

MEMORIAL RESOLUTION

CHIEF JUSTICE FRANK F. DROWOTA III 1938-2018

Chief Justice Frank F. Drowota III was born on July 10, 1938, in Williamsburg, Kentucky, the second child of Dr. Frank F. Drowota Jr. and Vivian Russell Drowota. In 1943, Dr. Drowota became the founding minister of Woodmont Christian Church and moved to Nashville with his wife and children, including five-year-old Frankie, as Chief Justice Drowota was then known.

Chief Justice Drowota attended school at Montgomery Bell Academy and excelled academically, graduating near the top of his class in 1956. His classmates voted him "Most Friendly"—a superlative that would describe Chief Justice Drowota for the rest of his life. In addition to his passion for learning, during his time at MBA, he developed another life-long passion—his love of sports. He played basketball, baseball, and ran track, but he loved football most of all and achieved fame at the halfback position. He scored a crucial touchdown in a state championship game that his team won, and the press reported the quickness and fearless play of "Ace Halfback Drowota," "Eagle Killer Drowota," and the "Flying Maroon." Chief Justice Drowota remained a devoted football fan and rarely missed an MBA football game. He kept the competitive spirit he developed at MBA throughout his life, although it became a health hazard when he later learned to snow ski. He sustained many injuries while racing his childhood and lifelong friend, Dr. Thomas Frist Jr., on the ski slopes. Chief Justice Drowota treasured his time at MBA, and fittingly, he received the first Distinguished Alumnus Award MBA ever presented.

After high school, Chief Justice Drowota attended Vanderbilt University, graduating in 1960 with a degree in history and political science. After graduation, Chief Justice Drowota, a member of the Naval Reserve Officer Training Corps during college, entered the Navy as an ensign and served two years aboard the aircraft carrier USS Shangri-La. It was there that Chief Justice Drowota took the first steps on the journey that would be his life's calling—the law. One of his duties aboard the ship was to represent crewmates who faced charges of misconduct, and this sparked his interest in the law. He took the Law School Admissions Test, attained a high score, returned to Nashville in 1962, and entered Vanderbilt Law School.

During this same time, Justice Drowota met his soul mate and the love of his life, Claire Hooper, at a youth camp where they both were working as counselors. When Claire left Nashville to attend Wellesley College in Boston,

the couple corresponded almost daily. They married in 1965, beginning a fifty-three-year adventure together. They soon welcomed their daughter, Helen, and their son, Frank Russell.

The same year he married, Chief Justice Drowota joined the Nashville firm of Goodpasture, Carpenter, Woods & Sasser. There, he was the self-described "low man on the totem pole" and "the Chancery Court lawyer because none of the others wanted to do it." This experience in Chancery Court paid off five years later in 1970, when, at just 31 years old, he was appointed Chancellor of the Davidson County Chancery Court. At the swearing-in, Dr. Drowota's advice to his son came, not surprisingly, from the Holy Bible, Micah 6:8—" [T]o do justly and to love mercy, and to walk humbly with thy God."

Chief Justice Drowota followed his father's advice and soon earned a reputation as one of the best trial judges in Tennessee, known for his work ethic; his courteous and respectful treatment of lawyers, litigants, and court staff; his determination to keep up with the heavy Chancery docket; and his unflinching impartiality when adjudicating a wide variety of cases, many fraught with political tensions and implications. Chief Justice Drowota later described his four years as a Chancellor as his "most rewarding time as a judge."

In 1974, at the age of 35, he was appointed to the Tennessee Court of Appeals, where he learned from more experienced judges and soon earned their respect. Six years later, in 1980, he was elected to the Tennessee Supreme Court at age 41. In 1989, his colleagues selected him to serve as Chief Justice, when he was only 51 years old. His second term as Chief Justice began in 2001 and ended upon his retirement in 2005. Chief Justice Drowota's 25-year tenure on the Tennessee Supreme Court is the second longest in Tennessee history, exceeded only by Chief Justice Grafton Green.

Chief Justice Drowota's contributions to the administration of justice in Tennessee cannot be overstated. As an appellate judge, Chief Justice Drowota participated in more than 4,500 decisions and authored at least 1,000 majority opinions and more than 100 dissenting and concurring opinions. He believed his most significant opinion was *McIntyre v. Balentine*, 833 S.W.2d 52 (Tenn. 1992), in which the Court abandoned contributory negligence and adopted comparative fault. He also authored many of the subsequent opinions defining the contours of comparative fault and its impact on other tort principles. But his influence is not limited to tort law. He authored opinions on nearly every legal topic, from death penalty cases to workers' compensation cases. He also advocated for modernizing the Tennessee legal system through the adoption of the Rules of Evidence and

the Rules of Professional Conduct and amendments to the Rules of Appellate, Civil, and Criminal Procedure. He advocated for using technology and alternative dispute resolution methods as ways to ease court dockets. He spearheaded the adoption of Supreme Court Rule 23 that allows federal courts to certify questions of state law to the Tennessee Supreme Court. He introduced and assisted in adopting the Lawyers' Fund for Client Protection. He worked with Justice Anderson to establish the Tennessee Supreme Court Historical Society, and Chief Justice Drowota was instrumental in securing private funding for the Historical Society's initiatives.

In the years preceding his retirement in 2005, Chief Justice Drowota focused on improving access to justice in Tennessee. He filmed public service announcements, gave speeches, hosted luncheons, and wrote newspaper articles urging Tennessee's lawyers to volunteer for pro bono programs and publicizing the availability of free or low-cost legal services. A full four years before the Tennessee Supreme Court officially launched its Access to Justice Initiative, Justice Drowota had made improving access to justice in Tennessee his own personal priority.

Chief Justice Drowota was the epitome of a servant leader, team player, and good-will ambassador. He was knowledgeable, humble, approachable, generous with his time, always friendly, kind, smiling, ready to laugh with others, and secure enough to laugh at himself. He valued constructive criticism and remained eager to learn how to improve his own work and the work of the Supreme Court as an institution. He was an optimist and focused on the positive aspects of every situation and every person. He shunned the limelight and often credited others with achievements that his own efforts had made possible. From 1990 until his retirement in 2005, he had seniority among the justices, yet when elections and retirements brought seven new justices to the Court, he welcomed each one, freely shared information and advice, volunteered for thankless and difficult tasks, and worked tirelessly to achieve collegiality and unanimous opinions. But he did not elevate unanimity over principle. He was willing to compromise on peripheral issues but not on principles. He was fair, reasonable, pragmatic, attentive to the law and facts, and respectful of all points of view, all lawyers, and all litigants. He truly cared about the judges and staff with whom he worked.

After his retirement in 2005, Chief Justice Drowota remained a staunch advocate for the judiciary. He worked hard to preserve the independence of the judiciary when an organized attempt was made in 2014 to unseat three Tennessee Supreme Court justices. He also remained very active in the Tennessee Supreme Court Historical Society.

Apart from his judicial work, Chief Justice Drowota was an active member of the Nashville community and volunteered with many civic organizations. He served as president of the Nashville area chapter of the American Red Cross and the Nashville Rotary Club. He served as chair of the Middle Tennessee YMCA and was the first Chair of the Joe C. Davis YMCA Camp Widgiwagan. He served on the Board of Trustees of Montgomery Bell Academy, the Frist Foundation, the Dantzer Bond Ansley Fund, and the Nashville School of Law and on the Boards of several other civic organizations. He was an elder and deacon at Woodmont Christian Church, the church his father founded, and up until shortly before his death, he assisted Claire in teaching a children's Sunday school class at Woodmont.

Despite all his legal and civic accomplishments, Chief Justice Drowota's most important priority was his family. He treasured his Austrian heritage, from which his name, Francis Ferdinand Drowota III, derived. He loved visiting cousins in South Carolina during the summers of his childhood. Chief Justice Drowota continued these visits with his own children and grandchildren. He and Claire had many other adventures traveling around the world and snow skiing, hiking, going on safari, and biking with their family and friends. He exemplified his motto "work hard, play hard." By his life he demonstrated that it is possible to be an excellent judge AND a faithful, loving, and devoted son, brother, husband, father, grandfather, and friend.

Chief Justice Drowota received many professional and civic awards over his lifetime, and many awards and programs now bear his name. In 2006 the Tennessee Bar Association ("TBA") established the "Justice Frank F. Drowota Outstanding Judicial Service Award," and he received the inaugural award. This is the TBA's highest award for judicial service. In 2018, Chief Justice Drowota received posthumously the Janice M. Holder Award for his contributions to improving access to justice in Tennessee. In April 2019 the Tennessee Supreme Court Historical Society, in partnership with the Tennessee YMCA, established an annual 1,500 word essay contest for high school students on a legal topic of historic significance that is known as The Justice Frank F. Drowota III essay contest. The YMCA also has renamed the judicial branch of its Youth in Government program the Justice Frank F. Drowota III Supreme Court.

Chief Justice Drowota passed away peacefully at his home in Nashville, Tennessee, on April 15, 2018, surrounded by his beloved family, after a brief battle with ALS. He was 79 years old. He is survived by his devoted and loving wife Claire, their two children, Helen Drowota Close (Richard) and Dr. Frank Russell Drowota (Alison), their five grandchildren, Ryland Close, Cason

Close, Clay Close, Russell Drowota, and Rose Drowota, and his sister, Clare Drowota Carpenter (Bill).

We mourn the passing of Chief Justice Drowota but celebrate a life magnificently lived and a person who, throughout his life, loved mercy, acted justly, and walked humbly with his God.

THEREFORE, BE IT RESOLVED by the Tennessee Judicial Conference that the foregoing Memorial Resolution in honor of Chief Justice Frank F. Drowota III, 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 thereof be furnished to members of his family.

Respectfully submitted this 12th day of June, 2019.

Cornelia A. Clark,
Justice, Tennessee Supreme Court