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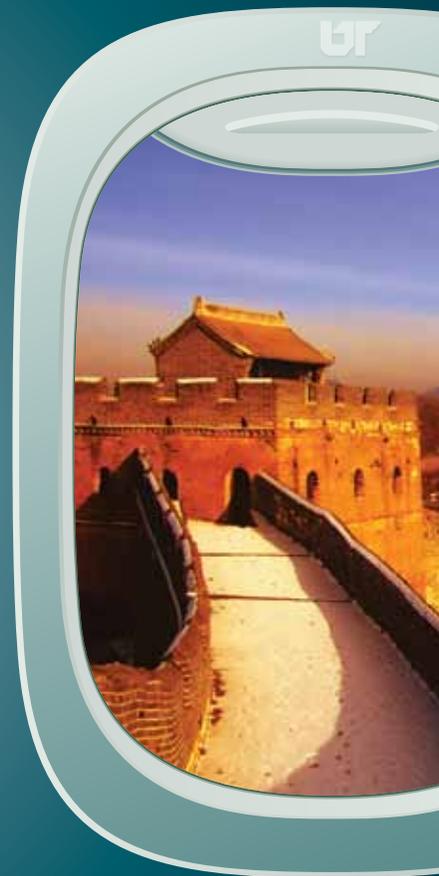
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ut LAW GOES GLOBAL

**ALSO
INSIDE**

The Business
of Law

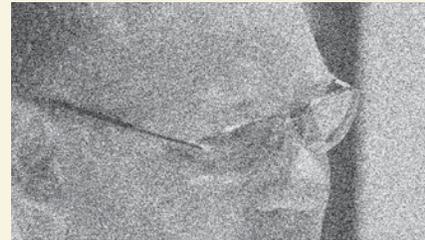
Defending the
Country Lawyer

The Highest
Honor

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Goes Global



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THE UNIVERSITY of
TENNESSEE **UT** College of Law
KNOXVILLE

TENNESSEELAW
Fall 2010

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not Long ago I ordered a new iPod online.

After submitting the order, I was able to monitor production of the iPod in Shanghai, then track its shipment from China through Alaska to Indiana to Tennessee, and even determine the time it would be delivered by truck to my home here in Knoxville. The entire process took only three days. The iPod works great, but I was more amazed by the vivid reality that we truly live in a global society.

Every significant business transaction or major piece of litigation likely has some international component. As a result, our job as law teachers presents new challenges—and opportunities—as the world continues to shrink around us. Fortunately, our faculty at the College of Law is committed to ensuring that our students are prepared to deal with this new reality.

In this issue of *Tennessee Law*, we highlight a number of those efforts. We continue, for example, to offer summer foreign study programs in Brazil and in England. Professor Robert Blitt teaches an increasing number of students in Public International Law, International Human Rights, and related courses. Other faculty members offer courses in International Business Transactions.

Our efforts also extend far beyond the traditional classroom. In the Advocacy Clinic, Professor Karla McKanders is supervising students as they represent clients from Guatemala, Iraq, Togo, Gambia and several other countries on immigration issues. This fall, McKanders and second-year student Rachel Watson traveled to Swaziland to talk with public officials about starting a small internship program. Meanwhile, Professor Maurice Stucke is serving as a Fulbright Scholar in China, following in the footsteps of Professor Greg Stein who has made three separate trips to China in the past few years through the Fulbright program. As a result of those visits, two Chinese scholars are scheduled to visit Knoxville soon, and we continue to explore the possibility of faculty and student exchanges with several Chinese law schools.

Our students also are becoming increasingly international. Our first-year class includes international students from six different countries. In fact, our new entering class—the class of 2013—is our most talented and diverse class ever.

We have made sure that our students are fully engaged in the classroom and through extra-curricular programs. This fall we hosted Justice Clarence Thomas for three days of events with students, faculty, and alumni. Stephen Bright, president of the Southern Center for Human Rights, is serving as a visiting professor. We have great speakers, like alumnus Thomas Lauria, head of the global insolvency practice for White & Case.

The challenges continue to be maintaining our forward momentum and making the College of Law even better. For that we need your involvement and your financial support. The Campaign for Tennessee will draw to a close at the end of 2011, and we are still over \$3 million short of our \$15 million goal. We hope you will seriously consider participating in the campaign in a meaningful way.

Working together we can make a great law school even better!



“Our job as law teachers presents new challenges—and opportunities—as the world continues to shrink around us. ”

DOUG BLAZE

Doug Blaze

As part of my new position as director of communications for the College of Law, I have taken on the responsibility of editor here at *Tennessee Law*. While I have previous experience editing and writing, this is my first time at the helm of a magazine.

I hope to get to know more of the College of Law alumni and friends as time goes by. I hope you'll begin to know me as well, through this magazine, and through my updates for the college's Twitter and Facebook pages.



Photo by Mark Simons, Purdue University

I come to Tennessee by way of a small town in south central Kentucky. I moved to Indiana for college and stayed there, most recently working in marketing and communications at Purdue University. I know a bit about basketball and very little about football. I'm learning, I promise.

Thankfully, communications work comes a little easier to me than sports. The steps to publication involve a committed team of professionals working together to create an alumni magazine you can be proud of as well as enjoy reading. From page planners to photography challenges, I'm getting a crash course in *Tennessee Law* 101. Thankfully, my colleagues here are dedicated and kindly teachers.

My goal for this issue, and future ones, is to create a magazine you can't put down—whether you read it in print or on your smart phone. We hope that our stories and our people will stick with you and that they will be representative of the excellence and range you expect as College of Law alumni.

We will be exploring options to make the magazine more reader friendly and interactive as we move forward. Is there a feature you enjoy? Is there an alum you'd like us to profile? If so, just let me know.

Your feedback is important. I hope you'll take a moment, via e-mail or letter if you prefer, to share your impressions of pieces of the magazine that speak to you. Good or bad, we want to hear your thoughts. We'll publish your letters and feedback in our new "Letters to the Editor" section. Don't miss your chance to be heard!

Go Vols!


Tanya Brown

Is there an alum you'd like us to profile? If so, just let me know.

ALUMNI AND FRIENDS,

When I was asked by Dean Doug Blaze to co-chair, with Ann Jarvis Pruitt, the law school's \$15 million commitment within the University of Tennessee Capital Campaign target of \$1 billion, I first thought our goal was rather low in light of the tremendous financial success of so many of our graduates.

However, as we approach the final 14 months of the campaign, reality set in as I was informed that we are just shy of three-quarters of the way to reaching the \$15 million goal by the end of our campaign.

Many of you have made either present or future financial promises to reach the top, both individually and through your firms. For that we say thank you.

I, along with Ann, respectfully solicit your help. Howie Avery or Heather Bryan in the college's development office can advise you of a multitude of ways to create gifts to benefit your desired program at the UT College of Law. You can contribute immediately or through estate planning devices that can benefit the college and be advantageous to you and your family or firm. **You can reach Howie or Heather at 865-974-6691.**

Please look into your heart and evaluate the law school's contribution to your position in life and respond with your support. We humbly ask for your help, and I promise that I will continue to support this institution, which has contributed so much to the enjoyable (and often hectic) career that I have had as a lawyer. Please do the same and help Dean Doug Blaze and the faculty to continue to elevate the standing and prestige of this law school.

Sincerely,



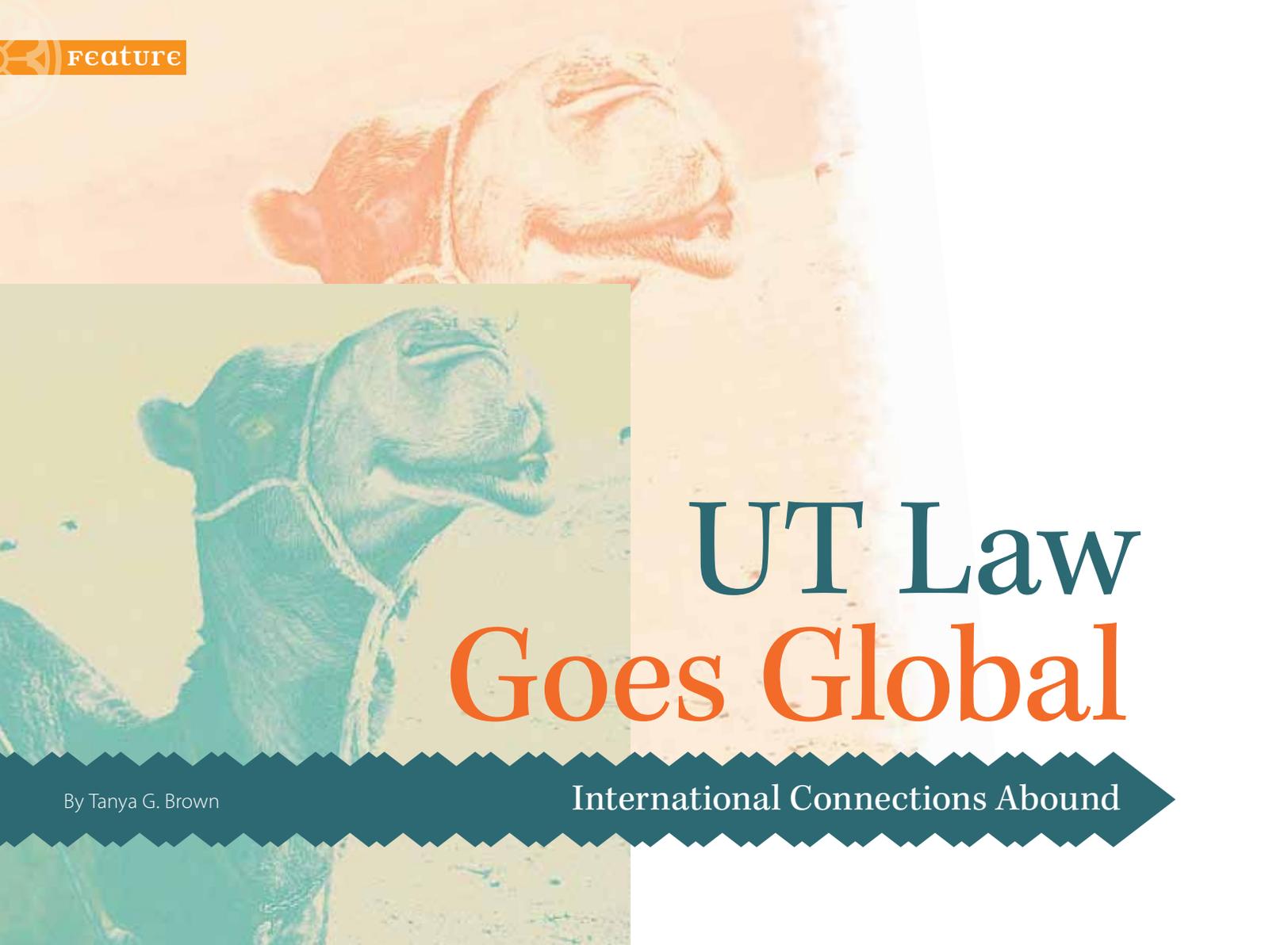
Jerry H. Summers
Co-Chairman

A handwritten signature in black ink, appearing to read "Jerry", written in a cursive style.

Every gift matters.
Help us reach our goal.

\$15 Million Goal

75% of Goal Reached!



UT Law Goes Global

By Tanya G. Brown

International Connections Abound

TJ Hatter, a 3L who hails from Miller Place, New York, traveled to Israel in the summer of 2010. He's relatively confident that when he goes back, he won't need a map, as he spent so much of his summer simply wandering around Jerusalem. 🌍 He still has trouble realizing, as he's watching the news of the conflicts and trials of that region of the Middle East, that he has walked those streets and seen those places with his own eyes. After getting turned on to study abroad and the global aspects of the curriculum at the University of Tennessee College of Law, Hatter wanted to travel to a place outside his comfort zone.

Having spent time in England through the school's cooperation with Cambridge University, he began looking for different opportunities for studying the law abroad. He chose the Israeli trip off a bulletin board maintained by UT's International Law Society and soon immersed himself in a culture unlike anything he'd experienced before.

"That's as formative an experience as I've had," Hatter said. "I got a real grasp on the people and the issues there. I now know that region very well. I don't think I would have done it if it hadn't been for taking the classes here at UT on international law. The classes were tremendously important in getting me to continue looking at study abroad."



PROBLEM SOLVING IN PRIVATE INTERNATIONAL LAW

Becky Jacobs, an associate professor who began her teaching career at UT after working in Duke Energy International's Sao Paulo, Brazil, office, said students seeking a firm grasp of both the public and private aspects of inter-

national law can find a strong foundation at the College of Law.

Human rights, war, and treaty cases fall into “public” international law, while “private” international law revolves around cross-border and foreign-domestic transactions and dispute resolution.

“In my experience, virtually every lawyer will encounter some sort of international legal issue in practice,” Jacobs said. “If they have not had some exposure in law school, they may not even recognize the issue or know how to begin to tackle it. I also believe it can improve our problem solving skills as lawyers to learn how different legal systems approach similar legal issues.”

Jacobs tries to incorporate international or comparative elements into all of her classes, including those offered to 1Ls. In addition, she teaches several classes focused on international topics, including international business transactions, cross-cultural conflict resolution and global health and policy.

She also provides advice to alumni who encounter international issues when they leave UT and begin practicing. Jacobs, and several other faculty members, make a point to remain accessible to former students who call on them for help after entering the real world.

She helped a Tennessee-based alumnus with a contract dispute between a Tennessee business client and an Australian supplier. The student called on Jacobs upon discovering that the contract between the two parties stated that the relationship would be governed by Australian law with no exceptions. Australian law would have been quite unfavorable to his client in this instance.

Jacobs pointed out that Australia has signed the Convention for the International Sale of Goods, which would be applicable because the contract did not specifically exclude it.

“CISG favored my student’s client in this case and knowing this helped him get a good result for his client in the dispute,” Jacobs said.

ADVOCATING FOR HUMAN RIGHTS

Robert Blitt, associate professor of law, teaches courses that focus more on what are considered the “public” aspects of international law. This focus of law didn’t come heavily into play until after World War II, when citizens of the globe who were horrified by the atrocities committed by the Nazis in Europe, began to advocate for more global involvement in the affairs of individual countries.

“Up until that time, states were black boxes and whatever they did within their borders wasn’t really anybody’s business,” Blitt said.

Blitt’s courses address issues including international human rights law, international religious freedom, European Union law, and the jurisprudential dialogue between courts in different parts of the world.

Courts in the U.S. have long considered the rulings of other countries as context in their own proceedings, he said. The U.S. Supreme Court abolished the death penalty for anyone under the age of 18 back in 2005, citing such sentencing as cruel and unusual punishment. A majority of the justices looked at the standards of other countries as part of their ruling, observing that the U.S. at the time of the case was one of only a handful of states that still authorized the penalty for minors.

“Assessing the legal debates and judicial findings of other states enriches our study of law with greater context,” Blitt said. “It pushes our assumptions and deepens our understanding.”

Blitt previously worked with a human rights organization that was active in campaigning for fair and equal medical rights treatment. He realized, as the years passed, that involving the courts made a lasting impact in the area.

COLLEGES AND COUNTRIES

International colleges and universities current UT Law students have attended:

International Christian University in Japan
Ateneo De Manila University in the Philippines
China University of Political Science & Law in China
EWHA Woman’s University in South Korea
University of Montreal in Canada

The current student body hails from nine countries worldwide:

<i>China</i>	<i>Panama</i>
<i>Jamaica</i>	<i>Philippines</i>
<i>Japan</i>	<i>Venezuela</i>
<i>Korea</i>	<i>United States of America</i>
<i>Mexico</i>	

“The only thing that was really resolving issues on a systemic level was court petitions that fixed laws that were broken,” he said. “I went to law school with the purpose of focusing on international law.”

Blitt worked with the federal government on international freedom of religion issues upon receiving his juris doctorate, before eventually crossing over into teaching.

“I enjoy exploring with students how these issues can come into play in day-to-day diplomacy,” Blitt said. “Man-made disasters, like the BP oil spill, can become human rights issues. What’s going to happen to the people who are losing their jobs there? What’s going to happen with the environmental impact?”

Like Jacobs, Blitt said former students often ring him for advice.

“Even if you’re working locally, international law has a way of cropping up,” he said.



IMMIGRATION AND GLOBAL CONNECTIONS

Alumna Hannah Lowe, who graduated in May 2010, agrees.

Lowe, who is currently working in a judicial clerkship under Chancellor Walter L. Evans in Memphis, came to the College of Law from England.

“Obviously I’m not from Tennessee,” she said with a laugh as she chatted from her office in Memphis in the fall. “It’s important to me that Americans who may not have ever traveled abroad before have an appreciation that there’s a world outside of America. Everything you see on the international news—underneath it all is international law.”

One of the most common ways U.S. lawyers might encounter international issues is when working with cases that involve immigrants. Lowe pointed out that the laws in most immigrants’ home countries might vary greatly from the U.S. Those new to the country may not even know that the actions they made would lead to criminal or civil charges against them.

“There was a Supreme Court case last year that said it’s legal malpractice for a defense attorney not to advise an immigrant of the ramifications of entering a guilty plea,” she said. “International law is about learning how the world works.”

Lowe’s interest in Blitt’s classes led her to try out for and win a spot on the Jessup Moot Court competition team, which participates in mock arguments centered on matters of global concern.

THE EVER-WIDENING WORLD OF LAW

By George W. Kuney
W.P. Toms Professor of Law and Director of
the Clayton Center for Entrepreneurial Law

We all know it. The world is getting smaller, and all activities are subject to globalization to one degree or another. Law is no exception. The practice of law today involves more than just domestic legal issues. It

requires a comprehensive understanding of how to conduct business and pursue justice in a global environment.

From contracting, taxation, and e-commerce to public policy issues such as sustainable development, war and peace, terrorism, and human rights, international law and the domestic law of other nations and its interaction with United States law is increasingly important even in the most domestic of law practices.

Take an example: Shortly after joining the faculty in 2000,

I was contacted by a Chinese law firm that had found me over the web. The firm was involved in a dispute between a Chinese exporter and a Chinese producer of scaffolding. These two companies had contracted to manufacture and ship scaffolding components to an American distribution company in Nashville, Tennessee.

When drawing up the contract between the two Chinese companies, the lawyers involved had patterned the agreement on the contract between the exporter and the Nashville company, including the Tennessee choice of law clause in the boilerplate. When the relationship broke down and the companies found themselves litigating in China, they needed to turn to an American lawyer to tell them what the law was that applied to the contract.

As it turned out, the case went through two levels of the Chinese court system and, along the way, I learned a lot about Chinese civil procedure. The Chinese learned much

She also worked to reestablish the International Law Society, a student organization that had gone dormant at the College of Law. The group, which is continuing to thrive in her absence, has brought international speakers to campus and reached out through pro bono work, such as helping local refugees and immigrants complete their U.S. taxes.

“After I got started doing it, it became a really important thing to me,” Lowe said. “A friend of mine is working with someone in the Hispanic community in Knoxville to reach out there as well.”

AN INCREASINGLY GLOBAL WORLD

Joan Heminway, distinguished professor of law, teaches abroad whenever the opportunity can be worked into her schedule. She also works international themes into the courses she offers at the College of Law.

In her study abroad courses, she includes at least one case study where students examine a deal that was hindered by international issues. Many foreign courts, such as those in Brazil, are reluctant to enforce U.S. law and often apply their own law to intercultural transactions, even when contracts are

written to ensure that U.S. laws are applied. Students need a thorough understanding of various countries’ legal systems and cultures in order to identify and resolve problems of this kind.

“I often ask my students if they have done any work on cross-border transactions,” Heminway said. “Almost every student I’ve asked that of in the last 12 months has said yes. Many of them are working in Knoxville.”

She laughs.

“Just because we’re land-locked doesn’t mean we’re not doing that kind of work,” Heminway said. “It’s an increasingly global world.” 🌍

about the Uniform Commercial Code and the Sherman Antitrust Act, which the court held applied to the parties and rendered the agreement unenforceable, due to the Tennessee choice of law clause. (This story is told in more detail in Nanping Liu, *Trick or Treat: Legal Reasoning in the Shadow of Corruption in the People’s Republic of China*, 34 N.C.J. Int’l & Com. Reg. 179 (2008).)

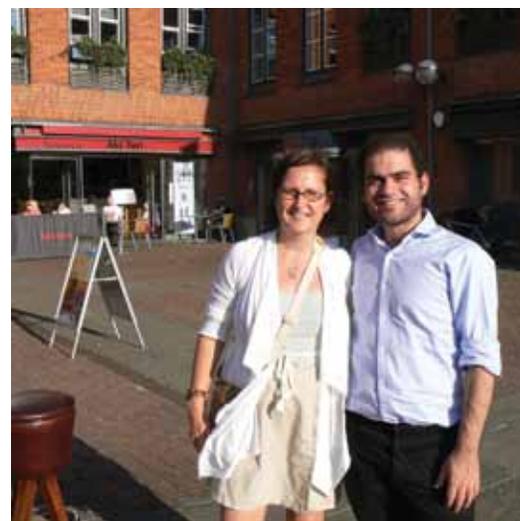
The University of Tennessee College of Law recognizes the importance of both international law and the law of other nations. Professor Robert Blitt’s international law course regularly features strong enrollments. In addition, international law and the laws of other nations are increasingly being taught across the curriculum as their impact is more often felt on subjects that traditionally were limited to Anglo-American law.

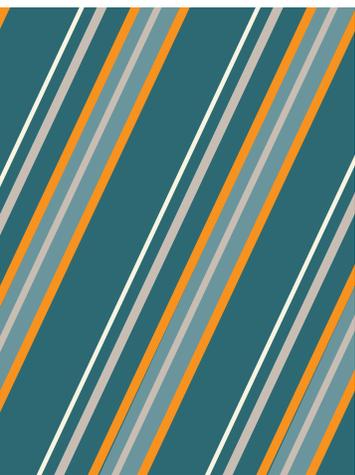
For example, the contracts casebook authored and used by Bob Lloyd and me in our 1L classes draws on the traditional American law sources of the Restatement (Second) of Contracts and the Uniform Commercial Code as well as the International Con-

vention on the International Sale of Goods and the UNIDROIT Principles of International Commercial Contracts.

An important part of learning law for the 21st century is making sure that students are aware that, for example, while they still have to struggle through learning about the parol evidence rule, this rule does not apply outside of the Anglo-American common law tradition. A much wider scope of evidence can be admitted to determine the answer to the question: What are the terms of the contract?

We, as legal teachers, must emphasize to our students that just as we should not assume that other cultures are like us, we also cannot assume that basic legal rules and structures that we take for granted exist or are recognized abroad. We must learn about different countries, cultures, legal systems, and contexts in order to produce successful business lawyers for the balance of the 21st century.





The Business of

LAW

Clayton Center for Entrepreneurial Law Celebrates
15 Years of Producing Better Business Lawyers

By Kristi Hintz



Courtney Rogers works for the Royal Bank of Scotland. Peter Ripley works in energy law for the federal government in Washington, D.C. Christy Young works for Alston & Bird, a leading national firm that has been ranked on *Fortune* magazine's "100 Best Companies to Work For" list for 11 consecutive years. Archie Fallon is an associate attorney for a leading international law firm headquartered in Atlanta. These graduates credit where they are today to the education they received in the Clayton Center for Entrepreneurial Law in the UT College of Law.

The Clayton Center offers law students who have an interest in business law a curriculum of core business law courses covering skills and substance and a capstone experience that involves the examination and simulation of sophisticated transactions, both as they are assembled and documented and as they are taken apart and re-structured.

The center, which celebrates its 15th anniversary this year, "is a unique and valuable asset for the College of Law, one that separates it from many other law programs," says Clayton Center Director George W. Kuney.

"It is not common for programs to have this kind of center," Kuney said. "This helps UT stand out and be more competitive. It is just one of the reasons why an education from the UT College of Law is a wonderful value from a legal standpoint."

the value of a "real world" education

The center focuses on the training of transactional lawyers and commercial litigators. Through a specialized curriculum and faculty with substantial practical experience, the center helps prepare law students to "get out on day one and practice," Kuney said.

"The Clayton Center makes our students more profitable and useful as new lawyers," he said. "Sometimes it may take a new lawyer several years—some say up to three—to get up and running. This center gives business lawyers enough training to be very useful and productive assets to the companies and law firms for which they will work after graduating and taking the bar exam."

Courtney Rogers, a 2006 graduate, is proof of the diverse and substantive education students receive from the Clayton Center and its team of expert faculty. While she left her associate position at Orrick, Herrington, and Sutcliff recently and isn't a practicing lawyer in her new position at the Royal Bank of Scotland, what she learned about bankruptcy and business law prepared her for her work as a vice president-distressed debt analyst for RBS in Connecticut. Rogers assists traders on deciding which bonds to buy and sell.



Left: Professor George Kuney works with students at the Clayton Center for Entrepreneurial Law.

Below: Students can choose a business-focused curriculum.

As a law student who took the business concentration, Rogers said that she found the support and encouragement in the center to follow her career dream.

"One of the most important aspects of the center was the mentoring I found under George Kuney and Joan Heminway," Rogers said. "They believed in my dreams when no else did. They put action behind their support and helped me make contacts, putting me in touch with people I might never have talked to otherwise. Bob Lloyd and Greg Stein also were great mentors to me. The center provided a great support network for me."

Students begin the business concentration in their second year when they choose certain qualifying courses.

"It was academically rigorous, but it got me better prepared," Rogers said. "It might have been the harder route

compared to other tracks in the law program, but it was worth it, especially regarding where I have ended up.”

Archie Fallon '07 agreed with Rogers that the business concentration coursework demanded more of his time than the average law curriculum might have but better prepared him for the real world.

“The professors place expectations on you that are similar to the expectations of your clients or senior attorney and partners.” Fallon, who is a transactional lawyer with King & Spalding’s Global Transactions Practice Group in Houston, said. “So as a practicing lawyer, you’re used to being responsive to clients and partners. That’s one of the determining factors of success when you’re practicing law. Everyone is intelligent and capable, but your responsiveness is what separates some people from others.”

BRINGING BUSINESS TO THE CLASSROOM

The backbone of the center is the business transactions curriculum. Many of the faculty members who teach within the concentration previously practiced with prestigious law firms for substantial periods of time and are uniquely qualified to mold a curriculum that merges practical experience, black letter law, theory, and policy.

The center’s visiting professor program attracts non-traditional visiting professors, many of them senior business law practitioners from all over the country, to teach a combination of core courses and custom-designed seminars on subjects like European Union law, originating and managing unsecured credit facilities, video game law, doing business abroad, and energy and utility law.

Through the center, students also have access to research projects and opportunities. As research associates, students work on real-world projects. All projects are business or business law-related, and many include large scale collaborative efforts by students who survey and report on the state of the law in a particular area or work to produce commentary regarding

transactional and other business and business-law matters.

Peter Ripley '09, who works for the Federal Energy Regulatory Commission in Washington, D.C., was a research associate in the Clayton Center, an experience he says gave him legitimate real-world experience.

“We worked on a bankruptcy case, and I conducted research and wrote several legal memoranda,” Ripley said. “One complaint of law firms has been that recent law school graduates focus too little on substantive business courses. The Clayton Center offers many business-related legal courses that provide a substantial foundation of real world business issues. With such a foundation, I was able to hit the ground running at my current job. What I learned in the Clayton Center provided me with practical training of how to think like a business lawyer in a complex regulatory environment.”

A DONOR SEES THE VALUE OF BUSINESS LAW

The founding director of the center was Bob Lloyd, a Lindsay Young Distinguished Professor of Law, who helped develop the concentration in business transactions and get the original Center for Entrepreneurial Law off the ground. He led the center for three years before handing the reigns to Carl Pierce, current director of the Baker Center for Public Policy.

During Pierce’s three-year tenure leading the center, he established a student journal, *Transactions: The Tennessee Journal of Business Law*, and curricular offerings relating to the concentration broadened. One of Pierce’s most notable initiatives as director, however, was creating a distinguished visiting businessman program.

“We wanted to bring in a distinguished business client, someone who would come in and be at the law school and talk about a businessman’s view of lawyers and the business they provide,” Pierce said. “I thought businessman and alumnus Jim Clayton would be perfect.”

James Clayton, a 1964 graduate of the UT College of Law, is the founder of Knoxville-based Clayton Homes, Inc., now a subsidiary of Berkshire Hathaway. As a successful businessman—he is now the vice-chairman and principal shareholder of Clayton Bancorp., Inc., a \$706 million multi-bank holding company in Knoxville—he has great insight on the relationship between business clients and their lawyers. Clayton was invited to the college for a weeklong visit as the Distinguished Businessman in Residence.

Part of the visit included a panel discussion consisting of Clayton and a couple lawyers involved in or familiar with his business. They discussed the attorney-client relationship and the rules governing that relationship from their different perspectives.

“This program is an example of something the center was doing to enhance the quality of the academic and educational experiences of the business transactions students,” Pierce said. “It was a unique and valuable oppor-

“With such a foundation, I was able to hit the ground running at my current job.”

tunity for the students—future lawyers—to be a part of that discussion.”

During his visit, Clayton took a group of the business transactions students out to lunch and walked away from the experience impressed. Two weeks later, Clayton and his wife, Kay, indicated that they wanted to support the center.

The center was renamed in their honor as recognition of their valuable commitment.

“Jim’s visit and the insight he was able to share with the students was a gift in and of itself,” Pierce said. “We had no idea that hosting him at the college would result in a monetary gift, but we are very thankful for his support.”

Pierce also was involved in the hiring of Kuney, the center’s current director. Kuney left the California firm of Allen Matkins Leck Gamble & Mallory to come to UT and take on the directorship in 2001.

current director LOOKS FORWARD to the future

“I withdrew from my California firm to come and direct the center because it had such promise,” Kuney said. “At that time it consisted largely of the concentration in business transactions, with a single capstone, representing enterprises. Since then, we have added another capstone, transactional tax planning, have grown *Transactions: The Tennessee Journal of Business Law* into a respected law journal serving both academia and the bench and bar, have added a visiting professor program, and have engaged in lots of hands-on, business-related work with students.”

Kuney believes UT Law does as good a job of training the transactional lawyers and commercial litigators of tomorrow as any school out there, and a better job than many, if not most, of them.

“I was attracted to UT’s conceptual approach of learning by doing, blending skills, substance, and writing across the curriculum; and the school, the center, and the faculty have not disappointed,” He said. “The center’s activities focus on teaching real lawyering in an applied fashion while not sacrificing attention to legal doctrine.”

Christy Young ’02, a transactional attorney in the financial services and product group at Alston & Bird in Atlanta, best sums up the Clayton Center’s impact on students.

“My experience at the center had a major impact on the ease of the transition from law student to practicing attorney,” Young said. “I don’t know whether I would have ended up where I am today without it.”

CONFERENCE DRAWS CROWD, CELEBRATES ANNIVERSARY OF CLAYTON CENTER

On Saturday, October 2, the Clayton Center for Entrepreneurial Law held its “Behavior and Business Law,” conference at the College of Law. Outside presenters from law schools at Georgetown, Cincinnati, Georgia State, Brooklyn, and Temple, the business school at Columbia, and several other divisions of UT joined UT faculty, staff, and students in making the endeavor a success.

The conference focused on the important field of behavioral studies. This emerging field of research uses facts and methods from the social sciences, such as psychology and sociology, to better understand how people behave across social and business settings in terms of decision-making, willpower, and motivation.

Professor Kuney organized the conference with the assistance of many other College of Law faculty members who teach and write in the area of transactional law. Those from the college who presented or prepared remarks included Professors Joan Heminway, Glenn Reynolds, Tom Plank, Carl Pierce, Bob Lloyd, and Dean Doug Blaze. Panel moderators included Professors Paula Schaefer, Becky Jacobs, George Kuney and Brian Krumm.

Staff members Sophia Brown, Micki Fox, Jeff Groah, and RG Smithson were instrumental in the program’s success and were assisted by numerous student volunteers from *Transactions, the Tennessee Journal of Business Law*, who helped showcase the college and the center to conference attendees.

Attendees included law faculty from UT Law and others schools, members of the local bar and various other attorneys and interested laypeople who traveled to Knoxville for the event. The conference celebrated the 15th anniversary of the Clayton Center for Entrepreneurial Law.



Defending the “Country Lawyer”

50th Anniversary of
Literary Classic Sparks Debate

By Tanya G. Brown

UNLIKE MANY OF LIFE’S heroes, his character and actions lie completely within the pages of a book. For some, the lessons Atticus Finch imparted remain so important that they own multiple well-worn, dog-eared copies of *To Kill A Mockingbird*, which celebrates its 50th anniversary this year.

Judy Cornett, associate professor at the University of Tennessee’s College of Law, can understand the compulsion. Cornett, who earned her master’s and doctoral degrees in English from the University of Virginia, has always admired the iconic story by Harper Lee that Finch inhabits.

Cornett first took a professional interest in Finch’s character in 2007, when she was asked to participate in a panel at a Southeastern Association of Law Schools (SEALS) conference that examined the influence of literary lawyers and judicial films on modern day attorneys.

“I started looking at this question of what is the New South?” Cornett said. “If you associate urbanity with progressive social views, with more progressive views on race, then Finch becomes very intriguing. There wasn’t that much critical commentary on what I would have considered an archetype of a country lawyer. Finch bridges the urban and rural values through his professional skills.”



Judy Cornett

Since that time, Cornett’s interest in *To Kill a Mockingbird* has widened. She has presented her thoughts at several conferences and lectured in continuing legal education programs, examining Finch’s behavior according to modern judicial rules, specifically the Tennessee Rules of Professional Conduct for lawyers.

Cornett believes that the character created by Lee serves as an exemplar of the type of ethical and moral compass that many lawyers, particularly Southern lawyers, continue to strive toward today.

“If you believe that Atticus embodies that country lawyer archetype, you can look at how his influence continues in modern society,” Cornett said. “What role does the country lawyer play at reconciling two ways of life—the urban and the rural in the New South?”

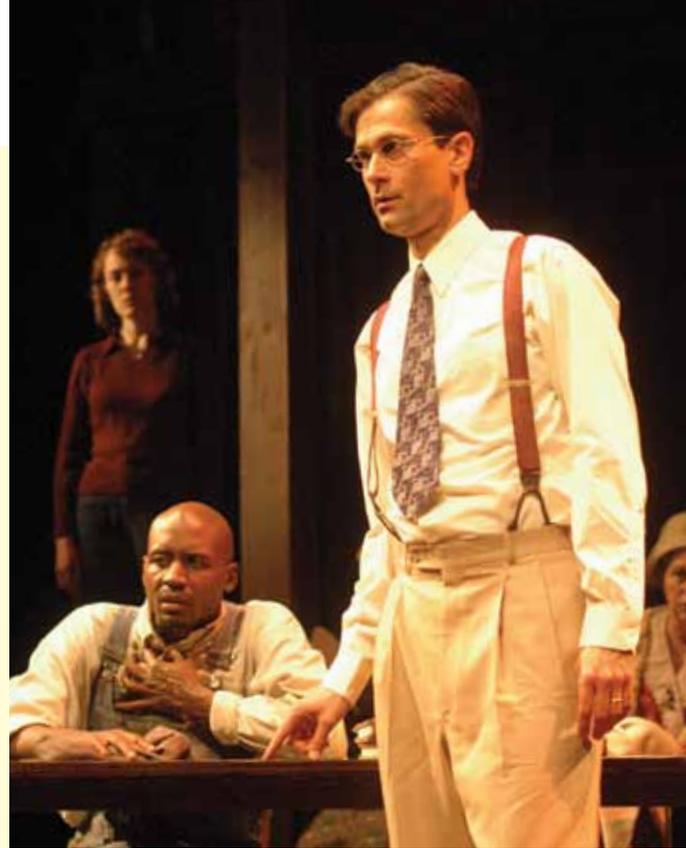
THE CONDEMNATION OF ATTICUS FINCH

Not everyone agrees with Cornett’s analysis of the heroics or morals of Atticus Finch. As the 50th anniversary of Lee’s novel approached, *The New Yorker* published a critique of Finch by Malcolm Gladwell.

Gladwell, a former reporter for *The Washington Post*, and staff writer for *The New Yorker* since 1996, issued a damning portrait of Finch as a sort of fictional James “Big Jim” Folsom, an Alabama governor in the 1950s who was famously known for straddling the line on issues of race.

Gladwell’s piece, “The Courthouse Ring: Atticus Finch and the limits of Southern liberalism,” asserted that like Folsom, Finch’s association with civil rights was mostly only skin deep.

He criticized both men not for not doing anything to help correct racial inequalities of their day, but for not doing enough. In particular, he pointed out Finch’s lack of anger when the jury returned their guilty verdict against his client, Tom Robinson, as proof of the character’s inability to advocate more.



Above photo:
Actors portray
Tom Robinson
and Atticus Finch
in a courtroom
scene during a
production of *To Kill
A Mockingbird* at
the Clarence
Brown Theatre.

“If Finch were a civil-rights hero, he would be brimming with rage at the unjust verdict,” Gladwell wrote in his piece, which ran on Aug. 10, 2009. “But he isn’t. He’s not Thurgood Marshall looking for racial salvation through the law. He’s Jim Folsom, looking for racial salvation through hearts and minds.”

Gladwell, who also is a *New York Times*’ bestselling author, saw his piece gain traction among other media. His words, which caused quite a stir in the legal and literary communities, slammed the ideal of Finch as a lawyer engaged in a quiet quest for justice and equality, reducing him to not much more than a misguided defender who allowed racism and inequality to thrive under his nose.

“Finch will stand up to racists,” Gladwell wrote. “He’ll use his moral authority to shame them into silence. He will leave the judge standing on the sidewalk while he shakes hands with Negroes. What he will not do is look at the problem of racism outside the immediate context of Mr. Cunningham, Mr. Levy, and the island community of Maycomb, Alabama.” (Cunningham and Levy also were characters in *To Kill A Mockingbird*.)

A CHRISTIAN HERO

In the summer 2010 edition of the *Tennessee Law Review*, Lance McMillian, an assistant professor at Atlanta’s John Marshall Law School, responds to the Gladwell piece by exploring Finch as a Christian hero.

McMillian’s argument answers Gladwell’s notion that Finch failed by refusing to speak out against the book’s racist characters like Cunningham, a poor white farmer, instead seeing Finch’s attitude as part of his Christian ideology.

“Many of Gladwell’s criticisms of Atticus (the refusal to hate Nazis, his personal interactions with the community, the hesitancy to forcefully condemn as people the racists of Maycomb County) all stem from Finch living out the tenets of authentic Christianity,” McMillian writes.

McMillian takes the stance that Finch, as a follower of Christianity, often turns the other cheek in the novel, attempting to change society by leading a life of example, of “hating the sin, but not the sinner.”

Joseph Allan Jackson, editor in chief of the *Tennessee Law Review*, said he asked Cornett to write the response to McMillian’s piece on Finch because of her background in literature and law.

Jackson contacted Gladwell first, but the author declined.

“He’s a very busy guy,” Jackson said. “I got to thinking about it and Judy was an ideal person for it. She knows all about *To Kill A Mockingbird* and is a student of the Bible.”

“It’s the age old question of how can a good person survive in a corrupt society.”

ETHICS AND THE CIVIC LEADER

For her part, Cornett finds Gladwell’s critique of Finch inherently flawed because of its lack of historical context.

“There’s an ahistoricism to the critique,” Cornett said. “He applies 1950s values to a 1930s world. It’s based upon a certain squeamishness about segregated Southern society. Gladwell is incredulous that a society that was segregated could have incubated any good people. It’s the age old question of how can a good person survive in a corrupt society.”

The type of outspoken advocacy Gladwell expects of Finch, she says, was uncommon in the 1930s. The *New Yorker* piece, Cornett says, discounts Finch on principles of the present day, rather than the time in which his character was placed.

“Atticus Finch was a progressive on race, a progressive lawyer and just because he didn’t do more, you can’t use that as a basis for criticizing what he did do.”

She disagrees somewhat with McMillian’s picture of Finch as a Christian hero as well, pointing out that the morals and ideals to which Finch subscribes, the charitable disposition which he models for his children and neighbors and his scruples as a lawyer, are not limited to the Christian faith.

Some goodness is inherent, she argues, and runs deeper than religion, but flourishes in the makeup of the best of humanity.

“Can we imagine Atticus Finch as an atheist?” Cornett writes. “If we can, then Atticus’s Christianity becomes less of a faith and more of an ethos, an ethos available to anyone who acts in the civic realm, and Atticus retains his place in popular culture not as a Christian hero, but as a civic hero.”

The summer 2010 edition of the *Tennessee Law Review*, containing both McMillian’s articles and Cornett’s response, will be published in print and several places online in the coming month.

Please check in at law.utk.edu/publications/lawrev/lawreviewhome.htm for upcoming publication of the latest issue.

By Tanya G. Brown

You might think that such frequent trips would make Stein, who is associate dean for faculty development and a Distinguished Professor of Law at the University of Tennessee's College of Law, well acquainted with China's largest cities.

Not so, says Stein, who has visited as a Fulbright scholar and specialist, as well as for conferences and his own personal research.

"In 2003, Shanghai had two subway lines," Stein said. "Now they have 11. We thought we knew our way around, but it was completely different. They are digging under a city that is already there. It's amazing."

Stein first traveled to Shanghai in 2003 as a Fulbright lecturer at Shanghai Jiaotong University Law School. He

taught introductory property law to undergraduates (Law is an undergraduate field of study in China.) and a real estate transactions course for graduate-level students that is similar to the land finance course he teaches at UT.

He returned in 2005 as a Fulbright specialist, teaching transactions again. For a professor who focuses on real estate and property law, the economic and building boom in China creates a study unlike anything seen before.

Since it remains a communist country, citizens in China may not own land. All land—underlying everything from homes to hotels—is the property of the government. The concept of businesses sinking hundreds of thousands of dollars into developments they can't own outright so intrigued Stein that he has returned to China for research on a book he will write about the economic freight train that is changing the landscape of real estate there. He has interviewed developers, bankers, government officials, and investors.

"Americans assume you have to have a really safe property law to have a strong economy," Stein said. "China did just the reverse. They developed the economy without the law, and once they saw that it would work, they adopted a law that said keep doing it."

Indeed, in 2007, the government acknowledged the strange state of affairs in its country by introducing a law that gives the government the right to allow businesses or individuals "to use land" for a specified period of time.

"The government will let you use the property, but at the end of that time, nobody knows what happens," he said. "For a house, it's 70 years."

Does this mean that when the land-use rights expire the land reverts to the ownership of the Chinese government? No one is sure, but thus far the lack of clarity hasn't stopped investors. Even U.S. giants like Morgan Stanley are investing heavily in China.

Stein, who most recently visited Renmin University of China Law School and Peking University Law School in June 2010 as an invited panelist and guest lecturer at conferences there, said the economy raises interesting legal questions, but the people of China often are less questioning than their U.S. counterparts.

"People in the cities are very happy, very satisfied," he said. "Over the next 50 years, more people will move to cities in China than the entire population of the U.S. They are richer than their parents were. They are lifting themselves up."



Chinese Connections

Greg Stein has visited China four times since 2003. All told, he estimates he has spent about eight months in the fast-growing country during the last seven-and-a-half years.

Since it remains a communist country, citizens in China may not own land.

Over the next 50 years, more people will move to cities in China than the entire population of the U.S.



Faculty Notes

Several members of the University of Tennessee College of Law community have been involved in the publication of a new book, the *Tennessee Capital Case Handbook*. **PENNY WHITE**, who authored the 800-page, 24-chapter guide for capital defense lawyers, said that writing the handbook gave her a wonderful opportunity to introduce many students to the unique aspects of capital defense representation. **JERRY BLACK** wrote the introduction.

FRAN ANSLEY spoke at a conference on March 11 at the UCLA Law School. The conference topic was "Intersectionality: Challenging Theory, Reframing Politics & Transforming Movements." Ansley also facilitated a Women's History Month event at the Department of Energy in Oak Ridge.

BEN BARTON received the second annual LSAC Philip D. Shelton Award for outstanding research in legal education at LSAC's annual meeting in June. Barton was selected for his article, "Is There a Correlation Between Law Professor Publication Counts, Law Review Citation Counts, and Teaching Evaluations? An Empirical Study," which he presented at the meeting. His forthcoming book, *The Lawyer-Judge Bias in the American Legal System*, was accepted for publication by Cambridge University Press and is expected in early 2011. In May, Barton presented "The Feedback Circle in Clinical Programs," at Stanford University as part of the Southern California Innovation Project's "Making Better Lawyers" conference. He also presented a paper entitled "Against Civil Gideon (And for Pro Se Court Reform)" at the AALS Workshop on Clinical Legal Education. An article with the same title was accepted for publication in the December 2010 issue of the *Florida Law Review*.

ROBERT BLITT recently presented his findings on religious freedom in the Russian Federation at the Catholic University of America's Columbus School of Law. The Central European University in Budapest, Hungary, invited Blitt to present a paper on

the role of Russia's Orthodox Church in shaping Russian foreign policy during its annual conference addressing "Religion in the Public Square." His article, entitled "Russia's Orthodox Foreign Policy," will be published in a forthcoming volume dedicated to the conference proceedings. Two other recent articles by Blitt have been accepted for publication. The first, "Should New Bills of Rights Address Emerging International Human Rights Norms? The Challenge of 'Defamation of Religion,'" will be published by Northwestern University School of Law's *Journal of International Human Rights*. The second, "One New President, One New Patriarch and a Generous Disregard for the Constitution: A Recipe for the Continuing Decline of Secular Russia," will appear in the *Vanderbilt Journal of Transnational Law*.

JUDY CORNETT's article, "The Ethics of Blawging: A Genre Analysis," was published in the fall 2009 issue of the *Loyola University Chicago Law Journal*. In addition, Cornett published "Trick or Treat? Summary Judgment in Tennessee After Hannan v. Alltel Publishing Co.," in the most recent issue of the *Tennessee Law Review*.

TOM DAVIES spoke at the Fourth Amendment Search and Seizure Criminal Law Symposium held at Texas Tech Law School.

IRIS GOODWIN was the featured speaker at the Columbia University Seminar on Law & Politics in March. Her topic was "Donor Intent: Is There a Normative Basis in Civil Society?" Her review of Richard Hyland's book, *Gifts: A Study in Comparative Law* (Oxford University Press), has been published in the *Real Property, Probate and Trust Journal*. Goodwin also served on a panel titled "Gifts Gone Wild: What Happens When Donors and Charities Don't See Eye to Eye" at the American Bar Association Annual Meeting of the Real Property Trusts and Estates Section.

JOAN HEMINWAY and **BRIAN KRUMM** gave presentations earlier this summer at Emory Law School's Center for Transactional

Law and Practice, which hosted its second biennial conference on teaching transactional law and skills.

An excerpt from **JOAN HEMINWAY's** article, "Personal Facts About Executive Officers: A Proposal for Tailored Disclosures to Encourage Reasonable Investor Behavior," first published in the *Wake Forest Law Review* in 2007, will appear in a forthcoming textbook about corporate governance. Heminway also spoke on a panel at the American Bar Association Annual Meeting in San Francisco in August. The panel, "Wake Up Calls or Snooze Alarms: Are recent CyberSecurity Regulations Giving Birth to Cyber-Fiduciary Duties?," focused on corporate director and officer responsibilities in the context of data security. On July 1, Heminway became the president of the UTK Faculty Senate, which represents faculty on UT's Knoxville and Institute of Agriculture campuses, as well as the UT Space Institute in Tullahoma.

MICHAEL HIGDON's article, "When the Case Gives You Lemons: Using Negative Authority in Persuasive Legal Writing," will be published in the upcoming issue of the *Tennessee Bar Journal*. Higdon was quoted in *Time Magazine*, in connection with his use of reality TV, particularly "Project Runway," as a teaching device.

JEFF HIRSCH's recent blogging about unpaid internships and the problems they raise under U.S. labor laws was noted in *The Washington Times*. His most recent article, "Communication Breakdown: Reviving the Role of Discourse in the Regulation of Employee Collective Action," was accepted for publication by the *UC Davis Law Review*. Hirsch also recently presented his article, "Defending the NLRB: Improving the Agency's Success in the Federal Courts of Appeal," at the symposium, "Whither the Board? The National Labor Relations Board at 75," which was sponsored by Florida International University College of Law. The article will appear in a forthcoming symposium volume of the *FIU Law Review*.

Faculty Notes

BECKY JACOBS traveled to Rio de Janeiro, Brazil, to join a group of scholars from around the globe in a multi-disciplinary workshop on cultural diversity, property, and the environment. She also chaired a panel at the annual SEALS conference entitled "Through the Looking Glass: Analyzing an Ethics Lesson Through Four Modes of Teaching."

BRIAN KRUMM will be publishing "Understanding the New Tennessee Small Business Investment Company Credit Act: Stimulating Economic Growth at the Intersection of Free Market Capitalism and Government Intervention" in the upcoming issue of *Transactions: The Tennessee Journal of Business Law*.

GEORGE KUNEY led and participated in a panel discussion on "Morality and Contract Law" at the University of Nevada, Las Vegas, William S. Boyd School of Law's spring conference on contracts. His article, "Vacating Chrysler," is being published by the *Journal of Bankruptcy Law & Practice*.

DON LEATHERMAN gave a presentation on "Affiliated & Related Corporations: Consolidated Return Issues for Troubled Companies" at the ABA Tax Section meeting in Washington, D.C.

On February 12, **ALEX LONG** spoke at the Oklahoma City University School of Law faculty colloquium. Long's talk was entitled, "Attorney Deceit Statutes: Promoting Professionalism Through Criminal Prosecution and Treble Damages." His article with the same title will be published in a forthcoming issue of the *UC Davis Law Review*. Long has just published "Viva State Employment Law! State Law Retaliation Claims in a Post-Crawford/Burlington Northern World," in the most recent issue of the *Tennessee Law Review*.

Karla McKanders participated in Washington University School of Law's junior faculty regional workshop, presenting her paper, "Lost Century Found: The Fugitive Slave Act and Federal Delegation of Immigration Authority." She participated on a panel at

the University of Iowa, presenting a paper entitled "Intersectionality and Indigenous Women in Immigration Raids." At the UCLA School of Law 2010 Critical Race Studies Symposium on Intersectionality, she participated on a panel entitled "Race, Gender, and Nationality: Unbundling the Intersectional Discrimination of Latinos in the United States." She also presented her work in progress, "Fugitive Slave Act and Federal Authority over Deportations," to the faculty at LSU. McKanders also gave a presentation with UT Anthropology Professor Dr. Tricia Hepner at the Law and Society Conference in Chicago in May. The topic was "The Material Support Bar and Security Inadmissibility: Coordinating Analysis and Advocacy in the United States and Canada." She presented at the American Council for the Blind Conference in Phoenix on "The Constitutionality of Arizona's Immigration Law SB 1070." McKanders's article, "Sustaining Tiered Personhood: Jim Crow and Anti-Immigrant Laws," will appear in the *Harvard Journal on Racial and Ethnic Justice*. Another article, entitled "Varying Shades of Grey: Teaching Amongst Generational Difference," will appear in the fall issue of the *Clinical Law Review*. A third article, "Class Based Coalition Building During the 'Post-Racial' Era," will appear in the *Saint Louis University Public Law Review*. And a fourth article by McKanders, "Unspoken Voice of Indigenous Women in Immigration Raids," will appear in the *Journal of Gender, Race, and Justice*.

GLENN REYNOLDS authored a chapter in Adam Bellow's book, *New Threats to Freedom*. Other authors in the volume include Richard Epstein, Anne Applebaum, Christopher Hitchens, and David Mamet. He has also authored a chapter for a forthcoming book on civics education to be published by Rowman & Littlefield. Coauthors include Juan Williams, Sandra Day O'Connor and Alan Dershowitz. Reynolds published an op-ed in *The Wall Street Journal* on Jacques Cousteau's centennial, observing that Cousteau's record as inventor of modern

scuba equipment deserves more attention. A column, addressing the impact of the Supreme Court's opinion in *McDonald v. City of Chicago*, which concerned the scope of Second Amendment rights, recently appeared in *The New York Times* "Room for Debate" blog, and his review of the book *Voyager*, by Stephen J. Pyne, appeared in *The Wall Street Journal*.

DEAN RIVKIN's latest article, "Decriminalizing Students with Disabilities," was published recently by the *New York Law School Law Review*. The article is part of a symposium addressing "The School-To-Prison-Pipeline." Another article, co-authored with attorney Chris Irwin ('06), has just been published by the *Los Angeles Public Interest Law Journal*. The article is titled "Strip-Mining and Grassroots Resistance in Appalachia: Community Lawyering for Environmental Justice."

On February 19, **PAULA SCHAEFER** spoke at the Tennessee Bar Association's CLE Program, "Demystifying the Ethics Process." The CLE was organized by the TBA's Young Lawyers' Division and TennBarU. On March 31, Schaefer presented "Attorney Obligations to Business Clients" at the University of Tennessee Corporate Governance Center. The following week, she presented "Emerging Issues in Litigation Ethics" to the Smoky Mountain Paralegal Association. Her article, "The Future of Inadvertent Disclosure: The Lingering Need to Revise Professional Conduct Rules," was selected as the lead article for the recently published volume 69, issue 2 of the *Maryland Law Review*. In addition, she has accepted an offer to publish "Harming Business Clients with Zealous Advocacy" in volume 38 of the *Florida State University Law Review*.

GREG STEIN recently gave a presentation at Georgetown Law School entitled "Chinese Real Estate Law: The Divergence Between Published Statutes and Actual Practice." Stein's presentation was a part of the annual meeting of the Association for Law, Property



Parker Receives Blackwell Award

The Association of Legal Writing Directors and the Legal Writing Institute named Associate Dean Carol Parker as the winner of the 2011 Thomas F. Blackwell Memorial Award for Outstanding Achievement in the Field of Legal Writing.

In addition to being the associate dean for academic affairs, Parker has served as director of legal writing at the University of Tennessee College of Law.

Ken Chestek, president of the Legal Writing Institute, said Parker exemplifies the purpose of the award.

“The Blackwell Award honors Thomas F. Blackwell, and is awarded to a professor who demonstrates excellence in nurturing and motivating

students; helping other professors of legal writing achieve their full potential; and innovation in legal writing pedagogy,” Chestek said. “Carol was a logical choice in all categories.”

In her nominating materials, Parker was described as a mentor of students and teachers and a leader who leads while respecting the voices and ideas of others. Former students describe her as a challenging yet supportive teacher, one who knows when to nurture and when to nudge.

and Society. His article, “Commercial Leasing in China: An Overview,” has just been published in the *Cornell Real Estate Review*. In addition, he spent three and a half weeks in Beijing and Shanghai, China, in June and July, participating in a conference, giving a guest lecture, and conducting research for his forthcoming book on Chinese real estate law. He presented at a conference at Renmin (People’s) University Law School in Beijing in celebration of that school’s dedication of its international comparative law program. While in Beijing, he also served as a guest lecturer at Peking University Law School in a course entitled “Legal Issues in Real Estate Finance and Transactions.” Stein has accepted an invitation to serve on the Board of Governors of the American College of Real Estate Lawyers.

The ABA’s Section of Antitrust Law has invited **MAURICE STUCKE** to speak at its annual meeting in Washington, D.C. on the topic “Lessons from the Financial Crisis.” He will also discuss his behavioral economics

research. He presented his paper, “Reconsidering Competition and the Goals of Competition Law,” at the Academic Society for Competition Law conference in Bonn, Germany. He was also elected to the Executive Board and the managing Steering Committee of ASCOLA, an academic association of more than 150 lawyers and economists, from about 25 different countries, who specialize in competition law and policy. Stucke then spoke in London at the conference, “US Antitrust Law under an Obama Administration: One Year On,” sponsored by University College London’s Centre for Law and Economics. This summer he served with his co-author, Allen P. Grunes, as a general reporter at the International Academy of Comparative Law’s 18th International Congress on Comparative Law. They will prepare the “General Report on Plurality of Political Opinions and the Concentration of Media,” which will be published as a part of a larger book. Two of Stucke’s articles were also published this summer, “Money, Is That What I Want?

Competition Policy & the Role of Behavioral Economics,” 50 *Santa Clara Law Review* 893 (2010) and “When a Monopolist Deceives,” 76 *Antitrust Law Journal* 823 (2010), which was part of a symposium on issues of monopolization and abuse of dominance. Stucke also commented for CNNMoney.com on Intel’s settlement with the Federal Trade Commission.

PENNY WHITE delivered a lecture at the Yale Law School on “State Courts, Politics, and Capital Punishment” on March 29. Her lecture was given in a class taught by Professor Stephen Bright, who is a lecturer in law at Yale. Bright, an expert in capital punishment jurisprudence, is Advocate in Residence at the UT College of Law for fall of 2010.

Asian Student Group Brings Law Community Together

By R.G. Smithson

The aroma of Asian food wafting from the Howard Baker Rotunda enticed connoisseurs as well as the merely curious to one of the social highlights of the past spring semester. Members of the newly formed Asian Law Students Association provided a wide variety of Asian food samples for the entire law school community and, in the process, raised awareness that Asian students are increasingly attracted to the college.



The “Taste of Asia” fete held in late April was the first college-wide event planned by the group, whose 2009 formation was spearheaded by Mili Shah, a first-generation Indian-American who is a joint JD-MBA student and the current Asian student group president.

“The Asian student organization was formed as a result of the increase of not only minority students but the Asian population, as well,” Shah said. “Half of the minority population here this semester actually comes from outside the United States. We felt that since Asians are generally underrepresented in the field of law this would be a good way to bring Asians together so we could tap into the many resources that are available.”

The group’s membership this semester has risen to 15 and includes several non-Asians.

“Everyone is asking if we are going to do the food again and we will,” Shah said, “But we want it to be more than just about food.”

Shah would like to see an international law students week where food tastings could be woven into more serious events.

“One day we would have food and other days we would have speakers like Asian attorneys or a federal judge who is Asian,” she said. “Everything would be international in scope.”

The Class of 2013, which enrolled at UT this semester, is the most diverse in the college’s history and includes students from China and South Korea. Hispanics, American Indians and Hawaiian/Pacific Islanders are also represented in the overall student body.

Shah, whose parents emigrated from India in the 1980s, did her undergraduate work at New York University, where she also was president of the university’s South Asian organization.

“This has been my passion,” she said, “to bring people together.”

The group has a firm supporter in Assistant Dean for Student Affairs Katrice Jones Morgan.

“All our student organizations add to the life and sense of community of the law school, and the new Asian student group has certainly done that,” Morgan said. “With the College of Law student body becoming increasing more international there is certainly a need for a more global perspective.”





Traveling the Globe

Students and Professors Learn from Study Abroad Experience

By R.G. Smithson

After graduating from the University of Tennessee in 2008, Ben Stigner '11 came directly to the UT College of Law with one nagging regret.

"I had never studied abroad before, and I came to law school thinking I had missed something," Stigner said. "I saw a bulletin board on the third floor advertising the Cambridge program, and I said I was going to do this before I finished."

Since 2000, the College of Law has collaborated with the law schools at the University of Mississippi and the University of Arkansas in providing faculty for a summer program at the University of Cambridge in England. American students may take up to three courses, including those taught by Cambridge faculty.

Since 2006, the UT College of Law also has participated in a summer legal study program in Rio de Janeiro. The effort, which includes students and faculty from Georgia State University, Seattle University, UT and the Universidade Cândido Mendes, Rio de Janeiro, was not offered in the summer of 2010, but will likely return in some form in the future.

LEAVING THE U.S. FOR THE FIRST TIME

Stigner was among a small group of UT law students who traveled to England during 2009. He took a course in tax policy, which was taught by Professor Don Leatherman.

"All the classes have an international flavor," said Leatherman, who taught international tax policy during the summer of 2009. "I had just three students and they were extraordinarily engaged. It was a great teaching experience for me as well."

Stigner said he would love to do another international study if possible.

“I would certainly do another international program if the opportunity arose,” Stigner said. “It was kind of scary because this was my first trip abroad—actually the first time I had ever flown alone.”

Stigner did manage a trip to Dublin, Ireland, during his four-week stay but said there was just too much to do in England to allow for much outside travel. “We managed to get to London not only to visit the courts but to see all the sights, as well,” he said.



FORGING CONNECTIONS AT CAMBRIDGE

Professor Joan Heminway, who has taught in both Rio and England, said the experiences offer great opportunities for professors as well as the students they teach. She has been to Rio three times and taught at Cambridge this past summer.

“One of my favorite things about being a faculty member in our study abroad programs is having the ability to teach a course that I cannot typically offer at the College of Law during the fall or spring semester,” she said.

Heminway enjoys meeting students from other states and countries and even gets together with previous students and colleagues if she has the chance.

“A big benefit is the pride that I develop in our UT Law students because of how well they stack up intellectually and personally against students from other fine law schools in the country,” Heminway said.

Kelly Bechard '11 was a Cambridge student while Heminway was there this summer, studying international and corporate law.

“It was definitely different—a lot more laid back,” she said. “The classes were small.”

Bechard had worked as a paralegal prior to enrolling in law school. “Since I had been a paralegal I didn’t think there was anything better I could do during the summer, so I went to Cambridge to do something different.”

She especially enjoyed the tour of London courts. “They have a two-prong legal system that is different from what we have here. It was definitely a good experience.”



Professor Joseph Cook, the senior member of the UT law faculty, taught jurisprudence during each of the first two years the Cambridge program was offered and would gladly accept an offer to return.

“A summer spent in Cambridge with its rich amenities such as architecture, theatre, music, restaurants, pubs, book shops, and history made it a valuable experience for students and faculty, beyond the formal education component at Downing College,” Cook said.

“It is truly an excellent opportunity for real international education,” said Professor Amy Hess, who taught comparative trusts and estates at Cambridge in 2004. “The students in my class seemed to have the right balance. They were serious about classes during class time and equally serious about traveling during their free time.”

THE ALLURE AND WISDOM OF RIO

Professor Becky Jacobs, who joined the UT faculty in 2002 after working as an assistant general counsel for Duke Energy Interna-



tional's Sao Paulo, Brazil office, was instrumental in organizing UT Law's involvement in the Rio study abroad program.

"I strongly believe that exposure to international practice improves a lawyer's thinking," Jacobs said.

Professor Penny White came away from her 2009 summer teaching assignment in Rio de Janeiro with much more than just fond memories of Brazil's second largest city.

"We usually think America has the right idea on everything, but I left my course in Rio feeling that maybe the Brazilian justice system has something to teach us," said White, director of UT's Center for Advocacy and Dispute Resolution. She was particularly impressed with the way judges are selected.

"We could improve our system by not having judges involved in a political process," White said. "I came away with some great ideas from a country that many would think is less developed than ours."

White taught a course in institutional legitimacy comparing Brazilian and U.S. courts. She was amazed at the caseload in Brazilian courts driven by the nation's intense poverty.

Cornell Kennedy '10 enrolled in the 2008 Study in Rio de Janeiro program and enjoyed it so much he went back for the '09 New Year's celebration, called "Ano Nove," to reunite with friends he had made.

"There were about three million people all dressed in white celebrating on Copacabana Beach," he said.

"My experience in Rio was like nothing I had ever experienced before," Kennedy said. "The classes were interesting, but we also were able to enjoy the culture."



INDEPENDENT PROGRAMS OFFER VARIETY OF GLOBAL OPTIONS

UT law students have participated in other summer abroad programs as well. Programs are often open to students from across the world, rather than just those who are members of the sponsoring universities.

Megan Swain '12 took advantage of one of those opportunities when she spent a month in Amsterdam this summer as part of a Tulane University program in international law.

"While I was there I got to network and make really good connections in the field of international law, and now I have friends across the country," Swain said, "I returned with a clearer direction, renewed focus and a fresh perspective."

Elizabeth Marsh '11 studied admiralty and maritime law in Rhodos, Greece, in conjunction with the Aegean Institute of the Law of the Sea.

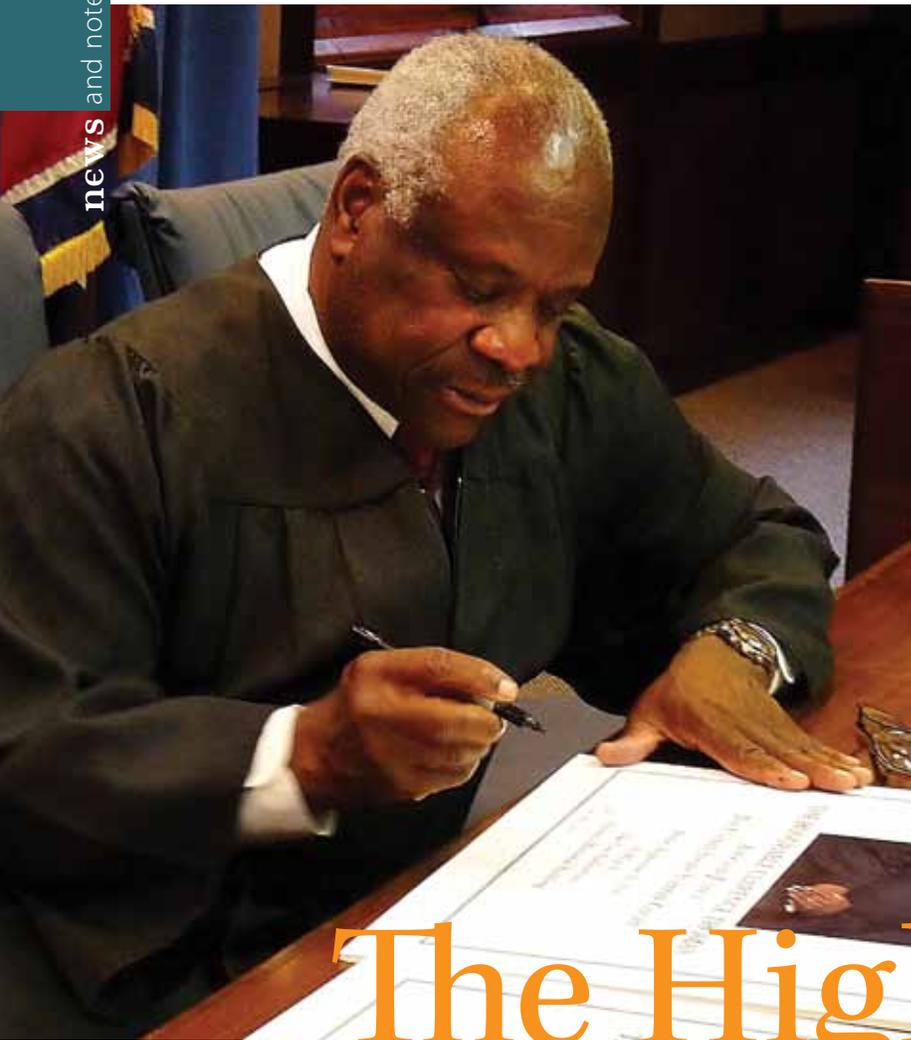
"It was an opportunity to take unique courses not traditionally offered in the UT curriculum," she said.



HAVE THE ITCH TO TRAVEL?

Students who are interested in traveling abroad can contact assistant dean of student affairs, Katrice Jones Morgan, to find information on what programs are available. Opportunities are also posted on the boards outside the student affairs office.

Morgan can be reached at 865-974-6790 or by e-mail at kmorgan4@utk.edu.



By Tanya G. Brown

The Highest Honor

U.S. Supreme Court Justice Thomas Visits UT Law

U.S. Supreme Court Justice Clarence Thomas visited UT Knoxville on Friday, September 17, 2010, to lecture to the College of Law community in the Alumni Memorial Building's Cox Auditorium and take in the weekend's UT-Florida game.

"It's just a wonderful opportunity to show off our tremendous law school and our incredible students to someone who is really important to our judicial system," said Dean Doug Blaze.

Thomas spoke to a packed house at Cox, receiving a standing ovation as he took the stage. He talked about his time on the bench, gave advice to would-be young lawyers, and joked about the state of politics in Washington, D.C. During his question and answer session with the audience, Thomas told the group that he felt his time in the nation's capital had helped him to gain perspective and patience through the years.

"I've been in Washington for 30 years, and I'm more idealistic today than the day I arrived," Thomas said. "I look for reasons to do the right thing. You look for the good. If you're not idealistic, how can you do the right thing?"

He encouraged attendees to be open-minded to the opinions and concerns of others, but to stand on the principles they believe in and always uphold the law.

"Just because you're alone, that doesn't mean you're wrong," Thomas said. "It just means you're alone. I have no problem being the only one."

After his lecture, Justice Thomas judged the final round of the College of Law's annual Advocates' Prize moot court competition, when the final two pairs of students argued an assigned case problem. Joining Justice Thomas were other esteemed members of the bench including judges serving on the federal circuit courts of appeal.

Advocates' Prize is the College of Law's annual intramural appellate advocacy competition.

Briton Collins and Ryan Connor won the 2010 Advocates' Prize competition. Luke Archer and David Watkins were second but received the award for the Best Brief in the competition. The second-best brief was from Amy Mohan and Dudley Lightsey. Connor was named Best Oralist. Twenty-four teams competed.

The preliminary rounds of oral arguments took place the evenings of Wednesday, September 15, and Thursday, September 16. The two top-scoring teams competed in a final round before a panel of judges presided over by Justice Thomas on Friday at 3 p.m. in Room 132.



MORE ONLINE

To watch the full webcast of Justice Thomas's lecture, as well as read about his background and view photos of his visit, go to law.utk.edu/news/10Thomas.shtml. A video, featuring the highlights of Thomas's visit to the University of Tennessee College of Law, also can be found here. You can share the video with other alumni and friends through YouTube.

By Kristi Hintz



Chief Justice Clark Addresses Law Students, Stresses Hard Work, Dedication

“You are our law school and we’re invested in your future,” Chief Justice Cornelia “Connie” Clark told a near packed house at the UT College of Law earlier this month.



Just a day after she was sworn in as Tennessee’s second female chief justice, Chief Justice Clark visited campus to talk to UT’s next generation of lawyers about her career and her service to Tennessee’s Supreme Court.

She spoke of her new role as “leader” of the Tennessee Supreme Court but emphasized that it’s the members of the court that matter most.

“The chief may not do more than tell you that you’re playing out of tune, but it’s the team that makes the music,” she said.

Chief Justice Clark touched on her passion for helping youth in all their endeavors.

“Anywhere that someone wants to learn something and I can get there, I will go because I think it’s important,” she said before challenging the students to use their educations wherever they go.

Chief Justice Clark acknowledged that everyone’s story is different but that it’s the hard work, dedication, and drive for excellence that makes lawyers what they are. One example was her own story of how she got to where she is today, including changing her career from teaching to working her way through law school at age 26.

Chief Justice Clark became a member of the Tennessee Supreme Court in September 2005. Prior to her appointment, Clark served as director of the Administrative Office of the Courts (1999-2005), as circuit court judge for the 21st Judicial District (1989-1999), and as an



Penny White (far left), director of the Center for Advocacy and Dispute Resolution at the College of Law, and Dean Douglas A. Blaze (far right) pose with Tennessee Supreme Court Chief Justice Connie Clark (center) and other members of the state supreme court.

attorney with Farris, Warfield & Kanaday, now Stites & Harbison.

She earned a bachelor's degree from Vanderbilt University, a master's in teaching from Harvard University and a law degree from Vanderbilt University.

Chief Justice Clark, who is known as "Connie" to her family and friends, enjoys spending time with her family, being active in her church and community and reading when she is not hard at work as a judge.

UT law alumna Rachel Hurt had the opportunity to clerk for Chief Justice Clark and got to know her as both "a generous, caring individual" and a "fair, impartial judge."

"Justice Clark is smart, hard-working, and enjoys the law," Hurt said. "She has attained her position as chief justice for these reasons. During my clerkship, she really worked with me to improve my writing and legal analysis, but she also allowed me to think for myself. I believe her focus was to get me to enjoy and understand the practice of law as much as she does—and she succeeded."

"She has a great balance of life between her family, her charitable endeavors, being active in her church and her work. She has all the qualities of a great friend, judge, and now chief justice."

Although Clark is an alumna of Vanderbilt, she is an avid fan of UT women's basketball coach Pat Summitt because "she sets high standards for those around her, but never higher than the standards she sets for herself." Justice Clark also is devoted to the Vanderbilt women's basketball program and is a season ticket holder.

A native of Franklin, Tennessee, Chief Justice Clark and her family have lived in Williamson County for eight generations.

She is the second Tennessee chief justice to speak at the College of Law the day following her swearing-in ceremony. Former Chief Justice Janice Holder also addressed the law school community the day following her swearing-in ceremony two years ago.

MORE ONLINE

To watch the full webcast of Justice Clark's lecture and question and answer session with students, visit law.utk.edu/news/10clarkvisit.shtml. You may view a slideshow of more photos from her visit and watch a video showcasing highlights from and reactions to the event from audience members.



BROSNAHAN SPEECH POSTPONED

James J. Brosnahan, the attorney who represented the "American Taliban" in the wake of the Sept. 11, 2001, terrorist attacks was scheduled to deliver the Wyc and Lyn Orr Distinguished Lecture on Oct. 6. Brosnahan's speech has been postponed due to health concerns. The lecture will be rescheduled sometime in the coming year.



Well-known Attorney Visits UT Law

Thomas Lauria '86 returned to his alma mater October 22 to give the College of Law's annual Distinguished Alumni Lecture nearly 25 years after he graduated.

Lauria, who serves as global practice head of the financial restructuring and insolvency group at White & Case in Miami, Florida, has led the firm's efforts in restructuring more than \$100 billion in debt in complex restructurings including Washington Mutual Inc., Delphi Corp., Mirant Corp., and the Williams Communications Group.

He drew perhaps his most international attention to date when he was called out by President Barack Obama for his representation of a group of stockholders during the restructuring of American automobile manufacturer Chrysler and its sale to Fiat.



WELCOME THE CLASS OF 2013!

The College of Law welcomed the Class of 2013 on August 16. The 169 class members come from 19 states, attended 82 colleges and universities, and are citizens of 3 countries. This class is one of the largest in recent years, and if academic credentials equate with talent and potential, one of the strongest classes in UT's history with a median LSAT score at 160 and a UGPA median of 3.61. The College of Law continues to make significant strides in diversifying the student body, adding 45 students of color—27 percent of the entering class—to an already diverse student body.

Our ability to recruit such high caliber classes depends greatly on the generosity of our alumni. Alumni who benefited from scholarships during their time at UT Law are encouraged to consider helping the school continue to attract bright and worthy students by contributing to scholarship funds. For more information on donating, please contact Howie Avery, director of development, at 865-974-6857.

Joe Christian Joins Staff in Employer Relations Role

In August, Joseph K. Christian joined the College of Law staff as Employer Relations and Recruitment coordinator, a new position in the college's Bettye B. Lewis Career Center.

Christian is a native East Tennessean and summa cum laude graduate of the University of Tennessee's College Scholars program. He also held one of the most conspicuous leadership roles on campus as drum major for the Pride of the Southland Marching Band. After graduating from Vanderbilt Law School, He became an associate with Lewis, King, Krieg & Waldrop PC law firm in Knoxville, where his practice emphasized commercial litigation, intellectual property, business law, bankruptcy, and other litigation and transactional matters.

Christian will also join the leadership team developing a law alumni database for use by students, staff and faculty to foster volunteer mentoring and networking relationships between UT law students and alumni.



By R.G. Smithson

Construction Disputes in a New Land

Tom Wilson enjoys an active law practice in Dubai, United Arab Emirates, representing multinational corporations in the construction industry. Through his persistence, Kilpatrick Stockton LLP opened an office in Dubai almost two years ago.



Early in his career, Wilson, a Knoxville native who is now a partner with Kilpatrick Stockton, was involved in several international arbitrations, primarily in the construction industry. His work took him to Asia, Europe, Africa, and the Middle East.

“From that early baptism as a first-year associate, I became interested in international claims and disputes,” Wilson said.

LAND OF OPPORTUNITY AND DISPUTE

While representing a client at the American University of Cairo in the mid-2000s, Wilson “was awakened” to the many opportunities available in the Middle East.

“I am here right now because of the construction boom in Dubai and the broad Persian Gulf region,” he said. “After several visits I persuaded my partners at Kilpatrick to open an office in Dubai to serve the industry. It fell to me to be the one to move over and make it happen—and that is what I have done.”

Wilson, one of three Kilpatrick attorneys based in Dubai, said the group’s practice has been active.

“The global financial crisis has caused substantial problems in the construction industry in Dubai and elsewhere in the region,” he said. “That has driven a number of disputes that have benefitted us in the short term. A lot of work is growing out of the crisis, but in the long run that is not good for the industry. We’re hopeful the world will get back on its feet.”

As a nation, the United Arab Emirates is just eight years old, Wilson said, which means the legal structure is new as well. “The means of resolving disputes through mediation and the courts is evolving,” he said. “As one might expect, there are a lot of unknowns. It makes for an interesting practice.”

Since only local attorneys have “the right of audience” before UAE courts,



Thomas P. Wilson '95
Partner, Kilpatrick Stockton LLC

Wilson tries to resolve disputes through negotiation, and, if that doesn't work, by arbitration. In fact, in addition to representing clients, Wilson also sits as an arbitrator on the Dubai International Arbitration Board.

Wilson said disputes in Dubai are similar to those in the U.S.—cost changes, design deficiencies, allocation of resources, and unusual events. He has represented owners, international contractors, and original equipment manufacturers in construction and infrastructure disputes.

Wilson recently concluded the representation of a major institution doing a large development in Cairo. He currently represents a contractor in an international arbitration over a power development project in sub-Saharan Africa. Wilson has considerable experience in the power industry, having advised owners, contractors and OEMs in the development and delivery of gas-fired, coal-fired and nuclear power generator facilities.

PREPARING FOR CHANGES

Wilson's expertise will be valuable as the Middle East advances in coming years. "There will be a great demand for infrastructure development in places such as Saudi Arabia, Iraq, and North Africa," he said. "These are places where we think our services will be needed, and we would do the work from this Dubai office."

Wilson first became attracted to a legal career as a junior in high school when he did an internship with then Judge Jimmy Duncan, now a U.S. Congressman representing lower East Tennessee. Through the first two years of law school, his interest was real estate and transactional law. During the spring of his second year, he and classmate, Chuck Young '95, entered the Ray H. Jenkins Intramural Trial Competition.

"We won it and had a great time," Wilson recalled. "That really changed my direction from transactional law to litigation."

By the spring of 1994 Wilson had already taken several real estate courses, most notably under Professor Greg Stein, and those courses have served him well in his later practice.

"It has been tremendously helpful to understand real estate and business concepts," he said. "I credit Professor Stein for that. We did a course where we had to negotiate a construction contract. I remember that as being very helpful."

By R.G. Smithson

Corporate Corruption Abroad



ALUM FOLLOWS THE MONEY TRAIL

Over the last year, Aaron Murphy has spent nearly 300 days traveling throughout

the eastern hemisphere investigating bribery and corruption claims for a host of Fortune 500 companies. That was certainly not what he had in mind when he picked up his UT law degree a little over a decade ago.

"When I started my second year of law school, I began taking tax classes with Professor (Don) Leatherman," he recalled, "and somehow I got the idea I was going to be a tax attorney."

Shortly after graduating, Murphy took a job with Latham & Watkins in Los Angeles fully intending to do just that—become a tax lawyer. "At Latham they don't assign you to a group right away," he said. "They let you drift around for a couple of years so you can decide exactly what you want to do."

THE CORRUPTION EXPERT

During that introductory period, Murphy worked a Foreign Corrupt Practice Act (FCPA) case in 2001, well before corporate corruption became a hot item, both nationally and internationally.

"When those types of cases went on the uptick in 2004 and 2005, I was the guy in the firm who had done one. It was the same old story—once you do something you become the de facto expert. I eventually got busier and busier. The last four to five years I have done nothing but bribery cases, mostly in Asia. It has been really interesting."

Murphy is now a partner in Latham's Los Angeles office and a member of the litigation department and the White Collar and Government Investigations Group. He specializes in investigating FCPA cases for Fortune 500 companies that have subsidiaries abroad. His work encompasses basic compliance advice to internal investigations and voluntary

disclosures to responses to government-initiated inquires and negotiations with both the U.S. Department of Justice and the Securities and Exchange Commission.

“I traveled 250,000 miles last year,” Murphy said. “I spent just 85 days in LA.”

His typical cases involve bribery and corruption. “There is a lot of intrigue. There is always some new scam people come up with to hide money.”

AMERICAN RULES IN AN OVERSEAS GAME

Murphy’s clients are large corporations who typically discover someone in the organization is trying to win business or circumvent regulations through payoffs and kickbacks to government officials.

“That exposes the company to potential criminal charges in the U.S. because U.S. citizens are still subject to U.S. laws even when they are abroad. And you are really looking for a needle in a haystack because those things can be hidden everywhere.”

Almost everything Murphy does is pre-indictment. “I try to discover the facts and allow the company to avoid prosecution by disclosing what has happened and the company’s steps to eliminate the problem in the future. Many times that is enough. If we end up in a courtroom something has gone terribly wrong. The company’s goal is to settle and move on.”

Murphy has been the key FCPA investigator in such places as Hong Kong, mainland China, Indonesia, Thailand, Bangladesh, Egypt, and the United Arab Emirates.

“There is a lot of intrigue. There is always some new scam people come up with to hide money.”

STAYING OUT OF COURT

The cultural differences provide challenges.

“The experience you build is invaluable,” he said. “In China, for example, there are many ways employees can hide what they do, and most of the time the Chinese government won’t prosecute. But the U.S. Justice Department has become very aggressive in the last five years prosecuting cases involving

U.S. citizens, even abroad. They have collected in excess of 100 million dollars in fines.”

After the investigation, Murphy’s findings are turned over to the Justice Department with the hope the case won’t go to trial.

“Sometimes they prosecute, sometimes they don’t,” Murphy said. “It is all very interesting work.”



*Alumnus Aaron Murphy '99
Partner, Latham & Watkins, Los Angeles*

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35 minutes ago

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9 Nov

...y to Judge Swann, his court & all those at #UTK #Law who helped make Order of Protection Day such a success! Great job, folks!
29 Oct

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18 Oct

