

CHIEF JUSTICE WILLIAM JAMES HARBISON**1923-1993**

William James Harbison will be remembered in Tennessee History as one of the strongest justices to sit on the Tennessee Supreme Court. His leadership, intellect and energy shaped the progress of the courts during the 1970's and the 1980's. A brief review of his life reveals his devotion to his family, and his commitment to the law and to his community. Members of the bench and bar, and his many friends, called him "Bill".

Bill Harbison was born in Columbia, Tennessee on November 11, 1923. He was educated in the Public Schools of Maury County, graduated from Central High School in Columbia as Valedictorian of his class in 1941, and enrolled at Vanderbilt University in September of that year. From 1943 to 1946 his college education was interrupted by World War II, when he served in the United States Army. He returned to Vanderbilt in 1946 and received his B.A. degree in History in June 1947, graduating magna cum laude.

In the Fall of 1947 he entered Vanderbilt Law School, where he became Editor-in-Chief of the Vanderbilt Law Review. He graduated first in his class in 1950, and was awarded the Founders Medal for Scholarship. He had, in fact, established the highest grade-point average that had been made in the Law School.

Bill had an almost photographic memory of decisions and statutes, an asset which once nearly got him in trouble. The Chairman of the Board of Bar Examiners told the Dean of the Law School that Bill had apparently cheated on the examination, that he had cited decisions, using the style of the cases and quoting or paraphrasing pertinent language of the opinions. The Dean told him not to worry, that Bill did the same thing on his law school examinations. Edwin Hunt, an outstanding lawyer who was generally considered to be the leading Tennessee authority on constitutional law and who also lectured in the law school on that subject, gave Bill a grade of 100. The Dean called Mr. Hunt to his office and said, "There is no such thing as a grade of 100 on any law school examination". Hunt asked the Dean to read Harbison's examination paper, and after reading it the Dean revised the grade to 99.

Following graduation he joined the young law firm of Trabue and Sturdivant, where he soon became a partner, and in 1956 the name of the firm was changed to Trabue, Sturdivant and Harbison. Bill enthusiastically entered into the practice of law. Because of his incredible recall of court decisions and his understanding of the rules of evidence, he quickly became recognized as one of the ablest trial lawyers in middle Tennessee. As his reputation spread, when a lawyer with limited trial experience became involved in major litigation, Bill would frequently be employed as associate counsel to handle the trial

work. His success in jury trials was due as much to his fairness and candid demeanor and his respectful and courteous behavior in Court as it was to his thorough advance preparation and his skill in questioning witnesses.

When Edwin Hunt retired, his mantle as the leading Tennessee authority on constitutional law fell upon the shoulders of Bill Harbison. He was employed in many cases involving constitutional questions in Tennessee and in other jurisdictions and argued several cases before the United States Supreme Court.

In September, 1966, when Justice Weldon B. White was ill, Governor Frank Clement appointed Bill Special Justice of the Tennessee Supreme Court, and he served until Justice White died in April, 1967.

In 1974, Bill was elected to the Tennessee Supreme Court and served until his retirement in 1990. That the 1974 Supreme Court is considered one of the great, progressive courts in Tennessee history is due in part to the leadership of Bill Harbison. Under his guidance the Court created the Commission on Continuing Legal Education, the Tennessee Lawyers' Fund for Client Protection, the Board of Professional Responsibility, and IOLTA (Interest On Lawyers' Trust Accounts). He was Chairman of the Advisory Committee to the Supreme Court on the Rules of Civil Procedure which were primarily drafted by him and which were adopted by the Supreme Court in 1970. It also adopted the

present Rules of Criminal Procedure, Rules of Appellate Procedure, and Rules of Juvenile Procedure. Prior to this time, Tennessee had no uniform rules of procedure for its courts. In addition, Bill was instrumental in the promulgation and implementation of the Tennessee Rules of Evidence. He also served as Chairman of the Tennessee Code Commission and in 1990 co-chaired the Commission studying the appellate courts.

From 1974 until 1990, the Court rotated the position of Chief Justice so that each member served a portion of his term in that capacity; but Bill Harbison was the quiet, soft-spoken, inspirational leader of the Court throughout his sixteen-year tenure. Upon his retirement, he was quoted in a feature article in the Tennessee Bar Journal as saying, "We've always worked extremely well together. The collegiality of it, I think, is one of the pleasant memories I'll have." The members of the Court became close friends and, when holding court, traditionally had breakfast, lunch and dinner together.

Grace and dignity defined Bill's judicial temperament. During oral argument, he listened patiently with close attention and an open mind to the arguments of counsel; and when he interrupted with a question, it was done in a tone of voice and in such manner and so manifestly for the purpose of getting at the merits of the case that it rarely disconcerted the speaker.

In the post-argument conferences, he was patient, fair and always tolerant of the views and opinions of the other members of the Court. His soundness of judgment and fairness will always be remembered by the Justices who sat with him. Always gracious in manner and courteous in speech, he had a delightful personality, and his sense of humor made conferences enjoyable.

The Committee will not undertake to review his judicial work, except to mention that while sitting as a Justice of the Supreme Court he was the author of 387 published opinions, many of which have been cited and relied on by the appellate courts of other States. He took great pride in rendering his decisions promptly; and yet, in spite of his speed, he carefully analyzed all of the key issues in a case. His opinions were always clear, concise, forceful, logical, and inherently just. They have greatly enriched the jurisprudence of this State and will constitute precedents and serve as guideposts for future generations of the bench and bar.

Bill was not impressed by wealth or by social or political prominence, or by his own giant intellect. He accepted everybody on the same level. He liked people, but he especially enjoyed Bar Meetings and Judicial Conferences and other gatherings of the legal fraternity. He had a great sense of humor and was always able to appreciate the lighter side. It is

likely that no judge or lawyer had more genuine friends than Bill Harbison had.

He was a mentor to many young lawyers and judges and was never too busy to interrupt his own schedule to advise with them. Shortly after his graduation from law school, he and two other young lawyers organized the bar review course, which was originally for the benefit of Vanderbilt graduates, but soon became available to all persons preparing to take the bar examination. He loved to teach and did so for 43 years. He was a lecturer at the Vanderbilt Law School from 1950 through 1967 and an Adjunct Professor from 1967 until his death. He also taught at the Nashville School of Law from 1991 until his death.

There is no telling how much legal work Bill did for people who could not afford to pay a fee. His concern was to represent his clients to the best of his ability, and if he could charge for his services, he did so. However, if a client needing representation was unable to pay a fee, Bill did not consider that his time was wasted.

Bill Harbison did not confine his talents to the law; he had many other interests. He was president of the Tennessee Historical Society, a member of the Metropolitan (Nashville) Board of Education, the Nashville Rotary Club and an active member of the United Methodist Church, where he taught a Sunday

School Class for many years. He loved boating and enjoyed membership in three literary groups.

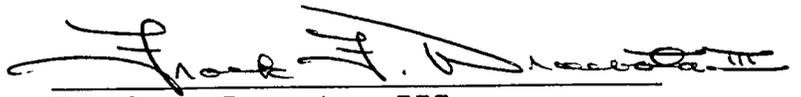
He was a member of the Tennessee and American Bar Associations and the Nashville Bar Association of which he served as President in 1970-1971. He was also a member of the Conference of Chief Justices, The American Law Institute, the American College of Trial Lawyers, The American College of Probate Counsel, The American Bar Foundation and The Tennessee Bar Foundation which he also served as President. He represented Tennessee on the Commission for Uniform Legislation. He was elected to membership in Phi Beta Kappa and the Order of the Coif.

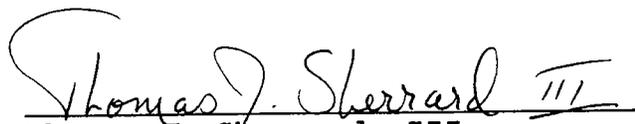
Bill resigned from the Supreme Court in the Spring of 1990 and joined the Nashville firm of Sharrard and Roe, where his son was a partner.

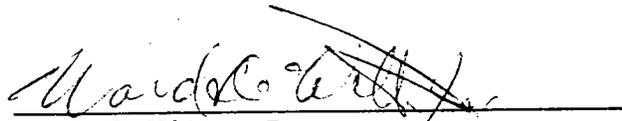
In 1952 Bill married the former Mary Elizabeth Coleman of Salisbury, North Carolina, who survives him. Mary "Lib" often accompanied him when the Court sat in Knoxville and Jackson and was considered an important member of the traveling team by all of the Justices. He was a devoted husband, father and grandfather. He delighted in the outstanding accomplishments of his two children: Bill, an attorney with whom he practiced law after his retirement from the Court in 1990, and Mary Alice, a physician also living in Nashville. He was proud of his children

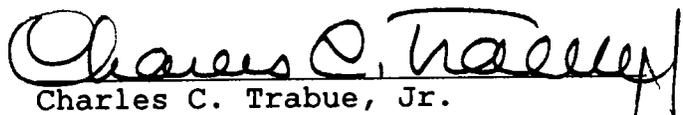
and had a very special relationship with them. He had five grandchildren, and one of the joys of his life was spending time with them.

William James Harbison died at his home in Nashville of a massive heart attack on November 20, 1993, at the age of 70, and Tennessee lost one of the finest judges and lawyers in the history of this great State.


Frank F. Drowota, III


Thomas J. Sherrard, III


Ward DeWitt, Jr.


Charles C. Trabue, Jr.