

Memorial to Richard H. Winningham

As prepared by Steven R. Winningham & E. Lupton Winningham

Richard Hargis Winningham was born in Cookeville, Tennessee, on April 13, 1931. He grew up during the depths of the Great Depression and World War II, both of which had a profound effect on his outlook throughout his life. Though not born in abject poverty, his upbringing was extremely frugal. Aside from his keen intellect and handsome appearance, perhaps the single greatest advantage he had was an uncle who owned a movie theater in Cookeville. Free access to the cinema of the 1930's and 1940's did not merely furnish young Richard with hours of amusement, it opened new worlds for him and did much to form his character. Gene Autry, Captain Marvel, The Lone Ranger, Dick Tracy, these screen heroes, and those like Superman and Batman in the comic books that his mother brought to him from the drugstore with the covers ripped off, represented the simple virtues that guided Richard Winningham's entire life: Justice, Humility, and Compassion for the weak, disadvantaged, and oppressed.

From Cookeville Central High School, Richard Winningham went to Vanderbilt University where he chose his profession upon entering the Law School, and chose his wife, the former Peggy Patten of Chattanooga, who remained by his side for over 50 years. After Richard graduated from Vanderbilt Law School, the young couple came to Chattanooga where after a brief start with a local firm, he worked as an Assistant District Attorney for Hamilton County. While trained as a prosecutor, Richard's sympathies were always with the underdog: he rooted for the Brooklyn Dodgers, or anyone else who opposed the detested, aristocratic, New York Yankees. His scholarly study, *The Dilemma of the Directed Acquittal*, 15 Vanderbilt Law Rev. 699 (1962), reflected his concern for the downtrodden in its exploration of "the insidious infringement of state criminal due process resulting from antiquated practices still followed by many American jurisdictions." He was justifiably proud when his study was quoted authoritatively by the United

States Supreme Court in *Jackson v. Virginia*, 433 U.S. 307, 332 (1979).

Richard Winningham was not one to thrive in law firm practice, but rather like Superman, he preferred his own Fortress of Solitude. That is not to say that he did not have side-kicks, such as the late Colonel William Roper, with whom he shared offices for many years, but in his law practice, he remained pretty much the Lone Ranger, doing it his way for most of his 49 years of practice. Usually gregarious, he spoke his mind and delighted in conversation. He liked hearing gossip as much as the next man, maybe a little more, but there was nothing mean-spirited or malicious in Richard Winningham. People perceived a truly compassionate man under his sometimes gruff exterior.

He chose a solo practice, but Richard Winningham did not stint in his service to the profession and to the Chattanooga Bar Association. He served as a Special Justice of the Tennessee Supreme Court, served on the Tennessee Medical Malpractice Board, and was always willing to devote a considerable portion of his time to dispensing justice from the bench on behalf of local judges as needed. He was proud to have served on the Board of Governors of the Chattanooga Bar Association, and to have helped to establish the Hamilton County Law Library. He also devoted much time to civic and religious organizations, including service on the Board of Trustees of Erlanger Hospital and on the Administrative Board of First-Centenary United Methodist Church.

A voracious reader and a life-long student of history and politics, Richard Winningham held elected office as a Hamilton County Commissioner during the tenure of the late Chester Frost. His political career did not attain the heights it might have, but Richard did his utmost to do his duty as a public servant and burnished rather than disgraced the office he

to finish

held. A Democrat (with a capital "D"), he remained active in the party throughout his life, but eventually he found the most satisfaction from putting his democratic principles to work through his law practice, proud to be a plaintiff's attorney. More than one judge has said, "He gave people with no voice access to the courts."

Quick witted, hard working and scrupulously honest, he served his clients faithfully and with the utmost integrity and ability. His unsparing instinct for thoroughness, fairness and courtesy earned the respect of his colleagues at the Bar. Indeed, we have heard only one criticism of him as an attorney that had any truth to it. An anxious colleague who was importuning another lawyer (who was also Richard's mutual friend) about representation for an injury supposedly said, "Well, go ahead and hire Richard Winningham if you want a lawyer that still plays with toys!" It is true that he did play with toys almost up until the day he died. Throughout his life he cherished the images and objects that fascinated him as a child and he derived sustenance in "linking," as he would say, back to the innocence of his childhood. He did not wear religion on his sleeve. Rather, he lived a life that was genuinely moral, good-hearted, generous and humble, hating only injustice and pomposity.

Richard H. Winningham left us on April 2, 2005. He is survived by his wife, Peggy, his daughter, Lynn Longwith, his sons, Steve and Lupton Winningham (who succeed, but cannot replace, their father in the practice of law), and grandchild, Margaret Longwith. He also leaves behind the many attorneys, clients, and other friends whose lives he touched with kindness and boundless humor. There is no more fitting tribute to him than that he received from one such friend a few days before he died:

"Dear Richard,

"I want to tell you how much I care about you. You probably don't realize this, but I would not have become who I now am, if not for you. When so many people had doubts that I could ever establish myself as a woman plaintiff lawyer in Chattanooga, you always encouraged me and believed in me. You told me that I didn't need to lean on anyone— that I could handle things just fine on my own— and finally, I came to believe

you. You set me on the path of independence and you convinced me that my faith would not be misplaced if I believed in myself.

"I don't know if I've ever helped anyone as a plaintiff lawyer. I try my best and hope for the best. But I do know this, anyone that I might have helped in the past or will help in the future— there will always be a part of you in that effort. Your friendship is one of the richest gifts God ever bestowed on me. Believe me when I say, I will never, ever, forget you. I have never laughed as hard as when I laughed with you."

To which we can only add, Amen.

THEREFORE, BE IT RESOLVED in a special Memorial Session on this 6th day of March, 2006, that Richard H. Winningham's good deeds and kindness be memorialized through this resolution and be adopted by this association as words of respect, praise and memory.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Chattanooga Bar Association and be enrolled in the Memorial Resolution Book of the Circuit and Chancery Courts Chattanooga, Tennessee; and that a copy be presented to his family as a token of the esteem and honor in which he has been held and as an expression of our very deep sympathy in our mutual loss.

Chattanooga Bar Association


Joseph R. White, President