



Court Historical Society NEWSLETTER *Eastern District of Tennessee*



September 2022



LAST OF THE PAPER FILES—These boxes hold file folders that contain the last of the paper case files in the Knoxville office of the U.S. District Court Clerk’s Office. They are being shipped to the Records Center. The documenting of cases has been done electronically for the past 18 years, and case information is stored digitally.

End of an Era; Paper Files Shipped

The federal courts have reached a milestone. The last of the paper case files are being cleared out of the Clerk’s Offices.

These are the familiar file folders that contain the original copies of motions, orders, and other documents. They are being sent to the National Archives and Records Administration. And they must be there by the end of this year. The NARA will not accept any paper files beginning in 2023.

Electronic docketing replaced paper filings in 2004, ending the accumulation of case file folders from that point forward. The files being shipped out are those that remained from 2003 and a few years prior to then. Each office of the clerk is involved in a massive packing project, getting the files ready for shipping to the NARA facility in Morrow, Georgia. In the past, this packing and shipment to NARA took place periodically every few years. But by the end of this year, that work will be gone forever.

As will happen when you’re cleaning out your place, you will run across a few items long forgotten. This happened to **Jason Keeton**, manager of the Clerk’s Office in the Greenville division of the court. We are grateful to him for bringing these to our attention. Please see below.

102-year-old Resolution

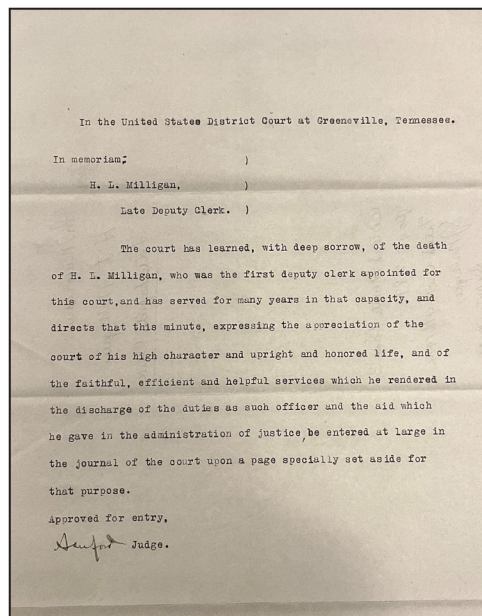
Keeton found a resolution adopted by the court, memorializing **Harry L. Milligan**, the first resident deputy clerk in the Greenville division. He was appointed on August 6, 1906, and died August 7, 1919.

The resolution, dated March 5, 1920, reads, in part:

Mr. Milligan, while not a lawyer, was bred of one of the most distinguished lawyers in Tennessee, his father, the **Honorable Samuel J. Milligan**, serving for years as Associate Justice of the Supreme Court of Tennessee.

Mr. Milligan was thus raised in a legal atmosphere and he was able to bring to the duties of the position of Deputy Clerk of this Court a splendid insight into and familiarity with legal matters and terminology. No happier selection could have been made for the position . . . than was made in the person of Mr. Milligan.

Signed by Sanford



The resolution, along with an announcement of **Harry Milligan’s** death, signed by **Judge Edward T. Sanford**, the Eastern District of Tennessee’s judge at that time, was also found by Keeton.

The judge directed that the announcement “be entered at large

in the journal of the court upon a page specially set aside for that purpose.”

The Court Historical Society funded the framing of the two documents, and they were placed on the wall outside the Clerk’s Office as permanent displays.

Sanford Commission “Spread upon the Minutes”

A document involving **Judge Sanford** himself was also found by Keeton.

Judge Sanford, a Knoxville resident, took his oath for the federal judgeship for the Middle and Eastern Districts of Tennessee on June 17, 1908, in Nashville. The recently discovered document shows that he apparently went to the Greeneville office of the court a few days later, on June 22, 1908, to have his commission “Spread upon the Minutes” there.

It reads: “The Honorable Edward T. Sanford, having been duly appointed . . . personally appeared, presented his said commission and ordered same to be spread upon the Minutes of this Court and proceeded to the discharge of the duties of his said office.”

We do not know if similar steps were taken in the other divisions of the court, but it is likely that they were.

Further details about Sanford’s appointment to the District Court are told in a book about him, written by **Stephanie L. Slater**, a member of the Court Historical Society who is a former law clerk in the EDTN.

When **President Theodore Roosevelt** was meeting with a delegation of lawyers who were urging the appointment of someone else, the president said, “I tell you, gentlemen, the man I want to appoint is Ed Sanford, but he won’t take it.”

Author Slater wrote, “Indeed, despite having initially stated that he would like to have the appointment, Sanford was unwilling to accept the appointment” that he had been offered a few weeks earlier. Sanford was 43 at the time.

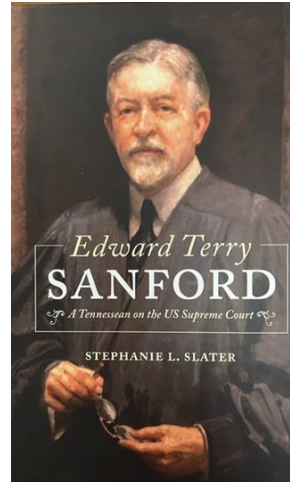
He did ultimately accept the appointment and inherited a full docket. He found it impossible to work quickly enough to decrease his caseload. By January 15, 2009, six months after his appointment, according to the book, “he started seeking an appellate court position.”

He considered taking a seat on the Court of Customs Appeals, but after giving it more thought, decided against it.

Slater wrote, Sanford “was anxious for an appointment to an Appellate Court” because “he disliked the necessity of imposing

punishment upon the many tried and convicted before him,” as well as “the necessity of ruling immediately upon the many questions arising in the progress of a trial.” He preferred to give mature consideration to all the questions, Slater said.

In 1923, after serving on the district bench for 15 years, Sanford was appointed to the U.S. Supreme Court. To date, he remains the only Eastern District of Tennessee judge ever to serve on the high court and only one of five Tennesseans to do so.



The Sanford book, published by the University of Tennessee Press in 2018, has seen wide circulation. It is of particular interest to university law libraries and has been acquired by Harvard, Vanderbilt, Georgetown, and Princeton, to name a few. It is also in the New York Public Library system. The title is “Edward Terry Sanford, A Tennessean on the U.S. Supreme Court.” The cost of the paper version is \$48. A pdf version costs \$65.—EDITOR.

[NOTE TO MEMBERSHIP: The plan for the Court Historical Society to merge with the East Tennessee Historical Society, as announced in the May issue of this newsletter, is progressing, with a target date of March 2023. Court Historical Society news will be presented by your editor, **Don K. Ferguson**, in the ETHS newsletters. The CHS will no longer collect membership dues, as this function will be handled by the ETHS. Members will have the option to continue supporting the work and preservation efforts of the CHS by becoming members of the ETHS, which is active in historic preservation efforts throughout the area of the Eastern District of Tennessee. The ETHS and the CHS envision that all lifetime memberships in the CHS will be honored by the ETHS.]

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