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## The Retirement of Chief Justice Frank F. Drowota, III: A Tribute to a Legal Legend and All Around Nice Guy

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THE RETIREMENT OF CHIEF JUSTICE FRANK F. DROWOTA,  
III: A TRIBUTE TO A LEGAL LEGEND AND ALL AROUND  
NICE GUY

Lisa Rippy and Marshall Davidson<sup>1</sup>

Chief Justice Frank F. Drowota, III retires in the summer of 2006, ending a distinguished thirty-five year judicial career. His twenty-five year tenure on the Tennessee Supreme Court is the second-longest in state history.<sup>2</sup> He will leave behind an excellent record of service to the judiciary and to the state. Indeed, retired Chief Justice William H.D. Fones recently described Chief Justice Drowota as one of the greatest chief justices in Tennessee history. This article will discuss Chief Justice Drowota's vast contributions to Tennessee's legal system and along the way, will attempt to provide some insight into his judicial philosophy, personality, and character.

**The Making of a Supreme Court Justice**

Born in Kentucky, five-year-old Francis Ferdinand Drowota, III (known then as "Frankie") moved to Nashville in 1943 when his father became the founding minister at Woodmont Christian Church. Dr. Drowota left a thriving church with a congregation of 2,000 to become the minister of a new church with a congregation of fifty-two.

For several years, the church met in one part of a three-story house while the Drowota family lived in the other part of the house. Despite the changes wrought in his

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<sup>1</sup> Lisa Rippy has been Chief Justice Drowota's law clerk since 1996 and will be his last. Marshall Davidson was his law clerk in 1990-91 and is currently a Supreme Court Staff Attorney.

<sup>2</sup> Grafton Green, who served on the Tennessee Supreme Court from 1910 until 1947, is the only justice who has served longer than Chief Justice Drowota.

life by his father's calling, Frankie looked up to his father and even relished his role as a "preacher's kid." In fact, he was part of a group of young boys who church members dubbed the "Wood Monsters" for their mischief in throwing chairs from a balcony onto the church floor.<sup>3</sup>

At Montgomery Bell Academy where he attended school, Frankie matured into a scholar and an athlete. He graduated near the top of his class in 1956. Not surprisingly to those who know Chief Justice Drowota, his peers voted him "Most Friendly." He played baseball, basketball, and ran track, but above all Frankie excelled in football. In fact, he scored a crucial touchdown in a state championship game before a crowd of 20,000. His team won the state championship, and the press reported the heroics of "Ace Halfback Drowota," "Skeeter Drowota," "Eagle Killer Drowota," and the "Flying Maroon," touting his quickness and fearless play on the football field. Chief Justice Drowota credits his football coach, Tommy Owen, for teaching him at a young age the importance of "discipline, team work, goal-setting, and a healthy lifestyle." He also attributes much of his later success in the legal world to the academic and leadership training that he received at Montgomery Bell Academy.

Chief Justice Drowota attended Vanderbilt University where he continued playing football. In 1958, *The Tennessean* reported that "pint-sized" Drowota was "mighty hard to stop even if you get your hands on him. Much of the time you just can't get a solid lick on him."

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<sup>3</sup> Chief Justice Drowota maintains that he rarely misbehaved during his childhood. However, he recalls that on one occasion his father took him outside to deliver a spanking with a switch. Dr. Drowota told his son that "this will hurt me more than it does you." Young Frankie replied, "Dad, I don't want this to hurt you, so let's just call it even." To his surprise, his father agreed.

However, a knee injury sustained during his junior year ended his football career.

After graduating from Vanderbilt in 1960 with a degree in history and political science, Chief Justice Drowota entered the United States Navy as an ensign. He served aboard an aircraft carrier in the Atlantic and Mediterranean and was placed in charge of a 200 man gunnery division. This assignment required that he quickly learn how to deal with persons of all ages and backgrounds. Chief Justice Drowota fondly recalls that his time in the Navy taught him to set goals for himself and for his division and to continually reevaluate his goals. These skills would later prove useful in leading Tennessee's judicial branch of government.

When Chief Justice Drowota entered the Navy, attending law school had not crossed his mind. His parents had hoped that he would follow in his father's footsteps and become a minister, but his destiny lay elsewhere. Unsure of a career, he took the Law School Admissions Test aboard an aircraft carrier in the Mediterranean Sea. He resolved that if he did well on the test, he would go to law school upon completing his military service. Although the test-taking environment was not ideal, he received a high score and promptly applied to Vanderbilt Law School.

In 1962, Chief Justice Drowota returned to Nashville and earned his law degree at Vanderbilt Law School while continuing to serve in the Naval Reserve as a commander in the Judge Advocate General's Corps. During this time, he met Claire Hooper at a youth camp where they both worked as counselors. When Claire left Nashville to attend Wellesley College in Boston, they corresponded almost daily. They married in 1965. Forty years, two children, and five grandchildren later, Chief Justice Drowota is quick to point out that Claire is still the love of his life.

Chief Justice Drowota practiced law in Nashville until 1970 when he was appointed by Governor Buford

Ellington to the bench of the Chancery Court of Davidson County. There, he began to learn the art of judging and grew confident in his decision to pursue a legal career. He worked long hours six or seven days a week alongside Nashville's only other chancellor, Ben Cantrell, as the two young judges honed their budding skills as jurists. Chief Justice Drowota continues to have a "real appreciation for the hard work and long hours our trial judges put in" because he has done it himself. He recalls that his "four years on the Davidson County chancery bench were some of the most rewarding times as a judge I had because that's where the real action is, and you get to see the great lawyers apply their trade."

Chancery Court was also the site of his most embarrassing moment as a judge. It happened after a recess during a trial involving some of Nashville's most prominent attorneys. Chancellor Drowota sat down and leaned back as he normally did, but the chair flipped backward, catapulting him onto the floor and sending his feet flying toward the ceiling. He describes the incident as "every judge's worst nightmare" but also a lesson in humility.

After spending four years in the trenches of a busy trial court, Chancellor Drowota was appointed by Governor Winfield Dunn to the court of appeals in 1974, where he served until his election in 1980 to the Tennessee Supreme Court. At age forty-two, he began his tenure on the Supreme Court alongside four experienced and well-respected justices: William J. Harbison, William H.D. Fones, Ray L. Brock, Jr., and Robert E. Cooper. Justice Drowota was not intimidated at the prospect of working beside these older and more experienced judges because he was accustomed to working with people much older than himself on the court of appeals, such as Henry Todd and Tom Shriver. Although Justice Drowota's new colleagues on the Supreme Court treated him as an equal, they also afforded him the benefit of their experience. He earned

their full respect and confidence, and they selected him to serve as Chief Justice in 1989 when he was just fifty-one years old. His second term as Chief Justice, which ended upon his retirement, began in 2001.

### **Contributions to Tennessee's Substantive Law**

During his more than thirty years as an appellate judge, Chief Justice Drowota has participated in more than 4,500 decisions. He has authored at least 1,000 majority opinions and more than 100 dissenting and concurring opinions. Many thousands of cases seeking Supreme Court review have passed over his desk.

Not surprisingly, Chief Justice Drowota has stamped his impression across the full scope of Tennessee's common law. Nowhere is this more apparent than in the area of torts, his favorite area of the law. He believes his single most significant authored opinion to be *McIntyre v. Balentine*,<sup>4</sup> in which the court adopted comparative fault, thereby completely reshaping Tennessee tort law. Chief Justice Drowota also authored many of the subsequent opinions which defined the contours of comparative fault<sup>5</sup> and which explained how comparative fault affects other established principles, such as contribution,<sup>6</sup> strict liability,<sup>7</sup> and vicarious liability.<sup>8</sup> Readily acknowledging that formulating workable and meaningful standards to guide courts in apportioning fault is "no simple matter," Chief Justice Drowota has endeavored along with the court as a

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<sup>4</sup> *McIntyre v. Balentine*, 833 S.W.2d 52 (Tenn. 1992).

<sup>5</sup> *See, e.g., Eaton v. McClain*, 891 S.W.2d 587 (Tenn. 1994).

<sup>6</sup> *See, e.g., Bervoets v. Harde Ralls Pontiac-Olds, Inc.*, 891 S.W.2d 905 (Tenn. 1994).

<sup>7</sup> *See, e.g., Whitehead v. Toyota Motor Corp.*, 897 S.W.2d 684 (Tenn. 1995).

<sup>8</sup> *See, e.g., Browder v. Morris*, 975 S.W.2d 308 (Tenn. 1998).

whole to provide guidance “however imprecise and imperfect” that guidance may be.<sup>9</sup>

In addition to writing many of the court’s major comparative fault decisions, Chief Justice Drowota has significantly shaped Tennessee tort law in the areas of punitive damages,<sup>10</sup> invasion of privacy,<sup>11</sup> premises liability,<sup>12</sup> nuisance,<sup>13</sup> negligent, reckless, and intentional infliction of emotional distress,<sup>14</sup> products liability,<sup>15</sup> malicious prosecution,<sup>16</sup> and abuse of process.<sup>17</sup> Moreover, he has authored key decisions concerning governmental immunity,<sup>18</sup> medical and legal malpractice,<sup>19</sup> the family purpose doctrine,<sup>20</sup> and even unusual topics such as loss of chance<sup>21</sup> and wrongful pregnancy.<sup>22</sup>

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<sup>9</sup> *Eaton*, 891 S.W.2d at 591.

<sup>10</sup> *See, e.g., Hodges v. S.C. Toof & Co.*, 833 S.W.2d 896 (Tenn. 1992).

<sup>11</sup> *See, e.g., West v. Media Gen. Convergence, Inc.*, 53 S.W.3d 640 (Tenn. 2001).

<sup>12</sup> *See, e.g., Blair v. West Town Mall*, 130 S.W.3d 761 (Tenn. 2004); *Blair v. Campbell*, 924 S.W.2d 75 (Tenn. 1996).

<sup>13</sup> *See, e.g., Lane v. W.J. Curry & Sons*, 92 S.W.3d 355 (Tenn. 2002).

<sup>14</sup> *See, e.g., Doe 1 ex rel. Doe 1 v. Roman Catholic Diocese of Nashville*, 154 S.W.3d 22 (Tenn. 2005); *Leach v. Taylor*, 124 S.W.3d 87 (Tenn. 2004); *Bain v. Wells*, 936 S.W.2d 618 (Tenn. 1997); *Ramsey v. Beavers*, 931 S.W.2d 527 (Tenn. 1996); *Camper v. Minor*, 915 S.W.2d 437 (Tenn. 1996).

<sup>15</sup> *See, e.g., Davis v. Komatsu Am. Indus. Corp.*, 42 S.W.3d 34 (Tenn. 2001).

<sup>16</sup> *See, e.g., Roberts v. Fed. Express Corp.*, 842 S.W.2d (Tenn. 1992).

<sup>17</sup> *See, e.g., Bell ex rel. Snyder v. Icard*, 986 S.W.2d 550 (Tenn. 1999).

<sup>18</sup> *See, e.g., Bowers ex rel. Bowers v. City of Chattanooga*, 826 S.W.2d 427 (Tenn. 1992).

<sup>19</sup> *See, e.g., Gibson v. Trant*, 58 S.W.3d 103 (Tenn. 2001) (regarding legal malpractice); *John Kohl & Co., P.C. v. Dearborn & Ewing*, 977 S.W.2d 528 (Tenn. 1998) (regarding legal malpractice); *Cardwell v. Bechtol*, 724 S.W.2d 739 (Tenn. 1987) (regarding medical malpractice).

<sup>20</sup> *See, e.g., Camper v. Minor*, 915 S.W.2d 437 (Tenn. 1996).

<sup>21</sup> *See, e.g., Kilpatrick v. Bryant*, 868 S.W.2d 594 (Tenn. 1993).

<sup>22</sup> *See, e.g., Smith v. Gore*, 728 S.W.2d 738 (Tenn. 1987).

The scope of Chief Justice Drowota's contribution to civil law is by no means limited to torts. He has authored significant opinions on a wide array of subjects from workers' compensation and tax cases to regulatory matters.<sup>23</sup> In addition, his opinions comprise probate and estate disputes,<sup>24</sup> civil procedure,<sup>25</sup> election law,<sup>26</sup> domestic relations,<sup>27</sup> landlord and tenant law,<sup>28</sup> jurisdiction,<sup>29</sup> employment matters,<sup>30</sup> insurance law,<sup>31</sup> evidence,<sup>32</sup> contract disputes,<sup>33</sup> remedies,<sup>34</sup> securities law,<sup>35</sup> consumer law,<sup>36</sup> civil rights,<sup>37</sup> and constitutional law.<sup>38</sup>

Although Chief Justice Drowota began his career as a chancellor, he has authored many important criminal law decisions during his twenty-five years on the Tennessee Supreme Court. He has participated in nearly every death penalty appeal since capital punishment was reinstated in 1977. Consequently, he has authored significant capital-

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<sup>23</sup> See, e.g., *King v. Pope*, 91 S.W.3d 314 (Tenn. 2002).

<sup>24</sup> See, e.g., *In re Estate of Henderson*, 121 S.W.3d 643 (Tenn. 2003).

<sup>25</sup> See, e.g., *Lacy v. Cox*, 152 S.W.3d 480 (Tenn. 2004); *Byrd v. Hall*, 847 S.W.2d 208 (Tenn. 1993).

<sup>26</sup> See, e.g., *City of Memphis v. Shelby County Election Comm'n*, 146 S.W.3d 531 (Tenn. 2004).

<sup>27</sup> See, e.g., *Alford v. Alford*, 120 S.W.3d 810 (Tenn. 2003).

<sup>28</sup> See, e.g., *Memphis Hous. Auth. v. Thompson*, 38 S.W.3d 504 (Tenn. 2001).

<sup>29</sup> See, e.g., *Northland Ins. Co. v. State*, 33 S.W.3d 727 (Tenn. 2000).

<sup>30</sup> See, e.g., *Cantrell v. Knox County Bd. of Educ.*, 53 S.W.3d 659 (Tenn. 2001).

<sup>31</sup> See, e.g., *Griffin v. Shelter Mut. Ins. Co.*, 18 S.W.3d 195 (Tenn. 2000); *Alcazar v. Hayes*, 982 S.W.2d 845 (Tenn. 1998).

<sup>32</sup> See e.g., *Davidson v. Lindsey*, 104 S.W.3d 483 (Tenn. 2003).

<sup>33</sup> See, e.g., *Alexander v. Armentrout*, 24 S.W.3d 267 (Tenn. 2000).

<sup>34</sup> See, e.g., *Concrete Spaces, Inc. v. Sender*, 2 S.W.3d 901 (Tenn. 1999).

<sup>35</sup> See, e.g., *Wakefield v. Crawley*, 6 S.W.3d 442 (Tenn. 1999).

<sup>36</sup> See, e.g., *Hathaway v. First Family Fin. Serv., Inc.*, 1 S.W.3d 634 (Tenn. 1999).

<sup>37</sup> See, e.g., *Rowe v. Bd. of Educ.*, 938 S.W.2d 351 (Tenn. 1996).

<sup>38</sup> See, e.g., *Walker v. Bd. of Prof'l Responsibility*, 38 S.W.3d 540 (Tenn. 2001).

case opinions which have addressed such issues as victim impact evidence,<sup>39</sup> comparative proportionality review,<sup>40</sup> pre-execution claims of incompetence,<sup>41</sup> the introduction of mental health evidence at sentencing,<sup>42</sup> prosecutorial discretion in seeking the death penalty,<sup>43</sup> the introduction of mitigation evidence,<sup>44</sup> the constitutionality of aggravating circumstances,<sup>45</sup> and the constitutionality of the death penalty itself.<sup>46</sup>

His influence has been equally as great in noncapital criminal cases. From interpreting the Criminal Sentencing Reform Act of 1989<sup>47</sup> to abolishing common law doctrines such as the year-and-a-day rule,<sup>48</sup> Chief Justice Drowota's opinions have modernized Tennessee's criminal law. Moreover, his opinions have provided guidance on difficult evidentiary questions, such as the admissibility of computer-generated animations,<sup>49</sup>

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<sup>39</sup> See, e.g., *State v. Nesbit*, 978 S.W.2d 872 (Tenn. 1998).

<sup>40</sup> See, e.g., *State v. Bland*, 958 S.W.2d 651 (Tenn. 1997); *State v. Barber*, 753 S.W.2d 659 (Tenn. 1988).

<sup>41</sup> See, e.g., *Thompson v. State*, 134 S.W.3d 168 (Tenn. 2004); *Coe v. State*, 17 S.W.3d 193 (Tenn. 2000); *Van Tran v. State*, 6 S.W.3d 257 (Tenn. 1999).

<sup>42</sup> See, e.g., *State v. Reid*, 981 S.W.2d 166 (Tenn. 1998).

<sup>43</sup> See, e.g., *State v. Phipps*, 959 S.W.2d 538 (Tenn. 1997); *State v. Mann*, 959 S.W.2d 503 (Tenn. 1997).

<sup>44</sup> See, e.g., *State v. Hall*, 958 S.W.2d 679 (Tenn. 1997); *State v. Hodges*, 944 S.W.2d 346 (Tenn. 1997).

<sup>45</sup> See, e.g., *State v. Godsey*, 60 S.W.3d 759 (Tenn. 2001); *State v. Bush*, 942 S.W.2d 489 (Tenn. 1997); *Van Tran*, 864 S.W.2d at 465; *State v. Bobo*, 727 S.W.2d 945 (Tenn. 1987).

<sup>46</sup> See, e.g., *State v. Black*, 815 S.W.2d 166 (Tenn. 1991).

<sup>47</sup> TENN. CODE ANN. § 40-35-101 (1989); see, e.g., *State v. Lavender*, 967 S.W.2d 803 (Tenn. 1998); *State v. Reeves*, 916 S.W.2d 909 (Tenn. 1996).

<sup>48</sup> See, e.g., *State v. Rogers*, 992 S.W.2d 393 (Tenn. 1999).

<sup>49</sup> See, e.g., *State v. Farner*, 66 S.W.3d 188 (Tenn. 2001).

polygraph evidence,<sup>50</sup> and expert testimony regarding a defendant's mental state.<sup>51</sup> Not only have Chief Justice Drowota's opinions provided authoritative analyses of Tennessee's insanity and diminished capacity defenses,<sup>52</sup> but his opinions have also clarified numerous constitutional criminal procedure issues.<sup>53</sup>

To be sure, Chief Justice Drowota's opinions, both civil and criminal, have served to update Tennessee law and bring it in line with much of the rest of the country. He has written in a concise style with a common-sense focus on making the law clear to judges, lawyers, and the public. A Drowota opinion, forged from practical realities, tells busy readers what they need to know. The opinions speak with strength and clarity. They are promptly issued as well. Chief Justice Drowota is keenly aware that few things cause litigants and their lawyers more frustration and the judiciary more criticism than the failure of courts to decide cases on a reasonably prompt basis.

Cases that come before the Tennessee Supreme Court routinely involve difficult legal issues which are susceptible to more than one resolution. Respectable arguments often support each opposing party's position, and the legal issues almost always implicate a variety of

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<sup>50</sup> See, e.g., *State v. Damron*, 151 S.W.3d 510 (Tenn. 2004); *State v. Pierce*, 138 S.W.3d 820 (Tenn. 2004); *State v. Hartman*, 42 S.W.3d 44 (Tenn. 2001).

<sup>51</sup> See, e.g., *State v. Shuck*, 953 S.W.2d 662 (Tenn. 1997).

<sup>52</sup> See, e.g., *State v. Flake*, 114 S.W.3d 487 (Tenn. 2003); *State v. Flake*, 88 S.W.3d 540 (Tenn. 2002); *State v. Hall*, 958 S.W.2d 679 (Tenn. 1997).

<sup>53</sup> See *State v. Daniel*, 12 S.W.3d 420 (Tenn. 2000); *Momon v. State*, 18 S.W.3d 152 (Tenn. 1999); *State v. Keith*, 978 S.W.2d 861 (Tenn. 1998); *State v. Henning*, 975 S.W.2d 290 (Tenn. 1998); *State v. Simpson*, 968 S.W.2d 776 (Tenn. 1998); *State v. Bridges*, 963 S.W.2d 487 (Tenn. 1997); *State v. Vineyard*, 958 S.W.2d 730 (Tenn. 1997); *State v. Yeargan*, 958 S.W.2d 626 (Tenn. 1997); *State v. Cauley*, 863 S.W.2d 411 (Tenn. 1993); *State v. Ballard*, 836 S.W.2d 560 (Tenn. 1992).

moral, political, economic, and social concerns. Keenly mindful of this, Chief Justice Drowota has placed a premium on obtaining the consensus of the court. He believes that issuing a unanimous opinion, which singularly and unambiguously voices the authority of the entire court as an institution, is particularly important. To achieve this result, he often stressed areas of agreement. He has served as a mediator, drawing the justices together with a diplomatic and respectful style. Nevertheless, he has shown respect to dissenting views, and he has taken the initiative to dissent when even his best efforts have not resulted in a consensus.

Chief Justice Drowota strongly believes the law should be predictable and clear to all; however, he is bold enough to depart from precedent in forging a new path whether in a majority or a dissenting opinion when he is convinced a change is necessary. Time has often vindicated him. For example, he dissented in a case in which the Tennessee Supreme Court refused to abolish parental immunity as an absolute bar to a child's recovery for negligence.<sup>54</sup> Nine years later, this court adopted the rationale of his dissenting opinion.<sup>55</sup> His view became the law. This scenario has occurred on more than one occasion, which is a credit both to his legal scholarship and to his foresight.<sup>56</sup>

Chief Justice Drowota, however, has never been on an ideological mission in performing his work as a judge. He has strived above all else to do right by the parties and to make the law as clear and as sensible as possible.

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<sup>54</sup> *Barranco v. Jackson*, 690 S.W.2d 221, 222 (Tenn. 1985) (Drowota, J., dissenting).

<sup>55</sup> *Broadwell ex rel. Broadwell v. Holmes*, 871 S.W.2d 471 (Tenn. 1994).

<sup>56</sup> See *Nevill v. City of Tullahoma*, 756 S.W.2d 226, 233 (Tenn. 1988) (Drowota, J., dissenting), *overruled by Haynes v. Hamilton County*, 883 S.W.2d 606, 608 (Tenn. 1994).

## **Contributions to the Administration of Justice**

In addition to deciding cases and writing opinions, Tennessee Supreme Court justices are entrusted with a wide array of administrative and management responsibilities. The justices, particularly the Chief Justice, must spend considerable time on the management and policy agenda of the judicial branch. To that end, the justices serve as liaisons to various judicial department boards and commissions and work closely with the Administrative Office of the Courts. Chief Justice Drowota's administrative focus has been on improving and modernizing Tennessee's judiciary and legal profession. His ability to embrace needed change has enabled him to succeed in this endeavor.

Chief Justice Drowota often has remarked that gender and racial diversity has fostered an interchange of ideas and perspectives that has greatly improved the legal profession and the judiciary. Technologically, Chief Justice Drowota recalls with trepidation manual typewriters, carbon paper, rotary telephones, the extensive travel required by in-person court meetings, and the many hours spent verbally announcing opinions in open court. He has fully supported the use of technology to improve the work of the judiciary, such as the use of computerized word processing and legal research, electronic mail, video conferencing, cellular telephones, the internet, and a website where opinions are posted. He has also embraced alternative dispute resolution as a means of easing court dockets.

Not only does Chief Justice Drowota embrace needed change but he has been courageous enough to advocate it. While serving as Chief Justice in 1989, he urged adoption of Supreme Court Rule 23, which allows federal courts to certify questions of state law to the

Tennessee Supreme Court.<sup>57</sup> Rule 23 has proven invaluable to the development of Tennessee law, particularly tort law. Moreover, he introduced and assisted in developing the Lawyers Fund for Client Protection.

While advocating change, he has also honored history, a topic of great interest to him. He assisted Justice E. Riley Anderson in establishing the Tennessee Supreme Court Historical Society. He worked with the Historical Society and the Frist Foundation to honor Tennessee's appellate judges with marble plaques in each Supreme Court Building. He raised awareness about the Tennessee Supreme Court by distributing *A History of the Tennessee Supreme Court* to Tennessee high schools.<sup>58</sup> More recently, Chief Justice Drowota urged lawyers to increase access to justice by volunteering for pro bono programs and helped publicize the availability of free or low-cost legal services to low income Tennesseans. To this end, he has filmed public service announcements, given speeches, hosted luncheons, and written newspaper articles on the subject. These articles have attracted national attention.<sup>59</sup>

Other initiatives have stemmed from Chief Justice Drowota's ability to efficiently and effectively manage time and resources. For example, he drafted internal operating rules for the Tennessee Supreme Court, which include opinion circulation deadlines and which delineate the administrative responsibilities of each justice's office. He has worked to obtain funding for additional senior judge appointments and to provide adequate judicial resources for judges who are unable to serve due to conflicts, illness, or active military duty.

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<sup>57</sup> TENN. SUP. CT. R. 23.

<sup>58</sup> A HISTORY OF THE TENNESSEE SUPREME COURT (Theodore Brown, Jr., James W. Ely, Jr., & Carl A. Pierce eds., 2002).

<sup>59</sup> See Frank F. Drowota, III, *Even Tennessee's Neediest Can Find Help Getting Their Day in Court*, THE TENNESSEAN, Jan. 2, 2005, at 19A.

In lean budget years, Chief Justice Drowota found innovative ways to conserve scarce resources without interrupting essential services. Trial courts statewide actually gained access to computer-based research during this time. The Code Commission, which he chaired, negotiated a long-term contract ensuring that Tennessee's statutory compilation will remain the least expensive in the country. Because of his commitment to manage conscientiously the Indigent Defense Fund, which has grown from 1.45 million dollars in 1980 to over 17 million dollars in 2004, he undertook the difficult task of overhauling Supreme Court Rule 13.<sup>60</sup> This rule governs the qualifications and compensation of appointed lawyers. Chief Justice Drowota's willingness to be a hands-on manager and to undertake thankless administrative tasks explains, in large part, how the judiciary remained relatively unaffected by budget cuts.

Perhaps Chief Justice Drowota's greatest contribution to the administration of justice has been his willingness to serve both as the court's mediator and as its goodwill ambassador. Although he has never shied away from candid discussions or vigorous debates, he has evinced an unfailing ability to remain courteous, optimistic, and proactive even in tense and difficult situations. Never arrogant, and self-confident enough to hear and to consider opposing views, he sincerely welcomes constructive criticism. Because of these characteristics, Chief Justice Drowota has developed excellent working relationships with his colleagues in the judiciary, with legislators and executive-branch officials, with members of the boards and commissions to which he serves as court liaison, and with lawyers and bar associations across Tennessee. Chief Justice Drowota has earned the admiration and respect of many, and the goodwill which he has created undoubtedly

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<sup>60</sup> TENN. SUP. CT. R. 13.

will pay dividends for the judiciary for many years to come.

### **The Man behind the Robe**

When Chief Justice Drowota was sworn in as Chancellor, Dr. Drowota's advice to his son came, not surprisingly, from scripture. Dr. Drowota advised the new judge to "do justly, love mercy, walk humbly with your God."<sup>61</sup> These words eloquently describe Chief Justice Drowota's approach both to his public and private life. His parents, whom he describes "as caring people who always went out of their way to help others in need and did so with complete modesty," were able to instill in their son these same character traits. Chief Justice Drowota treats everyone fairly and respectfully. He is thoughtful, considerate, and truly interested in the lives of the people around him. Perhaps most remarkable is the humility, the mark of a just and merciful person, that he exhibits after so many years of service in a high public office.

Outstanding appellate judges have certain traits in common. They are bright, diligent, prompt, trustworthy, fair, unbiased, tolerant of opposing views, and even-tempered. They are keenly aware that the law involves people, not just legal principles. Chief Justice Drowota possesses each of these qualities in abundance. He leads and encourages with dignity, grace, and class. He supervises large numbers of people without using critical or sharp words. He is in the office early and is often the last to leave in the evening. On vacations and trips, he takes work along in order to "study" as he puts it. He does his homework no matter what, and he is always prepared for oral argument. His work ethic, which is characterized by energy and enthusiasm, has set a high standard for all who work with him.

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<sup>61</sup> *Micah* 6:8 (King James).

Equally impressive are Chief Justice Drowota's administrative and organizational skills. More than once while discussing an obscure legal issue with a subordinate, he would pull from his many files an old, unpublished opinion that was right on point. Briefs and other materials are stacked neatly throughout his office. He knows exactly what is in each stack and what needs to be done to move the matter along. His desk and office reflect a well-ordered mind.

Despite his important public office, Chief Justice Drowota's identity is defined more by personal relationships than by his profession. He has not allowed his career to become the sum total of who or what he is. Balancing professional demands with the richness of family, friends, and faith is a difficult undertaking. Chief Justice Drowota has accomplished this balance. His example has proven to other judges and lawyers that balance is possible and that a person of character and integrity can achieve both professional success and personal happiness.

Reflecting this balance, Chief Justice Drowota admits as he prepares to retire that he will miss his work on the court because he feels "a certain sense of satisfaction in dealing with hard legal issues that affect society." But, he will miss most of all the "wonderful people I have been associated with, from my colleagues on the court to the wonderful staff to the great folks in the clerk's office." He says of his amazing career in the law that the "whole experience has been far more exciting and fulfilling than [he] ever could have anticipated." With his usual modesty, Chief Justice Drowota would like the legal community to remember him simply as a "conscientious, fair-minded judge with good common sense and integrity who treated all with courtesy and respect." To be sure, his sense of justice and fair play has brought high honor to himself and to the Supreme Court.

## **Conclusion**

Tennessee's judiciary has been well managed and generally holds the confidence of the executive and legislative branches and the people. This is a high compliment to Chief Justice Drowota's stewardship and a wonderful legacy to his successors. All who have been fortunate enough to work with Chief Justice Drowota will long admire him both as a legal legend and as an all around nice guy and will always strive to follow his example in our careers and in life. We thank him for his mentorship, his friendship, his example, and his counsel. Chief Justice Drowota's influence has made our lives richer. Our parting wish is that he long enjoys his rich family life and the rewards of friends and faith that he so much deserves and so highly values.



