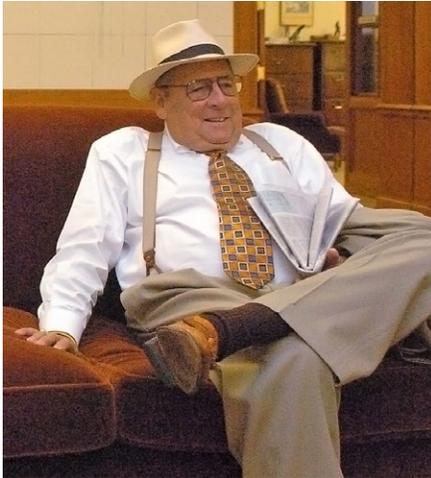




Court Historical Society NEWSLETTER *Eastern District of Tennessee*



May 2018



This photograph of Judge Jarvis was made on the afternoon of July 18, 2005. He was leaving for the day and sat down to chat for a few minutes. News Sentinel photographer J. Miles Cary happened to be at the courthouse on an assignment and snapped this picture.

From U.S. District Judge Jarvis's Oral History

By Don K. Ferguson

*"Boys, if you don't quit pretty soon, I'm going to quit."
(Judge Jarvis commenting on the investigation of his background prior to his appointment.)*

Every district judge has his or her special story about the screening process leading up to their appointment. The late **U.S. District Judge James H. Jarvis** told us some of his recollections of that process in an oral history we did with him in 2001.

Here are some excerpts from that history that deal with the 1984 investigation of his background prior to his taking the federal bench in October of that year. He was a sitting state court judge in Blount County at the time.

They brought a bunch of FBI agents in here. I was told they had 18 agents that canvassed Knox and Blount counties asking questions and looking into my past. They even went to my grammar school and went over all of my records, and I interviewed with them about four or five times.

They came to my office at the courthouse at 5 o'clock in the afternoon and then we'd lock the doors and they'd ask me questions. Well, I would think they were all through and then they'd come back again. I was a nervous wreck. Couldn't sleep at night.

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Bankruptcy and Trustee – Divided Duties

Many people, when asking for directions upon arriving at the federal courthouses, will say they are looking for the Bankruptcy Court, but it's likely that they are looking for the U.S. Trustee's Office.

A great number of these people are debtors—people who have filed bankruptcy petitions. Or they are creditors—people seeking to recover money from debtors.

Although the bankruptcy petition and related documents are filed with the Bankruptcy Court, a bankruptcy case is administered by a trustee appointed by the U.S. Trustee. The trustee is charged with a number of duties, including conducting a meeting of creditors, administering assets, reviewing claims filed by creditors, and filing reports with the Bankruptcy Court.

The U.S. Trustee Program is not part of the federal judiciary. It is a component of the U.S. Department of Justice--the Executive Branch of government--charged with the administration of bankruptcy cases. The inner workings that take place between the court and the trustee in the handling of bankruptcy cases is a mystery to the average citizen.

The process outlined above hasn't always been the way bankruptcy cases have been handled. Until 1979, the entire bankruptcy process was handled by the bankruptcy judges, bankruptcy court employees, and attorneys who served as trustees appointed by the judge.

After enactment of the Bankruptcy Reform Act of 1978, which

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Trustee? Bankruptcy? – Both

Sign at the door of the room in the Knoxville federal courthouse where trustees meet with debtors and creditors.

Judge Jarvis’s Oral History . . . *continued from page 1*

Finally, I told them, “You know, all my neighbors and all the community know [about this investigation]. I’ve got to run for office. If I don’t get this job, I don’t believe I can be re-elected, because you all have asked all these questions about ‘Is he a moral person?’ as if I am not; ‘Does he drink too much?’ as if I do; ‘Does he use drugs?’ like I might, and leaving all these innuendos just by merely asking these questions, and it has the whole community in a buzz.”

Of course, those were just standard questions, but I said, “Boys, if you don’t quit pretty soon, I’m going to quit. I’m not going to fool with this anymore.”

They assured me they were going to let me pass and that was the end of it.

Senate Confirmation Hearing

I didn’t have my family with me, [his wife was working and his children were in school], but I took my youngest daughter to Washington with me, **Louise**; she was about 7 years old. We went into the hearing room, and **Tom Higgins** [Middle District of Tennessee nominee] had his law firm there and he had all these people and family, a crowd of folks, and there were a couple of nominees from Texas and they had their law firms and families.

Senator Strom Thurmond would call on these people and they introduced about half of the room, and it finally got around to me. Senator Thurmond said, “Well, who do you have here today, Judge Jarvis?” I said, “Well, I’ve got my daughter Louise.”

He said, “Why, Louise; stand up, Louise.” She stood up and—I’ll never forget it—we were the only ones there. I had absolutely nobody. I mean, I was there alone and I sat down at that big table in front of that committee. I told them what I thought about the [points in the] questions they asked, and it went like clockwork. I was the last one.

When it was all over, Strom came down and got hold of Louise—she was just sitting there by herself, right there on the front rail—and held her up in his arms and talked to her and had the best time with her. We took pictures and she got more attention than anybody there that day.

[EDITOR’S NOTE—Judge Jarvis served from 1984 until his death in 2007.]

Bankruptcy and Trustee . . . *continued from page 1*

went into effect in 1979, trustees continued to be appointed by the bankruptcy judge, but the judge no longer had any involvement in the administration of cases. And in 1988, with the implementation of the U.S. Trustee Program in the Eastern District of Tennessee, the appointment of trustees became the responsibility of the U.S. Trustee.

The 1978 Act and establishment of the U.S. Trustee Program came about for a number of reasons, including the belief that bankruptcy judges should not perform both judicial and administrative functions. There were concerns about bankruptcy judges presiding at meetings of creditors, appointing trustees and generally overseeing the bankruptcy case.

Other Changes From the Bankruptcy Reform Act

Until 1979, the judicial function for bankruptcy cases was handled by a “Referee in Bankruptcy.” Referees were appointed by the U.S. District Judges.

The Act and subsequent amendments brought a change in title from “Referee in Bankruptcy” to “U.S. Bankruptcy Judge,” and the authority for the selection and appointment of Bankruptcy Judges was transferred to the respective Courts of Appeals.

Until 1979, bankruptcy petitions were filed in the U.S. District Court Clerk’s Office and then were dispatched to the Bankruptcy Court for processing. After the cases were closed, the files were returned to the District Court, which retained them until they were later sent to the National Archives.

Starting in 1979, bankruptcy petitions were filed directly with the Bankruptcy Court and that court retained the files.

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Don K. Ferguson
Executive Director and Newsletter Editor

*Howard H. Baker Jr. U.S. Courthouse • 800 Market Street, Suite 130
Knoxville, Tennessee 37902
865-329-4693 • Don_Ferguson@tned.uscourts.gov*