



UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF TENNESSEE

VISITING JUDGE UPDATE

From the Desk of the Clerk of Court &
Chief Judge Jon P. McCalla

October 2012

Judge John T. Fowlkes, Jr. Confirmed

On Tuesday, July 10, 2012, John Thomas Fowlkes, Jr. was confirmed as the next United States District Judge for the Western District of Tennessee. He replaces Judge Bernice B. Donald, who was elevated to the Sixth Circuit Court of Appeals on September 6, 2011.

Judge Fowlkes received his B.A. from Valparaiso University in 1975 and his J.D. from University of Denver School of Law in 1977. Prior to his appointment to the federal bench, Judge Fowlkes served in various capacities. He worked as an assistant public defender at the Shelby County Public Defenders Office in 1978. For the next ten years, he served as an Assistant District Attorney in the Shelby County District Attorney Generals Office where he prosecuted homicides, assaults, sex offenses, robbery, and burglary cases. From 1999 to 2002, he was an Assistant United States Attorney for the Western District of Tennessee and gained experience from trying over 100 jury trials and handling appellate level work. During his tenure at the U. S. Attorney's Office, he was the First Assistant for several years where he was responsible for the day to day operations of the office. From 2002 to 2007, Judge Fowlkes was the Chief Administrative Officer for Shelby County government. Thereafter, in 2007 he was appointed to the Shelby County criminal court bench by then-Governor Phil Bredesen. In November 2008, he was elected to a full eight-year term in Division VI of the 30th Judicial District Court at Memphis.

In his comments on the Senate floor in support of the nomination of Judge Fowlkes,

Senator Bob Corker stated that Judge Fowlkes' "experience certainly makes him very well prepared for this position and the responsibilities that he will carry out."

Judge Fowlkes' public investiture was held Friday, August 31, 2012. The creation of his case docket is completed and his honor has hit the floor running. The Court is very pleased to have Judge Fowlkes on the bench for the Western District of Tennessee.

Status of Visiting Judge Assignments

While Judge Fowlkes' arrival will eliminate one of the reasons the court implemented the Visiting Judges Program, the court remains a congested court, a condition that has historically existed in the district. Continued service of visiting judges for the duration of their designations will give the district an opportunity to significantly reduce its case disposition rate for the first time in many years. Visiting judges are authorized to maintain cases after the expiration of their designation as required to complete unfinished business.

Assignments to the judicial officers designated to hold court in the Western District of Tennessee were made pursuant to the preferences of the individual judges. Some judges did not have a preference with regards to case types or scope of assignment; others preferred only civil motions and case management; and still others preferred to only conduct trials. Below is a summary of the assignments accepted by each visiting judge.

I. Visiting Judges with Full Case Management and Trial Responsibility

Judge Robert Cleland

- Designated March 19, 2012- March 19, 2013
- 28 Cases reassigned March 19, 2012
 - 15 civil cases
 - 13 criminal cases
- As of October 19, 2012
 - 6 civil cases
 - 6 criminal cases

Proceedings:

- October 1-3, 2012
Criminal Jury Trial: 06-20099- USA v. Boatwright
- November 13, 2012
Sentencing: USA v. Melvin Beasley

Judge Arthur Tarnow

- Designated February 14, 2012- February 14, 2013
- 31 Civil Cases reassigned February 22, 2012
 - 18 pending cases as of October 19, 2012

II. Visiting Judges with Case Management Assignments Only

Judge J. Frederick Motz

- Designated May 1-November 1, 2012
- Added to the civil case assignment wheel effective May 21, 2012;
 - 42 cases assigned since May 21, 2012
 - 26 cases pending as of October 19, 2012

Judge William Young

- Designated May 1- November 1, 2012
 - 25 civil cases with pending dispositive motions reassigned July 9, 2012
 - 17 pending cases as of October 19, 2012

III. Visiting Judges with Trial Assignments Only

Judge George Steeh

- Designated March 15, 2012- March 15, 2013

Judge Thomas Russell

- Designated May 14, 2012- May 14, 2013

Proceedings:

- November 5-9, 2012
Criminal Jury Trial: 06-20339-USA v. Clark

Judge Denise Page-Hood

- Designated May 14, 2012- May 14, 2013

All “Trial Assignments Only” visiting judges will be contacted to determine if one of them is available before any permanently assigned district judge continues a scheduled trial because of his unavailability based on an older case going to trial. Only if no visiting judge is available to try the case, will the case be continued.

Support Staff for Visiting Judges

The district court has assigned the following clerk's office staff as both contact personnel and staff support for visiting judges:

- (1) Chief Deputy Clerk, Wendy Oliver, wendy_oliver@tnwd.uscourts.gov, (901) 495-1210.
- (2) Director of Courtroom Services, Rita Pomtree, rita_pomtree@tnwd.uscourts.gov, (901) 495-1462.

Clerk's office staff will regularly advise visiting judges who are designated for trials only, of cases that are available, or can on short notice be, scheduled for a jury or non-jury trial.

The continued assistance of our Visiting Judges is allowing the first reduction in our congested Court status in many years.