



# Court Historical Society NEWSLETTER



Eastern District of Tennessee

JANUARY 2004



**THEIR OWN HANDWRITING**—This is a page from an old book in the Greeneville office of the U.S. District Court Clerk in which a lawyer wrote his name at the time he was admitted to practice in the court. Veteran lawyers will recognize some of these names from 1914 and 1915.

## *In The Book*

The oldest court records still in the custody of the U.S. District Court Clerk for this district are the lists of names of the lawyers who, over the years, have been admitted to practice in this court.

Official case files and other essential court records are periodically boxed and shipped to the National Archives and Records Center. Other miscellaneous records are destroyed after a specified number of years, but the lists of admitted lawyers remain in the custody of the clerk, and they have stood the test of time.

Those lists date back to 1861. Some are handwritten, each admitted lawyer having written his own name on the official roll, as shown in the accompanying reproduction of a page from a notebook in the Greeneville office. Others are typewritten on loose-leaf pages in notebooks, and still others are maintained on index cards.

Whatever the method used, the names of lawyers admitted to practice in this court through the years were placed on paper and filed. But that changed about 10 years ago with the advent of computers. Today,

names of newly admitted lawyers are not entered in notebooks or on index cards.

It's all done electronically on computers. Future generations will not be able to thumb through notebooks or index cards to look at names of lawyers admitted to the court. The database is an excellent record and an accurate one, of course, but not one that lends itself to future display in archives, as the old notebooks and index cards do. Application forms for admission bearing the name and signature of the applicant are, however, on file in paper form.

The attorney admission records are not sent to the National Archives, because the admission of lawyers to practice in a federal court is strictly a local matter, and the records pertaining to admissions are not required to be kept by the Archives.

As strange as it might seem, there isn't a federal rule that requires lawyers to be admitted to practice in the federal courts.

There was an effort by the Judicial Conference of the United States in the late 1940s to formulate a standard rule that would be followed by all federal courts, but there never was any agreement on such a rule, and one was never enacted.

The local rule for the Eastern District of Tennessee was adopted in 1945. It established a Standing Committee on Admissions in each division and required that the committee, composed of a panel of attorneys appointed by the judges, give applicants a written examination.

The written examination was finally discontinued in 1987 (it had been discontinued earlier in some divisions), but committees still review applications in Greeneville and Knoxville. The committees serving Chattanooga and Winchester were dissolved a few years ago, and the application-review process in those two divisions is performed by a member of the clerk's staff.



**SOMETHING IN COMMON**—When **Judge H. Ted Milburn**, left, and **Judge Thomas Gray Hull**, right, were appointed district judges in 1983, they became the first appointees to the federal bench in this district in 22 years. This photograph was made December 11 at the annual Christmas party for court personnel in Chattanooga. Judge Milburn occupied the Chattanooga bench until October 1984, when he was appointed to the U.S. Sixth Circuit Court of Appeals. He retired in 1996. Judge Hull took senior status in October 2002 and still serves the court.

## ***Birth of a Library***

**William Howard Taft** is etched in history as the only man ever to serve both as President of the United States and Chief Justice of the United States, but one of his lesser-known accomplishments, important to this court, was the founding of the Sixth Circuit Court of Appeals Library in Cincinnati, his native city.

He took that step in 1894, two years after he was appointed a circuit judge. **Kathy Joyce Welker**, who has served as circuit librarian since 1984, wrote in a historical review of the library in 1998 that not only did Judge Taft interest himself in the founding of the library, "there is also evidence even today that he contributed to the circuit library from his own personal library. One who wanders through the stacks today may well stumble upon books containing written notes by Judge Taft that commemorate his gift of that particular volume to the library collection."

How the library was viewed is seen in the following report written in 1900 by **Frank O. Loveland**, clerk of the Sixth Circuit Court of Appeals, and quoted in Ms. Welker's historical review:

The necessity and value of this library to the members of this court is manifest. It is not a local institution but is used by attorneys living in all parts of the Circuit. Members of the bar of this court not only use it at the time their cases are heard by the court, but frequently come here for that purpose at other times from the smaller cities and villages from all parts of the Circuit where they do not have access to books needed in properly preparing their cases. Attorneys not living in Cincinnati frequently spend several days in the library preparing briefs in cases pending in this court.

Today, in the Sixth Circuit, there are, in addition to the central library in Cincinnati, 10 branch libraries, and one of those is in Chattanooga, in the Eastern District of Tennessee, which is operated by assistant Sixth Circuit librarian **Tom Vanderloo**.

Our branch library was established in 1996 through the efforts of then U.S. Sixth Circuit Court of Appeals **Judge H. Ted Milburn**, now retired. It was named the Frank W. Wilson Library of the U.S. Courts in memory of **U.S. District Judge Wilson**, who died in 1982 while still in active service.

In addition to managing the Wilson Library, Mr. Vanderloo oversees the lawbook collections in all the chambers of the federal judges throughout the district, and he is responsible for all the computer-assisted legal research services in the district.

When Judge Taft established the circuit library in 1894, a library was defined in dictionaries as "a place for the custody and control of books." Today, of course, library operations involve more than just books. Court librarians are able to instantly provide our judges, law clerks, and other court personnel with the latest rulings from higher courts, legal news from the nation's leading newspapers and law journals, the latest changes to rules and sentencing guidelines, and almost any other point of legal information they might need.

The use of the court libraries is not limited to court personnel. Library policy adopted by the Sixth Circuit Judicial Council in 1995 says that attorneys admitted to federal practice may use the libraries during regular business hours at the discretion of the resident librarian, who must be present.



*LIBRARY ENTRANCE—This is the entrance to the Frank W. Wilson U.S. Courts Library on the second floor of the U.S. Courthouse in Chattanooga.*



*LIBRARIAN—Tom Vanderloo is the court librarian serving the Eastern District of Tennessee. The top photograph on the wall at the library entrance is of Judge Frank W. Wilson, for whom the library is named. The photograph at the left shows Judge Wilson with his predecessor, U.S. District Judge Leslie Darr, center, and U.S. District Judge Robert L. Taylor, Knoxville. The photograph at the right is of Judge Wilson with members of his family.*

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