

HISTORICAL SOCIETY NEWSLETTER



September 1997



*This photograph provided by the descendants of **Albert Milani** shows the stone artisan carving one of the four large marble eagles that stand atop the front of the 63-year-old U.S. Post Office and Courthouse on Main Street in Knoxville. One of the completed eagles is at the right. We do not know the exact date this photograph was made, but it was sometime in the 1932-1934 period. The courthouse was opened and dedicated in February 1934. The photograph was provided to us by **Mrs. Madlyn Milani**, Knoxville, whose husband was **Thomas Albert Milani**, son of the sculptor.*

Milani Remembered

A reference to **Albert Milani** in the May 13, 1997, newsletter reminded Society member and attorney **G. Wilson Horde** of the time that Mr. Milani was a witness in a trial before **Judge Robert L. Taylor** in the mid-

1960s—in the courthouse that bears the marble eagles that Mr. Milani carved.

“He was a very interesting man to talk to, and I couldn’t help but notice his hands—being a sculptor he had very large hands

and even at his age at that time, his fingers were very large and very strong—you could tell that when you shook hands with him,” Wilson wrote in a note to the Society.

continued on page 2

Upon looking at the photograph, **Judge Jarvis** commented that he knew Mr. Milani and said, "He was a great man." Judge Jarvis recalled that he went to school with one of Mr. Milani's daughters. The Judge also recalled that his father, attorney **Howard Jarvis**, did some work for Mr. Milani.

Mr. Milani died in 1977. In the newspaper story about his death, he was described as "one of the last of the skilled artists and artisans with stone in this area."

Another note about the Milani family: The photograph on page 1 was hand-carried to the court by Mr. Milani's great-granddaughter, **Wendy Milani Buckner**, who has an indirect court connection—she works for lawyers. She is a paralegal for Knoxville attorneys **Stephen Wise** and **William Reeves**. ■

History Book Progressing

Historian **Pat Howard** is putting the finishing touches on the manuscript that traces the 200-year history of the U.S. District Court for the Eastern District of Tennessee. The manuscript is complete except for points of information that Pat needed to research further before incorporating into the history. Her revisions and additions will be completed in time for the

manuscript to be submitted in October to a publisher who has shown interest in the work. We hope to have the book available in 1998. ■

Our Files Are Growing

The Society has accumulated so many papers and other items that we thought it would be wise to compile a master list of the things we have before the collection grows out of hand. We asked UT Special Collections Library personnel to help us find a student willing to volunteer his or her services to the Society to compile such a list. They recommended UT history graduate **Mary Ellen Coleman**, who is in her third year at the UT College of Law, and she has been working diligently two or three hours a week cataloging the several file drawers full of materials the Society has accumulated. We will try to publish the list, or finder's guide, when it is completed. The Society is grateful to Mary Ellen for her fine work. ■

Mrs. Manson Dies

Ellen Taylor Manson, daughter of **U.S. District Judge George C. Taylor**, died June 15. She made a great contribution to the Society's work by consenting to an interview about her father, who served the court from 1928

to 1949. The transcript of that interview, which took place at her Chattanooga home August 24, 1993, is on file with the Society's collection of other oral histories. ■

More Oral Histories

The Society has added four more oral histories to its collection, bringing to 24 the total number of histories now on hand—a number that might be higher than that of any other federal court history organization. The latest additions to the collection are the recollections of: **retired U.S. District Judge L. Clure Morton**; his brother, **Knoxville lawyer George W. Morton**; **Mrs. Katharine Hastings**, Chattanooga, daughter of **former U.S. District Judge Leslie Darr**; and **Mrs. Betty Cutchin**, Chattanooga, longtime secretary to Judge Darr.

Mrs. Hastings and Mrs. Cutchin wrote letters of appreciation to the Society, and we are reprinting them below:

It was with a great deal of interest that I read the current [March 1997] issue of the Historical Society's newsletter. The reference to my father was understandably of special interest to me. Betty Cutchin and I had a long conversation about the publication and the many memories it evoked.

Please accept my deep appreciation for bringing about

the placement of my father's papers in the Chattanooga-Hamilton County public library.

Among the items of special interest was the notice of Mrs. Florence Taylor's death and the article about Judge Wilson. Many times my parents had the pleasure of friendship with "Little Bob" and Florence.

My father was very fond of Judge Wilson and was his strong supporter and sometimes mentor.

With warm wishes,
Katharine Darr Hastings

Friday's meeting (April 18, 1997) with you (Don K. Ferguson, newsletter editor) and Katharine was fun. It triggered thoughts, emotions and memories of my days in Judge Darr's office.

With best wishes, I am
Sincerely,
Betty Cutchin

Other letters to the Society:

[Chairman Jack Wheeler] asked for anecdotes concerning the federal courthouse. As we all know, the courthouse in Chattanooga has always housed the post office in addition to the federal courtrooms and other federal offices. Until recent years, the federal courthouse was the "main" post office for Chattanooga.

Both my father (Harry G. Brunette) and my grandfather (my mother's father, George Forbes) worked for the post office. Almost every time I walk from my office at 713 Cherry Street to the federal courthouse, I am reminded of a statement that has been attributed

to my grandfather, who was the assistant postmaster for Chattanooga in the '40s and '50s. I have frequently been told that he would state:

We have expanded this great country west. The rivers have been dammed. There are no more frontiers to conquer. Man's last great adventure is to be able to successfully cross the street at 9th and Georgia Avenue.

My grandfather has been dead since the 1950s. I sometimes wonder what he would have thought of our explorations in space, the automation of the post office, and our current court structures.

I also wanted to share with you one brief anecdote from Judge Frank W. Wilson. I can still vividly remember my first trial before Judge Wilson. Judge Wilson had called me to the podium to ask what our position was on various matters. I had tried to keep my options open when he made the following statement: "The Federal Rules of Civil Procedure allow for pleading alternate theories, but this Court does not allow a party to rely on alternate facts." Judge Wilson was a great man who attempted to train many of us in the realities of the law.

Very truly yours,
Harry F. Burnette
Chattanooga

Judge Milburn's history of Judge Wilson in the March 1997 newsletter caught my attention. While I have no doubt that many attorneys can (and have) told similar stories about Judge Wilson, I wanted to share my experiences with him, which you can use as you see fit.

I had the opportunity to appear before Judge Wilson on a number of occasions fairly early in my legal career. I was impressed with his courtesy, patience, and legal knowledge. He gave a new dimension to the stock phrase "well-versed in the law." He had always read the papers the parties had submitted on a point and had a knack for focusing on the core of the dispute. He was attentive to witnesses at trial and tried to make them as comfortable as possible when they were on the "hot seat."

Among all my memories of Judge Wilson, one trial will stand out. A gentleman sued TVA under the employment discrimination statutes, claiming that he had been unfairly disciplined. He represented himself. I was the lead attorney for TVA. The case went to a bench trial before Judge Wilson. The plaintiff was obviously lost in the courtroom. He had no idea how to examine a witness or introduce an exhibit. Judge Wilson, in a very gentle manner, managed to help the plaintiff tell his story without trying the plaintiff's case for him. He gave him wide latitude on procedural matters, but he would rein him back in if he strayed too far. With the benefit of his wide experience and his personality, he did what he could to give the plaintiff his day in court without tipping the scales of justice unfairly. It was an impressive performance. I would add that when I stood up, he held me to the standard he expected from all attorneys in his courtroom.

I deeply regretted his passing. He set an example for us all.

Sincerely,
Thomas F. Fine
Assistant General Counsel
Tennessee Valley Authority

Court History Trivia

What United States Supreme Court justice appointed the first female law clerk?

Answer: **Justice William O. Douglas**. He appointed **Lucille Lomen** in 1944, becoming the first member of the high court to have a woman law clerk.

(This information came from an article titled "Supreme Court

Trivia Questions" by Tulsa Law School Professor **Bernard Schwartz** in the *Quarterly*, the newsletter of The Supreme Court Historical Society. The newsletter was passed to us by Knoxville deputy court clerk and Historical Society member **Dorothy Parker**, whose husband, **Travis**, is a member of The Supreme Court Historical Society.)

A note of interest to Eastern District readers is that Justice

Douglas had closer ties to East Tennessee than any other U.S. Supreme Court justice in recent history. A hiking enthusiast and outdoorsman, he visited this region from time to time to hike in the Smokies with fellow hiking enthusiast and outdoorsman **Harvey Broome**, who served as law clerk during the 1950s and 1960s for **U.S. District Judge Robert L. Taylor** and earlier for **U.S. Circuit Judge Xen Hicks**. ■

*THE HISTORICAL SOCIETY OF
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History Around the Sixth Circuit

By Rita Wallace
Circuit Historian

The revised history of the Sixth Circuit continues to progress on schedule. The history will be accessible on the judicial intranet through the Sixth Circuit Library home page, which will go up within the next month. Not only will the history give a short biography of each judge, but it will also include links to opinions, a bibliography, and the location of judges' papers that have been donated. A history published in book form will be available sometime in 1998.

The court's oral history project is progressing with the transcription and editing of the interviews with **Judges Lively, Peck, Brown, Engel and Celebrezze**. In the works for the new year are interviews with **Judge Leroy J. Contie, Jr.**, of Akron, Ohio, and **Judge Harry W. Wellford** of Memphis.

The Historical Society for the U.S. District Court for the Eastern District of Michigan has constructed a traveling exhibit about the court's more interesting and precedent-setting cases, and it will be on display during the Society's October meeting.