



Court Historical Society NEWSLETTER



Eastern District of Tennessee

MAY 2003



THE OATH—Chief Judge R. Allan Edgar administers the oath of office to Judge Varlan while family members of the new judge look on. Judge Varlan becomes the first Greek-American to be appointed a federal judge in the Eastern District of Tennessee.



COURTYARD COURTROOM—Federal court was moved to the courtyard of the Howard H. Baker Jr. U.S. Courthouse on Friday, May 9, for the investiture of newly appointed U.S. District Judge Thomas A. Varlan. Chairs and a speaker's platform were set up in the courtyard walkway, marking what is believed to be the district's first outdoor court session. Judge Edgar is presiding.

A Call from the Chief Justice

A law clerk for the late U.S. District Judge Robert L. Taylor took the time 26 years ago to dictate his observations about a historic event involving the judge, and today that document is a valuable part of the Court Historical Society's memorabilia.

It all started when Chief Justice Warren Burger talked by telephone with Judge Taylor one morning in December 1976 to ask him to try a major case involving mail fraud charges against Maryland Governor Marvin Mandel and others.

James Brennan, now a Chicago lawyer, spent most of the duration of the three-month trial in Baltimore with the judge. After the trial was

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An Interdistrict Connection

A prominent Nashville lawyer who is married to a federal judge in the Middle District of Tennessee started his career 26 years ago as a law clerk for a federal judge in the Eastern District of Tennessee.

Byron R. Trauger, 53, husband of U.S. District Judge Aleta Trauger, served as a law clerk for U.S. District Judge Frank W. Wilson in Chattanooga from 1977 to 1979.

Byron grew up in Oak Ridge, where Frank Wilson practiced law before going on the bench in 1961. "My parents knew him and kept up with him after he was appointed. When I graduated from law school, he was kind enough to hire me."

Judge Wilson's other law clerk at that time was **John Cook**, who today is the Eastern District's chief bankruptcy judge.

Recalling his clerkship with Judge Wilson, Byron said, "I don't know how one could have a better beginning experience as a lawyer than working with a man of the caliber of Frank Wilson. He approached each decision truly with enthusiasm. He was interested in each case or each motion that came before him. It was as though he had wiped his desk clean and this was the only thing in the world that he needed to be concerned with. He had enormous powers of concentration."

Byron recalled that while he was a law clerk, Chief Judge R. Allan Edgar, then a practicing attorney with the Miller and Martin firm, often appeared before Judge Wilson.

Byron served in the U.S. Attorney's Office in Chattanooga for two years after leaving Judge Wilson and then practiced in Boston for two years. In 1983, he established the Nashville law firm that is now Trauger, Ney & Tuke. It was in Nashville that he met his wife, the future judge, who had been a federal prosecutor in the Middle District. From 1993 to 1998, she served as a bankruptcy judge, and in 1998, she was appointed an Article III judge by President Clinton.

How is it being a lawyer in the same city where your wife is a federal judge? "Well, you get a lot of teasing," Byron said. "The truth is, it's a bit of a professional problem for the firm, because one of the other district judges here, Judge Todd Campbell, used to practice in this firm. So with two of the four active judges in the district having connections to this firm, we are conflicted out of representing people before half of the court."

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Byron Trauger



Judge Trauger



VISITING THE HISTORY ROOM—Historical Society **Chairman Jack Wheeler**, right, visits with three of the district's judges and a retired magistrate judge in the room on the first floor of the Howard H. Baker Jr. U.S. Courthouse in Knoxville that serves as a combination History Room/Attorney Lounge/Mediation Suite. Seated with Mr. Wheeler, from the left, are **Magistrate Judge Clifford Shirley**, **Senior U.S. District Judge James H. Jarvis**, and **U.S. District Judge Thomas W. Phillips**. That's retired **Magistrate Judge Robert P. Murrian** standing. They visited the room to see the additional court memorabilia that has been added recently. The Society has proposed to the judges that similar space in the courthouses in the other three divisions of the court be set aside for the purpose of displaying historical items.

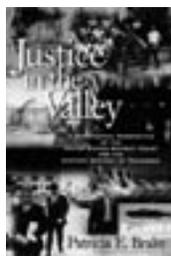
We Mark Our Tenth Year

As the Court Historical Society marks its tenth year of operation, it's a good time to review the many accomplishments by the Society since its formation in 1993.

A key continuing benefit provided by the Society is that it keeps the court history program alive and active by engendering in court employees and those who do business with the court a keener awareness of the importance of recording the history that is being made today.

We find that many in the court family pass documents, news clippings, photographs and other items our way, knowing that there is a system in place for filing and preserving these artifacts. As reported in our March Newsletter, we have more than 500 files containing memorabilia from all divisions of the court.

The publishing in 1998 of the book *Justice in the Valley*, which covers the court's 200-year history, has very likely been the most significant accomplishment of the Society. Of the 1,000 copies printed, only 146 remain available today, a successful sales record by anyone's standards. Historian **Dr. Patricia Brake**, Knoxville, wrote the book under contract to the Society. **(Please see the note on page 4 about how to buy the book.)**



Thanks to the court, the Society has an office in the Howard H. Baker Jr. U.S. Courthouse. And the post of executive director was filled this year, giving the Society a stronger identity.

We have completed 39 oral histories—spoken records that will provide future generations with colorful recollections of day-to-day activities in the lives of judges, other court personnel, and lawyers who have practiced in the Eastern District of Tennessee.

In addition, we have short reminiscences from eight friends of the court and recorded and transcribed profiles of four court or court-related offices as outlined by those who head those offices. A list of those interviewed appears on this page.

Without a doubt, our judges' idea 10 years ago to form a historical society was itself a historic decision. We laud the enthusiasm and encouragement of our judges and the support that they and all our members provide the Society.

History Recalled

This is a list of those who have provided the Court Historical Society with their court-related recollections.

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| U.S. Bankruptcy Judge Clive W. Bare | Retired U.S. Marshal Harry Mansfield |
| Deputy U.S. Marshal Floyd E. (Biggie) Marshall | Retired chief deputy clerk Don K. Ferguson |
| Knoxville lawyer William C. Wilson | Ron Rector, Knoxville banker reflecting on the takeover of United American Bank in 1983 |
| U.S. District Judge Thomas Gray Hull | Senior U.S. Bankruptcy Judge Ralph H. Kelley |
| Court Crier James D. Smith | Retired U.S. Circuit Judge and former U.S. District Judge H. Ted Milburn |
| Deputy U.S. Marshal Granville M. Sertel | U.S. District Judge Thomas W. Phillips |
| Magistrate Judge Thomas W. Overall | Chief Pretrial Services Officer Carl Papa |
| Johnson City lawyer Walter L. Price | Those who have provided anecdotes about the court: |
| Knoxville lawyer R. Arnold Kramer | Knoxville lawyer Margaret Klein |
| U.S. District Judge Thomas A. Wiseman | Johnson City lawyer John D. Goodin |
| Knoxville lawyer Jerome Templeton | Knoxville lawyer Alex Taylor, grandson of U.S. District Judge George C. Taylor |
| Retired deputy clerk Judy Wilbourn | Knoxville lawyer Arthur D. Byrne |
| Retired deputy clerk Mary Johnson | Knoxville lawyer Arthur G. Seymour |
| Retired U.S. Marshal Bruce Montgomery | Sevierville lawyer Franklin J. McVeigh |
| Jean Barr, secretary for Judge Robert L. Taylor | Fran Smith, former secretary for U.S. District Judge Charles G. Neese, who is now secretary for U.S. District Judge Thomas W. Phillips |
| Court Reporter Stanley K. Ford | Washington lawyer John D. Conner Jr., a former law clerk |
| Wallace W. Baumann, son of the architect of the U.S. Post Office and Courthouse in Knoxville | Chicago lawyer James D. Brennan, a former law clerk |
| Mrs. Tim J. Manson, daughter of U.S. District Judge George C. Taylor | Atlanta lawyer Charles T. Huddleston, a former law clerk |
| Nashville lawyer Harold Pinkley, a former law clerk | Nashville lawyer Byron R. Trauger, a former law clerk |
| Knoxville lawyer Charles Rader | Those who have provided detailed descriptions of their offices: |
| Retired U.S. District Judge L. Clure Morton | U.S. Attorney Harry S. Mattice |
| Knoxville lawyer George W. Morton Jr. | Chief Probation Officer Charles D. (Butch) Hannah |
| Mrs. Katharine Hastings, daughter of U.S. District Judge Leslie R. Darr | U.S. Bankruptcy Clerk Ralph Brown |
| Mrs. Betty Cutchin, secretary for U.S. District Judge Leslie R. Darr | Assistant U.S. Trustee William Sonnenburg |
| Retired Tennessee Court of Appeals Judge James W. Parrott, a former clerk of court for the Eastern District of Tennessee | Beth Ford, head of Federal Defender Services of Eastern Tennessee |
| Patricia Rankin, former secretary for Magistrate Judge Robert P. Murrian | Dennis Gentry, General Services Administration |
| Retired Magistrate Judge Robert P. Murrian | |
| Senior U.S. District Judge James H. Jarvis | |
| Senior U.S. District Judge Leon Jordan | |
| Tennessee Supreme Court Justice E. Riley Anderson | |
| Retired lawyer W. Hugh Overcash, a former law clerk | |
| Knoxville lawyer Ed Rayson | |

THE HISTORICAL SOCIETY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE, INC.
 Howard H. Baker Jr. U.S. Courthouse • 800 Market Street, Suite 130 • Knoxville, Tennessee 37902

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The Conclusion of the Magistrate Judge Selection

By Jack Wheeler

*Chairman of the Merit Selection Panel
and Chairman of the Court Historical Society*

In the last newsletter I reviewed in considerable detail the process used for the selection of magistrate judges in the federal courts. At the deadline for copy for that newsletter, the process had proceeded to the point of reducing the applicant pool from its original 43 people to a select group of 10 who were invited for interview by the Merit Selection Panel.

On March 10 the interviews were conducted. As expected, each of the 10 candidates made an excellent impression, leaving the panel with a somewhat difficult choice in reducing the group to the final list of five names recommended to the district judges. Although the choice was not easy, the panel was able to send up a list of candidates of such quality that we felt the judges could not make a bad selection.

Following completion of the panel's work on recommending candidates to replace **Judge Tom Phillips** as magistrate judge, we turned our attention to the task of reviewing the proposed reappointment of **Magistrate**



Jack Wheeler

Judge Dennis Inman for the position primarily responsible for the Greenville division of the court. When time for comments following publication of notice of the proposed reappointment had expired, the Merit Selection Panel met with Judge Inman for an interview and discussion of comments received and results of conversations between panel members and lawyers and others having knowledge of Judge Inman's performance of his duties.

Only favorable comments were received on Judge Inman, and he is personally well known to several panel members. His interview went very well and served to acquaint him with those panel members who did not know him. We were able to quickly and emphatically recommend his reappointment.

The district judges met on Saturday, April 5, for an important work session. **District Judge Tom Varlan** took the oath of office. Magistrate Judge Inman was reappointed for an eight-year term and **H. Bruce Guyton** was selected from the panel's list of five recommended candidates to be appointed to the magistrate judge's position vacated by appointment of Judge Phillips to the district court bench.

I am pleased to report that all members of the Merit Selection Panel came to the end of the process convinced that we had done our best to perform the assigned duties to the best of our abilities. We received complete support and cooperation from the district judges and invaluable assistance from Pat McNutt and her assistants in the clerk's office. Lawyers called on to provide information were cooperative and candid. Time will judge the success of our efforts, but for now, I believe it is fair to say that the process worked as it is designed to work.

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over, Jim dictated his observations, and **Jean Barr**, the judge's secretary, typed the notes into what became a 62-page, double-spaced document on legal-size paper.

"I first learned of Judge's participation in the case when a very excited **Charles** called me and told me that the Chief Justice was on the phone talking with Judge Taylor and that I should come down [the hall] to the office," Jim wrote.

The Charles he refers to is **Charles Huddleston**, the other law clerk at the time, who also spent some time in Baltimore working on the case with Judge Taylor. In reflecting recently on the Chief Justice's telephone call, Charles, who now practices in Atlanta, said he remembered answering the phone and a woman on the other end of the line saying the Chief Justice would like to speak with Judge Taylor.

"I told her that Judge Taylor was on the bench and that, although he normally did not like to be interrupted during a trial, I was sure he would take the Chief Justice's call," Charles recalls. He put her on hold and took a note to the judge to tell him about the call.

Judge Taylor waited for the lawyer who was speaking to pause, then explained that he hated to interrupt the proceedings but he had a call he needed to take from "his boss," the Chief Justice. "Jim, Jean and I listened to Judge Taylor's end of the phone conversation," Charles said. "Judge suggested several other judges to the Chief Justice who were experienced trial judges, but finally said, 'Well, if you can't find anyone else to do it, I will go to Baltimore and handle the case.'"

Carl Papa, who was a young U.S. probation officer at the time, was in the courtroom when the note was handed to the judge and recalled the incident recently in the oral history he provided the Court Historical Society. "The judge didn't like to be interrupted during a trial, and I remember that he kind of frowned and took the note and read it. And then his face mellowed out a little bit." Carl today is the chief pretrial services officer in the Eastern District of Tennessee.

*EDITOR'S NOTE: In a later issue, we will provide some of the colorful details about the Mandel trial, as recited by Jim Brennan in his memorandum and by Charles Huddleston in recent recollections. There was wide media coverage of the trial. Several of the lawyers participating in the case had gained fame in the Watergate trials a few years earlier. The case against Mandel was an outgrowth of the investigation of political corruption that led to the resignation of an earlier Maryland governor, **Spiro T. Agnew**, as vice president in 1973.*



NEW MAGISTRATE JUDGE—Knoxville lawyer **H. Bruce Guyton**, left, the district's new magistrate judge-designee, poses with three of his colleagues, **U.S. District Judge Phillips**, recently reappointed **Chief U.S. Magistrate Judge Inman**, and **U.S. District Judge Varlan** at a luncheon May 6 to honor members of the Merit Selection Panel that recently concluded its work. The Panel recommended five nominees, which included Mr. Guyton, for consideration for appointment by the district judges, and the Panel did double duty, being asked by the district judges to review the proposed reappointment of Judge Inman.

Connection *continued from page 1*

“One of the great things about it is that people are—and I say this with a very, very significant bias—almost universally complimentary of Aleta as a judge. And so I just bask in that reflective glory,” Byron said.

He and the judge were married in 1989. They have one child, an 11-year-old daughter.

Byron still has strong connections in Chattanooga, and, in fact, vacationed there on a recent weekend. “It’s a great place to vacation now. It’s delightful.”

Byron, a member of the Court Historical Society, had a key role in the campaign of **Governor Phil Bredesen** and is today considered closer to the governor than anyone outside of government, according to *News Sentinel* columnist **Georgiana Vines**. Their friendship began in 1987 during a Bredesen campaign for mayor of Nashville. Bredesen was sued

in a securities case during the campaign and asked Byron to represent him. The relationship developed to the point that the families became friends and even began to vacation together. Byron’s wife at one time served as chief of staff for Bredesen when he was mayor.

Although he has strong political connections, Byron has never run for public office, but “public service is in the family’s blood,” he said. His father, **Don Trauger**, former associate director of Oak Ridge National Laboratory, formerly served on the Oak Ridge School Board, and his mother, **Elaine Trauger**, served for 12 years on the Oak Ridge City Council. His parents still live in Oak Ridge.

Byron received his undergraduate degree from Duke University and his law degree from Yale University. He was a Rhodes scholar in Oxford, England, from 1973 to 1975. He has one brother, **Tom**, a Harvard graduate, who is a lawyer in Washington.

STILL AVAILABLE— These are reproductions of the glass paperweights that the Court Historical Society is making available at a cost of \$20 each, including postage. We have space to show only four of the buildings here, but all of the buildings that today or in the past have housed federal court operations in the Eastern District of Tennessee are available. And remember, they are in living color. The actual paperweights are slightly larger than these photographs. Orders should be sent (and checks made out) to: Court Historical Society, U.S. Courthouse, 800 Market Street, Suite 130, Knoxville, TN 37902.



Book Orders

Copies of *Justice in the Valley* may be obtained at any of the offices of the U.S. District Court Clerk in the Eastern District of Tennessee for a flat fee of \$25. Or copies may be ordered from Providence House Publishers for \$26.95, plus shipping, 1-800-321-5692 or e-mail books@providencehouse.com.