



Court Historical Society NEWSLETTER *Eastern District of Tennessee*

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Your Brother Becomes a Judge: The Effect on You

by Don K. Ferguson

Knoxville lawyer **George W. Morton** and his brother, **L. Clure Morton**, were practicing law together in 1970 when Clure was appointed by **President Nixon** as a United States district judge for the Middle District of Tennessee.

What effect did that have on George and the firm?

“The impact it had on me was that most of the practice we had was due to Clure, so for about two years, I was in the office every day of the year except Christmas,” George said recently.



Judge Morton



George Morton

He said he and the other two members of the firm, **Charles Lewis** and **John King**, had to work hard to keep the business. “The majority of our business had originated with Clure,” who was 10 years older than George.

Did the firm ever have a conflict because of Clure’s judgeship? George said conflicts didn’t arise, “because we were in Knoxville and he was in Nashville.” But Judge Morton did have to recuse himself once because of his kinship with George.

Someone in the firm filed a pleading in a case that was eventually transferred to the Middle District, and the case ended up on Judge Morton’s docket. At the time, George’s partner didn’t know that the case would be transferred. George said after that, the judge put down an order that any case filed in the Middle District that involved the Morton firm was to be referred to the other judge in the Middle District, “so that eliminated that question thereafter.”

I asked George if he ever felt that his kinship with the judge helped or hurt the firm?

He said he didn’t recall that it ever made any difference in this sense. “I don’t know whether we got any clientele because of it or not. They might have thought that, but they never said that to me. There was

continued on page 2

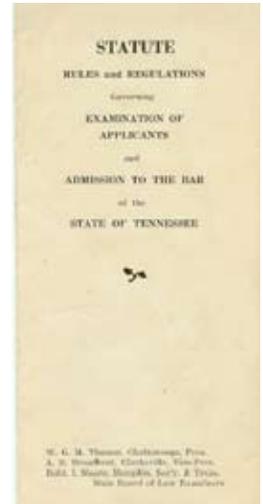
Early Rules for Admission

The pamphlet pictured here contains the rules for admission to the Tennessee Bar in the early 1900s and specifies some quaint rules for those taking the bar examination.

It was among papers that once belonged to the late Knoxville lawyer **Basil Needham**, whose wife was a friend of Court Historical Society supporter **H. Travis Parker**. Parker, the husband of retired deputy court clerk **Dorothy Parker**, donated the pamphlet and other documents of Mr. Needham’s to the Society.

The president of the Board of Law Examiners in those days was Chattanooga lawyer **W.G.M. Thomas**, who died in 1931.

Here are a few of the rules outlined in the pamphlet for those taking the examination:



Applicants will receive the necessary blank forms by applying to the Secretary or other member of the Board; but applicants must supply themselves ... with legal-cap paper, pens, ink, and blotter.

Not more than two pages are to be devoted to any one answer. Concise answers are recommended. ‘Yes’ and ‘no’ answers will not be received; but reasons for the answers must be given. The purpose of the examination is to determine the applicant’s legal qualifications.

Examination papers, to be considered satisfactory, shall average at least 75 per cent in the correctness of the answers.

In cases where an unsuccessful applicant contemplates a second examination, the Board, in its discretion, may suggest to him that he should direct his future study to certain subjects of the law. [Note the reference to only males.--EDITOR]

At the conclusion of an examination an applicant must be able to sign and deliver to the Board a pledge in substance as follows: Upon my honor as a gentleman, I state that I have neither given nor received assistance upon this examination; that I have not taken any copy of the questions submitted to me; that I have not, prior to the date of this examination, been furnished with a copy of any of the questions submitted, or the substance of any of them, and that I will not, in any way, enable students who are hereafter to take examination, to ascertain the questions which have been submitted to me. I will not disclose to others the questions so submitted. ■

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continued from page 1

never anything that would indicate that any favoritism would result.”

“After his school busing decision, it could have had a disadvantage, for all I know,” George said, referring to Judge Morton’s 1971 highly controversial and unfavorable ruling that called for the busing of students in Davidson County schools. The judge became the target of much criticism.

George quipped that his brother’s being a federal judge didn’t help him when he appeared in Knoxville’s federal court. “I certainly didn’t get any favoritism from Judge Taylor,” he said, referring to U.S. District Judge Robert L. Taylor, a contemporary of Judge Morton.

George, now 81, is once again back in a firm named Morton & Morton, the name the firm had in the 1960s, when just the two brothers were associated. This time the other Morton is George’s son, J. Myers Morton. George and his son left the larger firm of Morton, Lewis, King, Krieg, & Waldrop in 1990, one of the largest firms in Knoxville.

Judge Morton retired in 1996 and moved back to Knoxville. He spent a lot of time at the Morton & Morton firm but did not actively practice. He died in 1998 at the age of 82.

The Court Historical Society has in its archives an oral history that we conducted with the Morton brothers in 1997.

When the late U.S. District Judge Frank W. Wilson was appointed in 1961, he also had a brother who was in the active practice of law, William C. Wilson of Knoxville. The brothers were not in the same firm, however. Frank’s practice was in Oak Ridge.



Judge Wilson



William Wilson

William, now deceased, told me in an oral history in 1991 that he didn’t remember any occasion when he had to turn down a case because it was in or might get into Judge Wilson’s court. “I guess it was fortunate for me in this sense that he went to Chattanooga.”

From the standpoint of history, we limited this article to the Morton and Wilson experiences because these two judges were appointed 38 and 47 years ago, respectively. In more recent times, there have been others among our judges who had lawyers in their immediate families when they were appointed to the bench and those who have family members who later became lawyers. ■ *Photos courtesy of the News Sentinel*

Old Papers Surface

While assisting the Federal Judicial Center in Washington recently in its search for papers of one of this court’s late judges, we learned of the existence of some papers from not only that judge but the papers of two other former Eastern District of Tennessee judges, papers that the Court Historical Society did not know about previously.

An assistant historian in the FJC, Jon White, called last September, asking about papers and documents that belonged to the late U.S. Circuit Judge Xenophen Hicks, who served as a district judge here from 1923-1928 and on the Sixth Circuit Court of Appeals from 1928-1952.

We referred him to Mary Ellen Tomlin of the National Archives and Records Center in Morrow, Georgia, who deals with records from the Eastern District of Tennessee. She turned up some documents that belonged to Judge Hicks and some that came from the chambers of U.S. District Judge Edward T. Sanford, 1908-1923; and U.S. District Judge George C. Taylor, 1928-1949. Judge Sanford later served on the U.S. Supreme Court.

Judicial papers are different from official court papers and case files and normally are not submitted to NARA. Without an extensive review of the files, it’s not clear whether the documents are duplicates of case files or actually judges personal papers, Ms. Tomlin said. “I suspect that there are both.” The records in question were transferred to the NARA in the 1950s by the U.S. District Court Clerk’s Office, which forwards closed court files to the Records Center every year or so.

Fuller collections of papers of Judges Sanford and Taylor are on file at the University of Tennessee Special Collections Library.

The FJC made its call to the Society as part of its research for publishing a guide on federal judicial history for use by the public, historians, court personnel, or anyone interested in this type of research.

One of the missions of the Court Historical Society is to assist in the preservation of judges’ papers by arranging for them to be donated to a special collections library, which we have done with a number of such papers since the formation of the Society in 1993.

Members should take note, however, that it’s not only the papers of judges that are worthy of being donated. Any of you who have had long years of practice or have been active in associations, community organizations, professional groups, or political or governmental work should contact a library and ask if your papers are of interest to them. You may contact Society Executive Director Don K. Ferguson if you have any questions on this subject. ■

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FOR THE EASTERN DISTRICT OF TENNESSEE, INC.

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