

Memorial Resolution

HONORABLE JOE D. DUNCAN

FEBRUARY 11, 1924 – AUGUST 20, 2024

JUNE 11, 2025

Joe D. Duncan was born on February 11, 1924, the eighth of ten children to F.B and Cassie Duncan, a family rooted in the Cumberland Mountains of Scott County, Tennessee. A hardworking farm boy tutored by his father, a Presbyterian lay minister, and his mother, a public-school teacher, Joe led a life featured by his devotion to the entirety of his extended family, extraordinary achievement, and public service.

The leading scorer of his high school basketball team, Joe later served as a lieutenant in the Army Air Corp in World War II, graduated from the University of Tennessee College of Law, and became a special agent in the FBI before engaging in the private practice of law while being elected to the prestigious position of State Commander of the American Legion.

In 1946, Joe had married Lou Etta Phillips, his grade school sweetheart, a union which soon produced a son, Phillip, and which lasted over 71 years until Lou's death in 2017. After some 15 years in a successful law practice, Joe was elected Judge of the Knox County Criminal Court, serving from 1966 until his appointment by Governor Winfield Dunn to the Court of Criminal Appeals in 1975.

Revered as a trial judge by the bench and bar, Judge Duncan was admired for his work ethic, his legendary patience, his even-handedness in his treatment of trial lawyers whether representing the prosecution or the defense. John Gill, a seasoned United States Attorney who spent years as a special assistant with the local district attorneys' office, called Joe "the best criminal court judge he ever faced, certainly

knowledgeable, and always treating both sides with dignity, courtesy, and respect.” While publicly complementing Joe’s nephew John H. (Jimmy) Duncan, Jr., for his work as a trial judge before his election to Congress, Gill conceded that as good as Jimmy was, his Uncle Joe was the best. For his part, Jimmy conceded that in his early years on the bench, he would often take a recess to call Joe when he faced a particularly difficult issue in the course of a trial. In 1990, although still admired for his acumen in his role as Presiding Judge of the Court of Criminal Appeals, Joe chose to retire. He was succeeded by Joe Tipton who, as a lawyer, had often benefited by Judge Duncan’s tutelage. After sworn in a member of the then nine-judge court, Tipton described as his “highest honor his appointment to assume the duties of such a respected jurist.”

In his retirement, Judge Duncan undertook his role as the Duncan family elder statesman and as grandfather to Meredyth and Tyler, establishing the Duncan Family Newsletter, the biennial Duncan Family Reunion (which often included anecdotes of his brother John, Sr., a former Knoxville Mayor and longtime East Tennessee Congressman, his nephew Jimmy, of course, his niece, Senator Becky Duncan Massey, and his son Phillip, a public servant in Falls Church, Va.) and two Duncan family non-profit organizations.

Joe Duncan was a master storyteller, often self-effacing in his humor, who with his dear friends and colleagues Judge John K. Byers, his immediate successor as presiding judge, and Judge Houston Goddard, Presiding Judge of the Court of Appeals, regaled audiences small and large with their tall tales – all having a basis in truth but typically amplified a bit to better entertain their listeners.

Whereas Judge Joseph David Duncan enjoyed a legal career spanning almost 50 years, as a lawyer, a trial judge, and an appellate judge, the last three as Presiding Judge of the Tennessee Court of Criminal Appeals; and

Whereas his public service was marked with superior knowledge, humility, courtesy, respect, and -- perhaps most importantly – a cheerful sense of humor but only at the appropriate times and places; and

Whereas “Joe D.,” who resided on this planet for over 100 years, was revered by his family, his friends, and his colleagues in the law.

Now therefore the Tennessee Judicial Conference resolves to salute the remarkable life and times of Joseph David Duncan and publish this resolution for all posterity.

This, the 11th day of June 2025.

Written by: Retired Supreme Court Justice Gary R. Wade