

AS RETIREMENT NEARS, BURNS REFLECTS ON 38 YEARS AS CRIMINAL COURT JUDGE

Judge Leon Burns will be retiring after 38 years on the bench.

UPPER CUMBERLAND — He never set out to become a judge. But that's exactly what Leon Burns became.



Turned out he liked the view from the bench. Enjoyed donning the black robe. Took pride in calling the courtroom to attention with the strike of his gavel.

Enough so that he's been doing it 38 years — longer than any other judge currently in the Tennessee Judicial Conference.

But soon he'll remove the robe.

Pass the gavel to another.

Issue his final ruling as criminal court judge of the 13th Judicial District.

“On Aug. 31, 2014, the last day of my present elected term, I will retire after serving over 38 years on the bench,” Burns, 77, said. “It has been a distinct honor and similarly a distinct privilege to have served the Upper Cumberland area in that capacity for such a long period of time. I am extremely thankful to the people of the 13th Judicial District for allowing me to serve them.”

Burns, who was born in Alabama and grew up in Columbia, was 33 when he decided to go to law school and credits his love for Cookeville as the prime motivation.

“I wanted to stay in Cookeville, which is a beautiful, wonderful place to live,” he said. “So I thought, ‘What can I do to make a living and live in Cookeville?’ That’s why I went to law school.”

Burns already held a degree in business, having come to Tennessee Tech in 1954 as a student and football manager. After graduation, he spent a couple of years in the Army before returning to Cookeville and going to work for Joe Adams of Adams Plastics, a sporting goods manufacturer later known as Adams USA.

“The company basically operated out of his garage and den,” Burns said. “We boxed, shipped and made (football helmet) face masks.”

Burns went on to become administrator at what was then Cookeville General Hospital. But to remain in that line of work, he would need an advanced degree in hospital administration.

And a willingness to move.

“It’s a not a job you keep for a long time,” he said. “And I wasn’t interested in moving around as a hospital administrator.”

Instead, he hit the law books.

After graduating from the University of Tennessee in 1972, he practiced his new profession in Cookeville for three years before getting his first taste for service behind the bench at age 39, having been appointed by the governor to serve on a temporary basis in April 1975.

“The judge (Hillard Roberts from Livingston) had some medical issues and was off for four months,” Burns said.

A few months later, Burns was called back to the bench as Roberts continued with health problems. When the judge retired in 1977, Burns stayed on board and was elected to fill the unexpired term in 1978.

“At the beginning of my legal career, I never entertained the idea of becoming a judge,” he said. “When it became a reality, it seemed to be a good fit for my personality and temperament, and I have enjoyed every minute of my tenure.”

Burns was re-elected in 1982 for a full eight-year term and again in 1990, 1998 and 2006 — always unopposed.

He is one of two criminal court judges in this district, which encompasses Putnam, Clay, Cumberland, DeKalb, Overton, Pickett and White counties.

During his judgeship, he’s served as president of the Tennessee Judicial Conference (1988-89) and trail judge representative on the Tennessee Sentencing Commission (1986-95). He’s also been part of the Tennessee Commission for Criminal Justice (1982-83) and Tennessee Supreme Court Advisory Commission on Rules of Criminal Procedure (1989-2000) and taught criminal justice as an adjunct professor at TTU (1989-2000).

Burns has seen a lot of changes in his 38 years in criminal court, in particular the rise in drug-related crimes.

“Starting out, we didn’t have many drugs — a little marijuana or some harder drugs every now and then,” he said. “But in recent times we’ve had this huge explosion of abuse of prescription pain drugs that has significantly impacted the criminal justice system. Most cases we hear today are in some way connected to that problem.”

He’s seen a lot of familiar faces and heard plenty of troubling things.

“You have displayed before you in court an array of sad stories,” he said. “People who have made bad choices, who are wasting their lives over addiction.”

And it’s his job to make sure those convicted are justly punished — which isn’t always easy.

“That, you labor over,” Burns said. “In cases where there is a possibility of an alternative to incarceration, you sort out what to do with them — how you can extract the retribution society demands while at the same time working out some way to encourage them to rehabilitate themselves and not recommit.”

Burns has presided over the full gamut of cases, one of the most memorable being a death penalty case soon after he went on the bench.

“The case was concerning the death of a child by his stepfather,” he said.

In the course of the trial, a legal issue came up — one that had never been ruled upon by the courts.

Burns would be the first, ruling that marital privilege — which prevents one spouse from testifying against the other — did not apply in this particular case since it involved harm to a child.

“The child’s mother was asked to testify for the state in the prosecution of her husband,” he said. “I ruled that she could testify, and that was affirmed. That case is still cited as authority for that marital privilege exception.”

Looking back over his career, Burns says he feels pleased and blessed to have served the Upper Cumberland for such a long time.

“I hope that indicates that I was doing a decent job,” he said. “I’ve been very fortunate to enjoy the support of the bar association, lawyers and people of the district. That’s not to say everybody was for me... but I never had an opponent.”

Though challenging at times, the work has been rewarding, and he values the many relationships he’s built with fellow judges, lawyers, clerks, probation officers, law enforcement officials, as well as his office assistant, Robin Boyd — folks he’ll see a lot less of when retirement time rolls around next August.

“I will certainly miss the many wonderful people I have been privileged to work with in each of the seven counties within the district and across the state as well,” he said.

But Burns doesn’t intend to give up his legal calling entirely; he’s hoping to still hear a case from time to time, filling in as needed when appointed by the state supreme court.

Otherwise, he looks forward to having more time to relax and enjoy hiking vacations in Europe and national parks with his wife, Julie, as they’ve done for several years.

He noted that a big job awaits his predecessor and offers a bit of advice regarding the role of a judge:

“Be careful that you don’t think too highly of yourself and get carried away with your position,” he said. “Treat people with the respect that anybody’s entitled to, regardless of who they are and what they’ve done.

“Do the best you can in deciding what to do according to the law — according to what you’re supposed to do.”

And be fair — to everyone.

“That’s important.”

Herald-Citizen, Cookeville, TN: 1 December 2013

*Read more about the history of Putnam Co., TN & surrounding areas at:

<http://www.ajlambert.com>



SWORE IN

On May 2, the Upper Cumberland Young Lawyers Association hosted a local swearing-in ceremony for new attorney, Bruce MacLeod, who has been admitted to practice law in Tennessee. MacLeod is from Sparta and graduated in December 2012 from the Nashville School of Law. He will be working as an Assistant District Attorney in the 13th Judicial District. Pictured, from left, are Criminal Court Judge David Patterson, new attorney Bruce MacLeod, Circuit Judge John J. Maddux, Jr., Heather MacLeod (Bruce’s wife), Chancellor Ronald Thurman, and Criminal Court Judge Leon Burns.