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Lawyers of the Present (1995)

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**Lawyers of the Present: Law Firm Practitioners and In-House  
Counsel (Volume 2)**

University of Tennessee College of Law

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# Lawyers of the Present: Law Firm Practitioners and In-House Counsel (Volume 2)

University of Tennessee College of Law

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# LAWYERS OF THE PRESENT

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THE UNIVERSITY OF TENNESSEE  
COLLEGE OF LAW  
VOLUME II  
LAW FIRM PRACTITIONERS AND  
IN-HOUSE COUNSEL

## MEMORANDUM

TO: Faculty Members

FROM: Law Career Services

DATE: October 4, 1995

RE: *Lawyers of the Present, Volume II*

We're happy to present the second volume of this series, which focuses on College of Law alumni/ae who are private firm practitioners and in-house counsel. We hope you'll enjoy reading the narratives, many of which express great appreciation for your professorial efforts.

We would appreciate your telling students about the booklet if they have questions for which it might provide answers. Should you need additional copies, they are available at your request.

The third edition of *Lawyers of the Present* will feature public service practitioners -- those who work in government agencies, legal services offices, non-profit organizations, and the like -- and we would welcome your suggestions for graduates to include on our participant invitation list.

## Lawyers of the Present

a publication of the  
College of Law  
The University of Tennessee, Knoxville  
Richard Wirtz, Dean  
Joann Gillespie Rothery, Director, Law Career Services  
Kay Brown, Resource Specialist, Law Career Services  
Jane Eppes, Administrative Assistant, Law Career Services

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## Introduction

Second in a series of booklets planned by Career Services to give students a better picture of the versatility of the law degree and the variety of legal and non-legal careers our graduates have pursued, this edition of *Lawyers of the Present* focuses on the career paths of graduates practicing in law firms and as in-house counsel.

Volume I was devoted to alumni who have chosen alternative careers—something considered “outside” the traditional practice of law, while Volume III will focus on attorneys in public interest, legal services and government careers.

After selecting a variety of practice concentrations to be included in this booklet, we attempted to identify several graduates practicing in each category from whom to request career narratives. Paralleling our experience in preparing Volume I, some of our invited practitioners were unable to participate, while others were identified too late to ask; we look forward to inviting participation by many additional graduates in future editions.

We are grateful to the 51 participants responding to our request for the narratives that follow. Interestingly, several common threads run through the advice they render, both for your student experience and your career to follow.

- Don't underestimate the value of the Socratic method as a teaching tool, for it will become apparent to you in the years following graduation.

- Enrolling in legal clinic and working as a clerk during your law school years will greatly facilitate the transition from academics to the practice of law.

- Moot court and law review will give you not only research, writing and oratory experience, but equally important, experience in cooperating and working as part of a team.

- Become familiar with computers, for they will become increasingly important for managing a law practice.

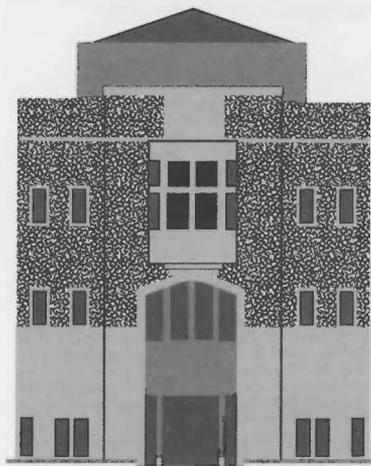
- After you begin that practice, don't underestimate the importance of maintaining balance in your life.

- Be active in bar associations and other professional organizations.

- Do some community work.

- And never forget to save time for your family!

But the words of each of the narratives will tell the story better than any summary. You will see that despite detractors and rumors of attorney dissatisfaction, you have chosen a profession that scores of practitioners have found to be just as fulfilling and rewarding as you dreamed when you made the decision to enter law school.



*Narratives for this booklet have been categorized broadly in keeping with planning for two new concentrations of study (described below) at the College of Law.*

#### THE CENTER FOR ENTREPRENEURIAL LAW

Since much of the future growth in legal jobs, both in Tennessee and across the nation appears likely to occur in a business practice, the Center for Entrepreneurial Law will allow second- and third-year students to concentrate their studies on the legal aspects of the conduct of public, private and non-profit enterprises, emphasizing the needs of business concerns both large and small in scope. Studying under the Center umbrella will help students develop competence in the kinds of transactional matters lawyers handle daily, such as working with clients in planning and carrying out business transactions, drafting and negotiating documents, and counseling clients about compliance with laws and regulations.

The curriculum will provide a rich educational opportunity for those who choose to prepare for practice in this field. Three core courses (Introduction to Business Transactions, Contract Drafting Seminar, and Representing Enterprises) complement the required electives of Business Associations, Taxation of Entities, Land Finance Law and Commercial Law. Students who complete the requirements of the Center for Entrepreneurial Law will be acknowledged as having completed the J.D. degree with a Concentration in Business Transactions. The Center for Entrepreneurial Law has been approved by the University Graduate Council and is pending approval by the Board of Trustees.

#### THE CENTER FOR ADVOCACY AND DISPUTE RESOLUTION

Building on the College's long standing clinical programs, strong basic curriculum in trial and appellate advocacy, and successful moot court programs, the proposed Center for Advocacy will allow interested students to focus their second- and third-year experience toward preparation for a career in advocacy, commonly thought of as litigation or trial practice. Central to the development of this Center is the extensive use of advanced teaching technology ranging from conventional and interactive video to computer-assisted instruction that will be available in the new College of Law building. This curricular concentration is expected to be available by the 1996-97 academic year pending approval by the law school faculty, the Graduate Council and the Board of Trustees of the University.

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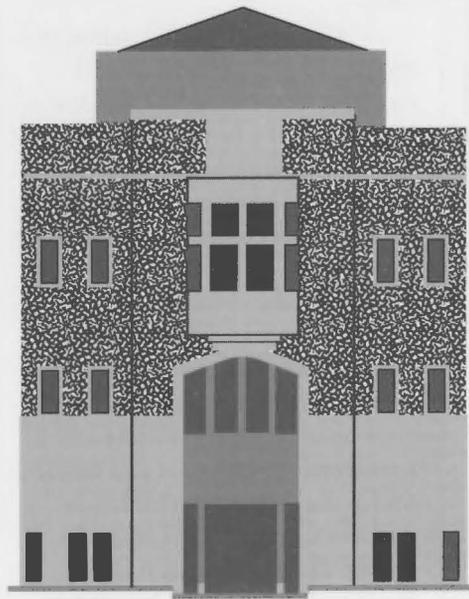
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(Nashville, TN)

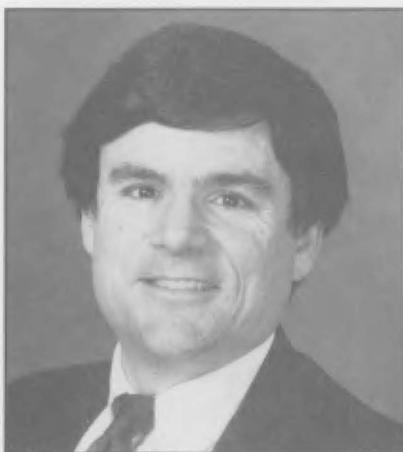
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# Advocates

## Business Litigation



Philip C. Baxa, Class of 1983  
Mays & Valentine (Richmond,  
Virginia)

*Anyone who decides to join (or found) a private law firm—regardless of the size—will be an “entrepreneur” involved in an enterprise that must generate income through developing and maintaining a suitable volume of business and that must be operated soundly and efficiently to best serve the partners, employees and clients.*

Following my graduation in the spring of 1983, I joined the firm of Mays, Valentine, Davenport & Moore in Richmond, Virginia, as an associate. At that time the firm had about 60 lawyers. I have remained with the firm and became a partner January 1, 1991. The firm has undergone considerable change over the past 11 years. Among other things, we have (1) shortened the name to Mays & Valentine; (2) expanded to 135 lawyers; and (3) added offices in Norfolk, Alexandria, and Tyson’s Corner, Virginia. Mays & Valentine is the third

largest law firm in the state.

I am a member of the firm’s litigation department and am in the Business and Commercial Litigation Practice Group and the Bankruptcy and Creditors’ Rights Practice Group. My practice tends to focus in the areas of construction law, representing any of the various players in the construction industry, and creditors’ rights, representing banks and lending institutions in litigation, workout and bankruptcy matters.

I have been licensed to practice in all levels of state and federal courts in Virginia since 1983 and have recently passed the Maryland bar. I am now able to serve clients in Maryland while working several days a month out of our Alexandria office.

I have also developed an interest in Alternative Dispute Resolution, an area that has received considerable attention in the legal profession over the last ten years. I have been an arbitrator and mediator for the American Arbitration Association since 1989 and also handle cases for the local Better Business Bureau office. Serving as an arbitrator and mediator provides an interesting perspective and has probably helped my trial skills.

My career at Mays & Valentine has followed what I assume is a fairly standard path. Initially, I had an assortment of relatively small business and commercial cases that were mine to “own,” as well as more substantial cases in which I worked with one or more senior lawyers.

My firm has always encouraged young lawyers to assume as much responsibility as possible, with the understanding that more senior lawyers are available for advice and assistance as necessary. It is a great source of comfort to have 134 great lawyers in the firm to whom I can turn for help when things get confusing (which happens all too frequently!!!). I am still working primarily on my own, but I do get help from our

associates and paralegals.

My firm encourages participation in bar, community, and *pro bono* activities. I am a member of various local, state and national bar groups, which provide good opportunities for continuing legal education, service to the bar, and perhaps most importantly, social activities. I also volunteer time each month to the Central Virginia Legal Aid Society.

The practice of law is a service industry; and at the risk of sounding trite, a principal satisfaction of my work is helping clients achieve favorable resolutions of their problems. On a different level, I have also enjoyed spending time with the great people I work with—including my partners, associates, paralegals, secretaries, accountants, librarians, messengers and the other people that it takes to run a 135-lawyer firm. I have also enjoyed practicing with other lawyers in Virginia; the bar in the Commonwealth is a great collection of people. This is also reflected in the extremely high quality of the judges in Virginia in the state and federal systems.

The work has been extremely interesting and challenging from the first day I got here; and I am happy to say I’ve had very few boring days over the past 11 years.

On the other hand, there are periods of tremendous stress in my practice, from the sheer volume of work to handle, to the nature of the disputes at issue and the adversarial nature of litigation. Sometimes work obligations cut into my time with my wife and kids, but I have been doing a better job over the years of protecting my family time. (I hope my wife agrees!) I sometimes feel like the traditional 24 hour day needs to be expanded by about fifty percent to accommodate all I need to do.

The prior issue of this publication was dedicated to alumni with “alternative careers” and profiled several who had become “entrepreneurs.” Anyone who decides to join

(or found) a private law firm—regardless of the size—will be an “entrepreneur” involved in an enterprise that must generate income through developing and maintaining a suitable volume of business, and that must be operated soundly and efficiently to best serve the partners, employees and clients. Those business concerns will require you to spend at least some portion of your time on “non-legal” matters that are essential to the success of your firm— e.g., executive committee, recruiting committee, associates’ committee, compensation committee, etc. The longer I am with the firm the more time I seem to be spending on internal firm business matters.

I found out after beginning practice that I should have paid more attention during a few basic classes at UT that covered topics that seem to follow me throughout my career: contracts I & II, the Uniform Commercial Code, evidence, and debtor/creditor relations. In hindsight, I should have taken trial practice classes during law school, so I would at least have been through a mock trial prior to handling my first real trial (which went O.K.).

On the positive side, my experience with Law Review and serving as a student assistant for Legal Writing were very useful in refining my writing skills, which are essential to any attorney’s practice.

Here are some rambling thoughts for any student who decides to pursue a litigation practice at a large firm:

- Be ready to work hard and to assume as much responsibility as possible when you start your practice.
- Take every opportunity you can to get into court. You will be more effective as you gain experience.
- As they say in the Boy Scouts, “be prepared;” that means for every court appearance, every meeting with clients and/or opposing parties, every deposition, etc.

- Maintain some balance in your life. Make sure you take time to see your spouse, family and friends and to have a little fun. Also, regular exercise will be great for your head, body and soul.

Best of luck to you all.



Melvin J. Malone, Class of 1989 formerly of Baker, Donelson, Bearman & Caldwell (Knoxville, Tennessee)

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*Students should also be mindful of the fact that practicing law, although a confrontational profession by nature, is dominated in no small part by one’s ability to facilitate compromise and solutions. Unless one is as equally gifted at solving problems as he or she is at litigating them, the client may not always receive the best result possible.*

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While not many years have passed since my graduation from the College of Law in May of 1989, I have been fortunate to have had the opportunity to view the legal profession from several perspectives.

After graduating from law school, I headed west to Memphis, where I clerked for the Honorable Julia S. Gibbons, U.S. District judge for the Western District of Tennessee. My experience at the federal trial court level is one that I will remember for years to come. While I reviewed many files, read many cases, heard many arguments, and suffered many motions, the one thing that I remember most about that clerkship is the opportunity to observe how a judge approaches the

cases and the issues before him or her. In other words, the opportunity to see and hear a judge work, both on the bench and in chambers, is an experience that even today I consider priceless.

I left Memphis in the summer of 1990 and headed to Cincinnati, Ohio, where I clerked for the Honorable Nathaniel R. Jones, U.S. Circuit judge for the Sixth Circuit Court of Appeals from August 1990 to August 1991. My experience at the appellate level proved just as exciting and beneficial as the trial court clerkship. Although the hours were long and the case load heavy, the fruits of that clerkship outweighed the hard work. It is not often in a young lawyer's life that he or she has the chance to sit down with a federal judge on a daily basis and discuss the various issues and legal theories at the cutting edge of jurisprudence in our country.

I consider myself very fortunate, and I am very grateful, to have had the opportunity to clerk for both Judge Gibbons and Judge Jones. Clerking for these two judges, who are very gifted in their professions, has no doubt made me a better lawyer.

In August of 1991, I left Cincinnati headed for what I thought would be the end of my transitory period and joined the Knoxville office of Baker, Donelson, Bearman & Caldwell. Since that time I have practiced primarily in the area of commercial litigation, although I have worked in other areas as well, including real estate loans and modifications, products liability, employment law, and insurance defense.

Since I enjoy the practice of law and what I do on a daily basis, coming to work for me is an easy task. I enjoy meeting people, working with people and solving clients' problems. While the pressures of private practice in a large firm are many, they most times are not so burdensome as to overshadow the

enjoyment of my practice.

Working at Baker, Donelson, Bearman & Caldwell has given me the opportunity to work with lawyers who are seasoned veterans in the profession and adept in many areas of the law. For more than three years I have been able to work under and with these lawyers in an effort to learn how to practice.

As I understand it, I will still be learning how to practice for many years to come. Upon entering law school, and perhaps even at graduation, I may have been under the impression that being a lawyer was something that you learned how to do in a finite time period and then you did it. I have since learned different. One of the really exciting things about the profession is that practicing law is something that you learn on a daily basis. Rarely, at least in my experience, does a day go by that I do not learn something new about practicing law.

My advice to law students interested in a career in private practice is simply to enjoy the law school experience. Not only should law students strive to do well academically, they should take the time to participate in the "entire" law school experience, including law review, moot court and other activities that serve to sharpen one's writing and oral advocacy skills.

Students should also be mindful of the fact that practicing law, although a confrontational profession by nature, is dominated in no small part by one's ability to facilitate compromise and solutions. Unless one is as equally gifted at solving problems as he or she is at litigating them, the client may not always receive the best result possible.

Although the practice of law is very challenging and sometimes frustrating, it can also be very rewarding. The return of a favorable jury verdict, the granting of a summary judgment motion in favor of your client, and the complete satisfaction of a client are all moments

that lawyers relish. As a young lawyer, very few things bring a larger smile to my face than when I hear a client say, "Mel, you did a really good job on this matter, and we are really grateful."

As evidenced above, it is clear that I am unable to hold a job for any substantial period of time; some things never change. By the time this narrative is published, I will have left Baker, Donelson, Bearman & Caldwell to serve as Deputy Legal Counsel to Governor Don Sundquist.

The decision to leave a prestigious and growing law firm and the amenities of private practice to serve in the state's new administration was an easy one for me. Since entering private practice, I've always attempted to compliment my work with community involvement. Thus, when the opportunity to get involved and serve on a larger scale arose, I was very pleased and honored to join the governor's staff. I am very much looking forward to embarking in a new direction and serving the people of Tennessee.

## Civil Rights



Carol S. Nickle, Class of 1975  
Carol Nickle & Associates  
(Knoxville, Tennessee)

*I encourage students today to follow your conscience and drag others along behind you.*

Today I have a small law firm concentrating on employment discrimination, civil rights, and plaintiff's personal injury. Looking back over my law school years and the path since, my present career seems a natural.

When I began law school in the summer of 1972, I had been away from academia for nine years having babies and being a mother. I did not know what to expect. I was one of seven women in my entering class with only eleven women in the entire student body. Our sparsity in numbers brought us together and strengthened our Law Women organization through which I met lasting friends.

Professors such as Joe Cook, Neil Cohen, Zygmunt Plater, Judith Ittig, and John Sobieski ignited my latent interest in individual civil rights, the environment, and employment discrimination. I took

every constitutional class available from Professor Cook. Neil Cohen's seminar on prisoner's rights led me to an area of litigation that is now an integral part of me. My independent paper on Title VII under John Sobieski's direction and team teaching an undergraduate class under Judith Ittig, ignited an interest in employment discrimination. Today I litigate enthusiastically and frequently for employees.

In addition to my activities in Law Women, I experienced intellectual stimulation and support from a small group of students who later became a student chapter of the National Lawyers' Guild. Still a Guild member, I appreciate the opportunity to network and obtain resources from the Guild.

Taking Legal Clinic as a student threw me into a *real* courtroom working with *real* people on *real* problems. After graduation, my employment there as a staff attorney was very rewarding, taxing, and frustrating—rewarding because tenant's organizations were begun which continue today; taxing because it demanded long hours and a huge caseload; and frustrating because the courts were so disinclined toward our clients.

My next job, with the Department of the Interior, was very challenging and exciting as the newly formed agency enforced a new law to reclaim the devastation of strip mining. I enjoyed tromping around on mine sites and litigating administrative and federal court cases. After James Watt was appointed Secretary of the Interior, I left that job with the intention of obtaining funding to continue environmental work. My work with Rural Legal Services during this interim period allowed me to continue litigating civil rights.

Within a year, I had obtained funding to open an office litigating environmental issues under the auspices of the Legal Environmental Assistance Foundation (LEAF).

Save Our Cumberland Mountains, The Sierra Club, and Tennessee Citizens for Wilderness Planning were among my clients.

When LEAF left Tennessee, I began sharing space with Millie Cunningham and Peter Alliman. During these years, my practice evolved into the familiar areas of employment discrimination, civil rights, and plaintiff's personal injury. I now have a small firm with an associate, Jennifer Morton (UT Class of '92), paralegal Cheryl Mahaffy and secretary Debbie Harmon. The competency of my staff allows more of a team approach, which I enjoy.

I encourage students today to follow your conscience and drag others along behind you.

## Construction



**Gregory L. Cashion,**  
Class of 1983  
**Manier, Herod, Hollabaugh &  
Smith (Nashville, Tennessee)**

*There are many able and competent construction lawyers that have neither experience nor education in construction. The main ingredient is to have an interest in construction and a willingness to attack and understand complex factual issues.*

Prior to entering law school, I had developed an interest and fascination with construction. I have always enjoyed observing and studying the mechanics of construction, and I have had an attraction to people who could build.

While earning my bachelor of science degree in civil engineering from the University of Tennessee in Knoxville, I participated in the Co-Op Program. I worked every other quarter at C.F.W. Construction Company, Inc., a highway contractor in Sevierville. During my employment as a project engineer, I realized that in order to work and advance in construction, you often had to move your home to follow

construction projects.

At this time, my wife Beth was receiving her architectural degree from the University of Tennessee, and we mutually decided that I would go back to law school in order to achieve a stability in location whereby we could both develop in our respective professions.

While attending law school, I was probably the "dirtiest" guy in the class. I continued to work for Charles Blalock & Sons, and we were one of the grading and bridge contractors on the 1982 World's Fair site, just a couple of blocks from the law school. I worked with the construction crews during the mornings and late afternoons while attending classes during the day.

Upon graduation from law school, I was employed by Manier, White, Herod, Hollabaugh & Smith, P.C. Manier, White was an old Nashville firm whose practice through the years had primarily been insurance defense but had a well organized and growing specialty in construction law. Initially, I worked on a limited number of construction cases and primarily tried subrogation and defense lawsuits for insurance companies. Through the years, my practice has evolved to where I only deal with construction clients and problems. The practice of construction law is typically ninety percent facts and ten percent law.

I am now a partner with Manier, Herod, Hollabaugh & Smith and the department head of its construction and surety section. My clients range from general contractors, subcontractors and suppliers to owners, and sureties. About fifty percent of my practice is in Tennessee, and the other fifty percent is throughout the country.

My advice for students interested in a legal career in construction would be to have at least an interest in construction and preferably either education or experience in construction. However, experience

and education are by no means prerequisites to practicing construction law. There are many able and competent construction lawyers that have neither experience nor education in construction. The main ingredient is to have an interest in construction and a willingness to attack and understand complex factual issues. If you are in law school at this point and do not have the education or experience in construction, I would recommend clerking for the Federal Claims Court which is a forum for federal government construction contract disputes.

In the private practice of law, I have found it very rewarding and satisfying to be able to resolve problems to the satisfaction of my clients. I enjoy trying law suits. The frustration of private practice is the limitation of time.

## Criminal Defense



Robert M. Friedman, Class of 1975  
Friedman, Sissman & Heaton  
(Memphis, Tennessee)

...ultimately I accepted the lowest-paying associate position offered by the smallest of firms I had interviewed with. My reason for making this choice was that with this firm I would have daily appearances in the courts and immediate trial responsibility.

From the time I was old enough for people to inquire "What do you want to be when you grow up?" I knew what career path I wished to pursue. When other kids said that they wanted to be cowboys, baseball players or firemen, I invariably responded that I *intended* to be a trial lawyer. An ancient Greek proverb states "Be careful what you wish for in life—it's liable to come true." My professional life demonstrates the accuracy of this adage.

For the past 17 years I have served as president/senior partner of The Law Offices of Friedman, Sissman, & Heaton, Professional Corporation, located in Memphis, Tennessee. We are primarily a liti-

gation firm, with practice emphasis in federal and state criminal and civil matters, medical malpractice, personal injury, and federal and state forfeiture and seizure litigation.

After graduation from the University of Tennessee College of Law in 1975, I was faced with several alternatives. I had no close friends or relatives engaged in law practice. I therefore went through the dreaded "interview process" with several large civil law firms, several small firms, with the state district attorney's office, and with the U.S. attorney's office. I was fortunate enough to be offered positions with all but one of the firms that interviewed me.

I considered all of the available options, especially the two prosecutor positions. I re-interviewed with two private firms, one large and one small, to determine how much actual courtroom time I could anticipate in my initial years of practice with each firm. This was the pivotal factor for me, and ultimately I accepted the lowest-paying associate position offered by the smallest of firms I had interviewed with. My reason for making this choice was that with this firm I would have daily appearances in the courts and immediate trial responsibility.

I worked as an associate with the law firm of Cassell & Fink for two years. During that time I averaged more than 20 jury trials per year, and conducted innumerable bench trials and court appearances. I was in court virtually every day, including Saturdays. I particularly enjoyed the challenge of criminal jury trials, and rapidly gained a fair reputation as a "street lawyer" during this time period.

After two years of trial practice, Ben G. Sissman, a University of Tennessee law school classmate, and I decided to form our own law firm. Ben was strong in the business aspects of legal practice, including bankruptcy, real property, commercial collections, and the managerial

aspects of a private practice, such as tax reporting, bookkeeping, and paying bills. His expertise freed me up to do what I liked best—stay in the courtroom, try cases and generate fees.

Our practice continued to grow and we, of necessity, began to hire associates, paralegals, law clerks, etc. Our legal and support staff presently numbers 17 employees. One of our law clerks, William W. Heaton, a Memphis State Law School graduate from Roan Mountain, Tennessee, became an associate, and then acquired a partnership interest in the firm in 1991.

I have continued to engage in an active trial practice over the past 19 years, and I continue to try many criminal cases in state and federal courts. I have tried cases in more than 20 different states, and my criminal practice has evolved from a local, street practice to mainly federal white collar crime, large scale controlled substance litigation, and federal and state forfeiture and seizure cases.

My state criminal practice has become limited to the most serious felony and controlled substance offenses. In recent years my civil practice has expanded to representation of a number of substantial corporations, and the handling of large, joint marital estate domestic relations cases.

In 1990, I was appointed to serve as vice chair of the Law Office Management Section of the National Association of Criminal Defense Lawyers (NACDL). The following year, I was featured as a speaker/presenter at NACDL's annual meeting conducted in Philadelphia, Pennsylvania. In 1992, I was appointed to serve as co-chairman of NACDL's Seizure and Forfeiture Abuse Task Force. I am also a Life Member of this Association.

In 1991, I helped found and was elected chairperson of the Tennessee Bar Association Criminal Justice Section. This was the first

time that the Criminal Bar of Tennessee had been enfranchised with its own Section of the State Bar. I continued to serve as chair of this Section, and as a member of the Tennessee Bar Association House of Delegates until August of 1994. In 1994, I was designated by the Tennessee Bar Association and its president and board of governors to serve as its Solicitor before the Tennessee Supreme Court in matters regarding amendments to Rule 13 and adoption of Rule 13.01 of the Tennessee Supreme Court Rules pertaining to the delivery of legal defense services to criminally accused individuals in the state of Tennessee.

In 1993, I, along with the other members of the Criminal Justice Funding Crisis Group Steering Committee, was awarded the "Robert W. Ritchie Award" for outstanding service by the Tennessee Association of Criminal Defense Lawyers (TACDL). In 1994, I was elected to TACDL's board of directors.

In 1994, I also was selected by the speaker of the Tennessee House of Representatives and appointed by the Tennessee General Assembly to serve as a commissioner of the Tennessee Judicial Selection Commission. And I was selected by the Tennessee Bar association to serve as Tennessee's delegate to represent the state at the "National Summit on Crime and Violence" conducted in Washington, D.C. I continue to speak to various bar associations in this and other states on a regular basis and help teach trial tactics, ethics and lawyer civility to practicing trial attorneys.

Perhaps the most important law school experiences that have assisted me over the years in my legal practice were my service on the Tennessee Law Review and the year I spent as a student attorney in the UT legal clinic.

As a Law Review member, I learned how to effectively conduct legal research, efficiently use the

tools of the law library, and how to write effectively on topics of legal import. In the clinic I learned how to organize and utilize my legal research and educational training in a courtroom environment.

The best advice that I can suggest to current law students who determine their career objective to be that of an active litigator is as follows: when you evaluate employment opportunities, go with that law firm that offers the most courtroom exposure and experience. Financial rewards will follow a successful trial lawyer. There is absolutely no substitute for the courtroom.

**Herbert S. Moncier,**  
Class of 1970  
Law Offices of Herbert S.  
Moncier (Knoxville, Tennessee)

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*I became frustrated by the theoretical format of law school and wanted more pragmatic instruction on how to practice law. In retrospect I was wrong. Three years of law school taught me to think like a lawyer; after graduation, I learned how to practice law.*

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It does not seem that long ago that I was asking myself the question, "How can I be like Ray Jenkins?" It causes me some concern to think that in 1995 I am being asked for my advice as to how young attorneys may emulate my career.

Upon graduating from law school, I associated with the law firm of Bernstein, Dougherty & Susano with whom I had clerked during school. Because of my business undergraduate degree and family background in business, my practice gravitated toward an area of the firm's business, i.e., bankruptcy, collection and commercial law. My work was actively involved with bankruptcy court, and I became involved in one of the first commercial law organizations.

During my first year of practice, the country was heavily involved in Vietnam. I drew a low lottery number and was drafted, but I accepted direct commission into the U.S. Army as a captain in lieu of the draft. I was assigned to Ft. Meade, Maryland, as a courts martial court prosecutor. The direction of my practice was drastically altered from commercial law to criminal law.

While in the Washington, D.C. area, I attended night classes and received a Masters of Law (L.L.M.) split between taxation and forensic science. The taxation was in the

event that I returned to Bernstein, Dougherty & Susano, and the forensic science augmented my current trial work in the field of criminal law.

During my four years in the Washington area, I tried a number of high profile criminal courts martial. I ended my career with the successful defense of the courts martial of an Army private who took a helicopter from Ft. Mead and flew it around Washington, finally landing on the south portico of the White House.

Upon returning to Knoxville, however, I found unfortunately that the reputation and experience I gained in Washington were of little value locally. At that time there were few, if any, Masters of Law in private practice in Knoxville. The days of the large firm with specialized departments were just beginning.

Because of my extensive military courts martial experience in criminal law and my advanced degree in forensic science, I was referred to the Knox County District Attorney General's Office. I intended to accept a part-time position with that office, but I quickly found that it was difficult to give up the guaranteed monthly paycheck. The District Attorney's Office offered a substantial increase over my military pay and was an excellent opportunity for my transition from Washington to the local legal community.

I accepted a position with the Knox County District Attorney in September, 1974 with the specific understanding that I would remain with that office for two years. I resigned two years later in September, 1976.

While in the Attorney General's office, I gained invaluable experience. I learned how the Knox County criminal justice system operated and made many friends. My relationship with the attorney general was excellent and because of the clarity in my goals, I was able

to leave the office on extremely good terms after the successful trial of a major case. While with the attorney general's office, I took advantage of every opportunity to become involved in interesting, complex or difficult cases. I worked hard to gain the respect of judges, clerks, law enforcement officers and attorneys.

In 1976 I began my private practice. At first I shared offices and expenses with two other attorneys. Networking with the Knoxville Bar Association and the Tennessee Association of Criminal Defense Lawyers was invaluable. I made every effort to keep records and to work hard on my cases. There is simply no substitute for hard work.

By 1976 it was obvious that I was going to practice in the area of criminal law. I respected the leaders of the criminal bar and welcomed every opportunity to work with them and learn from them. I worked closely with the Tennessee Association of Criminal Defense Lawyers. If asked, I always accommodated the courts on appointed criminal cases.

Since 1976 my practice has been approximately 70 percent criminal and 30 percent personal injury. While in law school, I never would have anticipated that criminal law would become my field of practice. In retrospect, it seems my career path has been directed more by opportunities than by design.

I recall my feelings in law school that I wanted to see how things were done. I became frustrated by the theoretical format of law school and wanted more pragmatic instruction on how to practice law. In retrospect I was wrong. The three years of law school taught me to think like a lawyer; after graduation, I learned how to practice law.

Early in my private practice it was scary committing to fixed expenses that had to be paid monthly while not knowing if enough clients

would hire me. It was far more comforting to have a monthly paycheck and let someone else worry about paying the expenses. The nagging question whether there was room for another attorney in Knoxville was just as prevalent in 1976 as it is today. The simple answer is there is always room for another hard-working, talented and committed attorney.

One of the greatest satisfactions I experience from my practice is to see a case I have worked on so hard come to a successful conclusion, thereby helping a fellow citizen accused of crime.

It is my belief that there should be some transition from the theoretical nature of one's education in law school to the practical application necessary for the practice of law. The legal profession has not adopted formal residency requirements equivalent to those recognized in the medical profession. We do, however, have similar opportunities by taking positions in district attorney or U.S. attorney offices, public defender offices, clerkships with criminal law judges, or associate positions with leading criminal defense attorneys in the area.

Another helpful transition is the involvement in professional organizations in the field of practice you wish to pursue. The Tennessee Association of Criminal Defense Lawyers (TACDL) is a network of attorneys working throughout the state dealing with criminal law matters. There are active committees with TACDL and similar organizations, whereby a young attorney can become involved in the professional goals of that area of practice.

I also believe that involvement with the local bar association is critical to recognition among one's peers. By attendance at professional meetings and gathering, attorneys gain from networking.

If you work hard, honestly and intelligently, you should be able to detect when someone is talking "rot" and that should be the main

goal of legal education. In an age when everything from laundry detergent to politicians is the newest, the best and the biggest, attorneys should always be cautious and questioning. Attorneys must be equipped to examine issues critically. Nurture within yourselves a gentle skepticism toward indoctrination and propaganda.

Finally, make room in your life for affection, friendship, entertainment and humor. Some of the wisest people are also witty and amusing. Stop and smell the roses. Keep in touch with humanity; remind yourself often of the frailty of human nature.

In the end, there is no substitute for hard work, integrity and commitment to our constitutional form of government and system of justice.

## Family/Domestic



**Mildred A. Cunningham,**  
Class of 1976  
sole practitioner (Knoxville,  
Tennessee)

*To be effective, one must put one's emotional house in order before taking on the problems of others. Take legal representation seriously.*

*The lawyer tells the client's "story;" the lawyer is not one of the characters in that story.*

After 12 years of housewifery and child-rearing, I removed my hands from the dishwasher and took the LSAT. Because I lacked role models to add reality to my idea of the legal profession during my early years, I appreciated the encouragement of local lawyers Sam Fowler, Jr., John Rowntree and Richard Stair, Sr., during my George C. Taylor experience.

My first year was flawed by the sudden loss of Martin J. Feerick, a champion of torts, law students, and the good life to be had in East Tennessee. He greeted our class with, "I've been waiting for you all my life." He died unexpectedly in the law review office—a forewarning of the dedication this profession

demands. His broken-spined book splayed as he flung it on the table to announce that class was in session... I approached Durwood Jones' gifts and estate tax class anxiously, but enjoyed every minute. His passion for tax law brought abstractions to life. Where an opinion deviated from sound legal theory, he took it personally, and the class knew about it in no uncertain terms.

I am grateful also for Jerry Phillips' contributions, always excited about the possibilities of the law, one creative in every aspect of life, including the pronunciation of common terms. I especially remember "en-e-ma," which he repeated slowly, carefully rolling each syllable off his tongue, and then looked up with an extra twinkle in his eye and said, "Ah, enema!" These scholars not only knew the law, they loved it, and shared that love.

During my last summer in law school, spent in the legal clinic, I met and learned from James LaFavor. Student lawyers lived outside his office door for direction and answers to questions—which were given only if the issues were well-defined and there had been a demonstrable attempt to research applicable law first. Jim LaFavor continued as my mentor during my first seven years of practice.

I had little idea of what I wanted to do at the end of the journey, yet I was sure I did not want to become a "divorce lawyer." Jerry Becker, then director of the UT legal clinic, suggested that I apply for a family law position available in the newly-opened, uptown Knoxville legal clinic, staffed by attorneys who would represent indigent clients. I accepted the position rationalizing that family law would provide extensive court room experience. I could move into another area later.

In October 1976 when I reported for work, 150 open divorce files were handed to me. Two days

later I represented a walk-in emergency client in a three-attorney case in a crowded court room before a judge I had never seen. When I mentioned to Frank Flynn, Sr., a revered Knoxville lawyer now deceased, that I was nervous, he said, "If you ever lose that edge, it will be time to leave trial practice."

After 18 months of working through those divorce files, plus the continuing incoming load, the Knoxville News-Sentinel unknowingly attested to my efficiency in a year-end article describing the increased divorce rate in Knox County. For seven years I practiced with the clinic and learned that my niche is family law. Our family law unit drafted the "protective order" law and worked toward its enactment. I taught for a year in the UT legal clinic and served as the first director of the Volunteer Legal Assistance Program, a joint effort of the Knoxville Legal Aid Society and the Knoxville Bar Association, to provide representation to indigents.

In 1983 I began a private practice, and for ten years was associated with and learned from UT law school graduates Carol Nickle and Peter Alliman.

Three years ago I co-chaired with Professor Grayfred Gray the Knoxville Bar Association mediation committee. Our committee trained volunteers and established free mediation services in family law. Other dispute resolution alternatives were also considered as a means to reduce the high cost of litigation—financial, docket backlog and emotional stress to parties and their children. I hope to see a family court system established in our state prior to my retirement.

A solo practice allows me to control my calendar in order to take time off to travel or to spend with my extended family and friends. Being active in our professional associations—the Knoxville Bar Association, the East Tennessee

Law Association for Women, Tennessee Law, the Tennessee Bar Association, and the ABA—keeps me in touch with the legal community and trends in the law.

I found keeping office space can be a problem for solo practitioners. Three times we were forced to move from our three-lawyer downtown office space to accommodate the expansion needs of our neighbors. I tired of hunting new space, redecorating and moving. My goal was to find professional space and to create a relaxed, non-intimidating atmosphere for clients, who are already under considerable stress before deciding to consider legal advice.

I found that on a quiet street away from downtown, complete with garden patio, on-site parking and the peace of a cemetery across the street (and eight psychologists practicing nearby!). In addition to being a solo practitioner with two support staff, I took on designing, renovating and furnishing 18 Forest Court.

Balancing the need to be accessible to clients, to research the law, prepare pleadings, develop trial strategy, interview new clients, and have time for a private life, is a daily juggling act. Yet I am convinced there is no profession that allows such opportunities to learn, not only interesting and varied subject matter, but also human nature and condition.

Advice? To be effective, one must put one's emotional house in order before taking on the problems of others. Take legal representation seriously. The lawyer tells the client's "story;" the lawyer is not one of the characters in that story. Clients bring the facts. The attorney advises, applies the law, and explains possible consequences of the client's behavior. Prepare well, ask experienced lawyers for advice, teach your client, present thoroughly, and remain professional at all times—but don't give up your sense of humor.

Respect the law, your client, opposing counsel, the court, and your own integrity. Be prepared to "do war," yet set your sights for a peaceful resolution of the controversy.

I am proud to be a lawyer among the lawyers of this community and country. Each December when our local bar association meets, and John Smartt stands and reads the names of our comrades who died during the year, in that silence I feel the close and common bond of our legal community. As for being concerned about being labeled a "divorce lawyer," I have learned: "The point is not to do remarkable things, but to do ordinary things with the conviction of their immense importance."

(Teilhard de Chardin)

Kathy Hogan, Class of 1977  
McGuane & Malone (Denver,  
Colorado) and Ritkin & Effron  
(Westport, Connecticut)

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*Law students considering a family law practice would be well-advised to devote a fair amount of time to learning about accounting principles, business structures, tax and pension issues and the like. They should also be prepared to deal with people at their most impulsive and irrational times.*

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I currently practice in two law firms, separated by thousands of miles. Since graduation I have been admitted to the bar in four states—Colorado, Connecticut, New York and Tennessee. While dealing with offices, clients, courts and procedures in two states can be “schizophrenic” it also allows great experience. The fact that I now confine my practice to family law makes the problem of being knowledgeable in more than one jurisdiction less difficult.

My path to a multi-state family law practice has been a circuitous one. I spent the first year after graduation from law school working for a Tennessee state agency providing legal services for county governments. I spent the next four years as a legal writer and editor for Lawyers Cooperative Publishing Company in Rochester, New York, writing on a wide variety of state and federal legal issues. Those endeavors did at least two things for me—they honed my research and writing skills, and they convinced me that I wanted to be in the courtroom myself, not just writing about the process.

Many years later, the electronic age, including computers, modems and fax machines (as well as countless hours spent on airplanes) has made it possible for me to maintain

practices in two states thousands of miles apart. This means I can live (mostly) in Colorado without entirely giving up the practice and professional relationships I developed in Connecticut.

However, I have continued to write books for various national legal publishers, including West and Matthew Bender. I also serve on the Board of Editors of “The Family Advocate,” the quarterly publication of the Family Law Section of the American Bar Association. I also frequently serve as a speaker at state or national continuing legal education programs. I find the writing and speaking to be a perfect way to stay up to date with the latest developments in the law, as well as a welcome break from the tensions and pressures of a litigation practice.

Family law was a practice area I literally fell into by chance. At the time I joined the firm I still practice with in Connecticut, the caseload included a mix of personal injury and complex divorce cases. While the “divorce mill” legal practices were always around, there was a scarcity of trial lawyers with the ability to skillfully handle the “non-routine” cases involving complex financial and/or custody issues.

Oddly enough, the personal injury cases were a good training ground—systems for assembling and presenting medical and financial information for a personal injury trial can be translated into the divorce arena fairly easily.

In developing this area of practice over the years, I have never felt handicapped by the fact that I did not “focus” to any degree on family law in law school. During my time in law school, my exposure to family law consisted solely of my experience in the legal clinic with an uncontested divorce and a child support matter. However, I firmly believe I would not have benefited greatly from studying specific family law principles, many of which have changed over the years.

The things from law school that I continue to use literally on a daily basis are the principles of evidence and civil procedure, as well as the analytic and quick-thinking approach that the law school experience fosters. While the experience of being called on in class in law school was never pleasant at the time, it was truly a good preparation for what litigators face in court on a regular basis.

Law students considering a family law practice would be well-advised to devote a fair amount of time to learning about accounting principles, business structures, tax and pension issues and the like. They should also be prepared to deal with people at their most impulsive and irrational times.

## Labor



Helen de Haven, Class of 1980  
sole practitioner (Ellijay, Georgia)

*Workers still suffer from racist, ageist, and gender oppression, from sexual harassment and retaliation from speaking out, but many of them can still stand up and resist. Unions still struggle with pay inequity and unjust discipline, with broken agreements and bad faith bargaining, and sometimes they still win. And there's still plenty of work for lawyers.*

To get to my office, take Highway 68 south out of Madisonville, Tennessee, and keep going until you reach the Trail of Tears. I work in a cabin in the woods in a little town named, in Cherokee, "the place that is green." My nearest neighbors are a flock of prophetic crows. I'm writing this on Halloween, early in the morning. Outside my window, two does and their fawns are poking down the hillside, browsing for acorns.

I was 27 years old with a 6 year-old daughter when I started for law school, and it happened this way. I

was working at a state institution for the mentally retarded (the politically correct term in those days), a place of pure, concentrated misery if there ever was one. There was a maintenance man there who used to come around to the resident buildings once a month to fog the laundry rooms with bugkiller to keep the roaches down. Joe was gnomish and bald, with a clacking set of dentures and hands like old anvils. His wife Nina was a cook in the building where I worked. Joe took a liking to me because we were both yellow dog Democrats, though he was a sight more jaundiced than I. In the days of Governor Winfield Dunn's patronage, the pack was small indeed, and we all stuck together. Joe was a union man, too, an old Teamster who'd met Hoffa once, and that gave us plenty talk about.

One day Joe told me he was being retired. He was only 70 but he couldn't hardly catch his breath any more. The state had told him he'd best go sit at the house for the few years remaining to him, grow cucumbers, and play with his grandbabies. I was pretty sure Joe's shortness of breath had something to do with the fact that he'd been standing in a closed room full of bugspray 10 days a month for years, and I persuaded him to go get himself a lawyer to file a claim for disability with the state. I even found him a lawyer who claimed to be a Democrat.

After about nine months, Joe was diagnosed with obstructive airways disease as a result of the chemicals and awarded \$2,500, of which his lawyer took the healthiest share. Even at the time it didn't seem like much, but Joe was not a man to look a gift horse in the mouth, especially if the horse was a Republican.

I was over at Joe's house one afternoon in late summer after he won his claim. Nina was in the kitchen frying tomatoes with the radio on. Joe and I were in the liv-

ing room under the picture of Jesus in the garden. He pressed a wad of money into my hand and motioned for me to put it in my pocket fast, before I could count it. "Don't tell Nina," he said, "but I want you to have that. I want you to go to law school. I figure you done me a heap more good than that other feller. And listen," he said uncomfortably, "if I was you, I wouldn't put it in Jake Butcher's bank. I been hearin' things I don't like."

It was \$800. Enough in 1977 to pay my tuition at law school for a year, and that's what I did with it. Until today, I never did tell Nina about that money.

Four years later, I was working for the National Labor Relations Board in Washington, D.C., as staff counsel to a Board member, and I was about as far away from the mental institution as I ever got. I lived on Capitol Hill, shopped at Eastern Market, and walked down the mall to work on Pennsylvania Avenue. Reagan was just in, everybody downtown who wasn't sleeping on a subway grate had a fur coat, and the government was paying for my graduate courses in labor law at Georgetown. That's when my friend John erupted into town for an OSHA conference.

John was an international representative for the Oil, Chemical and Atomic Workers, and when I lived in Greeneville, Tennessee, before I went to law school, I used to tag along with him on union organizing campaigns. A burly, powerful man with the tenacious face of a bulldog, John grew up in the hills of North Carolina and did his military service dismantling mines with his bare hands in the fields of Korea. He went to work as an operator in the early days of Nuclear Fuel Services in Erwin, Tennessee, making plutonium for Navy submarines. He organized the union there and displayed such a talent for direct action that he held the national record for successful

wildcat strikes, and his plant's union contract was a model for the industry. There wasn't a rougher, tougher, savvier, or more dedicated union man in the entire country—and there still isn't.

By the time I met up with John in Washington in late 1981, he was the union's district director for the Southeast. We spent the evening with a diminishing bottle of Jack Daniels between us. "Look kid," he said to me, "you don't want to stay up here with a bunch of goddamned eggheads and bureaucrats. You know I ain't got no use for lawyers. Lawyers have ruined the labor movement. But I'm up to my ass in alligators back home, and I need one. I figure you aren't as rotten as most yet, and maybe there's hope for you if you do a little honest work. If you'll quit this job and come back to Knoxville, you can hang out in my office, and I'll try to make sure you eat regular."

John had a strike going in the sleepy little hamlet of Telford, Tennessee, where he'd organized 100 barely-educated workers at a uranium metal foundry making anti-tank projectiles for the Air Force. The union had walked them out because their employer exposed them to abnormally dangerous levels of radioactive dust and oxides, lied to them about it, and refused to admit it had a problem, let alone fix it.

The strike got a lot of national attention. "Sixty Minutes" did a story on it called "On Strike for Their Lives." The congressional subcommittee chaired by then-congressman Albert Gore held hearings. Scientific experts reviewed the workers' exposure records and declared the plant unsafe. The State of Tennessee passed enforcement legislation to make sure violations of radiation standards would not go unpunished in the future. The employer built a new facility with state-of-the-art equipment, hired a health physicist, and cleaned up its act. It also hired

a new work force, doubled their pay, decertified the union, and left the workers who had originally pointed out the problem on the street, unemployed, disillusioned and pissed off. To John, it just wasn't justice.

That's how I got my first case, which is still very much alive and kicking after 15 years, the opinions in which are by now about the length of *Les Miserables*. See *TNS, Inc.*, 309 NLRB No. 190 (1993) (ALJD), *reversed and remanded sub nom. OCAW v. NLRB*, No. 93-1299 (D.C. Cir. Feb. 14, 1995); *OCAW v. NLRB*, 806 F.2d 269 (D.C. Cir. 1986). I did other cases for the union too, like *Armco, Inc.*, 179 NLRB 143 (1986), and *Great Lakes Chemical Corp.*, 298 NLRB 80 (1990) (ALJD).

Of course, I'm only telling you about our victories here, not our defeats, which in the industries we represented were relatively small, but steady, as the mood of the country turned sullen and harsh towards organized labor. It finally seemed as though we were running as hard as we could and still losing ground.

In 1987 I went back to work for the government. After six years with the union, I was sour on employers generally, but I still had a pretty good attitude toward government service, for all John's mutterings about "rotten bones." I'd learned a lot from the litigation specialists I'd worked with from the NLRB, and I had often admired their principles. TVA was not the NLRB, by any means. Its lawyers defended; they didn't prosecute. But I didn't think that would make much difference beyond getting me an office with a window, and John wasn't opposed to the idea.

"Go ahead kid," he said. "TVA's had unions since the '30s. They ain't so bad. Maybe you'll organize their lawyers." He was going back to organizing himself, he told me, and leaving the management of the union to others.

The Tennessee Valley Authority

is one of the largest power companies in the country and the only one owned by the government. It had around 75,000 employees in the heyday of its dam and power plant construction. In 1987, as I remember, it was down to about 45,000, and the numbers have been plummeting ever since. The General Counsel's office was looking for someone in employment discrimination and labor law, and it had a reputation for hiring only the best, which is not in my interest to dispute.

Judging from the faces I saw during my interview, it seemed being a woman might be something of a handicap, but as it turned out, my prospective employer had other bones to pick with me, initially. "What are you going to do if we ask you to do something you disagree with?" the General Counsel asked me during my interview. "Try to talk you out of it," I told him. "But what if you can't?" he persisted. He actually looked a bit worried. I studied his "Jesus First" lapel pin. "I tell you what, I won't sabotage you," I assured him. "And I'll give you an orderly shutdown if I decide to strike." He laughed at the idea and let me come to work.

Five years later when I told him I was withdrawing my labor in seven month's time, I'd kept my bargain. It wasn't me that got TVA in the mess it's in, and I want to make that perfectly clear, just in case any congressional investigators come knocking at my door.

It's a little hard to explain to some people why unemployment is sometimes preferable to a secure job with a bi-weekly paycheck and a secretary. TVA assumed that my reasons for leaving were largely personal, and that's true enough, in the sense that what I proposed to do with my free time was live in a little mountain town and grow a garden. But it's also true that I was making way too much money for doing far too little of anything of social value when

I was at TVA. I felt like I'd gotten too far away from Joe's living room and the healthy fruits of protest.

The picket lines are mostly all gone, and after 12 years of Republican administration, with the Democrats behaving like yellow dogs again, nobody has faith in the banks anymore. But John's still organizing, and so are a lot of others. Workers still suffer from racist, ageist, and gender oppression, from sexual harassment and retaliation from speaking out, but many of them can still stand up and resist. Unions still struggle with pay inequity and unjust discipline, with broken agreements and bad faith bargaining, and sometimes they still win. And there's still plenty of work for lawyers.

Most of my clients come from TVA now, so I like to think that I'm using what I learned there. It's taken me 15 years of practicing law to figure out that it doesn't matter so much if I get anywhere; after all, it's where I'm standing and what company I'm in that makes all the difference. That's something Joe must have understood all along.



Anne Clarke Sanders,  
Class of 1977  
Brunini, Grantham, Grower &  
Hewes (Jackson, Mississippi)

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*The other observation I would like to make for new lawyers, or for law students, is not to be discouraged about the practice of law from solely the law school perspective. I hated law school; but I had started law school, and I was determined to graduate. If the practice of law had been like law school, I would have found a new career years ago.*

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I am a partner in the Jackson, Mississippi law firm of Brunini, Grantham, Grower & Hewes. My practice is concentrated in the employment area from a defense perspective. My clients range from hospitals and other health care providers to large retail stores to small businesses. Generally, I represent my clients in the defense of charges brought pursuant to the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Americans With Disabilities Act, the Family and Medical Leave Act, and the Age Discrimination in Employment Act.

I also represent and counsel my clients in matters involving wage and hour claims, unemployment claims and workers' compensation claims. These types of cases may be

handled through the various agency administrative procedures or may be litigated in federal or state court. Many of these cases are resolved through negotiation.

The career path to my present position has been varied. Upon graduation from law school in 1977, I was associated with a large Knoxville firm. I was hired to work as a litigation associate, and commenced work on a variety of litigation matters. At that time, the EEOC was gearing up on its pursuit of sexual harassment claims, and charges were being brought against several of the firm's clients. The firm decided that having a female lawyer defend sexual discrimination claims would be a good psychological ploy. The firm was correct, and I commenced my employment practice.

Several years later the firm dissolved, as some will do, and I found myself looking for a job. My best recommendation was my trial experience. I was hired by the U.S. Department of the Interior to prosecute violations of the Surface Coal Mining and Reclamation Act as a special assistant U.S. Attorney. I spent the next several years trying cases in the Eastern District of Kentucky and then implementing a national settlement agreement in Washington, D.C.

In 1987, I accepted a position with the Federal Deposit Insurance Corporation, again in a litigation position, where I litigated a variety of cases in the closed bank section. After a year, I was promoted to a management position with the agency and began less hands on work and more supervision of trial attorneys and paralegals. Again, my litigation experience stood me in good stead and was attractive to my employer.

In 1990 I ended up in Jackson, Mississippi, due to my husband's appointment as an administrative law judge for the Social Security Administration. My litigation experience once more stood me in good

stead, and my reputation in the FDIC brought me an offer of a counsel position with my present firm. After one year, I was invited into partnership. My present firm had not developed much of an employment practice, and I saw immediately the area for my development. It is hard to believe I have been here five years, and it is amusing to note that I have come full circle with my employment practice.

Being able to conduct extensive discovery, handle a motion practice, and try a lawsuit has stood me in good stead in each of the diverse areas of my practice over the last 17 years. I have enjoyed each practice area, although each was very different from the one before. Even though I now concentrate primarily in the employment area, because of the structure of my firm and because I am in the firm's litigation department, I generally have one or two non-employment matters ongoing at any given time. The deposition and trial skills which I developed over time and through experience have made me marketable and have been "transferable" from one practice area to another.

One thing I would say to new lawyers is not to be afraid to change concentrations. Sometimes career moves dictate such a change, and sometimes it takes a while to find what you like to do. I firmly believe that if you have good basic lawyering skills you can learn any new legal field given the necessary commitment.

The other observation I would like to make for new lawyers, or for law students, is not to be discouraged about the practice of law from solely the law school perspective. I hated law school; but I had started law school, and I was determined to graduate. If the practice of law had been like law school, I would have found a new career years ago.

Law school has its benefits. It teaches you where to go to find the answers. It instills in us some greater

degree of discipline than most of us had when we began our matriculation. And it teaches you a different way of thinking and analyzing, which will be important if you are to be a good lawyer. But law school has nothing to do with the reality of practicing law. That experience can only be taught as you live it.

In closing I would emphasize the importance of developing your legal skills. As demonstrated by my career path, the solid lawyering skills which I developed were the key to opening continuing practice opportunities which ultimately resulted in a situation where I could work in a practice area I enjoyed. Those skills, which were learned after law school, have been more valuable to me than any law school grade ever was.



Thomas H. Wilson, Class of 1985  
Vinson & Elkins, L.L.P.  
(Houston, Texas)

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*... labor and employment law is  
basically a study of human  
relationships.*

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The University of Tennessee College of Law and Vinson & Elkins, L.L.P., gave me the opportunity to have the practice I wanted. More accurately, it was the people at these two fine, well-established institutions that allowed me to create a career that is far better than I had hoped.

I have practiced labor and employment law for about 10 years. My practice includes traditional labor law concerning labor/management relationships and employment law such as discrimination, breach of contract, and tort claims. Among our clients are nationally known hospitals and international chemical corporations.

I was lucky when I entered law school. Generally, I had some idea about what I wanted to do. I worked for the U.S. Department of Labor during my undergraduate years, and I liked the fact that labor and employment law is basically a study of human relationships. My leaning toward this area of law was confirmed in the classes I took with Professor Patrick Hardin. He showed his love for the subject, and I was hooked. I do not think I fully

appreciated Professor Hardin when I was in law school; but as I look at my career, I know I owe him a great deal. Also, it does not hurt that I can say that I was taught by the man who is now editor-in-chief of *The Developing Labor Law*, the bible for us labor lawyers.

Based on my first year grades, I was lucky enough to get a clerkship with Vinson & Elkins. At this firm I found the labor practice I had hoped for, and there I remain today after having become a partner of the firm on January 1, 1994.

This entire wonderful trip was started only with the help of my fellow students. I hesitate to list names for fear of insult by omission. However, I must say that without Phillips, Roger, Karen, Lee, the Don's, Richard, my long lost brother, and several others, I would never have made it to first base. First, it helps to have the number one student in the class as a roommate. Every time I started to tire of law school, I would see him studying, so back to the books I went. Second, it is a must to have friends that drive you to do your best but keep it fun. I still miss laughing at cartoons with Phillips before class and hearing Karen laugh at even my worst jokes.

Without each of them, I would not have done it or enjoyed it so much. My only regret is that I did not keep up with them as I should have in the years since. While making partner was sweet, the best moments came when I was able to share it with them. There have been several times when a note or call from one of my classmates has helped very much with a difficult time. It is unfortunate that not all of our profession is populated by the same caliber of people as my fellow law students. While I love Houston, moving back to Tennessee to be closer to them certainly is a temptation.

Our profession would also be better off if there were more people

in it like Dean Wirtz. There were several times during law school when words of encouragement from then-Professor Wirtz made things much easier. Dean Wirtz helped us see how practicing law could be enjoyable and how being successful in it is a matter of being open to the opportunities it presents along the way. It was with his advice in mind that when I came to Vinson & Elkins, I accepted the task of picking up the firm's occupational safety and health (OSHA) work that had recently been left behind by another attorney.

While I knew next to nothing about this area of the law, I dove into it, and today it is one of my primary practice areas. I have come to greatly enjoy this area of practice, and it has given me great opportunities to work with my firm's attorneys in our environmental and health law sections. It also has given me an opportunity to be very involved in the ABA labor section's OSHA Committee and to meet many of the fine lawyers on that committee. This year, I was given the honor to author an OSHA manual for the health care industry to be published by Thompson Publishing this fall. Dean Wirtz's advice has taken me a long way.

For those entering law school, I cannot overemphasize the importance of doing well during the first year. For me, my first year in law school was the foundation of my entire career. Take advantage of the sage advice Dean Wirtz and many of the other professors at the College of Law can provide. Their guidance can set you on a very good course.

Possibly most important, work on friendships with fellow classmates who can help you do your very best and help you through the low points. Finally, unlike me, do a good job of keeping up with those friends after law school. While I hope that those new law students who read this take my advice, I also

hope that those old classmates to whom I owe so much who read this will call me or drop me a line. I would love to hear from you.

## General Civil: Defense



Ervin L. Ball, Jr., Class of 1970  
Ball, Barden, Contrivo & Bell  
(Asheville, North Carolina)

*I would urge any law student who plans to be a litigator to take all of the procedure and evidence courses that are available. I have observed many lawyers, particularly young attorneys, who are hamstrung in litigation matters because of a poor background in procedure and evidence.*

I graduated from the University of Tennessee College of Law in March, 1970, and began active practice after passing the North Carolina Bar exam that year. I started with a firm in Asheville that specialized in insurance defense work, and in those days, firms representing insurance companies also handled adjustments.

During my first two years of practice, I handled many adjustments, including workers' compensation, homeowners, and casualty claims. I found this to be good experience as I would eventually spend most of my time on insurance defense and personal injury cases.

After a number of years, I left the firm where I began my practice and entered into a partnership with several other attorneys. This firm is now known as Ball, Barden, Contrivo & Bell, P.A. We have five attorneys in the firm—four of whom concentrate on insurance defense matters, and one partner who is a board-certified specialist in real estate with his practice limited to that area.

I was born and raised in Asheville and my ancestors settled here, I am told, before the American Revolution. Having family and being from this area has been very beneficial to my practice over the years. I have enjoyed returning to Asheville and representing and working with personal and family friends who I have known most of my life.

For the past three years, I have been chairman of the Program Committee of the 28th Judicial District Bar (Asheville and Buncombe County), and I am currently president. I am a member of the North Carolina Association of Defense Attorneys, the North Carolina Academy of Trial Lawyers, the North Carolina Bar Association, and the North Carolina State Bar. In 1992, I received an Outstanding Service Award from the District Bar for *pro bono* work, and I continue to accept such cases as my practice will allow.

I am very proud to have graduated from the College of Law. I particularly would like to mention several classes that I took which I feel prepared me for a litigation-oriented practice. I especially remember the evidence courses taught by Don Paine, of whom I was especially fond. I also had Professor Paine for procedure courses which were excellent. I would urge any law student who plans to be a litigator to take all of the procedure and evidence courses that are available. I have observed many lawyers, particularly young attorneys, who are

hamstrung in litigation matters because of a poor background in procedure and evidence.

I have tried cases in every county in Western North Carolina and in several counties in the central and eastern parts of the state. I have particularly enjoyed trying cases in some of the more rural areas. Some of the jurors in these counties do not have the formal education as one might find in Asheville or Charlotte, but they usually possess a great deal of common sense and the ability to be fair. This is, of course, all a lawyer really wants in a juror anyway.

The one thing I soon discovered upon entering the practice of law is that being a lawyer is not easy work. My average work week over the past 20 years or so has generally consisted of at least 60 hours, and I have been in my office past midnight on many occasions. In fact, in a recent case in an adjoining county which lasted through Friday, the trial judge gave the jurors an election whether to continue on through Friday evening until the case was concluded. I began my jury argument at midnight and arrived at home at 3:30 a.m., Saturday morning.

That obviously was not a typical occurrence, but the point I am trying to make for law students is that the practice of law is very time demanding and requires much effort. On the other hand, trial practice can be very challenging and rewarding. Hardly a case goes by that does not require research into some procedural or evidentiary matter. I have thought back to my days in law school many times and feel grateful that I received a quality education which prepared me for my career.

Finally, I believe it is important for all lawyers to have interests outside of their work. I have been a YMCA board member for many years, a member of several civic groups, and I am currently on the board of the Asheville Symphony.

In my leisure time, I have enjoyed playing basketball at the YMCA (now wisely retired), running and skiing. Exercise has enhanced my personal ability to deal with the stresses of law practice. No matter how tired I am after a hard day, running or swimming always rejuvenates me. I would encourage law students (or anyone else for that matter) to work hard, develop some interests outside of one's practice, and then have an enjoyable and productive career.



Robert R. Campbell,  
Class of 1956  
Hodges, Doughty & Carson  
(Knoxville, Tennessee)

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*He [former Dean Col. Harold Warner], as much as anyone else, convinced me that a young man of mediocre academic achievement and no ready-made office or client base could succeed at the practice of law with patience, determination and hard work.*

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When I graduated from law school in 1956, times were difficult. I remember that a couple of my fellow graduates had accepted positions with law firms in New York city in which they would be paid the exorbitant salary of \$400 per month. They were the lucky ones and the envy of us all.

The majority of us graduates had no jobs, no offers, and very few prospects. Having had no better than a mediocre academic record, I was in this latter group. By then, I had made a firm decision that I wanted to make a career in the private practice of law. Accordingly, I "hung out my shingle" and offered my services to the public.

Thanks to the generosity of others, I was provided with a desk and a chair in the lobby area of a small law office as a place from which to launch my practice. I struggled, handling what few items

of business would find their way to my desk, and not, in any sense, earning a living. During this time, I resisted the almost overwhelming temptation to accept two or three offers to use my law license in insurance claims work or in a bank trust department. The thought of having an income was sweet indeed. Nevertheless, I continued to hold myself out as a practicing attorney and relied upon my wife to provide a living for our small household.

After approximately a year and half of essentially futile efforts at creating a practice, I learned that my "small household" was going to be enlarged by 50 percent. Providentially, at about the same time, I was presented with the first opportunity that I had had since graduation to join with an existing firm for the practice of law. I went with the then-firm of Poore, Cox, Baker & McAuley, thrilled by the prospect of a monthly salary of \$250. From that starting point in January 1958, I was fortunate to be given continuing opportunities to develop as a trial lawyer.

After four years with Poore, Cox, Baker & McAuley where I received invaluable training, experience and moral support, I moved to the firm of Hodges, Doughty & Carson where I have remained to this day. My practice is essentially that of a trial lawyer, primarily in the area of products liability and commercial litigation, with a moderate volume of office corporate work.

If I have achieved professional success (a subjective and relative term) as a trial lawyer, I can think of at least three components of my law school experience which have contributed to that success. First was my attraction to the torts classes under Professor Dix Noel, as well as moot court and appellate argument experiences. Second was my dislike of courses such as bills and notes and the property courses which started the process of steering

me away from a pure office practice.

Finally, and most importantly, was the persistent and genuinely caring support and encouragement from Col. Harold Warner, then a professor but later dean of the law school. He, as much as anyone else, convinced me that a young man of mediocre academic achievement and no ready-made office or client base could succeed at the practice of law with patience, determination and hard work.

As in any worthwhile human endeavor, there have been many sources of satisfaction, as well as appropriate doses of frustration. On the positive side, I know of no business or profession which compares with the practice of law in providing, each day, the exciting potential for something new and interesting to come into one's office.

The practice of law presents an almost infinite variety of challenges—to the intellect, to the emotions, to one's capacity for productive labor in the face of often brutal stress and fatigue, and to one's discipline in clinging to a proper balance of life priorities. To meet these challenges from time to time and be fortunate enough to see tangible accomplishment is true satisfaction. To have sincere appreciation expressed by a client is worth more than all the money in the world, especially when coming from a *pro bono* client.

Often taken for granted among the positive components of a career in the practice of law is the unique and extraordinary collegiality among lawyers and judges. Regardless of the type of practice, there is a bond which does and will forever join together those who have experienced over the long haul the victories and defeats, the joys and the sorrows of having survived involvement in such an important societal institution.

In spite of all the pretty words which describe the satisfactions of the practice, there are many frustra-

tions. I can name a few—the seemingly endless stress of trying to meet deadlines and accommodating scheduling impasses; the ever-increasing cascade of new rules perceived by some as being necessary to deal with problems of cost and delay in the litigation process; and the trends which, justifiably for the moment, cause the tried and true judicial process to lose its competitive position against non-judicial methods for resolving disputes.

More significant than all of the foregoing in my list of frustrations is the diminution of civility and true professionalism which we are increasingly seeing in so many phases of our practice. This negative trend is underscored by the all too common “knee-jerk” use of every available rule, every discovery device, and excessive motion practice; the explosion of advertising by lawyers; the seeming addiction to monetary awards; and a pervasive amnesia as to the true nature of our profession—that of providing a critical service to humankind.

If I were advising a young (or old) student considering a professional career as a trial lawyer, I would say to him or her:

- Take advantage of all available options while in law school which lean toward trial practice, including evidence courses, procedure courses, moot court, legal writing, and if possible, clerking at law offices at least during the summers.

- If you are pointing to true success, organize your thinking right now that success is not money. Success is honorable, ethical, competent and efficient accomplishment of your client's business. Success is earning the respect of your peers, your clients, and your community for competence and integrity; and that, because success is often bred by a fear of failure, do not turn away out of anxiety over possible negative consequences. If you seek this kind of success, the material rewards will follow.

- Be prepared physically, mentally and emotionally for periods of prolonged stress, long hours, fatigue and disappointment.

- True success in the practice of law is not compatible with a leisurely lifestyle, and therefore, self-discipline is essential to the balancing of the priorities of home, family, church and civic responsibilities.

- You will not be engaged in a trade or a commercial enterprise, but in tradition and in fact, you will be involved in an absolutely vital component of participatory democracy.

- Finally, I would remind you that the law is indeed a jealous mistress/master, but that you will have successfully accommodated your mistress/master if at the end of the day, you can echo the words uttered some 40 years ago by Virgil T. Seaberry, then-president of the State Bar of Texas:

“So I say to you quite simply: If I had my life to live over again; if I could foresee the great price that must be paid, the failures and disappointments that must arise, the few successes I might expect—I would unhesitatingly make the same decision to be a lawyer; I would start on the journey without delay that I began 44 years ago; I would stand up and try to walk to the end of the road; and I would embrace my mistress more ardently all along the way.”



Jimmie Miller, Class of 1981  
Hunter, Smith & Davis  
(Kingsport, Tennessee)

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*Conduct yourself in a manner  
that you develop a reputation that  
others can rely upon your word.*

*In the field of litigation there is  
plenty to disagree about, so do not  
be disagreeable about things that  
are of no consequence.*

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My life has followed a fairly traditional pattern over the past 14 years since I left UT law school at age 23. I accepted a position with Hunter, Smith & Davis in November 1981, shortly before graduation. I can honestly say it is a decision that I have never regretted. I became a partner at HSD in 1986. The firm now has two offices, one in Kingsport and one in Johnson City, and consists of 24 lawyers.

In the process of preparing this article, I have come to realize that one of the things I enjoy most about what I do for a living is the people with whom I work. I am uncertain whether it is unique to HSD or not, but I have a genuine fondness for the lawyers in my office. Likewise, I enjoy my contacts with most of the other lawyers, judges and clients that I encounter on a daily basis.

I am very grateful for the wide diversity of cases that I have handled over the years. I began my practice handling insurance defense

suits and lots of subrogation cases in General Sessions Court. It took at least six months for me to be able to return to the office after a hearing without crying if I had lost. While I do not cry anymore when I lose, it is only because I have gained greater self control, and not because I do not feel like it.

Over the course of time, I have come to handle increasingly complex litigation including professional liability actions, drug and medical device suits, antitrust actions and unusual products liability cases. This is particularly rewarding because it affords a constant intellectual challenge. Over the past three or four years, I estimate that I have handled to conclusion by jury verdict an average of one trial a month. I take a fair amount of pride in this estimate because I believe it bears proof to the claim that my area of practice is litigation. While not all of the outcomes have been favorable, my clients and I have been extremely fortunate during the past several years.

While in law school, I really gave little or no thought toward the level of financial success I might achieve after practicing law for five years, ten years or fourteen years. Recognizing that everything is relative, I never dreamed that I would be as financially secure as I am today. I credit my financial success to my law degree, hard work and my law partners.

My greatest satisfaction with my career is that I have been able to engage in a "blue chip" practice without lawyering being my whole life. My husband and I have three children, ages 4, 8 and 10. Again, everything being relative, I have enjoyed the flexibility of participating in their school events and extracurricular activities. Because life is just plain busy, I struggle constantly with maintaining a balance between work and home. While there are times that my work has to have top priority, I consider myself a

successful mom and wife and take great pride in these roles.

I was asked to give advice to students interested in a similar career, so here goes—

- Conduct yourself in a manner that you develop a reputation that others can rely upon your word.

- In the field of litigation there is plenty to disagree about, so do not be disagreeable about things that are of no consequence.

- Learn to care about your client's case. Guard against cynicism.

- Always learn the facts and the law of your case more than your adversary because it will help in the courtroom with the judge and the jury.

- Participate in *pro bono* legal work.

- Take the opportunities offered by the law clinic and law clerk positions.

Thomas Rittenburg,  
Class of 1978  
Lewis, D'Amato, Brisbois &  
Bisgaard (Los Angeles, California)

*Whenever Tennessee comes to  
L.A. or is on TV, I don my  
orange shirt and root for the Vols,  
but nothing is as exhilarating as  
standing with a crowd of thou-  
sands belting out "Rocky Top"  
into the autumn air along the  
banks of the Tennessee River.*

While my classmates searched for work at the end of our third year, my near future was assured—the Army put me through college, and I owed it four years of service. I received notice that I passed the bar at my folk's place overlooking San Francisco. Two days later I was en route to Virginia and the Army.

For the first year I was prosecutor and jack-of-all-trades (including acting assistant U.S. Attorney for the District of Maryland) at Walter Reed Army Medical Center in Washington, D.C. Then I spent a year at Fort McNair in the District as a traveling criminal defense lawyer. This allowed me to travel all over the mid-Atlantic region, and I spent most of the summer of 1980 in Panama.

In late 1980 I became the officer in charge of the Trial Defense Service Field Office at Fort Dix, New Jersey. While there I supervised four other lawyers defending servicemen from the Potomac to the Hudson, including the West Point Corps of Cadets and alleged hashish dealers off the coast of the Azores. It was a great experience, but I knew I did not wish to make a career of it, and so in late 1982 I returned to my native California.

After passing the California bar, I became an associate at a personal injury insurance defense firm in Los Angeles. I found the work to

be unchallenging and tedious, the only real issues being factual rather than legal in nature. In 1985 I joined the law firm of Lewis, D'Amato, Brisbois & Bisgaard in Los Angeles. The firm is a general litigation and transaction firm, but my work centered on sophisticated insurance-related cases. Within a few weeks I attended a settlement conference in a coverage dispute between corporate officers of a bankrupt company and their liability insurer involving claims and settlement authority well into six figures. I never looked back.

In 1988 I became a partner, and today I specialize in professional malpractice claims against lawyers, accountants, and insurance and real estate agents with claims ranging from a few thousand dollars to several million dollars.

Some of the cases have been reported in the local newspapers and the *Wall Street Journal*. I have even enjoyed a touch of Hollywood—I defended an insurance malpractice action brought by actor Jason Hervey of "The Wonder Years." Also I had the privilege and joy of spending six weeks of trial getting to know Michael J. Fox in a matter where Fox and his business manager were defendants in an action brought by the woman who purchased his Studio City home. The Fox case also brought me my 15 seconds of fame on local TV and network feeds.

I enjoy my practice because it varies from case to case. One day I am working on a motion to dismiss in an Ohio federal court on complex ERISA issues, the next day I am defending an insurance agent who purportedly failed to adequately insure an avocado and horse ranch burned in a dangerous wildfire in Santa Barbara. The work allows me to travel regularly to New York, Chicago, Seattle and other major cities.

Many commercial litigators regard litigators representing

insureds of insurance companies as a lesser form of trial lawyer. In my experience, that is a mistake. Nevertheless, those choosing to enter into the field of insurance-related litigation should be aware that others will categorize them in this fashion. I particularly resent this because our work is more complex, involving the representation of non-insurance commercial litigants as well as of insurance companies and their insured businesses, and involving rather complex and timely legal issues.

Needless to say, my practice is not always a bed of roses. The problem with a big town practice is that it is a big town practice. There are 40,000 lawyers in L.A., and only after ten years did I start to see familiar faces when I got to court. On the other hand, attorneys practicing in Los Angeles were done a disservice with the popularity of the TV show, "L.A. Law." There are a few of us who live that way, and most of us cannot afford to do so.

Another dissatisfaction that I have experienced is that the nature of the practice has changed tremendously. It is no longer a profession, but a business. Ultimate success is not related to how good a lawyer you are, but whether you can guarantee cash flow from a consistent institutional client, which mostly comes from being unpleasantly competitive. Additionally, the type of sharp practice normally associated with "shyster lawyers" has reared its ugly head in Southern California, depriving me of some of the joy I used to have in my practice.

My courses at UT in torts, medical malpractice, products liability, income tax, bankruptcy, civil procedure, and the UCC have been most helpful. The time spent in the student defenders program also provided me with valuable experience in advocacy. I wish I had taken courses in damages, remedies and insurance, as well as a semester or two in the legal clinic.

My fondest memories of UT are of "Rump Court," the "Tortfeasors" softball team (and 1976 school champs), and of lazy summer barbecues with plenty of grilled chicken and beer. I made some wonderful friends at UT, and I deeply regret that time and distance have separated us. Whenever Tennessee comes to L.A. or is on TV, I don my orange shirt and root for the Vols, but nothing is as exhilarating as standing with a crowd of thousands belting out "Rocky Top" into the autumn air along the banks of the Tennessee River.



Thomas Williams, Class of 1963  
Leitner, Warner, Moffitt,  
Williams, Dooley, Carpenter &  
Napolitan (Chattanooga,  
Tennessee)

—♦—

*Every endeavor in which you engage, whether a civic or religious organization, puts you in touch with people. . . . A gregarious nature is necessary to develop these opportunities to learn what and how potential jurors or clients think.*

—♦—

All of us engage in thoughts of what career paths we might have followed had we not been fortunate enough to graduate from the University of Tennessee College of Law. At least twice a year it is my pleasure to conduct character and fitness interviews of recent graduates from many law schools for the Board of Law Examiners. It is on these occasions that my thoughts return to the fall of 1961 when considerations of alternative careers were discomfiting.

Today's graduates appear to be better prepared than this neophyte who humbly accepted one of the last LL.B.'s conferred by Dean Wicker in December 1963. Following the February bar exam, the greenhorn donned Army green and embarked on a two-year tour of stateside duty in a legal office while everyone else was discussing the

domino theory in Southeast Asia.

While returning to Tennessee following the Army assignment in Pennsylvania, my thoughts turned to how I could compete in the job market. My initial feelers indicated that Army pay was higher than job offerings in Chattanooga. Having worked in high school as a Senate page for the late Sen. Estes Kefauver, I was familiar with the ways around Washington and dropped in to see Sen. Ross Bass and staff. This contact resulted in interviews with the U.S. Department of Justice and an eventual appointment as an assistant U.S. Attorney in East Tennessee making \$1,000 a month (which was twice what I ever expected to make when I received a B.S. in engineering-physics from the University of Chattanooga in 1961).

After three years of prosecuting bank robbers, kidnapers and moonshiners, I resigned from the federal post, as was customary, when incumbent President Johnson decided to step down.

In November 1968, Bruce Bishop of Bishop, Thomas, Leitner, Mann and Milburn offered me a position as an associate, basically because he and I were active in University of Chattanooga alumni affairs, and he knew that I had plenty of courtroom experience.

After Bruce's untimely death at the age of 49 in December 1968, Paul Leitner and Ted Milburn began the arduous task of training the new associates in this firm, which traces its history to 1882. As many firms are want to do, it has metamorphosed several times and now is ranked by some as the tenth largest firm in the state with offices in Chattanooga, Knoxville and Nashville.

Although many say that a law firm is a business and should be operated as such, we have tried to retain professionalism as a priority, and this has also been stressed in my previous service as president of the Chattanooga Bar Association and

current president of the Tennessee Defense Lawyers Association.

My experience in investigating facts and my intuitive ability in the art of persuasion have aided in my quest to achieve success in my practice. As a result of background exposure and subsequent involvement with criminal cases, I wrote an article for the *Tennessee Bar Association Journal* in 1981 entitled "Dial F-I-R-E for Arson." In July 1994, I presented a paper to the Federation of Insurance and Corporate Counsel on the "ABC's of EMG." Based on continuing practical experience, I have lectured the legal community and insurance company representatives on various aspects of preparing cases for trial.

Every endeavor in which you engage, whether a civic or religious organization, puts you in touch with people. As President-Elect of the Chattanooga Civitan Club, I am required to contact at least 46 community leaders for weekly presentations during the year. A gregarious nature is necessary to develop these opportunities to learn what and how potential jurors or clients think.

Law school was a preparatory awakening to the pressure-packed future that was to follow. The late Professor Martin Feerick stimulated your interest in research by spending a whole quarter engaging in very personal sparring. The Socratic style of Dr. Forrest Lacey created further questions about life and law which may never be answered. To the contrary, Dix Noel and E.E. Overton had the answers. Colonel Harold Warner kept it all together. Nothing could prepare a student better for courtroom or business situations in the future.

In reflection, every experience I have undertaken—whether it was 28 years of military reserve service or travelling to UT alumni meetings as an officer with the UT National Alumni Association—has combined to allow me to better

serve clients. The key to this experience is your readiness to volunteer and follow through with a commitment to serve.

You will be confronted with many obstacles; however, look upon these with a positive attitude. Seek advice of those you trust and continue to pursue your goals even though these objectives may have been altered by life's realities.

## General Civil: Plaintiffs



Donna R. Davis, Class of 1979  
Davis, Arnold, Haynes & Sanders  
(Knoxville, Tennessee)

*Law school taught me the importance of team work and instilled in me pride in being a well-prepared lawyer. To this day I network with other attorneys on new trends in the law and share knowledge and ideas with them on how to prepare, try and settle cases.*

My first day in law school was one of the most frightening experiences of my life. I was entering a program where every student had been at the top of their undergraduate class. The competition was frightening! Classes were a humbling experience. Prior to being exposed to the Socratic method of teaching, I had believed I was a bright and logical person. By the end of the first week of law school I had serious doubts about that and realized that in order to survive this experience, I was going to have to develop a network for study and information sharing.

That was one of the most

important lessons I learned in law school. To this day I network with other attorneys on new trends in the law and share knowledge and ideas with them on how to prepare, try and settle cases. Law school taught me the importance of team work and instilled in me pride in being a well-prepared lawyer.

Having the opportunity to participate in the trial advocacy program and to go to court with attorneys in the legal clinic was invaluable to me. Without the guidance and patience of practicing attorneys, judges and faculty who participated in these programs, I would not have been prepared to handle even a basic Sessions Court case after graduation.

Instead, because of their help, I felt confident to step into the courtroom and take on attorneys with far more knowledge and experience than me and to win! Of course not all of my cases result in a win. No one likes to lose a case, but law school taught me that if a case is lost, review what happened, learn from it, and then move on.

As my last year of law school drew to an end, I realized that I had not given my life after law school much thought beyond my desire to combine my nursing background with the practice of law. As with most things in my life I assumed my place in the practice of law would just happen. And happen it did! A few weeks after graduation I received a call from Ernie Onks, an attorney in Crossville, who was looking for assistance with a medical negligence case. He had contacted the law school in search of a law student with medical knowledge and had been given my name. And so my law career began.

With two small sons at home and a marriage about to end, I decided that I was not in a position to commit the time required if I were to join an existing law firm. I also realized that my limited financial resources would not allow me to

open a traditional office on my own. So my first office was in my oversized utility room at home. To furnish this office I bought an IBM typewriter (self-correcting of course), had a phone line put in, and subscribed to an answering service to take my calls if I was not in. From my space beside the washing machine my career began to flourish.

Ernie's medical negligence case was the first trial either of us had worked on, and we won! After that case the calls flowed in from other attorneys who wanted the assistance of a nurse lawyer. Soon I found myself traveling around the state working on cases for various law firms. A year later Sidney Gilreath offered me a full-time position with his firm. For the next seven years I had the pleasure of working with Sid and learning the art of advocacy from him.

In 1987, I decided to leave the security of the guaranteed income I received from Sid to open my own office with four other attorneys. Our firm, Hicks, Arnold, Haynes, Sanders & Davis, was founded June 1, 1987. We focus on personal injury, products liability and medical negligence cases. My practice takes me throughout the state and into surrounding states.

Earlier this year the firm was renamed Davis, Arnold, Haynes & Sanders. We have recently purchased a building on Weisgarber Road and hope to move into our new home shortly after the first of the year.

Although there are days when I wonder why I am working such long hours and have so few days off, I find the practice of law very rewarding. I am proud to be a lawyer. As a trial lawyer I can make a difference in my client's lives and in the world I will leave to my children and grandchildren. I can be a voice in the often complicated and obstacle-filled halls of justice for people who would not have access to the courts

if they had to navigate them on their own. I belong to a profession that protects the ideals this country was founded on—our Constitution. If in order to do that I must be the butt of lawyer jokes and lawyer bashing, then so be it. In paraphrasing what Shakespeare wrote (and others often misquote) I agree that "if tyranny is to reign then first we must kill all the lawyers." Now who in their right mind would want a country without lawyers?



Sidney Gilreath, Class of 1962  
Gilreath & Associates (Knoxville,  
Tennessee)

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*The best advice I can give to young lawyers is to work hard and treat each client as though they are your only client. Clients want to know that their lawyer is genuinely interested in their welfare and is working toward solving their problems. This is even more important than the ultimate result you obtain for them.*

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After I graduated from the University of Tennessee College of Law in 1962, I began practicing on my own because I could not find a job with any of the big firms in town. A lawyer let me use the end of his library table as my desk, and in the beginning I could carry all of my files in one small briefcase.

Mr. Hugh Tapp and other local lawyers were most generous in referring their smaller cases to me, mainly because they knew I would work hard on them. I think another of my biggest assets was that I had been a mail carrier on a rural route where I gained experience in dealing with all types of people. I empathized with them and knew firsthand the effects any legal problems were having on their lives.

At first, I handled any kind of case I could get—domestic relations,

estate matters, automobile accidents, etc.—except criminal cases. It was only after being in practice for a while that I realized the significance of those principles taught to me by my law school professors and appreciated how good my education was at UT law school. With that foundation, I learned how to be effective in court by observing trials and attending seminars sponsored by trial lawyer organizations. Soon I gravitated into specialization in litigating personal injury and product liability cases, and by 1973 I had started my own firm.

Of course, there are both satisfactions and frustrations inherent in being your own boss. The chief frustrations are the economic needs of funding your practice and coping with the ups and downs in cash flow. This is particularly true in a plaintiff's personal injury practice. It takes years to build up a sufficient case load so that you stay ahead of the game financially.

Another frustration is that the practice of law is becoming more of a business and less of a profession, especially now that I have offices in Knoxville, Nashville and Memphis. Keeping up to date with the latest technology necessary to successfully handle today's complicated lawsuits is an ongoing process. However, as a personal injury trial lawyer, I see the beneficial consequences of my labor, and if a person truly likes people and likes helping them with their problems, then representing plaintiffs is a most rewarding experience.

The best advice I can give to young lawyers is to work hard and treat each client as though they are your only client. Clients want to know that their lawyer is genuinely interested in their welfare and is working toward solving their problems. This is even more important than the ultimate result you obtain for them.

I went into the general practice of law for three reasons: (1) I wanted to deal with people on a

daily basis; (2) I wanted to be independent and have my own business; and (3) I wanted to make a comfortable living. With hard work I have accomplished my goals, and I am proud to be included in the book, *The Best Lawyers in America*. If I were starting over today, I can truly say that I would not do anything differently. I enjoy going to work every day and meeting the new challenges that confront me in my practice. Unlike most people, I do not plan to retire because I am doing what I love to do.



Mary A. Parker, Class of 1977  
Parker & Allen (Nashville,  
Tennessee)

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*A just society is a living, breathing organism that requires continuous care by its custodians and healthy doses of inquiry, debate and awareness. For our legal system to function it must be accessible to all comers, not just to those who can afford it, and its integrity must lay beyond reproach. That requires a body of people dedicated to serving the law, not just the interests of the profession or individual pocketbooks.*

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"I challenge you to become a vehicle for creating a more just society and for making a difference in the lives of ordinary people. Keep to your purpose, and you will never regret your decision to study law."

It has been 17 years since I donned the black and purple robe and was presented with my UT law degree. Several months later, I took the lawyer's oath. Never once have I regretted my decision to study law or to become a lawyer. (However, there have been a few times I wished some other attorneys had chosen different occupations!)

When I started law school, I planned on a joint J.D.-MBA degree. I anticipated working my way up a major corporate ladder. Then I

took a trial advocacy class with Gary Anderson, both civil and criminal clinics with Walter (now Judge) Kurtz, followed by moot court with Judge Mahood—and that was the end of my MBA and my corporate ladder. I fell in love with the courtroom instead. It's an occupational hazard.

After law school, I got some great experience as an assistant district attorney for Cheatham County, Tennessee. I worked as an ADA for nine months (about all the time I could handle putting people in jail) and then went into private practice in Nashville. I hung out my shingle, so to speak, in 1978. I didn't make much money that first year, and I handled anything that walked through the door. In truth, I borrowed \$10,000, spent \$6,000 on a 1966 Jaguar convertible, and drove from gas station to gas station talking and passing out cards. (If you look successful, people think you are successful—and that Jag looked the part and got me clients. No one needed to know it used more oil than gas!)

One case at a time I have established a successful practice—actually, *practices* would be more precise. Purely on the business end, I concentrate primarily on representing plaintiffs in personal injury and product liability litigation. Let me tell you how I feel about that: I feel terrific!

I strongly believe that product liability litigation makes America a safer place for everyone. Liability breeds responsibility: when manufacturers are held accountable for their negligence, they become less negligent. One need only travel to areas where no product liability laws exist, such as South America, to count the human casualties of no-fault, no-responsibility production.

A good case in point, and one in which I have obtained a significant jury verdict in Tennessee (\$1.5 million) as well as numerous settlements across the country, is that of

a manufacturer who marketed and sold a device to the trucking industry for over ten years, knowing all the while that the device was inherently dangerous to the user. Thousands of permanent, sometimes catastrophic, injuries could have been avoided had the manufacturer invested another hundred or so dollars in each of the \$5,000 units it sold. Until we tapped the corporate well, the manufacturer denied the ability to retrofit the product.

As a consequence of our first verdict, and within one month of that verdict, the manufacturer began to implement the changes our expert had suggested to make the product safer. My pride in that case is not that we helped one client and his family, but that we saved hundreds, probably thousands of other truckers from devastating injuries. It was a case that truly made a difference.

In all of the hullabaloo about tort reform, much is being said about how litigation hurts big business and society; society seems a lot less concerned about how some big business hurts the individual. My job as a plaintiff's attorney is to redress the balance between big and little guy, using all of my experience and skills as an advocate to keep the courthouse doors open for everyone.

About my other "practice." This year I am serving as president of the Trial Lawyers for Public Justice Foundation. Inspired by Ralph Nader, I became one of the original founders of Trial Lawyers for Public Justice in 1980. TLPJ is a national public interest law firm that marshals the skills and resources of trial lawyers throughout the country. Through creative litigation and innovative work with the broader public interest community, TLPJ is dedicated to protecting people and the environment, to challenging corporate and governmental wrongdoing, to guarding the public's access to the courts, and to combating threats upon our judicial system.

TLPJ is currently supported by more than 1,800 lawyers. Together we take on a full range of public interest issues: from toxic torts and consumer rights, to civil rights and environmental enforcement projects. Since TLPJ's inception, I have served continuously on its board or as an officer and have had the opportunity to participate in some of its most noteworthy cases.

Recently, I participated *pro bono* in a case where TLPJ obtained the largest property damage settlement in U.S. history: \$750 million in a class action suit against Shell Oil Company, E.I. DuPont, and Hoescht Celanese for defective plumbing pipe.

Most recently, I handled a Clean Water Act case in Middle Tennessee which has led to the largest settlement in history for such a case in the southeastern United States.

In addition to my efforts with TLPJ, I have also been active in the Association of Trial Lawyers of America and have served on many of its committees and in elected offices. I do not consider any of this activity as extraordinary, but as a vitally important part of my career. Lawyers are custodians of the law as well as practitioners. This responsibility to society is not necessarily met within the confines of a comfortable professional "practice."

A just society is a living, breathing organism that requires continuous care by its custodians and healthy doses of inquiry, debate and awareness. For our legal system to function it must be accessible to all comers, not just to those who can afford it, and its integrity must lay beyond reproach. That requires a body of people dedicated to serving the law, not just the interests of the profession or individual pocket-books.

It's no secret that a great many lawyers are unhappy. They are frequently bored, moreover forgetful of the reasons they chose a career in

law. Many lawyers wish they were doing something else, but can't quite decide what they should be doing. Concurrent with this malaise is the public's perception of lawyers as a class of humans akin to used car salesmen—you've heard the jokes, right? Our credibility is not good. The misconception that justice serves the side with the most money ultimately hurts everyone. Worse, the public's negative perception of lawyers is coloring the public's perception of the law. There is no doubt in my mind that the negative image of lawyers today is being used to sell our system of justice short. In great measure, tort "reform" is a sanction against attorneys.

Our legal system, as well as the profession of lawyers, is at risk. It can only be set right again if we who bear the greater responsibility do our utmost to rekindle the spirit which inspired us to become lawyers in the first place.

To those of you considering the merits of a legal profession, my advice is to look beyond the material rewards. Think only of income projections and career curves and you may be disappointed—you may not find a profession to practice, only an unrewarding business to run. Rather, as would-be lawyers, I urge you to develop a proper respect for the value of law in our society and an understanding of your duty as practitioners. Above all, I challenge you to become a vehicle for creating a more just society and for making a difference in the lives of ordinary people. Keep to your purpose, and you will never regret your decision to study law.



Robert E. Pryor, Class of 1969  
Pryor, Flynn, Priest & Harber  
(Knoxville, Tennessee)

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*Trial litigators must have a strong heart, considerable patience and much stamina. Hand-to-hand combat requires special skills which one only begins to develop in law school. Before choosing litigation as a law career, one must examine his or her personality and will to fight.*

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After graduating from the UT College of Law in 1969, I spent the first four years of my practice as an associate in a medium-sized defense firm defending civil litigation. I had clerked as a law student with the firm and was happy to have an opportunity to practice with a good firm in the area of litigation, recognizing that not all law clerk positions lead to employment.

During my law school career, I had been attracted to civil advocacy primarily through programs which had been presented at the law school by the Association of Trial Lawyers of America. My moot court experience was rewarding, and I thought that perhaps trial work would give me the greatest career satisfaction.

Early in my career, I was fortunate to become involved in a great many jury trials, and in 1974, accepted an offer to become a partner

in a small but very active plaintiff litigation firm. I tried many challenging product liability, medical and general tort cases as a "born again" plaintiff's lawyer and found plaintiff's injury law to be more personally satisfying than my prior work defending.

As my practice grew and I began to specialize in highly technical and complex tort litigation, I found that I was quite comfortable in my role as an advocate for people who had been caused to suffer as a result of the negligence of others. I enjoyed and derived significant satisfaction from pursuing difficult cases for people who had experienced devastating and life-changing injury.

In 1981, together with Frank L. Flynn, Jr., of Knoxville, I organized a new law firm which for a short time was known as Pryor & Flynn. Frank had always practiced with his father, but due to illness his father had been caused to retire. Frank had a practice which was more general than mine, and we felt that our practices were compatible and complemented each other. Together we dreamed of building a small but active firm specializing in solving legal problems for people. We called it a "people practice," and we opened the doors to specialize in tort, domestic, criminal and general litigation law.

Our firm quickly grew to four when Tim Priest and John Harber joined our practice. We have grown slowly over the years adding only highly competent litigators with whom we were well acquainted. John Harber had been my law clerk and had practiced with me a short time before forming the new firm. Tim Priest had been my close friend for several years prior to becoming one of my law partners in 1982.

Over time, Mark Floyd and Don Coffey joined our practice. Mark Floyd had been our law clerk and Don Coffey had been my friend and law school classmate dating back to 1964. Our firm name was

changed to Pryor, Flynn, Priest & Harber in the mid-1980s, and our future growth is largely based upon the future law school graduation of our sons and daughters. Don Coffey's son, Chris Coffey, joined us in 1993, and we now have seven lawyers actively practicing in the same areas of law to which we first made our commitment in 1981.

Throughout my career, I have enjoyed the experience of teaching what I learned in law school and from my years of practice. I taught business law in the UT College of Business Administration for several years in the early 1970s and since the late 1970s have taught trial practice at the UT College of Law. I have found that I am most content when I have teaching responsibilities, and the teaching of trial practice has made me a better advocate than I otherwise would have been.

Over my 25 years of practice, I have made three career decisions, and they have all been amazingly successful and well-timed. I am not sure exactly how that happened. I have been quite fortunate in that I have enjoyed all of my law associations dating back to my days as a law clerk. I have never really had an unhappy relationship in the practice of law and somehow always knew when it was time to make a change.

Litigation practice is not for everyone. It is quite frustrating and stressful to daily deal with clients who are trying to make it through a very difficult time in their lives. The trial of a lawsuit is a very delicate and highly precise experience. It is important not only to adequately prepare a case for trial, but the presentation of the case during the trial is a very stressful ordeal.

Trial litigators must have a strong heart, considerable patience and much stamina. Hand-to-hand combat requires special skills which one only begins to develop in law school. Before choosing litigation as a law career, one must examine his

or her personality and will to fight. However, it is a great feeling to successfully conclude a case for a client and know that through your advocacy skills, knowledge of the law, and understanding of human nature, you have improved your client's circumstance. Certainly, winning a highly contested lawsuit is one of the greatest satisfactions in the practice of law.

What success I have experienced as a lawyer and an advocate can be attributed to my willingness to work hard, a dedication to my clients, and my good luck or good judgment in associating myself with talented and skilled lawyers and staff.

## General Civil: Combination

**Bruce Anderson, Class of 1975  
Butler, Vines & Babb (Knoxville,  
Tennessee)**

*... try to find out everything you can about the lawyers with whom you will be practicing. I have learned over the past 18 years that practicing law in the wrong environment can be miserable, and conversely practicing law in the right environment can be both satisfying and rewarding.*

I always planned to be a lawyer—even as a kid. Law and medicine were the most highly respected professions back then. The strange thing was that I had no idea what a lawyer actually did. Unfortunately, this was virtually true even as I was graduating from law school. My entire knowledge of how a lawyer spent his time was learned from television and movies. Lawyers wrote contracts and went to court.

Law school taught me the practice of law was somewhat more diverse than contracts and litigation, but it still did not prepare me for most of the more practical aspects of the practice of law. For example, I was not prepared to answer the question of where I should practice or the importance of that decision regarding my legal career. For me, a job was a job and practicing law was practicing law. I have learned over the past 18 years that practicing law in the wrong environment can be miserable, and conversely practicing law in the right environment can be both satisfying and rewarding.

My first job after law school wasn't even a job at all; or at least a

job with a salary. I shared office space with several lawyers in an "association." Rent, secretaries' salaries, and other overhead expenses were split equally among the lawyers. In essence, I was hanging out on my own shingle, however, I had one advantage in that the other lawyers had established practices and would refer me business. Unfortunately a lot of this work was stuff that the other lawyers did not want to handle because it was not particularly profitable.

With no salary, I was not in a position to turn away any business. Consequently I got considerable experience in just about every area of the law. I drafted contracts, handled divorces, formed corporations, and handled just about every other type of legal problem imaginable. Unfortunately practicing this way was extremely inefficient because I would often have to spend a great deal of time learning a new area of law and might never have another case like that for months or even years.

I tried my first lawsuit after I had been practicing a few months, and I was immediately hooked on being a trial lawyer. Fortunately one of the lawyers I was associated with had an established insurance defense practice, and I worked closely with him on his cases. I was able to get into the courtroom trying lawsuits at least several times a month. Although I wanted to concentrate on being a trial lawyer, it was virtually impossible to do so in a general practice. In order to make any money, I had to handle anything and everything that came in the door.

I stayed in this practice for about six years. As I gained more experience and became more familiar with other lawyers in Knoxville, I began to realize that I would probably be happier in a more structured law firm which was better suited for practicing as a defense trial attorney. The problem was that I had

almost waited too long to make a move because a lateral move into a firm is often very difficult. Most law firms were reluctant to move a lawyer with my experience in over younger lawyers who had been with their firm for several years. Likewise they were reluctant to meet my salary expectations.

While I was going through the process of interviewing with law firms, I was once again rather naive. Although I now had considerable knowledge about what lawyers did and knew in which area of law I wanted to specialize, I did not have much knowledge about how law partnerships functioned. I was letting law firms interview me, but I was not interviewing the law firms. I had no idea that law firms had personalities, and I thought that all law firms were essentially the same.

After talking with several firms, I was hired by a firm that was evenly split between commercial practice and trial practice. I was essentially able to specialize and do nothing but try lawsuits. Although there was a significant loss of independence in a law firm because I was answerable to my partners, I did not mind because I was getting to try lawsuits.

My firm was extremely demanding of its lawyers, requiring in excess of 2,000 billable hours per year. In addition, each lawyer's position in the firm was dictated by the gross dollars brought in each year. None of this bothered me because I worked hard and my hours and fees were competitive with the other lawyers. Unfortunately, I soon learned that being competitive in your hours and income was not enough. Politics permeated the firm, and anyone who was not competitive in the politics of the firm soon found him/herself maneuvered out of the firm. I eventually realized that the lawyers in my firm did not care about each other, but instead only cared about making more money and fighting about who had

control of the law firm.

My personality did not fit the personality of the law firm. I tried to play the game for several years but was extremely unhappy. The thought of practicing law in this environment another 25-30 years was simply unacceptable, and I decided to leave.

By this time, I had been practicing law for about 13 years. Not only did I know the type of law I wanted to practice, I now knew what type of law firm I wanted to be a part of. Unfortunately with 13 years of experience, it became more difficult to make a lateral move. Moving was made even more difficult by the fact that this time I was only willing to move to a law firm where the partners' philosophy was the same as mine. The bad news was there were only two law firms in Knoxville that met my criteria; the good news was one of those firms was willing to offer me a position.

My present law firm is a perfect fit for me. While everyone works hard to win lawsuits and make money, the lawyers genuinely care about each other and also realize that there is more to life than practicing law. The practice of law is now far more satisfying because I am comfortable with those people I practice with.

For those students who are looking to go into private practice, I would suggest looking carefully at all of the options. Law school today does a much better job of helping law graduates find jobs; however as I learned in my legal career, finding a job does not necessarily result in job satisfaction.

First decide if your personality is suited to private practice, and if so, is it more suited for a structured law firm or a looser association. Although a solo practice is always a possibility, it is not one that I would recommend to law students. Law school does a better job today of preparing law students for the practice of law; nonetheless, it takes

many years of practice before you become very competent. There are many mistakes being made along the way, and those mistakes will be fewer and less devastating if you have older and more experienced lawyers to practice with and help you through the learning periods.

Regardless of whether you decide to practice in a law firm or in an association of lawyers, find out everything you can about the lawyers with whom you will be practicing. Try to make sure that your goals and your philosophy of both the practice of law and of life is compatible with those lawyers. Job satisfaction means more than making a lot of money or a fancy law office. It means enjoying the people that you are practicing with and enjoying the type of law that you practice. If either of these are missing, you will never enjoy being a lawyer.

While finding the right people to practice with was difficult, I knew almost immediately being a trial lawyer was the right area of law for me. The constant challenge of trying to win lawsuits is the most satisfying part of being a trial lawyer. The challenge of convincing 12 people that my client should win exists in every single trial, and every trial is different. Success and failure are easily measured for a trial lawyer because in every case someone wins and someone loses.

If you are interested in being a trial lawyer, I would suggest the following:

- Get into the courtroom as often as possible.
- Do not expect to be a great trial lawyer overnight. For most of us it will take many, many trials to become competent, let alone good.
- Be yourself. One of a trial lawyer's biggest assets is sincerity. A jury will not vote for your client if they do not believe you are sincere, and they will not perceive you as sincere if you are trying to adopt the

style of some other lawyer. We all know a great trial lawyer when we see one; however, some of the most successful trial lawyers are not lawyers that would particularly impress you in the courtroom by their eloquence or demeanor. They win because the jury believes what the lawyer says is true.

• Be prepared. Even the best trial lawyer will lose in the courtroom if he or she has not done the necessary preparation before stepping foot in the courtroom.



C. Bryant Boydston, Jr.,  
Class of 1974  
Boydston, Dabroski & Lyle  
(St. Petersburg, Florida)

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*I have over the years found it very satisfying to be involved in community and bar-related work. I believe that lawyers have a great responsibility to give back to their communities, particularly to help the bar association to do the things that are necessary to regulate and govern our profession so that its future can be secure.*

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When I left UT to return to Florida in 1974, I knew that I wanted to be a trial lawyer but I had no actual job in hand and was not sure where I would end up once I successfully negotiated the Florida bar exam. I was fortunate enough to be hired that year by a firm known as Bradham, Lyle, Skipper and Cramer and taken under the wing of a former Tennessee lawyer, James R. Lyle, who happened to be the senior trial partner in the firm. Jim had practiced in Kingsport for many years before moving to Florida in the early 1960s.

Bradham, Lyle, Skipper and Cramer was a firm of 20 lawyers that focused its efforts primarily on the defense of personal injury cases. As the new lawyer on the block, I handled everything from subrogation

cases to domestic relations matters to the writing of simple wills, and just about anything else that came in the front door.

Starting out at this level and dealing with so many different types of legal problems was an invaluable learning experience for me. I was also cutting my teeth on the defense of personal injury claims along the way. Being able to touch a variety of different areas of the law also helped me to learn early on which areas I found the most satisfying and which ones I didn't really want to pursue in the future.

Over time I concentrated more and more in the area of personal injury work and the defense of insurance claims. Over the years I found products liability work to be particularly interesting, and I concentrated my practice in that area. I had the good fortune to represent an insurance company who insured one of the large asbestos manufacturers and had the opportunity to be their lead counsel for the State of Florida for several years prior to the evolution of the defense of those claims into the Wellington Group.

I have also had the privilege to try lawsuits and appear in front of judges throughout the state from Miami to Pensacola. The primary focus of my practice is along the central west coast of Florida from the St. Petersburg/Tampa area down to Fort Myers.

As time went along I found that I had a knack for law office administration. I eventually became the managing partner of what was then known as Lyle & Skipper. We had 25 lawyers with offices in three geographic locations. That proved to be a very challenging time when I was trying to balance the demands of overseeing the running of a firm of that size as well as maintaining some semblance of a legal practice at the same time. I found that while running a firm is quite challenging, it was certainly not as satisfying to me as working on and trying lawsuits.

About two years ago, after a lot of thought, some of my partners and I decided that we were more interested in pursuing our personal injury practice and concentrating on complicated litigation matters rather than trying to perpetuate a full service law firm in today's legal climate. Accordingly, four of my partners and I started a new firm known as Boydston, Dabroski & Lyle. The same gentleman who started me on my legal career and gave me a tremendous amount of guidance and insight along the way—Jim Lyle—is still my partner. I have three other graduates of the undergraduate program of the University of Tennessee as partners with us.

We still do a lot of insurance defense work, but we also handle more and more plaintiff's cases. We concentrate on complicated tort matters, medical malpractice cases, construction litigation, and product liability cases. I am currently representing 550 women who have brought claims against the manufacturers of their breast implants. I am also defending a local municipality in a multi-party toxic exposure case that has been going on for several years now and represents an opportunity for a protracted trial if it is not settled.

There are only eight of us in our current firm, and I have found the smaller size of our firm to be an invigorating change. It has freed me up from some of the administrative responsibilities I had in the larger firm to concentrate more on what I enjoy the most—trial work.

I have over the years found it very satisfying to be involved in community and bar-related work. I believe that lawyers have a great responsibility to give back to their communities, particularly to help the bar association to do the things that are necessary to regulate and govern our profession so that its future can be secure. I have served on grievance committees and unau-

thorized practice of law committees as well as other bar committees over the years.

I have also held office twice in our local bar association, and I am currently serving on the Client's Security Fund Committee of the Florida Bar. This committee has the unenviable task of reimbursing clients who have had money stolen from them by their lawyers. It is gratifying to be able to have a fund available from a portion of our dues to provide redress to people who have been wronged by former members of our profession.

While I found my law school education in a general way at the University of Tennessee to be very helpful to me in preparing for my profession, I believe my legal clinic experience was the one that helped me the most. The opportunities I had to meet with clients, learn how to set up and maintain a file, do real-life legal tasks and research that had a practical application to a specific case (rather than to a test paper or a brief for a class) was the best training one could have for what the real life practice of law would be like. I encourage anyone who has not participated in that experience to do so.

The practice of law is a labor of love to me. I strongly consider it to be my calling in life and don't know of anything else I would rather do. It has been a wonderful way to earn a living while doing something I enjoy for the last 20 years. At the same time, it has become less enjoyable and more frustrating in the last five or six years as the number of lawyers, at least in Florida, has grown very rapidly. When this is combined with the sagging legal economy and the inability of much of the public to afford legal services, it has made things much more difficult than they once were.

In addition to that, the emphasis on a law office being run as a business is both a plus and minus in my view. While there are certain

things that lawyers can do better in running their offices as businesses, I find the emphasis on the bottom line to be slowly destroying what collegiality there is left among many segments of the bar.

The more I have experienced competition, the more firmly I believe that professions were never designed to function at their highest and best level in a highly competitive market. I believe that legitimate legal claims of individuals are either ignored in this environment due to bottom line thinking or cases that in past years no one would have even touched are now taken and filed simply because a lawyers doesn't have any other work to do. I find that very frustrating and doubt that our image as a profession can ever truly improve as long as the business climate remains the way it is now.

Still, all is not dark and dreary. This is still the greatest way to earn a living that I have ever seen. It is intellectually challenging and emotionally satisfying most of the time, and I think that is better than a lot of other ways people choose to spend their lives.

I would advise anyone intending to pursue a legal career to look carefully at themselves and ask whether they are doing this simply because they think it is a way to make a lot of money or because the law and the possibility of helping people in handling complex problems appeals to them so much that the idea of doing something like that transcends the money involved. If you become a lawyer for the latter reason, I think you will be much less frustrated with it over the years with its inevitable ups and downs than if you simply look at it as a way to have a lucrative financial future.

I will always be grateful to the professors who guided and chided me along the way during my three years at the UT law school, and I hope the last 20 years have treated

all of my former classmates well. My life is richer for the time I spent in Knoxville and, amazingly, I can still remember portions of Professor Durwood Jones' introductory speech to my class our first week of school. I can report that he was correct when he said that after he and the other professors were through with molding our minds that hostesses at cocktail parties would be reluctant to invite us because all of the lawyers would go over in the corner and talk only to each other all night.



John J. Thomason, Class of 1952  
Thomason, Hendrix, Harvey,  
Johnson & Mitchell (Memphis,  
Tennessee)

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*Trial practice is difficult. The stakes are high, emotions are involved, and the adversarial confrontations, by their very nature, are stressful. If living a full life involves 100 percent participation in the task at hand, then law practice has given me an opportunity to be all I can be.*

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Several years ago, just for the fun of it, I made a list of the ten people who had had the most significant impact on my life. Harold C. Warner, who was one of my professors at the University of Tennessee College of Law and was later dean of the College, was on the list. His energetic intelligence and profound interest in the welfare and education of each of his students helped me to understand that to be given the privilege to practice law provided an unparalleled opportunity to be of service to individuals, the justice system and the community.

My first classes at the University of Tennessee College of Law were conducted in makeshift quarters at the Church Street Methodist Church. After Christmas that year, we moved into that brand new building on Cumberland Avenue. Then, as now, UT strives to offer

law students a first rate faculty teaching in modern, efficient surroundings.

Upon completion of law school, Colonel Warner, who held a commission in the Army Judge Advocate Reserves, steered me into that branch of the military which led to two years as a trial lawyer for military courts in Germany. After that I returned to Memphis and have practiced here for 40 years, primarily as a trial lawyer.

In 1967 Frank Crawford (another UT graduate who is now on the Court of Appeals), Roy Hendrix and I formed a new law firm which today has grown to almost 30 lawyers. Over the years, my practice changed from personal injury and criminal trial work to corporate and professional liability litigation. So, I have been involved in the resolution of disputes since I began practicing law in Europe in 1953.

The practice of law has provided me with the opportunity to utilize to the utmost every talent that I possess. My expertise is in trial practice, but I seldom prepare two cases having the same subject matter. Consequently, my daily activities have been varied and challenging.

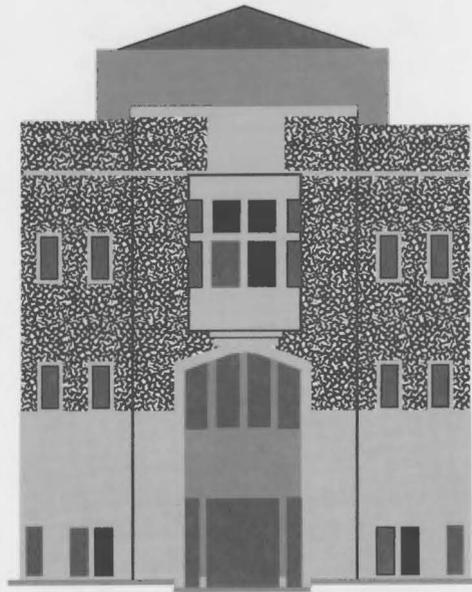
Trial practice is difficult. The stakes are high, emotions are involved, and the adversarial confrontations, by their very nature, are stressful. If living a full life involves 100 percent participation in the task at hand, then law practice has given me an opportunity to be all I can be.

Another gratifying aspect of law practice has been the relationship I have had with my partners. The bond I share with them is second only to that I have enjoyed with my family. To be associated with high-minded, intelligent, hard-working individuals who are also dedicated to professional standards of excellence and service has been an experience I did not anticipate, but have thoroughly enjoyed.

The nature of my law practice

frequently brings me in contact with lawyers from other parts of the United States. Because of the quality of the legal education I received at UT, I have always felt equal in training to any adversary. With the foundation I received in Knoxville, I have found that success in adversarial encounters usually depends upon preparation.

All my adult life, I have been a lawyer. Since graduating from law school I have never been gainfully employed in any other capacity. Not every law school graduate will want to follow that course, but if one does, and if one is suitably equipped for that career, it is my belief that the rewards received—in terms of making for oneself a satisfying, exciting and useful life—will not be surpassed in any other field of endeavor.



# Transactional Attorneys

## Banking & Bankruptcy

Patricia Horton, Class of 1981  
Evans & Petree (Memphis,  
Tennessee)

*Legal education certainly trains you to organize your thinking, and formulate and execute a plan in a short period of time.*

When I was asked to write a "career profile" for an issue of *Lawyers of the Present* which focused on private practice, I was concerned about having something interesting to say. There are many attorneys in private practice in medium-sized law firms specializing in commercial litigation and banking. My somewhat interesting story may be in the way I got there.

During law school, I clerked in the DA's office in Knoxville and enjoyed criminal law. When a position at the Public Defender's office came open, I accepted it. It took about six months (and the loss of about 20 pounds) to realize this was not the job for me. Besides the weight loss, there were two other benefits from working in the PD's office. First, I was exposed to people whose lives had been very different from mine. For the most part, my client's backgrounds were chaotic and often violent. Next, I worked with attorneys who, despite ridiculous case loads, were incredibly dedicated to their work.

In a complete change of courses, I accepted a position with the Federal Deposit Insurance Corporation, which was staffing up in Knoxville following the collapse of a number of banks in Tennessee. As a staff attorney in an office which grew to approximately 25 attorneys, we handled the closings of financial

institutions and the resulting legal work. Over the years, we traveled to troubled institutions all over the eastern United States and Texas. Although the travel was often draining and certainly took its toll on our personal lives, for the most part, the work was enjoyable.

We handled commercial litigation and receivership cases (under federal law) which often involved millions of dollars. We worked on the entire gamut of institutions; from small community banks to billion dollar institutions under adverse conditions (insufficient staff, equipment, space, etc.). One attorney had to make confidential calls from a corner phone booth because the headquarters of a small bank was in a trailer which did not have a separate office. Another benefit was the fact that we worked with some of the more experienced attorneys in the surrounding areas either as outside counsel or as opposing counsel.

This job also taught us the triage method of dealing with problems that arose. In the somewhat turbulent hours following a bank closing, we were forced to prioritize the emergencies (temporary restraining orders getting first priority in most cases), organize the available resources and reach some resolution, even if it was temporary. Legal education certainly trains you to organize your thinking, and formulate and execute a plan in a short period of time.

Another benefit of working for a federal agency shortly after law school was the training the agency provided. Some of the week-long seminars we attended would be difficult to do in private practice. Also, the computer training provided skills I use on a daily basis in private practice.

The shift to private practice added an economic element to practicing law. This was one aspect of the profession which had not previously affected my daily life. I

am fortunate in that I work with people who seem to have honed it into an art form.

In summary, I think a legal background certainly expands your options and permits you to do things you could not have imagined prior to law school. It provides a framework to resolve problems or accomplish goals by compelling the identification of issues and the formulation of a plan of action. This analytical ability may be the principal skill acquired in law school and is applicable to any job. Also, it is clear this problem-solving ability may be the legal profession's main contribution to society.



Mary C. Walker, Class of 1965  
Walker & Walker (Knoxville,  
Tennessee)

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*Practicing bankruptcy law has been extremely fulfilling—and never dull. . . . My advice for any law student is to learn to type and to become very familiar with computers. It is readily apparent to me that the chip is the key to successful lawyering in the next millennium.*

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Upon graduation from law school in 1975, I was offered a job in Washington, D.C. in an area of law with which I was not at all familiar, transportation law. In the beginning I was thrilled to be back in the East in a city that I remembered from the 1960s as very exciting. Having moved with my 5 1/2 year old son, the first days were very busy. We found a wonderful apartment and a great kindergarten and for the next two years I revelled in all of the details that make Washington, D.C., so special.

Although I had taken administrative law in law school with Professor Toxey Sewall, I truly did not appreciate the significance of the Administrative Procedures Act (APA) until I arrived at the Interstate Commerce Commission (ICC). Having grown up as a girl of the 1950s and 60s, I came to understand not only the APA but the

meaning of “tractor-trailer” and “eighteen wheeler.” For the first six months of my tenure at the ICC, I worked in the Office of Proceedings in the section of Rates. As I had been an economics major in college, I enjoyed working in this section.

At the end of my first year at the ICC, I was promoted to the Office of the General Counsel. Twenty other lawyers and I did all of the major appellate litigation for the ICC, because the Commission was one of only four or five agencies in Washington that had independent authority to appear in district and appellate courts without lawyers from the Justice Department. In my case I only needed approval from designated lawyers in the Antitrust Division of the Justice Department on the briefs I wrote for my appellate cases.

The College of Law at the University of Tennessee was well-represented in Washington. I often saw and associated with other alumni who were working in various capacities in the capitol. A career in this city would be fascinating for any law grad.

In 1977, I found it necessary to move back to Knoxville so that my son could have closer access to his father. The government paid for my move to my new job in Oak Ridge where I worked in the Office of Chief Counsel. This office also consisted of about 20 lawyers who could not do any independent litigation. I worked in Oak Ridge for exactly one year to pay back the government for my move to Tennessee, but the work in Oak Ridge could not compare with the work in Washington, D.C.

In 1978, a law firm in Knoxville, Fowler and Rowntree, offered me a job. At this time, this firm had won two large antitrust judgments against the United Mine Workers and was having some difficulty establishing a new direction and foundation. I mostly did small bankruptcy matters for this firm, but in

1983 my first large bankruptcy case took place in Boston, Massachusetts, for about 3 years.

My client, a public utility in an adjacent county, was drawn into a massive Chapter 11 bankruptcy case in Boston. The local debtor's case was consolidated with the bankruptcy cases of two related entities in Boston. My client was appointed to the creditors committee and I became its designated representative. This case was extremely exciting because it involved the paper industry which is very large and its commodity is very price sensitive. I would fly to Boston at least once a month for a creditors committee meeting. The travel alone was challenging: I would arise at 4 a.m. to get to Tyson by 6 a.m. I would travel by way of Atlanta or Cincinnati for a noon meeting in Boston and fly home that evening.

This became even more fascinating in 1984 when I was pregnant with my last child. About this time I began to realize that bankruptcy was my specialty. Two things happened in this case that I had never experienced. An examiner was appointed right at the beginning of the case; and at the end of the case, it was converted from its original Chapter 11 to Chapter 7.

In 1983 the partnership was dissolved and various partners sought new firms with which to practice. This bouleversement prompted my husband and me to form our own law firm, financed initially by two large bankruptcy cases, the bankruptcy in Boston and a Butcher-related bankruptcy. It was exciting finally to be running our own show.

The early 80s saw the growth of “boutique” law firms, and we knew we had a bankruptcy boutique. Even better, at about this same time, we were hired to be involved in the largest bankruptcy case in the country, the LTV case. This Chapter 11 behemoth lasted seven years. As members of the creditors

committee, my husband and I went to cities such as Dallas, Cleveland, Chicago, and New York city at least once a month. The trucking industry in Washington and the paper industry in Boston had been interesting, but LTV was engrossing and fascinating. Every aspect of bankruptcy law was to be found in this case. It was exhilarating to be playing in the Big League.

During the pendency of the LTV case, I was appointed by the local bankruptcy judge to be on the panel of Chapter 7 trustees for the Eastern District of Tennessee. For the seven years I have been on the panel, I have participated in many interesting cases, culminating in the most fascinating case of all, Draughon's College, which filed for liquidation in January, 1992. It's the biggest case in our office now and there is no end in sight.

Practicing bankruptcy law has been extremely fulfilling—and never dull. The members of the creditors committees in Boston and New York became like families to me. Since I am still involved in bankruptcy circles, I see various friends frequently.

Although I have been distressed *many* times by the continuing discrimination against women in the practice of law, I have tried to either ignore it or rise above it. I was diagnosed with multiple sclerosis in 1987, but I try not to let it overwhelm me or keep me from practicing. I am slowly learning about computers but I will never become a whiz. My advice for any law student is to learn to type and to become very familiar with computers. It is readily apparent to me that the chip is the key to successful lawyering in the next millennium.

## Commercial

Teresa D. Davidson, Class of 1984  
Davidson & Associates, P.C.  
(Phoenix, Arizona)

*Never tell a client that a transaction structure will not work unless you are prepared to discuss alternatives.*

I founded Davidson & Associates, P.C. in June 1993. As of September 1994 the firm had three other employees (including a part-time law clerk from UT). Our practice is limited to general business law and commercial transactions—no litigation. We emphasize asset-backed finance, including equipment leasing, and banking and financial services.

Having entered law school to become a professional sports agent I am surprised to find myself still in private practice ten years after graduation.

My career plans changed dramatically after I worked as a graduate student advisor to the men's basketball team during my first year of law school. Yes, that was the year several starters were declared academically ineligible. During law school I also tended bar, worked in the Placement Office, was a teaching assistant, and clerked for firms in Knoxville, Memphis and Tampa. Somewhere along this journey, I decided to be a transactional attorney.

During fall of third year I accepted an offer from Snell & Wilmer, the largest firm (then and now) in Arizona. As an associate in the corporate securities group I worked on acquisitions and securities offerings. The learning curve was steep and intimidating but the

experience was invaluable. Frequent trips via first class airfare with wining, dining, Broadway shows, and stays in luxury hotels were initially benefits (especially when the toddler at home had an ear infection). Disadvantages included all-nighters, an unpredictable schedule, receiving faxes at Disneyland, and the realities of business travel (working in a New York high rise at 3:30 a.m. during a brown-out in August).

For several reasons (which make "L.A. Law" appear tame), I began a trek in February 1988 that made stops at three Phoenix law firms during the next five years. I finally made the leap out on my own in June 1993. My areas of practice have remained consistent for the past eight years, with the exception that I no longer represent issuers in public securities offerings. I have had several institutional clients since 1985, and we also represent local Phoenix businesses in general corporate matters.

### Random and Rambling Thoughts on Law School

- Don't take law school or yourself too seriously.
- Rump Court was a valuable experience.
- Professor Lloyd's Uniform Commercial Code class and Professor Jones' Tax II class were extremely valuable during the first couple of years of practice though my GPA did not survive Professor Jones.

### A Few Negatives

- My securities course focused primarily on 10b-5 and ignored registration and reporting issues.
- I entered practice with no knowledge of the meaning of "due diligence," "third party opinions," "audit letter responses," "comment letters," or "red-lining." Recent graduates entering the Phoenix market seem no better prepared.
- Real world practice experience and the ability to utilize that

experience in the academic arena should be the most important factor in faculty tenure consideration. Clients are no longer willing to pay for the training of new attorneys.

### Survival Recommendations

- Seize any opportunity for seminars or clinics on negotiating the terms of and drafting documents for transactions.

- If you skipped accounting and economics as an undergrad, take the courses now. The background is crucial in understanding the business and goals of your clients.

- Become computer proficient (not just literate) and a touch typist.

- Develop and maintain interests and work experience outside the law. Clerking experience is useful but non-legal jobs can provide invaluable training and experience.

- Make a regular habit of reading (or at least skimming) the local newspapers and business journals, the *Wall Street Journal*, *Business Week*, *Forbes*, *Fortune*, *American Lawyer*, and the *National Law Journal*.

- As a new attorney, never rely solely on the accuracy of a conclusory remark made by a secondary source. Secondary sources include your supervising attorney, law review articles, bar review materials, and textbooks. Go straight to the primary source.

- Do not pretend to know all the answers.

- Clients and opposing parties often have a hidden agenda—listen for the unspoken.

- We all make mistakes, but malpractice occurs when those mistakes leave the office.

- Checking your work and confirming your client's understanding of your advice is crucial.

- Write succinctly and in plain English whenever possible.

- Success in any career, whether practicing law or tending bar (which pays more on an hourly rate than practicing law) does not arise from a 9-to-5 work ethic.

- Keep your general legal

knowledge as current and as broad as possible but develop areas of specialty which distinguish you from other attorneys in your given market(s).

- Be courteous and polite to everyone, notwithstanding due provocation otherwise.

- Develop a network of attorneys and business associates to serve as a sounding board. The network should be reciprocal.

- Find a mentor, preferably from outside your organization.

- Walk away from clients who do not pass the "smell" test.

- If making copies or sending faxes offends your sensibilities, a small firm transactional practice is not for you.

- Never tell a client that a transaction structure will not work unless you are prepared to discuss alternatives.

- Success relies on repeat business from existing clients.

- Never promise what you cannot deliver.

- Maintaining your sense of humor and an appreciation of irony will soften the inevitable encounters with a manic/depressive supervising attorney and/or client and/or opposing attorney.

My practice is usually enjoyable and challenging. No two transactions are ever identical. Much like an architect or engineer, I deal with hard assets (even without counting the two feet of paper generated at a closing). I derive personal satisfaction from flying on a plane acquired by a client in a transaction negotiated, documented, and closed by our office. I occasionally miss the administrative support and peer review provided by a larger organization. Final responsibility for firm policy decisions can be frightening and is usually a headache (collections and malpractice renewal forms are migraines).

In a more perfect world faxes, overnight delivery, and cellular phones would be illegal. My dream

life involves winning the lottery, living on the beach, practicing law and teaching part-time, my husband satisfying his desire to be a star on the PGA tour, and my children being model citizens and skipping the rebellious teenage years. Until then (and I'm not holding my breath), onward and upward.



Julie N. Jones, Class of 1977  
Bass, Berry & Sims (Nashville,  
Tennessee)

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*My advice to students interested in any transactional practice, especially one with emphasis on financing transactions . . . is to take some business and accounting courses, even if you have to go across campus to do it.*

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I am what has been known over the years, serially, first as an “office lawyer” (too dull), then as a “deal lawyer” (too slick) and now as a “transactional lawyer” (a little dry, but the best so far). I practice with Bass, Berry & Sims, a large firm by Tennessee standards. While the firm is almost full-service (virtually no criminal matters and domestic matters only rarely, but almost everything else), my own practice is fairly specialized and consists primarily of representing lenders and occasionally borrowers in large commercial financial transactions—loans, leases and other more exotic and complex structures, most in the multi-million dollar range.

Most of my lender clients are national banks, and most of the loans are secured by collateral other than real estate, such as accounts receivable, inventory, securities, intellectual property (copyrights, patents and trademarks), and various kinds of equipment (recent

transactions have involved huge mainframe computers, construction cranes, semitrailers, disc mastering equipment for the music industry, and aircraft and manufacturing equipment).

On August 20, 1994, I celebrated my 15th anniversary at Bass, Berry & Sims, and at about the same time the firm achieved the 100 lawyer mark. When I joined the firm in 1979, I was one of a class of three that brought the firm to a total of 36. I have practiced the entire 15 years in what is loosely and variously known as the firm’s commercial, banking and bankruptcy department, or just the commercial department.

I began with an emphasis in bankruptcy but with some commercial financing work. I shifted gradually toward the financing work, and between my third and fifth years I left bankruptcy behind, having found that I prefer the relatively steady and controllable process of analyzing, structuring, drafting and negotiating toward the outcome of a loan closing to the combination of highly structured litigation procedures that usually entail messy, and too often hopeless, business realities that prevail in commercial bankruptcy.

Admittedly my description of bankruptcy practice is affected with negative bias. I have friends who wouldn’t trade their daily forays into the world of insolvency for anything. And, to give that world its due, I am grateful for the experience and knowledge I gained there. My years in bankruptcy law have been invaluable in making me constantly aware of what pitfalls await the secured lender who turns out not to be clearly and fully secured. Keeping clients out of this position is one the primary goals of any good commercial lending lawyer.

Before entering law school in June of 1975, I had been a teacher for more years than I care to admit in print. I completed law school in

August of 1977 by going straight through (including three summers), which was much easier to do then than now because a fairly full curriculum was offered year round. For the next two years until I started at Bass, Berry & Sims in 1979, I clerked for Judge L. Clure Morton on the U.S. District Court for the Middle District of Tennessee. This experience, like my early years in bankruptcy practice, also helps me in my current practice—and in a similar way.

Every transactional lawyer needs to understand that one of the purposes of any written contract is to provide a record of the agreement between the parties to be used when they no longer agree and end up in litigation. Clerking helped me understand what a court finds to be really important and how a court is likely to view a particular situation. The judge and the clerks who assist the judge are there to bring a human element to the interpretation of the law and, except in jury trials, to the finding of facts. One thing I learned is that the “smell” test is often as important to them as any legal test.

As I think about which law school classes and experiences have helped me in my current practice, I find that most of them have been useful in some way—some more than others and some indirectly rather than directly, but surprisingly few have been totally beside the point. Obviously the ones more geared to a litigation practice have little direct application for me now, but they helped prepare me for my clerkship and bankruptcy experiences, which in turn continue to benefit me in the ways I have already described.

I did not take a bankruptcy course in law school and would not—and should not—have tried to enter that area of practice except that the then-new U.S. Bankruptcy Code was coming into effect on October 1, 1979. Thus, everyone

was having to learn it at the same time, old hands and neophytes like me alike. Courses that I could not do without in commercial lending include some of the most basic, such as contracts and corporations, and some of the most obvious such as secured transactions, land finance, and legal accounting.

One law school course that deserves special mention, both because it is one of the most important in terms of almost daily application to my practice and because it was a course that many students (myself included) regarded as nonsubstantive ticket-punching is legal ethics. I believe it was called professional responsibility back in the mid-70s, and I am not sure what it is called now. Whatever the name, I cannot stress enough how important it is for practicing lawyers to have a thorough working knowledge of ethical principles. Issues arise when there is no time to re-read and re-hash the Code of Professional Responsibility.

A lawyer needs to be ready to respond decisively and correctly when asked (and these are just a few examples) to represent a client in the face of a possible conflict of interest, to take a position on behalf of an existing client that might violate the canons, or to divulge information that may or may not be privileged. A good foundation in ethics is important to lawyers in every area of the law and type of practice, and it is crucial to good business as well as professional honor. Huge judgments have been rendered against firms that skirted or ignored ethical problems.

My advice to students interested in any transactional practice, especially one with emphasis on financing transactions (and this includes a corporate practice representing companies that need to borrow money, as they all do at some time and in some form), is to take some business and accounting courses, even if you have to go

across campus to do it. The legal and business issues that will face you and your clients are often "inextricably intertwined," as we like to say in the law, and the more you understand about the business aspects the better.

The legal accounting course I took in law school was helpful, but I had had no other business training and little business experience. I have learned the hard way (so far not too hard) that I cannot always rely on the lender to know if the financial covenants I have drafted in a loan agreement really accomplish the lender's intended purpose, really reflect the agreement of the parties, or even really work at all. It is impossible to practice law without learning some things the hard way, but the fewer the better—for your clients, for you and for your mal-practice carrier.

When I am asked the frequent question, "What kind of law do you practice?" my answer, "commercial lending," usually produces a glazed-eyed response. (Once I made the mistake of mentioning the Uniform Commercial Code to a non-lawyer, who gathered that I spent my time delving into the legality of advertisements for standardized clothing.)

If my inquirer doesn't wander away immediately, the next question—sometimes verbalized and sometimes just conveyed with a puzzled expression—is "Well, what is it that you actually do?" I try to keep my answer conversational, but the print version is this: in a typical day I spend time drafting documents and correspondence, meeting with the human embodiments of my institutional and corporate clients, and talking on the phone with other lawyers, both locally and around the country, with clients and sometimes with governmental officials.

Many of my contacts with people are at least cordial, many are quite pleasant and some even fun. Enough of them are adversarial to

satisfy my need for a good argument now and then, the trait that led me to law school in the first place.

On a less typical day, I will have a closing that may last from an hour to all day (sometimes longer). A closing is the transactional lawyer's almost-equivalent of a trial. It is preceded by an increasing frenzy of preparation spurred by the concern that everything may not be done in time and the fear that something important may be overlooked, and it is followed by a period of mental recovery that makes productive work almost impossible but provides a good time to wander the halls and renew ties with colleagues.

In addition to generally rewarding contacts with clients and other lawyers, I enjoy learning about different industries, their products, processes and properties, which are the real world stuff underlying commercial financing transactions. Also, people can get fairly emotional about large sums of money, and so my practice involves enough excitement for me. It's not "Perry Mason," it's not even "L.A. Law," and it will never be on "Court TV," but I'm not complaining.



J. Christopher Kirk, Class of 1981  
McCampbell & Young (Knoxville,  
Tennessee)

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*While I realize that the administration of the law school does not look highly upon heavy clerkship experience during the school year, I would highly recommend it to anyone who wants to be able to understand what really goes on in the practice of law.*

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After graduating from the Business College of the University of Tennessee with an undergraduate degree in accounting, I worked for approximately four years with Price Waterhouse & Company as a certified public accountant before returning to the University of Tennessee College of Law. In my practice as a CPA, I had the opportunity to work with and interact with a number of lawyers in a business context.

I therefore had a relatively clear idea of what the "practice of law" was really about as opposed to the more unrealistic view held by many of my classmates. From the outset, I knew that I intended to practice law in a corporate or business setting as opposed to being a litigator or courtroom lawyer. My emphasis at UT was therefore placed on business-related legal courses. In addition, I took all of the tax courses which were offered at the time.

During my period at the College of Law, I clerked extensively with McCampbell & Young, the law firm which I joined upon graduation and of which I am now a shareholder. While I realize that the administration of the law school does not look highly upon heavy clerkship experience during the school year, I would highly recommend it to anyone who wants to be able to understand what really goes on in the practice of law. I found that my experience as a law clerk (both during the summer and the school year) was nearly as helpful to me as was the course work I undertook during law school.

The course work involved was certainly important to my understanding the basics of the law and legal theory. Nonetheless, it provided little or no assistance in actually knowing what to do, how to interact with clients, how to draft a contract or how to negotiate.

Conversely, I was able to actually engage in all of these activities as a law clerk, and I also obtained additional knowledge of the law from research and writing assignments for the law firm. I clerked far more than the amount of hours which were allowed at the time but, in retrospect, it was certainly worthwhile in terms of experience.

In addition, I was much more useful to the law firm when I graduated since I had already been "trained" in a number of things I would be doing in private practice. I truly believe that actual work experience is one of the most beneficial things that law students can do to make themselves qualified to practice and marketable. It continues to amaze me that the legal profession is one of the few actual professions which does not require an apprenticeship period before a license is issued. Work experience helps to compensate for this failure of the profession.

Upon graduation, I decided to enter the practice of law rather than

returning to the field of certified public accounting. I had several offers from national CPA firms, but I felt that I would have more flexibility and opportunities practicing in the legal field. This ultimately proved correct. When I started practicing law with McCampbell & Young the firm was slightly smaller than it is today. We have grown some and there has been some turnover, but we are still considered a medium-sized firm in the Knoxville market.

I prefer to practice in this size organization rather than an extremely large law firm (or accounting firm) since the relationship among the lawyers is somewhat more cordial and everyone at least knows everyone else. In addition, I believe that small- or medium-sized firms give some additional flexibility which simply cannot be had in a large, more structured atmosphere. This is a personal decision for every lawyer to make but having operated under both approaches, I like the more casual, less structured approach better.

Since graduation I have been engaged in a business and commercial law practice. This practice has covered corporate law, commercial law, bankruptcy, banking and finance, securities law, real estate, natural resources law, and taxation. I was initially heavily involved in the practice of tax law, especially real estate syndications. This involvement lessened after the Tax Reform Act of 1986 but is now increasing once again due to changes in the tax laws.

In the "middle" of my practice, our firm was involved in the practice of commercial law and the banking and finance areas. I was also involved in a number of securities offerings related to these entities. I would suggest that any law student who expects to be engaged in a business and commercial law practice after graduation take as many tax law courses as possible.

Almost every business transactional situation in which I participate has a number of tax issues or concepts, which often actually drive the entire transaction. The failure to understand the basics of taxation as it relates to business transactions will certainly limit a new lawyer.

When I began practicing, our firm had a number of IBM Selectric typewriters as well as two very large IBM word processing systems. At the time, each of these word processing systems took up about 15 square feet of floor space and recorded information on 12" floppy disks. Today our firm is heavily computerized with each lawyer having access to a desk top computer connected to a central network system. Everyone (lawyers, paralegals and staff) is able to fax from their desks, receive faxes directly, access Westlaw and other data bases and communicate via E-mail. We consider our firm to be rather "heavily" computerized and attempt to use computers to access all prior work product in an efficient and cost-effective manner. Different lawyers within the firm have different capacities for accepting computerization and "systemization," but most if not all of our lawyers understand and believe that there are inherent advantages in computerization and information systems.

We continue to move forward in this area and expect monumental changes in technology in the next five years. We are already beginning to see useful systems becoming available for voice to data conversion. We are planning on testing this type of software/hardware combination in the next year and expect that it may allow us to increase our efficiency in the future.

Based on changes we are now seeing in the practice of law, I believe that computer literacy and the ability to operate a number of software programs will be extremely important and helpful to beginning

lawyers. This type of experience will certainly make young lawyers more marketable and make them more valuable to the firms that employ them. The changes in these areas are moving very rapidly in larger law firms and are now beginning to "trickle down" to markets such as Knoxville and at an increasing pace.

For me, the practice of law is both frustrating and rewarding. The frustration occurs primarily from unreasonable client demands and the need for a significant amount of non-legal (ancillary) activities which must be undertaken to maintain a law practice. In addition lawyers, like physicians, are finding it more and more necessary to practice "defensively" due to increasing threats of malpractice actions and the increasingly technical nature of the law and its practice.

An additional source of frustration is the amount of time which must be devoted to the practice in order to generate enough dollars to cover ever-increasing overhead and to provide for a reasonable (in my determination) bottom line compensation. Almost every shareholder in my firm actually bills in excess of 2,000 hours per year. This is "real" time, not inflated time or multiplier hours. As all practicing lawyers know, one cannot merely work 2,000 hours and therefore bill 2,000 hours. There is a huge amount of unbilled administrative time which is involved. In addition, no lawyers I know are 100 percent efficient with their billable time. Most of the shareholders in our firm do not consider it unusual to work between 50 and 60 hours per week. At times, these commitments increase due to work load fluctuations.

While the practice of law is frustrating, it is also rewarding in several ways. First, the practice of law can be financially rewarding if one is willing to work hard and is able to manage the financial side of a law practice. Secondly, there are certainly rewards in becoming really

experienced and "expert" in certain areas of the law, thereby allowing you to provide "cutting edge" services to your clients in those areas. It is very rewarding to be able to structure a sophisticated transaction and implement it for a client in such a way that the client is truly benefited and satisfied with the ultimate result. You know if you are being successful at this if the client returns for the next transaction!

There is also a certain reward in "making things happen." This is especially true in transactional work where a project has a specific beginning and a finite ending.

Finally, there is a certain reward in simply being involved in the practice of law, furthering the goals of the legal system, and assisting in the delivery of legal services to the public. The type of law that I engage in (and the type that most of the other lawyers in our firm engage in) is not as amenable to *pro bono* work as is litigation or domestic relations practice. Nonetheless, we attempt to provide *pro bono* legal services to community organizations who have a need for this, and we provide tax assistance to a number of charitable organizations. This is very rewarding, especially if the organization involved is engaged in something in which you believe as well.

All in all I think that the rewards of a private law practice outweigh the frustrations. Accordingly, I intend to continue in private practice for the foreseeable future (assuming that the rewards continue to outweigh the frustrations). Nonetheless, many of my colleagues have left the practice and gone on to other endeavors, and a number of my classmates never entered the practice of law and are happy in other areas of business and commerce. I think that a legal education prepares one for any of these alternatives. In summary, I think that I would do it all again if I were faced with the opportunity today. I

might change certain parts of the equation but I would probably follow the same general path and attempt to be involved in private law practice.

## Elder



Kelly Guyton Frère, Class of 1991  
Guyton & Frère (Knoxville,  
Tennessee)

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*Elder clients always keep their appointments, are always on time, and once in your office do not have to rush back to work. Elder clients have the time and the desire to educate themselves and will come to your office with questions prepared. [They] genuinely appreciate the time and effort you expend on their behalf.*

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I entered the University of Tennessee College of Law in the fall of 1989 intending to practice criminal defense litigation. I had worked in the early 1980s as a paralegal for the Orleans Indigent Defender Program in New Orleans, Louisiana, and was convinced that criminal defense was the root of my interest in the law. When I graduated from the law college in December 1991, my focus on the practice of law had drastically changed.

When starting law school I was privileged to know that I had a job waiting for me when I graduated. I

had already worked for three years as a paralegal for the small, private practice belonging to my mother, Arline Guyton, and my husband, Matthew Frère. I continued to clerk for them during law school and expected to remain there after graduation. There was one problem, however—they did not, nor would they ever, practice criminal law! Their practice concentrated on estate planning, disability and tax planning, probate, and estate litigation. (All perfectly acceptable, but to me at the time, utterly boring areas of the law.)

The message was clear: I could practice criminal law if I wished, but it would not be with that firm. So, I made a logical, but personally distasteful decision. I would take a few estate planning courses in law school and see if I could tolerate them.

To my surprise, an evolution took place. As I gradually began to appreciate wills and trusts and powers of attorney, some unexpected things happened. A few of our older clients began telling their friends about our firm and our office received requests to speak to senior citizen organizations.

Elder clients who really had no reason to be concerned about the need for public assistance inundated our office with questions about Medicare, Medicaid, nursing homes and long term disability planning. These questions coincided with my search for a topic for an independent study project for law school, so it was a natural progression for me to search for the answers. With the encouragement of Professor Amy Hess and the assistance of Peggy Wirtz at the CAC Office on Aging, my journey into the world of “elder law” began.

Elder law means just what it says: the practice of law as it concerns the elder members of our society. There are many misconceptions, however. An elder law practitioner must still concentrate on

one, or maybe two, areas of the law in order to be skilled. I chose the estate practice already in place in my firm, but concentrated my efforts on those persons in their mid-50s and older. (Many of my clients are in their 80s and 90s.) Consequently, I am not qualified to handle a bankruptcy or a personal injury matter for someone just because they are an older person.

The advantages of an elder law practice are many. Once you earn an elder citizen's trust, that person is a client for the remainder of his or her life. Elder persons are settled, so it is rare that your clients move away. Although elder clients may have a busy social schedule, they are available during business hours and do not require evening or weekend appointments.

Elder clients always keep their appointments (although some may request a reminder call the day before), are always on time, and once in your office do not have to rush back to work. Elder clients have the time and the desire to educate themselves and will come to your office with questions prepared. Elder clients genuinely appreciate the time and effort you expend on their behalf, and you develop a warm friendly relationship with them. And finally (and at times extremely important) elder clients *always* pay their bills.

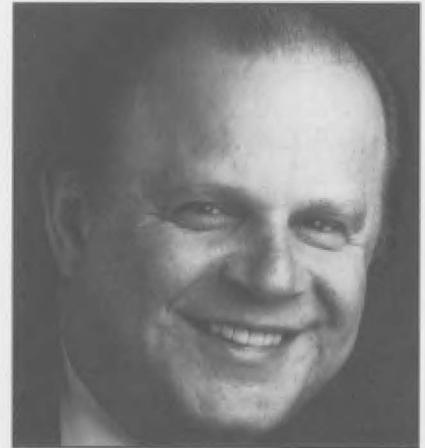
There are aspects of an elder law practice that some attorneys would find unappealing. The elder law attorney must have the ability to be extremely patient with clients. Often they are lonely, frightened, ill or confused, and some of the telephone calls will be imagined emergencies. Visits are made often to clients' homes, nursing homes, hospitals, then to funeral homes and cemeteries. A client will have a fall, heart attack or stroke most often at night, or on a weekend or holiday. The attorney may be the one to admit the client to a nursing home, or even make funeral arrangements.

Your law office must have no steps and plenty of easily accessible parking.

Seminars for continuing education credit in elder law are found most often out of state, which requires additional expense, and many of your answers must be obtained by wading through the red tape of government agencies, insurance companies and attempts to find long-lost relatives. For research sources you'll have to depend on your own in-office library and your membership in a national elder law organization.

I encourage anyone who is able to communicate effectively (and patiently) with elder citizens to consider the practice of elder law. It is a very personal, hand-holding relationship and is not for everyone. But for the attorney who makes it his or her career choice, you will not find a more friendly, responsible or interesting clientele.

## Entertainment



Joel Katz, Class of 1969  
Katz, Smith & Cohen (Atlanta, Georgia)

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*It is extremely gratifying to know, however, that despite all obstacles, Katz, Smith & Cohen has grown to become the second or third largest entertainment law firm in the world. While it has been a long uphill battle, we have proven that it is not where you are but the quality of work you perform that determines your ultimate success or failure.*

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Katz, Smith & Cohen is an Atlanta, Georgia-based entertainment law firm which currently represents over 75 recording artists, as well as numerous producers, production companies, record label executives, publishing companies, recording studios, concert promoters, personal managers, booking and talent agencies, amphitheater operators, television and motion picture producers, actors, and authors. In addition, we represent a number of special institutions and companies such as Very Special Arts, Farm Aid, Inc., the Atlanta Committee

for the Olympic Games, the Coca-Cola Corporation and the National Academy of Recording Arts and Sciences.

After completing my undergraduate work with a B.A. in economics from Hunter College in New York and receiving my law degree from the University of Tennessee, I moved to Atlanta, Georgia in 1969. During the next few years, I worked as a lawyer for HUD, as a law clerk for a medium-sized Atlanta law firm, and taught urban and business law at Georgia State University. In 1971, I opened my law practice. Shortly after opening my office, one of my former students asked me to represent a friend of his. His friend turned out to be James Brown. My work with Mr. Brown led me to work with other artists, such as Willie Nelson, George Jones, Kris Kristofferson, Merle Haggard, Waylon Jennings and Jimmy Buffet.

Atlanta is a wonderful city and when I moved here, I was determined to stay. When I started the firm in 1971, however, all of the music and entertainment business was conducted in New York and Los Angeles. As a young lawyer from the South, I had absolutely no credibility. I would spend days in New York and Los Angeles knocking on doors, attempting to meet people and seeking to network. Few people would even see me.

In fact, up until the last five years, all of the music industry business was still focused in New York, Los Angeles and, more recently, in Nashville for country music.

Working out of Atlanta, our firm has also been somewhat isolated from those doing work in our industry. As a result, I spend most of my time in airplanes flying all over the world. In any given year I might spend 40 weeks of the year traveling. With my schedule, I might be at the airport at 1:00 a.m. waiting for my flight, which is two hours late, while most people are at home

in bed or with their families.

On any average day, I might also receive well over 150 telephone calls. My day starts at 7:00 a.m. and ends well into the evening or late night. I normally end up working six days a week and 16 hours a day.

It is extremely gratifying to know, however, that despite all obstacles, Katz, Smith & Cohen has grown to become the second or third largest entertainment law firm in the world. While it has been a long uphill battle, we have proven that it is not where you are, but the quality of work you perform that determines your ultimate success or failure.

Over the years, our firm has also been very involved with the growth of the music industry in Atlanta. We have tried to find ways to attract writers and producers to move to our city. We have also worked hard to help educate the local business and political communities about the solidity of the industry and how the music business can be an extremely lucrative investment.

My greatest satisfaction however, has been to see our clients succeed. Many of our clients are just starting their careers. As we work with our clients to build trust and a relationship, it is extremely gratifying to know that our firm has helped their careers blossom. Today we represent new artists in every music format from Lorrie Morgan to Toni Braxton to Bell Biv DeVoe.

Entertainment law is a very personal field. It requires a great deal of sensitivity, dedication and time to build relationships. I also receive a tremendous amount of satisfaction involving myself in the community and giving back to the community. This is why I am personally involved in over two dozen philanthropic and community-oriented causes.

Some of the specific classes that helped me in my future career were the seminar courses offered, the contract courses and the classes in legal writing.

My advice for students interested in a similar career is to first of all, identify your goals. Then establish both short and long range strategies to achieve your goals. You must first establish a definite purpose in mind and then be willing to spend the time and energy necessary to succeed, often at the expense of other priorities. Always keep in mind that when you see someone who has personally achieved success, they have also made many sacrifices.

Spend the time necessary to truly learn your craft. Remember that there are always people willing to help you in your business. Listen to what they have to say and learn from their experiences.

Finally, be true to your vocation and be true to yourself.

My career has succeeded because I have taken the time to understand all aspects of the music industry. I have also spent years developing personal relationships and trust with all of my clients. They know that we will always do whatever it takes to best represent their interests.

It has taken a great deal of perseverance to build the firm into what it is today and while the road has been extremely difficult, it has certainly turned out to be an extremely vibrant, rewarding and exciting career.

## Environmental



Arthur L. Williams, Class of 1977  
Woodward, Hobson & Fulton  
(Louisville, Kentucky)

*Environmental legal careers can be pursued in government, financial institutions, the insurance industry, environmental consulting firms, as corporate in-house counsel, and in private practice. I would encourage law students to aggressively seek out environmental law-related activities and jobs while in law school because that will help distinguish you from other law students.*

I have been a partner at Woodward, Hobson & Fulton, Louisville, Kentucky's oldest and one of its largest law firms, since June of 1990. I head our firm's diverse and dynamic environmental law practice area.

Upon graduation from UT in August, 1977, I returned to Kentucky (specifically Louisville) where I had been born and raised until a transfer by my father's company took us to Memphis, where I finished high school. I then enrolled at UT as an undergraduate in 1970

and obtained my bachelors degree in American studies in 1974. While an undergraduate, I was very active in student government and other campus and off-campus related activities. That was a time of great change at the university in giving students more input into curriculum development, liberalized housing policies, and other university policies. I served as chairperson of the Academic Council and vice president of the Student Senate, with our friend and colleague Bill Haltom serving as president. I also ran for the first election for a student on the Board of Trustees and was handily defeated by Bill Nolan.

It was during this formative period that I began my involvement in environmental issues. I participated in one of the university's first significant recycling efforts, helped to establish the initial Tennessee Public Interest Research Group, and participated in a citizens group called the East Tennessee Energy Group, which was concerned about the proposal to develop a fast metal breeder reactor on the Clinch River. By the time I got to law school at UT in 1974, I was clearly headed in an environmental direction.

I can point to several specific circumstances at the UT College of Law which solidified my career path. The college had recruited Zyg Plater to be one of its first (if not the first) environmental law professor. Professor Plater, with enormous energy and enthusiasm for environmental law, had been one of the first graduates of Joe Sax, widely known as the founder of environmental law and a professor at the University of Michigan. So, I have always figured that I am about a third generation environmental law student having studied under Professor Plater.

Additionally, the college retained Dean Rivkin, a Harvard law graduate with an enormous intellect and commitment to public interest and environmental law issues. Be-

tween Plater and Rivkin, there could not have been a better one-two punch of environmental faculty anywhere in the United States. They set my environmental flywheel in motion.

That flywheel received an additional and substantial thrust from now Dean Richard Wirtz. When I became a student at the UT College of Law in 1974, Dean Wirtz was perhaps in his first year as well. As those who know him are aware, he is a tremendous intellect. At least two courses that I took from him (antitrust and coal law) significantly catalyzed my interest in environmental issues.

Professor Wirtz further energized me in two other respects. He allowed me to assist him, working with another student, Carole Yard, on a significant law review article addressing the legal framework of the Tennessee Valley Authority. Secondly, Professor Wirtz helped me obtain a job during law school at what was called the UT Environment Institute. This was a newly created institute whose first project was to develop an energy conservation plan for the state of Tennessee pursuant to federal legislation enacted following the OPEC oil embargo.

Fortuitously, the Institute's first director was Dr. Jack Gibbons (now President Clinton's White House science advisor) who had just finished a stint as head of the Federal Energy Administration's Office of Energy Conservation, where he had helped develop and implement such federal policies as the 55 mile per hour speed limit, right turn on red, and federal building temperature setback controls.

Dr. Gibbons had been a heavy element physicist at Oak Ridge for many years and brought an incredible intellect and energy to the Environment Institute. (After leaving the Institute and having come close to being nominated to the Tennessee Valley Authority Board,

Dr. Gibbons went on to be the Director of the U.S. Office of Technology Assessment for more than a dozen years, where he received substantial accolades as one of the best science minds in the U.S. and became a favorite of Vice President Al Gore.) My two year association with Dr. Gibbons put my environmental interests at full speed ahead.

The final notable activity that contributed substantially to my later interest and success was taking a legislative drafting course from Professor Gray and serving a three month internship with the Tennessee Legislative Council drafting legislation for the 1976 Tennessee General Assembly. (I will note only in passing the 20 pounds that I put on attending lobbyist receptions four nights a week.)

With this substantial education and background in energy and environmental law and issues, I returned to Louisville where my first job after being licensed in May, 1978, was serving as the environment and energy advisor to the mayor of the city of Louisville. (I also wore the hat of director of the city's public interest areas like landlord/tenant issues and automobile lemon laws.) This position drew me significantly into many of the ongoing environmental issues in Louisville and Kentucky, and in 1980, I was invited by the head of Kentucky's Environmental Protection Agency to join the legal staff, which I did.

I then served eight years in the Kentucky Natural Resources and Environmental Protection Cabinet's Office of General Counsel, providing a full range of legal services and advice to that cabinet. As I progressed in seniority, I eventually began to manage other attorneys, and in 1988, became general counsel of that office which had grown to approximately 65 attorneys and a three million dollar a year budget (the largest chunk of those attorneys, about 50, were assigned to our coal surface mining unit as Kentucky is

one of the nation's largest coal producers).

In 1988, I moved over to be commissioner of the Kentucky Department for Environmental Protection which was the primary department for which I had been an attorney in the Office of General Counsel. That department had about 500 employees and contained the units which addressed the state's air, water and waste environmental programs. That position, though not an attorney position, gave me an enormous opportunity to have daily input into shaping Kentucky's environmental laws and programs.

However, after ten years of commuting on a daily basis from Louisville to Frankfort (a 100 mile round-trip) and having two small children who were growing increasingly confused about whether I was a visitor or their father, I accepted a position with Woodward, Hobson & Fulton.

Being a partner in a private law firm, I have found, offers great satisfaction with minimal frustrations. I am very pleased to be able to use my legal skills and knowledge about Kentucky's environmental laws and programs to help my clients resolve a wide range of environmental matters. I also delight in working with a group of highly skilled and motivated professionals, each of whom share a respect and admiration for the law as a centerpiece of our society and as a highly respected profession. The extensive autonomy and financial rewards one obtains as a partner would also have to be mentioned as significant satisfactions of this career.

In contrast, there is a degree of frustration in working on matters case by case, juxtaposed with my previous career with the state, where I was able to work on programs and policies on a daily basis which had statewide impacts. The opportunity for impact litigation or cases is not as frequent as at the state level. Also, it is challenging to

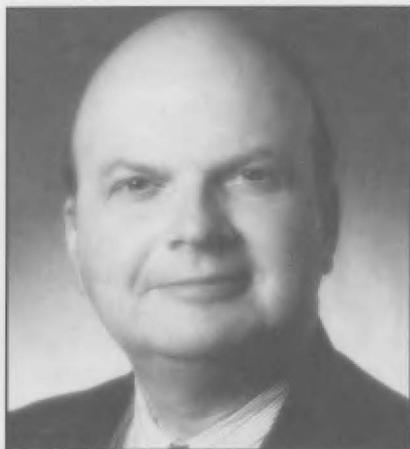
participate in a competitive marketplace where a percentage of your time is allotted to client development (marketing) to maintain a client base.

On the whole, however, the satisfactions greatly outweigh the frustrations, and I have been pleased that I have found as much satisfaction in private practice as I had enjoyed in public service.

For a law student wanting to pursue an environmental law career, there are many more opportunities available in the 1990s than there were in the 1970s. Environmental legal careers can be pursued in government, financial institutions, the insurance industry, environmental consulting firms, as corporate in-house counsel, and in private practice. I see no let up in the need for attorneys well-versed in environmental law over the next several years.

I would encourage law students to aggressively seek out environmental law-related activities and jobs while in law school because that will help distinguish you from other law students. When I interview potential clerks, associates and others for environmental law jobs, I am most impressed by those who have already shown an interest and commitment to some aspect of the environmental law area. And my experience would indicate that it is wise to draw upon the intellect and energy of the faculty on every occasion. They can become your mentors, advocates and friends.

## Health Care



George W. Bishop, III,  
Class of 1975  
Waller Lansden Dortch & Davis  
(Nashville, Tennessee)

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*The opportunities in the area of representing clients in the healthcare field continue to be great. Lawyers at Waller Lansden represent healthcare clients in areas as diverse as acquisitions and mergers, Medicare reimbursement, labor relations, securities fraud, and tax litigation.*

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When I enrolled in the George C. Taylor College of Law in 1973, I quickly came to realize I had come to the endeavor with little idea of what was going to happen to me as a law student. Prior exposure to the *Paper Chase* and other horror stories of long hours of study and stressful situations in classrooms was insufficient preparation for the actual experience. This feeling of being "at sea" was even more evident when I left the College of Law (which strangely over the years had become a comfortable and enjoyable place for me) and began the practice of law with Waller Lansden Dortch &

Davis in Nashville, Tennessee.

A few weeks before I was to begin work here, I spoke with the partner who had recruited me. Having been on the National Moot Court team for a couple of years and having had an interest in corporate law as well, I was very excited about the variety of important, sophisticated work I imagined I might be asked to do as a young associate. After I had asked what I could expect in the first few weeks at Waller Lansden, my mentor thoughtfully replied, "Well George, I think at first I will let you help me on some public issues." I still remember staring at him in a dumbfounded way and wondering what in the world are "public issues."

Having not been fortunate enough to take Fred Thomforde's securities class in law school, the only thing that came to mind was that I had been hired to handle all of the firms' *pro bono* work for the League of Women Voters or some other very worthwhile, but not particularly exciting, organization.

At any rate, having asked the question and received an answer, I knew even less about my future than I knew before. As things turned out, the first "public issue" was an offering of common stock for Hospital Corporation of America. One can easily guess the value of the contributions I made to this effort. After reading a draft of a prospectus for the first time, I felt more lost than ever.

Happily, it was the first small step in beginning to understand the healthcare business and how lawyers help those who are participants in that industry. For most of the past 20 years, I have spent the majority of my time helping this firm in its representation of proprietary, or investor-owned, healthcare companies. This is a result of Nashville's position as the national center of such activities and my law firm's long-standing work with companies and individuals involved in the

healthcare business. For me, these factors have resulted in a most challenging and rewarding career.

One thing I had feared when I began law practice was being stuck in a narrow niche where I was asked to perform the same legal tasks over and over and over. As I now look back, there have been times when I probably would have welcomed a bit more repetition.

The diversity of the work continues to surprise me. I have been fortunate enough to have been involved in matters ranging from international litigation to Wall Street finance to securities offerings and acquisitions involving hundreds of millions of dollars. Surprisingly, other less glamorous projects, such as working to preserve failing rural hospitals in West Texas and funding rural health clinics in Utah, have proved equally interesting and rewarding.

The gamut of legal issues has been more than I could ever have hoped for in law school. And, in terms of my preparation to meet the challenges of this firm's practice, I could not be more complimentary of the College of Law. Prior to going to law school in Knoxville, I had been fortunate enough to attend the University of the South at Sewanee, Tennessee, and Oxford University in England. Although both of these institutions certainly lived up to their reputations, I must say that my time in law school compared very well to these prior educational experiences. I found both the quality of the teaching and the abilities of the students to be first rate.

Although I complained greatly at the time, I think I was fortunate in being chosen, at alphabetical random, to be in a first-year section that ended up having the professors who were deemed the "hardest graders." Having survived a year of exams from the likes of Forest Lacey, Marty Black and Martin Feerick, the later experiences with Durward Jones and Joe Cook were

easier to tolerate. The challenges presented by these professors and the unique differences in how they approached prying open our young minds was a tremendous way to get ready for the practice of law.

When I was asked to work on a matter as a young associate and realized I knew nothing at all about what I was being asked to do or what the issues were, it was very similar to reading the first question on one of these teachers' exams. Rather than panicking, I knew that I would just have to keep rowing into the foggy facts and circumstances that presented themselves in hopes that eventually some clarity would appear on the horizon.

Although I am somewhat out of touch with the law school's curriculum today, my experience was that the basic courses in contracts, torts, property, civil procedure and evidence were the best ways to start a legal career. I also continue to be a great believer in the Socratic method—as painful as it can prove to be at times.

As for those current law students thinking about a career representing clients in the healthcare industry, my advice to them is that representing such clients results in the same satisfactions and frustrations of any other type of legal career. Sometimes one can feel like one's client is one's worst enemy, and at other times a client will become a close and loyal friend.

In reference to the brief period during which I was exposed to litigation, I understand the frustrations of scheduling civil lawsuits remain. I also suspect that the surprises one finds at trial after thinking that discovery has been as exhaustive as humanly possible can still be unpleasant ones. On the corporate side, one has only to spend a few nights at "the printers" to learn the value of physical stamina to a successful professional career.

Despite such difficulties, the rewards of such a practice far out-

weigh these irritations. To watch individuals and companies progress from somewhat humble beginnings to be significant participants in the healthcare industry is an enjoyable benefit of our practice. The most rewarding part of my practice, however, has been the associations I have been blessed with at my law firm. When I first joined this firm, its senior partners were as helpful as could be hoped for by a young lawyer. More importantly, these lawyers were outstanding role models. Over the years, I have come to realize that I will never live up to their high standards of excellence.

On the other hand, at this stage of my career, I am amazed at the energy of the young lawyers who now help me with my work. (Or, as some of them would say, do all of my work for me.) The desire of these associates to make a difference for good in their community as well as to become the best lawyers possible is a wonderful tonic to any of us who have experienced periods of cynicism arising out of the abuse from which the legal profession continually suffers.

It goes without saying that many of the lawyers of my own generation with whom I have been fortunate enough to work, both in this firm and elsewhere, have become fast friends. I am also glad to report that a couple of my closest personal friends continue to be ones I made while in law school.

I am flattered to have been asked what advice I would give for students interested in a similar career. As you can probably tell from this profile, my first advice is "be lucky." Seriously, it is more difficult than ever for a young lawyer to chart out his or her legal career. The increased level of specialization in the practice of law, taken together with the economic needs of law firms that seem to be continually growing, make it far more difficult for beginning lawyers to steer a course purely of their own choosing.

On the other hand, given what seems to me to be an increased complexity in the matters we handle and the most certain increase in the pressure for these things to be done under shorter deadlines, I firmly believe that most young lawyers who want to be involved in any sort of commercial practice should try their best to begin their practice in association with other more experienced lawyers who can help them get a sound start.

The opportunities in the area of representing clients in the healthcare field continue to be great. There are many different areas of practice which are required to represent clients in this industry. Lawyers at Waller Lansden represent healthcare clients in areas as diverse as acquisitions and mergers, medicare reimbursement, labor relations, securities fraud, and tax litigation.

Although I feel extremely fortunate to have had the experiences here I have described, I am confident that there are many more young lawyers graduating from law school this year who will be afforded the same chances. I am also confident that those young lawyers who were lucky enough to spend their educational years at the University of Tennessee College of Law will be well prepared to take advantage of those opportunities.

## Intellectual Property



**John B. Hardaway, III,**  
Class of 1975  
Hardaway Law Firm, P.A.  
(Greenville, South Carolina)

*In choosing your own career path from the numerous possibilities before you which couple your specific background with your law degree, keep in mind that setting your goals early is most advantageous.*

As long as I can remember, I have had a strong interest in technologies and a curiosity about how things work. I pursued these interests by studying ceramic engineering, receiving a B.S. from Clemson University in 1967 and an M.S. from Iowa State University in 1969.

While working on my Masters degree at Iowa State, it was my good fortune to have an interview with a representative from the Patent and Trademark Office (PTO) in Washington, D.C. That interview introduced me to the possibility of a career as a patent examiner—one who reviews inventions and determines whether they meet the criteria of patentability.

I knew that patent examiners

must be thoroughly versed in patent law, and the additional prospect of attending law school began to intrigue me. I sorted through my interests and skills and the possibilities available to me, and decided that I wanted to practice intellectual property law—ultimately in private practice—and to gain all the experience I could along the way. It was then that I enrolled in the Patent Academy, the PTO program which trains patent examiners, and worked at the PTO.

I first entered law school at Catholic University in Washington, D.C., in 1970. Within a couple of years, I moved with my family to Oak Ridge where I attended school at the University of Tennessee College of Law to complete my law degree.

To support my family, I worked in the patent department of the Atomic Energy Commission (Oak Ridge National Laboratory). My new work provided me with a different perspective on the patent prosecution process—that of having to write the application which discloses the invention, and then having to convince the PTO examiner of the merits of the client's claims!

What I studied at the College of Law I applied by day on the job, which is probably why I vividly remember the course on Patent and Trademark Law taught by Edward Luedeka. The understandings I gained from this course in particular, and others including Tax Law with Durwood Jones and Conflict of Law with Professor Overton, were directly related to and prepared me well for my ongoing work.

I received my J.D. degree from the University of Tennessee in the summer of 1975 and shortly thereafter became in-house counsel with W.R. Grace & Company, Cryovac Division, in Duncan, South Carolina. I put out my shingle several years later, becoming of-counsel to Manning and Wilburn, a small patent law firm in nearby Spartanburg.

The firm of Bailey and Hardaway was formed in 1982 and steadily grew to the extent that The Hardaway Law Firm, P.A., was established in 1989. It separated itself from Bailey and Hardaway in 1993.

Today, I am senior partner at the Hardaway Law Firm, which employs five attorneys and six support staff; there is also one attorney of-counsel associated with us. Our firm offers a full range of services in the field of intellectual property law, including preparing and prosecuting patent, trademark and copyright applications, as well as protecting trade secrets and litigating infringement cases. Our business is international in scope, and our client base ranges from individual inventors to large corporations having multifaceted intellectual property portfolios.

We work with our clients to know their specific goals with regard to their inventions, then we tailor a strategy to "take the client from where he or she is to where he or she wants to be." This approach, offered with efficiency, reliability and competitive charges, seems to serve our clients well.

Recently, I have been particularly interested in developing business contacts in the Far East and Europe and am a member of FICPI, an international association of intellectual property attorneys in private practice. These interests afford me opportunities to travel, which I find I do an estimated six weeks of each year. Travel is one aspect of my work that I did not anticipate while in law school, but the international dimension of my practice is very stimulating and satisfying, and serves to demonstrate the many possibilities open even to a small business or firm.

My livelihood, then, is a combination of running my own business and practicing law. Although I would just as soon not have to deal with the general business issues associated with running a firm, I

find it personally fulfilling to head my own practice offering legal services in the promotion and protection of ideas.

In choosing your own career path from the numerous possibilities before you which couple your specific background with your law degree, keep in mind that setting your goals early is most advantageous. Seek out and talk with people in the areas of your interest to gain a comprehensive understanding of the opportunities in the targeted field and in related areas, and make your choice, keeping open the options which logically flow from that choice. Then stay the course! Once your goal is before you, tenacity is what brings it about.

And beyond any technical skills you may have developed and the knowledge of the law you are gaining, "people skills" are primary in any area of work. At Hardaway Law Firm, we need to be able to learn new technologies quickly, but we then need to discuss the issues sensitively and appropriately with our clients, a patent examiner, an opposing litigator, and ultimately, before the judge and jury. In addition, we are working with our colleagues and office personnel to get quality work accomplished in a short period of time, usually under imposed deadlines. Thus, it is easy to see why it is critical in businesses and firms today, particularly those offering a wide range of services, that practitioners be able to communicate effectively in many forums.

And regardless of the practice you choose or the particular task at hand, maintain that curiosity that sparks continuous learning, and communicate effectively and sensitively at all levels. Show yourself to be dedicated, reliable and accessible, and you will find yourself moving toward your own full potential, both personally and professionally.



**Richard T. Redano, Class of 1985**  
Rosenblatt & Associates  
(Houston, Texas)

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*In 1990 I left an 85-attorney firm to be lawyer number three in a three-attorney firm. The first day on the job I was given full responsibility for a patent case that would have been staffed by three attorneys in my former firm. This is the type of practice that I wanted.*

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In 1974, I graduated from a public high school in North Carolina. I received a B.S. in nuclear engineering from N.C. State University in 1978 and spent approximately two years performing preoperational testing of TVA's Sequoyah Nuclear Plant near Chattanooga.

I attended my first year of law school in 1980, achieving only average academic performance. I took two years off from law school to earn my professional engineer's license (the engineer's equivalent to passing the bar). I spent most of the next two years working as a reactor inspector for the Nuclear Regulatory Commission in Arlington, Texas. I value this experience because it exposed me to (1) the inner workings of a regulatory agency, (2) the tedious nature of reviewing thousands of pages of documents, and (3) the thrill of living and working in Texas!

I became a Registered Professional Engineer in July 1983, returned to UT law school in August 1983 and completed my J.D. in June 1985, with significantly better grades than I had achieved during my first year of law school. In the summer of 1984, I clerked for a firm in Washington, D.C., that specialized in construction litigation. My engineering experience was a major factor in obtaining that clerkship.

I found that construction litigation did not require the use of as much of my engineering education as I desired, so I decided to focus on intellectual property (IP) law. In December 1984, I accepted a job with Arnold, White & Durkee of Houston, Texas, one of the largest IP firms in the country.

I "learned the ropes" of practicing IP law at Arnold, White & Durkee (AWD). This experience was beneficial to me as a neophyte attorney because AWD had a comprehensive training program, one of the most extensive IP libraries in the country, and nationally prominent practitioners of IP law available to critique my work product.

As a young attorney, I would often listen to senior shareholders of the firm argue about the law. I would also review the correspondence of senior attorneys to pick up nuances of style. In five years at AWD, I litigated in every substantive area of IP law. At the time of my departure, I had more jury trial experience than the vast majority of attorneys in the firm.

The most enjoyable work I did at AWD was protecting the image and goodwill of Spuds McKenzie.™ I used a network of investigators around the country to make undercover buys and execute the necessary affidavits for me to obtain an *ex parte* seizure order or a temporary restraining order under the copyright and trademark laws.

In the late 1980s I handled the largest number of anti-counterfeiting cases in the firm. These cases

were thrilling because I could run them from start to finish. Many of my associate colleagues shunned these "small cases" because it was commonly perceived that the best way to make partner was to work with a legion of lawyers on a megapatient case for Mr. BIG. I decided that I preferred to "first chair" cases. This work gave me the experience and confidence needed to join a small firm where I bring in clients and run my own business.

In 1990 I left an 85-attorney firm to be lawyer number three in a three-attorney firm. The first day on the job I was given full responsibility for a patent case that would have been staffed by three attorneys in my former firm. This is the type of practice that I wanted. In the last four years, the firm has doubled in size.

All of the senior partners in the firm are expatriates of large IP litigation firms. We share a common desire for a balance between our professional and personal lives, and a legal practice free from the bureaucratic aspects of a large firm.

I represent universities, entrepreneurs and technology companies in IP related matters. These clients are enthused about the free-enterprise system. They make business decisions quickly, based upon my recommendations. It is a joy to counsel them.

Some of the most rewarding work I perform is counseling and representing the University of Tennessee Research Corporation in acquiring, licensing and enforcing its IP rights. This representation has resulted in an award of patent rights from the U.S. Patent Office.

My advice for law students:

- If you believe you need to take time off from law school for career or personal reasons, do it!
- I regularly compete with lawyers who have enjoyed the finest private school educations money can buy. Support public education. It extends the ladder of success to

all those willing to climb.

- Keep the practice of law in perspective. At best, it is a very rewarding profession. It is neither a spouse nor a deity. It should remain subordinate to your health, integrity and family.

- The wisdom contained in *The Art of War*, by Sun Tzu, is timeless and invaluable for attorneys.

- If you wish to practice IP law, work for a few years in private industry prior to law school. It will greatly increase your ability to understand your clients' business.

## Probate/Estate



Hugh F. Kendall, Class of 1972  
sole practitioner (Chattanooga,  
Tennessee)

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*I remember some very good advice I received when I was in law school. A lawyer who had practiced successfully for three decades told me to "choose your career not for the high points, but for the everyday routine work—that's where you spend most of your time." If you're not happy with what you do on a day-to-day basis, the high points won't come along often enough to keep you happy.*

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I was lucky—I realized what I wanted to do before I got to law school. I didn't necessarily know I wanted to be a trust and estate lawyer, but I knew that I wanted to be a helper; someone that made a positive difference in people's lives. I now practice law in a one-man firm engaged primarily in trust and estate practice in Chattanooga.

In our careers, as with most things in life, we generally accomplish what we plan for. That's what

makes the choice of careers so important. The frustration many have with their careers is that what they planned for wasn't really what they wanted. It was what they thought they wanted, but it wasn't what really suited their personalities or talents or gave them real satisfaction. I feel very blessed that what I am doing now is perfectly suited to what I do best—and is what I feel called to do.

I didn't start out as a sole practitioner; I didn't even start out to BE a sole practitioner. When I graduated from law school, I started work with a firm of six lawyers in Chattanooga which specialized in real estate, tax and corporate law. The firm eventually grew to 24 lawyers. It was a great place to continue my legal education because it had a very sophisticated practice that presented challenging legal issues every day.

Most importantly, though, it was a place where I was exposed to the practice of excellent lawyers whose legal and personal skills taught me the practical side of the practice of law that law school simply can't teach you. From their experience and dedication, and from my exposure to the growth and management of the law firm, I was able to develop the skills that every lawyer needs—the ability to manage not only the legal issues, but to manage client relationships and the business of practicing law. After 16 years as an associate, then partner, and finally one of three managing partners, I finally felt ready to launch my own practice, which I did in 1989.

Law school was a great learning experience, but the most important things I learned in law school were not the cases and code sections but the process of analysis that had to be applied to each case. I never really enjoyed the Socratic method of teaching that most of my law professors used, but I realize now the tremendous value of examining all

sides of an issue before reaching a conclusion. Most of what I do now on a daily basis involves the ability to produce a written document that will accomplish my client's objectives concerning events in the future. In order to do that well, I must have the ability not only to see what is obvious but also to see possible future consequences and events that may not be apparent at first glance.

Whether it's litigation, commercial, real estate, bankruptcy, corporate or tax law, most lawyers get paid for dealing with situations, people or consequences that clients don't want to face. As a result, there can be a lot of frustration as clients expect you to avoid the consequences of past actions, cause problems to disappear, or make time stand still.

The principal frustration I have as a sole practitioner is of not having enough time to do all the things that I feel I would like to do each day. As a sole practitioner I don't have anyone else to handle matters that pile up each day, and there is no one else to take care of some of the mundane aspects of law practice to let me concentrate on the critical legal matters. So I have to try to be as efficient and productive as I can.

The principal satisfaction of solo practice, of course, is that you have more control over what you do and how you do it. If you want to spend time with a client who needs your help but can't really afford your regular rates, you don't have to feel that you're letting down your partners who are expecting you to "keep the meter running." If you want to take the time to develop a computerized document assembly system to produce your work more efficiently, you make that decision without having to be accountable to your partners for the substantial investment of non-billable time.

There is generally a financial trade-off in a solo practice. The clients who can afford to pay large

retainers and hourly rates expect a large staff of attorneys to handle their cases and assignments quickly. A sole practitioner can only do what he or she and a relatively small staff can do, so you generally won't have many Fortune 500 clients. On the other hand, you can develop a style of practice that is uniquely suited to your talents, capabilities and interests. Your practice will take on your personality and character. This is very rewarding.

I remember some very good advice I received when I was in law school. A lawyer who had practiced successfully for three decades told me to "choose your career not for the high points (because every job has its great days), but for the everyday routine work—that's where you spend most of your time." If you're not happy with what you do on a day-to-day basis, the high points won't come along often enough to keep you happy.

I have been very fortunate in my practice. I spend most of my time in the trust and estate area, with a little real estate, small business and tax law mixed in for variety. One of the things I enjoy most about trust and estate work is that it is largely non-adversarial. I get a good feeling out of helping people accomplish their personal and financial objectives without having to get into a confrontation with others.

I love practicing law as a sole practitioner, but I would never suggest that a law student interested in practicing law on his or her own just "hang out your shingle." There's too much yet to learn after law school to just go it alone from the start. Start out with the best firm you can find in the practice area you select. If possible, stay in the geographic locale where you intend to practice. The contacts, associations and clients you develop in your early years will prove invaluable as you develop your own practice.

The law firm will provide an

invaluable experience with a range and depth of legal problems that would be almost impossible to experience right out of law school in a solo practice. You first have to learn how to practice law well before you try to practice law alone.

I think you need to find out what you do well, find out what it is that motivates you over the long run, and find out what satisfies you. Be honest with yourself. Not everyone has the temperament to be a great litigator or corporate lawyer. Not everyone is cut out to be a sole practitioner. The law offers an infinite variety of opportunity for self-expression and self-fulfillment. Decide what satisfies you and aim yourself in that direction. Chances are you'll hit what you aim for.

## Real Estate



Ronald L. Perkins, Class of 1973  
Bacon, Jessee, Perkins &  
Swanson (Morristown,  
Tennessee)

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*The practice of property law, land financing and title insurance necessarily extends to the collateral considerations of taxation, insurance, banking, UCC, trusts, landlord-tenant, wills, estates, oil and gas, domestic relations, environmental law and contract law, at least. . . . this kind of practice of law is fulfilling and the demand for your services never really wanes.*

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The fact that my law school career at the University of Tennessee was bifurcated by three years, three months and 29 days in the U.S. Army was a blessing for the reason that the pre-service law student bore no resemblance to the post-service law student. In the fall of 1973 I was admitted to the Tennessee Bar and was employed as an associate with the firm of Bacon, Dugger and Jessee in Morristown, Tennessee. Prior to and during law school, I had worked on a part-time

basis with the firm as a clerk or paralegal.

Following several years in the general practice of law, I became a partner and handled most of the work for two financial institutions and the vast majority of the firm's estate planning. Greatly influenced by my law school real property instructor, Professor Jack Jones, I had developed a genuine interest in real property matters. That interest probably served to immediately "slot" me in the property, land financing and title insurance "corner" of the firm's practice. Today, some 21 years following graduation from the University of Tennessee College of Law, the firm of Bacon, Jessee, Perkins & Swanson consists of six lawyers, and my work area remains largely unchanged.

Some of my peers insist a certain mental imbalance or derangement is required to be successful in my area of interest. Should you begin your career without those characteristics, you will develop them. Still, this kind of practice of law is fulfilling and the demand for your services never really wanes.

The practice of property law, land financing and title insurance necessarily extends to the collateral considerations of taxation, insurance, banking, UCC, trusts, landlord-tenant, wills, estates, oil and gas, domestic relations, environmental law and contract law, at least. Add a little golf from time to time and one remains quite busy.

Any law student interested in real property and land finance should tailor his curriculum, where possible, toward that end and utilize free time while a student to clerk or do paralegal work for a lawyer or lawyers who practice in this area. Property law and land finance law can be both simple and sophisticated to an unimaginable degree, with practical experience and continuing legal education an absolute necessity.

## Tax



Stanley C. Simon, Class of 1948  
Winn, Beaudry & Winn (Dallas,  
Texas)

*I urge students to attend all the CLE they can. I think my time is well spent if I have one moment when, with a sinking feeling in the pit of my stomach, I realize that I had never before thought about what the speaker just said, and that I am going to have to do something about it as soon as I get back to the office.*

I am a tax lawyer. Currently I am doing mostly estate planning and employee benefits, but I have done a lot of mergers and acquisitions, oil and gas, international tax, taxation of insurance companies, tax controversies, and lobbying. My hobby is tax reform; I chair the Committee on Value Added Tax of the Section of Taxation of the American Bar Association.

I got a fine legal education at UT, but almost every rule I learned has been modified by statute. What I learned that has not changed is how to think like a lawyer. Fortunately I did not learn to write like a

lawyer. Too many opinions are written in a turgid style—passive voice; long, involved sentences; big, little-used words; long paragraphs. Too many law students read these opinions and assume that this is the way lawyers are supposed to write.

My favorite class was torts. Unfortunately, I decided that I wanted to try tort cases for the rest of my life. I joined an insurance defense firm after graduating, where I learned a valuable rule—investigate the facts before you research the law. But I was not a success, principally because I was not a rain-maker. After a year, I switched to a plaintiff's firm, but the Korean War came along before I achieved success. While in Korea, I decided that I didn't care who had the green light, that I wanted the kind of work where any dispute was over the legal significance of the undisputed facts.

I was and am completely unsuited to be a PI lawyer. I suggest that the law school arrange for lawyers in every specialty to talk to the students in small groups, or better still, one-on-one about practice in their specialties, then to listen to the students and tell them frankly whether they think they are suited for that specialty.

After I returned from Korea, a CPA friend got me interested in taxes. I was surprised to learn from him that taxes were fun, because my law school tax course was confusing and boring. The instructor went for the capillaries, and I learned about the trees without ever seeing the forest.

On my CPA friend's recommendation, I went to New York University to get a B.S. in Accounting at night. Before starting I took a short bookkeeping course at a business school. Even though I aced my accounting courses, that bookkeeping course was the most valuable I ever took. I recommend that all law students learn bookkeeping.

I looked for a job in the day-

time. I started at the top of almost every skyscraper in Manhattan and worked my way down, calling cold on one law firm after another. Although everyone I talked to was courteous, I did not get hired—the firm hired only new graduates, the fame of the UT College of Law had not reached New York in 1953, or they did not want me.

After almost three months, I walked into an office without knowing that it was a patent firm. They did not need me, but the partner who interviewed me had worked with a tax accountant at the firm that is now Coopers & Lybrand. He telephoned his friend, and I was invited to come in for an interview. I went and was hired immediately.

The firm wrote a book titled *Montgomery's Federal Taxes*, which had not been revised for three years. The expert who revised each chapter was supplied with a list of every case and ruling published since the last edition and had to revise the text or note on the list that the point was already covered, the case merely involved factual determinations, etc. Preparing the lists was a three-step process: a secretary prepared spreadsheets with the chapter numbers across the top and the citations listed vertically on the left. I read the cases and rulings, decided what chapters each pertained to, and put checks in the appropriate columns. A secretary prepared a list for each chapter of the cases and rulings opposite checks in that column.

It took me ten months, five days a week, eight hours a day. It was unbelievably boring and extremely rewarding. I absorbed more tax law in those ten months than I learned in the next 40 years.

The firm then let me revise some chapters and work on client matters. After four semesters, I got my accounting degree and passed the CPA exam. I took one course in the NYU graduate tax program, but discovered that I had already learned so much about taxes at

work and accounting school that I didn't need an LL.M.

In 1956, the firm asked me to transfer to their Dallas office. Since the transfer involved more money (the accepted wisdom was that people who refused transfers never got promoted), and I was married to a Texas girl who hated New York, I accepted. In 1961, they asked me to move back to New York. I quit and have practiced as a tax lawyer ever since.

The profession has changed greatly since I graduated in 1948. There were no word processors, photocopiers, fax machines or computers. I rejoice in all the labor-saving and timesaving technology. On the other hand, solicitation of clients was unethical, and advertising was unknown. I dislike the current emphasis on marketing. I like collecting fees, but hate billing. As to the work, every day has been fun since I finished reading those cases and rulings. Frustrations have been few.

The only one I remember was negotiating an acquisition in London. The principals had agreed on a price of £2,000,000 and had agreed to let the lawyers work out the details. Opposing counsel rejected every plan I suggested without saying why. On the fourth day, they told me their real objective: the seller wanted to include this subsidiary's income in its consolidated financial statements for two more years.

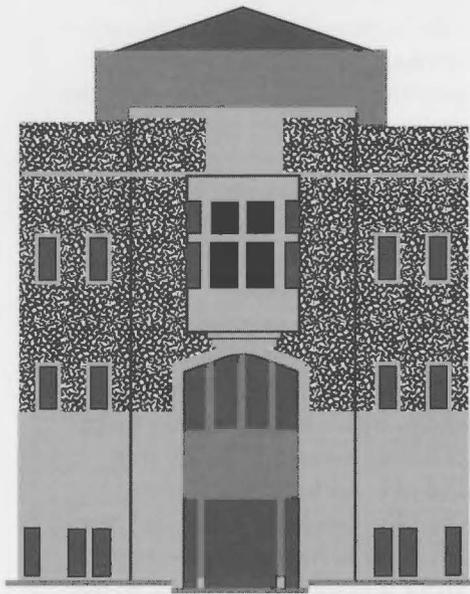
From then on it was easy. I had the seller give the buyer a call on the shares exercisable in two years for £2,000,000. The buyer gave the seller a put on the shares exercisable at the same time at the same price. The buyer loaned the seller £2,000,000 repayable in two years without interest. The seller agreed to accept the note in payment for the shares. The buyer agreed to accept the shares in payment of the note. The seller agreed to elect the buyer's people directors and officers

of this subsidiary and to let them run its business as they saw fit.

The shares and the note were put in escrow with instructions to deliver the shares to the buyer and the note to the seller if either the put or the call were exercised, and to deliver the shares to the seller and the note to the buyer if neither option was exercised. The seller persuaded Price Waterhouse's London office that, because legal title to the shares had not passed, the sub's income could be included in the seller's consolidated financial statements. Touche Ross' Dallas office took the position that because there was no reasonable possibility that neither the put nor the call would be exercised, the same income could be included in the buyer's consolidated financial statements. Everyone was happy.

I urge students to attend all the CLE they can. I think my time is well spent if I have one moment when, with a sinking feeling in the pit of my stomach, I realize that I had never before thought about what the speaker just said and that I am going to have to do something about it as soon as I get back to the office. I also urge all students to write articles and books, teach part time at law schools, and talk at CLE if they get a chance. Writing and preparing to speak forces me to learn.

Finally, I urge students to be active in bar associations, particularly the ABA tax section. It is a wonderful way to give something back to the profession, to shape the future course of the law, to become part of an Old Boy and Old Girl network, and to meet experts all over the country who will be glad to listen to your problems and share their experience for free.



# Attorneys Who Do Both Advocacy And Transactional Work

William A. Cohn, Class of 1977  
The Cohn Law Firm (Memphis,  
Tennessee)

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*"Be the best you can be." That is a familiar motto, but it is also applicable to lawyers. Certification as a specialist presents just such an opportunity for lawyers to show themselves and the public that they strive for the highest level of competency.*

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The prospect of writing about myself for prospective lawyers to read is intriguing. Unfortunately, although I have much enjoyment in the practice of law, my career does not make particularly exciting reading.

Currently, I am in private practice in the Memphis suburb of Cordova, Tennessee. Although my practice may be considered by some as a general practice, in reality it is specialized in a very few areas. I still keep my hand in some criminal work, domestic work, and real estate. However, my biggest financial gains have been in the field of personal injury, which I continue to practice, and my most socially rewarding practice has been in the area of Social Security disability. Professionally, and excluding financial aspects, the most successful part of my practice has been in the areas of creditors' rights and bankruptcy.

After graduating law school in August, 1977, I took the Tennessee bar exam in February, 1978. I was successful and was then able to convert my clerkship to an associate position with a sole practitioner. Less than a year later, I decided to share office space. The office to which I moved was in east Memphis and away from the downtown area. At the time, the east Memphis area was beginning to grow as a business center. It occurred to me that it was far more important for my clients to

have convenient access to me than it was for me to have convenient access to the courthouse.

That analysis subsequently proved accurate. As my practice grew, I experimented with the partnership aspect of practice. That did not prove to be satisfactory and I adopted the philosophy that I would have a sole proprietorship with associate attorneys as employees. I adopted that in 1984 and continue to utilize that theory at the present time.

In the mid-1980s my youngest brothers (who are twins, and one of whom is a graduate of the UT College of Law) opened their practice in Dallas, Texas. I subsequently obtained my Texas law license and opened up an office in Dallas, practicing solely Social Security disability law, and as a consequence, enabling me to periodically visit Dallas and my brothers. I continue to do that to the present day.

My substantial practice in the area of creditors' rights and bankruptcy also enabled me to seize what I feel is a long overdue opportunity and obligation for both myself and other lawyers in Tennessee. When the Supreme Court of the United States ruled that lawyers could advertise specialty certification and not be bound by the states (although they can be controlled by the states under certain limitations), certain organizations began offering certification. I applied for and received approval as a Board Certified Specialist in creditor's rights by the CALLA Academy of Commercial and Bankruptcy Law Specialists, and then additionally as a Board Certified Specialist in consumer bankruptcy law by the American Bankruptcy Board of Certification.

"Be the best you can be." That is a familiar motto, but it is also applicable to lawyers. Certification as a specialist presents just such an opportunity for lawyers to show themselves and the public that they

strive for the highest level of competency.

Clearly the most important class and law school experience for me was my course work and student assistant work in the legal clinic. My background had been in science in both undergraduate and graduate school. I had never seen a law case until I bought my books to enter law school. In retrospect, that clearly put me behind other students because the way science is taught and learned is clearly different than the way law is taught, learned and applied. In addition, the undergraduate course work leading up to that point is also different. One involves rote memory and applying facts and the other requires memory, understanding, and application.

By the end of my law school career I was up to an adequate level, but I feel that the practice in the UT legal clinic taught me quite a bit about the nuts and bolts of legal practice, specifically the documentation involved and procedures, and supplemented my knowledge to the point where I felt confident in taking the bar exam and practicing law. Without it, I am not sure that feeling of competency would have arisen.

I was especially fortunate to have some fabulous clinicians and administrators in the legal clinic to learn from. Jerry Becker was the head of the legal clinic and possessed exceptional ability. Also of great help and exceptional ability were Jerry Black, Carl Eshbaugh and Walter Kurtz, the last of whom is now a Circuit Court judge in Nashville. (I am sure that it is an obscure fact that at one time many years ago, Jerry Black was an excellent softball player.)

There are two professors who I feel also possessed exceptional ability to not only teach but to relate to the students, understand their problems, and help them. I could not have finished law school without

the help of Fred LeClerq, and Jack Jones was also very helpful to me. These gentlemen can never be fully thanked.

The second most important courses I took were the tax courses. I did very poorly in these courses, but ironically these were the most important courses that I took. They convinced me that I did not like tax and that I did not want to do anything that had to do with tax. The tax courses, however, did provide me with an interesting contrast when I began learning about the Uniform Commercial Code and the Bankruptcy Code. The contrast of the tax code, which I found very boring and extremely uninteresting, with the UCC and the Bankruptcy Code, which I found to be interesting, provided me with insight that I would not have otherwise had.

My most satisfying experiences professionally have revolved around my self reliance. I am pleased that I am self made, that my practice was built by myself, and that my accomplishments have been based on my hard work.

My biggest frustrations come from lawyers who have never been in private practice or in a small firm and who obtain a position of authority of some sort. Their decision making is distorted as they have no idea what it is like for the 70 percent of all lawyers in Tennessee who are sole practitioners. They seem to lose, or perhaps they lack, common sense. I call it the "pseudo-intellectual stage." More often than not, the decisions are political or public relations-based and provide most lawyers with a rather substantial source of aggravation and irritation, while performing no real benefit, and in point of fact, doing harm to the legal profession. They appear on regulatory and disciplinary boards, and they have no sense of reality. Their heads are in the clouds. This has been the major source of frustration in my work.

If a person thinks he is inter-

ested in a legal career, for whatever reason, he should pursue that goal. There is nothing wrong with a person pursuing a legal career because he wants to be wealthy. There is also no guarantee that he will be wealthy, and he should understand that. As long as a person has that goal and wants to pursue it ethically and honestly, he should do so.

A student should expose himself to as many different areas of the legal profession and legal practice as possible in order that the student or young lawyer will have the broad spectrum of observations available to ascertain what is interesting to him. The student should also investigate the many professional organizations which offer a broad range of aid and information which can be beneficial.

The most important advice that I can give is to work hard and never give up. Many times along the way, frustrations occur as a result of either personal, educational, social or professional road blocks, and are a part of life. The old adage that "you don't get something for nothing" is accurate. Perseverance will certainly be worth it. "Be all that you can be."

**John W. Fertig, Jr., Class of 1970  
sole practitioner (Prospect,  
Connecticut)**

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*It's hard to believe I've been on  
my own for seventeen years now,  
managing my own destiny.  
Nevertheless that's the way I  
like—being my own boss, setting  
my own hours and limits.*

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I came down from New York to the UT College of Law not knowing what to expect or whether I would ever pursue a legal career. I started in the summer of 1967 and found myself liking the courses and surviving the ordeal, so I stuck it out and graduated in 1970.

After a brief stint in the U.S. Army, I entered the legal world in 1971 as a staff attorney with Legal Aid Services in Waterbury, Connecticut. I started to become a lawyer. I can remember clients asking me when would I become a real lawyer, and how much longer did I have to serve. Funny, I never felt imprisoned by that experience, nor have I ever regretted it.

I moved on in the fall of 1973 to a two-lawyer office in Waterbury as an associate attorney. Again, this was a great experience and from my bosses I obtained legal insights and began to build up a client base.

I left in January 1977, shortly before the birth of my daughter, and set up my own office—first in an office sharing association in Waterbury and then totally on my own in the nearby small town of Prospect. It's hard to believe I've been on my own for seventeen years now, managing my own destiny. Nevertheless that's the way I like—being my own boss, setting my own hours and limits.

Along the way in 1979 the Democratic Party in my hometown of Oxford needed a candidate to challenge for the office of Judge of Probate. I quickly volunteered,

campaign hard and won, and have continued to be re-elected. This year I am happy to report I was unopposed again for the third time.

When I reflect on my UT law school days, I had no career path in mind. I tried to take a variety of courses to expose me to all facets of the law. I can remember the frustrations of my first semester learning the ins and outs of the law library as taught by Prof. Martin Feerick and never being able to get a straight answer from Prof. Lacey. From there I recall all the property courses with Prof. Jack Jones. My only wish is that there had been time for more practice courses in the art of day-to-day lawyering.

As I celebrate my 49th birthday and 24th year as a lawyer, I look at how the law practice has changed. Demands are so much greater by the courts to move cases. Statistics are everything. People in the legal field are less polite and understanding. There is less trust, and the Supreme Court has opened it to the point where "ambulance chasing" is the recognized norm to get clients. Clients themselves have little regard for their attorneys and will move on if the advertised fee is less or sue for the most minor of reasons.

Back in 1970 I was perhaps naive to think my legal education would open up all kinds of career doors. Nothing was easy and each day is a challenge. I really wonder about the future for law students. As I see less and less opportunities, where are they all going to fit into the scheme of things?

**James N. Point, Class of 1975  
sole practitioner (Rogersville,  
Tennessee)**

*Develop a close working  
network with other attorneys  
whom you respect. It is reassuring  
to be able to call on them to  
share advice in matters you're  
unsure about and to associate  
with them on matters beyond  
your expertise.*

The year was 1972 and the Vietnam War was beginning to "wind down." I was stationed overseas in the Navy with the prospect of an "early out." I already had a Masters degree and my old job to return to in Knoxville, but I had given thought to getting a Ph.D. since I would have some income and the GI bill. What can you do with a Ph.D. but teach or do research? So I began to give thought to getting a law degree instead, perhaps to combine with the Masters degree and because knowledge of the law might come in handy.

But I never intended to practice law. I entered law school and graduated, but never intended to practice law. I moved with my employer to a small town, but never intended to practice law. I didn't even take the bar exam until almost a year and a half after graduation—because I never intended to practice law. About seven years after graduation, changes with my employer made a move likely and my family and I liked living in our small town. So I decided to practice law, as a sole practitioner no less.

I offer the above background for three reasons. First, there is little I remember about law school that taught me how to practice law. The reading, research and training to "think like a lawyer", were all, of course, essential preparation but I cannot recall any specific courses

that directly helped prepare me for a private practice.

Second, by way of encouragement, if I could get through law school without the intention to practice but could later set up a practice, then so can you. Finally, I know of few degrees and professions that offer such a wide range of career opportunities and flexibility. My advice, therefore, is a sort of retrospective look at the nature of being a sole practitioner in a small town practice.

- Disavow yourself of the notion that law and justice are the same thing. You will wrestle many days (and nights) because of the injustice that you will see no matter how diligent you are. Work hard, be diligent, be ethical but move on as best you can in serving those altruistic aims of truth and justice while accepting the realities of the injustice you see.

- Recognize that while you are a professional, you are also operating a business. No matter how excellent your legal abilities might be, if you neglect the business side of your career, you won't be in business for long. It is important to be ethical and professional and to work hard, but you will also have to pay attention to the business side as well. That simply means pay personal attention to the day to day aspects of buying supplies and equipment, seeing that clients are billed, that accounts are collected, and that your bills are paid. You don't have to overspend on office, equipment, library or whatever. While you have a professional obligation to your client and the legal system, you must also guarantee sufficient income to pay your bills just like any other business. Be business smart.

- Pay immediate attention to your package of insurance and retirement benefits. Start some form of retirement planning now and carefully review and obtain insurance needs including life, health,

long term medical, office overhead, disability, office liability and replacement, umbrella, and malpractice.

- Find some avocation or hobby to get your mind off your legal work. Preferably find something that involves physical activity and use of the mind as well so that you stay physically and mentally fit, but do something other than just law. Also take vacations or breaks on a regular basis. Get away from the office at least once a year, preferably twice a year for at least a week at a time and take a few other long weekends. Those breaks will refresh your mind and your attitude, making you a better professional and helping you to enjoy the practice.

- Return phone calls. This is the single largest complaint about attorneys, so develop a system that works for you to return calls in a timely manner.

- Learn to say no. You will begin to develop antenna about potentially troublesome clients and cases that will be outside your expertise, will be nothing but trouble, or will be unproductive. Learn to say no to certain cases and clients.

- Be especially wary about representing relatives and close friends. While you may mean well, it is especially difficult to explain the legal system and its delays and maneuverings to relatives and friends—and very difficult if you cannot produce the result they expect.

- Develop a close working network with other attorneys whom you respect. It is reassuring to be able to call on them to share advice in matters you're unsure about and to associate with them on matters beyond your expertise. You will rest easier if you associate with another attorney on matters beyond your expertise even if you share the fee—or even refer the entire case to that attorney.

- Even if an opposing attorney angers you or is unprofessional, treat that attorney with courtesy, respect

and professionalism; you will probably have to deal with that attorney again. Keep things cordial.

- Be firm in the control of your schedule. That may appear difficult at times in light of cases set at various dockets and the need for deposition, appointments, etc. Nonetheless, try not to take on more than you can handle and develop an appointment system that gives you the time to see clients and prepare your representation of their interests. Work hard so that you control the calendar, not it control you.

- Get involved in your community. Get involved in United Way, a civic club, school organization, church, high school mock trial, scouting, youth sports—something that interests you. Give something back. It will keep your mind fresh, make you visible, and keep you human.

Finally, I recommend the practice of law in small towns and as solo practitioners. There are many frustrations, some of which can be avoided if the above suggestions make any sense, but there are significant rewards. Solo practice in a small town allows ample opportunity to work with people who need legal assistance and need to have the legal system “work for them.” You will take satisfaction in building a practice that is financially, professionally and intellectually rewarding.

Of far greater significance, however, is that the small town law practice has allowed me to participate in family activities. As best I can recall I was home for all of our children's birthdays and almost all of the school functions, ball games, recitals, etc.

Life is not just work. It is not just the law. It is a balance of professional, family and recreational activities that lead to an enjoyment of life. A small town, solo practice has allowed me to do that, and I encourage others to look into this type of practice. Keep the practice of law in perspective.



W. Allen Separk, Class of 1969  
sole practitioner (Marietta,  
Georgia)

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*Law students and young lawyers today face tremendous challenges in the years ahead, but where there are great challenges there are also great opportunities to those who are willing to accept the challenge to be the best they can be and know that they can make a difference through hard work and an unyielding determination to succeed.*

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After passing the Tennessee Bar exam, I soon moved to Atlanta and joined the tax staff of Alexander, Grant & Company, a national accounting firm. I was given the opportunity to get involved in a number of very challenging tax issues which normally would have been reserved for more experienced tax professionals.

However, the only experienced individual in the Atlanta office was my boss, and many of the more sophisticated tax matters came to my desk for resolution. I will never forget the thrill of preparing a ruling request to the Commissioner of Internal Revenue regarding a divisive reorganization under Subchapter (c) of the Internal Revenue Code of 1954 and receiving approval for my clients pursuant to

that ruling request. For two and a half years, I received a very fine education in taxation through hands-on training and a variety of tax seminars.

On March 1, 1972, I joined a Marietta, Georgia, law firm that was looking for someone to be in charge of its tax practice as well as fiduciary law, corporate and business law, and employee benefit plans. Eighteen months later I became a partner where I remained until January 1, 1978, when I entered solo practice. Today I continue to be a solo practitioner, but I also have developed a broader general practice as well.

Certainly the classes that were available at the College of Law in my primary areas of concentration have been of specific benefit in developing a successful law practice. The challenges issued by Dr. Overton and other faculty members also served to motivate me to succeed.

As I look back over more than 22 years of private law practice, I have been very satisfied with almost every aspect of my law practice. However, it seems that there are more frustrations today which are attributable to some extent to the following:

- Lawyer advertising and the demise of our profession into a retail environment.
- The demand of law firms for associates and partners to bill more hours than they can legitimately bill.
- The lack of professionalism of too many lawyers as well as the unethical practice of law, and our bar associations' failure to do something about such conduct.
- The number of lawyers who are not competent in one or more areas of law, but still attempt to represent clients in these areas.
- The lack of imagination and creativity in lawyers dedicated to finding an acceptable solution to the clients' problems.
- A judicial system that needs

many changes and improvements.

While the practice of law enables good attorneys to earn a good living, a law degree is rarely an opportunity for great financial success, and no student should embark upon a legal career motivated primarily because of some perception that he or she will become wealthy. Young lawyers should be dedicated to a career of service to their clients, their profession and the community where they reside with the understanding that the greatest rewards will be intangible.

Indeed, I believe that the time is long past when lawyers should return to the highest standards of professional conduct in the practice of law and take once again a place of prominence where lawyers once stood.

A student who is interested in a legal career today has a tremendous opportunity to choose areas of specialization or concentration which were never thought of 25 years ago. Although the courts in metropolitan areas continue to be backlogged with litigation, most cases are handled on a less adversarial basis to the benefit of all, and I believe that alternative dispute resolutions will be the order of the day as we move into the next century of legal education and the practice of law in this country.

Law students and young lawyers today face tremendous challenges in the years ahead, but where there are great challenges there are also great opportunities to those who are willing to accept the challenge to be the best they can be and know that they can make a difference through hard work and an unyielding determination to succeed. The difference is attitude—your attitude.



Stephen M. Worsham,  
Class of 1963  
Robertson, Worsham, Gregory &  
Giffin (Tullahoma, TN)

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*It is very enjoyable to practice in several areas rather than to concentrate in only one area of the law, as do many attorneys in large firms in metropolitan areas.*

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The prestige and respect which members of the legal profession enjoyed in my youth initially influenced my interest in pursuing the law as a career. Later, the movie *To Kill A Mockingbird* intensified this interest.

Then during my preparatory school days at LaSalle Academy in Providence, Rhode Island, one of my closest friends, who is now an attorney in Washington, D.C., was the nephew of the then-attorney general of the United States, J. Howard McGrath, who had been governor of Rhode Island prior to his being appointed by President Truman to the attorney general's position. My friend and I would visit his uncle's law firm in Providence on occasion, and I was fascinated and intrigued by the tradition and dignity of the environment and atmosphere of those offices. For a young man from a small Southern town, it was somewhat awesome.

Upon graduation from the University of Tennessee, Knoxville

undergraduate school in 1959, I served with the United States Army, having received a commission upon my graduation. Although I was assigned to the Transportation Corps, because it was my intention to enter law school upon completion of my tour of duty, I was allowed to work in the legal office as trial counsel. This was a very interesting experience and furthered my desire to pursue a legal career.

I entered UT College of Law in 1960. It was very fortunate for me that I had been awarded the Judge John Green Scholarship which aided me in completing my legal education with minimal financial impact upon my family.

Perhaps the most exciting experience which I enjoyed while a student at UT law school was being a member of the National Moot Court Competition Team that went to the finals in New York City and was selected as third in the nation, after having been awarded first place for the southern regional competition in Atlanta. John Nolan (now an attorney in Nashville) and Conrad Finnell (now an attorney in Cleveland, Tennessee) were my teammates. Former faculty member Prof. Forrest Lacy had coached us and accompanied us to New York for the finals.

During the summers I had clerked for an attorney in my hometown of Tullahoma, Tennessee. He had asked me the summer before my last year in law school to come back to the firm and join him as a partner upon graduation.

However in my final year at law school, I developed the notion that I wanted to practice law in a large firm in a large city. I especially was attracted to Atlanta, having attended Georgia Tech there for two years during my undergraduate days. I interviewed with several firms in Atlanta and Memphis. After interviewing the large urban law firms, observing the crowds of people in those cities, the traffic congestion,

and other problems and inconveniences associated with living in a large city, I made my decision to return home to Tullahoma. I have never regretted it.

I have been in the private practice of law in Tullahoma since 1963. My practice, over the years, has encompassed almost every type of legal matter which a small town general practitioner would expect to encounter. My first law partner died unexpectedly at the age of 44 during my fifth year of practice with him. He had a tremendous practice which I inherited and for several years I worked as much as 12 to 14 hours a day, believe it or not! Soon another lawyer joined me and eventually our firm grew to as many as four.

The most enjoyable experience which I have had during my career as a lawyer has been to have been the city attorney for Tullahoma since 1967. Tullahoma is a growing community, and the environment here is exciting. We have a large influx of people from other regions of the country, so that the town is rather cosmopolitan for its size. It is very enriching to have an opportunity to become acquainted with these people from such divergent backgrounds.

Being city attorney has allowed me to be "on the ground floor" in the development and planning of many important aspects of the growth of our city, including the establishment of Motlow State Community College here at Tullahoma, the establishment of our regional hospital and mental health center, the recruiting of industries to our community, the development of a large and growing commercial retail community, as well as the development of many, many residential areas.

In my work as city attorney, not only have I had the opportunity to develop meaningful relationships with many city officials and employees over the years, but I have

also had an opportunity to become knowledgeable in several areas of the law to which I probably would never have been exposed otherwise. These include annexation, environmental law, civil rights, defense and trial practice under the Governmental Tort Liability Act, planning and zoning, eminent domain, as well as a variety of many other matters.

Of course I continue to be in private practice as well since the city attorney's position is only a part-time position. I specialize now mostly in the areas of estate planning, probate, real property, and trial practice, both representing plaintiffs and defendants. The other members of my firm specialize in other areas of the law, so that we are a full service firm and can represent people in almost every aspect. It is very enjoyable to practice in several areas rather than to concentrate in only one area of the law, as do many attorneys in large firms in metropolitan areas.

The professional atmosphere in a small town such as Tullahoma is far more "laid back" than I have observed in larger cities such as Nashville, Knoxville and Chattanooga, where I have practiced on occasion. However, there are a number of very skilled lawyers in this community, and although the atmosphere is rather informal, that is not to say that we don't have to work very hard in order to be successful professionally.

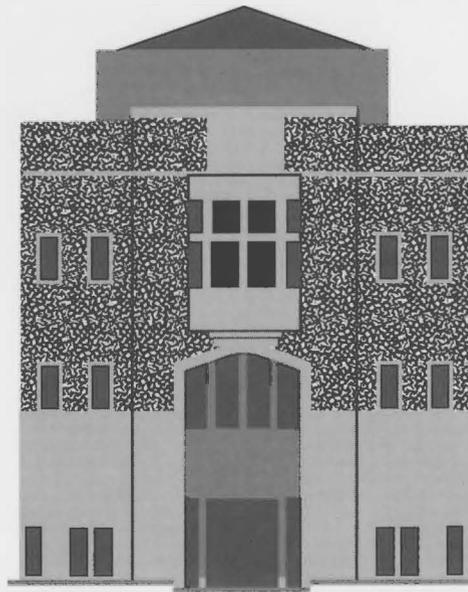
What is also enjoyable about living and practicing in a small community is that one becomes acquainted with many people, and many clients become close friends with whom one forms lifelong, very meaningful relationships. Many of my clients now are grandchildren of earlier clients.

It was a pleasure to have had the opportunity for my children to grow up in an environment where we were not fearful for their safety, we knew their friends and their friend's families, and were always

familiar with their activities. We were confident that they would succeed in life because of the educational opportunities which our town offers and because of the pleasant, safe, inviting environment in which they lived. We were able to offer them the opportunity of living, although inside the city limits, near the northern boundary of our town in an area where we could have a small farm, livestock, horses and other amenities which enriched our children's lives, as well as ours.

For young persons who soon will be graduating from law school, I must advise them that although it is very rewarding to be a small town, small firm practitioner, it certainly is not as lucrative as other types of practice. Our office overhead is rather large in proportion to our gross income. We have to provide all of our benefits. Law office management is becoming increasingly more complicated and takes more of our time, and small firms of course cannot afford an office manager. This means that members of the firm and the staff must divide those responsibilities and therefore the time consumed by these activities detracts from the amount of time which can be devoted to the legal practice.

However, because of living in a rural environment, and the diversity which a general practice provides, any sacrifices are certainly worth tolerating in order to enjoy those things which are so pleasant and rewarding about such a practice.



# In-House Counsel



Carol Sue Barnett, Class of 1977  
MTA Metro-North Railroad  
(New York, New York)

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*The single law school experience that has proven invaluable was participation on the national moot court team. Writing your argument clearly and cogently, thinking on your feet, understanding and advocating your client's interest, defending your position, understanding another's contrary position, and maintaining your composure under fire—are all skills that any good law professor will inculcate.*

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I graduated from the University of Tennessee College of Law in 1977. Since 1990, I have been labor counsel for MTA Metro-North Railroad Company in New York City. Metro-North operates Grand Central Terminal and approximately 550 trains daily, serving approximately 85,000 commuters in New York and Connecticut on three lines—the Hudson, the Harlem and the New Haven. It employs about 5,600 employees, of whom approximately 5,000 are represented by unions and are covered by the Federal Railway Labor Act.

My duties have four primary components: (1) to prevent illegal job actions (or threatened illegal

job actions) from stopping or interrupting service; (2) to defend actions by the unions against the company; (3) to defend charges of discrimination by individual employees in federal and state agencies and courts; and (4) to provide counseling and advice with respect to the entire gamut of labor and employment issues. Although the first component is the most important with respect to the company's operations, the overwhelming majority of my time is spent defending litigations commenced by individual employees and providing advice.

Preparation for my current position involved several positions over the years, each of which helped me acquire one or more skills I now use regularly. Immediately after law school, I clerked for the United States Magistrate for the Eastern District of Tennessee and learned much about the operation of the courts. Then in 1978, I moved to New York and became an associate in the litigation department of Dewey Ballantine, where I learned the demands of serving clients who expected the very highest quality of legal work.

In 1984, I became an assistant attorney general with the Department of Law for the state of New York, where I learned substantive § 1983 law and discrimination law and how to handle, without the benefit of a large law firm's legal and support staff, high-volume litigation and how to maneuver my way around the federal and state courts. In 1986, I became Associate Counsel for the now (sadly) defunct Pan American World Airways, Inc., where I learned much about the transportation industry and the Railway Labor Act.

The law classes that have proved most useful are those concerning litigation skills—e.g., evidence and civil procedure—and those teaching substantive areas—e.g., labor, constitutional and employment law. The single law

school experience that has proven invaluable was participation on the national moot court team. Writing your argument clearly and cogently, thinking on your feet, understanding and advocating your client's interest, defending your position, understanding another's contrary position, and maintaining your composure under fire—are all skills that any good law professor will inculcate. Participation in moot court accelerates the development of these skills and teaches another essential skill—how to work toward a common goal with others who undoubtedly have different views and approaches to the same problem.

My work provides me satisfaction in a number of ways. It is intellectually challenging because the legal questions are complex. On a day-to-day basis much of what I do is very similar to what I did at Pan Am, but Metro-North is a public corporation, so I am concerned with constitutional claims as well as with discrimination claims under federal and state statutes. That same intellectual satisfaction is also a source of frustration because public employers are more constrained with respect to their employment decisions and are subject to a greater degree of public scrutiny.

My work is also gratifying because I am, as I defend the company, in reality defending individuals who are simply trying their best to do their own jobs, so that providing effective counsel requires not just substantive skills but also good teaching and psychological skills.

The president of Metro-North says you need to know three words to run a railroad—"drainage, drainage, and drainage." Similarly, simplistic as it may sound, my advice to any aspiring lawyer interested in a similar career is "learn, learn, and learn."



Valerie Epstein, Class of 1989  
formerly of Provident Life &  
Accident Insurance Company  
(Chattanooga, Tennessee)

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*The greatest satisfaction of my work is having the freedom to act on behalf of a company and have challenging cases that involve jurisdictions all over the country. I enjoy learning from lawyers and law firms that are some of the most prestigious and learning from lawyers in my own backyard.*

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While in law school we all had professors that we liked and that we disliked. My favorite professor happened to be a highly regarded lady who had come from Georgetown University to teach at the University of Tennessee law school. I admired the fact that she had a family, a successful career, a highly regarded husband, and was well thought of in her field to boot. She taught us insurance law. I did very well in her course and thought in the back of my mind that insurance law was a great topic because it affected every segment and every level of society, from big business to the average homeowner.

When I graduated from UT and began looking for jobs, I was newly married and had a year-old son. My desire was to have a strong professional background, challenging

work, but reasonable hours so that I could nurture my young family. Most law firms presented me with contracts outlining billable hours of 2,000 hours per year. It was staggering to think how many actual hours I was going to have to work in order to bill 2,000 hours a year. That's when I began looking for an alternative to the typical law firm career.

My undergraduate degrees from Emory University were in science fields, and I had planned to study to be in the health care field. Before law school, I had worked for hospitals and held jobs regarding organ and tissue procurement. My health care interest, combined with my high regard for Professor Mutter and her insurance law class, steered me towards a large employer in Chattanooga—Provident Life & Accident Insurance Company. Provident was known for the benefits it gave its employees and for the excellent working hours. I wanted my career to part of my life, but not to engulf my life.

Being in-house counsel for a large insurance company, I work with lawyers in large and small law firms all over the United States and Canada. I have the privilege of directing trial strategy, reviewing pleadings, and making both legal and business decisions. I oversee all aspects of litigation including depositions, interrogatories, and should the need arise, the trial itself.

In addition to legal duties, I have an interactive working relationship with all departments within the company and with over 5,000 employees. This means working together as a team to produce policies, review contracts, oversee employment decisions, and prepare for large legal changes such as health care reform. We are actively involved in lobbying at both the state and federal levels and work to amend and implement new laws.

The greatest satisfaction of my work is having the freedom to act on behalf of a company and have

challenging cases that involve jurisdictions all over the country. I enjoy learning from lawyers and law firms that are some of the most prestigious and learning from lawyers in my own backyard.

One of the most interesting aspects of my job is the daily ability to work with the operating departments in preparing the way our business runs and solving the problems that confront business. I have used my law degree to problem-solve the multiple needs of a corporation. Without the individual components a law degree brings to this process, I would certainly be worse for the wear.

Some of the little things that I enjoy doing in my work include being able to make decisions that I know will help individual insureds as it relates to their individual coverage, or as it relates to a total policy revision. When I am able to maximize a business need with a concern for people, the satisfaction is great.

Like most large companies, the greatest frustration is dealing with a bureaucracy that is scattered from California to Miami. Getting decisions made can be slow, and politics often interfere with the legal reasoning process.

My advice to students seeking alternative careers is to open your eyes and look around at non-traditional paths. Don't be swayed by the power of money and large law firms. Several of my friends have left silk stocking firms, where they made large salaries, for a better quality of life as in-house counsel. You will be much happier.

Currently, I am using my skills as an arbitrator and mediator to address another growing business problem, the huge cost of litigation. Alternate dispute resolution is revolutionizing the way present and future lawyers practice law.

Lawyers as problem-solvers and with an immense amount of knowledge can be a tremendous asset to

any business organization, and I challenge you to accept this as a part of your role and bring it into your focus as a lawyer of the future.



Nicholas W. Hetman,  
Class of 1977  
Texas Gas Transmission  
Corporation (Owensboro,  
Kentucky)

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*. . . by far my greatest pleasure is that not only am I surrounded by talented individuals, each bringing their own expertise to problem solving, but unlike many of my brethren in private practice who are often consulted as damage control, as in-house counsel I am involved in many projects at their inception.*

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During my last quarter of law school, I was faced with the emotionally draining task of having to go through interviews (assuming of course that I wanted to be able to feed my family) in order to obtain gainful employment as a lawyer. As a result of the interview process, I received four offers: one with a corporation and three with small private practice firms. Since I had geared my scholastic career more toward the corporate setting, I accepted an offer from Texas Gas Transmission Corporation (now an operating unit of Transco Energy Company), a major interstate marketer and transporter of natural gas.

For three years, I served as counsel for a wholly-owned subsidiary involved in the interstate trans-

portation of motor vehicles. Much of that work involved dealing with and interpreting the regulations of the Interstate Commerce Commission.

Following the sale of that subsidiary, I served as attorney for TXG Synfuels, Inc., another wholly-owned subsidiary. That subsidiary was involved in producing synthetic natural gas from tar sands located in the western part of Kentucky. During this time in 1984, I also served as chairman of the corporate house counsel section of the Kentucky Bar Association.

After the dissolution of that subsidiary, I became an attorney for the parent company. I served in that position until 1985. At that time, two new subsidiaries were formed, TXG Alaska, a partner in the Yukon Pacific project (designed to export liquefied natural gas to the Pacific Rim countries of Japan, Korea and Taiwan) and TXG Engineering, Inc., an organization designed to offer energy engineering services to small firms. I was named as general counsel to both of those subsidiaries, while still serving as attorney for the parent company.

Upon dissolution of TXG Alaska (Yukon Pacific continues), I continued to serve Texas Gas, now as senior attorney, while retaining the position of general counsel to TXG Engineering, Inc., the positions which I currently hold. I have the opportunity to interact with a number of different departments in the corporate structure. I have primary responsibility for corporate legal compliance concerning environmental and land laws and regulations, state legislative agent activity (lobbyists), accident investigation (of which there have been very few), and engineering and operating departmental issues. I also periodically serve many other departments in the corporation.

Why did I choose a career as an in-house lawyer? During my studies at UT, I discovered that my primary

interests in the legal profession were nothing like the "Perry Mason" image of a lawyer. I had no desire to ever see the inside of a courtroom. My interests lay in negotiation and the team approach to solving issues, rather than being a fireman (someone to whom clients turn when they have no other choice). For me, those interests could best be put to use as an in-house counsel, if I was to remain in the purely legal field.

Knowing my interests and strengths, I naturally migrated toward classes that would help me to achieve that career goal. However, without a doubt, the greatest influence of my career was being fortunate enough to have had then-professor Fred Thomforde for four classes. Professor Thomforde had the ability (No, Fred, I'm not saying that you don't have the ability now) to get to the heart of a complex business matter, putting often intricate legal theory into easily understood terms while making even the most mundane topics seem alive. He was the one who always had time for students' questions and who always understood that overwhelming need to learn.

As far as satisfactions and frustrations of my work, by far my greatest pleasure is that not only am I surrounded by talented individuals, each bringing their own expertise to problem solving, but unlike many of my brethren in private practice who are often consulted as damage control, as in-house counsel I am involved in many projects at their inception.

This pro-active approach helps assure that the company can avoid many of the land mines that exist in this highly regulated field since I help them to "read the map." A second satisfaction involves the diversity of my work. I never have time to become complacent. Due to the ever changing needs of my client, I must constantly become involved in different aspects of the law and the application of that law

to the needs of the company.

Additionally, since Texas Gas is located in a small, rural environment (Owensboro, Kentucky has an approximate population of 54,000), the company maintains many small-town values. As such, everyone tries to treat each other like family. People in different disciplines often become involved in a project, not to stick their noses in, but to accomplish a task with input from every necessary area, but without overwhelming rivalry or territorialism. This helps assure that the product and the service is the best available in the industry. Texas Gas' reputation among its customers and nationwide is proof that the system works.

However, although I have great joy in my work, there are frustrations, just like in any other job. As an in-house lawyer, I must be very careful not to overstep my bounds and begin wearing a business hat rather than a legal hat. For purposes of attorney-client privilege and other very valid purposes, it is often necessary that my role be limited to advice, rather than being allowed to follow up on project ideas. As such, a project that I may be involved in from the start may be scrapped for economic or other reasons, thereby rendering much hard work useless for that project.

But in understanding the workings of a corporate structure, I also understand that sometimes decisions have to be made and that as part of a team, it is my responsibility to assure that my part of any project is carried out to the best of my ability and not to worry about the ultimate business decision.

My thoughts to students interested in a similar career:

- Corporations look not just at grades but at the courses for which you were graded to determine whether a background fits its need. Determine your career path early and take courses accordingly.

- Take legal clinic early. The

issues dealt with in that area on a daily basis are very much like those which beginning lawyers in private practice will face. You will rapidly discover whether private practice is for you.

In private practice, issues are not only varied in nature, but you may not see the same client for more than a few times or even once. In corporate practice, while you may deal with a number of different topics in a short period, the end motive is always what is best for the company, your *only* client.

As such, the student has to make a decision as to whether the corporate world is right for them. With that in mind, perform an honest self-assessment in order to determine your strengths and map your career path accordingly.



**Odell Horton, Jr., Class of 1986**  
Assistant General Counsel,  
University of Tennessee  
(Memphis, Tennessee)

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*My practice includes medical malpractice defense litigation, employment law and litigation, general civil litigation, administrative law and litigation, contract review and negotiation, preventive law, and providing legal advice to officials of the University and its employees.*

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Since 1990, I have served as an assistant general counsel for the University of Tennessee assigned to the Memphis campus (The Health Science Center) by Mr. Beauchamp Brogan, general counsel for the University of Tennessee. I represent the University and thereby participate in a diversified practice of law.

My office is responsible for participating in the medical/legal and administrative issues concerning the University. My practice includes medical malpractice defense litigation, employment law and litigation, general civil litigation, administrative law and litigation, contract review and negotiation, preventive law, and providing legal advice to officials of the University and its employees. The University of Tennessee is one of the universities in the country

that handles most of its own problems and litigation in-house.

The provision of health care and health care reform has surfaced as a priority in the state of Tennessee and in the United States. Working at UT Memphis provides a unique opportunity for me to assist in the resolution process of many of these important issues in the health care field. I have the opportunity to hear the opinions of health care providers and individuals participating in decisions regarding the future of health care. With the increasing cost of health care and limited resources to fund existing and new programs, listening to and participating in the cutting edge debates are an important part of my professional responsibility.

After graduating from the University of Tennessee College of Law, I worked as an assistant attorney general in the Office of the Attorney General in Nashville, Tennessee, in the Civil Rights and Claims Division. I represented the state of Tennessee and its agencies in personal injury claims, workers' compensation claims, prisoner litigation and various civil actions in courts across the state.

During my four-year tenure in the attorney general's office, I had the opportunity to work with many fine lawyers and learned extensive practical experiences in the area of litigation and the everyday practice of law. I value greatly the excellent learning and extensive work experience I gained there. I appreciate the opportunity the then-Attorney General and Reporter W.J. Michael Cody provided me. The attorney general's office was a fine learning experience and an excellent opportunity to learn the skills of practicing law.

Among the most satisfying aspects of my work has been working under the direction of UT General Counsel Beauchamp Brogan and with my legal and other colleagues whose mission it is to provide

the University with the finest legal advice and excellent legal representation. Our office enjoys trust among its employees and I have an outstanding working relationship with my Memphis legal colleagues, paralegals and staff.

The practice of law is demanding and requires intense study and many hours of work. Litigating with good lawyers, negotiating settlements and preparing cases has been important to my professional growth. These opportunities continue to provide me with growth experiences in the practice of law.

I am proud that I am a graduate of the University of Tennessee College of Law. The teaching, study and learning required there provided me with a solid foundation upon which to build my professional career in the law. I remember Professor J. Otis Cochran telling first-year law students, "whatever it took to get you here will keep you here." This advice applies equally as well in the legal profession after law school.

My advice to law students is that writing skills, speaking skills and possessing an extensive grasp of procedural and substantive law will serve them well professionally. This legal expertise can only be acquired through intensive study and classroom participation. There is no substitute for thorough and extensive preparation when I go about dealing with the daily diversity of often complex issues and cases confronting a lawyer for a major American university.

Phillip M. Kannan, Class of 1974  
General Counsel, M4  
Environmental, Inc. (Oak Ridge,  
Tennessee)

*As a member of a team I have worked to find, negotiate, and operate businesses for my employer. Pursuit of these opportunities requires close cooperation among the team members and the ability to apply law to the business world.*

I came to law from a ten year career as a mathematician in industry and as a college professor. In fact, I taught part-time in the Mathematics Department of UT while I attended law school. The influence of that background was great as a law student and a practicing lawyer. It inclined me toward legal positions that were associated with science.

My first job was with the U.S. Department of Energy, which has major scientific work in Oak Ridge. From there I became general counsel of a research and service contractor performing work for the department. I then became associate general counsel for a major defense contractor, Martin Marietta Energy Systems, Inc., which is the largest of the technical contractors in Oak Ridge and a subsidiary of one of the largest throughout the U.S.

Recently, I became vice president and general counsel of M4 Environmental, Inc., a company formed by Martin Marietta Corporation and a high technology environmental company to recycle and treat hazardous, toxic, and mixed (radioactive) wastes.

Although I have worked for several employers, the nature of my work has been generally constant. I have defended litigation involving scientific and technical issues such as the effects of low levels of radia-

tion. However, my primary work has been as a business transaction lawyer. As a member of a team I have worked to find, negotiate, and operate businesses for my employer. Pursuit of these opportunities requires close cooperation among the team members and the ability to apply law to the business world.

For example, both the legal risk and the environmental risk of taking on a large task for a government agency must be assessed and coordinated, and the two must determine the conditions under which the company will do the work and the price. I must explain the legal dimension of these transactions to the team, and I must understand the financial and scientific dimensions from the other team members. We integrate all of this in the negotiation for, and operation of, the business. The work is very competitive—there are many companies pursuing multi-billion dollar contracts.

For a student interested in corporate law, I suggest courses that include oral advocacy. For me, the first year appellate argument course was most important. I learned that advocacy and teaching are the same skill. During the oral argument, I learned how to listen to questions from judges and respond crisply and clearly. This is a skill that is essential for corporate practice in boards of directors meetings and in oral presentations to officials who will select the winning contractor.

An explanatory writing style is also essential for this type of practice. One must be a thorough researcher, an insightful distiller, and a clear communicator. Law review is excellent training.

For a corporate career, I recommend a judicial clerkship and/or three or four years with a regulatory or executive federal agency. I believe teaching is important. I find that my part-time teaching at the UT College of Law with Carl Pierce and lecturing at seminars help me stay current. Writing law review

articles has that same effect. I recommend both for that reason and because they sharpen communication skills.



**Barbara Muhlbeier, Class of 1983  
First American National Bank  
(Knoxville, Tennessee)**

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*A typical day may involve coordinating with outside counsel on a defense matter; responding to several telephone calls from branches regarding accounts, powers of attorney, checks, or safe deposit boxes; preparing a response on an estate or mechanic's lien matter; responding to customer inquiries; and meeting with and advising loan officers on structuring loan transactions or perhaps assisting in loan documentation.*

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After graduation from law school in 1983, I practiced with the Knoxville office of Heiskell, Donelson, Bearman, Adams, Williams & Kirsch for approximately one and a half years, primarily in the banking and commercial areas. In January 1985, I joined the Knoxville office of Hunton & Williams, again practicing in the banking and commercial areas.

In the fall of 1987, I learned of a position available at First American for an in-house attorney. The more I learned about the job, the more I believed that it was perfect for me. I joined First American in January 1988 as the only attorney at the time for the 50 bank branches in East Tennessee, spanning from

Chattanooga to Bristol.

I report to the general counsel of First American in Nashville and am a member of the bank's state-wide legal department, which now has a total of six attorneys in Nashville and two in East Tennessee. In 1994, I was promoted to senior vice president. My responsibilities include advising loan officers and branch officers, overseeing litigation brought by or against First American, handling real estate and environmental matters, conducting seminars for bank officers on documentation and general banking topics, and determining what is to be done with all legal-related matters sent to or arising from approximately 50 East Tennessee branches.

A typical day may involve coordinating with outside counsel on a defense matter; responding to several telephone calls from branches regarding accounts, powers of attorney, checks, or safe deposit boxes; preparing a response on an estate or mechanic's lien matter; responding to customer inquiries; and meeting with and advising loan officers on structuring loan transactions or perhaps assisting in loan documentation.

The position is demanding primarily because of the volume of work and the competition for my time. My office is in the middle of my client's offices, which means that bank officers visit me or call me at any time, without appointment or warning. I must rank the importance of the numerous matters that come to my attention daily. Each person believes that their problem is the most important, but it is my job to determine what is the most immediate concern to the bank. If too many matters must be handled at one time, I hire outside counsel to assist me. However, my purpose is not only to protect the bank's interest, but also to save the bank money, and I attempt to handle in-house as many matters as possible.

On the other hand, the position is greatly rewarding. There is an infinite variety of matters to handle, so that the work is seldom, if ever, repetitious. There is also a great sense of satisfaction in assisting in the completion of numerous loan and banking transactions. It is an extremely people-oriented and problem-solving position.

For students who are considering an in-house position, I recommend that you begin your practice in a firm to obtain experience, administrative background and basic practice skills, as well as confidence. I believe it would be more difficult to be a fully effective in-house attorney at a bank without first obtaining law firm experience.



**G. Keith Nedrow, Class of 1976  
General Medical Corporation  
(Richmond, Virginia)**

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*To interpret the law is not enough. You must go farther and give legal advice in a way that is meaningful to the managers of the business. To do so, you must understand the applicable law, plus the interrelationship between the diverse disciplines and technologies that comprise the business. It is the perfect challenge for the lawyer with a Renaissance mind.*

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For the past 17 years, I have counseled five different corporations, and I can confidently report that a career as a corporate attorney is no longer an "alternative" one. For thousands of lawyers, it is very much a mainstream career. In 1976 when I was graduated from the College of Law, a career as "in-house counsel" was regarded as an inferior option; the action was in private practice. I disagreed.

I anticipated that corporation law would grow dramatically (at the expense of private practice) as increasing regulation and rising legal fees forced businesses to expand their law departments in order to control expenses and improve the quality of legal representation. Fortunately, time proved me right.

Today, I serve as vice president

and general counsel of General Medical Corporation, a \$1.4 billion medical supplies company with 3,000 employees and 53 district offices across the United States. It is a mid-sized company by Wall Street standards, but a major player in its industry.

In addition to being the chief legal officer, I am also one of the four senior managers of the company with direct responsibility for corporate functions outside the law department, such as human resources and business development. I am both lawyer and businessman, part of the interdisciplinary glue that holds such diversified enterprises together.

This duality is one of the defining characteristics of corporate counsel. To interpret the law is not enough. You must go farther and give legal advice in a way that is meaningful to the managers of the business. To do so, you must understand the applicable law, plus the interrelationship between the diverse disciplines and technologies that comprise the business. It is the perfect challenge for the lawyer with a Renaissance mind.

There are many reasons why this is a career option worthy of consideration. Here are a few of them from a highly biased perspective.

First and foremost it is fun! For sheer excitement, professional growth, and personal satisfaction, corporate counsel is the best job in the legal profession, bar none. Private practice can be a terrible grind for young associates, buried in the stacks, far removed from clients or the courtroom. By contrast, a corporate attorney is in the middle of the action every day, shaping and developing the dynamic business that is his sole client, and thereby enjoying a sense of continuity and accomplishment that is forever denied his brothers in the law firms downtown.

Second, you can make a difference everyday. The law department interfaces with the entire company,

from top to bottom. What you decide today will be implemented tomorrow. In very short order, your influence will be felt everywhere.

Third, your skills will be appreciated. Unlike a law firm, a corporation is more nearly a cross-section of society, comprised of many levels of talent. As an attorney, you will stand out in the crowd. You are trained to solve problems, to prioritize, to organize, to get things done. These attributes are expected in a law firm; they are prized in corporate America. Add to this your knowledge of the law and the intellect that enabled you to survive law school, and you can understand how influential an attorney can be in this milieu.

Fourth, you can shape the future. In private practice, your client usually appears after legal disaster strikes. The corporate attorney's job is to prevent disaster. Through education and compliance audits, a corporate lawyer can substantially reduce his client's exposure to legal risk. Prevention is a far more productive use of legal talent than damage control.

Fifth, you can make society better. Admittedly, a corporation exists to make money, but it has a larger obligation of corporate citizenship to society as a whole. Legal compliance is only the most basic of those obligations. Every day, ethical issues with public consequences arise in any company. Those issues tend to gravitate to the law department for resolution or counsel. In those cases, you, the company lawyer, are the corporate conscience, and the decisions you make will transcend the law.

Last, it pays well. The compensation of corporate attorneys compares favorably with private practice. The salaries of entry-level staff attorneys parallel those of associates in the local market from which they are recruited. Thereafter, as with law firms, compensation varies markedly by type and size of

company, but generally reflects industry profit margins.

At the top, the general counsel's salary may range from less than \$100,000 in a small, private company to more than \$1 million in multinational, publicly-traded industrial corporations like ITT and General Electric, including stock options, bonuses and other incentives.

So how do you become a corporate lawyer? And how do you build a corporate career?

No single corporate attorney's experience is "typical," of course. Some of my counterparts—like Howard Aibel at ITT—have devoted their careers largely to one company. More typically, you will move a few times, especially early when you may be ready for more responsibility before your company has an available opening. Professional recruiters figure three to five years of job tenure is customary for younger attorneys, and five to ten years for senior counsel. But exceptions are legion.

My own career development may be instructive, with just enough anomalies to illustrate the variability of this choice.

*Prerequisites.* Landing a job in a corporate law department right out of law school is rare. Every company wants prior experience. A few corporations used to offer entry-level legal training, but I know of none who do today. Why should they? They can hire well-trained attorneys from private practice at a fraction of the cost.

So the road to the corporation begins in a law firm, preferably with exposure to contracts, employment law or litigation—areas of law common to all companies. A knowledge of the regulations administered by a major federal agency (EPA, SEC, FDA, FCC, etc.) will also open doors in the companies they regulate. Figure on two years in private practice as the minimum prerequisite to an entry-level position. That

is the rule of thumb.

However, sometimes Christmas comes early. It did for me. After interviewing with a dozen companies without results during my senior year, I accepted reality and joined the business section of a medium-sized law firm in Chattanooga. My plan was to work hard for two years, acquire some practical experience in corporate law and finance, and then market the combination of my new legal experience and my prior insurance underwriting experience to the insurance industry. It was a sound strategy, but one that I never implemented. Opportunity knocked first.

As a law student, I had narrowly missed qualifying for law review, but I had written a lengthy article anyway, dealing with the McCarran Act's antitrust exemption for the business of insurance. It was published with then-Professor Wirtz's kind sponsorship. In it, I had criticized the courts for expanding the intended scope of the Act. During my first year of private practice, the District of Columbia Court of Appeals cited the article, acknowledged my logic, but sided with precedent. On appeal, the U.S. Supreme Court overturned that decision, advancing the view expressed in my article.

The case was closely followed in the industry and came to the attention of Michael Wilder, the general counsel of the Hartford Insurance Group. He recognized my name, remembered the resume I sent him during law school, and called me. Soon I was invited to join the law department in Connecticut, focusing on antitrust matters and insurance regulation. I gratefully accepted.

*Market your business experience.* Yet absent these fortuitous events, I would have found a similar corporate opening a year or so later, by following my plan of marketing my previous insurance experience to that industry. That strategy was and

is valid: a working knowledge of the employer's core business is an enormous asset in landing a corporate legal position.

*What industry? What company?*

The industry you choose should suit your background and temperament, but otherwise the choice is not crucial to your career. I have changed industries successfully on several occasions.

On the other hand, your choice of companies is crucial. Your first company should be relatively large, with an equally large law department where you can learn the nuances of corporate practice. The company should also be financially sound and ethically solid. Experience in a Fortune 500 company will significantly enhance your career options later.

*Interviewing.* Whether you market yourself or use a professional recruiting firm, your efforts will soon result in an interview. There are many good books on how to interview in general, but as a corporate employer, let me offer a few tips peculiar to our profession.

- Bring multiple copies of your resume and legal writing sample to the interview, even if you previously submitted them. They often become misplaced or lost.

- Research the employer's financials prior to the interview. Consult Standard & Poor or the latest annual report, watching for key litigation and legal issues in the footnotes. Note the names and titles of the corporate officers you may meet.

- Read one or two recent articles about the company and/or the industry for insights into current legal or business issues in the company or industry.

- To learn about the corporate culture, go to the interview early and chat with rank and file employees as they pass through the lobby. Secretaries know a lot.

- Do not try to impress people with legal brilliance. Instead im-

press them with your interest in and understanding of the business and your ability to fit into the existing team.

- Decide whether the law department management style suits yours. Is your boss a good coach? Some brilliant lawyers are abysmal managers. Remember: you can be managed to success or managed to failure in any organization.

*Diversity to build your career.*

Let's assume the interview went well, and you are now a lowly staff attorney. Above you are layers of legal bureaucracy: corporate counsel, division counsel, assistant general counsel and the general counsel at the top. How do you scale the heights?

In any profession, you build a career by developing successive levels of expertise. As a corporate attorney, you have two options: you can develop great depth, becoming a specialist in one area of law; or you can be a generalist, a legal manager with a working knowledge of many areas of law.

If you want to become a general counsel, I recommend the second course. It is the fastest way to qualify for new positions in your company or others. To develop the necessary breadth, you must look for opportunities to learn new areas of law, even if it will not immediately advance your career. And you must be prepared to move.

Example 1: At the Hartford, I initially specialized in insurance regulation and antitrust law. Soon, an assignment turned up that no one else wanted—assisting the claims department with complex litigation. To others, this was a thankless, dead end job. To me, it was a golden opportunity to learn litigation management from experts. This side project opened the door to my next position.

In 1979, the Kellogg Company of Battle Creek, Michigan, was a defendant in the Federal Trade Commission's "shared monopoly"

case against the cereal industry. My dual experience in antitrust and litigation management at the Hartford enabled me to assume broader responsibilities with Kellogg as a member of the company's defense team.

Example 2: As a diversified food manufacturer, Kellogg is subject to regulation by the federal Food and Drug Administration. All Kellogg lawyers must know these regulations in order to counsel the managers of the cereal business. But Kellogg also operated a small pharmaceutical entity, a Canadian cough remedy manufacturer that was trying to crack the U.S. market.

No one wanted to advise this little division, so far removed from the mainstream of the business. So I agreed to do it, and taught myself the over-the-counter drug regulations. This effort went unnoticed at Kellogg; however the knowledge I acquired of drug regulation, when combined with my prior legal experience, led in 1981 to a larger opportunity with Rorer Group, a leading manufacturer of drugs and medical devices.

Rorer owned two high-tech medical device companies: Richards Medical of Memphis, Tennessee (an orthopedic implant manufacturer) and Cilco, Inc., of Huntington, West Virginia (an ophthalmic implant manufacturer). Both were small, but rapidly growing companies.

Example 3: Because the regulations governing drugs and devices are similar, my limited knowledge of OTC drug regulations made learning the device regulations a natural extension of old learning. The transition from Kellogg to Rorer was smooth, even though the technologies of the two businesses are totally unrelated. Soon I was working on new product development with leading orthopedic surgeons and biomedical engineers.

At the same time, my experience in litigation management and insurance from the Hartford enabled

me to build and manage a successful national litigation team to defend a wave of product liability and patent lawsuits that threatened these companies. For five years, I counseled these divisions and received several advancements, culminating in 1985 with my promotion to vice president and general counsel of Cilco.

If I had not diversified my legal experience early, I would not have been considered for the opportunities that followed, and the road to general counsel would have taken much longer.

Expect reversals, accept risk, and persist. Unfortunately, my happy career at Cilco ended abruptly in 1986 when Rorer sold its entire medical device division to a West Coast competitor. For personal reasons, I chose not to move to California. Suddenly, I was out of a job.

Change is a part of life and not just corporate life. Mergers, layoffs, reorganizations and terminations (with or without a cause) do occur. When unemployment happens to you—and it will—seize the opportunity. Make their loss your gain.

Update your resume and hit the bricks immediately. Do not wait until your severance pay runs out. Do not lament lost friends and opportunities. Do not panic. Just smile and work hard at marketing your skills. Your experience and talent are valuable to someone—find them! And be realistic about titles and fringe benefits.

On this occasion, recognizing that general counsel positions are few, I was open to any position that would advance my career. I found a temporary assignment at A. H. Robins Company in Richmond, Virginia, as senior counsel to its drug and device divisions during the final phase of the Dalkon Shield bankruptcy. It was a lateral move, but the job provided a chance to learn the intricacies of ethical pharmaceutical regulation, while I watched for an opportunity to

become a general counsel again.

Near the end of the Robins bankruptcy proceeding, I learned of another Richmond medical products company, General Medical Corporation, that was looking for a general counsel with my background. A struggling medical supplies distributor, it was a far cry from the Fortune 500 companies I had counseled before. Even worse, it was only marginally profitable.

But it had potential, new owners, and a dynamic group of young managers. So when the offer came, I accepted the position (and the risk), knowing that as general counsel I could contribute significantly to its success.

Again, I guessed right. Over the next eight years, General Medical tripled in size, initially through internal growth and then through acquisitions. Its profits grew. As general counsel, I nursed it through the legal and business challenges characteristic of rapid growth, drawing on my previous corporate experience. In time I became a vice president and officer of the company.

In August, 1992, I joined other members of management in purchasing the company in a management-led buyout (with a lot of help from an investment bank). Now financially sound and the third largest medical distributor in the nation, the company is a major success in its industry.

The moral: Persistence pays.

In addition to your legal skills, there are also many personal factors that affect success as a corporate attorney. While I cannot catalog them all, here are a few to consider. It helps to be amenable to long distance moves, especially early in your career. A high tolerance for professional insecurity is useful. You must be creative enough to turn legal changes into profit opportunities. Superb communication skills, oral and written, are critical. You will need the patience of Job to deal with the shortsighted managers

who want to advance their careers at the expense of legal compliance. Unusually good judgment is expected. And you must have the fortitude to stay calm when the barbarians are at the gate and all hell is breaking loose.

In brief, the position of corporate counsel is equal parts lawyer, businessman, statesman and artist. It is a challenging career option. But if you are up to the challenge, it can be a wonderful ride.



**B. Anthony Saunders,**  
Class of 1982  
First American National Bank  
(Nashville, Tennessee)

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*I never viewed myself as an "in-house" attorney, but I am now enjoying a higher job satisfaction in that position than at any other point in my career. . . . although some attorneys might find employment by a corporation to be confining, I have actually enjoyed the structure that it provides.*

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I am currently employed as an Associate General Counsel at First American National Bank in Nashville, Tennessee. I received my law degree from the University of Tennessee College of Law in 1982. Upon graduation, I clerked for a federal judge and then entered private practice for several years. I have been at First American for approximately five years, and my practice areas are commercial litigation, creditors' rights, the Uniform Commercial Code, and real estate.

My career path is a prime example of the principle that life often takes you where you did not expect to be. It was the early 1980s when I entered the legal job market. The trend among students was to seek a judicial clerkship and then interview across the country in

hopes of becoming an associate with a large commercial firm in a prime city. Corporate counsel positions were simply not emphasized among career options. I never viewed myself as an "in-house" attorney, but I am now enjoying a higher job satisfaction in that position than at any other point in my career.

Many may perceive in-house positions as being limited to contract work or managing the work of outside counsel. This depends largely upon each corporation's view of its legal department, but my experience has been very different. I am the beneficiary of a progressive view taken by First American on this matter. Much of its legal work is done in-house.

In my position, I have direct responsibility for many litigation matters, among other duties. Even on cases where outside counsel is involved, those matters are often handled through a partnering concept where I am involved in certain aspects of the case. In many ways, I have more direct responsibility for my work now than I did in private practice. I have sacrificed neither challenging work nor courtroom experience.

There are several advantages to practicing as in-house counsel. Some of the frustrations of private practice, such as billing and client development, are not present here. The general quality of life may also be better in this type of position. Furthermore, although some attorneys might find employment by a corporation to be confining, I have actually enjoyed the structure that it provides. Many of my colleagues in private practice express frustration over a lack of management in their firms, especially small firms.

Finally, an in-house position puts you in a position to have a better perspective concerning the goals and objectives of your client. You have the opportunity to play a direct role in the planning and development of the corporation.

There are, however, a few risks or disadvantages to consider. First, salaries may be lower than those for attorneys with comparable experience in private practice, although I think in-house salaries are improving. Second, there is a career risk in that if you ever leave the corporation for private practice, you may not have a client base to start with. Finally, there is a disparity in the views that different corporations have of their legal departments (their role and value), and these views may change within a corporation over time. In other words, there may be frequent reassessment of whether work should be handled in-house or by outside firms. This may obviously have an adverse impact on the existing members of a legal department.

Several experiences from law school proved valuable for me. The quality education I received was an obvious benefit. I still recall certain classes, such as the Uniform Commercial Code with Professor Forrest Lacy, contracts with Professor Joseph Cook, and civil procedure with Professor John Sobieski.

I miss the luxury of studying the law without time or economic constraints. Of equal educational value was the practical advice and guidance received from Dean Wirtz concerning the practice of law and life as a professional. I give very high marks to the College of Law for my overall educational experience.

I would strongly recommend that a law student give consideration to a corporate counsel practice as a career option. These positions are challenging and offer a good quality of life.



Hiram G. Tipton, Class of 1967  
Eastman Chemicals (Kingsport,  
Tennessee)

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*. . . [try to] gain experience either as an associate with a law firm that has a large corporate client base or gain litigation or some other special skill that a corporation might have need for and then apply for a job.*

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I was one of four children born to two university scientists/professors. Accordingly, it was a foregone fact that I would go to college and that my sense of competition would be highly honed. After all, one had to compete to make certain that one did not get left entirely out of the usual animated, most often challenging dinner table discussions that were standard fare in our household. I have often thought that it is the debating skills that I developed during these mealtime discussions that caused me to consider law as a career.

I had a relatively uneventful undergraduate experience earning a B.S. in history with a minor in political science. After a less than outstanding LSAT score, I was told by one of UT College of Law's better professors and a friend of my parents that I did not stand a chance of getting through law school, and that I should reconsider my decision to attend. However,

having had my competitive fires stoked by such a showing of lack of confidence on his part in my academic prowess, I did make it through the College of Law. In fact, I can proudly say that I ended fairly high up in my graduating class, contributed to the law review and was the recipient of a scholarship.

As I look back on my law school experience the most important lesson I learned, which continues as relevant today as it was then, is that *nothing* takes the place of hard work and thorough preparation. This lesson and the skills of careful reading, research and analysis that were taught (and I am sure from observing the high quality of recent graduates from the College of Law are still taught) formed a foundation that still serves me well in my practice today.

In addition, a person who has a corporate, and specifically an in-house legal practice in mind when entering law school, probably would be well advised to take as many business-oriented law courses as possible, not because of the substantive law learned (which will probably be different by the time you get into practice), but because of the mind sets and the thought processes that exist in the business world that, from my experience, are quite different from what exists in other practices, such as civil or criminal trial practice.

Once out of school, I joined a defense-oriented trial firm in Knoxville, where I learned from some excellent trial attorneys how to investigate and develop facts arising from accidents and incidents, and then how to prepare and try all sorts of lawsuits, mostly involving personal injury. I continued my learning in this fashion for five years. I reached a realization, however, that being highly competitive meant that I did not like to lose. And, regardless of how good one is (and I would like to think that I was a fairly competent and effective trial

attorney), one cannot win every case. In addition, I took my losses personally. I discovered successful trial attorneys have to have tremendous egos that allow them to get beyond their losses without feeling personal responsibility. As the result of these nagging issues, I decided that I would be happier in some other type of practice of law.

I submitted an application for employment to Eastman Kodak Company in Rochester, New York, anxious that if I were accepted I would not be able to live up to expectations, but fully expecting to be rejected. After all, what did I have to offer such a sophisticated, multi-billion dollar international corporation. I had not taken many courses in law school that would have been particularly suited for an in-house corporate practice, and those that I had taken were not my most favorite courses. I received a letter indicating that Eastman Kodak Company did not have any openings in their legal department in Rochester, but that my application had been forwarded to their chemicals' division located in Kingsport.

I was then contacted by the personnel department of Tennessee Eastman Company and was invited for a plant visit. As my luck would have it, Eastman was faced with a significant product liability case and had no one on staff with any litigation experience to manage it. This was at the very beginning of what has turned out to be the era of product liability, thanks to Dean Prosser and UT's own Professor Noel. Because of my litigation background and good timing, I was offered a job as a staff attorney.

Once at Eastman, I was very concerned that I would become bored with the routine that I thought existed with an in-house corporate practice. After all I had come from the glamour and excitement of trial practice. I quickly learned that bored is the last thing I would be. I discovered that instead

of working only as a litigation manager, I grew into most all of the company's legal issues. One area particularly captured my imagination—I was assigned to work as the company's first environmental attorney. This was early in the 1970s at a time that the country was experiencing the onset of the "environmental movement." Accordingly, I was able to experience firsthand the birth of the federal and state governments' environmental legislative and regulatory efforts and to assist my client, the corporation, its managers and employees, steer a course through what was then uncharted legal waters.

Since then I have had the opportunity to have my responsibilities grow along with the company. Several years ago I was promoted to senior counsel and transferred to our Longview, Texas, facility to head the legal function at that site. That permitted me additional opportunities to learn and utilize supervisory skills while at the same time experiencing professionally literally all of the range of legal issues to which a complex manufacturing company the size of Eastman is confronted.

After almost five years in Texas, I was transferred back to our Kingsport headquarters and promoted to assistant general counsel responsible for the corporate law staff. In that capacity I have had opportunities to manage legal needs in the areas of contract drafting and negotiation, human relations and labor, a vast array of corporate regulatory concerns, litigation (of all types, shapes and sizes), joint ventures, acquisitions and divestitures, international legal issues, and many other areas of legal interest.

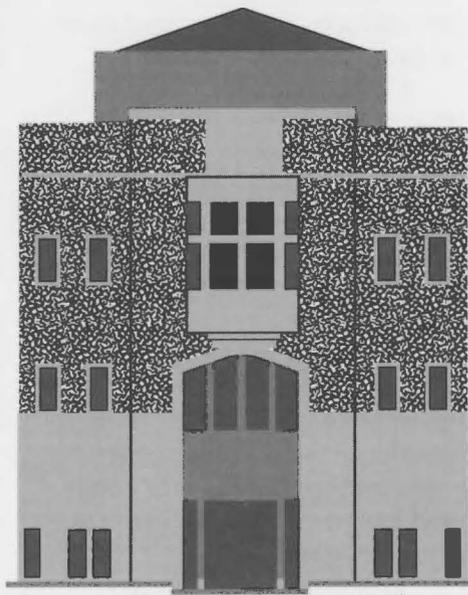
My practice has truly become that of a generalist and senior counselor to Eastman's management. I have also experienced something few attorneys ever will, the spin-off of a division of the company and the creation of a free standing,

publicly-traded four billion dollar company, Eastman Chemical Company. That was an exhilarating, professionally challenging opportunity that allowed me to gain knowledge and learning in the span of about nine months that most attorneys work a lifetime to try to achieve.

I have been extremely happy with my lot in life. I feel lucky to have had the opportunities to accomplish the things that I have to date and am excited about the opportunities ahead of me. I would not hesitate to recommend to others the path I have followed.

However, while not impossible, it is very difficult for someone right out of law school to find an in-house position with a Fortune 500 corporation. For the most part companies such as Eastman run a very lean operation, and it is very difficult to have the luxury of having sufficient legal resources to have the time to train an attorney immediately out of law school.

My advice to those who would like to pursue an in-house attorney career but have been unsuccessful in their attempts to find a position right out of law school is, first, do not get discouraged. Secondly, gain experience either as an associate with a law firm that has a large corporate client base or gain litigation or some other special skill that a corporation might have need for and then apply for a job.



# Resource Library

The following books and videos can be checked out overnight from the Career Services resource library. Many include bibliographies which can be of assistance in exploring selected career options further.

*Business Lawyers Handbook* (Clifford Ennico, 1992)—Directed to those considering business law as a career, it provides a clearly written, comprehensive explanation of what lawyers who do not litigate for a living actually do: the nature of their work, the skills required, and an overview of career paths in business law.

*Careers in Admiralty and Maritime Law* (Robert M. Jarvis, 1993)—An overview of maritime law, employment options, advice to students, future trends, and resource/reference materials.

*Careers in Bankruptcy Law* (National Association for Law Placement, 1990)—Intended for students and practitioners considering a career in bankruptcy law. Includes interviews and surveys of practicing bankruptcy attorneys.

*Careers in Civil Litigation* (Monica Bay, 1990)—Provides practical information on the realities of a civil litigation practice, as well as tips on how to secure the position of your choice.

*Careers in Entertainment Law* (William D. Henslee, 1990)—An overview of the substantive law areas included in entertainment law, as well as specifics on four major genre: music, film, theater and television.

*Careers in Health Care Law* (National Health Lawyers Association, 1989)—This booklet responds to frequently asked questions and offers practical advice on preparing for and obtaining employment in the health care area.

*Careers in Intellectual Property Law* (Richard Wirtz, 1993)—Various intellectual property law specialties are discussed, as well as information on employment opportunities for intellectual property lawyers.

*Careers in Labor Law* (Ellen Wayne, 1985)—Explores such issues as: who are labor lawyers, what do they do, how do they obtain their jobs, and what advice do they have to offer law students who want to specialize in labor law.

*Careers in Natural Resources and Environmental Law* (Percy Luney, Jr., 1987)—This book introduces natural resources law and environmental law through the experience and advice of practitioners who share their educational backgrounds, job experiences, and views of future trends.

*Careers in Sports Law* (Kenneth L. Schropshire, Esq., 1990)—This monograph is based primarily on questionnaire responses and a series of interviews conducted with members of the American Bar Association's Forum Committee on Sports.

*Entertainment Law* (UT video, 1993)—Art Stolnitz (class of 1952) gives his insights on what it's like to practice in the field of entertainment law. Sponsored by the Sports and Entertainment Law Society at the UT College of Law.

*Environmental Law Careers Directory 1992-93* (Ecology Law Quarterly)—Provides listings of contacts and practice areas for numerous environmental law employers.

*Environmental Law Professions in East Tennessee* (UT video, 1992)—A panel discussion for law students presented by several local environmental law practitioners.

*Estate Planning: It's More Than Wills & Trusts* (UT video, 1991)—Michael Hitchcox (class of 1972), Dan Holbrook and Bill Weyhmueller discuss the practice of estate planning.

*Firm Foundations: How to Build a Small Practice* (National Law Journal, 1992)—Information from the experts on how to start and build a small, private practice.

*Flying Solo: A Survival Guide for the Solo Lawyer* (Joel P. Bennett, 1994)—Advice on getting started,

choosing a practice area, getting and keeping clients, and much more.

*From Law School to Law Practice* (Suzanne O'Neill and Catherine Gerhauser Sparkman, 1990)—Invaluable information to limit the "culture shock" of new associates, as well as insights for students who are deciding on whether to enter law firm practice or preparing for practice.

*Guide to Education and Career Development in International Law* (International Law Students Association, 1991)—Includes essays on opportunities in international law, comments from international firms on the qualities necessary for success in this field, and directories of summer, semester, and advanced degree international and comparative law programs worldwide.

*Guide to Environmental Law in Washington, D.C.* (Charles Openchowski, 1991)—Describes law firms, government agencies, and public interest organizations in Washington, DC, including information on size of environmental law practice area within the organization and background on case involvement.

*Guide to Law Specialties* (Law Placement Association of Cleveland, 1990)—Descriptions to introduce students to various law specialties as they begin their career planning.

*Guide to Small Firm Employment* (National Association for Law Placement, 1992)—This 8-page booklet addresses the advantages and disadvantages of small firm employment; methods and resources for the job search; and characteristics valued by small firms.

*How to Start and Build a Law Practice* (Jay G. Foonberg, 1991)—A comprehensive guide to help attorneys start and build successful law practices.

*International Law* (UT video, 1994)—Frank Barnette (class of 1959) provides a revealing look into international law practice through his work with the government and in private practice.

*Labor Law* (UT video, 1992)—A wonderful overview of the practice of labor law from the perspective of Phillip Lawson (class of 1975).

*The Last Frontier: Women Attorneys As Rainmakers* (Judith Grubner, 1993)—A booklet of edited speeches from a program of the same title presented at the 1990 Annual Meeting of the American Bar Association in Chicago, Illinois.

*Legal Career Guide: From Law Student to Lawyer* (Gary A. Munneke, 1992)—Features a wealth of advice on career planning, the “real world” of law practice, the job search, and the market for lawyers in the 90s.

*Making Partner: A Guide for Law Firm Associates* (Robert Michael Greene, 1992)—Offers practical, down-to-earth advice to help new associates get on the partnership track. Addresses a broad spectrum of concerns including learning about the firm, relating to colleagues and clients, getting involved in professional and community activities, and learning to be relaxed and confident.

*Nuts and Bolts of Small-Town Law Practice* (James M. Point)—Outline of a presentation made on-campus March, 1992. Video also available.

*Social Security Disability: A Comprehensive & Practical Guide to Effective Representation of Claimants* (William R. LaVere, 1994)—This book follows the sequence of events in filing for Social Security disability, including the history of the program, requirements for establishing entitlement to disability, implementing the statute, the adjudication and appeals process, and effective representation.

*Solo Practice* (UT video, 1990)—Jeff Hagood (class of 1986) shares his advice for starting and managing a solo practice.

*Sports Resource Directory* (Matthew Rosenberger, 1993)—A unique directory designed especially

for the individual interested in pursuing a career within the sports industry; lists of contact names, organizations and addresses.

*Starting Your Own Practice* (UT video, 1994)—Tom Leveille (class of 1990) and Lynn Peterson (class of 1986) discuss starting and building a small practice.

*The Trial Lawyers* (Emily Couric, 1988)—An entertaining and informative series of interviews with ten of the country’s top trial lawyers, each recounting how a particularly key case was won.

*Trial Lawyers of America, UT Student Chapter* (UT video, 1993)—A panel discussion of trial law in East Tennessee.

*What Environmental Attorneys Really Do* (UT video, 1993)—A panel discussion presented by Nancy Carnes (class of 1981), Doug Goins (class of 1977), Mary Butler and Joe Sanders.

*Women Rainmakers’ 101+ Best Marketing Tips* (Theda C. Snyder, 1994)—A compilation of marketing tips from the Women Rainmakers Interest Group of the American Bar Association, including developing a marketing plan, networking, advertising, and making the pitch.

*Women Rainmakers: Strategies for Effective Networking* (Video, 1993)—Produced by the American Bar Association, this video gives practical advice on getting and keeping clients, asking for referrals, and much more.



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