

Judicial Profile

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Hon. Robert Allan Edgar Chief U.S. District Judge, Eastern District of Tennessee

In his chambers in Chattanooga, Tenn., Chief District Judge Robert Allan Edgar fondly displays a photograph of his late grandfather next to the diploma awarded to his grandfather in 1903 by the University of Wisconsin College of Law. The display is a tribute to the man who inspired the judge to devote his distinguished career to the law and government service. Judge Edgar is named after his grandfather, who would, no doubt, take great pride in the many outstanding achievements of his grandson and namesake.



On Oct. 7, Judge Edgar took senior status after more than 20 years of exemplary service on the federal bench. The occasion was celebrated with the presentation of an oil portrait of Judge Edgar to be placed in the main courtroom of the U.S. courthouse in Chattanooga, where he has held court since May 1985. The portrait captures a smiling Judge Edgar in a natural, familiar pose — court file in hand and prepared to decide the next case.

Robert Allan Edgar was born in 1940 to Robert and Jean Edgar in the small town of Munising on Michigan's Upper Peninsula. He is the eldest of three brothers; his brother Chris is an attorney in Michigan and his brother Tom is an engineer and farmer in West Virginia.

One of Judge Edgar's favorite memories as a young boy is playing ice hockey with friends. It was

in Michigan that he developed a lifelong passion for trout fishing, bird hunting, and boating. An avid outdoorsman, he has owned and trained hunting dogs. From 1979 until 1985, he was a member of the Tennessee Wildlife Resources Commission and served as chairman in 1984. When he was sworn in as a federal judge, one of his law partners joked that the reason Judge Edgar accepted the judicial appointment was because it gave him a more spacious office in which he could "run his bird dogs."

When Judge Edgar was 12 years old, his father moved the family from Michigan to Athens, Tenn., where the judge's father was employed as a forester with the Bowater Southern Paper Corporation. Judge Edgar adjusted to a new life in Tennessee, but he never forgot Michigan. The ties between Judge Edgar and the Upper Peninsula have always remained strong, and he often returned to Michigan to visit relatives and work summer jobs.

Judge Edgar graduated from high school in McMinn County, Tenn., and earned a bachelor of arts degree from Davidson College in 1962. He went on to attend Duke University College of Law, from which he graduated in June 1965 with a law degree.

He did not have the opportunity to commence the practice of law directly out of law school, because he was called to active service in the U.S. Army. Judge Edgar served a tour of duty in Vietnam from 1965 to 1967, serving as a captain in the Army's intelligence and security services. One of his duties was to provide intelligence briefings to Gen. William Westmoreland in Saigon. For meritorious service during ground operations against hostile enemy forces between September 1966 and March 1967, he was awarded the Bronze Star.

After completing military service, Judge Edgar was admitted to practice law in Tennessee in 1967 and entered private practice as an associate with the Chattanooga law firm now known as Miller & Martin PLLC. He became a partner in 1972, concentrating in labor and employment law, and practiced until April 1985. In 1970, he was elected to the Tennessee state legislature, where he served one term in the Tennessee House of Representatives from 1970 to 1972. He chose not to run for re-election, because he preferred to practice law rather than pursue a career in politics. Judge Edgar was active in the Chattanooga

Civitan Club and served as its president in 1977–1978. In 1972 and 1978, he was the Southeast Tennessee election campaign manager for his friend, U.S. Senator Howard Baker Jr.

Judge Edgar is a devoted family man who maintains a balance between his career and private life. If you ask him what is the best decision he ever made, the judge invariably responds that it was proposing marriage to Gail Martin, an exceptionally bright and energetic schoolteacher from Ishpeming, Mich. Gail and the judge met in Michigan and were married in 1968. They have formed the perfect union based on an abiding love and shared dreams. Like Judge Edgar, Gail has an enthusiasm for life and people. Gail has worked as a schoolteacher in California and Tennessee, and she has been active in Chattanooga civic affairs. The judge takes pride in Gail's many accomplishments as well as those of their two daughters, Amy, an author of children's books, and Laura, an elementary schoolteacher. Both daughters are married, and the judge and his wife have four grandchildren.

President Ronald Reagan nominated Judge Edgar for the position of district judge in Chattanooga, and he was sworn in on April 29, 1985. When he took office, he was the only district judge with chambers in Chattanooga. He eagerly met the challenge of managing one of the heaviest caseloads of any district judge in the United States. His prodigious capacity for hard work and natural talent for efficient court administration enabled him to keep his heavy docket current. It is an understatement to say that Judge Edgar was always in trial. Between 1985 and 1995, it was customary for the judge simultaneously to have one jury out deliberating, a second jury in the courtroom, and another group of litigants and attorneys anxiously waiting in the hallway for the next trial to commence. He maintained this arduous workload for more than 10 years until Hon. Curtis L. Collier was sworn in as the second federal district judge in Chattanooga in 1995.

Judge Edgar embodies all the qualities of an outstanding jurist. He has a scholarly command of the law, combined with high ethical standards and a deep sense of responsibility to make certain that all persons receive equal justice under the law. Judge Edgar is renowned for a keen analytical mind, incisive opinions, and the ability to impartially resolve difficult legal problems with practical, commonsense solutions. In the finest traditions of the federal judiciary, he maintains the dignity of the court by always being courteous, professional, and even-tempered.

Judge Curtis Collier was privileged to practice before Judge Edgar prior to joining the federal bench. Judge Collier often states that Judge Edgar is one of the finest trial judges anywhere: "Judge Edgar combined all of the attributes a trial lawyer would want in a trial judge. He had a finely honed intellect, a complete understanding of the legal issues, a command of the evidentiary issues in the case, a rare instinct for divining the best interest of justice, and pa-

tience and even temperament to allow lawyers to try their case the way they desired. For this he was truly appreciated by trial lawyers."

Judge Edgar inspires his law clerks and leads them by his example of hard work, dedication, and self-sacrifice. It is his custom to maintain one career law clerk and one law clerk employed for a term of one or two years. The career clerk provides continuity, while the term clerk brings in fresh perspectives. The judge believes that clerkships are a valuable training ground for young attorneys, and he enjoys fulfilling the role of teacher and mentor to his law clerks. In chambers, the judge encourages spirited debate, independent thinking, and creative solutions.

Don Aho, the judge's first law clerk, recalls: "I was greatly impressed not only with the legal ability he brought to his work but also with his work ethic and capacity to learn. But perhaps even more impressive to a young lawyer trying to find his way was the genuine interest he took in seeing to his clerks' professional development and personal well-being. Judge Edgar cares about the people he works with. Like all of my colleagues who have done so, I consider myself very fortunate to have served as his law clerk."

One mark of an effective leader is the ability to develop a loyal, dedicated staff. The judge made an astute choice when he hired Janet Prince as his executive assistant. Janet, who had previously worked as a secretary for Judge Edgar when he was in private practice, has been with the judge during his entire term on the federal bench.

Judge Edgar is a "people person," who genuinely enjoys interacting with the wide spectrum of lawyers, parties, witnesses, and jurors who venture into his courtroom. As he often remarks, "Everyday is an adventure in federal court." One time, a 19-year-old defendant in a bank fraud case appeared for his "formal" sentencing wearing a tuxedo. A bemused Judge Edgar sentenced him to imprisonment and the dapper defendant was taken to jail in his tuxedo.

Lawyers often hear the judge use favorite phrases indicating how he perceives litigation. When a lawyer makes a motion or argument that is without merit and goes beyond the pale, Judge Edgar will say there is a "cool wind blowing" on it. Judge Edgar keeps trials moving at an efficient, fast pace with little wasted time and effort. When a lawyer wanders off on an unproductive tangent or wastes time on superfluous matters, the judge typically advises, "Let's get to meat of the coconut," thus gently nudging the lawyer to eliminate what is irrelevant and to focus on the key issues at hand.

Judge Edgar has had his fair share of controversial cases. In one — *ACLU of Tennessee v. Hamilton County, Tennessee*, 202 F. Supp. 2d 757 (E.D. Tenn. 2002) — he decided that a display of the Ten Commandments at county courthouses violated the Estab-

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lishment Clause of the First Amendment. In *Doe v. Porter*, 188 F. Supp. 2d 904 (E.D. Tenn. 2002), *aff'd*, 370 F.3d 558 (6th Cir. 2004) — and in the same Tennessee community where the famous John Scopes “Monkey Trial” took place in 1925 — Judge Edgar decided that it was a violation of the First Amendment’s Establishment of Religion Clause for the Bible to be taught as the literal truth to kindergarten and elementary public school students. In an unusual twist of history, the Bible classes were taught by students from nearby Bryan College, which is named after William Jennings Bryan, who represented the state of Tennessee in the Scopes trial.

In 2003, Judge Edgar presided over a seven-week criminal trial — *United States v. Tyson Foods Inc.*, which dealt with enforcement of federal immigration laws — that garnered national attention. Tyson Foods and its executives were acquitted on charges that they had arranged to smuggle illegal immigrants from Mexico into the United States to work at Tyson plants using false identification documents. The trial involved more than 60 witnesses and more than 400 tape-recorded conversations.

An early case “inherited” by Judge Edgar was a 26-year-old case involving the desegregation of a public school — *Mapp v. Board of Education of City of Chattanooga, Tennessee*, 648 F. Supp. 992 (E.D. Tenn. 1986). One afternoon, the judge’s assistant, Janet, walked into his chambers, where she was surprised to find Judge Edgar down on the floor on his hands and knees poring intensely over large maps of Chattanooga showing the school bus routes. When Janet inquired what the judge was doing, he replied, “I’m taking a bus ride.” After careful consideration, Judge Edgar ended the desegregation suit.

Judge Edgar has a quick sense of humor and impeccable timing in skillfully wielding it, like a surgeon’s scalpel, to defuse tense situations during trials. His ability to use humor as a way to maintain order and decorum is illustrated by the case of the *Sovereign Order of Saint John of Jerusalem, Knights of Malta v. John L. Grady*. This hotly contested suit, which had religious overtones, involved infringement of a collective membership registered trademark under the Lanham Act and unfair competition. The litigants were locked in mortal combat over the issue of who had the right to represent themselves to the public as the Sovereign Order of Saint John of Jerusalem, Knights of Malta. The flamboyant defendant appeared at trial cloaked in a flowing black cleric’s robe and wearing a large Maltese cross necklace. On the witness stand, the defendant was argumentative and bombastic. The obstinate defendant was determined to ignore Judge Edgar’s evidentiary rulings and instructions to answer questions concisely. Despite the defendant’s theatrics, Judge Edgar displayed his usual patience. When the defendant’s ob-

streperous behavior escalated and tempers began to flare, the judge stopped the proceedings and calmly told the defendant, “There are two persons in this courtroom wearing black robes. But mine is the black robe that counts. I am in control of this trial.” After the jury and spectators had a good laugh, the chastened defendant became more cooperative.

In an “open-and-shut case” that received national press coverage, the operators of retail stores that sold caskets brought suit against the Tennessee Board of Funeral Directors and Embalmers, challenging the constitutionality of statutes that stifled economic competition by requiring that any person who sells funeral merchandise, such as caskets and urns, must hold a funeral director’s license issued by the state of Tennessee. After a trial exploring the inner workings of the funeral business and the potential dangers of leaky, defective caskets, Judge Edgar granted a declaratory judgment to the plaintiffs and enjoined enforcement of the statute. He held that the statute was irrational and violated the casket retailers’ 14th Amendment rights to substantive due process and equal protection of the law. *Craigsmiles v. Giles*, 110 F. Supp. 2d 658 (E.D. Tenn. 2000), *aff’d*, 312 F.3d 220 (6th Cir. 2002).

Judge Edgar considers *Brown v. Board of Commissioners of City of Chattanooga, Tennessee*, 722 F. Supp. 380 (E.D. Tenn. 1989) to be his most significant case. In this case, a group of African-American citizens brought suit under the Voting Rights Act, challenging Chattanooga’s form of municipal government, which featured a five-member board of commissioners elected at-large. In an opinion remarkable for its clarity and historical analysis, Judge Edgar held that this form of government violated the Voting Rights Act and gave the defendants 75 days to develop a remedial plan. With a minimal amount of disruption, Chattanooga implemented a new government with a mayor and city council members elected by districts. The result has been to open the election process and government to greater participation by minorities and to improve race relations — all of which has contributed to the revitalization of Chattanooga.

As he takes senior status, Judge Edgar plans to maintain his personal and judicial relationships with both Tennessee and Michigan. He and Gail have a beautiful home in the Upper Peninsula on Lake Superior, where they enjoy the outdoors and boating. Over the years, the judge has held court by special designation in the Western District of Michigan at Marquette. He will continue to serve as a district judge by splitting his time on the bench between Chattanooga and Marquette. **TFL**

Michael M. Hooper is Judge Edgar’s career law clerk and has worked with the judge for more than 18 years.