



Court Historical Society NEWSLETTER *Eastern District of Tennessee*



January 2021



Judge Atchley



Judge Crytzer

Two Take Oath, Make History

A big welcome to our two new District Judges for the Eastern District of Tennessee—**Judge Charles E. Atchley Jr.** and **Judge Katherine A. Crytzer**—who took their oaths of office in late December.

We’ve had instances of two judges coming on board in this district a few months apart but never a time when two took office one day apart. Judge Atchley received the oath of office on December 22 in Chattanooga, and Judge Crytzer received it on December 23 in Knoxville. **Chief Judge Travis McDonough** administered the oath to each.

Judge Atchley succeeds **Judge Harry S. Mattice**, who took senior status last March, and Judge Crytzer succeeds **Judge Pamela L. Reeves**, who died in September.

Judge Atchley previously served as First Assistant U.S. Attorney in this district. He has served the Court Historical Society as president since 2012. Judge Crytzer previously served as the Principal Deputy Assistant Attorney General with the Office of Legal Policy in the Department of Justice in Washington.

Occasions in the past when two judges came on board months apart in the same year:

2003--**Judge Thomas A. Varlan** received his commission in March, and **Judge J. Ronnie Greer** received his in June.

1983--**Judge H. Ted Milburn** entered on duty in June, and **Judge Thomas Gray Hull** entered on duty in November.

1961--**Judge Frank W. Wilson** came on in July, and **Judge Charles G. Neese** in November.

Set Them for Trial and They Will Settle

One of the treasures of the Court Historical Society is the collection of oral histories we have conducted over the past 30-plus years. All are on file in our archives in the Howard H. Baker Jr. U.S. Courthouse in Knoxville. One of them is by **U.S. District Judge Thomas Gray Hull**, which we conducted in 1990. The following information comes from that oral history.

A few months after **Judge Hull** came on duty in Greeneville in November 1983, he ended up having to hold court in all four divisions of the Eastern District of Tennessee, and for a short period, he was the only active judge in the district.

“Many a day, I had a case set for trial the same day and hour in all four courthouses” in the district, he said—Greeneville, Knoxville, Chattanooga, and Winchester.

“But the settlements of them moved the dockets along. So managing a docket has got a whole lot more to do with keeping the docket clean than staying on the bench all the time.



Judge Hull

“Every once in a while, we would get caught and maybe have two trials set and have to move one, but what it really did do was, it kept the docket alive and helped a lot of people to get a hearing in a timely fashion,” Judge Hull said.

“A short time after I was appointed, **Judge Milburn** was elevated to the Sixth Circuit and **Judge Taylor** fell and broke his leg and never came back to the bench,” Judge Hull said. “So for several months, I was the only district judge who was doing any work and active in the Eastern District of Tennessee, but we kept the docket up.”

He was referring to the late **Judge H. Ted Milburn**, Chattanooga, and the late **Judge Robert L. Taylor**, Knoxville.

Help soon came. **Judge James H. Jarvis** took office in Knoxville in late October 1984, and **Judge R. Allan Edgar** was appointed for the Chattanooga vacancy in April 1985.

Judge Hull spoke with pride about keeping the docket current. He praised his predecessor judges for keeping their dockets up to date. “It’s something to be proud of.” He said, “I can’t imagine being in a district and not keeping up the work. I couldn’t sleep.”

The Unusual ‘Chief Magistrate Judge’ Title

First there was the title of “Chief Judge” for the U.S. Circuit Courts and the U.S. District Courts—that was in 1948. Then, 36 years later, in 1984, the “Chief Judge” title was established in the U.S. Bankruptcy Courts.

In 1988, the title “Chief Magistrate Judge” was established, but only informally. And it was commenced in the Eastern District of Tennessee in 1993, also informally. Here’s how it came about:

Our magistrate judges attended a national meeting of magistrate judges in Chicago and learned in that meeting that the Administrative Office of the U.S. Courts had begun recognizing the position of “Chief Magistrate Judge.”

Soon after that Chicago meeting, **Magistrate Judge Thomas W. Phillips** (he had not yet been appointed a District Judge) suggested to then-**Chief Judge James Jarvis** and **Judge Leon Jordan** that **Magistrate Judge Robert P. Murrian** be named the chief.

“Judge Jarvis then told Bob that he was the Chief Magistrate Judge,” Judge Phillips said. And that was it. An order never was issued. However, an order designating that title for each of our chief magistrate judges since then has been issued every time there has been a change. [See the article elsewhere in this issue about the recent appointment.]

“It would probably be an overstatement to say that the designation [of Chief Magistrate Judge] is ‘formally recognized’ by the AO,” according to **Thomas E. Davis**, Senior Attorney and Special Advisor for Magistrate Judges in the Judicial Services Office of the AO. Formal recognition can be achieved only through actions by the Judicial Conference, he said.

“The designation has never been recognized by the full Judicial Conference, either formally or tacitly,” he said. “Therefore, it is not recognized as a matter of national policy, nor it is governed or addressed in any national regulations for the judiciary promulgated by the Judicial Conference. It is definitely not a ‘position,’ as such, within the judiciary. Unlike chief [district] judges or chief bankruptcy judges, it has no statutory authority in judicial administration.

“On the other hand, the designation has been recognized by the Judicial Conference Committee that oversees the magistrate judges system, the Magistrate Judges Committee, and the designation has, in fact, been conferred in more than 30 district



New Chief Magistrate Judge

Magistrate Judge Susan Lee of the Chattanooga division has been named Chief Magistrate Judge in the EDTN by **Chief District Judge McDonough**, succeeding **Magistrate Judge Bruce Guyton**, Knoxville, who announced several months ago that he will retire next year.

Chief Magistrate Judge Lee, a life member of the Court Historical Society, has been with the court since 2004 and will be the dean of the district’s magistrate judges after Magistrate Judge Guyton retires.

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courts by the district judges of those courts,” Davis said. “To that extent, you might say that the designation is ‘unofficially recognized’ in an operational sense throughout the AO.

“If a court has a chief magistrate judge, that judge may be recognized within the AO as the main point of contact on certain administrative issues involving magistrate judges,” Davis said.

Early on, the Magistrate Judges Committee noted the existence of chief magistrate judges in several courts and approved of the practice in the context of promoting magistrate judge participation in court governance activities, Davis said. But there really is no national template for it, and the majority of the courts have not adopted the designation, although a substantial minority have, he said.