



Court Historical Society NEWSLETTER *Eastern District of Tennessee*

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Inside the Jury Room

By Don K. Ferguson

The federal judiciary's first training program for newly appointed district judges was held in mid-1962, and the Eastern District of Tennessee's three judges participated—one as a speaker and two as new appointees.

Judge Robert L. Taylor was the speaker, and **Judges Frank W. Wilson** and **Charles G. Neese**, both of whom had been on the bench less than a year, were attendees. Judge Wilson was appointed on July 1, 1961, and Judge Neese on November 21, 1961. At that time, Judge Taylor was the chief judge in the EDTN and had been on the bench for 13 years.

Judge Taylor's portion of the program was on the subject of jury administration. In addition to important points about juror utilization, keeping jury costs down, the importance of punctuality of the judge, lawyers, and jurors, and letting jurors know that they are performing patriotic service, he told of some unusual incidents that had occurred with juries in his court.

The training program was divided into three regional sessions. All of the speeches at the meetings were reproduced in a hardback book in 1963, a copy of which is in the archives of the Court Historical Society. It is believed to be the only time a book has been published from these training sessions, and our copy likely is one of the very few still available today. It is from that book that we lifted some excerpts of some of the lighter comments by Judge Taylor. Here are those excerpts, with some paraphrasing:

TALKATIVE JURORS BECOME FOREMEN – A responsible citizen who had served as a juror said he had one objection to the jury system in our court, and that was that the jurors select their foreman. The juror thought the judge should appoint the foreman to save time. "The juror said it was

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R. Allan Edgar, A Tennessee and Michigan Judge

U.S. District Judge R. Allan Edgar, who served in Chattanooga for 26 years, transferred to the Western District of Michigan 2011 but is also still considered an Eastern District of Tennessee judge as well.

His joint service comes about through the judiciary's designation process—in his case, designation by the Chief Judge of the Sixth Circuit. Both districts are within the Sixth Circuit. Judge Edgar's designations have no time limit, unlike the special designations with set periods of time that are issued for a judge to try a particular case in another district.



*Judge Edgar in his driveway
on December 3.*

The transfer of a judge to another district is somewhat unusual in the federal judiciary. The only other EDTN judge known to have transferred to another district was the late **Judge C.G. Neese** of Greeneville. He took senior status in 1982 and transferred to Nashville (Middle District of Tennessee), his former home.

When Judge Edgar requested the Michigan designation, "the judges were, of course, in agreement, because I was a known quantity to them. I had tried cases there on my summer vacation since 1987," Judge Edgar said.

In transferring, he went from the extreme southern end of the Sixth Circuit to the extreme northern end, Marquette, Michigan.

His Michigan interest comes from his having been born there and living there until he was a teenager. "My wife, **Gail**, and I are both natives of the Upper Peninsula. We both have friends and relatives here, so in coming to the UP, we were essentially coming home." They built a house on Lake Superior in 1995.

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his experience that one person on each jury—usually talkative—made himself foreman and did most of the talking in the deliberations and tried to boss other jurors.”

“I do not know whether the judge has the power to select the foreman. I assume that he does, since it has been my practice to appoint the foreman of the grand jury. It might add to the efficiency of jury deliberations if its members did not have to take the time to select a foreman,” Judge Taylor said.

TEMPERS FLARE – Protracted cases present problems. “We had one protracted case in which a hard-boiled Army colonel and a retired merchandise executive served. They held different views and as the case went on, their arguments became more heated. Finally, the Army colonel said to the merchandise executive, who was much smaller in physique than the colonel, that ‘If you don’t shut your _____ mouth, I am going to throw you out of here.’ Fortunately, the judge knew nothing about this until after the case was over,” Judge Taylor said.

SINGING JURORS – “On the other hand, in another protracted case, there were several singers on the jury and we were advised by the marshal who served this jury that sometimes in the morning before court the entire jury could be heard singing religious songs,” Judge Taylor said. **[This was the jury that in 1961 tried and acquitted Knoxville businessman and politician Cas Walker of income tax evasion charges. Your editor covered that trial as a News Sentinel reporter in those days.—EDITOR]**

SIMPLE LANGUAGE – It is important to prepare jury forms in the most simple manner possible, Judge Taylor said, so that the jury will know the meaning of their verdicts. In one instance, the verdict was expressive in meaning as well as language, he said. “The jury foreman, a man from the back country but as good as gold, stated that the verdict was in favor of the defendant. I asked him if the verdict was based upon lack of negligence or lack of causal connection between the negligence charged and the accident., the judge said. “The foreman’s reply was in the vernacular of the back country, but his meaning was unmistakable: “There wasn’t enough to put it on him.””

The three training sessions were held in Monterey, California; Norfolk, Virginia; and Dearborn, Michigan. The training was established because of “the large number of judicial appointments to be made as the result of the Omnibus Judgeship Act of 1961,” according to a resolution adopted by the Judicial Conference of the United States in September 1961. Ninety newly appointed judges attended.

The three-part program was organized by the Administrative Office of the U.S. Courts. The Federal Judicial Center, created in 1960, took over the training of judges after the 1962 program and has conducted the programs since.

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A note of geographical interest: Judge Edgar explained that the “UP” is pronounced as letters. “People who live here are called ‘Yoopers,’” he said. “It’s in the latest dictionaries,” he added.

“All the district judges in the Western District of Michigan are in Lower Michigan, either at Grand Rapids or Kalamazoo,” Judge Edgar said. “They were glad to have me in Marquette, their Northern Division, to spare them some of the eight-hour drives to handle the Marquette docket.” Marquette is somewhat like the Winchester Division of the EDTN; no resident judge, but there is one magistrate judge, he said.

While still in Chattanooga, Judge Edgar took senior status—in 2005. He changed to “inactive” status in June 2016, electing not to do any judicial work (although he does conduct a few naturalization ceremonies in Marquette “because I like to do them”). Now 78, Judge Edgar said, “I chose inactive service for several reasons. One was that my hearing is not the best; another was that I wanted to do some different things. For example, I am now taking classes in Shakespeare and photography at Northern Michigan University.”

[Judge Edgar’s service from his appointment in 1985 to his going on inactive status—a total of 31 years—ranks him the third longest serving district judge of the 25 who have served the EDTN. We incorrectly said here in the November issue that Senior U.S. District Judge Leon Jordan was the third longest serving. At 30 years, Judge Jordan is the fourth longest serving of the district judges who have served the EDTN. We apologize to both judges.—EDITOR]



HISTORY CENTER DAMAGED—A water leak caused by a malfunctioning heat pump on the second floor of the Howard H. Baker Jr. U.S. Courthouse on Sunday, December 9, caused damage to the walls, ceiling, and floor of the History Center below. Remarkably, the exhibits escaped harm and were removed while the cleanup and restoration take place over the next several weeks. Once completed, the exhibits will be returned and the center will be open for tours.