

Harold Murphy interviewed by Bob Short
2008 December 15
Rome, GA
Reflections on Georgia Politics
ROGP-060
Original: video, 65 minutes

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Harold Murphy

Date of Transcription: September 27, 2009

BOB SHORT: I'm Bob Short, and this is Reflections on Georgia Politics, sponsored by the Richard Russell Library at the University of Georgia. Our guest today is Judge Harold

Murphy, who has been a Georgia legislator, a super court judge, and was appointed federal judge by Jimmy Carter in 1977. Welcome, Judge Murphy.

HAROLD MURPHY: Well, thank you very much. I'm honored to be participating in this program.

SHORT: You come from a well-known family in Haralson County of distinguished lawyers and political leaders. Please tell us about your early life growing up in Haralson County, Georgia.

MURPHY: Well, I was born in a small community of about 200 people in Haralson County called Felton. It was an unincorporated community. My father was a rural mail carrier and a farmer and a businessman. My mother was a schoolteacher and a school principal. And I went to a little country school. And there was a time when I was in the primary school that the schools were so poorly financed we had five months of school. And my parents then sent me to school over in Polk County, which had nine months of school, and went there for a couple of years. And the little community we were in still only had school seven months at the most, so they sent my brother and me to Buchanan School, where they had nine months of school. So I finished grammar school at Buchanan and then went through high school at Buchanan.

So my father put my brother and me to growing cotton when we got about 13 or 14. He thought boys ought to be busy, and he sure kept us busy. And then I worked in a grocery store as a bag boy in a small grocery store in Cedartown beginning when I was 14 or 15, and did that all the

way through high school on the weekends. And then I went to West Georgia College when I finished high school at Buchanan, Georgia. Went to West Georgia for four quarters and took extra courses.

Joined the Navy when I was nearly 18. The Navy called me in the spring of '45. I was in boot camp when Japan surrendered. And I went through boot camp that summer, and then the Navy sent me back to college and sent me to the University of Mississippi for a year in the Naval ROTC program in 1946. The spring of '46, the Navy discharged me. And I'd been out of high school two years and had three years of college credit. So I applied for law school at Emory and the University of Georgia and was accepted at both. And I went to the University of Georgia, finished law school there. And at the time, you could finish in eight quarters if you went straight through without a break. I took a break the second summer, which required nine quarters for me to finish law school. So I finished law school in March of 1949. My cousin Tom Murphy and I were in every class in law school together all the way through law school.

And I began then practicing law in Buchanan, Georgia, on April 4, 1949. I'd been admitted to the bar. I was 21. In March of 1949 I became 22, and I started practicing law on April 4, 1949. Practiced in Buchanan with a man named Don Howe. And we then moved our office to Tallapoosa some years later. I practiced there a while with him, and then with his son also practicing with us. And then I was appointed to the Superior Court bench by Governor Carter. And President Carter was in office when I was appointed to the federal bench in 1977.

SHORT: You were elected to the Georgia House of Representatives from Haralson County in

1950.

MURPHY: That's correct.

SHORT: And served five consecutive terms.

MURPHY: That's correct.

SHORT: And if I'm not wrong, there was only two years in a 40-year period that a Murphy was not in the State House of Representatives representing Haralson County.

MURPHY: Even longer than that. James Murphy, Tom's brother, went into the legislature while Ellis Arnall was governor. I don't remember what particular year that occurred. But then James Murphy was there when we had the three governor contest. I don't remember if he ran for reelection after that contest or if he just did not run. But a young man named Charles Smith ran, and he served for two years. I qualified to run for election in 1950. Charles Smith did not qualify to run, but another man, a lawyer, older than I, named Claude Driver, qualified to run. And, fortunately, I won. And I never had opposition again.

SHORT: Mm-hm. Before we get too far away, let's talk a little bit about your cousin, Tom.

What was he like as a young man?

MURPHY: Well, as a young man he was gangly fellow. We were not particularly close while he was growing up. He lived in Bremen, and I lived on the north side of the county in the little community of Felton. I did visit with him some and knew him some when we would have maybe a family gathering of some kind, which were really infrequent for the entire family. And Tom is my father's first cousin. I remember smoking rabbit tobacco at my uncle's farm with Tom and my brother and my great-uncle's sons, and a few other mischievous things. But then we were in law school together, and Tom got married while we were in law school. We studied a little bit together while we were in law school. Participated in the moot court together while we were in law school.

SHORT: Tell us, if you will, a little bit about your service in the legislature. What was happening during that period from 1950 to 1960?

MURPHY: Well, it was an interesting time for Georgia. When I was in law school at the University of Georgia, and when I was in the legislature, the first few years I was in the legislature, it was kind of like a Petri dish of youngsters who were ambitious and people who ultimately became leaders of the state, politically, in the judiciary, and even the business world. I was there when we passed the sales tax and Governor Talmadge was the governor. We passed the sales tax and substantially increased funding for the schools. Governor Talmadge was a rather progressive governor, without appearing to be as progressive as he was. But he was very

much attuned to the views of the people and what the public wanted. And he had these strong supporters who would have done anything for him. I heard him comment one time that there was one particular fellow who was such a strong supporter, he said, "I believe if I asked him to burn down the State Capitol, he'd do so."

But then, after Senator Talmadge, we had Marvin Griffin as governor. And there was a sense of things not being absolutely the way they should be during Marvin Griffin's term of office. That appearance did not come from him. He was a very charming rascal. But some of his cronies, and particularly his brother, Cheney, gave kind of a smelly reputation to his administration. And then there was a young man married to a Russell, Governor Vandiver, who was very well-loved by the Georgia people. He'd been a lieutenant governor, and then he became governor. And he was a handsome young man. And people in Georgia seemed to want to elect and support leaders who were young. If you think about it, Governor Talmadge was young. Richard Russell was young when he went to the United States Senate. Carl Sanders was young when he became governor. George Busbee was young when he became governor. So Vandiver was a popular man when he went into office.

SHORT: Had a lot of problems, though, during his term.

MURPHY: Had bad problems. He was governor at a time when it was very difficult for state leader in the South with the ending of segregation and the difficulties that were rife with all the civil problems and community problems occurring at that time.

SHORT: Why did you not seek reelection to the House?

MURPHY: Well, I got married. I needed to make a living. It's very difficult to be a lawyer and be in the legislature unless you have somebody looking after your business while you're gone. And while I was practicing law with another man, nobody looked after what my responsibility was while I was gone. In addition to that, I had observed enough until I saw either you better make politics a career and be big in it, or you better get out of it. I met these people for whom I had a lot of respect who would come to Atlanta with one administration and hold a job running a department. Another governor would get elected and he'd fire that person, and he'd go back to south Georgia, stay there four years, eight years. And his friend would get elected, and he'd come back to Atlanta for a while. And they just spent their life like a yoyo, back and forth, from their communities back to Atlanta. And I did not see that as a career for me. And, frankly, I don't know how people who did, why they wanted to do it.

SHORT: So you never thought about running for a higher office?

MURPHY: Well, I was asked to run for higher office. I was courted by people who came to see me and ask me to run for Congress years ago, and they told me, "You will not have to get out and raise a penny. We'll raise it for you." And I'll tell you a story nobody much knows. When I decided not to run, about two weeks after everybody had qualified, I had a telephone call from

Phil Campbell, who was Commissioner of Agriculture at the time. And he said, “We’ve seen that you did not qualify to run.” And I said, “No, I didn’t run for reelection.” I said, “I told the Speaker at the end of the last session I was not going to run for reelection.” And he said, “Well, he didn’t realize that. The Speaker did not. He didn’t know that. It must not have gotten through to him, because I called you to tell you we had decided over here that we were going to elect you Speaker Pro Tem of the House.” I says, “Well, it’s too late now.” He said, “Well, can you get your cousin Tom to withdraw?” And I said, “No, I wouldn’t even approach him about it.” So that’s made a lot of difference in my career.

SHORT: Mm-hm. How early in life did you decide you’d like to be a judge?

MURPHY: I never intended to be a judge when I was in law school. When I went to law school, I thought I’d be an FBI agent. Because to be an FBI agent, you had to be either an accountant or a lawyer. And I had read these books as I grew up about the FBI and whatnot, and I thought that’d be a good career. But I was too young to get in the FBI when I finished law school, so I started practicing law. And I never intended to seek a job as a judge. After my law practice became successful, I was making a lot more money as a lawyer than a judge is paid. But ultimately, as time passed, I needed to make some changes in my career. And I had the telephone call that said, “Come over here next Friday to the Capitol. The Governor wants to swear you in as judge.” So I went and took the oath of office. I never asked for it. I had sought an appointment to the federal bench prior to that occurrence. But the Republicans were in

power, so I didn't get anywhere with my efforts at that time.

SHORT: But you'd served as a solicitor.

MURPHY: I did work as the assistant to solicitor general in our circuit for about a year.

SHORT: So you had some good experience.

MURPHY: I tried a lot of cases. I tried the cases that year. But my partner and I, we had a broad practice. I tried dozens and dozens of major homicide cases when I was practicing law as a lawyer. And tried a lot of civil cases. And by the time I went on the bench, I guess 40% of the work I did was helping other lawyers with their cases.

SHORT: So then you got the call from President Carter . . .

MURPHY: Yes, sir.

SHORT: . . . asking you would you like to be on the bench, the federal bench.

MURPHY: Well, no, he didn't call me. When Carter became president, there was a vacancy for a judicial seat in the Northern District of Georgia. And I spoke to Senator Nunn about it and I

spoke to Senator Talmadge about it. And those are senatorial appointments, really. They call them presidential appointments, but it's a patronage position of the party of the president. And the President was a Democrat, and we had Democratic senators. And they recommended me to the President, and the President submitted my name for confirmation by the Senate and I was confirmed.

SHORT: How does that process of confirmation work? Does the president do the heavy loading, or do you have to do it?

MURPHY: No. The people who – you have to do it if it's for a district court position, now. And you have to do through the political process. That is, if the senators or one senator or both senators of your state belong to the party of the president, then that senator or those senators have the right to nominate – or send the name to the president for selection. If the president happens to be one party, and there's no senator who belongs to that particular party in office in Washington, then the decisions are made by the political patronage people in the state, who might be a congressman; it might be several congressmen; it might be political chairman of the party of the president. That's something that differs from state to state when the president is of one party and the senators are of another party.

Now, when it comes to circuit judges, those are strictly presidential appointments.

SHORT: Well, before we get too far away, let's talk a minute about how the federal court

system works in Georgia. I'm afraid too many people don't really understand the federal courts as they do their local superior and state courts.

MURPHY: You're exactly right. The federal courts try cases that involve federal law, cases that involve issues on the Constitution of the United States, and cases that involve claims or issues between diverse parties where the amount in controversy is \$75,000 or more. The federal courts are courts of limited jurisdiction. The states courts are courts of general jurisdiction. They can try anything, basically. But the federal courts try cases, and I'm repeating myself, such as patents, antitrust, civil rights, copyright cases, securities cases, automobile wrecks where, for instance, a person from Alabama is involved in a wreck here in Georgia with a Georgia citizen and the claim is over \$75,000. They can come into federal court on what you call "diversity of citizenship." And that's true with business transactions and contracts, those type things.

SHORT: Let's talk about some of your more visible cases. I remember Knight v. Alabama.

MURPHY: Well, that case is a big part of my career on the federal bench. Paul Roney was the chief judge of the 11th Circuit in 1989, I believe. And he called me and asked me to preside in a case in Alabama in which they disqualified one judge who had heard the case, and then disqualified most of the other judges, if not all the other judges, in Alabama from handling the case. And it involved the vestiges of discrimination in all the public universities in Alabama. And he asked me to preside in the case, and I did. And ultimately we had try it. It took six

months to try it. The order I wrote was 1,000 pages long. The 11th Circuit reversed – well, it didn't reverse, but they remanded a portion of it. So I had to go back six more weeks and tried that portion of the case for six more weeks. And then I presided over the case for about 15 years, and I terminated that case two years ago this month. It is interesting to note that the University of Alabama has the reputation of being a most segregated school as a result of Governor Wallace standing in the schoolhouse door, so to speak, at the University of Alabama when they attempted to integrate the school. The University of Alabama is one of the most integrated universities in the South. And they have two traditionally black universities, one at Huntsville and one in Montgomery. I had to do a lot of work to bring those universities up to par, so to speak, in facilities and in payment of professor's salaries and in getting white people into those traditionally black schools.

SHORT: You heard the Georgia Voter ID case.

MURPHY: Yes, I did.

SHORT: How did that get in your court?

MURPHY: Well, I guess one of the reasons is, a defendant in the case was the lady here in Floyd County who runs the election here. She was one of the defendants. And there were other defendants over the state that were named, but that gave them jurisdiction here. I enjoined the

effectiveness of the law, because it required people to pay \$20 for a voter ID if they did not have a valid driver's license or some other government identification. And we ruled that was akin to a poll tax and enjoined the operation of the law. Then the legislature amended the law, removed that provision and requirement. And they also ultimately adequately advertised the change in the law. So then I denied the request for a further injunctive relief. That's on appeal now to the 11th Circuit Court of Appeals and was argued in the circuit about two weeks ago.

SHORT: U.S. versus Thevis.

MURPHY: That was a classic case. I tried it here in 1979. It was indicted as an Atlanta case and publicity was very high, and I moved it here. And surprisingly, here, very few people had ever heard about that case, even though people take Atlanta papers here and listen to the Atlanta news. I realize how diverse this state is. So many people from this area and north of here watch the Chattanooga news rather than the Atlanta news. So we had no problem getting a jury. It was estimated it'd take 16 weeks to try the case. We tried it in nine weeks. Mr. Thevis was a pornographer, and he was indicted with other people for racketeering. And the racketeering acts involved five murders, bribery, arson. And there were fine lawyers in the case. And so we tried it in this courtroom, and it was a most interesting case. Mr. Thevis had been in the penitentiary. He escaped the penitentiary and was a fugitive for some period of time. While he was a fugitive, there were two witnesses whose testimony the government wanted to preserve. And I was in Atlanta taking the testimony of those witnesses and doing it in the Fulton County Courthouse,

where they had the TV facilities and recording facilities, the day they found Mr. Thevis up in the northeast United States. And by the time that word got to all the lawyers, my lawyers were deserting me that afternoon to go make sure whether or not they were hired by Mr. Thevis.

SHORT: He got a rather long sentence for that.

MURPHY: Yeah, he had got life plus 20 years.

SHORT: And I imagine he's still in the . . .

MURPHY: He's still in the penitentiary.

SHORT: . . . federal penitentiary.

MURPHY: Yes, he is.

SHORT: I know that you had mentioned that you had a very interesting murder case as a private lawyer.

MURPHY: Yes, I did.

SHORT: And that was the Ledford case.

MURPHY: Yes, it was. I won't go into great detail about it, but Mr. Ledford had been in the penitentiary at Reidsville and was released. And when he was released, he took up with a woman of the evening. And from there, they robbed a man who was one of her customers and beat him over the head and whatnot, and put him in the trunk of the car that they had and started out West with him. And they got over into the Dallas, Georgia, area and were pulled over by a local police officer who told the lady, "Your taillight's out." And she said, "Well, we'll go down the way here and I'll get it repaired." So they did go down the way, but they went out in the country to a secluded area, and went back, opened the trunk. And, of course, this gentleman had pulled the wires loose on the taillight. But they opened the trunk, and Mr. Ledford, Hoyt Ledford, took his pistol and he was going to shoot him, and his pistol wouldn't work. He'd bent it beating around on the poor fellow's head. And so the woman said, "Well, here, use my pistol." So she gave him her pistol, and he shot him in the ear and killed him. And they closed the trunk door and took him out and dumped him off the mountainside near Fort Smith, Arkansas. Some squirrel hunters found the body shortly afterwards, notified the law about that. But in the meantime, the undertaker who owned the vehicle that they were in from Lawrenceville had notified the law his car was gone. So a couple of Indians named Longacre, who were bounty hunters in Norman, Oklahoma, on Route 66, stopped the car and arrested them. So our client, Hoyt, he gave about four confessions. Anybody who would talk to him, he'd confess about what he'd done. And we were defending him in Polk County down at Cedartown: Jimmy Parker, the

lawyer from Cedartown, Don Howe, my partner, and I. And our defense was insanity, which is a tough defense, incidentally. And the only people we could find to testify about him were people who were in the penitentiary with him and his relatives. So he had a brother who was a barber up in Chatsworth, and we called him as a witness. And I had his brother on the stand, and I said, “Mr. Ledford, in your opinion, is your brother Hoyt sane or insane.” And he says, “I’ve thought he was crazy ever since he killed that other man.”

[laughter]

MURPHY: I think that’s the worst – I know that’s the worst answer I ever had in court.

SHORT: It’s hard to overcome that.

MURPHY: Oh, it was bad.

SHORT: The crematory case.

MURPHY: That was a novel case, a most interesting case, that involved a crematory up here in Walker County, where the crematory did not cremate bodies, but stored them around over the properties. And there were hundreds of them, and we had a class action. Ultimately got it all resolved, but it was a very sad situation, a very strange situation. The fellow running the

crematory has been prosecuted in state court and is serving some time in the penitentiary, but we had the civil case here. And I thought we were going to have to try it, but ultimately we got it all settled and worked out without having to try it. But it was a very sad thing for people, very tragic thing for members of the family. It brought back a lot of grief.

SHORT: Has your caseload increased very much over the years?

MURPHY: It's decreased, really. When I first came here, my caseload – I'm the first and only district judge ever signed to Rome in the federal court system. Judges would just come and visit here for a week or two in the spring and a week or two in the fall and handle the business. When I came, about 40% of the caseload was here, and about 60% of my caseload was in Atlanta. And the civil caseload was running around 500 cases a year, plus the criminal caseload. We ultimately got additional judges for the Northern District of Georgia, so my case load went down. And for the last year or so the civil caseload has been less. People are arbitrating their cases more, mediating their cases much more than they were.

SHORT: I've been curious about the impact of the demise of the federal sentencing guidelines.

Has that had an effect on . . .

MURPHY: They've really not been terminated. For about 20 years, 18 to 20 years, they were mandatory. The Supreme Court that they were not absolutely mandatory. They are advisory, but

they're highly advisory. And anybody whose sentenced, I have to appropriately consider the United States sentencing guidelines and determine correctly what is the sentence that the guidelines would mandate. That is, the sentencing range that would be required. And then I'm required to give consideration to another provision of the law that speaks protection of the public, respect for the law, matters of that kind, and then impose what the court believes to be a reasonable sentence and a proper sentence. Generally those sentences comport with the advisory of the United States sentencing guidelines. But there are also many statues that have been passed by the Congress which require minimum mandatory sentences at least. Some drug cases you have to sentence people to at least 10 years. Some at least five years. If they are subsequent or second offenders, and proper notices are given, you may have to sentence them to 20 years as a minimum. So the discretion of a federal judge is not what people might think it is.

SHORT: Who determines which judge hears what case?

MURPHY: That's an automatic thing, and it's not a discretionary matter. The clerk of the court maintains a docket system in places such as Atlanta where there are multiple judges. And it's supposed to be a blind system, and that system determines which judge gets which case. For instance, if it's a patent case, they have a system whereby each judge gets his or her share of the patent cases. They rotate down the list. If it's an antitrust case, they have a system whereby a list is maintained. Judge so-and-so gets the first case, Judge so-and-so gets the second case, and Judge so-and-so gets the third case, all different judges until it goes through the system. And

then it comes back and rotates over again.

SHORT: How often do federal judges communicate with each other?

MURPHY: Well, frequently if they have lunch together. I don't get to visit with my colleagues nearly as much as I would if I were in Atlanta. But when I would be in Atlanta, I would have lunch with some of them every day.

SHORT: I mentioned to you earlier the new sentencing of life without parole and its effect on the death penalty.

MURPHY: Yeah, we mentioned that briefly. Particularly it's a matter for talk now and thoughts now in view of the Nichols case, which has just been completed in Atlanta on the trial level. Sentencing of life without parole, I think, is tending to do away with death penalty cases. And I think it'll do more of that in the future.

SHORT: There seems to be a feeling among some Georgians that the wheels of justice in Georgia turn rather slowly.

MURPHY: People may have that opinion, but if they turn slowly or they turn fast, they grind exceedingly fine. In the federal system, things move fast.

SHORT: What is your opinion of Georgia's indigent defense system?

MURPHY: I think it's very nice and very fine that we have such a system. It's been needed a long time. When I began the practice of law, lawyers were appointed to represent indigent people and were not compensated. That didn't ever bother me, because I enjoyed representing the people I was appointed to represent. And I found, for some strange reason, that in these criminal cases where you were appointed to represent indigent defendants, it seemed easier to me to win their cases than the cases of people who hired lawyers. It may have been, for some reason, the prosecution just didn't prepare as much in those type cases. But then they began to pay some fees on occasion. The State legislature passed a law years ago that the counties could be required to pay up to \$500 in a capital case. I never got paid in a capital case in which I was appointed but once by a county. And another lawyer and I were appointed to represent a man for murder. And we tried the case, and the county paid us \$200, \$100 apiece. And then I was never, ever paid any other fee by a county or the state of Georgia for representing an indigent defendant. I was paid on a few occasions before I went on the bench for representing people by appointment in federal court. And it's a very basic thing now for people to be paid by the federal government for representing indigent defendants in this court. Georgia's long needed it. It's not adequately funded, but it is an improvement over what did exist. Unfortunately, cases such as the Nichols case are so expensive that it weakens the financial ability of the state with reference to other defendants across the state which have lesser cases, smaller cases, but important to them.

SHORT: Have you enjoyed being a federal judge?

MURPHY: Yes, I have. I've enjoyed being a federal judge. I enjoyed being a state judge. I tremendously enjoyed practicing law. I missed the practice of law. A lawyer can do a lot of good for people. You can certainly help many, many people who need help badly if you're a conscientious lawyer and you're representing people rather than corporations or what you might all legal entities.

SHORT: What is the most enjoyable part of being a judge?

MURPHY: The mental requirements, the mental exercise you get.

SHORT: Well, what's the worst part?

MURPHY: The worst part is piles of paper that you have to go through sometimes. But there are things worse than that. The difficulty of sentencing people. Being as fair as you can and as responsible as you can. It also results in a lonely life if you're a judge, particularly if you're a federal judge. There is a loneliness to the job that is different from that of a lawyer.

SHORT: What makes a good judge?

MURPHY: A reasonable knowledge of the law, an excellent knowledge of the rules of evidence. But more important than those two things is that you need to respect every individual with whom you deal, whether that person is a lawyer, or a party to the litigation in a civil case, or a defendant who's before you for sentencing. And be patient and be courteous. Those are just basic important requirements.

SHORT: You deal with a lot of trial lawyers. What makes a good trial lawyer?

MURPHY: Preparation, preparation, preparation, and then ability. A sharp mind and experience, experience and experience.

SHORT: Well, I appreciate that. Because if I ever need a trial lawyer, I'll know now what to look for.

[laughter]

SHORT: Times change and people change. Has the nature of the cases you hear changed much over the years?

MURPHY: Yes. Yes. When you say "the nature of the cases," maybe not so much the kinds of

cases, but cases themselves. When I began the practice of law, I have seen judges in the federal court try two cases a day, criminal cases. For instance, interstate transportation of an automobile across the state line and maybe a liquor case, try one before lunch and one after lunch. Now, that may sound extreme, but it is not. I've tried cases myself that way in federal court and in state court. I have tried as a lawyer conspiracy cases in federal court that'd take three days. Now a conspiracy case, if you try it in a week, you're doing quite well. Most of the time it'll take two weeks, 10 days. The rules now require absolute discovery, in so far as criminal cases are concerned, so the defense lawyers know what the evidence is going to be against their client. Also, even the defense has to disclose certain information so the government knows that information. And so it just takes much longer to try a criminal case than it did. Civil cases have become more complex because lawyers take more depositions and more discovery before trial and then spend more time trying the cases before a jury or before the court.

SHORT: How is the jury selection process? Does it differ in federal court from a superior court?

MURPHY: It differs, yes, some. Both are supposed to be a cross-section of the community. The jury box for the federal system is gathered by going to the voters list for the Northern District of Georgia, the Rome Division, all the counties in the Rome Division. And they also look at driver's license and other sources to get names of people who may not be voting. And then they're all by lot put into the system by computer, and then they're drawn by computer. In

the state system, they originally came from the tax rolls. But they come from the tax rolls and the voters rolls and otherwise. And they're put into what was a jury box when I was practicing the law and a superior court judge. And then the judge would go to the county courthouse and, by lot, pull out names. And I don't know how they do it now, but it's supposed to be a cross-section also.

SHORT: What about striking jurors?

MURPHY: Well, all lawyers will tell you that's an art. And the striking of jurors differs somewhat from state to state. Here in the federal court system, each side is required to take so many strikes. In a civil case, each side has three strikes. And what that means is you remove three names. People call it "picking the jury." You don't pick the jury. What you do is eliminate people from the jury. So we can try civil cases in this court with six people or more. And usually I try them with eight people. So I put 14 people in the jury box *vior dire*, and then have the lawyers each remove three names. And they alternate in removing the names. And that leaves eight people left to try the case.

SHORT: Thirty-one years on the bench.

MURPHY: Thirty-one years on the federal bench, six-and-a-half years on the state bench.

SHORT: What's ahead for Judge Harold L. Murphy, retirement or more years on the bench or run for Congress?

MURPHY: Well, I'm delighted not to be running for any office. And one of the benefits of the office I have is that, after you're ultimately appointed and confirmed, you don't have to run for office. I'm aware that one of these days I'll have to retire, take senior status. I've not done so because I didn't take my job looking forward to retirement. If I weren't here, I'd still be practicing law, if anybody wanted to hire me.

SHORT: Well, it's preparation, preparation, preparation.

MURPHY: That's true.

SHORT: If you're willing to do that, you'll get hired.

MURPHY: Yeah.

SHORT: Well, finally, looking back over your life and your career, is there anything you would have done differently?

MURPHY: Well, of course, there is. I would have tried to be a better lawyer. I would have

tried to be a better person. I enjoyed practicing law. I enjoyed being in the public office because public service is a part of my family history. My parents were very public-spirited, and my family's been very public-spirited. And so I don't know that there's really anything I would have done differently. Probably I would have married earlier, not waited as long to marry my beautiful wife. And I might have wound up practicing law in a larger community. There's more opportunity in larger communities, professionally.

And that Thevis case I talked about, there's a lawyer from Nashville, Tennessee, named James Neal. I severed out one county in the Thevis case involving a lawyer from Atlanta in which they were claiming bribery. And I tried it separately. Took a week to try it. He's one of the best lawyers I've ever seen in my life. I had a hearing here in the courtroom, took an hour or so, before the trial. I walked back in my office and I said, "I can tell you who's going to win this case, this particular facet of the case. Mr. Neal." And so we got through with the hearing and I said, "When will you be available to try this case?" And he said, "I'm available anytime you want to set it down, Judge." He said, "I only take one case at a time." Of course, he charged this fellow \$100,000 for representing him.

[laughter]

MURPHY: And we tried it, and he got him acquitted. He's the same lawyer that represented Ford Motor Company when they indicted them for – I believe it was indicted Ford for murder in connection with a Pinto that caught fire and burned up in Kentucky. And he defended them in

that case. Charged a million dollars for that. But he's also the lawyer who prosecuted this big labor boss that was head of the Teamsters that somebody did away with and they never found his body.

SHORT: Jimmy Hoffa.

MURPHY: Yeah, Jimmy Hoffa. He prosecuted him for jury tampering up in Tennessee. So it's a pleasure to see some of those great lawyers occasionally.

SHORT: Yeah, I'll bet. Why can't we use that?

MURPHY: Well, you can. Yeah.

SHORT: We got it on tape, don't you?

MALE SPEAKER: If it's okay to use it I'll leave it in the show.

SHORT: Yeah.

MURPHY: Sure.

SHORT: Nothing wrong with that. I mean, that's not Georgia lawyers.

MURPHY: It's an example of a fine lawyer.

SHORT: I meant to ask you about staff. I'm sure that you need a professional, adequate staff.

MURPHY: I do have. I have two law clerks. I keep a law clerk for two years usually. And that one leaves and another one comes for two years. And they've rotated through the years. I now have a career law clerk, a young woman, who's been with me 10 or 12 years now. A brilliant young woman. And I have a young man who's been here now since September. His predecessor was a young woman who was here for three years. So basically I have two law clerks. I have a secretary. And I have a courtroom deputy assigned to me that handles the scheduling. And of course, there's a court reporter who is assigned to me who takes down and the reporting of all the trials and all the conferences in my office.

SHORT: Normally, how many trials would you have, say, in a week?

MURPHY: Oh, in a week? Seldom will I have more than one jury trial in a week. But I will have a lot of guilty pleas, hearings, sentencings, conferences, in a week. For a number of years, I was in the courtroom between 750 and 850 hours a year. There've been years when I was in the courtroom a thousand hours a year. That is a long time and a lot of time in the courtroom. And

in doing that, I'm not counting any time in recess, any time for lunch. I'm talking about actual trial time. In recent years, 200 or 300 hours a year is as much as I will spend in the courtroom, because, as I've indicated, litigations seems to have lessened. There are more mediations and more arbitrations.

SHORT: How do you deal with those cases?

MURPHY: Well, they are handled just as a regular case. And then when the parties reach the point where they know what each side's evidence is and what each side's position is, they will agree to mediate. And they'll meet with a lawyer who's gifted and trained as a mediator. And the parties will be there as well as the lawyers, and they will speak separately with the mediator and some time together with the mediator and see if they cannot resolve the case by settlement. Frequently, quite frequently, they're successful in resolving them.

SHORT: And those decisions stand? Does that come back to you?

MURPHY: It doesn't have to come back to me. They just make the agreement and they settle the case. And they agree on it, and they file a dismissal. Now, if there are minors, of course, they have to come back to me and I have to approve the settlement. If they're minors, that is, incompetent people involved.

SHORT: Sounds like a pretty good way to deal with a lot of cases.

MURPHY: It is. And lawyers have found that to be very effective. Trials are very expensive. Preparation for trial is expensive and very time-consuming. And then the trials are very stressful for the parties and the lawyers.

MALE SPEAKER: Do you ever hear from the people you've sentenced?

MURPHY: Yes. I have letters of admiration from some people I've sentenced. I have people who write me and thank me for saving their life. I have some of those I'm going to give to the library, some of those letters. Some I get a Christmas card from every year that I've sentenced. And some, of course – I'm smart enough to know that some of them who are in the penitentiary are writing me trying to soften me up for some reason. But some are really serious about it. You do not have to be a snarling individual when you send somebody to penitentiary. It's not pleasant for them. At least you can treat them like a decent human being when you sentence them, and you don't need to call them bad names and say bad things about them. My gosh, sentencing to serve time's enough without you telling them how sorry they are and all their relatives and what a heel he is or she is. And I've known of judges who do that.

SHORT: The old expression is "throw the book at them."

MURPHY: Yeah. Yes. There are people who want everybody to be in the penitentiary except themselves and their families.

SHORT: Yeah. Not a nice place, is it?

MURPHY: No. Frankly, the people with whom you associate may be one of the worst things about being in prison.

SHORT: Yeah, I'm sure that's true.

MURPHY: Yeah.

SHORT: Come out worse than you went in.

MURPHY: Yeah. Oh, yes.

SHORT: I'm concerned about all these drug cases among young people.

MURPHY: Well, my son is a juvenile court judge, my older son, and he agrees with what I've said. The problem in this country is the parents. It's not the children. That's where our problems are coming from, poor parenting and no parenting and sorry parenting. And that's the

sad thing about it.

SHORT: Do you get many drug cases?

MURPHY: A lot of drug cases, yes. The ones we get are big drug cases. The United States Attorney's Office won't take minor drug cases. But there are occasions when state people will go right to the federal authorities to get them to prosecute a case so that the person will get a lot of time in a federal prison. And there's no parole in the federal system. People serve about 85% of their time.

SHORT: Is the federal attorney for this Rome Division in Atlanta?

MURPHY: Yes. Yes, sir. The Northern District of Georgia sits in four places for holding court: Gainesville, Rome, Newnan and Atlanta. The grand juries meet in Atlanta. The United States Attorney's Office is in Atlanta, and his assistants are all in Atlanta. And they come out and prosecute cases out in the district in the divisions. And each court is called a "division:" the Atlanta Division, Newnan Division, Rome Division and Gainesville Division.

SHORT: Does the system have,, for lack of a better word or from ignorance, an administrator?

MURPHY: Yes, we do. There's a clerk of court in Atlanta, and he has deputies in Rome and

Newnan and Gainesville and deputies working for him in Atlanta. In addition to that, we have in the Northern District of Georgia what you call a court executive, district executive, and that person looks after a lot of the management matters for the court, such as renovations to courtrooms, courthouses, acquiring of certain facilities for the courts.

SHORT: Well, you've certainly been a good person, a good lawyer, a good judge. And I want to thank you on behalf of the Richard B. Russell Library, the University of Georgia and myself for being with us.

MURPHY: Well, thank you. I'm honored to participate in this program.

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Harold Murphy**

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