

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

Great Plains Research: A Journal of Natural and
Social Sciences

Great Plains Studies, Center for

Fall 2009

Book Review: *Establishing Justice in Middle America:
A History of the United States Court of Appeals for the
Eighth Circuit* By Jeffrey Brandon Morris

Mark R. Scherer

University of Nebraska at Omaha

Follow this and additional works at: <http://digitalcommons.unl.edu/greatplainsresearch>



Part of the [American Studies Commons](#)

Scherer, Mark R., "Book Review: *Establishing Justice in Middle America: A History of the United States Court of Appeals for the Eighth Circuit* By Jeffrey Brandon Morris" (2009). *Great Plains Research: A Journal of Natural and Social Sciences*. 1056.
<http://digitalcommons.unl.edu/greatplainsresearch/1056>

This Article is brought to you for free and open access by the Great Plains Studies, Center for at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Great Plains Research: A Journal of Natural and Social Sciences by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

Establishing Justice in Middle America: A History of the United States Court of Appeals for the Eighth Circuit. By Jeffrey Brandon Morris. Foreword by William H. Webster. Minneapolis: University of Minnesota Press, 2007. xx + 441 pp. Photographs, notes, index. \$39.95 cloth.

The United States Supreme Court accepts for review less than two percent of the cases presented to it on appeal. For the vast majority of litigants in the federal court system, therefore, the circuit courts of appeal are truly the “court of last resort,” and throughout American history those courts have had the final say on a wide range of critical issues. Yet despite these truths, books about the Supreme Court arrive on the shelves almost daily, while treatments of the lower courts remain rare. Thus, Jeffrey Brandon Morris’s goal in *Establishing Justice in Middle America* is both admirable and ambitious—to provide a comprehensive narrative history of the Eighth Circuit Court of Appeals.

Inasmuch as five of the eight states that constitute the Eighth Circuit lie entirely or partially within the Great

Plains, Morris's work is particularly valuable for readers searching for regional coverage and perspective. By highlighting the ways in which the Court's operations and decisions have shaped—and been shaped by—the unique geographic, demographic, environmental, political, social, cultural, and legal dynamics of the region it serves, Morris effectively conveys the vital role the legal culture of the Great Plains has played at the national level. This is particularly so with respect to topics and issues in which the Eighth Circuit's rulings have proven to be pivotal—and in some cases even controlling—on issues of national concern, including most notably Native American land claims, agricultural economics, railroad regulation, and disputes related to the allocation of valuable water rights.

Morris's structure is both chronological and topical. Each of his seven chapters is devoted to a specific era in the court's history, offering an overview of the court's personnel and administrative operations during those years, accompanied by analysis of some of its key decisions, categorized by topic. In that respect, this is a rather standard institutional history—a genre that can become ponderous in the wrong hands. Morris generally avoids the tedium often associated with such volumes, however, by writing in an accessible and engaging style, and mining the available primary sources for instructive human stories of the judges, litigants, and attorneys whose work has created the court's legacy.

This project was not an undertaking for the faint of heart, nor is the resulting product one that will likely capture a large audience among general readers. For students and practitioners in the field of law and legal history, however, this is an extremely useful reference volume—one that will serve to provide both a “big picture” context and a valuable starting point for more in-depth study of particular issues, personalities, events, and decisions. It is an important contribution to an underserved field, and it deserves to find an appreciative audience among both academic specialists and interested lay readers. **Mark R. Scherer**, *Department of History, University of Nebraska at Omaha*.