlson	Sioux City	2004-Present
Robert L. Phelps II	Cedar Rapids	2005-2007
Jose Leon	Sioux City	2006-2013
Bryan Blough	Sioux City	2007-2011
Lindsey Brumback	Cedar Rapids	2007-2009
Renea S. Solmonson	Cedar Rapids	2007-2017
Joel Miller	Cedar Rapids	2008-2011
Michelle Anderson	Cedar Rapids	2008-2016
Carrie Koch	Cedar Rapids	2008-2014
Paul Coberly	Cedar Rapids	2008-Present
Sarah Melvin	Cedar Rapids	2009-Present
Justin Knudson	Cedar Rapids	2010-2015
Donaline Schmith	Sioux City	2010-2017
David Jones	Cedar Rapids	2011-2018
Amanda Hughes	Sioux City	2013-Present
Connie Bean	Cedar Rapids	2014-2018
Jill Hawkins	Cedar Rapids	2015-Present
Chris Lewis	Sioux City	2015-2016
Jack Buelt	Cedar Rapids	2016-Present
Laura Harberts	Cedar Rapids	2016-Present
Shane Doesken	Sioux City	2017-2019
Andrea Harken	Cedar Rapids	2017-Present
Matt Winter	Sioux City	2017-Present
Michael Willis	Cedar Rapids	2018-Present
Kelly Kornegor	Cedar Rapids	2019-2020
Misti Michel	Cedar Rapids	2019-Present
Kristen Sanchez	Sioux City	2019-Present
Catherine May	Cedar Rapids	2020-Present
Thomas Winegardner	Sioux City	2020-Present
Emma Barden	Cedar Rapids	2020-Present
Dylan Bade	Sioux City	2020-Present
Steele Welcher	Sioux City	2020-Present

## Clerks of the Bankruptcy Court

	<b>Office</b>	<b>Service</b>
Barbara A. Everly	Cedar Rapids	1965-1996
George D. Prentice, II	Cedar Rapids	1996-2000
Sean F. McAvoy	Cedar Rapids	2000-2012
Jean Hekel	Cedar Rapids	2012-2018
Megan Weiss	Des Moines	2018-2020
Sharon Mullin	Cedar Rapids	2020-Present

## Deputy Clerks of the Bankruptcy Court

	<b>Office</b>	<b>Service</b>
Mary Lou Brunkhorst	Cedar Rapids	1965-1990
Marie Richards	Cedar Rapids	1965-2001
Dorothy Bedell	Cedar Rapids	1966-1967
Sandra Rockwell	Cedar Rapids	1967-1978
Theresa Kula	Cedar Rapids	1968-2003
Mary Beth Williams	Cedar Rapids	1972-1974
Louise Wortman	Cedar Rapids	1972-1986
Diane Earhart	Cedar Rapids	1976-1983
Verlene Cannon	Cedar Rapids	1977-1994
Jaqueline Morris	Sioux City	1978-2000
Miriam Golay	Cedar Rapids	1979-1999
Sandra Stengel	Cedar Rapids	1980-1981
Letha Hamill	Cedar Rapids	1980-1999
Patricia Swiger	Cedar Rapids	1980-1994
Rhonda Hansen	Cedar Rapids	1980-2010
Cindy Jenson	Cedar Rapids	1981-1982
Debra Clark	Cedar Rapids	1981-1985
Linda DeFrees	Cedar Rapids	1981-1989
Marie Kasperek	Cedar Rapids	1982-1986
Joan Stokka	Cedar Rapids	1983-1985

Rodney Dunlavey	Cedar Rapids	1983-1990
Julie Nesheim	Cedar Rapids	1985-1988
Deb Ratay	Cedar Rapids	1985-1995
Virginia Clark	Cedar Rapids	1985-2000
Loren Mulherin	Cedar Rapids	1985-2004
Ruth Nelson	Sioux City	1985-2012
Jean Hekel	Cedar Rapids	1985-2012
Karen Hanover	Cedar Rapids	1985-Present
Kimberly Wasson	Cedar Rapids	1986-1988
Jane Bell	Cedar Rapids	1986-1989
Karen Willenbring	Cedar Rapids	1986-1990
Von Lillios	Cedar Rapids	1986-1991
Kent Boese	Cedar Rapids	1986-2012
Julie Hubbell	Cedar Rapids	1986-2019
Brad Pick	Sioux City	1987-1990
Joe Valentine	Cedar Rapids	1987-1994
Steve Schallau	Cedar Rapids	1991-1992
Eva Roeber	Sioux City	1991-1998
Lee Stoa	Cedar Rapids	1992-1999
Nancy South	Sioux City	1994-2011
Stacy Byers	Cedar Rapids	1995-2000
Maria Dozauer	Cedar Rapids	1998-2000
Melinda Schweiger	Sioux City	1998-2000
Deb Schense	Cedar Rapids	1998-2002
Callie Crull	Cedar Rapids	1998-2008
Kirk Leggott	Cedar Rapids	1999-2008
Christina Hall	Sioux City	2000-2015
Som Many Greigg	Sioux City	2000-Present
Paula Headley	Cedar Rapids	2001-2004
Theresa Stapelman	Sioux City	2001-Present
Nicole Becker	Cedar Rapids	2001-Present
Rebecca Hoefer	Cedar Rapids	2001-Present
Jana Trudeau	Sioux City	2002-2004
Tim Mielke	Cedar Rapids	2002-2014
Sharon Mullin	Cedar Rapids	2004-2020
Shane Deam	Cedar Rapids	2006-2012
Mike Schmidt	Cedar Rapids	2009-2012

Sherri Waite	Cedar Rapids	2009-2018
Stacy Melohn	Cedar Rapids	2009-2018
Laura Ferrari- Agudelo	Cedar Rapids	2011-2012
Thomas Gust	Cedar Rapids	2012-Present
Greg Van Wie	Cedar Rapids	2016-Present
Jennifer Meier	Cedar Rapids	2018-Present
Danielle Cripe	Cedar Rapids	2019-Present

## Chief Probation Officers

	<b>Office</b>	<b>Service</b>
Edward L. Anderson	Cedar Rapids	1957-1975
Dale Martin	Sioux City	1975-1980
Michael E. Ebinger	Cedar Rapids	1980-2004
Gregory Ellerbroek	Sioux City	2005-2007
Robert J. Askelson	Cedar Rapids	2007-2011
John Zielke	Cedar Rapids	2011-2020
Lisa M. Feuerbach	Cedar Rapids	2021-Present

## Probation Officers

	<b>Office</b>	<b>Service</b>
Michael L. Healy	Cedar Rapids	1933-1935
Charles F. Holly	Sioux City	1935-1946
Edward L. Anderson	Cedar Rapids	1946-1957
Dale H. Martin	Sioux City	1957-1975
Ronald G. Telecky	Cedar Rapids	1975-2000
Steven Peterson	Sioux City	1978-1984
Michael E. Ebinger	Cedar Rapids	1975-1980
Gregory Ellerbroek	Sioux City	1983-2005
Patricia A. Cargin	Cedar Rapids	1985-2005
Jerry Skadburg	Sioux City	1987-2008
Sandra Dodge	Sioux City	1988-2010
Todd Huss	Cedar Rapids	1989-2016
Debra Buckner	Waterloo	1990-2002
Richard Jedlicka	Cedar Rapids	1990-1996
Ann Vestle	Cedar Rapids	1991-2011
Jay Jackson	Sioux City	1990-2017
Mark Siebenga	Cedar Rapids	1993-1994
John Zielke	Cedar Rapids	1994-2011
Richard Niles	Sioux City	1994-Present

Robert J. Askelson	Cedar Rapids	1995-2007
Michael Mims	Cedar Rapids	1997-Present
Stacy Sturdevant	Sioux City	1998-Present
Darryl Weidner	Sioux City	1998-Present
Brian Draves	Cedar Rapids	1999-2020
Matt Sturdevant	Sioux City	2000-Present
Lisa M. Feuerbach	Cedar Rapids	2001-2020
Annalee Thompson	Sioux City	2001-2005
James Paul	Cedar Rapids	2001-2010
Ronica Towns	Sioux City	2002-Present
Matthew Warren	Cedar Rapids	2002-Present
Chad Zach	Sioux City	2002-Present
Michael A. Brogla	Cedar Rapids	2002-2017
Pamela J. Cobb	Cedar Rapids	2003-2005
Shane Moore	Sioux City	2005-2012
Jill Bushaw	Cedar Rapids	2003-Present
Chris Hopper	Sioux City	2004-Present
Chris Niles	Sioux City	2004-2008
Jessica Spinello	Cedar Rapids	2005-2007
Lindsay Skelton	Cedar Rapids	2005-2010
Barbara Lukesh	Cedar Rapids	2005-Present
Amber Lupkes	Cedar Rapids	2005-Present
Nathan Vandermolen	Sioux City	2005-Present
Beth Kraemer-Sanchez	Sioux City	2007-2012; 2019-Present
Peter Koenig	Cedar Rapids	2007-2013
Daren Schumaker	Cedar Rapids	2007-Present
Amy Moser	Cedar Rapids	2007-Present
Nicholas Brown	Sioux City	2008-2009
Zachary Ward	Cedar Rapids	2009-Present
Jill Freese	Cedar Rapids	2010-Present
David Hinds	Cedar Rapids	2010-2011
Julie Holmes	Cedar Rapids	2010-2011
Angie Myhlhousen	Cedar Rapids	2010-Present
Jessica Clark	Cedar Rapids	2010-Present

Patrick Korth	Sioux City	2010-Present
Dustin Lutgen	Sioux City	2010-Present
Victor Anderson	Cedar Rapids	2011-2012
Paul Sabelka	Cedar Rapids	2011-Present
Rhonda Moyle	Cedar Rapids	2011-Present
Sara Campagna	Cedar Rapids	2011-Present
Nicholas O'Brien	Sioux City	2012-2013
Christopher Pauley	Cedar Rapids	2012-Present
Charles Tomlinson	Sioux City	2015-2016
Jennifer Elliot	Sioux City	2015-Present
Jake McAllister	Sioux City	2015-Present
Kristi Reynolds	Cedar Rapids	2015-Present
James Purdy	Sioux City	2017-Present
Moria Vaughan	Cedar Rapids	2017-2019
Cody Jonker	Cedar Rapids	2017-2021
Garrett Frommelt	Cedar Rapids	2017-Present
Beth Kuhn	Cedar Rapids	2019-Present
Mukaddas Alhassan	Cedar Rapids	2019-Present
Tonya Geisinger	Sioux City	2020-Present
James Thompson	Cedar Rapids	2020-Present

## Court Reporters

	<b>Office</b>	<b>Service</b>
Carl V. Riley	Dubuque	1946-1955
Arthur L. Bye	Cedar Rapids	1955-1957
Victor R. Maes	Cedar Rapids	1958-1959
Dennis E. Quinn	Waterloo	1959-1963
Clifford M. Ramstad	Des Moines	1962-1974
Burton D. Boudreau	Cedar Rapids	1963-1984
Mary Anne Cassel	Sioux City	1978-1981
David G. Launspach	Des Moines	1981-1982
Carroll B. Copeland	Sioux City	1982-1983
Catherine J. Clark	Sioux City	1982-1987
Dan Shaw	Cedar Rapids	1984-1994
Kerry Masten	Sioux Falls	1987-1995
Carol Johnson	Sioux Falls	1987-1995
Patrice Murray	Cedar Rapids	1996-Present
Delayne Johnson	Sioux City	1996-1997
Shelly Semmler	Sioux City	1997-Present
Kay C. Carr	Cedar Rapids	2000-2002



## United States Attorneys

	<b>Office</b>	<b>Commenced Service</b>
Maurice D. O'Connell	Fort Dodge	Jan. 1883; Jan. 1890
Timothy P. Murphy	Sioux City	Mar. 1886
Cato Sells	Cedar Rapids	Jan. 1894
Horace G. McMillan	Cedar Rapids	Feb. 1898
Frederick F. Faville	Fort Dodge	Dec. 1907
Anthony Van Wageman	Sioux City	May 1913
Frank A. O'Connor	Dubuque	Jan. 1914
Guy P. Linville	Cedar Rapids	Nov. 1921
Bennett E. Rhinehart	Cedar Rapids	Mar. 1927
Harry M. Reed	Waterloo	Mar. 1931
Edward G. Dunn	Mason City	Sept. 1934
Tobias E. Diamond	Sioux City	Nov. 1940
Michael L. Mason	Sioux City	Nov. 1952
F.G. Van Alstine	Sioux City	June 1953
Donald E. O'Brien	Sioux City	Aug. 1961
Asher E. Schroeder	Sioux City	Nov. 1967
Evan L. Hultman	Cedar Rapids	Aug. 1969; May 1982
James H. Reynolds	Cedar Rapids	Nov. 1977
Charles W. Larson, Sr.	Cedar Rapids	Oct. 1986; Sept. 2001
Stephen J. Rapp	Cedar Rapids	Nov. 1993
Matthew Dummermuth	Cedar Rapids	Jan. 2007
Stephanie Rose	Cedar Rapids	Nov. 2009
Kevin Techau	Cedar Rapids	Feb. 2014
Peter Deegan, Jr.	Cedar Rapids	Sept. 2017

## Assistant United States Attorneys

	<b>Office</b>	<b>Service</b>
De Witt C. Cram	Fort Dodge	1891-1896
James A. Rogers	Sioux City	1907-1909
Seth Thomas	Fort Dodge	1915-1921
H.R. Trewin	Cedar Rapids	1923
Don G. Mullan	Sioux City	1926-1929
D.C. Browning	Sioux City	1930-1934
Walter R. Hutchinson	Cedar Rapids	1936-1938
William B. Danforth	Mason City	1936-1953
Franklin Gill	Sioux City	1943-1948
Richard W. Beebe	Sioux City	1954-1956
Philip C. Lovrien	Sioux City	1954-1961
Theodore G. Galinsky	Sioux City	1956-1959
William R. Crary	Sioux City	1959-1961
James M. McNally	Sioux City	1962-1964
Richard J. Vipond	Sioux City	1966
Charles W. Ehrhardt	Sioux City	1966-1967
Steve Turner	Sioux City	1967-1969
Gene R. Krekel	Sioux City	1967-1970
Dennis D. Meredith	Sioux City	1970-1971
Robert L. Sikma	Sioux City	1970-1978
Russell A. Eliason	Sioux City	1971-1972
Gary Wenell	Sioux City	1972-1976
Alan H. Kirshen	Sioux City	1973-1977
Keith Van Doren	Sioux City	1976-1978
Van Zimmer	Cedar Rapids	1977-1979
Thomas G. Schrup	Cedar Rapids	1977-1984
Judith Whetstine	Cedar Rapids	1978-1981; 1988-2007
Asher Schroeder	Sioux City	1978-1986
Robert L. Teig	Cedar Rapids	1979-2011
Kristin Tolvstad	Cedar Rapids	1983-1988; 1989-1999
Paul C. Lillios	Cedar Rapids	1983-1994
Richard L. Murphy	Cedar Rapids	1984-2021

Willis Buell	Sioux City	1985-2000
Lester A. Paff	Sioux City	1986-1989
Jeffrey Goodman	Cedar Rapids	1987-1988
Martin McLaughlin	Cedar Rapids	1987-Present
Michael Hobart	Sioux City	1988-2007
James D. Hodges	Cedar Rapids	1989-1989
Janet L. Petersen	Sioux City	1989-2011
Lawrence D. Kudej	Cedar Rapids	1989-2011
Rodger Overholser	Cedar Rapids	1990-1999
Kandice A. Wilcox	Cedar Rapids	1990-2008
Patrick Reinert	Cedar Rapids	1990-Present
Daniel Tvedt	Cedar Rapids	1990-Present
Timothy Jarman	Sioux City	1991-1997
Steven M. Colloton	Cedar Rapids	1991-1999
Ana Maria Martel	Cedar Rapids	1994-1996
Stephanie V. Wright	Cedar Rapids	1994-2018
Thomas Lininger	Cedar Rapids	1995-1997
Donna Webb	Sioux City	1995-1998
Robert M. Butler	Cedar Rapids	1997-2011
Charles J. Williams	Cedar Rapids	1997-2016
Martha A. Fagg	Sioux City	1998-2011
Kevin Fletcher	Sioux City	1998-Present
Peter E. Deegan, Jr.	Cedar Rapids	1999-2003; 2005-2017
Jamie D. Bowers	Sioux City	1999-2004; 2012-2018
Stephanie M. Rose	Cedar Rapids	1999-2009
Sean R. Berry	Cedar Rapids	1999-2021
Ian K. Thornhill	Cedar Rapids	2002-2009
Matthew Cole	Cedar Rapids	2002-Present
John Lammers	Sioux City	2004-Present
Forde Fairchild	Sioux City	2004-Present
Robert A. Knief	Sioux City	2005-2012
Timothy Duax	Sioux City	2007-Present
Mark Tremmel	Cedar Rapids	2008-Present
Daniel W. Huitink	Cedar Rapids	2009-2010

Rebecca Goodgame Ebinger	Cedar Rapids	2009-2011
Marti S. Sleister	Cedar Rapids	2010-2011
Teresa Baumann	Cedar Rapids	2010-2014
Shawn Wehde	Sioux City	2010-Present
Dan Chatham	Cedar Rapids	2011-Present
Justin Lightfoot	Cedar Rapids	2012-2021
Jacob Schunk	Cedar Rapids	2012-2021
Tony Morfitt	Cedar Rapids	2012-Present
Steven K. Young	Cedar Rapids	2014-2016
Timothy Vavricek	Cedar Rapids	2014-Present
Lisa Williams	Cedar Rapids	2014-Present
Ravi T. Narayan	Cedar Rapids	2015-2018
Emily Nydle	Cedar Rapids	2016-Present
Aaron J. Shileny	Cedar Rapids	2017-2018
Lyndie Mia Freeman	Cedar Rapids	2017-2018
Kathryn Hayden	Sioux City	2017-2019
Mikala Steenholdt	Sioux City	2018-2021
Ashley Corkery	Cedar Rapids	2018-Present
Kyndra Lundquist	Cedar Rapids	2018-Present
Ron Timmons	Sioux City	2019-Present
Melissa Carrington	Cedar Rapids	2019-Present
Liz Dupuich	Cedar Rapids	2020-Present
Matthew Gillespie	Cedar Rapids	2020-Present

## United States Marshals

	<b>Office</b>	<b>Commenced Service</b>
George C. Herbling	Dubuque	Sept. 25, 1882
George D. Perkins	Sioux City	Jan. 29, 1883
William M. Desmond	Dubuque	July 17, 1885
Edward Knot	Waterloo	Sept. 23, 1889
William M. Desmond	Dubuque	Feb. 19, 1894
Edward Knot	Waterloo	Feb. 15, 1898
Eugene R. Moore	Cedar Rapids	June 19, 1914
Fred Davis	Sioux City	July 7, 1921
Charles Kloster	Sioux City	Dec. 14, 1925
Don A. Preussner	Dubuque	Jan. 16, 1930
John B. Keefe	Sioux City	Mar. 9, 1934
Frederick E. Biermann	Waterloo	Sept. 28, 1940
Clement W. Crahan	Dubuque	May 21, 1953
Covell H. Meek	Dubuque	Apr. 14, 1961
Melvin A. Hove	Dubuque	July 14, 1969
Jack A. Roe	Cedar Rapids	Dec. 5, 1977
James P. Jonker	Cedar Rapids	Dec. 10, 1981
Dennis H. Blome	Cedar Rapids	Sept. 26, 1994
John E. Quinn	Cedar Rapids	May 20, 2002
Roger W. Arechiga	Cedar Rapids	Dec. 11, 2002
Timothy A. Junker	Cedar Rapids	May 25, 2006
Kenneth J. Runde	Cedar Rapids	Oct. 25, 2010
Douglas J. Strike	Cedar Rapids	Feb. 4, 2019

## Deputy United States Marshals

	<b>Office</b>
Robert Daley	Sioux City
Albert Halbach	Fort Dodge
Corvell H. Meek	Dubuque
Robert Courtright	Dubuque
Walter E. Broughton	Cedar Rapids
Dick McKinney	Cedar Rapids
Jack E. Mills	Cedar Rapids
Charles Haynes	Cedar Rapids
Robert Hamann	Cedar Rapids
Larry Valley	Cedar Rapids
Fred G. Meyer	Cedar Rapids
Russell Sinni	Cedar Rapids
Llyod Trout	Sioux City
Robin Arnold	Sioux City
Jerry Parkinson	Sioux City
Timothy Buns	Sioux City
Gary Overby	Sioux City
Barry Higginbotham	Cedar Rapids
Thomas Russell	Sioux City
Steven Johnson	Sioux City
Dwight Thompson	Sioux City
David Lindemann	Cedar Rapids
Tobin Michael	Cedar Rapids
Steven Castelletti	Cedar Rapids
Duane Walhof	Cedar Rapids
Kirk Papenthien	Sioux City
William Kiesau	Cedar Rapids
Timothy Fredrickson	Sioux City
Donna Faff	Cedar Rapids
Charles McCormick	Sioux City
Jay Tuck	Sioux City
Michael Fuller	Sioux City

Mark Carney	Cedar Rapids
Roger W. Arechiga	Cedar Rapids
Rodney Ostermiller	Sioux City
Roger Barsotti	Cedar Rapids
Rodney Clauss	Cedar Rapids
Richard Lymburner	Cedar Rapids
Jeffrey Lour	Cedar Rapids
Tim Sundheim	Sioux City
Lucien Chastain	Sioux City
Jay Tuck	Sioux City
Peter Zellmer	Sioux City
Kenneth Caster	Cedar Rapids
Jason Dias	Cedar Rapids
Earl Plattner	Cedar Rapids
Tyrus Lester	Cedar Rapids
Eddie Laster	Cedar Rapids
Brian Leach	Cedar Rapids
Myron McDaniel	Cedar Rapids
Dorsey Covenah	Cedar Rapids
Pete Lozano	Cedar Rapids
Brandon Johnson	Cedar Rapids
Richard Manning	Cedar Rapids
Christopher Siemens	Cedar Rapids
Nicholas Bonifazi	Cedar Rapids
Christopher Kegley	Cedar Rapids
Phillip Hartung	Cedar Rapids
Jamie Dickson	Sioux City
Michael Gloeckner	Cedar Rapids
David Hubbell	Sioux City
Michael Cavener	Cedar Rapids
Joe Cowan	Sioux City
Christopher Deaton	Cedar Rapids
Cameron Nadrechal	Sioux City
Eric Kinney	Sioux City
Jared McCloe	Cedar Rapids

Christopher Barther	Cedar Rapids
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## Federal Public Defenders

	<b>Office</b>	<b>Service</b>
Paul A. Zoss	Des Moines	1993-1997
Paul J. Papak	Cedar Rapids	1997-1998
Nicholas T. Drees	Des Moines	1999-2011
James F. Whalen	Des Moines	2012-2020
Brad Hansen	Des Moines	2021-Present

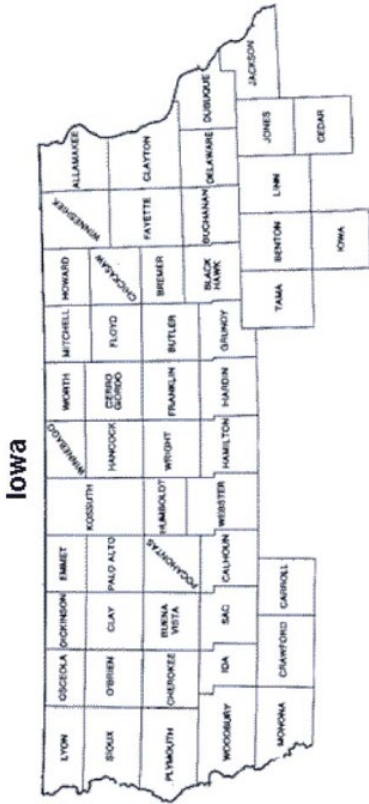
## Assistant Federal Public Defenders

	<b>Office</b>	<b>Service</b>
Paul J. Papak	Cedar Rapids	1994-1997
Jane Kelly	Cedar Rapids	1994-2013
Nicholas T. Drees	Des Moines	1994-1999
James F. Whalen	Des Moines	1994-2012
Kevin Techau	Des Moines	1996-1999
Jana Miner	Sioux City	1997-2000
Terry McAtee	Davenport	1998-Present
Phil MacTaggart	Davenport	1999-2004
B. John Burns	Des Moines	1999-2019
Jeffrey Neary	Sioux City	2000-2003
JoAnne Lilledahl	Cedar Rapids	2000-2013
Priscilla Forsyth	Sioux City	2001-2007
Angela Campbell	Des Moines	2003-2007
Timothy Ross-Boon	Des Moines	2003-2018
Robert Wichser	Sioux City	2003-2013
Kevin Cmelik	Davenport	2005-2006
Casey Jones	Cedar Rapids	2005-2007
Joseph Herrold	Des Moines	2006-Present
Michael Smart	Des Moines	2007-2019
Jill Johnston	Cedar Rapids	2007-Present
Diane Helpfrey	Davenport	2007-Present

Max Wolson	Cedar Rapids	2012-2015
Brad Hansen	Sioux City	2013-2020
Melanie Keiper	Des Moines	2014-Present
Christopher Nathan	Cedar Rapids	2015-Present
Heather Quick	Cedar Rapids	2015-Present
Nova Janssen	Des Moines	2016-Present
Andrew Graeve	Des Moines	2018-Present
Mackenzi Nash	Des Moines	2019-Present
Samuel Cross	Cedar Rapids	2019-Present
Timothy Herschberger	Sioux City	2019-Present
Michael Maloney	Des Moines	2020-Present

# APPENDIX B

## MAP OF THE NORTHERN DISTRICT OF IOWA



The northern judicial district of Iowa encompasses 25,120 square miles. The mileage between these two cities and the remaining court points in the northern district is charted below.

	Mason		
	Cedar Rapids	Dubuque	Fort Dodge
	City	City	City
Cedar Rapids	266	74	163
Sioux City	228	316	121
Sioux City Waterloo	64	268	145

## APPENDIX C STATISTICAL DATA

1965-1970 NATURE OF SUIT TABLE

Statistical Year	UNITED STATES CASES											PRIVATE CASES											
	1965	13	0	2	2	0	1	28	9	4	10	20	2	0	0	39	14	1	0	7	4	13	169
1966	16	0	5	9	0	4	18	3	2	8	15	4	1	0	35	13	2	0	4	3	3	8	153
1967	21	3	3	8	0	2	15	8	5	2	15	1	2	0	33	11	1	0	7	4	6	7	154
1968	20	2	6	7	0	1	8	6	10	5	18	0	1	0	36	14	2	0	8	5	5	15	169
1969	16	1	10	1	1	2	3	3	7	8	26	2	3	0	27	15	3	0	6	3	2	31	170
1970	16	4	1	0	1	1	3	10	10	8	21	8	0	0	39	12	2	0	4	3	8	45	196

\*There was no Labor Suits category in 1965.

1971-1986 NATURE OF SUIT TABLE

Statistical Year	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	Total
Contract	48	61	43	56	41	52	52	70	93	172	115	184	228	251	284	238	0
Real Property	8	6	12	10	12	20	8	11	21	32	36	77	86	72	85	85	0
Torts-Personal Injury	43	45	79	53	49	55	51	54	53	69	81	82	94	106	128	66	0
Torts-Personal Property Damage	1	15	5	7	5	9	6	6	11	11	14	21	20	34	25	29	0
Civil Rights	8	16	9	19	16	23	29	25	28	24	35	25	40	52	54	75	8
Prisoner Petitions	5	8	16	13	31	23	29	37	41	83	57	71	82	86	78	105	14
Forfeitures & Penalty	5	8	12	10	9	4	5	5	7	6	6	5	3	9	6	14	19
Labor Laws	9	10	17	14	16	15	14	20	29	20	28	21	35	28	30	19	8
Property Rights (Copyright, patent, trademark)	9	6	4	5	8	9	11	10	7	5	8	8	9	19	10	8	9
Social Security	1	1	4	6	3	4	4	16	21	25	17	37	53	94	98	90	1
Other Statutes	53	37	51	31	46	28	42	41	38	31	36	30	30	58	56	89	0
Local Questions	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	190	214	252	224	236	243	261	295	349	478	433	561	747	809	798	818	0

Caseload Profile of The Northern District of Iowa  
September 30, 1987 thru September 30, 2000

Year	Private Cases														
	Total Private Civil Cases	Contract Property		Real Property	FLA*	Marine Personna Injury	Motor Vehicle Personna Injury	Other Personna Injury	Other Tort Actions	Civil Rights	Prisoner Petitions		Copy- Right, Patent, Trademark	Labor Suit	All Other
		Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Habers and Cappus General	Condition and Civil Rights	Mandam us and Other	Count
1987	468	129	12	4	0	18	40	12	46	14	60	1	17	20	95
1988	447	83	17	3	0	18	38	15	42	19	125	6	11	17	59
1989	341	73	11	4	5	13	38	14	37	17	67	0	11	16	35
1990	397	53	10	4	0	22	42	15	28	20	145	0	12	23	23
1991	448	69	1	11	0	19	36	3	36	17	193	0	11	17	35
1992	443	47	2	7	0	18	39	7	51	13	198	0	14	31	16
1993	481	36	3	6	0	18	38	15	61	34	199	0	18	25	28
1994	519	53	2	4	0	21	34	8	108	21	206	0	10	27	25
1995	702	53	4	0	0	18	37	12	109	44	328	0	11	31	55
1996	779	61	2	3	2	19	42	4	123	64	337	0	14	20	88
1997	496	65	4	2	0	12	30	7	118	64	112	0	9	38	35
1998	404	58	4	4	5	12	47	16	102	48	62	1	6	22	17
1999	411	70	0	2	5	17	46	8	106	28	56	0	14	33	26
2000	403	53	6	5	2	14	33	12	108	48	60	5	8	26	23

Caseload Profile of The Northern District of Iowa  
September 30, 1987 Thru September 30, 2000

Year	U.S. Cases														
	Total Cases	Contract	Real Property	Fort FELA* Actions	Audit True	Civil Rights	Motion to Vacate Sentence	Habeas Corpus General	Death Penalty	Condition and Civil Right	Mandamus and Other	Forfeitures and Penalties	Social Security	Labor Suit	All Other
1987	362	100	108	0	5	0	5	3	0	0	1	0	15	101	2
1988	336	74	101	0	9	0	2	10	0	0	2	0	14	103	3
1989	224	43	31	0	3	0	5	8	0	0	0	0	14	91	4
1990	190	47	52	0	5	0	5	13	0	0	0	1	8	37	1
1991	210	54	40	0	5	0	5	30	0	0	0	0	13	48	1
1992	202	63	22	0	6	0	3	23	1	0	1	0	17	54	2
1993	157	15	15	0	7	0	3	17	0	0	1	0	18	73	1
1994	144	6	13	0	3	1	3	23	1	0	0	0	12	67	1
1995	182	9	26	0	8	0	2	35	1	0	0	0	7	76	1
1996	189	37	23	0	6	0	2	47	0	0	0	0	2	58	0
1997	232	54	14	0	3	0	4	58	0	0	0	0	6	80	2
1998	193	52	20	0	8	0	0	23	1	0	0	0	3	68	1
1999	226	76	11	0	4	0	3	23	1	0	0	0	5	89	0
2000	260	112	11	0	5	0	1	34	1	0	3	0	6	73	0

Fiscal Year	TOTAL CIVIL CASES			U.S. CIVIL (U.S. a party)			PRIVATE CIVIL CASES			CRIMINAL CASES		
	Com- menced	Termi- nated	Pending Year End	Com- menced	Termi- nated	Pending Year End	Com- menced	Termi- nated	Pending End Year	Com- menced	Termi- nated	Pending Year End
1882 (all years)		195	829		1	14						
1883	205	74	184	1*	0	0	204	73	184	122*	30	72
1884	179	143	221	1*	0	1	178	143	220	136*	143	35
1885	194	149	256	1*	1	1	193	148	255	131*	29	37
1886	169	180	254	0*	0	1	169	180	253	119*	124	32
1887	115	127	242	0*	0	1	115	127	241	146*	107	71
1888	54	114	182	2*	0	3	52	114	179	93*	119	45
1889	75	80	171	2*	3	2	73	77	169	179*	175	49
1890	70	69	163	4*	3	3	66	66	161	193*	194	48
1891	49	59	139	0*	2	1	49	57	138	115*	149	14
1892	56	89	108	5*	2	4	51	87	104	135*	131	18
1893	58	61	105	0*	1	3	58	60	102	102*	103	17
1894	83	65	123	2*	1	4	81	64	119	203*	140	79
1895	58	64	117	1*	0	5	57	64	112	116*	178	17
1896		64	107		0	0	59	64	107		124	28
1897		66	105		0	2	61	66	103		95	38
1898	47	56	96	3*	2	3	44	54	93	126*	120	44
1899	57	59	94	2*	3	2	55	56	92	68*	87	25
1900	54	63	85	1*	0	3	53	63	82	96*	105	16
1901	91	47	129	2*	0	5	89	47	124	56*	58	15
1902		60	124		2	0	67	67	124	54*	51	17
1903		79	136		0	2	69	79	134	29*	24	22
1904	94	81	139	1	1	2	93	80	137	26	28	20
1905	89	94	134	0	1	1	89	93	133	25	26	19
1906	84	73	145	0	0	1	84	73	144	20	24	15



Fiscal Year	TOTAL CIVIL CASES			U.S. CIVIL (U.S. a party)			PRIVATE CIVIL CASES			CRIMINAL CASES		
	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending End Year	Com-menced	Termi-nated	Pending Year End
1907	67	91	121	1	1	1	66	90	120	27	20	3
1908	66	88	135	8	2	9	58	86	126	46	32	35
1909	103	107	151	5	8	6	98	99	145	117	74	78
1910	92	75	168	15	8	13	77	67	155	63	80	61
1911	45	71	64	14	18	7	31	53	57	52	55	58
1912	79	66	94	10	11	5	69	55	89	97	84	71
1913	78	93	79	25	24	6	53	69	73	111	96	86
1914	134	95	105	17	12	10	117	83	95	68	103	51
1915	104	92	96	21	11	21	83	81	75	83	84	50
1916	171	124	137	52	49	18	119	75	119	64	64	56
1917	97	129	105	33	35	16	64	94	89	72	73	55
1918	100	88	117	5	12	9	95	76	108	126	119	62
1919	78	70	122	14	12	11	61	58	111	102	94	70
1920	101	72	151	2	5	8	99	67	143	105	122	53
1921	107	68	190	15	8	15	92	60	175	272	261	64
1922	159	81	268	7	9	13	152	72	255	332	326	70
1923	142	125	285	18	15	16	124	110	269	412	309	173
1924	147	102	330	23	13	26	124	89	304	310	354	139
1925	131	150	311	18	27	17	113	123	294	318	288	159
1926	192	321	182	49	48	18	143	273	164	204	207	156
1927	173	177	173	15	15	15	158	159	138	259	304	111
1928	188	231	130	21	26	10	167	205	120	255	294	72
1929	144	188	87	25	27	8	119	161	79	134	168	38
1930	239	122	204	86	53	41	153	69	163	354	334	38
1931	222	263	163	95	76	60	127	187	103	368	373	53

Fiscal Year	TOTAL CIVIL CASES			U.S. CIVIL (U.S. a party)			PRIVATE CIVIL CASES			CRIMINAL CASES		
	Com- menced	Termi- nated	Pending Year End	Com- menced	Termi- nated	Pending Year End	Com- menced	Termi- nated	Pending End Year	Com- menced	Termi- nated	Pending Year End
1932	251	243	171	117	100	77	134	143	94	395	392	56
1933	191	190	172	69	77	69	122	113	103	345	348	53
1934	153	169	156	42	88	23	111	81	133	127	138	42
1935	223	220	155	91	92	22	132	128	133	107	116	33
1936	150	171	134	46	50	18	104	121	116	71	71	33
1937	74	182	26	34	41	11	40	141	15	130	133	30
1938	92	96	22	54	52	13	38	44	9	82	100	12
1939	103	98	27	59	54	18	44	44	9	97	107	2
1940	95	110	12	66	75	9	29	35	3	92	89	5
1941	102	93	21	60	61	8	42	32	13	71	69	7
1942	81	78	24	41	41	8	40	37	16	97	73	31
1943	103	108	19	78	76	10	25	32	9	84	92	23
1944	130	119	30	116	105	21	14	14	9	74	78	19
1945	326	292	64	303	281	43	23	11	21	101	87	33
1946	513	472	105	477	440	80	36	32	25	80	87	26
1947	223	275	53	166	227	19	57	48	34	93	108	11
1948	113	116	50	49	62	6	64	54	44	70	76	5
1949	129	131	48	73	56	23	56	75	25	57	58	4
1950	136	137	47	61	64	20	75	73	27	81	78	7
1951	125	117	55	48	55	13	77	62	42	53	54	6
1952	173	165	63	87	84	16	86	81	47	76	69	13
1953	239	234	68	147	138	25	92	96	43	64	70	7
1954	185	181	72	111	101	35	74	80	37	104	89	22
1955	169	165	76	79	94	20	90	71	56	96	100	18
1956	194	144	126	94	68	46	100	76	80	90	95	13

Fiscal Year	TOTAL CIVIL CASES			U.S. CIVIL (U.S. a party)			PRIVATE CIVIL CASES			CRIMINAL CASES		
	Com- menced	Termi- nated	Pending Year End	Com- menced	Termi- nated	Pending Year End	Com- menced	Termi- nated	Pending End Year	Com- menced	Termi- nated	Pending Year End
1957	196	192	130	91	94	87	105	98	87	129	131	11
1958	156	157	129	79	64	71	77	93	71	84	87	8
1959	133	145	117	669	71	61	64	74	61	111	101	18
1960	138	148	107	78	88	61	60	60	61	106	107	17
1961	144	127	124	62	69	85	82	58	85	73	84	6
1962	147	99	172	68	59	124	79	40	124	97	79	24
1963	154	166	160	66	65	111	88	101	111	89	82	31
1964	148	167	141	72	72	94	76	95	94	57	71	16
1965	170	177	134	67	69	89	103	108	89	79	72	23
1966	154	158	130	67	71	89	87	87	89	100	90	33
1967	158	167	121	71	71	80	87	96	80	73	81	25
1968	173	157	137	66	61	91	107	96	91	71	76	20
1969	171	177	131	51	63	97	120	114	97	79	58	41
1970	198	150	179	58	46	133	140	104	133	57	63	35
1971	192	210	161	53	64	126	139	146	126	82	76	41
1972	216	187	190	73	64	146	143	123	146	104	114	31
1973	254	211	233	83	82	188	171	139	188	66	59	38
1974	224	238	219	66	59	179	158	179	167	89	86	41
1975	237	213	244	71	71	191	106	142	191	120	113	50
1976	243	236	251	79	80	199	164	156	199	91	101	40
1977	262	239	284	78	72	226	184	157	226	142	138	44
1978	297	301	280	98	88	212	199	213	212	63	83	24
1979	349	342	287	139	125	205	210	217	205	55	67	12
1980	478	441	324	234	208	216	244	233	216	38	56	14
1981	433	365	392	138	150	296	295	215	296	64	47	31
1982	561	478	475	233	194	135	328	284	340	63	76	25
1983	747	619	603	344	237	206	403	346	397	67	55	37
1984	809	769	643	387	372	221	422	387	422	54	68	28
1985	798	804	637	457	436	222	361	368	415	77	69	36
1986	818	773	682	371	389	204	447	384	478	71	72	35

Cascade Profile of The Northern District of Iowa  
September 30, 1987 Thru September 30, 2000

Fiscal Year	TOTAL CIVIL CASES			U.S. CIVIL (U.S. a party)			PRIVATE CIVIL CASES			CRIMINAL CASES		
	Com- menced	Termi- nated	Pend- end year	Com- menced	Termi- nated	Pend- end year	Com- menced	Termi- nated	Pend- end year	Com- menced	Termi- nated	Pend- end year
1987	830	754	794	362	313	254	468	441	540	88	92	42
1988	783	834	743	336	348	242	447	486	501	114	76	83
1989	565	655	653	224	297	169	341	358	484	141	129	94
1990	587	625	606	190	228	124	397	397	482	137	130	122
1991	658	628	622	210	183	146	448	445	476	103	114	87
1992	645	540	726	202	162	181	443	378	545	123	101	97
1993	638	656	691	157	162	172	481	494	519	143	125	115
1994	663	635	712	144	136	178	519	499	534	107	136	79
1995	884	876	734	182	191	173	702	685	561	140	91	129
1996	968	975	721	189	212	148	779	763	573	259	248	122
1997	728	781	669	232	201	179	496	580	490	160	155	130
1998	597	639	628	193	223	152	404	416	476	161	147	144
1999	637	640	595	226	230	140	411	410	455	499	159	181
2000	663	697	564	260	263	137	403	434	427	279	242	218

2001-2018 Civil Nature of Suit Table

Statistical Year	Social Security	Personal Injury/Product Liability	Prisoner Petitions	Forfeitures and Penalties and Tax Suits	Real Property	Labor Suits	Contracts	Torts (Other than Personal/Injury/Product Liability)	Copyright, Patent, and Trademark	Civil Rights	Antitrust	All Other Civil	Total
2001	85	26	172	8	13	39	59	58	12	130	1	54	657
2002	98	4	154	18	21	30	74	54	11	115	1	42	622
2003	86	1	134	20	28	32	60	69	6	101	-	32	569
2004	79	5	176	9	18	36	67	49	13	117	1	37	607
2005	125	14	239	26	16	26	50	34	31	82	-	23	666
2006	115	31	142	16	15	31	58	31	20	70	-	22	551
2007	131	29	156	18	18	21	36	15	18	76	-	31	549
2008	139	11	163	15	26	20	59	20	7	67	-	24	551
2009	105	13	140	23	23	22	72	24	10	66	1	35	534
2010	113	16	118	6	17	35	46	25	12	96	14	31	529
2011	120	13	136	11	16	25	59	34	25	53	-	39	531
2012	144	20	140	13	11	10	46	29	13	60	1	35	522
2013	188	14	160	5	9	17	30	20	16	50	-	18	527
2014	188	17	143	13	6	23	40	15	10	45	-	33	533
2015	167	10	135	3	17	20	28	118	7	69	-	42	616
2016	148	10	328	3	31	17	39	195	9	55	1	27	863
2017	88	11	183	2	44	17	35	21	7	38	-	24	470
2018	73	7	152	1	66	16	51	31	10	35	1	36	479

2018 Civil Case and Criminal Felony Defendant Filings by Nature of Suit and Offense													
Type of	Total	A	B	C	D	E	F	G	H	I	J	K	L
Civil	478	103	16	142	-	40	17	49	32	8	45	1	25
Criminal *	423	5	146	59	133	32	7	15	2	6	9	4	5

2019 Civil Case and Criminal Felony Defendant Filings by Nature of Suit and Offense													
Type of	Total	A	B	C	D	E	F	G	H	I	J	K	L
Civil	423	68	19	152	3	13	10	37	30	13	54	-	24
Criminal *	438	2	128	49	155	40	9	23	-	8	18	1	5

2020 Civil Case and Criminal Felony Defendant Filings by Nature of Suit and Offense													
Type of	Total	A	B	C	D	E	F	G	H	I	J	K	L
Civil	429	79	35	138	1	7	13	42	40	7	40	-	27
Criminal *	357	4	110	18	132	40	4	28	1	3	10	2	5

# APPENDIX D

## CREATION OF THE NORTHERN DISTRICT OF IOWA

H.R. Rep. No. 251, 47th Cong., 1st Sess. 1 (1881-1882)  
(Serial set vol. 2065), is reprinted below.

### JUDICIAL DISTRICTS IN IOWA

FEBRUARY 7, 1882 - Referred to the House Calendar and ordered to be printed.

Mr. McCoid, from the Committee on the Judiciary, submitted the following

REPORT:  
[To accompany bill H.R. 4166.]

*The Committee on the Judiciary submit the following report:*

The bill under consideration (H. R. 332) divides the State of Iowa into two judicial districts instead of one, as it now is, to be known as the Northern and Southern Districts.

The present judge (Hon. J. M. Love) is made the judge of the Southern District, and the President is authorized to appoint one for the Southern District. The other officers of the court, district attorney, marshal, and clerk, remain as officers of the Southern District, and those of the Northern District are to be appointed.

The two districts, for the purpose of holding court, are each divided into four divisions, and courts are to be held therein, at places named, twice each year, without expense to the United States for buildings additional to that now incurred. General provisions are enacted as to jurisdiction, & c., as in other cases.

The main question presented by the bill is the necessity for the creation of the new district in that State, with a new judge and officers and machinery of court. The other portions of the bill are but incidents which properly accompany this.

We believe the necessity for the division of the State, as asked by the bill, does exist.

The State has a population of 1,624,615 - a greater number than any other State had when it was found necessary to provide two districts, except in the case of the State of Ohio; and the business in her United States courts very much exceeds that of Ohio when so divided.

In the amount involved in judgments rendered it is fourth in rank of all the States. It covers a territory of 56,025 square miles.

The judicial force within the State should be sufficient to dispose of the business without delay. This evidently is not now possible. The Attorney General's reports show a constant and rapid increase of business pending and undisposed of each year. This renders it tedious, vexatious, and expensive to people who are brought long distances to attend in cases where, by the Constitution, jurisdiction is conferred on these courts, and there kept waiting indefinitely for a hearing, or sent home to return again and again at succeeding terms until tardy justice becomes itself a wrong. Of this class of cases pending and un-disposed of, and in which the United States was not a party, we make the following table from the reports of the Attorney General:

July	1	876,	there were	600
July	1,	1877,	there were	678
July	1,	1878,	there were	704

July	1,	1879,	there were	758
July	1,	1880,	there were	870
July	1,	1881,	there were	975

There are special reasons why the Federal business in the State of Iowa is very large and will continue to be so in the future. Besides the growth of commerce, her increase of population and wealth, and the multiplication and extension of railroads, there is a class of business which, as these courts have jurisdiction of controversies between citizens of different States by constitutional provisions, goes largely to them, such as that of foreign insurance companies, loan associations, railroad companies, and all suits by or against foreign corporations. The State has no great commercial center in which these branches of business can yet be sustained and compete with such companies in more natural and wealthy centers in other States, and therefore a large part of all this character of business is with citizens of other States; and there is every reason to believe that the burden of this business in the Federal courts will increase.

The evils which follow this condition of the Federal courts in that State are:

First. The great expense to the people who are brought to these courts, to both parties and witnesses, often amounting to a denial of justice.

Second. The heavy and useless expense to the government in witness fees and jury fees growing out of the length of time they are held awaiting the reaching of cases.

For the year ending June 30, 1881, the court expenses in Iowa were \$77,017.76, of which sum \$30,658 was for juries and witnesses. The total court expense for Iowa for the eight years ending June 30, 1881, was \$611,760.78. This would have been reduced had there been facilities for disposing of the business with promptness, and if the courts had been nearer to the people.

In fact, to increase the judicial districts as provided for in the bill reported may safely be regarded as a measure of ultimate economy as well as of necessity.

Third. From necessity the causes are heard by one judge, thus cutting off the right of appeal to the Supreme Court. The business is such that the judges hold court day and night, and even when two are present at a time they are compelled to separate and run two courts in different rooms at the same time. This results in the actual deprivation of right to litigants.

The eighth circuit comprises the States of Minnesota, Iowa, Missouri, Arkansas, Kansas, Nebraska, and Colorado. There are in it, annually, twenty-nine terms of the circuit court. The law contemplates that the circuit judge will attend these terms, but he cannot.



The circuit justice, owing to the great labor required to the business of the Supreme Court, cannot attend or help but little, and the district judge alone has to transact two-thirds of the business of the circuit court.

His honor Associate Justice Samuel F. Miller, says of it:

The State has always been one in which the Federal courts were much resorted to, and their dockets are always crowded. The necessity of additional judicial force is therefore clear.

His honor Circuit Judge George W. McCrary, says:

The business of the district and circuit courts in this State is now so great as to make an increase of the judicial force an absolute necessity. It is much larger than the business in many other States which have long since been divided into two or more districts \* \* \* It is a measure of absolute justice to Judge Love, whose present duties are very onerous.

His honor Judge Love, writing to Senator Allison on this subject as far back as March 10, 1877, said:

I do hope that whatever objections may be made to the increase of judges in other States will not be applied to Iowa. Iowa is, considering its extent, population, and amount of judicial business an exceptional case. The interests of suitors and the requirements of justice imperatively demand the services of another judge in this State. There is not, I believe, another State in the Union of equal extent and population to Iowa in which provision has been made for no more than one district judge.

Hon. John F. Dillon, Judge McCrary's predecessor on the circuit bench, wrote to the Iowa delegation and the Judiciary Committee of the House on March 11, 1878, as follows:

GENTLEMEN: Iowa is the only State in the eighth circuit in which the business of the circuit courts is seriously behind.

With the utmost efforts of the judges in Iowa, sitting separately and giving the courts all the available time, they have not been able for some years to clear the docket or keep down arrearages. The number of the causes is constantly increasing. There are about six hundred causes on the docket of the circuit court.

The public interests, and particularly the interests of suitors, urgently require relief, which can be provided only by an increase of judicial force.

The appointment of another district judge would, in my opinion, give the necessary relief and satisfy the bar, who feel a deep interest in having the present condition of things remedied.

There must, in the judgment of the committee, be some remedy provided. The case is one of pure necessity.

The people and the press of all parties in the State unite in complaint of the evil as a grievous one.

Several amendments were adopted by the committee to the bill as introduced: one in the second section, striking out the increase of salary of judges; one in the fifth section, creating the Southern Division of the Northern District; one at the end of the sixth section, providing that the additional courts at the places in the several divisions provided by the act shall be held in buildings provided for that purpose without expense to the United States. The eighth section is added; and your committee have prepared a substitute incorporating these amendments, and report it, with the bill, and recommend that the substitute be adopted and do pass.

