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# Thomas Allison Miller, Sr. (1918-2002): Alabama cotton farmer, decorated WW2 veteran, drive-in restaurant operator, lawyer & judge for the common people

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THOMAS ALLISON MILLER, SR.  
(1918-2002)

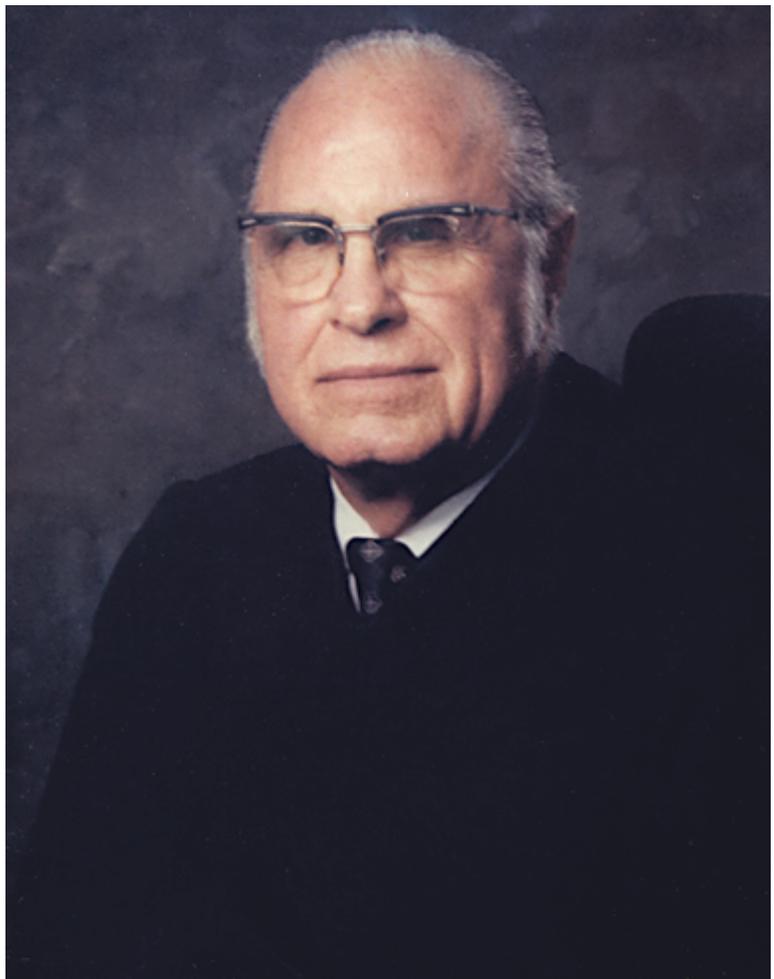
ALABAMA COTTON FARMER,  
DECORATED WW 2 VETERAN,  
DRIVE-IN RESTAURANT  
OPERATOR, LAWYER & JUDGE  
FOR THE COMMON PEOPLE

Tom Miller was born and raised on a farm in the Far North (Northernmost Alabama, that is): he was a true son of the South and proud of it.

Tom first arrived at the farm in Tanner, Ala. on Sept. 4, 1918. He was one of nine children.

At some point in his youth Tom decided that unless he was committed to a career in farming he would have to pursue other opportunities. Although the Second World War was not yet afoot, he enlisted in the Army Air Corps as a Private at age 20 and left the farm forever. The following year he re-enlisted at Maxwell Field, Alabama. Prior to commencement of his tenure as an officer, he earned a diploma from the Air Corps Technical School graduating in airplane mechanics. Always eager to advance himself, Miller attended Officers Candidate School in San Antonio, Texas, completed the course in fine style and was commissioned as 2<sup>nd</sup> Lieutenant in the Army of the United States on May 20, 1947, to date from Sept. 2, 1944. His military duties were expanded and became more hazardous when in July, 1942 he was shipped to the European-African-Middle Eastern Theatre where he served as Crew Chief of a B-24 bomber, Flight Chief, and Squadron Inspector; he also spent time as an engineering officer at a B-29 base of operations. As a result of the foregoing service, he was awarded the European-African-Middle Eastern ribbon with three bronze stars. His total time in military service for his country was seven years. Judge Miller received an Honorable Discharge for every segment of such service. For the remainder of his 83 years on earth, Judge Miller regularly checked obituaries in the local paper and he would rarely miss the funeral services of military veterans irrespective of whether or not he knew the veterans personally.

After being released from military service, Miller chose to locate in Tampa. Demonstrating his intense desire to succeed with plans to further his education, he built a drive-in restaurant at 9602 N. Nebraska Avenue which he operated from 1946 to 1952. He somehow found the time and energy to attend the University of Tampa during the same years, and graduated with a B.S.B.A degree thus becoming eligible to become admitted to law school.



Scarcely before he could determine if he had any Florida sand in his shoes, Tom met the love of his life, lovely Betty (nee Elizabeth Schleman) from a prominent Tampa family which was highly respected.

In her own words, Betty describes the circumstances of her first meeting with Tom, which quickly blossomed into a solid marriage that endured for 60 years. The loving couple produced two sons, five grandchildren and six great-grandchildren:

*“If it hadn’t been for my dear mother (Bless her), I’m sure I would have never met my Tom. My mother had invited my brother, Jack and I to go with her and Dad dancing on a Saturday night at the German-American Club. Mother told us the Club had hired a new band; that the group was very good, played country music. We declined, stating we would not like dancing to that kind of music. My mother did not give up, convincing us to please go with them. We finally agreed to go as the music had good rhythm, and we ended up really enjoying the country music and ourselves.*

*I noticed servicemen there, and in the group was Tom. I found out later when he walked over to our table, introduced himself and asked me to dance. He was a very good ballroom dancer.*

*We started dating, got serious, and when Tom heard he would be shipped overseas shortly, he asked me to marry him. We didn’t take time to plan a church wedding. We married April 4, 1942, a Saturday night, in my Uncle Frank’s and Aunt’s home. Everything looked lovely. It was a beautiful night, and it was all so very special!”*

Miller’s primary goal of becoming a lawyer was realized when he was awarded his LLB degree from University of Miami in 1953. He immediately opened an office in the Sulphur Springs area of Tampa and engaged in the practice of law until 1961. It would be fair and accurate to say that Miller’s interest in public office motivated him to “hit the ground running” the same year that he received his law degree. In 1953, he challenged J. L. Young, Jr. for a seat on the City’s Board of Representatives, but was defeated. Three years later, he contended with the late Robert T. Mann for the District 2 State House slot but was unsuccessful. He tried for the State representative post in Group 3 opposing the late Tom Whitaker, Jr. in 1958 but fell far short. Tom’s first taste of victory came in 1966 when he was chosen Committeeman, Precinct 32, as a Democrat, his party affiliation. Undaunted by earlier lack of success politically, Tom then went head-to-head with venerable William C. Brooker, longtime County Judge who had a lot of friends with political clout and who won easily with a large plurality of the vote. A newly created county judgeship called for another election in 1970. Miller boldly got into a contest with the late Nick J. Falsone, a well-connected and established attorney in Tampa, and Tom was again disappointed. Showing the persistence and tenacity which were the hallmark of his personality, he assumed the title of County Judge Tom Miller when he defeated a well-known African-American lawyer in Tampa in 1972. Judge Miller’s final appearance as a candidate on the ballot in Hillsborough County came in 1978, when another ambitious lawyer attempted to preclude Judge Miller’s ascension to Circuit Court, but was defeated. In that final contest, Tom received 53.55% of the vote. Judge Miller won without opposition in 1984.

Some folks believe that Calvin Coolidge, our 30<sup>th</sup> President, was one of the most underrated of our chief executives. He didn’t talk a lot but he is credited with the following bit of practical philosophy:

*Nothing in the world can take the place of persistence.*

*Talent will not. Nothing is more common than unsuccessful men with talent.  
Genius will not. Unrewarded genius is almost a proverb.  
Education will not. The world is full of educated derelicts.  
Persistence and determination alone are omnipotent.*

Calvin Coolidge (1872-1933)

Coolidge gave us another great example of common sense when he said:” No man ever listened himself out of a job.” President Coolidge was always known as a tight-lipped listener who might have been the first person to say: Why use two words when one will do? He was at his most loquacious when a lady visitor at the White House was overheard telling the President that she would make a small wager that she could induce him to say more than two words. Whereupon, Coolidge replied, “You lose.”

Judge Tom Miller was another good listener, unlike some of his contemporaries who might disrupt a lawyer in midstream of his or her presentation by a question or untimely comment.

The year 1961 brought Tom Miller his first opportunity to do judicial work. It was then that he was appointed by Governor Farris Bryant as judge of Industrial Claims. In that capacity he adjudicated claims under the Florida Workmen’s Compensation Law. After 8 years of creditable service, Miller was replaced by Louis Tidwell of Tampa, a capable lawyer who got his professional start as Law Clerk with U.S. District Judge Joseph P. Lieb.

This scribe is indebted to John Williamson, able and experienced Tampa attorney, for providing the following summary of his knowledge and recollections about Tom Miller’s experience in dealing with claims for on-the-job injuries:

*“In the mid-60s, I worked for Travelers Insurance Co.’s Claims Dept. in Tampa, and in particular their Workers Compensation claim department. At that time Tom & Joe Barrs were Deputy Commissioners. Tom was the bane of the insurance companies and defense law firms. There was open activity trying to fend off Tom’s reappointment. Eventually it worked and Tom was replaced. Tom and Joe were very close. And during this hiatus, Tom practiced law at Joe’s and my law office. Tom ran for County Judge the first time in 1968 and I recall there was some “flak” about Tom using “Judge” Tom Miller in his campaign literature, all the way to the Tampa Tribune, no less. I had little activity in that campaign or any other.*

*“Tom was a real campaigner, using every opportunity to present his position on every issue. He used every means at hand to become known, including shaking everyone’s hand who came within 50 feet of our office; he also did the “rubber chicken” circuit faithfully.*

*Tom continued to attend Worker’s Compensation conventions, even though he was no longer involved in those matters.*

*Tom had a modest yet active practice during the “hiatus.” He took copious notes but “overworked” low-end cases.*

*He was very active in the American Legion. And he wore his “overseas” cap with pride every Veterans Day.*

From 1973 until 1979, Miller served as County Court Judge. He captured the contested seat on Circuit Court when he was elected in the 1978 general election, as noted earlier. During the latter campaign, he issued the following philosophical statement about what is required to be a good judge, but he was ultimately defining himself:

*“ A judge may be the greatest genius in the world, but unless he has the integrity to follow the law, compassion for people, and their problems, a judicial temperament, patience, understanding, lack of preconceived prejudices, and unless he devotes time to his duties and make himself available to the litigants, he is not and will not be a good judge.”* Tom never considered himself any sort of genius or legal scholar, but in the opinion of most lawyers appearing before him, he possessed the other attributes.

One of Tampa’s most astute lawyers, and past President of the Hillsborough County Bar Association is A. Dallas Albritton. He provides the following cogent remarks about his observations and experience before Judge Tom Miller:

*I knew Tom Miller early on. He was a gentleman who had pursued other occupations, including that of short order cook, before he was able to finish college and go to law school, which he did sometime in his 30’s, if I’m not mistaken. He was likeable and kind, especially to the poor and unlearned. He had a great sense of humor. He became a Deputy Commissioner for Worker’s Compensation cases and was quite a popular judge. He had the ability to truly penetrate a complex set of claims and to come up with both the real facts and applicable law. He would then dictate a letter with great detail as to the facts and as to the applicable law with his holding, and the lawyer assigned to prepare the Order would have the letter giving in precise detail his rulings, a great help to the lawyers who were assigned to prepare formal orders in workers’ compensation cases. He had many friends in the Bar, but he was especially close to Joe Barrs, who also served as Deputy Commissioner of Judge of Industrial Claims for a period and who was otherwise a specialist in workers’ compensation law, practicing together with John A. Williamson, a well-known workers’ comp practitioner. The firm of Barrs and Williamson had an office across the street from the City Hall which housed their firm, which included several associates and an investigator, plus other staff. On the second floor, at the rear of the office, Barrs and Williamson had a “hospitality room.” Visiting counsel was invited to “stop up” to the hospitality room and there to relax and enjoy a beer or something harder, or perhaps just a soft drink. The popularity of this place increased and there were a number of lawyers who would be found there on an almost daily basis, particularly around the noon hour. Tom Miller was a very frequent visitor and his friend Judge Harry Ryder also could be found there.*

*Tom, acting in his function as judge, had married Joe Barrs and his wife Diane. Tom had ambitions beyond the workers’ comp bench. He decided to run against the sole probate judge, County Judge William Brooker. Judge Brooker had not run an election in some time and was highly perturbed to find that he had opposition. He called on his friends of many years and defeated Tom in the election.*

*He was always friendly to all sides and very down to earth, but he was not above berating one or both sides if he thought they had not done their homework in any matter before the court. He also had a predilection for moving cases along, and I can recall that he required Bob Mitcham and me to commence a civil trial at 5 o’clock on a Thursday afternoon, over our protests. We somehow managed to get all our witnesses to court, mumbling under our breath about the lack of notice for the late start. (Our feelings were considerably improved when the jury brought in the verdict for \$975,000.00)*

*He was never pontifical, but he was exacting. He could read the law and he could dissect a case. He had a low tolerance for cant or obfuscation and made sure that the lawyers knew his views. Outside of court he was very warm, with a broad smile, and exhibited a genuine fondness for almost everybody. I don't think he had any enemies and most of us who practiced before him thought he was a good judge, who was decisive and organized in his findings and conclusions of law. He was a gentleman toward litigants, with whom he had more patience than he did lawyers.*

*My understanding is that Tom had a heart attack at breakfast one morning and died, not too long after he had retired. I recall him with genuine affection and appreciation for his steely determination to get to the truth.*

Steve Sessums, prominent Tampa attorney whose practice is primarily focused on family law, speaks about Judge Tom & Betty Miller from the close perspective of a neighbor:

*"We were next door neighbors on the East side of the Hillsborough River in Seminole Heights for 12 years.*

*He and his wife, Betty, were wonderful neighbors although they largely kept to themselves. When we did see them, they were warm and friendly. Tom mowed his own lawn. I remember seeing him most weekends during the warmer months dressed in black wingtip shoes, black socks and a Hawaiian brightly covered swim suit, followed the lawn mower. That is the only time that I saw him so dressed.*

*I tried many cases before him, both before, during and after the time that we were neighbors. He never discussed anything with me concerning the law except when I was in Court before him. The thing I remember best about his judicial performance was that he paid strict attention to the proceedings and made extensive notes as the case progressed. He made very little comment until everything was completed. After the closing arguments were completed, he asked if both lawyers were finished. He then referred to his notes and immediately ruled. He did this even when the case had lasted several days and was highly complex. And he covered all the issues, asked counsel if he had overlooked any issue and then directed one of the lawyers to prepare the final judgment in accordance with this ruling."*

Hon. Don Gallagher, a staunch Republican, knew Tom Miller when they both, at different times, served as judges in workmen's compensation cases. Tom, described by the former as a "yellow dog" Democrat, was appointed by the Democrat Gov. Bryant, as heretofore noted, and Gallagher was the choice of the Republican Governor, Claude Kirk. Messrs. Miller and Gallagher served on the 13<sup>th</sup> Judicial Circuit bench as colleagues. Judge Gallagher became a Senior Judge in 1996 and continues to take various assignments in that capacity. Chief Judge Menendez' office advises that after retirement in 1992, Judge Miller as a senior judge, agreed to take assignment of all asbestos claims cases filed in the Circuit.

Judge Gallagher further lauds his friend, Tom Miller when he says:

*"Tom Miller was first and foremost a patriot in the true sense of the word. He was proud of his service as a combat veteran in WW2, proud to be a Legionnaire and attended the Legion's conventions whenever and wherever they were held. His work with veterans was rewarded by the County Commission who requested that Judge Miller organize and run the annual Veteran's*

*Day parade on November 11. Tom was generally the main speaker and parade reviewer along with other prominent county officials.”*

*“Not only was Judge Miller a true patriot, he was a kind and gentle man.”*

JoAnn Rucavado, the very personable assistant to Circuit Judge Susan Sexton, shares an anecdotal experience from her work as a substitute for Judge Miller:

*“As a substitute, I was usually instructed by the regular Judicial Assistant as to what the judge’s preferences were. On one such assignment with Judge Tom Miller, the J.A. told me to keep an eye on any pencils left on the judge’s desk. She said if the pencil point was left heading toward the front of the desk, it meant he wanted it sharpened. I found that to be odd but sure enough, upon checking his desk- there they were pointing up and some down so I knew my duty and did it. I never had a complaint from him.”*

Judge Miller took whatever time was reasonably available to continue his legal and judicial education, all the while continuing to get his work done in whatever division of the Circuit Court to which he was assigned.

His death from natural causes in 2002 brought an end to the stellar career of a man described by Hillsborough County Chief Judge Manuel Menendez, Jr. as an “institution”. Fellow Judge and outstanding public servant in the judiciary, J. Rogers Padgett, said:” *He had a manner about him that encouraged people to think that they were going to get a fair shake. He loved being a judge, probably more than anybody I knew. He was a hard worker, willing to fill-in wherever he was needed. To show his spirit of cooperativeness, Judge Miller willingly took assignment to meet the needs of the entire Circuit.*

Morison Buck

Afterword:

To be among those who know “what’s what” is vastly more important than to be listed in “who’s who.”

Anon