



# Court Historical Society NEWSLETTER

Eastern District of Tennessee

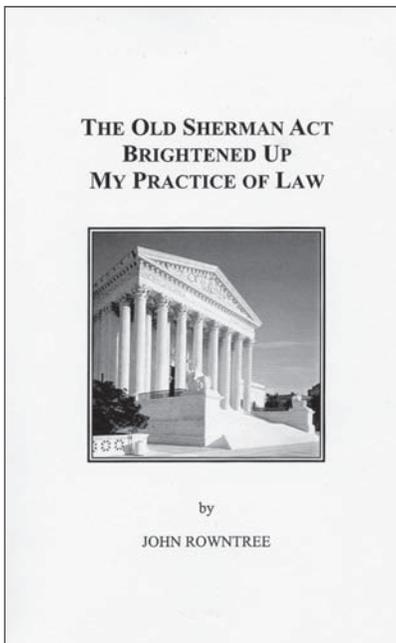
SEPTEMBER 2004

## *Law Career Chronicled*

Retired Knoxville lawyer **John A. Rowntree**, 89, who had a highly successful career in antitrust law, wrote a 50-page booklet about his career and has donated a copy to the Court Historical Society. The title is *The Old Sherman Act Brightened Up My Practice of Law*.

His idea to write the manuscript came from a request by your editor that he and Knoxville lawyer **Ed Rayson**, who often was his opposing counsel, collaborate to write an article for this newsletter about the major coal mining antitrust cases they handled during the 1960s and 1970s--Rowntree for the plaintiffs and Rayson for the defendants.

Rayson, senior member of the Knoxville firm Kramer, Rayson, Leake, Rodgers & Morgan, is still in active practice, and he and Rowntree, close friends, are members of a small group that meets for lunch twice a week. Both are members of the Court Historical Society.



In helping prepare that article, which appeared in the May issue, Rowntree decided to more fully chronicle his law career. Your editor put him in contact with a publisher, and the booklet came off the press in April.

Rowntree donated copies of his booklet to Harvard Law School, from which he received his law degree in 1939, and to Harvard University Archives, both of which were delighted to receive the history. "Personal recollections such as yours are of great interest to current and future researchers, and yours is a particularly engaging

example," a Harvard Archives' reference archivist told Rowntree.

During his career, Rowntree took on the most powerful labor leader of the 20th century, United Mine Workers president **John L. Lewis**, and won, gaining financial success and a reputation as an excellent antitrust lawyer.

In reflecting on the union and coal litigation, Rowntree writes, "So what is the effect of all these cases? In retrospect I think these coal cases have had a limiting effect on how far national labor contracting can be carried on. The plight of smaller companies must be considered. The duty to bargain unit by unit under the original concept of the labor

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*WELL-DOCUMENTED*—Retired Knoxville lawyer **Arthur D. Byrne**, right, presents a copy of his firm's history to **Don K. Ferguson**, Society executive director, for the Society's archives.

## *Law Firm Histories*

Do law firms, especially those that have been in existence for many years, have a written history of their firm?

We raised this question after we learned that a history of the longtime Knoxville law firm of Poore, Cox, Baker, Ray & Byrne had been compiled by one of that firm's retired partners, **Arthur D. Byrne**. We were discussing some general historical matters with Byrne, a member of the Court Historical Society, when he happened to mention that he had a written history of the firm, known today as Baker, O'Kane, Atkins & Thompson.

The spiral-bound document contains 40 pages of written text and a collection of copies of numerous letters and newspaper clippings involving some of the firm's principals and cases.

This prompted us to check with a few older firms in the district to see if they have a written history. Several do, some quite formal, others not so formal.

**Tom Williams** and Society member **Paul Leitner** of Leitner, Williams, Dooley & Napolitan in Chattanooga say they have a full history that tells the firm's 122-year history. Miller & Martin, Chattanooga, also has a formal write-up of its 137-year history, according to managing partner **Howard Levine**.

Milligan & Coleman in Greeneville has what partner **Tom Kilday** calls "an informal recitation" of that firm's history, which dates back to 1912.

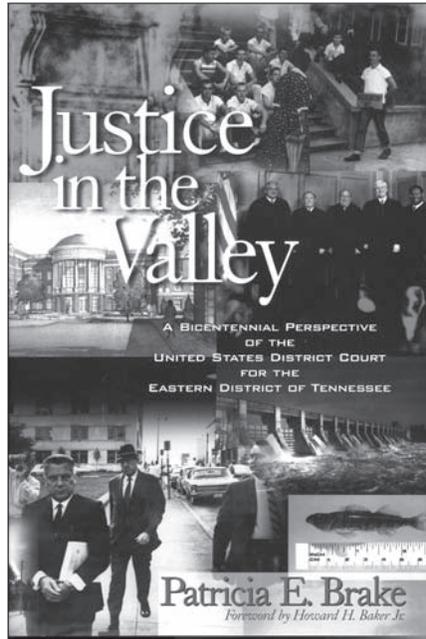
In Knoxville Frantz, McConnell & Seymour, founded in 1902 and which has gone by its present name since 1913, has only a short document covering its past, according to senior member **Arthur D. Seymour**

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## Historical Society Book

Ten years ago, the then-recently formed Court Historical Society undertook the ambitious project of publishing a book covering the history of the U.S. District Court for the Eastern District of Tennessee. Four years later, in 1998, one year after the court observed its 200th anniversary, *Justice in the Valley* came off the presses.

Our publisher, Providence House Publishers in Franklin, Tennessee, printed 1,000 copies. Today, fewer than 150 remain. The book project has been a success, and we have had a number of inquiries over the years from other federal court historical societies interested in publishing a book about their court, asking how we went about it. The author was **Dr. Patricia Brake**, a professional historian and educator, who is the sister of Knoxville lawyer **Rebecca Brake Murray** and the daughter of a lawyer, **Joseph A. Brake**, Ashland, Kentucky, a member of the Tennessee and Kentucky Bars. Also, her



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daughter, **Hannah Howard**, graduated from UT College of Law in May.

Through the years, the book has been available from the publisher and from the Society offices and from the four clerk's offices in the district. But with so few copies remaining, the publisher recently stopped handling the book and has shipped the remaining copies to the Society offices.

*Justice in the Valley* is priced at \$26.95 but may be purchased for \$25 from the Society or at any of the offices of the clerk. Mail orders should be directed to the Society at the address in the newsletter masthead below. Mail orders must include \$4 postage. No postage is involved, of course, if the book is bought over the clerk's office counter. Those who have not yet purchased a copy might wish to consider doing so, perhaps as a gift during the holidays. All checks should be made payable to the Court Historical Society.

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law must be respected."

Rowntree has an association with this court that predates his days of practicing law. His grandfather, Knoxville lawyer **James A. Fowler**, was a partner in the practice of law with **Edward T. Sanford**, who became the federal judge in this district and served from 1908 to 1923, and then was appointed an associate justice of the United States Supreme Court, where he served from 1923 until his death in 1930.

Also, Rowntree had a link with antitrust law long before he started practicing law. His grandfather—**James A. Fowler** mentioned heretofore—served as special assistant U.S. attorney general in charge of the antitrust division of the U.S. Department of Justice in the early 1900s. "As the first person to fill that office, it fell to him to organize that division," Rowntree wrote. "He was responsible for the prosecution of many of the early antitrust cases and arguing for the government in the Supreme Court."

Rowntree dedicated his booklet to his grandfather, known locally as "The General," a founding member of the former Knoxville law firm of Fowler, Rowntree & Fowler.

In the booklet, Rowntree expressed great love, respect, and admiration for his grandfather, feelings that "came from the unvarying kindness, compassion and generosity displayed by the General and also from what the General had done for his country in those earlier days of struggle under the Sherman Act, when our economic framework was being fashioned."

"This little story shows the author could not be happy in the practice of law until he made his life more like that of the General," Rowntree wrote. ■

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Jr., Court Historical Society president. He said his father, **Arthur D. "Bud" Seymour** was writing a fuller, more detailed history of the firm when he died in 2002.

Former Society president **Jack Wheeler** of Knoxville's Hodges, Doughty & Carson said his firm has a 15-page, double-spaced outline that was prepared in 1994 by then-senior partner **Robert Campbell**, now of counsel, a Society member, "for the purpose of preserving a very basic history of the firm." Added to it is a two-page, single-spaced memorandum written last March by Wheeler as an update. The firm was founded in 1931.

We invite firms with written histories to provide us with a copy for the Society's archives, and we suggest that they give a copy to the historical collections of their local library. ■

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

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