



Court Historical Society

NEWSLETTER

Eastern District of Tennessee



SEPTEMBER 2012



NEW PAINTING--Workers are shown placing a new painting, Mountains and Moon, on a wall of the fourth floor--the chambers floor--of the Howard H. Baker Jr. U.S. Courthouse in late August. It is one of two paintings donated to the Court Historical Society by Knoxville artist Barry Spann. This painting, which measures 12 feet wide and 6 feet high, is on a wall between the chambers of Judges Phillips and Varlan. The other new painting, which is similar but smaller, is also on a fourth floor wall nearby. Spann painted the landscapes especially as a gift to the Court Historical Society.

Artist Donates Paintings

Knoxville artist **Barry Spann**, whose paintings were on the walls of the Whittle Communications building in Knoxville, now the federal courthouse, when the government bought the building in 1995, recently painted two large landscapes and donated them to the Court Historical Society.

Many of the some 20 Spann paintings from the Whittle days have remained in the courthouse over the years and are part of the decor, mainly on the fourth floor, but a few of them were sold in an auction before the government deal was completed.

The Court Historical Society is making an effort to have the paintings returned to the courthouse, either by loan or bequest, so that the original Spann collection can be intact.

In appreciation of this effort, Spann painted the two new landscapes and donated them to the Society. He dedicated one of them to **Judges Phillips** and **Varlan** and the other to **Don K. Ferguson**, executive director of the Society. A reception was held on September 6 to mark the dedication. Society president **Charles E. Atchley Jr.**, Assistant U.S. Attorney, presided at the reception, which was attended by more than 100 people, many of them Society members. Judges Phillips and Varlan and Mr. Spann spoke. ■

Judge Parsons Becomes Bankruptcy Chief

The new chief judge of the U.S. Bankruptcy Court for the Eastern District of Tennessee, **Judge Marcia Phillips Parsons**, used to serve as a law clerk for a U.S. magistrate.

That was back in 1980, before the person doing legal research for a magistrate actually held the title of law clerk and before “judge” was added to the title of magistrate in 1990.

Judge Parsons is the first woman in this district to hold the position of chief judge. In 1993, she marked a similar milestone when she was appointed to a newly created bankruptcy judgeship in this district. With that appointment, she became the first woman to be named to a federal judgeship in the Eastern District of Tennessee.

Her first exposure to the federal judiciary was in 1980, shortly after she graduated from the University of Tennessee College of Law. She was hired by Chattanooga’s first full-time U.S. magistrate, **Roger W. Dickson**, as his law clerk. (In those early days of the full-time magistrate position, the law clerk job was designated by the U.S. Courts as clerical assistant. The title was changed to law clerk in 1987.)

Judge Parsons left the court in 1981 and practiced law in Chattanooga and Knoxville until 1990, when she was appointed Chapter 13 Trustee for the Northern and Northeastern Divisions of the Eastern District, a position she held until being appointed to the bench.

Judge Parsons resides in Greeneville and regularly holds court there and often in Knoxville.

There are two other women serving in judgeships in this district, both in Chattanooga, U.S. Magistrate Judge **Susan K. Lee**, appointed in 2004, and U.S. Bankruptcy Judge **Shelley Rucker**, appointed in 2010. ■

Judge Collier Oral History

A videotaped oral history of Chief U.S. District Judge **Curtis L. Collier** has been completed and is being edited down to a 60-minute version.

The oral history was done as Judge Collier ends his seven-year term as chief judge of the Eastern District of Tennessee. The proj-

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District Court Chief Judgeship

The chief judgeship of the U.S. District Court for the Eastern District of Tennessee is changing hands. **Judge Thomas A. Varlan** will succeed **Judge Curtis L. Collier** in this post on October 8. In doing so, he becomes this district's 10th judge to hold the position since its establishment in 1948.

Section 136 of Title 28 of the United States Code, which sets out the requirements for the selection and service of the chief judge, was passed by Congress in 1948, according to **Susan Kattan**, assistant general counsel of the Administrative Office of the U.S. Courts.

Oddly enough, nothing can be found in written form about any committee action or discussion that went into the adoption of the term for general use by the U.S. Courts.

The Revision Notes at the end of the Section 136 explain that the term "chief judge" was new with the enactment of that section, replacing the terms "senior district judge" and "Chief Justice" of the district court in the District of Columbia.

The District of Columbia had become a judicial district of the federal judiciary 12 years earlier, in 1936, and the name of the Supreme Court of the District of Columbia was changed at that time to "district court of the United States for the District of Columbia." However, the terms "senior district judge" and "Chief Justice" of that court continued in use.

The Revision Notes for Section 136 explain that the term "chief judge" was being adopted "in view of the great increase of administrative duties of such judge."

It was noted also that the term "Chief Justice," as used in the District of Columbia Court, was being eliminated "for the purpose of establishing a uniform method of creating the position of chief judge for all districts."

Judicial Conference reports from the period leading up to the adoption of the term "chief judge" contain no mention of the then-impending action, Ms. Kattan said.

A judge holds the title of "chief judge" for a period of seven years. It then rotates to the next judge who is most senior but under the age of 65. The seven-year limit was approved by the Judicial Conference in 1979 following passage that year of the Federal Courts Improvement Act, according to Ms. Kattan.

The first judge to hold the title of chief judge in this district was **Judge George C. Taylor**, the senior of the district's two judges at the time the law was passed on June 25, 1948.

Judge Taylor was appointed in 1928. The other judge, **Leslie R.**

continued to the right

Judge Collier Oral History *continued*

ect was funded by the Brock/Cooper Inn of the American Inns of Court, the Chattanooga Chapter of the Federal Bar Association, and the U.S. District Court Historical Society.

A general outline of questions provided by the Court Historical Society was used by the interviewers, **Tonya Kennedy Cammon**, immediate past-president of the FBA chapter; **Donna Mikel**, FBA chapter board member; and **Kathy Gardner**, president-elect of the FBA chapter.

It was a three-hour interview. "The three of us actually had very little to do," Ms. Cammon said. "We had provided Judge Collier with the list of questions, and he pretty much took it from there! It was a great afternoon, and we so appreciated his willingness to discuss his early life and career and to give us so much of his time."

A CD copy of the entire interview and a DVD of the 60-minute version will be provided to the Court Historical Society for storing in the Society's archives.

The archives contain more than 50 oral histories done by the Society over the years. ■

District Court Chief Judgeship *continued*

Darr, was appointed in 1939. Judge Darr became chief judge in November 1949, when Judge Taylor retired.

Following Judge Darr in the post, and in the order that they served as chief judge, were **Judges Robert L. Taylor, Frank W. Wilson**, (Judge Robert Taylor again, since he was the only judge in the district after the death of Judge Wilson), **H. Ted Milburn, Thomas Gray Hull, James H. Jarvis, R. Allan Edgar, and Curtis L. Collier**.

[EDITOR--The above article deals only with the chief judgeship of the district courts, not the bankruptcy courts, appellate courts or the other federal courts.] ■

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