



Court Historical Society NEWSLETTER *Eastern District of Tennessee*



JULY 2009

The Jury Wheel

Every four years, at this time of the year, a special project takes place in our court--the gathering of names of people to make up the jury pool, or jury wheel, as it is often referred to. The names are obtained from voter registration rolls in the district's 41 counties.

This work is done after each presidential election, due to the fact that presidential elections attract a large number of voters, giving election registrars a greater number of new names and current addresses of voters.

For years, up through the early 1990s, this work was done by hand, with deputy clerks going to each county office where voters' names were listed, and then, following a formula established by the court, writing down names from those rolls.

"We would figure out how many names we needed from each county, based on the ratio of voters in each county to the voters in each division. We would come up with a 'quotient,' which was the ratio of the number of names to be obtained compared to the number of registered voters in the division," according to Chief Deputy Clerk John Medearis.

A "starting number" was randomly chosen, and if, for example, the court needed 500 names from a county, and the quotient was 90 and the starting number was 45, "We would go to the county, get the ledger book of voters, go to 45th name to get our starting name and the person's address. We would then choose

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A JURY WHEEL--For years, a jury wheel like this one played a major part in the jury selection process. The jury wheel is described in **Bryan A. Garner's** Dictionary of Modern Legal Usage as "a contraption, usually a circular box revolving on a crank, that aids officials in randomly choosing those who will be called in for jury duty." Today, the term "jury wheel" is

still used in many jurisdictions, including ours, to apply even to the computer methods that have displaced the old-fashioned crank devices. This box is part of a historical display in the U.S. Courthouse at Seattle, Washington. Thanks to **Lora Finley** of the U.S. Bankruptcy Court in Chattanooga for calling this photograph to our attention. As the deputy clerk who handles purchasing for that court, she was among those to whom purchasing specialist **Mark Farley** of the Seattle court had sent the photograph, asking if anyone had information about the old jury wheels.

Courtroom Chewing

When we wrote here last fall about the Winchester Division and the late U.S. District Judge Leslie R. Darr's roots in that division, Society member **Harold Pinkley** of Nashville sent us an amusing story about Judge Darr, one that Mr. Pinkley said was his favorite story about the judge.

Mr. Pinkley served as a law clerk in 1982-83 for U.S. District Judge **Frank W. Wilson**, who succeeded Judge Darr in the Chattanooga judgeship in 1961.

Judge Darr, a lawyer and later a state judge in Jasper before becoming a federal judge, chewed tobacco. In semi-retirement from federal court, he still heard a few cases from time to time in the courtroom he shared with Judge Wilson.

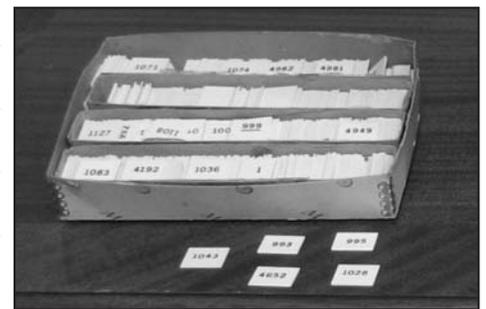
"One day, Judge Darr placed a large chaw in his mouth and settled in to hear a case. He soon began looking around for the spit-

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THE OLD WAY--

In days gone by, the compiling of the list of prospective jurors' names was done by using these wooden boxes and the small numbered chips shown in the bottom picture.

A chip was matched with a questionnaire, and once all the questionnaires had a number assigned to them, the corresponding chips were dumped into one of the boxes. A deputy clerk would then randomly retrieve one chip at a time, and the questionnaire bearing the matching number was set aside for the person named to be summoned for jury duty. These boxes and thousands of these chips are among the Court Historical Society's collection of memorabilia at the federal courthouse in Knoxville.



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

Don K. Ferguson
Executive Director and Newsletter Editor
Howard H. Baker Jr. U.S. Courthouse • 800 Market Street, Suite 130
Knoxville, Tennessee 37902
865/545-4234, Ext. 2222 • Don_Ferguson@med.uscourts.gov

The Jury Wheel *continued*

the name and address of every 90th person listed thereafter until we got 500 names,” Mr. Medearis explained.

This year, for the first time, it is being done completely electronically by a company operated by a former federal court employee in Brooklyn. Our court obtained from the Tennessee Election Commission the names of all registered voters in the district’s 41 counties. This database was sent to the Brooklyn firm, which,

following the instructions in the court’s jury plan, computed the number of names the court needed from each county.

The system even updated the addresses and deleted the names of those on the list who are deceased. Upon completion, he sent the refined database to the court and it was loaded into the clerk’s Jury Management System. ■

Courtroom Chewing *continued*

toon he had kept at the bench. He didn’t realize, of course, that Judge Wilson, being of somewhat more refined habits, had had the spittoon removed.

“Judge Darr, by then in serious need of the vessel, stopped the proceedings and told the participants that court was in recess. He dashed off the bench, to the astonishment of the others, and apparently found someplace to expectorate. He returned to the courtroom, bringing the spittoon with him. Court then proceeded uninterrupted,” Mr. Pinkley said.

Spittoons once were common in courtrooms and at other places in courthouses. They were removed from the federal courthouses in our district in the 1960s. Spittoons are still at the side of the chairs of the justices of the U.S. Supreme Court, but they are used as wastebaskets. “Records do not indicate when the spittoons were last used for their original purpose,” a spokesman said. ■

An 8th and 6th Circuit Link

The Court Historical Society book *Justice in the Valley* continues to be of interest to courts across the country. The latest purchase was made by the U.S. Courts Eighth Circuit Library in St. Louis after the archives librarian discovered a connection between that circuit and the Sixth Circuit.

Archives Librarian **Joan Voelker** was doing research on the history of the Eighth Circuit in preparing a traveling display when she ran upon the information, which was also summarized in the 1976 book *History of the Sixth Circuit* by the late **Sixth Circuit Chief Judge Harry Phillips**. He wrote that “when Michigan entered the Union in 1837, it was first grouped with Ohio, Indiana and Illinois to form the Seventh Circuit” and “Kentucky and Tennessee were joined with Missouri to create the Eighth Circuit.”

In the period immediately after the Civil War, however, Congress established the geographical makeup of the Sixth Circuit as it is today, consisting of Tennessee, Kentucky, Ohio and Michigan. ■

Looking Back

The Court Historical Society was formed 16 years ago, in 1993, and the first newsletter was published in August of that year. In it, then-**Chief Judge James H. Jarvis** had a short message of endorsement to the members. It read:

On behalf of the judges of the Eastern District, I wish to thank the members of the Executive Committee and the president, [Knoxville lawyer] **Jack Wheeler**, for the expeditious and professional manner in which the Court Historical Society has been established. We know that this project could not be successful without the interest and support of the Bar. We appreciate your financial support and your help otherwise, to the end that the work of this society will document and preserve our history for the first time since the district was established in 1797.

An article from that first issue:

“Design work for a new Knoxville federal courthouse has been completed, and an archeological dig has begun at the new site

in downtown Knoxville. Artifacts dating back to the 1700s have been found.

“This will be the first time in more than a half century that any of the district’s offices have moved. Moves of this nature cause us all to be more conscious of our history as we transfer from the old to the new. The Society has a lot of opportunities ahead of it.”

(Many will remember that the courthouse was to have been built on the lot bounded by Gay and Market streets and Cumberland and Church avenues, which today is the site of a large parking building and a surface parking lot. Construction was scheduled to begin and there was a projected completion date of 1996. As it turned out, that plan was abandoned when the Whittle Communications Building became available in 1995. The government bought the Whittle Building and converted it into the Howard H. Baker Jr. United States Courthouse. --EDITOR)