

IDAHO LEGAL HISTORY SOCIETY

2008 ANNUAL REPORT



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FROM THE PRESIDENT

Welcome to all of our members of the Idaho Legal History Society (“ILHS”)! Since the ILHS was informally organized in 2004, we have undertaken and accomplished many things over the years. We commissioned an original play commemorating the 100th anniversary of the 1907 trial of “Big” Bill Haywood for the assassination of former Governor Frank Steunenberg dubbed Idaho’s “Trial of the Century.” We supported former Idaho Supreme Court Justice Byron Johnson’s efforts to pro-

duce a PBS documentary, entitled “Assassination: Idaho’s Trial of the Century.” Also, we sponsored lectures on various Idaho legal history topics, and developed a website to offer public access to the works of the Society. The ILHS has been very active in its pursuit of preserving and encouraging interest in Idaho’s legal history.

Moreover, as an officially recognized tax-exempt 501(c)(3) non-profit organization, we are now able to solicit funds from a variety of



Debora Kristensen
President, ILHS

individuals and organizations to help fund our on-going efforts.

During the past year the ILHS has continued its activities by

(Cont’d. on Page 2)

REPORT OF THE SECRETARY/TREASURER

As the Secretary/Treasurer of the Idaho Legal History Society, I am pleased to provide you with the ILHS Annual Report for 2008, which summarizes the ILHS’ financial report, and our recent and most noteworthy accomplishments. Four areas in which the ILHS has made important progress include: (1) the Oral History Project; (2) the Speakers’ Bureau; (3) Publications; and (4) the Coeur d’Alene Federal Courthouse Art Project.

2008 Membership / Treasurer’s Report: 54 Members / \$13,423.22

IDAHO LEGAL HISTORY SOCIETY

FROM THE PRESIDENT *cont'd.*

taking on a variety of projects — some taking place “behind-the-scenes” by a dedicated group of volunteers, while other more public endeavors garnering much appreciated attention and recognition for the ILHS.

For instance, ILHS Board Member and Coeur d’Alene attorney, Scott Reed, has led an effort over the past year to research, collect and organize a collection of 30-40 historical photos to adorn the walls of the second floor of the new federal courthouse in Coeur d’Alene. The ILHS donated \$3,000 to this project and Scott has been able to secure additional funding to complete this worthwhile (and beautiful) project that can be enjoyed by all members of the public. The new Coeur d’Alene federal courthouse, located at 6450 North Mineral Drive, is scheduled to open on January 29, 2009.

In addition, the ILHS’ Oral History Project has continued its good work to preserve the oral histories of some of the people that have shaped Idaho’s justice system.

The Oral History Project, originally led by Rita Ryan and a dedicated cadre of volunteers, and now Chaired by attorney Ernie Hoidal of Boise, was formed to capture the memories of the colorful and extraordinarily talented people that have served Idaho’s justice system from the bench and bar, and preserve them for further generations.

To do so, the Oral History Project developed a comprehensive handbook to guide interviewers throughout the state in the process of taking an oral history, purchased high-quality video and audio equipment to conduct the interviews and, importantly, partnered with

ers to transcribe the oral history interviews.

And, through the work of attorney Ken Pedersen (Twin Falls), and others, the Oral History Project developed releases for the final oral history product (*e.g.*, transcripts, pictures, and background materials), to be used by the ILHS, in partnership with the Idaho State Historical Society (“ISHS”), to provide public access to these treasured memories.

This past year has also seen the ILHS continue its “tradition” of sponsoring an issue of the Idaho State Bar’s magazine, *The Advocate*. I chaired this year’s effort for the November/December 2008 issue, which featured a number of articles concerning ILHS’ Oral History Project.

(Cont’d. on Page 3)



Rita Ryan
Chair, Oral History Project
2004 - 2008

**U.S. MAGISTRATE
JUDGE RON BUSH
COMMENDED RITA'S
LEADERSHIP AND
COMMITMENT AS
"NOTHING SHORT
OF
EXTRAORDINARY."**

IDAHO LEGAL HISTORY SOCIETY

FROM THE PRESIDENT *cont'd.*

For example, in *Perspectives from the Past: Oral Histories of Idaho Lawyers and Judges*, I highlighted ten of the oral histories conducted by the ILHS, including passages from the transcripts of Ninth Circuit Judge Thomas G. Nelson; former Idaho Supreme Court Justice Byron J. Johnson; and the long-time Chief Judge of the District of Idaho, Judge Harold L. Ryan. Ken Pedersen also contributed an article entitled, *Why Do Oral Histories? – A Layperson’s View of the Idaho Legal History Society’s Oral History Project*, which described his decision to volunteer to conduct oral history interviews and the rewards he has received in doing so. And, in *Lynchpins*, Rita Ryan described the central role that volunteer court reporters play in the process of taking oral histories and the very special partnership ILHS has developed with Idaho Court Reporters.

Additionally, Kathy Hodges, Oral Historian with the ISHS and member of the ILHS Oral History Project, described the unique partnering between the ISHS and ILHS to gather oral histories of some of the state’s most prominent legal figures. She described how the public can access them in her article, *Idaho’s Distinctive Legal Culture*. This issue was very well received and resulted in several new volunteers to assist in the Oral History Project.

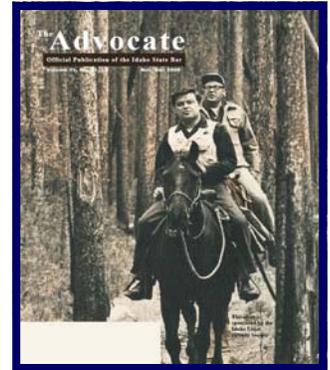
More recently, an Associated Press story written by Rebecca Boone appeared on the front page of the *Idaho Statesman* (and other newspapers throughout the state) on January 26, 2009, which highlighted the ILHS’s Oral History Project.

...

So what does the ILHS have planned for 2009?

The answer is that we continue to have enthusiasm for on-going projects, but have some new ideas as well. We will, of course, continue to develop and foster the efforts of the Oral History Project. Although a number of oral histories have been completed, many more need to be scheduled. Volunteer interviewers – experienced or not – are always welcome as the Oral History Project has identified a number of prominent members of the bench and bar throughout Idaho who would make worthy subjects. In addition, we hope to post many of our completed oral histories on our website for easy public access and viewing.

The ILHS will also continue our tradition of sponsoring an issue of *The Advocate* in 2009. Founding ILHS member and former ILHS President, United States Magistrate Judge Ron Bush, has agreed to



The Advocate
November / December
2008 Edition

**“WE WILL, OF
COURSE,
CONTINUE TO
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PROJECT.”**

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FROM THE PRESIDENT, cont'd.

lead this effort, which will focus on the history of legal education in Idaho.

Additionally, through the efforts of founding ILHS member Chief District Judge B. Lynn Winmill, dedicated ILHS Secretary/Treasurer Susie Boring-Headlee and ILHS Board Director Judy Austin, the ILHS will provide Idaho-related content and editing for an issue of the Ninth Judicial Circuit Historical Society's quarterly journal, *Western Legal History*.

Also, we are considering working with the Idaho State Bar to collect the earliest records of the organized bar in Idaho (e.g., transcripts of the bar's annual meetings beginning in 1921), and make them publicly available and, perhaps, partner with the bar to continue its initial, but unfinished, effort to chronicle the history of the organized bar in Idaho from its territorial days.

I have undertaken the lead for this project and would welcome your thoughts and ideas about how best to approach this project.

Finally, we are always interested in and looking for opportunities to educate the public about Idaho legal history through our Speakers' Bureau, chaired by Walt Sinclair.

As you can see, the ILHS is alive and well, and looking forward to continuing to work to promote interest in and preserve information about Idaho's rich legal history. But, we can only do so through the generous support of its members. Thus, I ask each of you to renew your ILHS membership (there's a Membership Form on page eight), and, if possible, commit to help us with one of our endeavors we are undertaking in 2009.

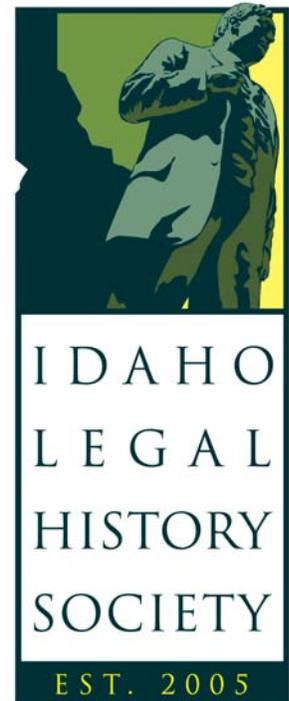


J. Walter Sinclair
Chair, Speakers' Bureau
ILHS

Thanks for your continued support of, and interest in, the Idaho Legal History Society.

All the best,

Deb Kristensen
President, ILHS



"THUS, I ASK EACH OF YOU TO RENEW YOUR MEMBERSHIP WITH THE ILHS, AND, IF POSSIBLE, COMMIT TO HELP US WITH ONE OF OUR ENDEAVORS WE ARE UNDERTAKING IN 2009."



**Barry McHugh, Chair
Federal Court Art Committee
Coeur d'Alene Courthouse**

ARTWORK, COEUR D'ALENE COURTHOUSE

The Art Committee responsible for decorating the public spaces in the new Coeur d'Alene Federal Courthouse is close to wrapping up its work as the building nears completion. With three floors of public space, and unique architecture that lends itself to art display, the Committee has been working for over a year to raise money and select items that are interesting artistically and appropriate for the space. The Committee is pleased with the mix of original art works, representational pieces, and historic photographs, all with an Idaho theme.

The Committee's work greets any visitor to the Courthouse even before passing through the security station inside the front doors. A 20' x 5' mural depicting the first paragraph of the United States Constitution, with raised metal lettering drawing attention to the first three words, is an imposing reminder that the Courthouse is a place where

serious work takes place every day to protect the ideals that lead to the drafting of the documents that are the foundation of our country's existence. The ILHS's contribution of historic photographs are located on the second floor, where the building's unique architecture lends itself beautifully to the display of such works. The photographs depict a variety of North Idaho events and scenes over the past 116 years. The purchase and framing of these photographs was funded entirely by the Idaho Legal History Society and the Margaret W. Reed Foundation.

As mentioned earlier, ILHS Board Member Scott Reed, Brent Featherston and John Magnuson assisted the Committee in locating and selecting the display photographs. On the third floor, original art work along with large photographs of Idaho's unique landscapes continue to remind visitors that the Courthouse is there for the benefit and use of all Idaho citizens.

UNIVERSITY OF IDAHO COLLEGE OF LAW

College of Law Centennial Celebration!



The University of Idaho College of Law asked the ILHS to help provide funding for the creation of a monograph covering its centennial history as part of the larger Centennial Celebration taking place throughout 2009.

The monograph will be an authoritative chroni-

cle of the College of Law, an institution that has played a very important role in Idaho's legal history.

Recognizing that the monograph and the materials gathered in its creation further the mission of preserving, and instructing about, Idaho legal history, the ILHS

contributed \$2,500 for this purpose.

The College of Law will acknowledge the financial support of the ILHS and display our logo prominently in its literature.

SPEAKERS' BUREAU - DIAMONDFIELD JACK

As previously noted, J. Walter Sinclair, Stoel Rives LLP, Boise, is Chair of the newly formed Idaho Legal History Society Speakers' Bureau. Walt encourages all ILHS members to let him know if they would be willing to conduct presentations on topics pertaining to Idaho legal history. He can be reached at (208) 387-4248 / or jwsinclair@stoel.com We are excited about Walt's involvement and look forward to future programs presented by the ILHS Speakers' Bureau.

The ILHS Speakers' Bureau's inaugural program was presented by David Metcalf, senior career law clerk for Chief Judge B. Lynn Winmill. Dave spoke at the 2008 Idaho Judicial Conference, regaling his audience with a captivating account of the legendary Jackson Lee Davis, also known as "Diamondfield Jack."

Dave's presentation was well received, and set a high bar for future presentations. Below is a short synopsis of Dave's remarks.

Diamondfield Jack cheated the hangman. Twice. Later in life, as a prosperous mine owner, he would amaze listeners by showing them the very noose meant for his neck.

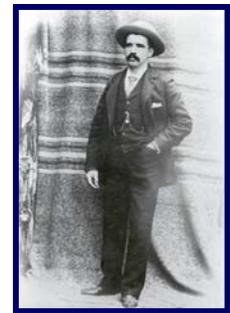
For lengthening his life – rather than his neck – he had his attorney to thank: James Hawley, an iconic figure in Idaho's legal history. While Diamondfield Jack's colorful history merits bronze memorials in both Idaho and Nevada, it was the dogged determination and extraordinary lawyering of James Hawley that kept the reckless Diamondfield from disappearing without a trace into an early grave.

Diamondfield's life was indeed both colorful and reckless. As a young gunslinger he found himself at the center of the cattle-sheep wars in Southern Idaho, and was accused of murder. After his conviction, two reprieves, and eventually a pardon, he left Idaho, struck gold in Nevada, became wealthy, had a town named after him, and consorted with Diamond Tooth Lil.

As a mine owner, he played a pivotal role in preventing the IWW (Wobblies) union from organizing mine workers, although at the same time he single-handedly stopped the lynching of an IWW member (perhaps remembering his own brush with the noose).



Dave Metcalf
Senior Career Law Clerk
U.S. District Court
District of Idaho



Diamondfield Jack

**IF ANY ILHS
MEMBER WOULD
LIKE TO BE A
PRESENTER ABOUT
IDAHO'S LEGAL
HISTORY,
CONTACT WALT
SINCLAIR AT (208)
387-4248.**

IDAHO LEGAL HISTORY SOCIETY

PUBLICATIONS / AWARDS

Best Publication 2007

In 2008, the ILHS received the prestigious Idaho State Bar award for best publication of its 2007 issue of *The Advocate*. The featured stories surrounded test oaths in Idaho.

The Chairman of the sub-committee was Judge Galen Box, who served as Chair for two years. He accepted the award for the ILHS at the State Bar's annual meeting in Sun Valley, Idaho.

Judge Ronald Bush has agreed to serve as publication Chairman beginning in 2009. We will produce the November / December edition of *The Advocate*.



Judge Gaylen L. Box
Sixth Judicial District
State of Idaho



Seeking Award Nominations

Each year the Idaho Legal History Society awards the Byron J. Johnson Outstanding Service Award to an individual or organization that has met the goals and mission of the Society.

Past recipients include:

Rita Ryan
Chair, Oral History Project

Mike Silva
Spontaneous Productions, Inc.
Writer/Director:
The Gate on 16th Avenue

Susie Headlee
ILHS Secretary/Treasurer
Chairman, Play Committee:
The Gate on 16th Avenue

The Board of Directors is soliciting nominations
for the 2008 Byron J. Johnson Outstanding Service Award

Please submit your nominations to Susie Headlee at:

Susie_Boring-Headlee@id.uscourts.gov
(208) 334-9373

No later than Friday, February 27, 2009



IDAHO
LEGAL
HISTORY
SOCIETY

EST. 2005

Idaho Legal History Society

Membership Form

Annual Membership and Contribution to advance the understanding and appreciation of the legal history of Idaho.

INDIVIDUAL ANNUAL MEMBERSHIP (\$25) for 2009: \$ _____

SPECIAL OR MEMORIAL CONTRIBUTIONS: _____

Contribution in memory of: _____

Make Check Payable to the IDAHO LEGAL HISTORY SOCIETY

Mail to: Susie Headlee
550 West Fort Street, 6th Floor
Boise, ID 83724
(208) 334-9373

Membership contributions to the ILHS are tax deductible.

Member Name: _____

Address: _____

Phone: _____

Email: _____

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