

Memorial Resolution

THE HONORABLE JAMES CURWOOD WITT, JR.

JUNE 10, 2026

Judge James Curwood Witt, Jr., was born on October 23, 1948, in Madisonville, Tennessee, to the Honorable James Curwood Witt, Sr., and wife, Gloria Patterson. He died on August 17, 2024, after a courageous battle with multiple myeloma. His grandfather, Robert Beecher Witt, was the longtime District Attorney General in Monroe County. Beecher Witt took a liking to the literary works of James Oliver Curwood, an author of early-Twentieth Century adventure nature novels. With that interest, Beecher named his son James Curwood Witt, after which Curwood's father made him "junior."

With his father going by James, "junior" used the name Curwood.

In 1997, Curwood was appointed to the Tennessee Court of Criminal Appeals by Governor Don Sundquist. Curwood was retained by the voters of Tennessee in 1998, 2006, 2014, and 2022. Curwood was a great benefit to the Court of Criminal Appeals. He was courteous, collegial, with a sense of humor, and wrote excellent, diligent, and timely opinions. He was the most intelligent judge the Court of Criminal Appeals has ever had. His work has been unequalled. In his 27 years on the court, he wrote 2,071 majority opinions, numerous separate opinions, and disposed of many cases by court order without opinions. He had 67 opinions published by West Publishing Company and

included in Tennessee Decisions. Including his own opinions, Curwood participated in well over 5,000 appeals as a member of the court's customary three-judge panels. He also served as Presiding Judge of the court for one year.

Curwood attended Madisonville High School, where he played quarterback on the football team and was a member of the golf team. After graduation, Curwood matriculated at Hiwassee College, where he served as Student Council President and graduated *summa cum laude*, ranked first in his class. He then attended Tennessee Wesleyan College (now University) where he graduated *summa cum laude*, ranked first in his class, in 1970. Following the completion of his undergraduate studies, Curwood attended the University of Tennessee College of Law. Curwood participated as a member of the Tennessee Law Review. In 1973, Curwood graduated *summa cum laude*, ranked first in his law school class, and was inducted into the Order of the Coif.

Following graduation, Curwood returned to Madisonville to begin his law practice where he soon became a leader in the legal community. From 1974 to 1979, Curwood served as a Monroe County Juvenile Court Referee. From 1979 to 1982, he served as the Monroe County Juvenile Court Judge. Curwood was also President of the Monroe County Bar Association in 1977 and a member of the Tennessee Council of Juvenile Court Judges from 1979 to 1982. From 1989 to 1997, Curwood served as counsel for the Monroe County Board of Education.

In addition to his endeavors in the legal field, Curwood was also deeply involved in the community, serving as President of the Madisonville Kiwanis Club and as the first President of the Boys and Girls Club for the Monroe County area. Curwood also chaired the Board of Trustees for Hiwassee, Tennessee Wesleyan, and Emory & Henry Colleges.

Curwood was a longtime faithful member of the Madisonville First United Methodist Church, where he served as a lay reader, filling in when the pastor was absent. He also served at times on the Pastor/Parish Committee tasked with staffing and running the church. He served on the Board of Trustees of the Holston Conference of the United Methodist Church. Curwood taught his "Upper Room" Sunday School class for forty (40) years.

As an appellate judge, Curwood served on the faculty of the Tennessee Judicial Academy and the Tennessee Supreme Court's Development Workshop. From 2001 to 2014, Curwood was also an adjunct professor of law at the UT College of Law where he taught appellate advocacy and advanced appellate advocacy courses to a generation of lawyers. After his diagnosis in 2017, the Knoxville Bar Association honored Curwood by bestowing upon him the association's Award for Courage in the Face of Adversity.

Curwood loved to read and loved language, faithfully adhering to the Oxford English Dictionary. His knowledge was reflected in his opinions, often requiring the reader to find a dictionary to understand the sophisticated words in which he delighted.

Curwood and his wife, Carole, lived for over forty years on a 40-plus-acre farm where, over his lifetime, he bred and raised horses, cattle, sheep, and donkeys. He also bred several Brittany spaniels and rescued numerous other dogs and cats. His pride and joy, though, was his constant companion to the end, a Beagle named Otto. Curwood created and produced several calendars featuring Otto, which raised thousands of dollars for the Monroe County Animal Shelter.

Curwood's father was considered a "jack of all trades" for his many talents and endeavors. Curwood followed that path, truly a genuine renaissance man. He loved fly fishing in the Hiwassee River, the Tellico River, and other rivers. He often invited judges and staff members down the Hiwassee River in a canoe. Curwood also enjoyed woodworking and often built furniture for his children, friends, and courthouse employees. Curwood continued to play golf regularly throughout his life, including with his son, daughter, and her husband.

Another favorite hobby of Curwood's was antique MGs. Curwood's daughter, Mary, recalls that when Curwood was not working at the office or on the farm, he could often be found in his "shop" working on and tuning the cars. Sometimes he would

display them at car shows. On occasion, he would drive one to the courthouse and sometimes become stranded due to the finicky nature of antique British cars.

Curwood taught himself to play the piano by ear. He formed a musical trio, the 3MB (Three Methodist Middle-Aged Men Band). They performed at many church, civic, and private events for almost twenty years. After his diagnosis, Curwood frequented the lobby and waiting rooms of the UT Cancer Institute, entertaining patients and guests by playing the piano.

Curwood also wrote twelve novels, mostly during his cancer treatment and recuperation time. They mostly are crime mysteries. He used the pseudonym of Hezekiah Bascom. Three have been published and are currently for purchase on Amazon.

Curwood loved his family deeply and often regaled courthouse personnel with stories of his family members' accomplishments. Curwood is survived by his wife, Carole Cavender Witt; daughter, Mary Butler (Eric) of Knoxville; sons, James Curwood Witt, III, and John Bascom Witt, both of Knoxville; daughter, Andria Parker (Brian) of Johns Creek, Georgia; his grandchildren, Ansley, Luke, Landry, and Valor Parker; and sisters, Kathy Hall of Madisonville and Cindy Wilhite of Knoxville.

Curwood was a valued member of the Tennessee Court of Criminal Appeals. His contributions to the court, his family, his community and the state greatly benefited all.

In his eulogy for his father, Judge James Curwood Witt, Sr., Curwood wrote:

When Mother and I were going into the house after Dad had passed, she saw reminders of projects that Dad had started and remarked that he didn't finish or didn't have time to finish that. I'll tell you what I told her – that when I die, I hope to have lots of unfinished things. People who are active and vibrant always have unfinished work. People who serve always have unfinished work. For people who love kindness, their work is never finished.

It is amazing that Curwood was such a highly proficient judge while maintaining such avid interest and expertise in his many other projects. His legacy of service and devotion to his family, the legal profession, and judiciary will endure not only in his jurisprudence but also in the hearts and memories of those he loved so well.

THEREFORE, BE IT RESOLVED, by the Tennessee Judicial Conference that the foregoing Memorial Resolution in honor of Judge James Curwood Witt, Jr., be entered on the minutes of this conference, that a copy be furnished to the West Publishing Company

for inclusion in Tennessee Decisions, and BE IT FURTHER RESOLVED that copies of
this tribute and resolution be furnished to his family.

Respectfully submitted this 10th day of June 2026.

JOSEPH M. TIPTON, Presiding Judge (Retired)

Tennessee Court of Criminal Appeals