

Memorial Resolution

THE HONORABLE CHARLES EDWARD NEARN

JUNE 14, 2023

Charles Edward Nearn, retired Judge of the Tennessee Court of Appeals, died April 25, 2022, at the age of 90.

Judge Nearn was born November 10, 1931, in Memphis, Tennessee. He graduated from Memphis Catholic High School in 1949 and Christian Brothers University in 1951. He received his law degree in 1955 from the Southern Law University. In 1965, he was elected to serve as judge of Division 4 of the Shelby County General Sessions Court. In this capacity, he heard both civil and criminal cases.

In 1968, he was appointed to serve as Chancellor for Part 2 of the Shelby County Chancery Court by Governor Buford Ellington. In 1970, Governor Ellington appointed him to the Western Section of the Tennessee Court of Appeals. He was subsequently elected as Presiding Judge of the Western Section where he served for over four years. He retired from the Court of Appeals on January 1, 1986. He was 54 years old when he retired.

Judge Nearn enjoyed an active retirement for over 36 years. In his retirement, he moved to Pensacola, Florida where he could pursue one of his many hobbies—sailing. He continued to sail into his eighties. He became so proficient in sailing that he became a member of the Pensacola Yacht Club. He also was a woodworker, a scuba diver, a muzzle loader shooter and represented the United States in an international competition in England, and a lover of travel. According to his son Chris, he was “tighter than the skin on a peach unless he was interested in something.”

Judge Nearn was something of a Renaissance Man. He studied history, archaeology, and poetry, especially the poems of Robert Service. He also could

speak and write Spanish fluently, was well-versed in Latin, and had a working knowledge of Italian.

Judge Nearn is remembered as a fair, honest, and hardworking judge. One of his cautionary mottos was “Don’t rush to judgment. You never know what the other person is going through.” We would all be well-served by remembering this. Despite all his vast experience, Judge Nearn was always willing to learn and be educated. His purpose in writing his appellate opinions was not to show off his intelligence but to help lawyers avoid making the same mistakes twice.

Judge Nearn returned to Tennessee to live in 2022, where he remained until he passed away. He is survived by his wife of 67 years, Phyllis, and three children, Angeline Garbuzinski, Christopher Nearn, and Michael Nearn, as well as seven grandchildren and ten great-grandchildren.

Judge Nearn will be missed by family, friends, colleagues, and the countless legal professionals that he positively impacted throughout his legal career and in his nearly twenty years on the bench.