



Court Historical Society NEWSLETTER



Eastern District of Tennessee

JANUARY 2007



*NOTABLE COAL CASE RECORDS--Knoxville lawyer **Ed Rayson**, right, and Chief U.S. District Judge **Curtis L. Collier** are shown with records from two significant coal mining cases from the 1960s. Rayson was involved in both cases and has donated to the court for its historical archives his copies of documents pertaining to the cases. Judge Collier, in an earlier conversation with Rayson, had expressed an interest in the records being preserved because of the historical significance of the cases. The documents will be placed in the Frank W. Wilson Memorial Library, named for the judge who tried the cases. The library is on the second floor of the Chattanooga federal courthouse. The transfer of the documents was coordinated by the Court Historical Society.*

Coal Case History

Knoxville lawyer **Ed Rayson**, senior member of the Kramer Rayson firm and a member of the Court Historical Society, has donated to the court for its historical archives his copies of the printed transcript of the proceedings and testimony in *Gibbs v. United Mine Workers*, tried in 1962 by the late **U.S. District Judge Frank W. Wilson** in Chattanooga, a case that Rayson described as "remarkable for many reasons."

Rayson, who has been practicing law since 1948, said the *Gibbs* case was "perhaps the most-cited case in which I have been involved--this primarily because the Supreme Court found Judge Wilson's utilization of pendent jurisdiction to be applicable to the *Gibbs*' state law claim but at the same time noting restrictions to be observed."

He said it also was "important because it found the 'clear proof' requirement of the Norris-La Guardia Act applicable where a union was sued for unlawful conduct under state law. We had petitioned for certiorari on these same issues in several other cases before *Gibbs*, but without success."

Rayson praised Judge Wilson as "an outstanding judge and an equally outstanding person." He noted that Wilson, in his practice before World War II, had been associated with **Russell R. Kramer**, who later founded the Kramer law firm. The *Gibbs* lawsuit "was the last case in which Mr. Kramer, to whom I remain greatly indebted, was able to bring his considerable talents fully to bear." Kramer died in 1966.

Rayson also donated to the court's historical archives his 336-page post-trial brief in the case of *Ramsey v. Lewis*, an antitrust case tried for six weeks in 1965 before Judge

Index Cards Go

The nearly 182,000 index cards that hold much of the court's case-filing history have been scanned and converted to an electronic file, marking yet another milestone in the evolution of court recordkeeping in this day of technological advances.

The index cards, each of which contains the style of a case, its number, and the date the case was filed, date back to 1957. The cross-indexed cards were the main means of searching for a file and were essential to court personnel, lawyers, and the public, including investigators who regularly check the court's records.

The new electronic files are available to the public at

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Coal Case History continuation

Wilson. Rayson said he has always viewed the *Gibbs* and *Ramsey* cases, along with the *Tennessee Consolidated Coal Company v. UMW* antitrust case, to be closely related from a legal and factual standpoint.

Combative Cases

Lawyer **Ed Rayson** described the cases named in the story above as "very combative." He said, "The parties were strong-minded, and I doubt that mediation, then yet to be established, would have made the slightest difference."

"I take pride, however, in the fact that throughout the many years the cases were active in one forum or another there existed among the many lawyers involved a civility and cordiality and, indeed, friendships that endured long after the cases ended.

"One of the cases--I think it was *Ramsey*--was tried immediately after the *Hoffa* trial [conducted by **Judge Wilson** in 1964]. The clerk, we were told, remarked on the difference in the demeanor in the courtroom.

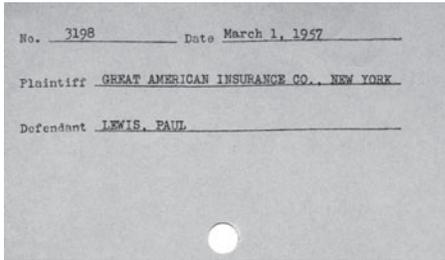
"I am the sole survivor of those who represented the UMW in these cases. **Howard Swafford** of Jasper and **John Rowntree** of Knoxville, now 92, survive of the lawyers involved in one or more of the three cases." For several years, Rayson and Rowntree, along with **Robert Young**, a Knoxville lawyer for another of the coal companies involved in the litigation, have belonged to a small luncheon group that meets twice weekly.

Rayson said that following these three cases, "I defended UMW in other antitrust cases in Knoxville, Illinois, Kentucky, and Virginia. We lost two; we won the rest, the last in 1985 before the Fourth Circuit in Richmond. In all, it was an extraordinary experience. I am pleased that these briefs will be among the memorabilia of the District Court in Chattanooga." ■

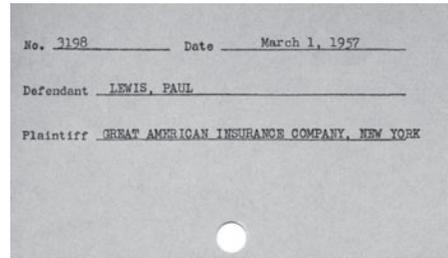
Index Cards Go *continued from page 1*

the intake counter in the Greeneville, Knoxville, and Chattanooga offices of the court. The index cards in the Winchester office will be converted later.

Prior to 1957, the index to cases was maintained in



handwritten form in large docket books, but for the years between 1957 and the early 1990s, when the clerk's office converted to electronic docketing, the index card file was in frequent use. The cards have been moved aside for now until a decision is made about their future. ■



TWO OF THOUSANDS--These index cards for a 1957 case show smudges across the top from the many fingertips that have touched them through the years as deputy clerks, lawyers, and others combed through the index card files. A card was made for each plaintiff and each defendant and cross indexed, so a case with multiple parties required a number of cards, each of which had to be filed in proper alphabetic order.

History Show

The historical displays of the Court Historical Society “remind me of the hard work countless people have invested in the success of this court in the many years since its inception,”

Judge Thomas W. Phillips says on the recently completed closed-circuit TV show about the court's history work.

The program was produced by the Federal Judicial Center for showing to all federal courts across the country.

Judge Phillips adds, “It is important for those of us who work in the court to remember that we are part of an honored tradition.”

The program was first shown early last month on the court's closed-circuit national television network. The Eastern District of Tennessee's history program was the only one chosen for the 30-minute show, titled “Bringing Court History to Life.”

The narrator introduces the segment with these words: “We will visit one court's very visible history program, one that combines pride, volunteers, and enthusiasm with a sometimes quirky collection of artifacts.”

The camera then goes immediately to the first exhibit shown, a two-wheel dolly that was used as evidence in a 1972 case in which eight Knoxville men were convicted of hijacking a truckload of Jack Daniel's whisky. Society executive director **Don K. Ferguson** explains this and a number of other exhibits on display in the History Suite of the Howard H. Baker Jr. U.S. Courthouse in Knoxville as the camera moves about the room showing each.

On the program, deputy clerks from the Chattanooga and Greeneville offices tell about the historical exhibits on display in those courthouses.

Mari Stanfill, Chattanooga, said the court memorabilia exhibited outside the third-floor courtroom there “has been a real eye-catcher for witnesses who are waiting to testify.” **Rick Tipton**, Greeneville, noted that the display there includes a copy of the program from the 1906 dedication ceremony for the old Greeneville federal courthouse, which now serves as offices for Greeneville Federal Bank.

Clerk Patricia L. McNutt, in praising the court's history program on the show, said, “If we didn't have volunteers to assist us, as we do, it would be difficult to carry out the history program to the degree that we do.” ■



HISTORY SHOWN--These are two frames from the television show produced by the Federal Judicial Center. The top one shows the introductory title, and the bottom one shows Don K. Ferguson, executive director of the Society, explaining some of the exhibits in the History Suite of the Howard H. Baker Jr. United States Courthouse.

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OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE, INC.

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