

# Memorial Resolution

## HONORABLE ROBERT ELBERT COOPER, SR.

1920 - 2016

Robert E. Cooper Sr., affectionately known by his friends and colleagues as “Bob”, will always be remembered in Tennessee history as one of the state’s brightest and strongest judges. He served as a jurist for 37 years. He had a long and distinguished life dedicated to his family, his profession and his commitment to his church and his community.

Bob was born in Chattanooga on October 14, 1920. He received his B.A. degree, Phi Beta Kappa, from the University of North Carolina at Chapel Hill in 1946. It was at the University of North Carolina where he met his beloved wife Catherine. They both attended Vanderbilt University School of Law and graduated together in 1949. They were married on Thanksgiving Day in 1949 and Bob and Catherine maintained a close and devoted relationship his entire life.

Bob worked as an assistant district attorney from 1951-1953. In November 1953 Governor Frank Clement appointed Bob as Judge of the Sixth Judicial Circuit. He was 33 years old at that time. He was twice elected to that judgeship by the Hamilton County voters. Bob always said how much he enjoyed his time on the trial bench. During his 7 years as a trial Judge he only had 7 cases appealed. In 1960 at the age of 39, Bob was appointed by Governor Buford Ellington to the Tennessee Court of Appeals, Eastern Section, and he was twice elected statewide to that court.

After serving 7 years on the trial bench and 14 years on the Court of Appeals, Bob was elected by a state-wide vote to the Tennessee Supreme Court in 1974, at the age of 54. Justice Cooper was already a distinguished and experienced jurist. Justice Cooper was reelected in 1982, and he retired in 1990 at the age of 70. He served two 19 month terms as Chief Justice.

The 1974 Court consisted of Justices Fones, Cooper, Henry. Brock and Harbison. Justice Cooper was the last surviving member of the 1974 Court. That Court's '74 campaign slogan was "Elect a Great Supreme Court," and they truly were a great Supreme Court. The '74 Supreme Court was one of the finest the state has ever known, because it transformed the way the Court functioned and operated in many respects. The Court modernized the judicial system and the legal profession. The 1974 campaign drew the court closer together, so they bonded and became a collegial and forward thinking Court, while remaining independent thinkers willing to dissent when they felt it was necessary.

In 1976, the Court created the Board of Professional Responsibility, which provided for the first time a statewide mechanism for lawyer discipline. The Rules of Criminal Procedure were adopted in 1978 and Rules of Appellate Procedure were adopted in 1979. A new and stricter Code of Judicial Conduct was created, and the Court worked with the Legislature to create the Court of the Judiciary in 1979.

Justice Cooper and the 1974 Court should be described as bright, energetic, hardworking, enthusiastic and compassionate individuals who were disciplined enough to set aside egos and personalities and operate as a five- member team. The Court adopted the Rules of Juvenile Procedure in 1984. Also in 1984, the Court created the IOLTA (Interest on Lawyers Trust Accounts) program and in 1986 adopted a mandatory continuing legal education program designed to improve the quality of attorney's' services to the public. In 1988, a Judicial Ethics Commission was created to issue opinions to provide guidance to judges. The Client Protection Fund was created in 1989, and the Court began accepting certified questions from the federal courts that same year. One of the final acts of the Court of the 1980s was the adoption of the Rules of Evidence in January, 1990.

Tennessee Supreme Court Justice and Chief Justice Bob Cooper died at the age of 95, on July 10, 2016 at his home on Signal Mountain. On this date we lost one of the finest judges in the history of this great state. He is survived by his loving wife Catherine Kelly, his three daughters Susan Hodges, Bobbie Martin and Kelly Smith and his son Robert E. Cooper Jr. who served as the Tennessee Attorney General from 2006 to 2014, and is presently an attorney with Bass, Berry

& Sims. Justice Cooper was fortunate to have six grandchildren and three great-grandchildren whom he loved dearly.

Justice Cooper was an ardent legal scholar, who was dedicated to the law. To those who knew him he was dependable, a man of vision, dedicated, devoted to upholding the rule of law, compassionate, fair and a great mentor and he taught and led others primarily by example. We mourn his passing, but celebrate his life, and we are inspired by the record of service he left behind.

THEREFORE, BE IT RESOLVED by the Tennessee Judicial Conference that the foregoing Memorial Resolution in honor of Justice Robert E. Cooper, Sr., be entered on the minutes of this conference, that a copy be furnished to 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 14<sup>th</sup> day of June, 2017.

Frank F. Drowota  
Justice, Tennessee Supreme Court (Ret.)