

NEWS FROM THE U.S. DISTRICT COURT HISTORICAL SOCIETY

Bankruptcy Milestone

The retirement of **U.S. Bankruptcy Judge Richard Stair** at the end of this month marks a milestone. He was the first appointee in the Eastern District of Tennessee under the Bankruptcy Amendments and Federal Judgeship Act of 1984, which, among other things, gave the Courts of Appeals the authority for appointing bankruptcy judges. That authority for years had rested with the District Court judges.

Judge Stair was appointed in 1986. At that time, the only other bankruptcy judges in the Eastern District of Tennessee, both now deceased, were **Chief Bankruptcy Judge Ralph H. Kelley**, Chattanooga, and **U.S. Bankruptcy Judge Clive Bare**, Knoxville, who was serving in recall status, which enabled him to remain active for a period of time.

Both Judge Bare and Judge Kelley were appointed under the previous system, which had existed for years, Judge Bare in 1957 and Judge Kelley in 1969. They were appointed by the district judges as Referees in Bankruptcy, the title that preceded "Judge" for the bankruptcy adjudicators.

The informality of the previous appointment procedure is clearly reflected in Judge Kelley's oral history (see excerpt below), where he tells how he got appointed. The oral history was conducted by the Court Historical Society in May 2002, two years before Judge Kelley died, in June 2004.

One day **Frank Wilson** called. [That was **U.S. District Judge Frank W. Wilson**.] He and I were old friends. And he said, 'I've been checking on you, and I've got a man who's going to retire [**Byron Pope**]. You've got three years in the military, six years in Congress [as a page], and if you were to accept this federal appointment I'm going to talk to you about, you'd have nine years of federal service the first day you go to work.'

Of course, he needed the other district judges to go along. And I said, 'Well, Frank, I had never thought about being a judge before, but I will talk with my wife, and if she says do it, I'll do it.' Frank said **President Johnson** had a pay commission studying an increase in pay and that the job would pay more money soon.

He got the other two district judges to sign the order. And that was my first appointment. That was in December of 1968, I took the oath of office the first of 1969.

EDITOR'S NOTE: The salary of a Referee in Bankruptcy when Judge Kelley took office in 1969 was \$22,500. It rose to \$30,000 later that year. The other two district judges that Judge Kelley referred to as signing his order of appointment were **U.S. District Judge Robert L. Taylor**, Knoxville, and **U.S. District Judge Charles G. Neese**, Greeneville, the only other Article III judges in the district at that time. Judge Kelley retired in 1993 but continued serving in recall status until a few months before his death in 2004 at the age of 75. Immediately prior to going on the bench, he was serving as Chattanooga's mayor, a post he held for nearly six years. Earlier, he had practiced law in Chattanooga for a number of years.

The Appointment Procedure Today

Today, when a vacancy occurs in a bankruptcy judgeship or a new bankruptcy judgeship is created by Congress, the U.S. Court of Appeals for the district involved publicizes the vacancy, interested parties apply, and the Circuit Judicial Council chooses at least three candidates from which the Circuit Court judges make their choice for the appointment.

Other Milestones

This is an unprecedented time of change in judgeships in the Eastern District of Tennessee. Never before have so many changes in judgeships occurred or were pending within such a short period.

U.S. District Judge Thomas W. Phillips retired in July 2013.

U.S. District Judge Pamela L. Reeves was appointed in March.

U.S. Bankruptcy Judge Richard S. Stair will retire at the end of this month.

U.S. District Judge Curtis L. Collier will take senior status next month.

U.S. Bankruptcy Judge John Cook will retire next March.

Chief U.S. Magistrate Judge Dennis Inman will retire next April.

U.S. Magistrate Judge William B. Mitchell Carter will retire next July.

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Executive Director
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