



Court Historical Society NEWSLETTER

Eastern District of Tennessee



MAY 2016



Bob Griffitts, assistant to **Congressman John J. Duncan Jr.**, holds a 92-year-old summons for jury service in our court that was among the papers of one of his deceased relatives. Griffitts has donated the document to the Court Historical Society for placement in the Society's archives.

A Summons From the Past

Whereas, A writ of Venire Facias has been issued by the U.S. District Court for the Eastern District of Tennessee, which is in the words and figures as follows, to wit:

These are the beginning words on a 92-year-old jury summons issued by this court on May 5, 1924, during the tenure of **U.S. District Judge Xen Hicks** and **Clerk Lee Beeler**.

"Venire Facias" interpreted means "that you cause to come" and is the name of the writ issued to an officer, in this instance, the U.S. Marshal, requiring him to summon a juror. The language used on a juror summons today is much simpler and straightforward.

The language describing the date on the old summons also is rarely used today. It reads: ". . . this the 5th day of May, 1924, and the 148th year of the Independence of the United States."

Local archivists say this wording of the date on local government forms was pretty well abandoned around the

Excerpts from the Oral History of Judge Milburn

Retired **U.S. Circuit Judge H. Ted Milburn**, who served the Eastern District of Tennessee as a District Judge for 16 months, June 1983 to October 1984, died on April 1, but his words live on in his oral history, obtained by Society **Executive Director Don K. Ferguson** in an interview with Judge Milburn at the judge's Signal Mountain residence in 2002. It is one of more than 55 oral histories in the Society's archives.

Here are some of Judge Milburn's comments from his history.

About his service as a Hamilton County Circuit Judge (1973-1983) and as a U.S. District Judge:

I learned as a state judge that if you take cases under advisement, you're going to spend any free time, any holidays you have, going back over things that are cold to you, and that was terrible. So I made a rule for myself as a state judge and then as a federal judge. I

continued on page 2

mid-1950s. There is, however, at least one federal government document that still uses a version of it, and an example of it hangs on the wall of each District Judge in our courthouses here in the Eastern District of Tennessee--their appointment commission.

An example, taken from **Senior U.S. District Judge Leon Jordan's** commission:

". . . this seventeenth day of October, in the year of our Lord one thousand nine hundred and eighty-eight and of the Independence of the United States of America the two hundred and thirteenth."

The old juror summons is also worth preserving because of the kind of paper it is on, onionskin, not seen often today. Onionskin paper is thin, lightweight, and often translucent, and because of this thinness, it doesn't work well with printers and printing presses. The paper got its name because it resembles the thin, papery skin of an onion. It was used in past years for making a duplicate with carbon paper in a typewriter. The onionskin copies could be stored where low bulk was important.

Excerpts from . . .

continued from page 1

never went back on the bench until I put a judgment down, findings of fact, conclusions of law, etc., in a case that I had heard. I had no cases under advisement. I would stay in chambers late and come in very early the next day to finish my opinion.

About his service as a member of the U.S. Sixth Circuit Court of Appeals (1984-1996):

Many of my colleagues said, ‘You’re no longer a judge [as a Circuit Judge]; you’re a member of a committee.’ And to a large degree, that was true. I’m a people person. I didn’t see anybody but my law clerks and the lawyers who came to argue their cases.

I can’t say it [service on the Court of Appeals] was harder. In some ways, it was easier. But it was isolated. You were like a monk in a lot of ways, yet I enjoyed the collegiality, getting to know people.

About learning of his appointment to the federal bench:

Well, I had heard through the grapevine that my [nomination] papers were on his [**President Ronald Reagan’s**] desk and that I might receive a call. So I did not go to lunch that particular day. And the call came, and I was thrilled.

My secretary was out to lunch, so I answered the phone, and the president’s secretary said, ‘Is this Judge Milburn?’ I said, ‘Yes.’ She said, ‘Could you hold for the president, please?’ I said, ‘Yes ma’am.’ So he said, ‘Judge Milburn, I have just signed a piece of paper nominating you for the U.S. District Court of the Eastern District of Tennessee. I hope this meets with your approval.’ Those were almost his exact words. I said, ‘Oh, yes, thank you, sir.’ And I pledged that I would do the very best I could.

[EDITOR’S NOTE--An article elsewhere in this newsletter tells how another of our judges, Edward T. Sanford, learned that he had been appointed to the U.S. Supreme Court.]

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A 1923 Appointment Notification

The notification that the late **U.S. District Judge Edward T. Sanford** of the Eastern District of Tennessee received in 1923 about his appointment to the U.S. Supreme Court was reflective of the times. A Knoxville newspaper reporter received the news over the wires and ran to the judge’s chambers, one block away, to tell him.

This incident is told in one of a number of articles that were published in the Knoxville News Sentinel at the time of Sanford’s death in March 1930. The article bore this headline: “Sanford Overcome By Appointment to Supreme Bench.” The article said:

When he first learned from a Sentinel reporter of his appointment, the distinguished jurist was almost overcome. When the news was flashed over the wires from Washington, a reporter had run to Judge Sanford’s office. ‘It is wonderful,’ Judge Sanford had said, sitting down as he was overcome by the realization of his aspiration.

Milburn Memorial

A number of donations have been made to the Court Historical Society in memory of **Judge Milburn**. **Chief Judge Thomas A. Varlan** wrote a letter on behalf of all of our judges to **Mrs. Milburn**, noting that the judges, as a group, made a contribution to the Court Historical Society “in memory and recognition of Judge Milburn for his longtime support of and membership in the Society.”

Judge Varlan told Mrs. Milburn that “Judge Milburn served the people of this district and the Sixth Circuit with great distinction. His dedication to the rule of law and to providing justice for our communities was exceptional.”



Judge Milburn’s portrait on the wall of the third floor courtroom of the U.S. Courthouse in Chattanooga was draped in black for one month following his death on April 1. The bunting was placed there at the direction of U.S. District Judge Harry S. Mattice, Jr.