



Court Historical Society NEWSLETTER *Eastern District of Tennessee*



March 2021

A Rocky Start to Judgeship

“You know I voted against you, but let’s let bygones be bygones and go from there.”



Judge Murrian

Retired **U.S. Magistrate Judge Robert P. Murrian** of the Knoxville office remembered these words spoken to him by the late **U.S. District Judge Charles G. Neese** of Greeneville. This was shortly after Murrian had been appointed as a magistrate in 1978.

He shared his memories of the encounter in an oral history conducted by the Court Historical Society in 2002.

“There were three district judges in the district in 1978, **Judge [Frank] Wilson, Judge Neese, and Judge [Robert] Taylor.** Judge Taylor had offered me the job,” Murrian said, “but he had to get a majority vote, and to tell the truth, Judge Neese voted against me.” [Judge Wilson joined Judge Taylor in approving of Murrian’s appointment.]

“Judge Neese called me up to Greeneville, called me into his office and told me he had voted against me.

“He [Judge Neese] didn’t think I had enough experience, which was probably true. I was 32 years old and had been practicing only two years,” Judge Murrian said. Murrian had, however, served two years, from 1974 to 1976, as a law clerk for Judge Taylor. When appointed to the judgeship, Murrian had been out of UT Law College for only four years.

“Judge Neese was a different kind of guy” Murrian said. “I mainly did Social Security work for him, and back then, we used to ghost write the opinions, which was probably illegal, but in other words, we didn’t do reports and recommendations. We wrote for his signature. So we were basically doing law clerk work. [Murrian used the term “we,” but for about a year, he was the only magistrate judge in the district. Other full-time magistrate positions had not yet been created for the EDTN.]

“I would send my drafts up there [this was before computers] and doggone it, he would mark them up with a red pen and send them

New President for the Society



Leah McClanahan

Assistant U.S. Attorney Leah W. McClanahan, a longtime member of the Court Historical Society, has been selected as the Society’s new president, succeeding **Charles E. Atchley Jr.**, who was appointed as a U.S. District Judge in December.

Judge Atchley relinquished the presidency upon his appointment after serving for nine years. We thank him for his contribution to the Society and congratulate him on his judicial appointment.

AUSA McClanahan, whose selection was approved by the Society board, has been an Assistant U.S. Attorney for the past five years. She formerly served for seven and one-half years as a law clerk for **U.S. Magistrate Judge Bruce Guyton** and then-**U.S. Magistrate Judge Clifford Shirley.**

She is a graduate of the College of Charleston (S.C.) with a double major in History and Political Science. She received the college’s Heltai Award in History, awarded annually to the graduating senior with the highest academic distinction in history.

In 2015, AUSA McClanahan was chosen for inclusion in the “40 Under Forty” program of the Greater Knoxville Business Journal, which annually recognizes 40 individuals representative of those who “make our community a better place to live by lending their time and talents to helping others.”

back, which was fine, because I was learning that way,” Murrian said, smiling. “It was kind of like having a teacher, a mentor. But I always thought that was kind of humorous, though. And I’m sure he meant well, because he actually had to take the time to, in effect, grade my papers. And if I got one through without red marks, I thought that was pretty good.

“As it turned out, Judge Neese was very good to work for,” Murrian said. The relationship continued until 1982, when Judge Neese took senior status and transferred to Nashville in the Middle District of Tennessee.

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As for Judge Murrian, he served with distinction for 24 years as an outstanding, highly respected jurist until his retirement in 2002.

A Ruling Against Attorney Edgar



Judge Edgar

Judge Murrian recalled the time he ruled against attorney **R. Allan Edgar** in Edgar’s last trial before he took the bench as a U.S. District Judge in 1985.

“He’s never forgiven me for it,” Murrian said, laughing.

“It was an attorney-client privilege question, and he took it to the Sixth Circuit, Judge Murrian said.

“Fortunately, I got affirmed, but Judge Edgar never conceded that he was wrong, I don’t think.”

“It was an age case and the lawyer on the other side was **Bob Peters** [see note below] of Winchester, a very flamboyant, likable, outgoing plaintiff’s lawyer. And the issue was whether or not the CEO of the defendant company had made a comment at an executive meeting to the effect that ‘We’ve got to get rid of the old guys.’”

Judge Murrian said the witness was a former general counsel to the company “who had also gotten sacked and had no love for the company, and he came in and he was going to testify that the CEO did, in fact, say that.”

“Judge Edgar took the position that since the man was general counsel, what took place in that meeting was protected by the attorney-client privilege, because the general counsel, who is now a witness against the company, had spoken up and said, ‘You can’t do that. That’s illegal.’”

“But I ruled that it was not protected by the privilege. Although the plaintiff prevailed, Judge Edgar was successful in holding the amount down to, I think, a \$40,000 verdict.”

“It could have been a lot worse. But that was a fun case,” Murrian said.

When asked about the case recently—on March 5—**Judge Edgar**, now living in Marquette, Michigan, said, “An old memory. I still think that Bob’s decision was erroneous, and he and I did good-naturedly joke about it years later. If I have not formally forgiven him, I do so now. I have always had the greatest respect for Bob as a Magistrate Judge and as a person.”

The judge then added, “I was surprised by the relatively low verdict. I think Bob Peters told me later that one or more of the jurors had some grievance against him.”

[EDITOR—Bob Peters, named above, serves as the Society’s vice president for the Winchester Division.]

Chief Judge McDonough To Serve As Honorary Chairperson



Chief Judge McDonough

We welcome **Chief Judge Travis McDonough** of Chattanooga as the Honorary Chairperson of the Court Historical Society. Our bylaws specify that the Chief Judge of the Eastern District of Tennessee shall be the society’s honorary chairperson. He succeeds the late **Chief Judge Pamela L. Reeves**, who died last September.

Chief Judge McDonough has been an enthusiastic supporter of the Society, and we are honored by his service.

He said, “The Society’s curation of our history is important work, especially in this period of change within the Court. Even as a judge, it is encouraging and humbling to read about the labor and character of a predecessor. The Society’s efforts today will provide future generations the encouragement and perspective that only history can supply.”

*THE HISTORICAL SOCIETY
OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE, INC.*

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