
COMMON SENSE AND COMPASSION:
A JUDICIAL BIOGRAPHY OF
RONALD LONGSTAFF

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ABSTRACT

This is a judicial biography of Ronald Earl Longstaff. During a legal career that spanned almost 50 years, Longstaff served the United States District Court for the Southern District of Iowa in a remarkable variety of capacities. Beginning his legal career as a judicial clerk, he later became United States Commissioner, Clerk of Court, Magistrate Judge, and, finally, a United States District Court judge. Highly respected and admired, Longstaff exemplified the two qualities he viewed as central to judicial service: compassion and common sense.

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* Professor of Law, Drake University Law School. This judicial biography was made possible in no small part by the tireless efforts of Richard Lyford, the president of the Historical Society of the United States District Court for the Southern District of Iowa. For more than a decade, Dick has interviewed or arranged interviews of Iowa judges and lawyers. Those interviews, and the transcripts of those interviews made by Cheryl Tillinghast and David Launsbach, created a historical record without which this biography would not have been written. Judge James E. Gritzner of the Southern District of Iowa also played a key role. In December 2007 he interviewed Judge Longstaff for the Southern District Historical Society, an interview that produced wonderful insights into Judge Longstaff’s life and career. The Author is also grateful to Kacy Flaherty, a 3L student at Drake Law School, who provided research assistance on this project. Finally, the Author would like to thank Judge Longstaff for granting several interviews as well as for providing helpful biographical materials.

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I. INTRODUCTION

For over four decades Ronald Earl Longstaff served the United States District Court for the Southern District of Iowa, first as a federal magistrate and then as an Article III federal judge. Longstaff's professional life provides a unique window into the Iowa bench and bar from the 1960s to the 2000s. Over the course of his career, Longstaff heard a remarkably diverse range of cases, from civil rights actions to commercial disputes to murder trials. A highly respected and admired judge, Longstaff exemplified the two qualities he viewed as central to judicial service: compassion and common sense.¹

Judge Longstaff's life is also a story of perseverance and triumph over adversity. As a child in Pittsburg, Kansas, he was diagnosed with cerebral palsy.² The treating physicians advised Longstaff's parents to institutionalize him, a common practice in the 1940s for children with cerebral palsy.³ But to Ronald Longstaff's good fortune, his parents ignored the doctors' advice. The Longstaffs' decision to keep their son in school made it possible for him to achieve his full potential, which eventually included decades of service as a distinguished federal judge.

II. A KANSAS UPBRINGING

Ronald Earl Longstaff's first day on earth was very nearly his last.⁴ On the afternoon of February 14, 1941, Longstaff was born at Mount Carmel Hospital in Pittsburg, Kansas.⁵ It was a short labor, lasting only three hours,

1. Interview by Anthony Gaughan & Richard Lyford with Ronald E. Longstaff, Retired Senior Judge, United States District Court for the Southern District of Iowa, in West Des Moines, Iowa (Aug. 16, 2017) [hereinafter Aug. 2017 Interview].

2. Interview by James E. Gritzner with Ronald E. Longstaff, Retired Senior Judge, United States District Court for the Southern District of Iowa, in Des Moines, Iowa (Dec. 21, 2007) [hereinafter Gritzner Interview].

3. *Id.*

4. Interview by Anthony Gaughan & Richard Lyford with Ronald E Longstaff, Retired Senior Judge, United States District Court for the Southern District of Iowa, in West Des Moines, Iowa (Mar. 23, 2018) [hereinafter Mar. 2018 Interview].

5. *Birth Announcement*, in Excerpts of Ronald E. Longstaff Infant Scrapbook, at

but during the birth the umbilical cord became wrapped around the baby's neck.⁶ As the crisis unfolded, Longstaff's mother asked, "Is my baby going to be okay, Doctor?"⁷ Dr. F. H. Rush, the attending physician, calmly answered, "He's going to be."⁸ Doctor Rush quickly got the baby to breathe, saving the child's life.⁹ Although Ronald survived the harrowing ordeal of his birth, the close call with death left a lasting imprint on young Longstaff's life.¹⁰ As a child he was diagnosed with cerebral palsy,¹¹ a serious motor disorder which can be caused by a lack of oxygen at birth.¹² In Longstaff's case, cerebral palsy affected his physical movement and his speech, leading him to walk and speak more slowly than other children.¹³

The movement disorder did not prevent Longstaff from having an active and happy childhood.¹⁴ A major reason why that was possible was his deeply caring and compassionate family. The pregnancy came as a surprise to Longstaff's parents,¹⁵ who were in their early forties when Ronald was born¹⁶ and already had a 9-year-old son, Robert.¹⁷ But it was a welcome surprise. Accordingly, Ronald grew up in a deeply loving home, where he received unfailing encouragement and support from his parents.¹⁸

Although Ronald Longstaff grew up in middle-class security,¹⁹ his family on his father's side was only one generation removed from hard

1 [hereinafter *Infant Scrapbook*] (on file with author)

6. *Baby's Birth*, in *Infant Scrapbook*, *supra* note 5, at 4 ("Had cord around neck.").

7. Mar. 2018 Interview, *supra* note 4.

8. *Id.*

9. *Infant Scrapbook*, *supra* note 6, at 4 ("Dr. Rush worked to get him to breathe.").

10. Mar. 2018 Interview, *supra* note 4.

11. 137 CONG. REC. 29,567 (1991) ("Magistrate Judge Longstaff was born with cerebral palsy . . ."); Gritzner Interview, *supra* note 2 ("I was diagnosed as having a slight case of cerebral palsy.").

12. Allan Colver, Charles Fairhurst & Peter O D Pharoah, *Cerebral Palsy*, 383 *Lancet* 1240, 1241 (2014) ("Asphyxia is now thought to account for 10–20% of cerebral palsy cases . . .").

13. Mar. 2018 Interview, *supra* note 4.

14. Gritzner Interview, *supra* note 2.

15. Gritzner Interview, *supra* note 2 ("And when I came along, they were both in their forties and were not anticipating ever having a child at that time of their life . . .").

16. Gritzner Interview, *supra* note 2; *Family Tree*, in *Infant Scrapbook*, *supra* note 5, at 80.

17. Mar. 2018 Interview, *supra* note 4.

18. *Id.* (describing his "loving and supportive" parents).

19. *Id.*

labor.²⁰ His father, Reginald Longstaff, was the son of English immigrants who came to the United States in 1904²¹ and settled in Kansas.²² Reginald's father, Ralph Longstaff,²³ found work in the coal mines near Roseland, Kansas.²⁴ After Reginald completed eighth grade, he joined Ralph in the mines.²⁵ Although only a child, Reginald had the dangerous job of lighting the dynamite used to blast open underground tunnels.²⁶

Reginald Longstaff worked in the mines until 1917, when the United States entered the First World War. Reginald was drafted into the Army, received basic training in Kansas, and then boarded a transport ship in New York Harbor bound for France in November 1918.²⁷ He never saw combat, however, because the war ended days later.²⁸ Reginald did not return to the mines when he got back to Kansas.²⁹ Instead, he enrolled in a three-month electrical school course at the Coyne Electrical School in Chicago³⁰ and then began work as an electrician for the Kansas Gas and Electric Company.³¹ He eventually rose to the position of office manager, an impressive accomplishment for a man with an eighth grade education.³²

In 1929 Reginald married Mary Ethel Pilkington, a school teacher in Roseland.³³ Two years later Reginald and Ethel moved to Pittsburg, Kansas,

20. *Id.*

21. *Id.*; Interview with Ronald E. Longstaff, Retired Senior Judge, United States District Court for the Southern District of Iowa, in West Des Moines, Iowa (Dec. 3, 2015) [hereinafter Dec. 2015 Interview].

22. Gritzner Interview, *supra* note 2.

23. *Family Tree*, in Infant Scrapbook, *supra* note 5, at 80.

24. Gritzner Interview, *supra* note 2.

25. *Id.*

26. *Id.*

27. Interview by Anthony Gaughan & Richard Lyford with Ronald E. Longstaff, Retired Senior Judge, United States District Court for the Southern District of Iowa, in West Des Moines (Oct. 14, 2016) [hereinafter Oct. 2016 Interview]; Dec. 2015 Interview, *supra* note 21.

28. Oct. 2016 Interview, *supra* note 27; Dec. 2015 Interview, *supra* note 21.

29. Oct. 2016 Interview, *supra* note 27.

30. *Id.*

31. Gritzner Interview, *supra* note 2; Dec. 2015 Interview, *supra* note 21.

32. GEORGE MILLS & RICHARD W. PETERSON, NO ONE IS ABOVE THE LAW: THE STORY OF SOUTHERN IOWA'S FEDERAL COURT 117 (1994); Oct. 2016 Interview, *supra* note 27.

33. Mar. 2018 Interview, *supra* note 4.

and bought a home at 614 W. Kansas Avenue,³⁴ where they would live for the rest of their lives.³⁵ At the time of Ronald Longstaff's birth in 1941, Kansas was still reeling from the ravages of the Great Depression.³⁶ The global economic crisis of the 1930s depressed agricultural prices and gave rise to unprecedented levels of unemployment.³⁷ Worse yet, the Great Depression coincided with a historic drought and a devastating series of dust storms that descended upon the Midwest.³⁸ The Dust Bowl that ensued left Kansas and neighboring prairie states agriculturally and economically paralyzed.³⁹

The Longstaffs escaped the worst of the Depression. Reginald Longstaff had a secure job with the Kansas Gas and Electric Company⁴⁰ and Pittsburg, a community of 17,000 people⁴¹ in the southeast corner of the state, was one of the Kansas towns that weathered the Depression years relatively well.⁴² By the time Ronald Longstaff was born in February 1941, World War II had created enormous demand for wheat, a staple of Kansas agriculture, which helped the state get back on its feet economically.⁴³ To prevent food shortages and maximize agricultural production for the war effort, the Roosevelt Administration called on ordinary Americans to plant their own vegetable "Victory Garden."⁴⁴ One of Ronald's earliest memories was visiting the Victory Gardens his family planted and tended.⁴⁵

Growing up in post-war Kansas, Ronald Longstaff had a classic, mid-

34. Oct. 2016 Interview, *supra* note 27; *see also Newspaper Clippings, in* Infant Scrapbook, *supra* note 5. Longstaff's mother went by the name Ethel. *See* Mar. 2018 Interview, *supra* note 4.

35. Oct. 2016 Interview, *supra* note 27.

36. *See Relief and Recovery*, SMITHSONIAN AM. ART MUSEUM, <http://americanexperience.si.edu/historical-eras/the-great-depression-wwii/pair-relief-blues-construction-of-the-dam/> (last visited June 26, 2018).

37. Clifford R. Hope, *Kansas in the 1930s*, KAN. HIST. Q., Spring 1970, at 1, 1–12.

38. *Id.*

39. *Id.*

40. Dec. 2015 Interview, *supra* note 21.

41. 1 BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, SIXTEENTH CENSUS OF THE UNITED STATES: 1940: POPULATION 394 (1942).

42. *Compare id.*, with 1 BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, CENSUS OF THE POPULATION: 1950: A REPORT OF THE SEVENTEENTH DECENNIAL CENSUS OF THE UNITED STATES 16-14 (1952).

43. *See Relief and Recovery, supra* note 36.

44. Gritzner Interview, *supra* note 2.

45. *Id.*

twentieth century Midwestern upbringing. The Longstaff home at 614 W. Kansas Avenue⁴⁶ was only a few blocks from the city's downtown, a local park, and the First Methodist Church, the family's place of worship.⁴⁷ Although Ralph Longstaff was a staunch Democrat, Reginald and Ethel belonged to the Republican Party.⁴⁸ In 1948 Ronald's parents strongly supported the campaign of New York Governor Tom Dewey, the Republican presidential nominee.⁴⁹ But in one of the great upsets in American history, Harry Truman defeated Dewey and won the presidential election. The memory of Truman's underdog victory would remain with Ronald for the rest of his life.⁵⁰

Ronald attended the Pittsburg public schools where he thrived in the classroom. As a kindergartner, he would repeatedly ask if it was time to go to school.⁵¹ He particularly loved reading.⁵² But as he learned to speak, his mother noted he had difficulty pronouncing the letters *W*, *R*, *L*, and *Y*.⁵³ Eventually his parents also noticed that he was having trouble holding items steady with his hands, such as when he held a glass of water or a candle.⁵⁴ Accordingly, in the late 1940s, when Ronald was about seven, his parents took him to a hospital in Wichita, Kansas, for an examination by medical specialists.⁵⁵ After the Longstaff family returned to Pittsburg, they received a disturbing letter from the hospital. It informed them that the doctors had diagnosed young Ronald with cerebral palsy, which came as a shock to the family.⁵⁶ The speech impairment led the Wichita physicians to conclude—completely erroneously as it turned out—that Ronald's intelligence was also affected by the disorder.⁵⁷ They advised Reginald and Ethel that their son would “never be able to compete in the public school system” and therefore

46. *Newspaper Clippings*, in *Infant Scrapbook*.

47. *Certificate of Church Membership*, in *Excerpts of Ronald E. Longstaff School & Activities Scrapbook* (on file with author) (“This [c]ertifies [t]hat Ronald Longstaff was received into full membership in the First Methodist Church of Pittsburg, Kan[s]as on the 17th day of April 1955[.]”).

48. Oct. 2016 Interview, *supra* note 27.

49. Mar. 2018 Interview, *supra* note 4.

50. Oct. 2016 Interview, *supra* note 27.

51. *Kindergarten*, in *Infant Scrapbook*, *supra* note 5.

52. *First Grade*, in *Infant Scrapbook*, *supra* note 5.

53. *Growth of Vocabulary*, in *Infant Scrapbook*, *supra* note 5.

54. Mar. 2018 Interview, *supra* note 4.

55. Gritzner Interview, *supra* note 2; Mar. 2018 Interview, *supra* note 4.

56. Gritzner Interview, *supra* note 2.

57. Mar. 2018 Interview, *supra* note 4.

“the only fair thing to do would be to institutionalize him.”⁵⁸

In a critical turning point in Ronald’s life, his parents rejected the doctors’ advice.⁵⁹ Reginald and Ethel kept Ronald in school and ensured that he had a normal life like any other child.⁶⁰ He never forgot how his parents’ confidence in his abilities changed the direction of his life.⁶¹ He knew if they had accepted the medical recommendation, it would have led to a tragic outcome, permanently closing many doors to him.⁶² But they did not take the doctors’ advice, and instead they relied on their own assessment of their son’s abilities. Consequently, he said, “I’ve always been blessed by the fact that my parents had faith in me and gave me the love and support to give me the background and the confidence to go on with life.”⁶³

Although Ronald would never participate in varsity team sports,⁶⁴ he otherwise led an active life.⁶⁵ His father took him to play golf every weekend at a course 10 miles outside of town, an experience that instilled in Ronald a lifelong passion for golf.⁶⁶ He also loved spectator sports, closely following the Kansas Jayhawks and the Philadelphia Phillies.⁶⁷ Reginald shared his son’s love of sports, and during summertime they listened together to baseball games on the radio, often keeping score.⁶⁸ Reginald’s favorite team was the St. Louis Cardinals, but Ronald’s favorite was the Philadelphia Phillies, particularly after they won the National League pennant in 1950 led by two of young Longstaff’s favorite players, Richie Ashburn and Del Ennis.⁶⁹

58. Gritzner Interview, *supra* note 2 (“And they had taken me to a hospital in Wichita for an examination and a recommendation, and they did have a recommendation, had a letter that the doctors sent them advising them that their son, Ronald, would never be able to compete in the public school system and the only fair thing to do would be to institutionalize him and try to provide for him in that manner.”).

59. *Id.*

60. *Id.*

61. *Id.*

62. *Id.*

63. *Id.*

64. *Id.*

65. *Id.*

66. Mar. 2018 Interview, *supra* note 4.

67. Oct. 2016 Interview, *supra* note 27.

68. *Id.*

69. Mar. 2018 Interview, *supra* note 4.

In high school Ronald excelled academically and socially.⁷⁰ At the beginning of his senior year, he was elected student council president by his classmates.⁷¹ He also participated in Pittsburg High School's debate team, one of the strongest in the state.⁷² He enjoyed the competitions immensely, winning 75 percent of his debates and receiving the Sweepstakes Trophy.⁷³

After enrolling at Pittsburg State University (known at the time as the Kansas State College of Pittsburg), Ronald opted for a career in accounting.⁷⁴ As he later recalled, "I was absolutely, absolutely certain that I wanted to be an accountant working for a large accounting firm."⁷⁵ During his senior year of college, he secured a prestigious position as an intern for Haskins & Sells, a large accounting firm in Kansas City.⁷⁶ Haskins & Sells was founded in New York in 1895 and grew to become the first major U.S. accounting firm.⁷⁷ It would later become Deloitte, the largest accounting firm in the world.⁷⁸

Despite the firm's prestige, Longstaff did not enjoy the work,⁷⁹ which he found to be "very repetitious."⁸⁰ Thus, when he graduated from college in 1962 with a business degree and a specialty in accounting, he sought career guidance from Charles Reilly, one of his favorite professors at Pittsburg State.⁸¹ After hearing the young man explain his dissatisfaction with accounting, Reilly suggested that Longstaff consider law school.⁸² It was advice that would change Longstaff's life forever.

70. 59 PITTSBURG SENIOR HIGH SCH., THE PURPLE AND WHITE 22 (1958-1959) [hereinafter CLASS OF 1959 YEARBOOK].

71. *Id.* at 22, 24.

72. *Id.* at 22, 37; Oct. 2016 Interview, *supra* note 27.

73. CLASS OF 1959 YEARBOOK, *supra* note 70, at 22.

74. Gritzner Interview, *supra* note 2.

75. *Id.*

76. *Id.*

77. See HASKINS & SELLS, HASKINS & SELLS: OUR FIRST SEVENTY-FIVE YEARS 13 (1970).

78. *Id.* at 101-03.

79. Gritzner Interview, *supra* note 2.

80. Mar. 2018 Interview, *supra* note 4.

81. Gritzner Interview, *supra* note 2; Mar. 2018 Interview, *supra* note 4.

82. Gritzner Interview, *supra* note 2.

III. THE EDUCATION OF AN IOWA LAWYER

The idea of becoming a lawyer immediately appealed to Longstaff.⁸³ As he later explained, “I had always admired the law, lawyers, and obviously had seen scenes of courtroom experiences and pictured what it would be like”⁸⁴ As it happened, Charles Reilly was a graduate of the University of Iowa, and he took Longstaff on a campus visit.⁸⁵ When Ronald applied to Iowa, he not only won acceptance to the College of Law, but also received a full-tuition scholarship.⁸⁶ He soon got his room and board paid for as well by becoming a student floor advisor at the Quadrangle, a residence hall.⁸⁷ He always felt grateful to have gained admission to the University of Iowa College of Law: “I guess you could say I was a Kansan by birth but a Hawkeye by the grace of God.”⁸⁸

But it took him some time to feel at home in Iowa.⁸⁹ The reality soon dawned on him that he “came to Iowa City literally without knowing anyone.”⁹⁰ When his parents dropped him off in Iowa City and returned to Pittsburg, a deep sense of loneliness came over Longstaff.⁹¹ The memory would never leave him of his parents “driving out from the Quadrangle that evening as they were going to return to Kansas. I walked into the dorm, and it was before everyone else had come because the advisors were there early and it was a very vacant dorm, and I truly wondered what my life held.”⁹²

The loneliness did not last long. Longstaff excelled at the College of Law, and it soon became clear that he had made the right career choice. “[O]nce I got there, I really became enthusiastic about pursuing legal education and sort of trusted in the future that there would be a spot for me somewhere.”⁹³ He set a student record by publishing three articles in the

83. *See id.*

84. *Id.*

85. *Id.*

86. *Id.*; Memorandum from James E. Gritzner on the Senior Status of the Honorable Ronald E. Longstaff 22 (July 12, 2007) [hereinafter Gritzner Memo.] (on file with author).

87. Gritzner Interview, *supra* note 2.

88. *Id.*

89. *Id.*

90. *Id.*

91. *Id.*

92. *Id.*

93. *Id.*

Iowa Law Review⁹⁴ and also served as editor of the law review.⁹⁵ Iowa had an exceptionally strong faculty, and several remarkable professors particularly impressed Longstaff, including Dean Mason Ladd, Allan D. Vestal, Jeffrey O'Connell, and Willard Boyd.⁹⁶ The professors "made the law come alive" for him, and he embraced law school as a "very unique, interesting experience."⁹⁷

The University of Iowa was also ahead of its time in making accommodations for Longstaff's cerebral palsy.⁹⁸ As a movement disorder, cerebral palsy makes it very difficult for individuals with the condition to write by hand.⁹⁹ The disorder thus posed a major challenge for Longstaff as a law student. Professor William Hines started teaching at the College of Law in the fall of 1962, and he made a connection with Longstaff right away as a fellow Kansan.¹⁰⁰ Longstaff "not only had a walking handicap," Hines recalled, but he also "had some motor problems with his arms and he had a speech impediment, so he kind of stood out."¹⁰¹ Hines noted that in "[t]hose days disabled people almost never went to law school."¹⁰²

But Longstaff's perseverance impressed the faculty. Professor Allan D. Vestal told Hines:

[H]e was very impressed that someone who had as much of a speech impediment as Ron did would be pursuing a career where public speaking was a very large part of the career, and how it didn't seem to bother Ron that he had this impediment, he would just go ahead and do it.¹⁰³

Professor Willard Boyd was also impressed. He and the young

94. *Id.*; Gritzner Memo., *supra* note 86, at 23.

95. Gritzner Interview, *supra* note 2.

96. *Id.*; Mar. 2018 Interview, *supra* note 4.

97. Gritzner Interview, *supra* note 2.

98. *Id.*

99. *How Does Cerebral Palsy Affect People?*, CEREBRAL PALSY ALLIANCE RES. FOUND., <https://research.cerebralpalsy.org.au/what-is-cerebral-palsy/how-cerebral-palsy-affects-people> (last visited June 5, 2018).

100. Interview by Richard Lyford with N. William Hines, Joseph F. Rosenfield Professor and Dean Emeritus, Univ. of Iowa Coll. of Law, in Iowa City, Iowa (Apr. 9, 2018) [hereinafter Hines Interview].

101. *Id.*

102. *Id.*

103. *Id.*

Longstaff developed a personal connection when they discovered that Longstaff's pastor and mentor in Pittsburg, the Rev. Lloyd Rising, was also a longtime friend of the Boyd family.¹⁰⁴ Professor Boyd would always view Longstaff as a "person of enormous character."¹⁰⁵ Cognizant of the physical challenges that cerebral palsy posed to the young man, Professor Mason Ladd, the Dean of the College of Law, permitted him to type his exams.¹⁰⁶ "I think a lot of students do that today, but in those days that was quite unusual," Longstaff recalled years later, "but they made that accommodation for me and I was always grateful for that."¹⁰⁷ He joked, however, that he might have gotten better grades by handwriting his exams because he "would have been better off if they couldn't read my answers."¹⁰⁸

When he graduated from law school in 1965, he interviewed with law firms in Des Moines and Davenport, but he did not receive any job offers.¹⁰⁹ More than 50 years later, it is impossible to know whether prejudice against people with cerebral palsy played a role in his failure to get a job when he graduated from law school. It seems likely, though, especially in light of his academic success, which should have opened many law firm doors to him. In any case, fortune would soon turn in his favor. Although a clerkship with Judge Hanson in Fort Dodge fell through when the incumbent clerk decided to stay on for another year,¹¹⁰ Longstaff suddenly received a great opportunity when his close friend Norm Wulf decided to join the U.S. Navy JAG Corps during the Vietnam War.¹¹¹ Dean Ladd had selected Wulf to serve as U.S. District Court Judge Roy Stephenson's law clerk in Des Moines.¹¹² Before telling the dean of his decision to decline the clerkship, Wulf confided the news to Longstaff over beers at a local Iowa City bar, The Annex.¹¹³ Longstaff immediately recognized the opportunity before him.¹¹⁴

104. Letter from Thomas H. Boyd, Shareholder, Winthrop & Weinstine, to Anthony Gaughan, Professor of Law, Drake University Law School 1-2 (May 2, 2018) (on file with author).

105. *Id.* at 1.

106. Hines Interview, *supra* note 100.

107. Gritzner Interview, *supra* note 2.

108. *Id.*

109. *Id.*

110. *Id.*

111. *Id.* For a biography of Wulf, see *Participant Biographies*, PAC. NW. NAT'L LABORATORY, <http://cgs.pnnl.gov/fois/bios/bios.stm> (last visited June 5, 2018).

112. Gritzner Interview, *supra* note 2.

113. *Id.*

114. *Id.*

Later, when Wulf broke the news to Dean Ladd that he had decided to join the Navy, Longstaff made sure to position himself in the hallway outside Ladd's office.¹¹⁵ When Wulf left, Longstaff approached the dean and asked for advice on his job search.¹¹⁶ Ladd offered him the Stephenson clerkship on the spot as Wulf's replacement, and he accepted.¹¹⁷

The clerkship experience changed Longstaff's life and put him on a path to becoming a judge himself.¹¹⁸ He and Judge Stephenson hit it off immediately. Although the clerkship was originally only for one year, Stephenson asked Longstaff to stay on for a second year, which he accepted.¹¹⁹ "He took me under his wing and for some reason he really, really liked me," Longstaff recalled years later.¹²⁰ The personal bond between them extended beyond the courthouse. Stephenson and his wife frequently hosted Longstaff at their home for dinner and they would also go fishing together, play cards, and drink beer.¹²¹ "[H]e was like a father," Longstaff explained.¹²²

During Longstaff's clerkship, Judge Stephenson presided over one of the most important cases in the history of the Southern District of Iowa, the case of *Tinker v. Des Moines Independent Community School District*.¹²³ In December 1965, five Des Moines public schoolchildren (including the four Tinker siblings)¹²⁴ wore black armbands to school to promote peace and mourn those killed in the Vietnam War.¹²⁵ Two days beforehand, when the Des Moines school board learned of the students' plans, it hurriedly adopted

115. *Id.*

116. *Id.*

117. *Id.*

118. Gritzner Memo., *supra* note 86, at 22.

119. Gritzner Interview, *supra* note 2.

120. Aug. 2017 Interview, *supra* note 1.

121. *Id.*

122. *Id.*

123. *Id.*

124. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 258 F. Supp. 971, 972 n.1 (S.D. Iowa 1966) ("Plaintiff John F. Tinker, age 15, attended North High; plaintiff Mary Beth Tinker, age 13, attended Warren Harding Junior High; plaintiff Christopher Eckhardt, age 15, attended Roosevelt High; Paul and Hope Tinker, age 8 and 11 respectively, younger brother and sister of plaintiffs John and Mary Beth Tinker also wore arm bands to their respective schools.").

125. *Id.* at 972 ("Each of the plaintiffs testified that their purpose in wearing the arm bands was to mourn those who had died in the Viet Nam war and to support Senator Robert F. Kennedy's proposal that the truce proposed for Christmas Day, 1965, be extended indefinitely.").

a district-wide policy banning students from wearing armbands on school property.¹²⁶ Thus, when the children arrived at their schools wearing the armbands, the school principals sent them home in accordance with the new policy.¹²⁷ In response, the parents of 15-year-old John F. Tinker, 13-year-old Mary Beth Tinker, and 15-year-old Christopher Eckhardt filed a suit against the school district on their children's behalf.¹²⁸ They alleged that the district violated the children's First Amendment rights by banning them from symbolically expressing their views on the Vietnam War.¹²⁹

In a bench trial, Judge Stephenson ruled for the school district.¹³⁰ Although he acknowledged that “[a] subject should never be excluded from the classroom merely because it is controversial,” he nevertheless viewed the school district policy as a reasonable effort to prevent classroom disruptions.¹³¹ As the judge explained, “While the arm bands themselves may not be disruptive, the reactions and comments from other students as a result of the arm bands would be likely to disturb the disciplined atmosphere required for any classroom.”¹³² He also viewed the burden on the students' First Amendment rights as modest in nature.¹³³ The students could still wear armbands off campus, and in the classroom, the students were “free to express their views on the Viet Nam war during any orderly discussion of that subject.”¹³⁴ Accordingly, he concluded, “School officials must be given a wide discretion and if, under the circumstances, a disturbance in school discipline is reasonably to be anticipated, actions which are reasonably calculated to prevent such a disruption must be upheld by the Court.”¹³⁵

The United States Supreme Court, however, disagreed with

126. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 504 (1969) (“The principals of the Des Moines schools became aware of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband.”).

127. *Id.*

128. *Id.* (“This complaint was filed in the United States District Court by petitioners, through their fathers . . .”); *Tinker*, 258 F. Supp. at 971.

129. *Tinker*, 258 F. Supp. at 972.

130. *Id.* at 971, 973; Gritzner Interview, *supra* note 2.

131. *Tinker*, 258 F. Supp. at 973.

132. *Id.*

133. *Id.*

134. *Id.*

135. *Id.*

Stephenson.¹³⁶ In a 7–2 decision, the Supreme Court declared, “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”¹³⁷ The majority warned that “state-operated schools may not be enclaves of totalitarianism.”¹³⁸ Central to the majority’s ruling was its conclusion that “the record does not demonstrate any facts which might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities, and no disturbances or disorders on the school premises in fact occurred.”¹³⁹ As the majority saw it, the school authorities were actually motivated by a desire “to avoid the controversy which might result from the expression, even by the silent symbol of armbands, of opposition to this Nation’s part in the conflagration in Vietnam.”¹⁴⁰ Also relevant in the majority’s view was the fact that “students in some of the schools wore buttons relating to national political campaigns, and some even wore the Iron Cross, traditionally a symbol of Nazism. The order prohibiting the wearing of armbands did not extend to these.”¹⁴¹ The Supreme Court thus held that the singling out of black armbands in protest of the Vietnam War constituted an impermissible burden on the students’ constitutional rights.¹⁴²

As a judicial clerk, Longstaff helped Judge Stephenson write the district court opinion in *Tinker*,¹⁴³ and years later Longstaff would reflect on the case’s legacy.¹⁴⁴ One of the main lessons he took from the *Tinker* case was the critical importance of building a strong factual record at the trial court level.¹⁴⁵ “I don’t think that Judge Stephenson necessarily reached the wrong decision,” he explained, “but he did not have the record to support it.”¹⁴⁶ As Longstaff pointed out, “There was nothing in the record showing that there was any disruption, and as I recall, there really was very little

136. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 514 (1969)

137. *Id.* at 506.

138. *Id.* at 511.

139. *Id.* at 514.

140. *Id.* at 510.

141. *Id.*

142. *Id.* at 510–11.

143. Gritzner Interview, *supra* note 2 (“[I]t was a nonjury case, of course, so we wrote the opinion . . .”).

144. *Id.*

145. *Id.*

146. *Id.*

testimony about the possibility of it.”¹⁴⁷ Indeed, the speed with which the school district acted likely preempted any disruption within the student body. But that left Judge Stephenson with only speculation and conjecture, not clear facts in the record, to support his ruling. “It just was something that the judge himself felt strongly about and more or less used as a basis for his opinion,” Longstaff recalled, “but the record did not support it and the case got reversed.”¹⁴⁸ He believed Stephenson’s ruling in the case was particularly influenced by the fact that the two youngest Tinker children, an eight-year-old and an 11-year-old, also wore black armbands to their elementary school the same day the older children did.¹⁴⁹ As Longstaff explained, the elementary school ages of the youngest Tinker children led Judge Stephenson “to believe that it was the parents who were using the children to project their own concerns or protests to the war and, quite frankly, that upset him.”¹⁵⁰

As the *Tinker* case demonstrated, service as a judicial clerk gave Longstaff a unique perspective on the judicial decision-making process.¹⁵¹ Judge Stephenson liked to tell his clerks that “[n]o one is good enough to be a judge; you just do the best you can.”¹⁵² But Stephenson was far from a quiet or retiring judge. Longstaff noted that he “was in control of the courtroom all the way, and he did not hold back when a lawyer displeased him. He let the lawyer know that in no uncertain terms.”¹⁵³ Indeed, the judge had an intimidating courtroom presence and loved questioning the attorneys who appeared before him.¹⁵⁴ “I’m not sure the lawyers always enjoyed it,” Longstaff recalled, “but he certainly did.”¹⁵⁵

Above all, Judge Stephenson emphasized the critical importance of trying cases with an “open mind” and maintaining judicial impartiality at all

147. *Id.*

148. *Id.*

149. *Id.*; Aug. 2017 Interview, *supra* note 1.

150. Gritzner Interview, *supra* note 2.

151. *Id.*

152. *Id.*

153. *Id.*

154. *Id.* (“The amazing thing is that the judge could be yelling at a lawyer in the courtroom and ten minutes later they would be back in the chambers drinking coffee and telling jokes and think they’re the best buddies in the world [H]e loved the interplay he had with lawyers.”).

155. *Id.*

times.¹⁵⁶ Longstaff took from him the core insight that the judge's job was to ensure "everyone has their fair opportunity to present their side of the case."¹⁵⁷ Judges, Stephenson believed, should never forget that the respect attorneys showed to the judiciary was not respect for the judge as an individual, but rather respect for the court itself.¹⁵⁸ "[I]t's not you that they're honoring," Stephenson told Longstaff, "[I]t's the court, and you have to maintain that degree of respectability for the court at all times."¹⁵⁹ The most important lesson he learned from the judge was love for the law.¹⁶⁰ As Longstaff recalled years later, Stephenson "loved the law, he respected the court, and he just insisted that you treat the court with dignity, and I've always carried that with me."¹⁶¹

After his clerkship ended, Longstaff went to work as an associate at the Des Moines law firm of McWilliams, Gross & Kirtley in July 1967.¹⁶² Not long after he arrived, however, the McWilliams firm merged with another firm, and Leo Gross—the partner Longstaff was closest to—left the firm.¹⁶³ As Longstaff pondered the future of his private law practice, he got a phone call from Judge Stephenson offering him a dual position as United States Commissioner and Clerk of Court.¹⁶⁴ The young lawyer leaped at the opportunity. The United States Commissioner presided over preliminary criminal matters, including issuing search and arrest warrants, appearing in court for preliminary hearings, and arranging the appointment of counsel for unrepresented defendants.¹⁶⁵ Despite the importance of the position, the commissioner did not receive a salary.¹⁶⁶ Instead, Longstaff was paid based on the amount of work he did.¹⁶⁷ For example, he received \$4 for every arrest warrant he issued and \$6 for appearing in court.¹⁶⁸

156. *Id.*

157. *Id.*

158. *Id.*

159. *Id.*

160. *Id.*

161. *Id.*

162. *Id.*; *PSU Honors Three Alumni for Lifetime Achievement*, PITTSBURG ST. U. (May 12, 2006, 4:00 PM), pittnews.blogspot.com/2006/05.

163. Gritzner Interview, *supra* note 2.

164. *Id.*; Gritzner Memo., *supra* note 86, at 22.

165. Gritzner Interview, *supra* note 2.

166. *Id.*

167. *Id.*

168. *Id.*

The heaviest financial burden fell on the attorneys the commissioner appointed to represent indigent defendants. Without warning, Longstaff would call attorneys in the Southern District and “inform them that they were now representing a criminal defendant.”¹⁶⁹ The appointment imposed a real sacrifice on the defense attorneys because they did not receive pay or even reimbursement of their expenses.¹⁷⁰ But if the attorneys wanted to remain admitted to practice before the Southern District, they had no choice but to accept the appointment.¹⁷¹ Despite the financial hardship required of the attorneys, the system worked reasonably well. As Longstaff recalled of the appointments, it “was part of being a professional and being a member of our bar and, for the most part, the lawyers willingly took them and also did an outstanding job.”¹⁷²

IV. ON THE MAGISTRATE’S BENCH

Two major developments in Longstaff’s life occurred in 1970. In the fall of 1969, he met Norma Miller at Jesse’s Embers, a popular restaurant on Ingersoll Avenue in Des Moines.¹⁷³ It was love at first sight for Longstaff.¹⁷⁴ Norma had an eight-year-old daughter, Christi, from a previous marriage, and Longstaff felt an immediate bond with both Norma and Christi.¹⁷⁵ He married Norma on July 25, 1970, at Plymouth Church in Des Moines.¹⁷⁶ Longstaff also adopted Christi as his own daughter.¹⁷⁷

The second development involved a major career change. In 1968 Congress passed the Federal Magistrates Act, which created the position of federal magistrate.¹⁷⁸ The purpose was to lift some of the burden on Article III judges by assigning to magistrates the power to assist in discovery

169. *Id.*

170. *Id.* (“[N]ot only did you not receive any money for your service, there was really no money available for any expenses you had.”).

171. *Id.*

172. *Id.*

173. Mar. 2018 Interview, *supra* note 4.

174. *Id.*

175. *Id.*

176. *Id.*

177. *Id.*

178. PETER G. MCCABE, A GUIDE TO THE FEDERAL MAGISTRATE JUDGE SYSTEM 7, 10 (2014), <http://www.fedbar.org/PDFs/A-Guide-to-the-Federal-Magistrate-Judge-System.aspx?FT=.pdf>.

proceedings and preliminary hearings.¹⁷⁹ In 1970, impressed by Longstaff's performance as United States Commissioner and Clerk of Court, the Southern District judges appointed him to the position of magistrate for the United States District Court for the Southern District of Iowa,¹⁸⁰ a position he would hold until 1991.¹⁸¹ The magistrate position was only part-time, which meant he continued to serve as clerk of court.¹⁸² But in 1976 the Southern District created a full-time position of magistrate judge, and Longstaff applied for it.¹⁸³ The application process was simple. The two Southern District judges responsible for selecting the new magistrate approached Longstaff and asked him whether he would like the position.¹⁸⁴ When he answered "[a]bsolutely," they informed him: "You have it."¹⁸⁵ As Longstaff recalled years later, "The standards of getting the job were not quite as severe in those days."¹⁸⁶

The novelty of the magistrate position, combined with the fact that magistrates lacked the constitutional authority of Article III judges, created controversy in the early days of the magistrate system,¹⁸⁷ but Longstaff benefited from the strong support of the Southern District's Article III judges.¹⁸⁸ The Southern District's judges told him they intended to employ "the magistrate to the fullest extent permitted in the law, and that included having trials of civil cases by consent of the parties."¹⁸⁹ In addition, the Southern District judges instructed him that they did not want to hear any pretrial matters besides dispositive motions.¹⁹⁰ "So with those marching orders," he explained, "I basically developed a system where I was doing all of the pretrial work both here in Des Moines and in Davenport and Council Bluffs for the court."¹⁹¹

179. *Id.* at 10–11.

180. Gritzner Interview, *supra* note 2.

181. *Id.*; Gritzner Memo., *supra* note 86, at 22.

182. Gritzner Interview, *supra* note 2.

183. *Id.*

184. *Id.*

185. *Id.*

186. *Id.*

187. *See generally* MCCABE, *supra* note 178, at 19 ("Development of the Magistrate Judge system was impeded at the outset . . . unclear statutory authority, and general uncertainty about the system . . .").

188. Gritzner Interview, *supra* note 2.

189. *Id.*

190. *Id.*

191. *Id.*

Longstaff quickly built a reputation for skillfully resolving discovery disputes in a fair, clear, and decisive manner.¹⁹² His discovery rulings, he quipped, were “intended to make both sides unhappy so they would not come back and bother again with more discovery disputes unless absolutely necessary.”¹⁹³ But in fact the opinions he issued on discovery matters were so clearly reasoned and well-written that the district court judges routinely upheld them.¹⁹⁴ Over time attorneys in the Southern District grew so confident in Longstaff’s abilities that he heard dozens of cases as a trial judge by the parties’ consent in the 1980s.¹⁹⁵

Longstaff found that his family history proved helpful on the bench.¹⁹⁶ Like other parts of the country, the coal mine industry in southern Iowa gave rise to black lung disease among former miners.¹⁹⁷ To address the problem, Congress enacted the Black Lung Benefits Act, which provided government benefits to disabled miners and their survivors.¹⁹⁸ The Southern District judges assigned the black lung cases to Longstaff, who produced reports and made recommendations regarding individual claimants.¹⁹⁹ The spotty and incomplete nature of many companies’ records made the burden of proof particularly critical in black lung cases. The burden of proof rested initially on the plaintiff, but it shifted to the defendant if the plaintiff produced evidence showing he had worked 15 or more years in the mines.²⁰⁰

In one black lung case that Longstaff presided over, the plaintiff asserted that he had spent 20 years in the mines, including several years as a teenager, but the company’s records only showed 13 years of mine work.²⁰¹

192. Memorandum from F. Richard Lyford, Shareholder, Dickinson, Mackaman, Tyler & Hagen, P.C., to Anthony Gaughan, Professor of Law, Drake University Law School 2 (June 28, 2016) (on file with author) [hereinafter Lyford Memo.].

193. Gritzner Interview, *supra* note 2.

194. Lyford Memo., *supra* note 192.

195. *Id.*; Gritzner Interview, *supra* note 2.

196. Gritzner Interview, *supra* note 2.

197. *Id.*

198. 30 U.S.C. § 901 (2012) (“[T]he purpose of this subchapter [is] to provide benefits, in cooperation with the States, to coal miners who are totally disabled due to pneumoconiosis and to the surviving dependents of miners whose death was due to such disease; and to ensure that in the future adequate benefits are provided to coal miners and their dependents in the event of their death or total disability due to pneumoconiosis.”).

199. Gritzner Interview, *supra* note 2.

200. *Id.*

201. *Id.*

The Government's attorneys argued that the company records would have documented the plaintiff's mine work as a teenager.²⁰² But Longstaff knew from his father's experience as a miner that teenagers often did not appear in company records.²⁰³ Convinced the plaintiff was telling the truth, Longstaff ruled that the evidence supported the plaintiff's assertion that he worked for more than 15 years in the mines.²⁰⁴ The presumption thus shifted in favor of the plaintiff, which meant the burden rested on the Government to disprove the plaintiff's claim of suffering from black lung disease. As a result, the plaintiff was ultimately deemed eligible for benefits he otherwise would have been denied.²⁰⁵

As a magistrate judge, Longstaff also heard one of the first sexual harassment cases brought in Iowa.²⁰⁶ In 1984 Gus Construction Co. hired Darla Hall, Patty Baxter, and Jeannette Ticknor to direct traffic at construction sites.²⁰⁷ As soon as they began work, Hall, Baxter, and Ticknor endured relentless sexual harassment, including verbal and physical abuse, from their male coworkers, which the foreman failed to stop.²⁰⁸ Eventually Hall, Baxter, and Ticknor quit and together filed a sexual harassment lawsuit against their employer and the foreman.²⁰⁹ By stipulation the parties agreed that Magistrate Longstaff should serve as the trial judge.²¹⁰ In a crucial ruling, Longstaff held that a claim for sexual harassment was not limited to acts of a sexual nature but included other forms of harassment based on gender.²¹¹ In addition, he ruled that the factual allegations in the case supported the imposition of employer and supervisor liability.²¹² The court subsequently entered a verdict in favor of the plaintiffs and awarded compensatory damages, including damages for emotional distress—one of the first

202. *Id.*

203. *Id.*

204. *Id.*

205. *Id.*

206. MILLS & PETERSON, *supra* note 32, at 114 ("The case, tried in 1987 in Des Moines, was one of the first sexual harassment lawsuits heard in Iowa.").

207. Hall v. Gus Constr. Co., 842 F.2d 1010, 1011–12 (8th Cir. 1988).

208. *Id.* at 1012.

209. *Id.*

210. *Id.* at 1011 n.1 ("The parties consented to the assignment to a magistrate pursuant to 28 U.S.C. § 636(c) . . .").

211. *Id.* at 1014 ("[W]e hold that the district court correctly considered incidents of harassment and unequal treatment that would not have occurred but for the fact that Ms. Hall, Ms. Ticknor and Ms. Baxter were women.").

212. *Id.* at 1015.

successful sexual harassment lawsuits in state history.²¹³ On appeal the Eighth Circuit affirmed Longstaff's rulings in *Hall v. Gus Construction Company*.²¹⁴ In the view of the appellate court, the trial record in Longstaff's courtroom established that the plaintiffs endured an "unrelenting pattern of verbal, physical, and psychic abuse" that created "intolerable" workplace conditions, thus entitling them to protection under federal antidiscrimination law.²¹⁵

One of the most controversial cases to come before Magistrate Longstaff involved a state court judge. In 1975 a Johnson County probation officer named Esther Atcherson resigned at the request of Johnson County Juvenile Court Judge John Seibenmann, who was himself relying on allegations of improper conduct made against Atcherson by the county's chief probation officer.²¹⁶ The judge's decision to seek Atcherson's removal arose from a defiant letter she wrote denying that she had submitted false mileage expenses.²¹⁷ Although a subsequent investigation completely exonerated Atcherson of wrongdoing, the county refused to give her back her job.²¹⁸ Accordingly, she brought a § 1983 civil rights action against the judge alleging he violated her First and Fourteenth Amendment rights.²¹⁹

The critical issue was one of immunity. A judge acting in a judicial capacity is entitled to absolute immunity.²²⁰ The question before Longstaff, therefore, was whether Judge Seibenmann—in forcing Atcherson's resignation—had acted in a judicial or administrative capacity.²²¹ In his memorandum opinion, Longstaff concluded that the judge acted in an administrative capacity, and not a judicial capacity, when he secured

213. *Id.* at 1016; MILLS & PETERSON, *supra* note 32, at 114.

214. *Hall*, 842 F.2d at 1017–18.

215. *Id.* at 1018.

216. *Atcherson v. Siebenmann*, 458 F. Supp. 526, 529, 534, 538 (S.D. Iowa 1978).

217. *Id.* at 532, 539 ("Judge Siebenmann's straight-forward testimony has convinced the Court that the letter to Mr. Bray was a 'substantial factor' or 'motivating factor' in the termination of the Plaintiff. Although other matters were cited as reasons for the termination, the Plaintiff would not have been asked to resign had she not written the letter.").

218. *Id.* at 538 ("Judge Siebenmann placed undue reliance upon Mr. Wickes, who is found by this Court to be unworthy of that trust. The bad faith of Mr. Wickes could have been avoided by the Defendant had the Judge taken it upon himself to make an independent investigation at some point.").

219. *Id.* at 534–35.

220. *Id.* at 535.

221. *Id.*

Atcherson's resignation.²²² As Longstaff explained, Judge Seibenmann took action as Atcherson's "ultimate superior in the operation of the Probation Office," an oversight role that "is not a function performed by a judge, but is a function of a departmental supervisor" and thus did "not constitute the kind of decision-making power that courts have sought to protect with an absolute immunity."²²³ In other words, he explained, the judge's actions "were the actions of an administrator, not a judge."²²⁴ Furthermore, in Longstaff's view, the judge was not entitled to qualified immunity either because the plaintiff Atcherson had a "clearly established" First Amendment right to present her side of the mileage expense controversy to county officials.²²⁵ The Chief District Court Judge William Stuart agreed and adopted Longstaff's conclusions with only minor changes.²²⁶

Longstaff's decision did not win him any friends within the state judiciary. As he later explained, the Seibenmann "case generated a lot of controversy and particularly among state court judges who were not very happy with my decision at all."²²⁷ The ruling looked even more controversial when the Eighth Circuit reversed Longstaff.²²⁸ But in 1988 the United States Supreme Court held that judges were not entitled to absolute immunity when discharging probation officers.²²⁹ In *Forrester v. White*, the justices drew a "distinction between judicial acts and the administrative . . . functions that judges may on occasion be assigned by law to perform."²³⁰ The Supreme Court pointed out that "a judge who hires or fires a probation officer cannot meaningfully be distinguished from a district attorney who hires and fires assistant district attorneys, or indeed from any other Executive Branch official who is responsible for making such employment decisions."²³¹ When judges make employment decisions, the Supreme Court concluded, they are

222. *Id.* at 540 ("The termination of the Plaintiff was an administrative action, not judicial, and therefore the doctrine of absolute immunity is not available to the Defendant, Judge John Siebenmann.").

223. *Id.* at 538.

224. *Id.*

225. *Id.* at 540.

226. *Id.* at 528 ("[T]he Court adopts the Magistrate's Memorandum Opinion as herein amended as that of the Court and hereby authorizes and directs the Clerk of the Court to enter judgment pursuant thereto.").

227. Gritzner Interview, *supra* note 2.

228. *Atcherson v. Seibenmann*, 605 F.2d 1058, 1060 (8th Cir. 1979).

229. *Forrester v. White*, 484 U.S. 219, 221 (1988).

230. *Id.* at 228.

231. *Id.* at 229.

not entitled to “absolute immunity from liability in damages under § 1983.”²³² The highest court in the country thus vindicated Longstaff’s central holding that absolute immunity did not apply to the administrative decisions of judges.²³³

But by far the most controversial case to come before Longstaff during his tenure as a magistrate involved a murder case.²³⁴ On the evening of November 20, 1968, 19-year-old Linda Boothe was murdered at the Arnold Palmer Cleaners in the Wakonda Shopping Center in Des Moines.²³⁵ Boothe was working alone at the cleaners when her screams alerted the employee of an adjacent sporting-goods store to check on her.²³⁶ He found Boothe unconscious, covered in blood, and suffering from multiple fractures to her skull and facial bones.²³⁷ The head of a broken golf club rested on her chest and a hose was wrapped around her neck.²³⁸

Two weeks later police arrested Michael Niccum in St. Louis, Missouri, on suspicion of committing the Boothe murder.²³⁹ Shortly thereafter the Polk County Attorney’s Office in Des Moines filed murder charges against him.²⁴⁰ The Government’s case against Niccum relied heavily on the testimony of Thomas Logsdon, a personal friend and alleged accomplice of Niccum.²⁴¹ According to Logsdon’s testimony, on the evening of the Boothe murder, he and Niccum were looking to find a random young woman to abduct, rape, and murder.²⁴² Logsdon testified that they decided to make Boothe their victim when they saw her working at the Wakonda Shopping Center.²⁴³ He

232. *Id.*

233. Gritzner Interview, *supra* note 2.

234. *Id.*

235. State v. Niccum, 190 N.W.2d 815, 817–18 (Iowa 1971).

236. *Id.* at 817.

237. *Id.* at 818.

238. *Id.* at 817.

239. *Id.* at 818.

240. *Id.*

241. Scurr v. Niccum, 620 F.2d 186, 187 (8th Cir. 1980).

242. *Id.* (“According to Logsdon, the purpose of the trip to Des Moines was to carry out a plan suggested by Niccum whereby Niccum and Logsdon would abduct a young woman and take her to a motel where she would be raped and later killed.”).

243. *Id.* (“Niccum handed Logsdon a ten-dollar bill and instructed Logsdon to take it into the cleaning store to have it changed and, while there, to see if Logsdon thought Linda Boothe would be an acceptable rape victim. Logsdon returned with the change minutes later and rejoined Niccum in the car, which was now parked in an alley on the south side of the building. Logsdon told Niccum that he thought Ms. Boothe was ‘pretty

claimed that he waited in the car while Niccum beat Boothe to death.²⁴⁴ In contrast, Niccum's testimony implied that Logsdon committed the murder.²⁴⁵ The jury believed Logsdon and convicted Niccum of first-degree murder.²⁴⁶ He received a life sentence.²⁴⁷

After the Iowa Supreme Court denied Niccum's appeal of his conviction,²⁴⁸ he filed a motion for a writ of habeas corpus with the United States District Court for the Southern District of Iowa.²⁴⁹ The habeas motion rested on Niccum's claim that the prosecutors had failed to disclose potentially exculpatory evidence to the defense.²⁵⁰ In particular, Niccum argued the prosecutors had failed to disclose Logsdon's prior inconsistent statements as well as evidence regarding Hugh Hammond, the first prime suspect in the case.²⁵¹

Sitting as magistrate, Longstaff provided a report to the district court on the merits of Niccum's habeas petition.²⁵² After reviewing the trial transcript, Longstaff concluded that the prosecution's failure to disclose the potentially exculpatory evidence violated the "*Brady* rule," a term that referred to a 1963 Supreme Court case.²⁵³ In *Brady v. Maryland*, the Supreme Court held that the suppression "of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution."²⁵⁴ The prosecution's violation of the *Brady* rule convinced Longstaff that Niccum was entitled to a new trial.²⁵⁵ The district court judge

nice."").

244. *Id.*

245. *Id.* at 187–88 ("Finding no one in the outer area of the store, Niccum entered the back room where he found Logsdon standing over Ms. Boothe's body. Logsdon had Niccum's sap in one hand, a broken golf club in the other, and Niccum's gun in his pocket. Niccum testified that he then reached over and grabbed his gun from Logsdon, who at this point was mumbling incoherently and moving aimlessly about the room.").

246. *Id.*

247. *Id.*

248. *State v. Niccum*, 190 N.W.2d 815, 829 (Iowa 1971).

249. *Scurr*, 620 F.2d at 186.

250. *Id.* at 187; Gritzner Interview, *supra* note 2.

251. *Scurr*, 620 F.2d at 189 ("Hammond was not ruled out as the state's primary suspect until after defendant Niccum had been taken into custody.").

252. Gritzner Interview, *supra* note 2.

253. *Id.*; *Brady v. Maryland*, 373 U.S. 83, 90–91 (1963).

254. *Brady*, 373 U.S. at 87.

255. Gritzner Interview, *supra* note 2.

agreed with Longstaff and ordered a new trial, a ruling that the Eighth Circuit affirmed.²⁵⁶

The federal developments in the Niccum case came 12 years after the Boothe murder. In the intervening years, the Polk County clerk of court had thrown out all of the evidence from the 1969 murder trial.²⁵⁷ With the evidence lost forever, the Polk County attorney's office reached a plea deal with Niccum, which led to his early release from prison.²⁵⁸ In July 1987 the Iowa Board of Parole granted Niccum's release from prison.²⁵⁹ Although Longstaff had recommended a new trial for Niccum, he also believed "there was certainly sufficient grounds to convict him" on retrial absent the loss of evidence.²⁶⁰ But as a judge, Longstaff's job was to follow the law, regardless of his personal feelings on the matter.

V. ARTICLE III JUDGE

A few years later, the Niccum case would nearly prevent Longstaff from becoming an Article III judge. In 1991 President George H. W. Bush nominated Longstaff to serve as a U.S. district court judge for the Southern District of Iowa.²⁶¹ As he awaited his confirmation hearing, opponents of his nomination alerted the Justice Department to his role in the Niccum case.²⁶² As he later explained, "[T]hey were finalizing the process, and all of a sudden I get this call from Justice, and it essentially was, 'What the hell did you do in the Niccum case?'"²⁶³ The concern, he related, was that some people feared he would "let all of the murderers out of the Fort Madison prison."²⁶⁴

But after further inquiry revealed that the Eighth Circuit agreed with Longstaff's opinion in the Niccum case, the Justice Department's concerns lifted.²⁶⁵ He would have one final scare, though. During his confirmation hearing, the committee chair asked, "[A]re there any objections to Mr.

256. *Scurr*, 620 F.2d at 191.

257. Paul Leavitt, *O'Brien Orders New Trial in Murder Case*, DES MOINES REG., May 17, 1979, at 13A; Gritzner Interview, *supra* note 2.

258. Gritzner Interview, *supra* note 2.

259. William Petroski, *Man Who Clubbed Teen to Death Freed: Inmate Served 18 Years in '68 Slaying*, DES MOINES REG., July 3, 1987, at 1A.

260. Gritzner Interview, *supra* note 2.

261. Gritzner Memo., *supra* note 86, at 22.

262. Gritzner Interview, *supra* note 2.

263. *Id.*

264. *Id.*

265. *Id.*; *Scurr v. Niccum*, 620 F.2d 186, 191 (8th Cir. 1980).

Longstaff's nomination?"²⁶⁶ Suddenly, a voice called out, "I object. I don't think this man deserves to be a federal judge."²⁶⁷ Turning to see who objected to his nomination, he discovered it was Senator Robert Dole of Kansas, one of the most powerful members of the United States Senate.²⁶⁸ When asked the basis of his objection, Dole explained, "Well, obviously, he left Kansas and went to Iowa. I don't think the man has the judgment to be a federal judge."²⁶⁹ In response, Iowa Senator Charles Grassley—a staunch Longstaff supporter—reminded Dole of his victory in the 1988 Iowa presidential caucuses. "I thought you liked Iowans," Grassley quipped.²⁷⁰ With his droll sense of humor vindicated, Dole announced, "Well, second thought, if he had to leave Kansas I can't think of a better state to go to. I withdraw my objection."²⁷¹ Longstaff and his wife Norma later took a picture with Dole and Grassley to memorialize the moment.²⁷² The Senate voted to confirm the nomination on October 31, 1991.²⁷³

After years of serving as a magistrate judge, Longstaff knew precisely how he wanted to approach service as an Article III judge.²⁷⁴ Judges, he believed, should "come to the courthouse feeling good and with a very positive attitude about life and your job."²⁷⁵ He would do exactly that, making the most of the extraordinary opportunity before him. During his years as an Article III judge, he presided over a diverse range of cases, including federal constitutional and statutory cases, diversity cases arising under state law, and administrative appeals.²⁷⁶ Regardless of the subject matter, he was keenly aware that the cases were extremely important to the litigants before him.²⁷⁷ Years of experience as a magistrate had taught him to treat every litigant with "patience and courtesy" and to come to court "well prepared" for every case.²⁷⁸ He would live by those principles

266. Mar. 2018 Interview, *supra* note 4.

267. *Id.*

268. *Id.*

269. *Id.*

270. *Id.*

271. *Id.*

272. *Id.*

273. Longstaff, Ronald Earl, FED. JUD. CTR., fjc.gov/history/judges/longstaff-ronald-earl (last visited June 11, 2018).

274. Gritzner Interview, *supra* note 2.

275. *Id.*

276. *Id.*

277. *Id.*

278. *Id.*

throughout his tenure as a district court judge.

A. Jurisdictional Issues

One of Judge Longstaff's central responsibilities on the district court was to rule on fundamental jurisdictional issues. Unlike state courts, federal courts possess quite limited subject matter jurisdiction. Only cases that qualify under Article III—such as federal question or diversity jurisdiction cases—may be heard by United States district courts.²⁷⁹ In addition, the Due Process Clause as well as Rule 4(k) of the Federal Rules of Civil Procedure place limits on the power of federal courts to exercise personal jurisdiction over out-of-state litigants.²⁸⁰

Accordingly, Longstaff frequently heard jurisdictional disputes. Some involved defendants from as far away as Asia. For example, in *Sauer, Inc. v. Kanzaki Kokyukoko Manufacturing Company*, Longstaff dismissed a patent infringement claim because the record showed the defendant manufacturer's contacts with Iowa were insufficient to support the court's assertion of personal jurisdiction.²⁸¹ The plaintiff, Sauer, Inc., was a corporation with its headquarters office in Ames, Iowa, whereas the defendant was a parts manufacturer in Hyogo, Japan.²⁸² The plaintiff claimed the Japanese corporation had infringed the Iowa company's patent on a type of transaxle used in John Deere tractors.²⁸³ Although Iowa offered a convenient forum for Sauer, the plaintiff's decision to file suit in its home state ran afoul of both the Due Process Clause and Iowa's long arm statute.²⁸⁴ Kanzaki, the Japanese company, did not have offices in Iowa and did not do business in the state.²⁸⁵ Although the company's representatives had visited Iowa four times in 1987 and 1988 to discuss a potential joint venture with Sauer's predecessor company, the contacts predated Sauer's patent.²⁸⁶ Longstaff concluded, therefore, that "Kanzaki could not reasonably have anticipated in 1987 and 1988 . . . that its actions would cause it to be haled into an Iowa court to defend a patent infringement action, when the patents were not

279. 28 U.S.C. §§ 1331–1332 (2012).

280. FED. R. CIV. P. 4(k).

281. *Sauer, Inc. v. Kanzaki Kokyukoki Mfg. Co.*, 853 F. Supp. 1106, 1108 (S.D. Iowa 1994).

282. *Id.* at 1107.

283. *Id.* at 1107–08.

284. *Id.* at 1108–09.

285. *Id.* at 1108.

286. *Id.* at 1108–09.

issued until 1993.”²⁸⁷ He thus granted Kanzaki’s motion to dismiss Sauer’s complaint.²⁸⁸

Pleading disputes also required Judge Longstaff’s attention. Even before the Supreme Court changed the pleading standard in *Ashcroft v. Iqbal*,²⁸⁹ Longstaff heard Rule 12(b)(6) motions to dismiss cases for failing to state a claim upon which relief could be granted. For example, in a case alleging Medicare and Medicaid fraud by providers of air-ambulance services, the plaintiff claimed the defendants converted mileage from nautical miles to statute miles “without the knowledge and consent of the government.”²⁹⁰ The plaintiff further alleged that the defendants padded their mileage claims with “mileage not actually flown.”²⁹¹ Nevertheless, Judge Longstaff granted the defendants’ motion to dismiss because he concluded the complaint was insufficiently pled under both Rule 9(b), which sets the requirements for pleading fraud, and Rule 12(b)(6).²⁹² As he explained, the complaint failed the particularity requirement of Rule 9(b) because it did not identify the person who allegedly “submitted a particular false claim,” and furthermore it did “not identify any single false claim that any defendant actually submitted to the United States.”²⁹³ The complaint also failed to meet the requirements of Rule 12(b)(6) because it did “not identify any law, regulation, or other source suggesting federal medical programs expected air ambulance mileage claims to be in nautical miles rather than statute miles.”²⁹⁴ In fact, the judge noted, the defendants’ conversion of nautical miles into statute miles was the “standard . . . practice in the industry.”²⁹⁵ He thus ruled that “[a] standard billing practice within an industry could hardly be said to be false, when no controlling authority requires parties to submit claims in nautical rather than statute miles.”²⁹⁶

287. *Id.* at 1109.

288. *Id.*

289. *Ashcroft v. Iqbal*, 556 U.S. 662, 687 (2009).

290. *United States ex rel. Cox v. Iowa Health Sys.*, 29 F. Supp. 2d 1022, 1024 (S.D. Iowa 1998).

291. *Id.*

292. *Id.* at 1025–26.

293. *Id.* at 1025.

294. *Id.* at 1026.

295. *Id.*

296. *Id.*

B. Diversity Jurisdiction

Although he presided over a federal court, Judge Longstaff often ruled on Iowa state law issues in diversity jurisdiction cases.²⁹⁷ For example, when a soybean-oil company sued its bottler in a contract dispute, he granted summary judgment to the defendant on the plaintiff's negligent misrepresentation claim.²⁹⁸ Under Iowa law, he noted, "Only those businesses supplying information, rather than selling and servicing merchandise, are subject to the tort of negligent misrepresentation."²⁹⁹ The record showed the defendant was in "the business of bottling, labeling, and packaging food products" and did not supply information to the plaintiff.³⁰⁰ Accordingly, applying Iowa law, Longstaff ruled in favor of the defendant on the plaintiff's negligent misrepresentation claim.³⁰¹ Likewise, in *Nielsen v. Crane Company*, he granted summary judgment to a company that was sued by a former employee who alleged wrongful termination.³⁰² Under Iowa law, the judge pointed out, "It is well established that at-will employees may be terminated without *any* reason provided a public policy violation is not involved."³⁰³

When cases arose under longstanding state law, the application of the facts to the law was relatively straightforward. But when there was no clear Iowa precedent on point, Judge Longstaff had two options. The first was to certify the issue to the Iowa Supreme Court, which could provide guidance on how the federal court should interpret state law.³⁰⁴ In cases where the state law issue "was really, really complicated," the judge would take advantage of the certification process.³⁰⁵ But he only did so sparingly. The certification process involved a significant delay for the litigants and, moreover, the judge feared giving the Iowa Supreme Court justices a false impression that he viewed them as his law clerks.³⁰⁶

Accordingly, Longstaff often had to determine Iowa law on his own.

297. 28 U.S.C. § 1332 (2012).

298. *G & H Soybean Oil, Inc. v. Diamond Crystal Specialty Foods, Inc.*, 796 F. Supp. 1214, 1219 (S.D. Iowa 1992).

299. *Id.* at 1218.

300. *Id.*

301. *Id.* at 1219.

302. *Nielsen v. Crane Co.*, 809 F. Supp. 699, 701, 704 (S.D. Iowa 1992).

303. *Id.* at 704.

304. Aug. 2017 Interview, *supra* note 1.

305. *Id.*

306. *Id.*

For example, in *Weber v. State Farm Mutual Insurance Company*, he heard a case that raised an Iowa insurance law issue of first impression.³⁰⁷ In 1988 the Weber family was involved in a devastating head-on collision.³⁰⁸ The accident killed Richard and Mary Weber, as well as their nine-year-old son, and injured their two other children, a 17-year-old daughter and a 13-year-old son.³⁰⁹ Although the Webers' insurance carrier, State Farm, knew that uninsured motorist coverage existed under the Weber automobile policy, the carrier failed to share that information with Edith Kelly, the grandmother and guardian of the surviving Weber children, or other relatives of the Weber family.³¹⁰ When the family's attorney belatedly learned that Iowa law required uninsured motorist coverage in automobile policies,³¹¹ he filed a bad faith claim on the Weber family's behalf alleging that the insurance carrier breached its duty of good faith by failing to inform them of the coverage under their uninsured motorist policy.³¹² In response, State Farm argued that while there was no doubt that the Weber children "were entitled to uninsured motorist coverage benefits under the insurance policy," carriers "owed no duty to explain the law to the insureds' attorney."³¹³

No Iowa court had ever ruled on the issue, which meant that Judge Longstaff would have to rely solely on his own judgment.³¹⁴ The key question in the case was whether an adversarial relationship existed between the policyholders and the insurance company at the time of the carrier's failure to disclose coverage.³¹⁵ After reviewing all the evidence, Longstaff

307. *Weber v. State Farm Mut. Auto. Ins. Co.*, 873 F. Supp. 201, 201 (S.D. Iowa 1994).

308. *Id.* at 202.

309. *Id.*

310. *Id.* at 203 ("Logan did not inform Todd that coverage existed under the uninsured motorist provision of the policy, even though Logan knew that Iowa case law required this coverage. . . . Logan admits that there was never any doubt that the uninsured motorist coverage applied to the Weber claim."), 205 ("State Farm made no attempt to inform the Webers or the attorneys about the uninsured motorist coverage under the policy.").

311. *Id.* at 203 (citing *Rodman v. State Farm Mut. Auto. Ins. Co.*, 208 N.W.2d 903 (Iowa 1973)).

312. *Id.* at 204.

313. *Id.* at 205.

314. *Id.* at 206 ("There are no Iowa cases directly on point to determine whether the insurance company's duty to disclose coverage to an insured changes when the insured has hired an attorney.").

315. *Id.* ("[E]xamination of the Iowa case law involving claims against the insurance company for false or negligent misrepresentations indicates that an important factor is

determined that “no adversarial relationship existed between the insureds and the insurance company” on the day that the Webers’ attorney first met with State Farm after the accident.³¹⁶ The judge thus concluded that “under the circumstances of this case, the defendant was under a duty to exercise reasonable care to disclose the uninsured motorist coverage.”³¹⁷

The lack of guidance provided by state law in the *Weber* case was relatively unusual. In many cases heard by Judge Longstaff, Iowa law provided much clearer direction. For example, in *Born v. Blockbuster Videos, Inc.*, two terminated employees of Blockbuster filed a wrongful discharge claim alleging their firings violated their right to freedom of association and their right to privacy under the Iowa constitution.³¹⁸ In response, Blockbuster argued that the firings were justified because the plaintiffs had violated the company policy that prohibited store supervisors from dating employees.³¹⁹ The judge granted the defendant’s motion to dismiss, observing that the freedom of speech and association provisions of the state and federal constitutions “do not apply to alleged restrictions imposed by private parties.”³²⁰ The law, he explained, “prohibits governmental restrictions on free speech and association” not “private limitations on free speech or association.”³²¹ In short, he concluded, “[T]he state and federal constitutional provisions which expressly protect an individual’s privacy interests apply to state action only.”³²²

He also heard cases that raised both federal and state law issues. In a 1996 case, a farm family sued a pesticide manufacturer on product liability and contract claims.³²³ The family claimed the defendant’s pesticide, Dyfonate, failed to control rootworm, resulting in large losses to the family’s corn crop.³²⁴ In support of their state claims, the family argued the pesticide labels failed to comply with federal law.³²⁵ Judge Longstaff, however,

whether an adversarial relationship existed between the insured and the insurance company at the time of the alleged misrepresentation.”).

316. *Id.*

317. *Id.* at 209.

318. *Born v. Blockbuster Videos, Inc.*, 941 F. Supp. 868, 869 (S.D. Iowa 1996).

319. *Id.*

320. *Id.* at 870.

321. *Id.*

322. *Id.*

323. *Bruce v. ICI Americas, Inc.*, 933 F. Supp. 781, 783 (S.D. Iowa 1996).

324. *Id.* at 785.

325. *Id.* at 786.

granted summary judgment to the pesticide manufacturer.³²⁶ In the judge's view, federal law preempted the family's claim that the product was mislabeled,³²⁷ and state law did not give the family a right to sue where the product included clear and conspicuous disclaimers of liability.³²⁸

C. Federal Claims

Naturally, however, federal law consumed much of Longstaff's time on the bench. For example, in *Goodwin v. United States*, a Des Moines pastor and his wife sought a tax refund from the Internal Revenue Service.³²⁹ The dispute arose from the congregation's practice of giving the couple additional financial gifts over and above the pastor's salary, which the congregation deemed "special occasion gifts" such as on birthdays and anniversaries.³³⁰ The special gifts nearly equaled and sometimes exceeded the pastor's annual salary.³³¹ When an IRS audit concluded that the gifts actually constituted a form of income from the church, the pastor and his wife paid a tax deficiency of \$13,918 plus interest.³³² However, after paying the tax, the couple sought reimbursement on grounds that the financial transfers constituted small gifts made individually by each congregation member and thus should not have been viewed as part of the pastor's overall compensation from the church.³³³

Judge Longstaff ruled for the IRS.³³⁴ He determined that "these transfers were not individual gifts," but instead "were initiated, sponsored, collected and distributed by the congregation as an aggregate body."³³⁵ Before each financial transfer occurred, the associate pastor announced to the congregation that he would "be collecting money for the 'special occasion' gift."³³⁶ The transfers, therefore, were not akin to "an individual who chooses to send the pastor and his wife ten dollars on a birthday or

326. *Id.* at 792.

327. *Id.* at 786–87.

328. *Id.* at 791.

329. *Goodwin v. United States*, 870 F. Supp. 265, 266 (S.D. Iowa 1994).

330. *Id.*

331. *Id.* at 267.

332. *Id.* at 266.

333. *Id.*

334. *Id.* at 268.

335. *Id.*

336. *Id.* at 266.

during the Christmas season.”³³⁷ They were instead a systematic form of additional compensation for the pastor.³³⁸ Citing precedent from the tax court,³³⁹ the judge concluded that although the congregation made the transfers because “it loved and wanted to show its affection to its pastor,” the transfers nonetheless constituted an effort “to increase the compensation” to the pastor and his wife and thus “hinged” on the pastor’s “relationship with his congregation.”³⁴⁰ Having determined that the transfers constituted “taxable income,” the judge granted summary judgment to the IRS.³⁴¹

Like the *Goodwin* case, many of Longstaff’s rulings involved motions for summary judgment. Under Rule 56 of the Federal Rules of Civil Procedure, a party may ask the court to enter judgment before trial on grounds that “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”³⁴² The Supreme Court’s case law, however, left somewhat vague the exact standard for summary judgment. As Judge Longstaff noted, “[t]he quantum of proof that the nonmoving party must produce” was “not precisely measurable” under existing Supreme Court precedents.³⁴³ It was therefore up to individual district court judges to decide what constituted a genuine dispute as to a material fact.

In 2003, for example, the judge heard a wrongful termination claim brought by a fired Wapello County employee.³⁴⁴ In *Shepard v. Wapello County*, a former county corrections officer brought § 1983 and state law claims alleging he had been fired in retaliation for investigating alleged misconduct within the sheriff’s department.³⁴⁵ In response, the county sheriff argued the plaintiff was fired because of his “profane and belligerent attitude,” not because of his investigation into alleged misconduct.³⁴⁶ In denying the defendants’ motion for summary judgment,³⁴⁷ the judge

337. *Id.* at 268.

338. *Id.*

339. *Banks v. Comm’r*, 62 T.C.M. (CCH) 1611 (1991).

340. *Goodwin*, 870 F. Supp. at 268.

341. *Id.*

342. FED. R. CIV. P. 56.

343. *Scarpino v. Grosshiem*, 852 F. Supp. 798, 800 (S.D. Iowa 1994).

344. *Shepard v. Wapello County*, 250 F. Supp. 2d 1112, 1114 (S.D. Iowa 2003).

345. *Id.* at 1114–15.

346. *Id.* at 1117.

347. *Id.* at 1120.

concluded that the plaintiff had produced sufficient evidence of a potentially retaliatory motive for the firing to merit a trial on the issue.³⁴⁸ In particular, the record showed that, before firing the plaintiff, the sheriff warned him to “drop” the misconduct investigation.³⁴⁹ Equally important, the sheriff had conceded his “first ‘area of dissatisfaction’” with the corrections officer was the misconduct investigation.³⁵⁰ Longstaff thus concluded that the “plaintiff has sufficient evidence to create a material issue of fact as to whether his investigation” into the alleged wrongdoing had prompted his firing.³⁵¹

Many summary judgment motions required Longstaff to interpret and apply federal antidiscrimination statutes.³⁵² In *Krauel v. Iowa Methodist Medical Center*, a respiratory therapist sued her employer, Iowa Methodist Medical Center, for refusing to pay for her infertility treatments.³⁵³ Claiming that infertility constituted a disability, the plaintiff contended that her employer’s refusal to pay for treatments violated the Americans with Disabilities Act (ADA) and the Pregnancy Discrimination Act.³⁵⁴ Longstaff disagreed. He noted that the ADA’s definition of “disability” did not cover infertility³⁵⁵ and the PDA’s prohibition on gender-based discrimination did not extend to infertility.³⁵⁶ “Infertility,” he explained, “unlike pregnancy or childbirth, is not a medical condition that is sex-related because both men and women can be infertile.”³⁵⁷ He thus granted summary judgment to the medical center.³⁵⁸

Ambiguities in federal laws often gave rise to cases in Judge Longstaff’s courtroom. In applying ambiguous federal statutes, the judge relied heavily on the Supreme Court’s *Chevron* doctrine.³⁵⁹ In *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, the Supreme Court held:

348. *Id.* at 1119.

349. *Id.* at 1117.

350. *Id.*

351. *Id.* at 1117 (state law wrongful discharge claim), 1119 (1983 federal law claims).

352. *Krauel v. Iowa Methodist Med. Ctr.*, 915 F. Supp. 102, 102 (S.D. Iowa 1995).

353. *Id.* at 105.

354. *Id.* at 105, 112.

355. *Id.* at 111.

356. *Id.* at 112.

357. *Id.*

358. *Id.* at 115.

359. *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 843–44 (1984).

If Congress has explicitly left a gap for the agency to fill, there is an express delegation of authority to the agency to elucidate a specific provision of the statute by regulation. . . . [A] court may not substitute its own construction of a statutory provision for a reasonable interpretation made by the administrator of an agency.³⁶⁰

The *Chevron* doctrine thus directed trial courts to defer to federal agencies' reasonable interpretations of congressional statutes. Longstaff strictly followed that directive. For example, in *Champion v. Shalala*, a group of plaintiffs brought a class action demanding that the government account for inflation in determining eligibility for the Aid to Families with Dependent Children (AFDC) program.³⁶¹ The case arose from a 1981 amendment to the AFDC program in which Congress directed the Secretary of Health and Human Services to set a limit on the amount of equity claimants could have in their privately-owned automobiles in order to qualify for AFDC.³⁶² The Secretary chose a limit of \$1,500 and did not index it to inflation.³⁶³ The plaintiffs argued that the Secretary's failure to raise the limit to account for inflation was unreasonable and arbitrary.³⁶⁴

Applying the *Chevron* doctrine, Longstaff sided with the Government. He explained that "as long as the regulation reflects a reasonable interpretation of its enabling statute, this Court must defer to Congress to clear up any inconsistencies."³⁶⁵ Longstaff also took the opportunity to make a broader point about the proper role of judges. Making clear that he sympathized with the plaintiffs, he pointed out that "[t]he fact this Court does not find the actions of the Secretary to be arbitrary and capricious does not mean this Court supports maintaining the status quo."³⁶⁶ But it was not the court's job to override legislative determinations. As he explained, "[T]he courts cannot remedy every social issue. Judicial activism erodes the legislative process, because it tends to relieve legislators from accountability for social reconstruction and constitutional propriety."³⁶⁷

Federal labor law controversies also came before Judge Longstaff. In

360. *Id.*

361. *Champion v. Shalala*, 845 F. Supp. 1332, 1335 (S.D. Iowa 1993).

362. *Id.* at 1334 ("The Statute specifically left to the Secretary the determination of an automobile equity limitation.").

363. *Id.*

364. *Id.* at 1335.

365. *Id.* at 1336.

366. *Id.* at 1337.

367. *Id.*

Iowa Mold Tooling Co. v. Teamsters Local Union No. 828, a company locked in a labor dispute with the local Teamsters Union asked the judge to overturn a portion of an arbitrator's award in favor of the union.³⁶⁸ The arbitrator had ordered the company to reinstate the striking workers, even if doing so required dismissing newly hired, nonstriking workers.³⁶⁹ The arbitrator's action directly contradicted U.S. Supreme Court precedent in the case of *Trans World Airlines, Inc., v. Independent Federation of Flight Attendants*.³⁷⁰ Although Judge Longstaff acknowledged that "[c]ourts are reluctant to reverse arbitration awards,"³⁷¹ he emphasized that the arbitrator was not free to dispense "his own brand of industrial justice."³⁷² Accordingly, the judge reversed the arbitration award because "[t]he mere fact" that the arbitrator "*disagrees* with Supreme Court precedent does not relieve the arbitrator from his duty to abide by it."³⁷³

But no area of litigation required more rulings from the judge than evidentiary disputes, particularly in criminal cases. For example, in a 2004 case heard by Judge Longstaff, a defendant moved to suppress evidence of cocaine found in his vehicle by an Iowa state trooper during a traffic stop on Interstate 80.³⁷⁴ The reason for the stop was the fact that the defendant's BMW lacked a front license plate.³⁷⁵ During the stop, while the defendant was sitting in the trooper's patrol car, the trooper asked the defendant where he and his female passenger (who remained in the BMW) were going.³⁷⁶ The defendant told the trooper that the passenger was his fiancé and they were driving to Chicago from California to tell her parents about their engagement.³⁷⁷ The trooper then separately asked the passenger where she and the defendant were going.³⁷⁸ She said they were going to Chicago for no

368. *Iowa Mold Tooling Co. v. Teamsters Local Union No. 828*, 847 F. Supp. 125, 127 (S.D. Iowa 1993).

369. *Id.*

370. *Id.* (citing *Trans World Airlines, Inc. v. Indep. Fed'n of Flight Attendants*, 489 U.S. 426 (1989)).

371. *Id.* at 128.

372. *Id.* (quoting *United Steelworkers of Am. v. Enterprise Wheel & Car Corp.*, 363 U.S. 593, 597 (1960)).

373. *Id.* at 129.

374. *United States v. Gaxiola*, 317 F. Supp. 2d 980, 981–82 (S.D. Iowa 2004).

375. *Id.* at 981.

376. *Id.*

377. *Id.*

378. *Id.*

special reason, other than to visit her aunt.³⁷⁹ She made no mention of the engagement, and she also said her parents lived in California, not Chicago.³⁸⁰ In light of the contradictory statements, the trooper asked for permission to search the BMW, and the defendant consented.³⁸¹ The search turned up 88 pounds of cocaine.³⁸²

At trial the defendant argued that the search was unlawful because the trooper's questioning was unrelated to the circumstances of the traffic stop.³⁸³ Judge Longstaff, however, denied the motion to suppress. He pointed out that the trooper's "initial questioning of defendant was limited to a valid line of inquiry . . . and did not materially extend the length or scope of the traffic stop."³⁸⁴ In his view, the "conflicting responses" given by the car's occupants gave the trooper "justification for a greater intrusion unrelated to the traffic stop."³⁸⁵ The detention was thus lawful and the defendant's consent to the subsequent search was voluntary.³⁸⁶

A few of the cases that came before the judge were off the wall. In a 1996 case, a husband and wife sought a declaration that they were "sovereigns" exempt from the requirement of paying federal taxes.³⁸⁷ The judge dismissed the couple's complaint, finding it frivolous and barred by "established procedure."³⁸⁸ He pointed out that the plaintiffs' "request for an acknowledgement from this Court that they are 'sovereigns,' and thus, exempt from federal taxation is in actuality a request for a declaratory judgment."³⁸⁹ However, as he noted, the Declaratory Judgment Act "specifically bars actions involving federal taxation."³⁹⁰ Accordingly, he dismissed the plaintiffs' claims.³⁹¹

379. *Id.* at 982, 983.

380. *Id.* at 982.

381. *Id.*

382. *Id.*

383. *Id.*

384. *Id.* at 983.

385. *Id.*

386. *Id.*

387. *Miller v. United States*, 969 F. Supp. 524, 525 (S.D. Iowa 1996).

388. *Id.*

389. *Id.*

390. *Id.*

391. *Id.*

D. Administrative Appeals

A large share of the cases Longstaff heard involved administrative appeals by applicants for Social Security and supplemental security income benefits. The judge's role in such appeals was to ensure the administrative agency had substantial evidence to support its findings.³⁹² For example, in *Soth v. Shalala*, Judge Longstaff reversed the Social Security Administration's denial of disability insurance benefits and remanded for further proceedings.³⁹³ The problem, he explained, was that the administrative law judge (ALJ) who denied the plaintiff's application for benefits lacked sufficient medical evidence to conclude that the plaintiff was capable of working in jobs that demanded more than just light or sedentary work.³⁹⁴ As the judge explained, "It is the duty of the ALJ to develop the record fully and fairly."³⁹⁵ In ruling for the plaintiff, Longstaff directed the ALJ to hear further medical evidence from qualified physicians as to the precise nature of the plaintiff's work limitations.³⁹⁶

Similarly, in *Luther v. Chater*, Longstaff reversed a denial of Social Security benefits to a claimant where the ALJ failed to adequately develop the record.³⁹⁷ Although the plaintiff in *Luther* had a documented history of coronary artery disease, type II diabetes, and various other ailments, the ALJ concluded the plaintiff was nevertheless capable of engaging in work, including work as a hand packager or production assembler.³⁹⁸ But in reaching that conclusion, the ALJ relied on the testimony of a physician who did not personally examine the plaintiff or consult other physicians who had examined the plaintiff.³⁹⁹ Accordingly, Judge Longstaff concluded that the ALJ did not "fully and fairly develop the record."⁴⁰⁰ He remanded the case and directed the ALJ to "determine whether it is necessary to order a medical examination or obtain additional information" concerning the plaintiff's medical ailments before rendering a decision on the plaintiff's

392. *Murphy v. Callahan*, 977 F. Supp. 1382, 1384 (S.D. Iowa 1997) ("The issue in this case is whether substantial evidence in the record as a whole supports the ALJ's conclusion that plaintiff was not disabled . . .").

393. *Soth v. Shalala*, 827 F. Supp. 1415, 1418 (S.D. Iowa 1993).

394. *Id.* at 1417.

395. *Id.* at 1418 (citing *Delrosa v. Sullivan*, 922 F.2d 480, 485 (8th Cir. 1991)).

396. *Id.* at 1419.

397. *Luther v. Chater*, 938 F. Supp. 538, 542 (S.D. Iowa 1996).

398. *Id.* at 539-40.

399. *Id.* at 541.

400. *Id.*

disability claim.⁴⁰¹

In *Carraher v. Sullivan*, the plaintiff was a 50-year-old woman who suffered from cirrhosis, diabetes, degenerative arthritis, and severe pain that left her physically disabled.⁴⁰² When she applied for supplemental security income from the federal government, the Department of Health and Human Services denied her claim, and an ALJ affirmed the denial.⁴⁰³ Judge Longstaff reversed the denial of benefits, pointing out that a treating physician had testified to the plaintiff's physical disabilities and a vocational expert concluded she was incapable of performing any kind of work.⁴⁰⁴ The judge concluded that "the total record is so overwhelmingly in support of a finding of disability that remand for further findings is not necessary."⁴⁰⁵ He ordered the Department to award benefits to the plaintiff immediately.⁴⁰⁶

Sometimes the administrative law judges applied the wrong legal standard.⁴⁰⁷ In *Leigh v. Shalala*, the plaintiff filed a disability claim based on her bilateral hearing loss and speech impediment, among other impairments.⁴⁰⁸ The ALJ determined that the plaintiff's impairments did not constitute a disability as defined by the Social Security Act.⁴⁰⁹ Under the ALJ's interpretation of the statute, the plaintiff could only recover if she proved she was "unable, by any means, to produce speech which can be heard, understood, and sustained."⁴¹⁰ The ALJ thus believed the plaintiff was healthy enough to return to her previous job as a cafeteria worker because she was capable of speech.⁴¹¹ Longstaff disagreed. Crucial in his mind was the fact that the speech pathologist who evaluated the plaintiff found her "head jerks, eye blinks . . . and shoulder movement" to be a "severe impairment" that rendered her functionally incapable of

401. *Id.* at 542.

402. *Carraher v. Sullivan*, 796 F. Supp. 1207, 1209–10 (S.D. Iowa 1992).

403. *Id.* at 1209.

404. *Id.* at 1211 ("Dr. Twyner reported that Carraher could not stand longer than 20 minutes, that she tires after one block of walking, that she must use a cane 100% of the time . . ."), 1213 ("[T]he vocational expert was asked what jobs would be available if claimant was limited by the restrictions as described in her testimony. His response was that there would be no jobs available in the economy for such a person.").

405. *Id.* at 1213.

406. *Id.*

407. *Leigh v. Shalala*, 870 F. Supp. 921, 921 (S.D. Iowa 1994).

408. *Id.* at 923.

409. *Id.* at 922.

410. *Id.* at 923.

411. *Id.*

communicating in the workplace.⁴¹² In the judge's view, the speech pathologist's conclusions met the statute's definition of disability, and thus the claimant was entitled to disability benefits.⁴¹³

In *Edleman v. Shalala*, Judge Longstaff reversed the Government's denial of Social Security disability benefits to a plaintiff who suffered from bipolar affective disorder and personality disorder.⁴¹⁴ The ALJ denied benefits on grounds that medication would make it possible for the plaintiff to return to the work force.⁴¹⁵ But the ALJ's conclusion mystified Judge Longstaff. After a close review of the plaintiff's medical file, the judge pointed out that Dr. Steven Chang, the treating physician, concluded that medication would not sufficiently improve the plaintiff's condition.⁴¹⁶ Moreover, Chang's diagnosis was consistent with all the other treating physicians, who likewise determined that medication would not relieve the plaintiff's "neurochemical imbalance."⁴¹⁷ The doctors who treated the plaintiff thus unanimously agreed that it was "completely impossible for him to work in any capacity."⁴¹⁸ After meticulously examining the record, the judge concluded that it was clear "error for the ALJ to have discredited the treating physician's opinions."⁴¹⁹

As the *Edleman* case demonstrated, Judge Longstaff took administrative appeals extremely seriously and closely scrutinized all the pertinent medical records and findings of fact. For example, in one case he overturned an ALJ's denial of benefits because the ALJ had misread a doctor's report regarding the claimant's symptoms.⁴²⁰ In another case, he concluded the ALJ had mistakenly relied on a vocational expert whose testimony conflicted with the *Dictionary of Occupational Titles*.⁴²¹ Similarly, in a case involving a claimant with a severe back injury, Judge Longstaff ordered the ALJ to probe more deeply into the patient's medical record before discounting the testimony of the treating physician.⁴²²

412. *Id.* at 924.

413. *Id.*

414. *Edleman v. Shalala*, 845 F. Supp. 1337, 1342 (S.D. Iowa 1994).

415. *Id.* at 1338–39.

416. *Id.* at 1340.

417. *Id.* at 1341.

418. *Id.*

419. *Id.*

420. *Murphy v. Callahan*, 977 F. Supp. 1382, 1385 (S.D. Iowa 1997).

421. *Metcalf v. Callahan*, 976 F. Supp. 825, 829 (S.D. Iowa 1997).

422. *Runnells v. Apfel*, 989 F. Supp. 1009, 1011 (S.D. Iowa 1997).

To be sure, not all claimants found success in Longstaff's courtroom.⁴²³ In *Berry v. Callahan*, for example, he upheld the Government's denial of benefits to a 36-year-old man who claimed he could not walk or stand for more than 20 minutes because of back and ankle pain.⁴²⁴ The record showed no evidence of any medical diagnosis preventing the plaintiff from walking or standing in a workplace environment.⁴²⁵ In fact, during the administrative hearing, the plaintiff had testified that he was able to go fishing and do light work around the home.⁴²⁶ In light of the plaintiff's own testimony and medical record, the judge affirmed the ALJ's ruling.⁴²⁷

Likewise, in *Helms ex rel. Daniels v. Apfel*, the judge upheld the denial of income benefits to a child diagnosed with attention deficit disorder and a mild learning disability.⁴²⁸ Under federal law, a child could be eligible for supplemental security income benefits if the child had "a medically determinable physical or mental impairment, which results in *marked and severe functional limitations*, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months."⁴²⁹ But in the case before Judge Longstaff, the family physician had determined the child was not disabled, and furthermore a clinical psychologist who treated the child concluded her intellectual development "was within 'the average range for her age.'"⁴³⁰ Citing the expert testimony, the judge ruled that the ALJ's conclusion was supported by "substantial evidence in the record."⁴³¹

E. *Environmental Litigation*

No legal controversies in Judge Longstaff's courtroom had a bigger impact on the Des Moines metropolitan area than two major environmental cases he presided over.⁴³² The first involved a toxic waste spill in downtown Des Moines. In the 1970s the Environmental Protection Agency (EPA)

423. *Jones v. Shalala*, 887 F. Supp. 210, 210 (S.D. Iowa 1995).

424. *Berry v. Callahan*, 978 F. Supp. 1242, 1245 (S.D. Iowa 1997).

425. *Id.*

426. *Id.*

427. *Id.* at 1247.

428. *Helms ex rel. Daniels v. Apfel*, 33 F. Supp. 2d 1113, 1116 (S.D. Iowa 1998).

429. *Id.* at 1115–16; 42 U.S.C. § 1382c(a)(3)(C)(i) (1997).

430. *Helms ex rel. Daniels*, 33 F. Supp. 2d at 1115–16.

431. *Id.* at 1116.

432. *United States v. Dico, Inc.*, 979 F. Supp. 1255, 1255 (S.D. Iowa 1997), *vacated*, 136 F.3d 572 (8th Cir. 1998).

discovered that the chemical trichloroethane (TCE) had contaminated the Des Moines water supply as well as 200 acres in the southwest section of downtown.⁴³³ After investigating the matter, the EPA determined that sole responsibility for the contamination rested with Dico, Inc., an industrial manufacturing company.⁴³⁴ Although Dico admitted responsibility for some of the contamination, it insisted other sources played a role as well, including a local landfill, a water treatment disposal pit, and an old aircraft manufacturing plant.⁴³⁵ Dico argued, therefore, that it should not be responsible for paying all the response costs.⁴³⁶

Judge Longstaff disagreed, citing the overwhelming evidence in support of the EPA's findings.⁴³⁷ Moreover, he noted, "[T]he record not only lacks evidence by which to quantify other parties' liability, but also lacks evidence to confirm that releases did in fact occur from other facilities."⁴³⁸ Accordingly, he granted summary judgment to the EPA and awarded it \$4.37 million in damages.⁴³⁹ The Eighth Circuit, however, would later reverse the grant of summary judgment and remand the case for trial.⁴⁴⁰

When the Dico case returned to Longstaff's courtroom,⁴⁴¹ Dico argued the Government had violated its due process rights and seized its property without just compensation.⁴⁴² Judge Longstaff granted the Government's motion to strike Dico's affirmative defenses on grounds that Eighth Circuit precedent barred defendants like Dico from raising the Fifth Amendment as a defense in environmental contamination cases.⁴⁴³ The controlling case was *United States v. Northeastern Pharmaceutical & Chemical Co. (NEPACCO)*,⁴⁴⁴ in which the Eighth Circuit held there was no taking or due process violation under the Fifth Amendment when the government ordered polluters to pay for hazardous waste clean-up. As the "state of the law" regarding Dico's Fifth Amendment affirmative defenses was "settled in this

433. *Id.* at 1257.

434. *Id.*

435. *Id.* at 1257-58.

436. *Id.* at 1257.

437. *Id.* at 1261.

438. *Id.*

439. *Id.* at 1262, 1264.

440. *United States v. Dico, Inc.*, 136 F.3d 572, 580 (8th Cir. 1998).

441. *United States v. Dico, Inc.*, 189 F.R.D. 536, 536 (S.D. Iowa 1999).

442. *Id.* at 537.

443. *Id.*

444. *United States v. Ne. Pharm. & Chem. Co.*, 810 F.2d 726 (8th Cir. 1986).

circuit,” Judge Longstaff ruled that Dico’s affirmative defenses were “without merit.”⁴⁴⁵ He also advised Dico’s lawyers “to reread the *NEPACCO* decision.”⁴⁴⁶ At trial, the EPA won a judgment of \$4.1 million in damages, which the Eighth Circuit affirmed on appeal.⁴⁴⁷

A dispute over Iowa’s largest shopping mall development gave rise to another major environmental case to come before Judge Longstaff.⁴⁴⁸ In 2002 a diverse group of plaintiffs—including Valley West Mall, the nonprofit organization 1000 Friends of Iowa, and a number of private citizens—filed suit to block three highway interchange projects at the proposed West Des Moines site of a new super-regional mall called Jordan Creek Town Center.⁴⁴⁹ The Federal Highway Administration approved the interchange projects after concluding that they would have “No Significant Impact” on the environment.⁴⁵⁰ In response, the plaintiffs claimed that, during the approval process, the city of West Des Moines and the U.S. Department of Transportation had improperly blocked an environmental impact study of the interchange projects.⁴⁵¹ The plaintiffs further alleged that the state’s environmental assessment report not only failed to comply with the National Environmental Policy Act but also violated the Fourteenth Amendment’s Due Process Clause.⁴⁵²

After hearing the plaintiffs’ arguments, Judge Longstaff denied their motion for a temporary restraining order on the Jordan Creek project.⁴⁵³ As he explained, the public’s interest would not be served by halting construction when the plaintiffs failed to show “actual proof that significant environmental concerns will result from the roadway improvements.”⁴⁵⁴ In likewise denying the plaintiffs’ subsequent request for a preliminary injunction,⁴⁵⁵ he concluded:

445. *Dico, Inc.*, 189 F.R.D. at 544.

446. *Id.* at 543.

447. *United States v. Dico, Inc.*, 266 F.3d 864, 876, 880 (8th Cir. 2001).

448. Complaint for Declaratory and Injunctive Relief ¶¶ 1–85, *One Thousand Friends of Iowa v. Mineta*, 2002 WL 32741572 (S.D. Iowa 2002) (No. 4:02-CV-10168).

449. *Id.*; *One Thousand Friends of Iowa v. Mineta*, 364 F.3d 890, 892 (8th Cir. 2004).

450. Complaint for Declaratory and Injunctive Relief, *supra* note 448, ¶ 6.

451. *Id.*

452. *Id.* ¶¶ 1, 4–5, 8.

453. *One Thousand Friends of Iowa v. Mineta*, No. 4:02-CV-10168, 2002 WL 34414051, at *10 (S.D. Iowa June 7, 2002).

454. *Id.*

455. *One Thousand Friends of Iowa v. Mineta*, 250 F. Supp. 2d 1075, 1087 (S.D. Iowa

[T]he [Federal Highway Administration] did not act arbitrarily, capriciously or in violation of the law by delegating the environmental investigation to the State and City defendants. The administrative record . . . fails to establish that the FHWA had a preconceived opinion regarding the project, or otherwise succumbed to any pressure placed upon it by the other defendants.⁴⁵⁶

When the case finally reached the Eighth Circuit, the highway interchange project was already completed, which rendered the plaintiffs' claims moot.⁴⁵⁷ With the highway interchanges in place, the Jordan Creek Town Center opened in 2004 and currently attracts 20 million visitors a year.⁴⁵⁸

VI. EIGHTH CIRCUIT CASES

A. Longstaff Reversals

The Eighth Circuit regularly upheld Judge Longstaff's rulings. A case in point was the evidence issue in *United States v. Gaxiola*, which arose from an Iowa state trooper's search of a BMW on Interstate 80.⁴⁵⁹ Longstaff denied the defendant's motion to suppress evidence of the 88 pounds of cocaine found in the defendant's BMW.⁴⁶⁰ On appeal, the Eighth Circuit affirmed his ruling.⁴⁶¹ It concluded that "none of the trooper's questions exceeded the range of questions an officer is permitted to ask during a lawful traffic stop" and that the defendant's consent to the search was voluntary.⁴⁶² The appellate court thus affirmed Judge Longstaff's decision to admit the evidence.⁴⁶³

But appellate reversals are a fact of life for all district court judges and

2002).

456. *Id.* at 1081.

457. *One Thousand Friends of Iowa v. Mineta*, 364 F.3d 890, 893 (8th Cir. 2004) ("We agree with the appellees that this case is moot.").

458. Patt Johnson, *Jordan Creek Mall Seeks Fresh Feel on 10th Anniversary*, DES MOINES REG. (Aug. 3, 2014), <https://www.desmoinesregister.com/story/money/business/development/2014/08/03/jordan-creek-town-center-seeks-fresh-feel-th-anniversary-west-des-moines-shopping-dining-entertainment/13536531/>.

459. *United States v. Gaxiola*, 317 F. Supp. 2d 980, 981 (S.D. Iowa 2004).

460. *Id.* at 984.

461. *United States v. Gaxiola*, 149 Fed. Appx. 560, 562 (8th Cir. 2005).

462. *Id.*

463. *Id.*

Longstaff was no exception. In 2005, for example, he presided over the trial of Steven Pruett, a defendant charged with distributing methamphetamine.⁴⁶⁴ Acting on a tip from a confidential informant, Monona County sheriff's deputies executed a search warrant at Pruett's home in Pisgah, Iowa, where the deputies found "two firearms, 9.65 grams of methamphetamine, 3.96 grams of marijuana, and a digital scale."⁴⁶⁵ In a key ruling, the judge denied the defendant's motion to suppress evidence of the firearms, and the defendant was ultimately convicted on six counts, including a firearms charge related to the drug trafficking.⁴⁶⁶ On appeal, Pruett argued that Longstaff erred "by submitting to the jury the charge of use of a firearm in furtherance of a drug trafficking crime."⁴⁶⁷ The Eighth Circuit initially affirmed the judge's ruling because Supreme Court precedent held that "receipt" of a firearm could constitute "use" of a firearm in furtherance of drug trafficking.⁴⁶⁸ But shortly thereafter, the Supreme Court in *Watson v. United States* reversed course and held that merely trading a gun pursuant to a drug transaction did not constitute "use" of a gun in furtherance of drug trafficking.⁴⁶⁹ Accordingly, following the *Watson* ruling, the Eighth Circuit revisited the issue and reversed Pruett's conviction on the gun charge.⁴⁷⁰

A dispute over Iowa law gave rise to another appellate reversal of a Longstaff decision. In 2004 he heard a defamation suit brought by employees of the Titan Tire Corporation against Maurice Taylor, Jr., a senior Titan officer.⁴⁷¹ The suit arose from Taylor's public accusation that 100 employees had filed fraudulent disability claims for hearing loss.⁴⁷² In response, 58 of the employees filed a state court defamation suit against Taylor, which he

464. *United States v. Pruett*, 501 F.3d 976, 979 (8th Cir. 2007), *vacated*, 552 U.S. 1241 (2008).

465. *Id.*

466. *Id.* at 979, 985–86.

467. *United States v. Pruett*, 523 F.3d 863, 863 (8th Cir. 2008).

468. *Id.* at 863–44 ("We determined that Pruett's argument was precluded by *United States v. Cannon*, which held that 'a person can "use" a firearm in violation of § 924(c) by "receiving" the firearm in a drugs for weapon exchange.'" (quoting *United States v. Cannon*, 88 F.3d 1495, 1509 (8th Cir. 1996))).

469. *Watson v. United States*, 552 U.S. 74, 76 (2007).

470. *Pruett*, 523 F.3d at 864.

471. *Ball v. Taylor*, 416 F.3d 915, 916–17 (8th Cir. 2005); Brief of Appellants ¶ 1, *Ball v. Taylor*, 2004 WL 5354251 (8th Cir. 2004) (No. 04-0280).

472. *Ball*, 416 F.3d at 917.

subsequently removed to federal court.⁴⁷³ Judge Longstaff ultimately granted judgment as a matter of law to the defendant on grounds that Taylor never identified any of the employees by name in his public statement.⁴⁷⁴ The Eighth Circuit, however, saw the matter differently and reversed the ruling.⁴⁷⁵ Citing a 1913 Iowa Supreme Court case, the Eighth Circuit held that under Iowa law: “[T]he plaintiff need not be named ‘if the alleged libel contains matters of description or other references therein, or the extraneous facts and circumstances . . . show that plaintiff was intended to be the object of the alleged libel, and was so understood by others.’”⁴⁷⁶ The Eighth Circuit emphasized:

Although Taylor did not state the employees['] names individually, he referred to them as a group, stated he was suing them because they had committed fraud, then handed his audience copies of the complaint, which identified the individual employees by name in the caption and contained their names, addresses, and positions in an appendix.⁴⁷⁷

In the appellate court’s view, therefore, “Taylor’s oral statement specifically referenced each of the employees,” which in turn provided a factual foundation for the employees’ defamation suit.⁴⁷⁸

Even when Judge Longstaff was reversed on appeal, dissenting Eighth Circuit judges sometimes sided strongly with him. In *Lyon v. Vande Krol*, he heard a § 1983 challenge brought by an inmate at the Iowa State Penitentiary.⁴⁷⁹ In 1996 Congress enacted the Prison Litigation Reform Act (PLRA), which barred indigent prisoners from bringing civil actions without paying filing fees (*in forma pauperis* or IFP) if three or more of their previous civil actions had been dismissed as frivolous or otherwise lacking in merit.⁴⁸⁰ Under the PLRA, such inmates would henceforth be required to pay the full filing fee before filing civil actions except in cases where they faced “imminent danger of serious physical injury.”⁴⁸¹ In the case before Judge Longstaff, the inmate, Everett Lyon, alleged that he had been

473. *Id.*

474. *Id.*

475. *Id.* at 918.

476. *Id.* at 917 (quoting *Wisner v. Nichols*, 143 N.W. 1020, 1025 (Iowa 1913)).

477. *Id.*

478. *Id.* at 918.

479. *Lyon v. Vande Krol*, 940 F. Supp. 1433, 1433 (S.D. Iowa 1996).

480. *Id.* at 1435.

481. *Id.* at 1436.

unconstitutionally denied the right to participate in Jewish religious services at his prison facility.⁴⁸² Prior to the PLRA's adoption, Lyon had brought three previous civil actions, all of which were dismissed as frivolous, which meant he was required to pay the filing fee for his fourth civil action.⁴⁸³ Lyon's failure to pay the filing fee resulted in automatic dismissal of his claim.⁴⁸⁴

When Lyon brought a motion to amend the original judgment on grounds that the PLRA as applied was unconstitutional, Judge Longstaff ruled in Lyon's favor.⁴⁸⁵ The judge emphasized that the PLRA provision at issue in the case treated "indigent inmates differently from the similarly situated class of prisoners with three frivolous dismissals who do *not* seek to proceed IFP."⁴⁸⁶ In addition, he noted, "The three-dismissal rule does not take into account the length of incarceration, different periods of incarceration, the number of meritorious actions filed by the inmate, and other pertinent information that might guide a federal court in properly limiting abuse of the court system."⁴⁸⁷ He concluded that the PLRA violated Lyon's equal protection rights because the statute only applied to indigent prisoners, not prisoners who paid the full filing fee.⁴⁸⁸ As he explained, "The court concludes that requiring this class of inmates, who would otherwise qualify for IFP status, to prepay the full filing fee places a substantial restriction on these inmates' ability to bring a new civil action and constitutes a substantial burden on their fundamental right of access to the courts."⁴⁸⁹

Ultimately, however, a three-judge panel of the Eighth Circuit ruled against Lyon.⁴⁹⁰ In a 2–1 ruling, the federal appellate court determined that a review of Lyon's financial assets revealed he had enough funds in his prison account to pay the filing fee.⁴⁹¹ The Eighth Circuit noted that when he filed

482. *Id.* at 1435.

483. *Id.*

484. *Id.* ("Because Lyon had previously filed at least three civil actions that were dismissed as frivolous . . . the court dismissed his complaint pursuant to the three-dismissal rule of 28 U.S.C. § 1915(g).").

485. *Id.* at 1439.

486. *Id.* at 1436.

487. *Id.* at 1438.

488. *Id.*

489. *Id.*

490. *Lyon v. Vande Krol*, 127 F.3d 763, 766 (8th Cir. 1997).

491. *Id.* at 765 ("Lyon has not shown that the fee requirements imposed by PLRA have deprived him of his access to court. The record shows that Lyon had sufficient funds

the complaint, Lyon had \$180 in his prison bank account and received monthly wages of \$67.20.⁴⁹² The filing fee was \$120, an affordable sum for Lyon in the appellate court's judgment.⁴⁹³ As the majority explained:

Lyon has most of his basic necessities provided as a prisoner, and payment of the fee would not have forced him to go without these essentials. He would still have had over \$60 remaining after paying the fee; that amount and his monthly wages would have been available to purchase other necessary incidentals.⁴⁹⁴

Accordingly, the Eighth Circuit concluded Lyon lacked standing to challenge the constitutionality of the PLRA because he had not suffered "actual injury" by being forced to pay the filing fee.⁴⁹⁵

In a strong dissent, Judge Gerald Heaney sharply disagreed with the Eighth Circuit's ruling, observing, "I would affirm the district court's well-reasoned opinion holding unconstitutional section 1915(g) of the PLRA, which requires a prisoner bringing a civil claim to pay a filing fee regardless of his ability to qualify for in forma pauperis status."⁴⁹⁶ Judge Heaney took particular exception to the majority's ruling that prisoners must show "complete impoverishment" in order to challenge the PLRA, a requirement that Judge Heaney asserted was "simply not the law of our circuit" and was itself a violation of the "equal protection principles" the court was required to defend.⁴⁹⁷ The strong language of the dissent made clear that Judge Longstaff's ruling was far from unreasonable.

In any case, Judge Longstaff took appellate reversals in stride. In the spirit of Judge Stephenson, he believed trial judges should not be overly

to pay the filing fee.").

492. *Id.* ("At the time Lyon filed his complaint, he had over \$180 in his prison accounts and was receiving \$67.20 in prison wages each month.").

493. *Id.*

494. *Id.*

495. *Id.* at 765–66 ("Since Lyon has not shown that section 1915(g) has caused an actual injury, he does not have standing to assert that this deprivation violates his right to equal protection. We therefore do not have jurisdiction to consider the constitutional issues raised, and the appeal must be dismissed.").

496. *Id.* at 766 (Heaney, J., dissenting).

497. *Id.* ("The panel holds that a lack of complete impoverishment prevents Lyon from having standing to challenge the PLRA's effect on his constitutional rights. The panel's requirement that Lyon must be completely broke to have standing is simply not the law of our circuit, and such a requirement violates the same equal protection principles as section 1915(g) itself . . .").

sensitive to second guessing by appellate courts.⁴⁹⁸ As he explained, “[I]f you start being too sensitive to things, it can overwhelm you.”⁴⁹⁹ He advised judges weighing difficult decisions to “give it the best thought process that you are capable of and then make a decision and move on and don’t fret over it once it’s done.”⁵⁰⁰ He also recommended keeping one’s sense of humor intact, citing the aphorism of his former Southern District colleague, Judge Harold Vietor: “Affirm me if you can, reverse me if you must but never, never remand for a retrial.”⁵⁰¹ As Judge Longstaff explained with a smile, “[T]hat was my philosophy. Just don’t make me try it again.”⁵⁰²

B. Longstaff Appellate Cases

Judge Longstaff was not always on the receiving end of appellate decisions. In the 1990s and early 2000s, he took advantage of the opportunity to sit on the Eighth Circuit by designation, a position from which he authored several opinions.⁵⁰³

One of the most interesting was a case that involved the Double Jeopardy Clause of the United States Constitution.⁵⁰⁴ In *United States v. Williams*, Willie Williams appealed his conviction on drug trafficking and related gun charges.⁵⁰⁵ Writing for the appellate court, Judge Longstaff sustained the conviction on all counts.⁵⁰⁶ The first issue involved the gun conviction. According to Williams, when he sold the heroin to the undercover officer, the firearm he carried in his waistband was “incidental” to the drug trafficking crime.⁵⁰⁷ Longstaff disagreed. Upholding the trial court’s ruling, he pointed out that “[t]he weapon was clearly accessible if needed during the transaction,” and thus “a reasonable jury could infer the gun served to facilitate the drug sale by protecting . . . the drugs and money during the sale.”⁵⁰⁸

498. Gritzner Interview, *supra* note 2.

499. *Id.*

500. *Id.*

501. Mar. 2018 Interview, *supra* note 4.

502. *Id.*

503. *See, e.g.*, *Brandt v. Davis*, 191 F.3d 887 (8th Cir. 1999); *Jones v. Ralls*, 187 F.3d 848 (8th Cir. 1999).

504. *United States v. Williams*, 104 F.3d 213, 213 (8th Cir. 1997).

505. *Id.* at 214.

506. *Id.* at 217.

507. *Id.* at 215.

508. *Id.*

He also rejected the defendant's constitutional argument that the federal prosecution violated the Fifth Amendment's Double Jeopardy Clause.⁵⁰⁹ Under the United States Supreme Court's "dual sovereignty" doctrine, defendants may be separately charged for the same conduct by both federal and state authorities.⁵¹⁰ Williams nevertheless argued that his previous conviction in Missouri state court on drug and gun charges should have precluded the federal indictment for the same offenses.⁵¹¹ Again siding with the trial court, Longstaff rejected Williams's argument.⁵¹² Although the judge criticized the state and federal prosecutors for failing to communicate adequately with each other regarding the Williams case, he concluded that there was "no evidence federal authorities deliberately procured the state plea or otherwise manipulated the state process for the purpose of aiding the federal prosecution."⁵¹³ In fact, the judge pointed out, federal prosecutors had actually "requested that state proceedings be placed on hold until the federal proceedings were completed."⁵¹⁴ There was thus no evidence of "collusion" between state and federal authorities.⁵¹⁵

Finally, the judge rejected the defendant's argument that evidence of his guilty plea in state court should have been excluded from his federal trial.⁵¹⁶ The Eighth Circuit, Judge Longstaff noted, had previously held that "[a] guilty plea is admissible in a subsequent collateral criminal trial as evidence of an admission by a party opponent."⁵¹⁷ Accordingly, he and his colleagues on the Eighth Circuit panel upheld the defendant's conviction on all counts.⁵¹⁸

While sitting on the Eighth Circuit, Longstaff heard a case involving the *Brady* rule,⁵¹⁹ the same Supreme Court rule that played a decisive role in

509. *Id.* at 216.

510. *Heath v. Alabama*, 474 U.S. 82, 88 (1985) ("When a defendant in a single act violates the 'peace and dignity' of two sovereigns by breaking the laws of each, he has committed two distinct 'offences.'" (quoting *United States v. Lanza*, 260 U.S. 377, 382 (1922))).

511. *Williams*, 104 F.3d at 216.

512. *Id.*

513. *Id.*

514. *Id.*

515. *Id.*

516. *Id.*

517. *Id.* (quoting *United States v. Holmes*, 794 F.2d 345, 349 (8th Cir. 1986)).

518. *Id.* at 217.

519. *United States v. Turner*, 104 F.3d 217, 220 (8th Cir. 1997).

the controversial Niccum case years before. In *United States v. Turner*, the defendant, John Henry Turner, Jr., was convicted on eight counts of cocaine distribution and conspiracy to distribute cocaine.⁵²⁰ On appeal, the defendant alleged that prosecutors violated the *Brady* rule by not informing the defense that the prosecution's key witness, Ronald Bradford, suffered from seizures.⁵²¹ Writing on behalf of the Eighth Circuit panel, Longstaff denied the defendant's appeal and affirmed the district court.⁵²² He based his ruling on the fact that "it is undisputed that the information concerning Bradford's seizure disorder was never in the possession of the government."⁵²³ Moreover, he pointed out that "the substantial amount of evidence indicating that Turner was guilty" and the "minimal effect, if any, that knowledge of the seizure disorder would have" on the case's outcome made the defendant's arguments unpersuasive.⁵²⁴ He also sustained the trial court's admission of prior evidence of the defendant's involvement in cocaine trafficking.⁵²⁵ Applying Rule 404(b) of the Federal Rules of Evidence, he held that witness testimony regarding the defendant's prior crimes "was relevant to the material issues of Turner's intent, motive, and knowledge" such that a reasonable jury could determine by a preponderance of the evidence that the crimes had in fact occurred.⁵²⁶ In addition, the prior crimes' evidence involved recent cocaine distribution similar to the crimes the defendant was charged with in the case before Longstaff.⁵²⁷ Concluding that the probative value of the prior crimes exceeded the prejudicial effect, he affirmed the trial court's decision to admit the evidence.⁵²⁸

Not all the cases he heard while sitting by designation on the Eighth Circuit involved criminal law. One of the most interesting appeals he heard involved the issue of juror prejudice. The case arose from an automobile manufacturer's appeal of a jury verdict for the parents of a young woman who died in a car accident.⁵²⁹ The parents argued their daughter died because

520. *Id.* at 218–19.

521. *Id.* at 220–21.

522. *Id.* at 223.

523. *Id.* at 220.

524. *Id.* at 221.

525. *Id.* at 222.

526. *Id.*

527. *Id.*

528. *Id.*

529. *Anderson v. Ford Motor Co.*, 186 F.3d 918, 919 (8th Cir. 1999).

of a faulty restraint system in her 1991 Ford Probe.⁵³⁰ At trial an expert witness testified that the restraint system's design placed short drivers like the plaintiffs' daughter at heightened risk because it could expose them to a higher risk of abdominal injuries.⁵³¹ After the jury returned a verdict for the plaintiffs, the defendant, Ford Motor Company, moved for a new trial on grounds of juror misconduct.⁵³² One of the jurors, Dan Willis, had conducted an out-of-court test on a 1991 Probe using his son, who at 4'8" was similar in stature to the plaintiffs' daughter.⁵³³ During deliberations, Willis told fellow jurors that he determined the "restraint system did not fit his son."⁵³⁴ However, during the trial, the judge had specifically instructed the jurors that "they should 'not do any research or make any investigation about the case on [their] own.'"⁵³⁵ When Willis's comments came to light, the district court granted Ford's motion for a new trial.⁵³⁶

On behalf of the Eighth Circuit panel, Judge Longstaff affirmed the district court's decision to order a new trial.⁵³⁷ He concluded that regardless of whether other jurors were prejudiced by Willis's statements regarding his out-of-court test, the district court judge properly concluded that Willis's statements constituted evidence that "*Willis himself* was biased in his consideration of the issues."⁵³⁸ Longstaff thus concluded the judge's decision to order a new trial was reasonable under the circumstances.⁵³⁹

The opportunity to hear appellate cases by designation gave Longstaff the chance to compare the experience of a trial court judge with that of an appellate judge. The lesson that impressed itself most deeply on Longstaff was that appellate judges have so much more time to make decisions.⁵⁴⁰ Unlike a trial court judge, he noted, an appellate judge does not "have to rule in five seconds."⁵⁴¹ But for that reason, he found appellate work less

530. *Id.*

531. *Id.*

532. *Id.* at 920.

533. *Id.*

534. *Id.*

535. *Id.* at 920 n.4.

536. *Id.* at 920.

537. *Id.* at 921.

538. *Id.*

539. *Id.*

540. Mar. 2018 Interview, *supra* note 4.

541. *Id.*

challenging because it did not require the “snap decisions” of a trial judge.⁵⁴² Consequently, he explained, “I was not very happy sitting as a circuit court judge.”⁵⁴³ He far preferred the challenge of trial work, such as ruling on evidentiary issues and engaging directly with the witnesses.⁵⁴⁴

Nevertheless, the Eighth Circuit judges held Longstaff in high esteem, as would be demonstrated by a case involving the Eighth Circuit courthouse itself. In the 1990s the Busch family, owners of the Budweiser Brewing Company, agreed to sell a plot of land for construction of a new Eighth Circuit courthouse in St. Louis, Missouri.⁵⁴⁵ A dispute emerged, however, over the amount the family would receive. The Busch family wanted \$30 million, but the federal government would not go above \$12 million.⁵⁴⁶ Richard Arnold, the chief judge of the Eighth Circuit, asked Judge Longstaff to preside over the trial that would determine the amount the Government would have to pay for the land.⁵⁴⁷ It was a great honor, one that reflected how highly the appellate judges regarded Longstaff as a trial judge.

Keenly aware of the stakes, the Eighth Circuit judges desperately wanted the new courthouse to be built, but they avoided talking to Longstaff to prevent any improper influence on his decision-making.⁵⁴⁸ The trial was held in St. Louis and lasted nine days.⁵⁴⁹ One day, before closing arguments began, Judge Longstaff saw Eighth Circuit Judge Theodore McMillian sitting in the back of the courtroom.⁵⁵⁰ Judge Longstaff could not resist the opportunity to set a light mood. “Welcome, Judge McMillian, glad to have you in the courtroom today[.]” Longstaff announced. “Would you do me a favor? If you see anything that is going wrong, would you come up here and tell me now?”⁵⁵¹ The courtroom erupted in laughter.⁵⁵² Ultimately the jury returned a verdict for the Government and awarded \$10.3 million to the Busch family, who chose not to appeal the decision.⁵⁵³

542. *Id.*

543. *Id.*

544. *Id.*

545. Aug. 2017 Interview, *supra* note 1.

546. *Id.*

547. *Id.*

548. *Id.*

549. *Id.*

550. *Id.*

551. *Id.*

552. *Id.*

553. *United States v. 23,693 Sq. Ft., Civic Ctr. Corp.*, No. 94cv787, 1995 WL 17007767

V. SENIOR STATUS AND RETIREMENT

Judge Longstaff took senior status in November 2006.⁵⁵⁴ That same year the Pittsburg State University Alumni Association honored him with the school's Meritorious Achievement Award.⁵⁵⁵ His law school alma mater also publicly recognized his long service to the judiciary. On October 21, 2006, the University of Iowa College of Law held its annual Stephenson Trial Competition banquet in Judge Longstaff's honor.⁵⁵⁶ The honor was particularly fitting because he had helped establish the competition in memory of Judge Stephenson,⁵⁵⁷ who died of suicide in November 1982.⁵⁵⁸ Although Judge Stephenson was only 65, he had begun showing signs of serious cognitive decline, including memory loss and trouble concentrating.⁵⁵⁹ Stephenson's unexpected death stunned the legal community in Des Moines.⁵⁶⁰ As Judge Longstaff noted 35 years later, "I'm not sure I ever got over" it.⁵⁶¹ But he would always hold Stephenson's memory in the highest regard, a man who he looked up to as "a wonderful judge and a great mentor."⁵⁶²

Judge Longstaff's colleagues felt the same way about him. U.S. District Court Judge James Gritzner—who was himself a former Longstaff clerk—remarked that Longstaff "held every job in our courthouse not involving a broom or a gun" and "performed with great distinction in every capacity."⁵⁶³ Deep affection for the judge was universal in the federal courthouse. Thomas Boyd, a former clerk, observed that "*everyone* in the courthouse was very fond of Judge Longstaff."⁵⁶⁴ As Boyd explained:

[T]he clerk of court and his staff, the marshals, the janitors, the AUSAs [Assistant United States Attorneys], the FBI agents, the probation officers, the other judges, and everyone else in the building were all

(E.D. Mo. Sept. 22, 1995).

554. Gritzner Memo., *supra* note 86, at 22.

555. *PSU Honors Three Alumni for Lifetime Achievement*, *supra* note 162.

556. *2006 Stephenson Competition*, IOWA ADVOC., Winter 2007, at 30, 30.

557. *Id.*; Hines Interview, *supra* note 100; Mar. 2018 Interview, *supra* note 4.

558. Aug. 2017 Interview, *supra* note 1.

559. *Id.*

560. *Id.*

561. *Id.*

562. Mar. 2018 Interview, *supra* note 4.

563. Gritzner Memo., *supra* note 86, at 22.

564. Letter from Thomas H. Boyd, *supra* note 104, at 2.

devoted to the Judge. Indeed, even Judge George Fagg, the very stern and austere federal circuit judge, had a soft spot for Judge Longstaff.⁵⁶⁵

Taking senior status did not bring Longstaff's judicial career to an end. For several years he continued to hear cases, including criminal trials. In one of them, he even received a serious death threat.⁵⁶⁶ In the case of *United States v. Davis*, he presided over a trial of two defendants charged with malicious use of fire causing injury and death.⁵⁶⁷ The defendants were found guilty and Judge Longstaff sentenced them each to 30 years in prison.⁵⁶⁸ One of the defendants then attempted to hire someone to burn down Longstaff's house on 20th Street in West Des Moines.⁵⁶⁹ When the FBI learned of the threat, the U.S. Marshals Service assigned a marshal to guard his house until the threat passed.⁵⁷⁰ The judge took the threat very seriously because there had been recent cases of judges killed by angry defendants.⁵⁷¹ During and after the experience he felt deep gratitude to the marshals.⁵⁷² "The marshals did a wonderful job," he later recalled, and made "sure I was protected."⁵⁷³

Another notable experience Judge Longstaff had while on senior status involved the criminal prosecution of Rumeal Robinson, a former University of Michigan basketball star.⁵⁷⁴ In 2009 the United States Attorney's Office for the Southern District of Iowa charged Robinson with 11 counts of attempting to defraud a bank in Ankeny, Iowa.⁵⁷⁵ On the first day of trial, just before jury selection, Robinson objected to his court-appointed attorney and asked for a continuance.⁵⁷⁶ In an attempt to resolve the issue, Judge Longstaff invited the defendant into his chambers.⁵⁷⁷ But as soon as

565. *Id.*

566. Mar. 2018 Interview, *supra* note 4.

567. *United States v. Davis*, 534 F.3d 903, 906 (8th Cir. 2008).

568. *Davis v. United States*, 673 F.3d 849, 851 (8th Cir. 2012); Mar. 2018 Interview, *supra* note 4.

569. Mar. 2018 Interview, *supra* note 4.

570. *Id.*

571. *Id.*

572. *Id.*

573. *Id.*

574. Associated Press, *Former Michigan Star Convicted in Fraud Case*, N.Y. TIMES (Sept. 8, 2010), <https://www.nytimes.com/2010/09/09/sports/basketball/09sportsbriefs-rumeal.html>.

575. *United States v. Robinson*, 662 F.3d 1028, 1030 (8th Cir. 2011); *United States v. Robinson*, No. 4:09-CR-00131, 2010 WL 11534441, at *1 (S.D. Iowa Nov. 29, 2010).

576. *Robinson*, 662 F.3d at 1030.

577. *Id.*

Robinson saw the prominent and extensive Iowa Hawkeyes memorabilia on the judge's desk and walls, he demanded a new judge.⁵⁷⁸ He apparently believed that a Michigan Wolverine could not get a fair hearing from an Iowa Hawkeye. Nevertheless, Longstaff denied Robinson's request for a continuance, which the judge viewed as a delaying tactic, and the jury ultimately found the defendant guilty on all counts.⁵⁷⁹

The Iowa Hawkeye memorabilia that decorated Judge Longstaff's office reflected his lifelong love of the University of Iowa.⁵⁸⁰ As Judge Gritzner observed, Ronald Longstaff was "an Iowa Hawkeye athletics fan of legendary proportions."⁵⁸¹ Indeed, Judge Longstaff held Hawkeye football season tickets for more than 50 years, from 1962 to 2013, until back surgery finally made it too difficult for him to make the trip from Des Moines to Iowa City.⁵⁸² Everyone who knew the judge well was aware of his love for the Hawkeyes. For instance, after Norma and Ronald were married in 1970, the best man warned her: "Congratulations. You have just married the Iowa Hawkeyes."⁵⁸³ Fortunately, she also loved sports and attended many Hawkeye football games, and even more basketball games, with Judge Longstaff during their long marriage.⁵⁸⁴

When Norma did not come with him to Iowa City, he often attended games with one of his former law clerks, Judge Colin Witt.⁵⁸⁵ Whoever accompanied him, Longstaff took his attendance at the games very seriously and hated the idea of missing one. Judge Mark Bennett of the Northern District of Iowa recalled one occasion in which Longstaff's "Hawkeye football tickets for the upcoming game disappeared out of his desk."⁵⁸⁶ Until the tickets were later found, it created a commotion at the courthouse. "I thought the entire nation's FBI Special Agents were going to be called in to

578. Mar. 2018 Interview, *supra* note 4.

579. *Robinson*, 662 F.3d at 1030.

580. Mar. 2018 Interview, *supra* note 4.

581. Gritzner Interview, *supra* note 2.

582. Mar. 2018 Interview, *supra* note 4.

583. MILLS & PETERSON, *supra* note 32, at 119.

584. Mar. 2018 Interview, *supra* note 4.

585. *Id.*; Email from Colin Witt, District Court Judge, State of Iowa, to F. Richard Lyford, Shareholder, Dickinson, Mackaman, Tyler & Hagen, P.C., (May 1, 2018, 03:57 EDT) (on file with author).

586. Memorandum from Mark W. Bennett, Judge, United States District Court for the Northern District of Iowa, to Anthony Gaughan (Dec. 27, 2016) (on file with author).

find them,” Judge Bennett joked.⁵⁸⁷ But he also noted that Judge Longstaff “was so popular with the many lawyers at the games one would literally stand in line longer to greet him than for a beer.”⁵⁸⁸

Senior status gave Judge Longstaff more time to pursue his love of golf.⁵⁸⁹ In 1969 he joined the Des Moines Country Club, and he played there for the next four decades.⁵⁹⁰ His regular golf partners included Dick Noyce, Red Cronin, Dick Smith, and John Lewis.⁵⁹¹ Longstaff “enjoyed being out in the fresh air,” where he could play at his “own level” and try to shoot between 95 and 105.⁵⁹² As he explained, “It’s something I could do and enjoy even if I don’t play at the level somebody else could.”⁵⁹³ He reluctantly quit playing golf in 2013 when back surgery forced him to give up the game.⁵⁹⁴ Back problems also made it extremely difficult for him to get to the courthouse in Des Moines, so he limited his court work to ruling on dispositive motions and related matters.⁵⁹⁵ He finally retired completely in 2015.⁵⁹⁶

The biggest blow came to Judge Longstaff on July 18, 2009, when his beloved wife, Norma, died of pancreatic cancer.⁵⁹⁷ “We had a wonderful marriage together,” he explained.⁵⁹⁸ Ronald and Norma’s deep-and-abiding love for each other was apparent to all who knew them. As Thomas Boyd noted, “Judge Longstaff was absolutely head-over-heels in love with his wife, Norma,” and they were “the perfect role models for a happy, loving marriage.”⁵⁹⁹ Judge Witt recalled that Judge Longstaff “would interrupt meetings to take a phone call from Norma.”⁶⁰⁰ But Christi, the judge’s

587. *Id.*

588. *Id.*

589. Gritzner Memo., *supra* note 86, at 23.

590. Mar. 2018 Interview, *supra* note 4.

591. *Id.*

592. *Id.*

593. *Id.*

594. *Id.*

595. *Id.*

596. *Id.* (noting by about 2013 “it was difficult for me to go to the courthouse. So the last two years or so we worked on summary judgments, social security appeals and things like that.”).

597. *Id.*

598. *Id.*

599. Letter from Thomas H. Boyd, *supra* note 104, at 3.

600. Email from Colin Witt, *supra* note 585.

adopted daughter, provided a bedrock of support and love for him after Norma's death. In 2015 Longstaff moved in with Christi and her partner at their West Des Moines home. In a 2018 interview, Longstaff expressed his deep gratitude and profound love for Christi, observing that she has "been such a blessing in my life."⁶⁰¹

Love and support for Judge Longstaff came from his courthouse family too. When he took senior status, his former clerks conveyed their immense respect, affection, and admiration of him. For example, Lance Ehmcke, who clerked for the judge in the early 1980s, fondly recalled the "Longstaff precept" that "[r]egardless of how certain you view the merits of your client's case, respect everyone in the courtroom, and particularly opposing counsel."⁶⁰² Thomas Boyd expressed his gratitude for his many talks with Longstaff in and out of the courtroom.⁶⁰³ "In these conversations," Boyd wrote, "I learned much about how judges think and make decisions, what lawyers can do to be effective, and what really matters to judges."⁶⁰⁴ Neil Bubke summed up his clerkship experience by recalling five valuable lessons he learned from Judge Longstaff: "1) be respectful, 2) be kind, 3) be genuine, 4) be humble, and 5) always maintain a good sense of humor."⁶⁰⁵

Judges also expressed their affection and respect. As Judge Mark Bennett observed, "My enduring memories of Judge Longstaff are what a great teacher and mentor he was to me and so many others."⁶⁰⁶ Judge James Gritzner said that Longstaff's "influence and training" had a profound impact on his career, teaching him the importance of "reading the rules from the perspective that courts are designed to allow a forum for claims not to discourage them, recognizing the awesome power of the government against the individual, and never forgetting the seriousness of our mission or the need for our best work."⁶⁰⁷ Judge Larry McClellan noted that Longstaff "was

601. Mar. 2018 Interview, *supra* note 4.

602. Letter from Lance D. Ehmcke, Partner, Heidman, Redmond, Fredregill, Patterson, Plaza, Dykstra & Prah, to Ronald E. Longstaff, Retired Senior Judge, United States District Court for the Southern District of Iowa (Nov. 1, 2006) (on file with author).

603. Letter from Thomas H. Boyd, Shareholder, Winthrop & Weinstine, to Ronald E. Longstaff, Retired Senior Judge, United States District Court for the Southern District of Iowa 3 (Oct. 30, 2006) (on file with author).

604. *Id.*

605. Letter from Neil Bubke to Ronald E. Longstaff, Retired Senior Judge, United States District Court for the Southern District of Iowa 1 (on file with author).

606. Memorandum from Mark W. Bennett, *supra* note 586.

607. Letter from James E. Gritzner to Ronald E. Longstaff, Retired Senior Judge,

somebody that the lawyers just felt very comfortable about and felt good working with.”⁶⁰⁸ Lawyers “liked trying cases” before him because “he was fair, open minded” and “firm.”⁶⁰⁹ Judge McClellan said the lawyers also appreciated that Longstaff never developed “black robe-itis,” which sometimes “people get when they get elevated to the bench.”⁶¹⁰

After retiring in 2015, Judge Longstaff summed up the qualities that make for a good judge. “I think the most important thing to being a good judge is having common sense” and “compassion would be number two in my book,” he explained.⁶¹¹ He also added that “by compassion, I’m not just talking about being compassionate to the defendant. I’m talking about being compassionate to everyone including the victim and the people involved and be sensitive to their hurts and needs and background.”⁶¹² During his long career on the bench, Judge Longstaff personified the qualities of common sense and compassion.

VI. CONCLUSION

Ronald Longstaff had one of the most interesting and varied judicial careers in the history of the Iowa federal bench. He spent 50 years as an attorney, magistrate, and Article III judge, during a period that saw tremendous transformations in American life.⁶¹³ Many of those changes gave rise to cases that ended up in Judge Longstaff’s courtroom, from free speech arguments to employment discrimination claims to search and seizure cases. A spirit of compassion and common sense guided his approach to adjudicating the difficult issues that came before him. Above all, his career demonstrated that major life challenges, such as cerebral palsy, need not prevent one from achieving great things. Ronald Longstaff’s distinguished service as a federal judge in Iowa left a mark that will endure.

United States District Court for the Southern District of Iowa 2 (on file with author).

608. Interview by F. Richard Lyford with Larry McClellan, District Court Judge, State of Iowa in Des Moines (Mar. 23, 2018).

609. *Id.*

610. *Id.*

611. Aug. 2017 Interview, *supra* note 1.

612. *Id.*

613. *See supra* Parts III, IV, V.