



Court Historical Society NEWSLETTER *Eastern District of Tennessee*



November 2018



Judge Jordan reviewing a case file

Long Service to the Court

Senior U.S. District Judge Leon Jordan marks 30 years on the federal bench this month, giving him the third longest federal court service of any of the 25 judges to serve the Eastern District of Tennessee.

Those with longer service were **Judge Robert L. Taylor** (37 years and eight months), Knoxville, who Judge Jordan succeeded, and **Judge John McNairy** (37 years), the first judge appointed to serve the Tennessee District. (The Eastern District of Tennessee and the two other federal court districts in Tennessee evolved from the original Tennessee District as the state grew.)

Judge Taylor served from November 1949 to July 1987, and Judge McNairy served from 1797 to 1834.

But by counting Judge Jordan's tenure as a state court chancellor, 1980 to 1988, his 38 years as a judge are the second longest among Eastern District of Tennessee judges. Only the 41 combined years served by **Judge Leslie R. Darr** of Chattanooga exceed Judge Jordan's years. Judge Darr served 28 years as a federal judge and 13 as a state judge--1926 to 1967.

Judge Jordan, age 84, took senior status 17 years ago but has carried a heavy caseload since. He currently has pending 86 civil cases and 92 criminal defendants. He is based in Knoxville and hears cases mainly in Knoxville and Greeneville but sits occasionally in Chattanooga.

Judge Wilson's Remarks to University of Tennessee Law Graduates in 1976

By Don K. Ferguson

The following article comes from a faded copy of a Judge Frank W. Wilson speech that was found by a law clerk while working with old files in a box in a basement file room of the federal courthouse in Chattanooga.—EDITOR

"You have completely missed the mark in law school unless you have learned the following four things," the late **U.S. District Judge Frank W. Wilson** told University of Tennessee Law School graduates in December 1976.

They are: 1. Learned the art of legal reasoning. 2. Developed a capacity for legal research. 3. Acquired a genuine desire for legal knowledge. 4. Developed a deep devotion to the cause of justice.

To our readers: Did you miss the mark?

John L. Medearis, Clerk of Court for the Eastern District of Tennessee, when handing the speech to me, said, "His remarks remain timely to this day."

Judge Wilson said, "From observing lawyers recently out of law school, it has been my impression that most of them come to the legal profession highly motivated and with ideals that are a true credit to the profession."

He added, however, that he had sometimes observed that after these young lawyers are in the profession for a while, "their interests, concerns, and motivations gradually diminish until they scarcely exceed their own economic advantage. When that occurs, the practice of law ceases to be a profession and becomes merely another commercial activity."

Judge Wilson said, "I believe that lawyers should be paid well for services rendered" but those services "should and must be rendered efficiently." He said, "If a certain result can be accomplished for your client with one hour of legal service, you

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Judge Wilson's Remarks . . . *continued from page 1*

have no earthly justification for using 10, 20, or 30 hours to accomplish the same result.”

“What I am saying is that law should be practiced on the basis of maximizing the interest of your client and not on the basis of maximizing the legal fee,” the judge said.

He gave an example. “In a civil case in my court some time ago, the attorneys ran up more than \$25,000 in discovery expenses, only to have the case disposed of on a motion for summary judgment, which motion could have been made and sustained prior to any discovery.”

The above speech and other speeches by Judge Wilson, along with volumes of his papers, are on file in the Modern Political Archive Section of the UT Special Collections Library.—EDITOR

A Posthumous Thank-You to Riley Anderson

The importance of the oral histories that we have done over the years was underscored by the death of former Tennessee Supreme Court **Chief Justice E. Riley Anderson** in July.

In 2000, we interviewed him and attorney **W. Hugh Overcash** about **U.S. Circuit Judge Xenophon Hicks**. Both men worked for the judge in the early 1950s, Anderson as a general assistant and chauffeur while in college and Overcash as a law clerk. Overcash died in 2009 and Anderson died on July 4 of this year. They were the last two people that we know of who had a relationship with Judge Hicks, and that was 67 years ago.

In our July issue, we featured Judge Hicks, drawing from Anderson's and Overcash's recollections of the former judge, and had a copy of that issue ready to mail to Anderson on the day he died. With both interviewees now deceased, that oral history, tucked away in the Court Historical Society's archives, has become even more valuable. Judge Hicks served as a district judge from 1923 to 1928, when he was appointed to the Sixth Circuit Court of Appeals. During this entire time, his chambers were in the U.S. Post Office and Courthouse on Main Street in Knoxville, on the west end of the second floor during his district judgeship and on the east end of that floor during his circuit judgeship. He died in 1952.

In 2011, Anderson also provided us with some personal glimpses of the late **U.S. District Judge Frank W. Wilson**, with whom he practiced law before Wilson was appointed to the bench. An article about Wilson appears elsewhere in this newsletter.



ALL ABOUT GIRLS BASKETBALL RULES—Victoria Cape Hermes, second from the right, now married and a mother, is a former high school basketball player and subject of “Full Court Press.” Others, from the left, are Joan Cronan, UT Women's Athletics Director Emeritus; attorney Ann Mostoller; co-author Amanda Swanson; Amanda's mother, Judge Reeves; and at the right is co-author Bill Haltom. A presentation about the book was made on November 2 at a UT Law College class reunion session at the Baker Center for Public Policy.

An Important Early Title IX Case

The new book “Full Court Press” is about a case tried in the Knoxville federal court in 1976 that brought about a change in the way women's basketball is played in Tennessee.

Its authors are Memphis attorney **Bill Haltom** and **Amanda Swanson**, a law student, basketball operations assistant, and daughter of **U.S. District Judge Pamela Reeves**. The 150-page paperback book, published by the University of Tennessee Press, costs \$19.95. A front note in the book reads:

The authors would like to dedicate this book to **Pamela Reeves**, who played high school basketball in Tennessee, because the half-court line might be the only obstacle in her life she didn't blow past; and to **Charles Swanson** [Pamela's husband and Amanda's father], because he never made a distinction between “women's sports” and “sports.”

The case was tried by the late **U.S. District Judge Robert L. Taylor**, with Oak Ridge attorney **Ann Mostoller**, a longtime member of the Court Historical Society, representing the plaintiff, an Oak Ridge High School girls' basketball team player who filed suit seeking to change girls' basketball rules to the same rules that boys played by. A young basketball coach named **Pat Head**, later **Pat Head Summitt**, was a key witness in the trial.

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