

HISTORICAL SOCIETY NEWSLETTER



March 2002

Murrian Papers

As part of the Historical Society's continuing work to preserve judges' papers, we have made arrangements for retiring **Magistrate Judge Murrian's** papers to be donated to the UT Special Collections Library. Among his papers are the eulogy he delivered at the funeral of **Judge Robert L. Taylor** in 1987, correspondence from lawyers who recommended Judge Murrian for a district judgeship in 1988, and a letter of praise he received from Baltimore **U.S. District Judge Frank A. Kaufman**, who held court here in the late 1970s while Judge Taylor conducted the trial of Maryland **Governor Marvin Mandel** in Baltimore.

Judge Kaufman, writing about a complicated labor case that Magistrate Judge Murrian helped on, said, "I want to tell you how much I appreciate the way you handled this case and what a thorough, careful, diligent job you did in connection with hundreds of individual expense items...over a period of many years which required detailed examination..." Judge Kaufman added, "I am sending a copy of this letter to Judge Taylor to let him know what a fine job you did and how much I appreciate it."

The Society has, in the past, arranged to have the papers of **Judge Taylor, Judge Charles G. Neese, Judge Leslie Darr, and Bankruptcy Judge Clive Bare** donated to collections libraries. This is in line with the Society's goal to preserve the history of the court.

In addition, we recently completed an oral history on **Judge Murrian** and one on his longtime secretary, **Mrs. Pat Rankin**, who retired February 1. She was the first secretary to a full-time magistrate judge in this district, coming to work for the court when the post of part-time magistrate was converted to full time in 1976. These oral histories bring to 33 the number that have been conducted since the program was started in 1990. Copies of the histories are stored in the court's archives.

Save The Courthouses

Judge Hull has investigated the possibility of having the old federal courthouse in **Greeneville** designated as a repository for artifacts and memorabilia of **President Andrew Johnson**, but he says he is not optimistic that it can be done. The main problem is lack of space. Officials told him that a facility with 50,000 square feet would be necessary for holding all of the Andrew Johnson materials available. The courthouse has only 23,000 square feet of space. Andrew Johnson once owned the property where the old courthouse stands. There are other Andrew Johnson historical sites in Greeneville, including his famous tailor shop. Johnson memorabilia is in various locations in the country, and included in it is a large collection of his papers at the University of Tennessee Special Collections Library in Knoxville. Judge Hull says he has asked **Congressman Bill Jenkins** and **Thomas Walker**, the assistant regional administrator of the General Services Administration, Atlanta, to look into the matter to see if there is any possibility that the old courthouse could be used in some way to preserve the history of Andrew Johnson.

Meanwhile, the Historic U.S. Courthouse in **Chattanooga**, which has housed the U.S. Bankruptcy Court since 1991, is up for sale by TVA, which purchased the building in 1956 (but had occupied it for 20 years prior to that). GSA is making an effort to buy it so that the building can continue serving the courts. It was built in 1892 and served the federal courts until 1933, when the present federal courthouse was completed.

In **Knoxville**, the future of the former U.S. Post Office and Courthouse on Main Street is still uncertain. The state has looked into the possibility of moving the Tennessee appellate courts into the building, but the high cost of upgrading the 68-year-old structure is a major problem, especially with the state's finances being such as they are. A plan being discussed calls for the State Supreme Court building, which is across the street from the old federal courthouse, to be sold to a developer, who would build a hotel on the site, and the state courts would move to the old—but renovated—federal courthouse. The building is owned by the U.S. Postal Service, which still occupies a small portion of the building, but Knoxville businessman **Sam Furrow** is in the midst of purchasing it. If the plans involving the state courts do not materialize, Mr. Furrow says he will convert the building to commercial office space or condominiums. The post office would continue to operate its downtown station from there.

The original federal courthouse in Knoxville, now known as the East Tennessee Historical Center, is being expanded. The building was completed in 1874, and an addition to it was built in 1910. The current expansion is to the east of the building and will open onto Gay Street.



SIXTH CIRCUIT CHIEF—U.S. Circuit Judge Boyce F. Martin Jr. (second from the right), chief judge of the Sixth Circuit, came from Louisville to wish Judge Jarvis well at the reception held February 28 in Judge Jarvis's honor. Judge Martin is shown here with, from the left, Magistrate Judge Phillips, Mrs. Jarvis, Judge Jarvis, and Judge Jordan. (More photographs on page 2.)



HAPPY BIRTHDAY!—Judge Jarvis has good reason to be smiling as he is pictured with three of his daughters, from the left, Kathryn, Louise, and Ann, at the reception held February 28 to mark his 65th birthday and his taking senior status. (Kathryn and Ann are twins.)



OTHER WELL-WISHERS—The Hulls and the Jarvises embrace at the reception held for Judge Jarvis. Mrs. Jarvis is on the left and Mrs. Hull on the right.



MANY CAME—This photograph shows a few of the more than 500 people who attended the reception for Judge Jarvis (far right) February 28 on the fourth floor of the U.S. Courthouse in Knoxville.



REMINISCING—Judge Jordan, left, who took senior status last November, and Magistrate Judge Murrian, right, who retired February 12, talk with Court Historical Society members Robert Ritchie, facing the camera, and John Lucas at the meeting February 12 of the Hamilton Burnett Chapter of the American Inns of Court, at which the two judges reminisced about their careers. Judge Jarvis, who took senior status on February 28, was to have been on the program also but was ill and could not attend. To show the wide range of law that federal judges must deal with, Judge Jordan gave highlights of five of his trials over the years; they involved medical malpractice, criminal law, employment law, bankruptcy litigation, and patent infringement. Judge Murrian told about several of his more interesting cases—some complex, some with their funny moments—and about how his involvement in judicial settlement conferences led to the court's mediation program, the first such federal program in Tennessee. Judge Murrian joined the Knoxville law firm of Kramer, Rayson, Leake, Rodgers and Morgan upon his retirement.

The Red Robe

Court Historical Society member **Bruce Shine**, a Kingsport lawyer, reminded us after the story about the origin of black judicial robes appeared in the November 2001 issue of the Society's newsletter that the late **U.S. District Judge Charles G. Neese** started wearing a red robe after he took senior status and transferred to the Middle District of Tennessee in 1982.

For an explanation as to why he changed, we turned to **Judge Jordan's** secretary, **Fran Smith**, who served as Judge Neese's secretary for 14 years. She said that before the judge changed, "He did a lot of research on it and found that there was nothing that said he couldn't wear red, so he changed. **Mrs. Neese** and I encouraged him to go ahead and do it. He always thought red would brighten up the court proceedings more so than the black did."

Historic Occasion

The Court Historical Society joined with the Knoxville Bar Association to solicit funds from attorneys in the Northern and Northeastern Divisions of the court for special events honoring **Judges Jordan and Jarvis** and **Magistrate Judge Murrian**. Judge Jordan took senior status on November 30, Judge Jarvis took senior status on February 28 (his 65th birthday), and Judge Murrian retired on February 12. In a joint letter to attorneys in the two divisions, **Society Chairman Jack Wheeler** and **KBA president Charles Swanson** called the changes "unprecedented" in this district.

Our Tax Court Judge

The only East Tennessean ever to serve on the U.S. Tax Court, **Judge Perry Shields** of Knoxville, died January 14 at the age of 77. He was one of only two from Tennessee who have sat on that court. The other one was **Benjamin H. Littleton** of Nashville, who served from 1924 to 1929.

Judge Shields was appointed to the court in 1982 after practicing law in the Knoxville area for 27 years, specializing in tax cases. After graduating from Duke Law School, he served as an Internal Revenue Service agent and later as an attorney for the chief counsel for the IRS in Washington. His daughter, **Leslie Shields**, is a tax attorney in Knoxville.

Tax Court judges are appointed by the President and confirmed by the Senate. Candidates are chosen by a nominating committee composed of six members—three in government and three in the private sector—with the general counsel of the U.S. Treasury serving as chairman. The court is composed of 19 judges but presently has only 16. A spokesman said there hasn't been an appointment in several years.

Tax Court judges are not Article III judges like district judges are, but the pay is the same. The length of their term is 15 years.

The Tax Court hears cases in which the IRS is in dispute with taxpayers—individuals, companies, and organizations—about the amount of tax owed. Taxpayers may litigate their claims in the Tax Court before paying the taxes owed. Trials are conducted like civil actions, but without a jury. Individual judges travel to various locations throughout the country to hold court.

The Tax Court sits from time to time in Knoxville, in sessions that last about a week, often using one of our courtrooms.

The history of the Tax Court dates back to the Revenue Act of 1924, which first established the court as the U.S. Board of Tax Appeals in the Executive Branch. The name was changed in 1942 to Tax Court of the United States and its members were given the title of judge. In 1969, Congress established under Article I of the Constitution a court of record to be known as the United States Tax Court.

Investiture

We routinely use the term "swear in" in referring to the act of administering the oath of office to a judge, but the formal term is "investiture," not an everyday word. A discussion about the term came up recently during the investiture of the district's newest magistrate judge, **C. Clifford Shirley**, Knoxville. "Investiture" is pronounced *in-VES-ti-choor*. Dictionaries define it as the "action or ceremony of clothing someone in the insignia of a position or rank, the ceremonial investing of a person with a position or rank." The word came into the English language in the mid-1300s from Latin from the word *invest*. One meaning of *invest* is "to clothe or surround." Another is "to install in a position or rank with the customary rites or ceremonies, to endow with authority."



NEW MAGISTRATE JUDGE—Newly appointed **Magistrate Judge C. Clifford Shirley Jr.** takes the oath of office from **Chief Judge R. Allan Edgar** on February 13 in the special proceedings courtroom at Knoxville. That's his wife, **Pat**, seated, looking on. Partly hidden behind Judge Shirley's raised arm is his mother, **Mrs. Marilyn Shirley**.

JUDGE SHIRLEY AND FAMILY—**Magistrate Judge Shirley** poses with his family following his investiture. They are, from the left, **Mrs. Shirley, Clifford III, 15, Michelle, 11** (in front), and **Stephanie, 17**, right.



Our Society and Book Recognized

Our Historical Society and the book published under the auspices of the Society, *Justice in the Valley*, were mentioned in a feature article that appeared last month in a court newsletter circulated to all the federal courts in the country, including the U.S. Supreme Court. The article was written by **Sixth Circuit Historian Rita Wallace**, one of only two federal court employees (outside of Washington) whose primary responsibility is preserving the court history. (The other court-paid historian is **Michael Griffith** of San Francisco.) Ms. Wallace noted that the Sixth Circuit has only two historical societies—ours and the one in Detroit (the Eastern District of Michigan). Ms. Wallace has visited our court and works closely with us on historical matters involving our district.

The number of federal court historical societies is growing, she noted in the article. There are now 35 district court historical societies and eight circuit court historical societies. The mission of the societies, Ms. Wallace said, is to "publish scholarly journals and periodic newsletters, undertake oral history interviews of judges and lawyers, collect photographs, artifacts, and other materials of historical significance, sponsor lectures, create outreach lessons for school groups, and display exhibits at courthouses."

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

*Howard H. Baker Jr. U.S. Courthouse
800 Market Street, Suite 130
Knoxville, Tennessee 37902*

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