



Court Historical Society NEWSLETTER *Eastern District of Tennessee*



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Big South Fork Wild River Rampage

*By Thomas W. Phillips
Retired U.S. District Judge*

Thirty years ago I was appointed as a U.S. Magistrate Judge by the District Judges of the Eastern District of Tennessee. At that time, the Big South Fork National River and Recreational Area was a relatively new federal park located in the Eastern District and very close to my home.

The judges of the Eastern District were not familiar with the Big South Fork since it had been open to the public for only a very few years. I wanted to express my appreciation to the judges for appointing me, and I thought that a suitable way to express my appreciation was to organize a rafting trip down the Big South Fork River.

I served as County Attorney for Scott County before my appointment and worked closely with the Army Corps of Engineers and the National Park Service in the development of the park. I contacted the Park Service and received permission to organize a rafting trip down the river.

The Big South Fork River is a free-flowing river that flows through some of the most beautiful and rugged country in East Tennessee. It contains Class III and Class IV rapids, which can be very dangerous when the river is normal and almost impassable when the river is high. I arranged to have the River Rescue Team take us down the river, and we decided that Memorial Day weekend would be a good time for the excursion since the river is usually calm during the month of May.

The Superintendent of the park, **Bill Dickenson**, invited all of the judges to attend (there were only four district judges and four magistrate judges at that time). **Judges Jarvis, Jordan, Tilson, and Murrian** agreed to attend; **Judges Hull and Powers** declined, saying they thought the trip was too strenuous, and **Judge Edgar** had to be out of town.

We were all set for what had become known as the Big South Fork Wild River Rampage. Unfortunately, I did not check with the weather forecaster, and it rained constantly for two weeks before our trip. The usually calm Big South Fork was raging by Memorial Day weekend!

The River Rescue Team was constantly monitoring the river and thought that we could probably make it down the river safely, and everyone was willing to try, so we agreed to proceed with the trip. We agreed to meet early on Sunday morning before

Memorial Day for the six-hour trip down the river. It was a beautiful morning when we set out, and the river was very swift. We successfully navigated through several rapids with names like the Ell, Double Falls, Rion's Eddy, the O and W Spiral, and the Narrows, before stopping for a picnic lunch provided by the park service.

We were doing fine going down the river after lunch until we hit a series of rapids known as the Washing Machine, and then disaster struck. The raft that Judge Jordan and Judge Murrian were in hit a rapid broadside and the raft went flying through the air before landing on a group of boulders.

Jordan and Murrian, as well as their guides, were thrown from the raft, and we all had to scramble to get everyone above water. Judge Jordan got caught in the undertow and it took several minutes to free him. We managed to salvage the raft and got everyone back on the river. It took us several more hours to reach our destination after fighting the swift water through rapids that ordinarily were not that difficult. We finally made it to our take-out point, but we were exhausted.

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"A Bunch of Drowned Rats"

From left to right, Magistrate Judge Robert P. Murrian, Judge Phillips, Magistrate Judge Joe Tilson, Judge Leon Jordan, and Judge James Jarvis.

THE HISTORICAL SOCIETY
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As my wife told us when she picked us up to take us to our home, we “looked like a bunch of drowned rats!”

We went to our house for a picnic supper of burgers and hotdogs, but nobody seemed very hungry. I was sure that I would be the shortest-tenured magistrate judge in the history of the federal judiciary, but everyone seemed to have had a great time, even though Judge Jordan had to spend the next few days on his couch with a bad back. For some strange reason, no one ever wanted to go back down the Big South Fork!

[EDITOR’S NOTE—**Judge Phillips**, a longtime member and enthusiastic supporter of the Court Historical Society, served as a Magistrate Judge from 1991 through 2002, when he was appointed a District Judge. He recently prepared a booklet containing this text and several photographs and offered it to the Society, saying it was “a story that nobody knew, so I thought I would write about it.” We are grateful to him for his colorful recollection of this dramatic episode of judicial history that took place on May 26, 1991.]



Getting Everyone Above Water After The Disaster



Judge Jordan Back On Dry Land

How One Juror Learned About Judge Taylor’s Courtroom Dress Code

By Don K. Ferguson, Editor

The late **U.S. District Judge Robert L. Taylor**, who served in Knoxville from 1949 to 1985, had a fairly strict dress code for jurors. He preferred that they wear business attire, which, for men, meant a coat and tie.

Deputy court clerks who handled the jury work always made this clear to prospective jurors when first notifying them that they had been chosen for jury service. There were rarely, if ever, any objections. If a man failed to wear a tie when reporting, which occasionally happened, he was loaned one that was always available at the court for such occasions.

*Judge Taylor*

On one occasion in March 1979 a man making his initial appearance for jury service showed up looking rather unkempt, wearing jeans and a T-shirt and carrying his motorcycle helmet. The jury clerk thought there likely would be trouble ahead but had no choice other than to let the man proceed through the jury orientation.

By his demeanor, this prospective juror showed that he did not want to be there. His boss had called the Clerk’s Office the preceding day trying to get him out of serving as a juror. His

request was declined.

Court was convened, and, unfortunately, he was among the group selected to take a seat in the jury box. The lawyers started their voir dire, and he was one of the first to be excused.

As he walked past the bench on the way toward the door, Judge Taylor politely addressed him. “Now, when you come tomorrow or on your next day for jury service, you’ll wear a tie like the rest of us, won’t you?”

The man rudely replied, “I don’t know. I might.”

The judge was infuriated. “Hold that man!” the judge instructed the marshal. He was led out by the marshal and taken to the marshal’s lockup area just outside the courtroom.

The court proceeding resumed. After just a few minutes, Judge Taylor called the marshal forward and quietly told him to release the man and to tell him not to come back.

Court personnel learned later from a few of the jurors that they were glad the judge had said what he did, because they thought the man was disrespectful and rude to the judge and the court.

[EDITOR’S NOTE—Today, the following instructions are provided to prospective jurors in the Eastern District of Tennessee when they are first notified that they have been selected for jury service, according to **Jury Clerk Angela Brush** of the Knoxville Clerk’s Office: “Wear comfortable, neat clothing. ‘Sunday dress’ is not required. **A sweater or light jacket may come in handy as the courtrooms are usually cold. DO NOT WEAR** shorts or tank tops, T-shirts, sweat suits or jogging suits, or clothing that is not in keeping with the dignity of the court.”]