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Fall 2010

The Advocate Fall 2010

The University of Tennessee College of Law's Center for Advocacy & Dispute Resolution

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CENTER FOR ADVOCACY
& DISPUTE RESOLUTION

*"Educating Today the
Successful Lawyers
of Tomorrow"*

A^{the} Advocate

Stephen Bright, Advocate in Residence, Speaks on Race, Poverty and the Criminal Justice System

Stephen B. Bright, the Center for Advocacy and Dispute Resolution's first Advocate in Residence, delivered the Summers-Wyatt Lecture at the College of Law on September 27, 2010.

Sarah McGee, the 2009–10 Summers-Wyatt scholar, who introduced Bright, said he has "dedicated his life to standing up for people who either could not speak up for themselves or whose voices weren't being heard. For over 30 years, Professor Bright has fought a system that is content with injustice, a system where budgets speak louder than guarantees to life and liberty, a system that favors politics over due process. Since 1979 he has been speaking up for indigent people facing the death penalty at the trial, appeal and post-conviction stages of the capital process."



Stephen Bright delivers the Summers-Wyatt Lecture at the College of Law.

In addition to delivering the Summers-Wyatt Lecture, entitled "The Intersection of Race and Poverty in the Criminal Justice System," Bright co-taught the Wrongful Convictions seminar with Professor Dwight Aarons, consulted with the Innocence Clinic and guest lectured in several law school classes and at professional meetings while in residence at the College of Law.



CHIEF JUSTICE CORNELIA CLARK

On the day after her swearing in, Tennessee Chief Justice Cornelia Clark visited the College of Law. She encouraged the students to work hard, strive for excellence and develop a support system, but added that a little luck never hurts.

"You are our law school and all of us are invested in your successful future," Chief Justice Clark said, referring to her four colleagues, Justices Holder, Koch, Lee and Wade, all of whom attended the presentation. "If we are lucky enough to have you (practice law) in Tennessee, you're going to make us better, and you're going to improve upon what we do and what we strive to do every day."

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

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Excerpts from “The Intersection of Race and Poverty in the Criminal Justice System”

by Stephen Bright

out, has only made that worse. This means that for the poor person accused of a crime, there’s often no voice there speaking to the legislature. And so the states and the localities are giving money to prosecute cases. They’re giving money to law enforcement. The federal government is giving huge grants—and that means more money for police, more money for prosecution, more people being arrested, more people being processed through the courts—but no money on the other side. No money for justice to provide representation for those people.

This is the kind of legal fiction that we’re engaged in in our courts today. The courts have lost sight of justice in a tangle of procedural rules and pretenses and administrative concerns. Finality, not justice, has become the ultimate goal. Moving dockets, not competent representation, is what so many of our courts are concerned about. And technicalities—people love to talk about lawyers getting people off on technicalities. I will tell you people are getting killed on technicalities. Procedural rules made up, not by Madison and Jefferson, but by Rehnquist and others on the Supreme Court and by the Congress.

This barebones system, it’s only for poor people. It’s not for commercial cases now. It’s not for you if you’re rearranging the assets of the upper 1 percent. It’s only for poor people. And I just want to end by saying what kind of system we have says so much about what kind of society we have. This is not about whether you’re tough on crime or soft on crime. It’s not about whether you’re for the death penalty or against the death penalty. It’s about whether you believe in equal justice, whether you believe in a system that has integrity, whether you believe in a system that fairly decides questions of guilt and punishment.

But of course, the poor person accused of a crime can’t afford any justice at all. And so the question is how much justice is the society going to give that person? We can afford it. There’s no question we can afford it. There’s no question that Tennessee or Texas or Georgia can afford to provide representation. The question is: Are we going to provide representation? Robert Kennedy, the attorney general of the United States in the ’60s, said that the poor person accused of a crime has no lobby, and that’s why talking to you today is so important.

We live in a society where the legislators respond so much to monied interests. The Supreme Court, of course, as the president has pointed



Audience members listen to Stephen Bright.

WORKING WITH A LEGAL GIANT

Students in the fall semester Wrongful Convictions Seminar and Innocence Clinic were mentored by Stephen Bright during his term at the College of Law. Some of their reactions to this opportunity include the following:

Steve Bright is one of the most dynamic speakers that I have had the privilege of listening to, and he is infinitely witty. His explanations of complex topics related to innocence and post-conviction work are peppered with personal stories and experiences that greatly enhance every class. Mr. Bright’s clear memories of each of his prior and current clients show his devotion to and compassion for each of their individualized situations and the broader and greater cause of “equal justice for all.” —*Wells Trompeter, Class of 2011*

Steve Bright is a powerful force. His passion for protecting the rights of the accused and, indeed, all human beings, is unmatched. I was blown away by his command of the law and his ability to hold a room’s attention. His passion has given me hope and inspired me to continue working toward a better criminal justice system. For all that he does, I am eternally grateful. —*Nikki Uribe, Class of 2011*

Professor Bright and Professor Aarons instilled in us an obligation to fight against apathy and to fight for humanity. —*Rebecca Sue Parsons, Class of 2011*

To me, the most interesting thing about Professor Bright was his sheer excitement for the subject matter. Of course everyone can tell that he is an intelligent man, but it is his interest in a topic that most intellects would shy away from that is so interesting. His enthusiasm revived me when I was struggling to continue the uphill battle that is post-con-



The Importance of Mentoring By Brad Morgan

The birth of Sir Isaac Newton occurred 368 years ago this month. Modern society continues to benefit from his efforts in the scientific fields. When a colleague of Newton's asked him how he had managed to accomplish so much good in his chosen profession, Newton famously responded: "By standing on the shoulders of giants."

In essence, Newton indicated that his triumphs were in part achieved by learning from the accomplishments of those that went before. Similarly, many generations have reached new heights in the scientific world by learning from the successes of Newton. In modern nomenclature we might label this pattern of an intergenerational exchange of information and an ever-increasing body of professional knowledge as "mentoring."

Many of us—if not all—have benefitted from mentors in our profession. I, for example, will never forget my first trial in general sessions court: I knew the applicable substantive law, I knew the rules of evidence, and I knew the facts of the case. What I did not know was where to sit or when to address the bench. I was terrified that I would stand in the wrong place and speak at the wrong time, and therefore be held in contempt of court and tossed in the county jail.

I remain grateful to the attorney who took the time to tell me that it was perfectly acceptable to sit in front of the bar, and who then nudged me between my shoulder blades when it was my turn to stand up. I am grateful not only for the information itself, but grateful for the time that the attorney took to stop reading his file and aid an inexperienced colleague. Mentoring—in any form—requires an investment of time by both the mentor and the mentee. All of us in the legal profession are keenly sensitive to time, primarily because there is never enough of it. With time at such a premium, the question must be asked: Is time devoted to mentoring worth it?

If you take a moment to think about your own experiences as both a mentee and a mentor, I am confident that the conclusion you will come to is, "Yes, time devoted to mentoring is worth it." The Modern Rules of Professional Conduct provide that "[a] lawyer should strive to attain the highest level of skill, to improve

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NEW ACCESS TO JUSTICE AND MENTORING COORDINATOR

The College of Law is delighted to welcome Brad Morgan as its new access to justice and mentoring coordinator. Morgan has practiced law for five years in Knoxville, working with the firms of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. and Lewis, King, Krieg & Waldrop, P.C. Morgan has participated as a mentor in the Black Law Students Association Mentoring Program and also has been involved with the Hamilton Burnett American Inn of Court.

viction work—and sometimes even criminal work in general. He was always very responsive to questions. It was inspiring to have someone as important as Stephen Bright to care about what we were doing in our cases. —*Heather Graves Parker, Class of 2011*

It was such a pleasure to have class with Steve Bright this semester. He is a renowned expert but also one of the most humble people you'll ever meet. He was always upbeat, even when talking about very heavy issues, and he always greeted us with a handshake. I was constantly impressed that he not only took the time to meet with us but that he expressed how privileged he felt to work with us. —*Brooke Givens, Class of 2011*

Professor Bright exposed me to how race, mental handicaps, wealth and politics can likely determine the outcome of a person's case. I was made more aware of these problems through the personal experienc-

es that he shared with us. After this class, I am encouraged to pursue a career in criminal defense in hopes of preventing and correcting injustices that persons accused of crime may likely face.

—*Michelle Quinn, Class of 2011*

I feel so fortunate to have had the opportunity to learn from Stephen Bright each week. To witness the sincere compassion he has for other people, especially those accused of crime, was very inspiring. Despite how smart he is, he has a way of passing along information so that you want to do more. I found his lectures empowering. He empowers you to learn and to stand up for the way things ought to be, even when that is very difficult. At the Summers-Wyatt lecture, I overheard someone say, "He's done the work of 100 lawyers" in his life, and the crazy thing is it's true! It's clear he's dedicated his life to standing up for people, and for that I truly admire him. —*Sarah McGhee, Class of 2011*

Ryan Connor, Class of 2011

Last April, I had a conversation with Professor Penny White who hinted that a very esteemed panel of judges would likely preside over the coming year's Advocates' Prize competition. She was right. When Briton Collins and I learned that United States Supreme Court Justice Clarence Thomas and four other federal judges would preside, we decided to do what was necessary to give ourselves the best chance to argue in front of them.

After engaging in an admirable amount of research and writing, Briton and I compiled what I thought was a winning brief. Not surprisingly, I was wrong. But, as it turned out, our brief was good enough to allow us to advance in the competition as long as we argued well.



Preparation for the oral argument was very difficult because of the time crunch and the seemingly endless amount of case law addressing the issues, but we also enjoyed a somewhat deranged amusement typical, I think, of law students faced with similar circumstances. We realized that if we advanced we would argue before the most accomplished panel of judges we will likely ever face in our yet-to-begin legal careers with only a few days preparation in an area of the law that the members of the panel had collectively been thinking about for over a century. "Why'd you make me sign up for this?" we repeatedly asked one another during our prep sessions.

Despite the short prep period and our nervousness about what could happen if we advanced, I thought we argued well during the preliminary rounds. Each judge we argued before knew the problem, the issues, and the weaknesses of each side's arguments, making for some very tough and pointed questions. I was especially impressed by my partner, Briton, a transactional student without any moot court experience. He did more than carry his own—he excelled.

I was very excited to see our names on the email announcing the teams that qualified for the final round. I wasn't surprised to see the names of Luke Archer and David Watkins. I hoped that the four of us would make the law school proud!

I was nervous before the oral argument, but thankfully, my partner's composed demeanor calmed me. The kind words of support and encouragement that so many of our classmates passed along were also helpful. After some last-minute tutorials on the law (special thanks to John Rader and Sarah Graham McGee), we took the podium confident that we'd hold our own.

As expected, each judge was extremely well informed and posed very thoughtful and practical questions, the kind of questions I would expect to be asked by judges who were actually deciding the case. The questions came early and often. Overall, I thought all four advocates performed well, provided measured answers without dodging the tough issues and advocated effectively for our clients. The experience of arguing in front of the panel is an experience I will not soon forget and an experience from which I will continue to derive confidence.

Briton Collins, Class of 2011

To say that the Advocates' Prize competition was a stressful experience would be disingenuous. From the moment the panel was announced until the moment the competition ended, there was an ever-present sense of urgency. The compacted schedule and difficulty of the issues presented provided for very little sleep over the three weeks preceding the week of oral arguments. It's safe to say I had little idea what I was getting myself into.

When my partner, Ryan Connor, and I first decided to participate in the competition, I had no idea how much work would be involved. Ryan, having competed on a national moot court team, was well aware of the amount of research and preparation necessary in order to be competitive in this type of environment. I had less experience with oral arguments. Thankfully, my good fortune of clerking with a local law firm for the last two years had provided me with ample opportunities to practice my brief writing skills. Nevertheless, I was terrified of the prospect of delivering the oral argument. About the only thing I remembered from my Legal Process II class—the last time I delivered an oral argument—was that I was much better at fielding questions from the bench than I was at delivering a canned argument. In other words, had I been put in front of a cold bench, I would have been sunk.

Before delivering our oral arguments, Ryan and I had a 35-page brief to draft in a matter of days. Recognizing that the brief counted for a substantial number of points, we were meticulous in our preparation. Both of us being perfectionists, we completed our brief two days ahead of schedule in order to have time to edit and format it. This actually turned out to be a blessing because it allowed us two extra days to work with our completed arguments. It also gave us a small break for relaxation in the middle of the three-week Advocates' Prize blitz.

As we moved toward oral arguments, I found myself very nervous. In retrospect, I realize that I was not nervous because of the actual delivery of the argument itself, but because I did not want to score poorly and let my partner down. Knowing how much work he had invested, I would have felt terrible had I faltered. Also, there was, of course, my inner desire to reach the final round and argue in front of a spectacular panel of judges. Despite this nervousness, I was able to overcome those feelings and deliver my arguments quite comfortably. Once the initial shock wore off, I settled into a groove, and before I knew it, it was announced that we had made the final round.

The morning before the final round was one of the most stressful times of my life. Unlike most of the judges in the preliminary rounds, I knew that the judges in the final round would know the relative law much better than I could ever hope to. As a result, my knowledge of the cases and my ability to succinctly answer the judges' questions had to be much sharper. I drew the unfortunate privilege of being the first person to argue in the final round. My main concern, as it had been from the beginning of the competition, was that the panel would be silent and leave me to deliver 15 minutes of uninterrupted arguments. Thankfully, I did not get 30 seconds into my opening statement before Justice Thomas interrupted me with a question. It was a very simple question, a "softball" question really; but as soon as he spoke the room started spinning, and I felt unsure of myself. Before I could blink, my time had expired. I found myself taking a seat and trying to remember what had just happened. The adrenaline and weight of the moment had wiped my memory clean of the previous 15 minutes. When I went back and watched the video of the arguments, I realized that I had provided 15 minutes of inadequate answers to brilliant questions from brilliant judges.



As I take stock of the competition, I am nothing but thankful. I am thankful for the great privilege of being able to argue in front of such a wonderful panel, a panel that will surely be unmatched by any other in my career. However, I am most thankful for having the opportunity to spend three weeks working alongside my partner, Ryan Connor. So much of law school is spent as a solo endeavor, and the opportunity to share this experience with such a talented individual provided me with the highlight of my young legal career.

David Watkins, Class of 2011

It was about an hour before the final round of the Advocates' Prize when reality set in: I was about to argue in front of a justice of the U.S. Supreme Court. Justice Clarence Thomas had recently flown into Knoxville to speak in front of the student body and watch the Tennessee-Florida football game. Along with him, four judges from the federal circuit courts of appeals agreed to judge the final round of the intramural moot court competition, the Advocates' Prize. Feeling a sudden surge of intense nervousness, I began to silently run through my



argument in last-minute preparation as the crowd began to filter into the auditorium.

It had been a long journey to the final round of the competition. The official process began in late August, when the Moot Court Board held an interest meeting for the competition, advertising the once-in-a-lifetime chance to present a case in front of a Supreme Court justice. The initial response was overwhelming, and an auditorium full of eager second- and third-year law students indicated that they would be participating. In all, 22 teams comprising around 40 students signed up to write a full appellate brief and compete in oral arguments.

Because so many teams enlisted to compete, my partner and I knew that our brief would have to be strong to survive the competition's two preliminary rounds and advance to the finals. Accordingly, we began to research and write as soon as the problem was released. The problem presented a nuanced Fourth Amendment issue involving a fictional law similar to the new Arizona immigration law as well as a *Miranda* issue involving threats to the public safety.

By the time we turned in our brief, we were satisfied with the final product. Despite the last-minute addition of an entire subsection to our argument, we both felt that our brief was solid enough to make us competitive through the preliminary rounds. With oral arguments approaching in a matter of days, we began to practice.

After drafting preliminary oral arguments, we ran through a few practice sessions, employing an ironing board as a makeshift podium. We took turns judging each other's arguments, posing the most difficult questions we could think of to challenge the weaknesses of the other's arguments. Not surprisingly, these questions only scratched the surface of the kind of grilling to which we would soon be subjected. Despite the relative inadequacy of our practice questions, I thought we were ready for the competition.

During the preliminary rounds, we argued both sides of the argument to two different panels of judges. Despite what I felt were strong performances in both preliminary arguments, I was almost certain that we would watch the final round from the audience. After all, there were so many teams competing that it was statistically unlikely for any team to advance. To my surprise and elation, we learned late Thursday evening that we would be presenting our case before Justice Clarence Thomas and four federal circuit judges in less than 24 hours.

As the final round approached and the auditorium began to fill with law students, lawyers and judges from around town, my partner and I sat at our table and waited. When the judges took their seats, within reaching distance of the podium I was about to stand behind, my heart began to race even though my argument was at least 30 minutes away. As counsel for the respondent, we would argue our case last.

From the very first argument, it was clear that this panel, featuring the most famously silent judge sitting on the Supreme Court, would be a "hot bench." As the first speaker, Briton

Collins, began his argument, he was bombarded with a wave of questions. In spite of being peppered with questions throughout his 15-minute argument, he performed admirably. After that, there was just 15 minutes to collect myself before giving my argument.

The second speaker, Ryan Conner (who won best oralist), similarly performed with great poise in the face of continuous questioning. I forced myself to breathe as I watched the bailiff hold up time signals indicating the time remaining in the argument. As Ryan's time expired, I took one final deep breath and approached the podium.

I honestly don't remember what I said during this argument, nor do I remember the questions I received from the prominent panel of judges. I do recall, however, being grateful for the podium because my legs were slightly shaky, especially at first. As I progressed through my argument, though, I gradually became more comfortable, and I am almost sure that the shaking had totally subsided by the end. In all, my argument in front of Clarence Thomas lasted 15 minutes, but it felt like it all transpired in seconds.

Although we did not end up winning the competition, the experience is something that I will always remember. The Moot Court Board, under the leadership of Michelle Breeding and William Perry, as well as Professor Penny White, put on a fantastic competition with much student involvement. I am truly grateful for being able to participate in the entire experience, from writing the brief to presenting the final arguments.

Luke Archer, Class of 2011

What does it take for someone to argue in front of Justice Clarence Thomas? Years of advocacy experience? A Supreme Court caliber case? Exceptional talent? Thanks to the Center for Advocacy and Dispute Resolution, I needed none of these things. Instead, as a third-year law student, I argued in front of Justice Thomas and four circuit court of appeals judges as a result of advancing to the final round of this year's Advocates' Prize.



I entered the competition with the hope of making it to the final round, but the entire experience turned out to be fantastic. Writing the brief and arguing in the preliminary rounds were valuable learning experiences. I did not feel confident about our performance in the final preliminary round, so when I received the call from the event coordinator that evening that we were finalists, I was thrilled.

I spent the next 24 hours doing what any third-year law student would do—freaking out. That night, I dreamt about the argument, waking up several times in a cold sweat. I spent Friday morning desperately trying to cram information about *Miranda* into my head.

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A SUPREME OPPORTUNITY

This year the Moot Court Board, capitalizing on a unique opportunity prompted by Justice Clarence Thomas' visit to the College of Law, hosted its annual Advocates' Prize competition during the fall semester. The annual competition, which has been a long-standing tradition of the spring semester, posits a hypothetical appellate case being argued in the U.S. Supreme Court. This year's case raised Fourth, Fifth, and 14th Amendment issues related to the detention of a citizen of Hispanic heritage under a state statute, which required arresting officers to determine the immigration status of detained individuals.

Joining Justice Thomas on the panel were four federal judges. They included Judge Karen Nelson Moore, U.S. Circuit Judge for the Sixth Circuit; Judge Julia Smith Gibbons, U.S. Circuit Judge for the Sixth Circuit; Judge Allyson K. Duncan, U.S. Circuit Judge for the Fourth Circuit; and Judge Counsuelo Maria Callahan, U.S. Circuit Judge for the Ninth Circuit.

The preliminary rounds involved 22 law students and almost 100 local judges and lawyers. The two teams to advance and have the honor of arguing before the esteemed panel were Briton Collins and Ryan Connor and Luke Archer and David Watkins. The Collins-Connor team won the final round, but was bested by Archer-Watkins who took the Best Brief award. Ryan Connor was named Best Advocate in the final round.



Wendy Bach Joins Legal Clinic

When asked what took the most adjustment in her move from New York to Tennessee, Professor Wendy Bach is momentarily stumped. It's not that she doesn't have an answer—it's that she arguably has two. First, there's the "car culture," as she calls it. Bach and her partner went from owning a single car that they used five or six times a year to visit family to owning two cars, including an SUV that gets used almost daily. Still, joining the car culture hasn't stopped Bach from biking to school most days, weather permitting. Then there's the wonderful, expansive home she now enjoys in the Fourth and Gill neighborhood in downtown Knoxville. Compared to the apartment she shared with her partner, Carol, and daughter, Caiden, in Brooklyn, the house is huge.

This fall, Bach joined the faculty at the College of Law. She teaches in the Advocacy Clinic. Since graduating from the New York University College of Law in 1996, where she was awarded the Eric Dean Bender Prize for performing outstanding public interest work as a student, Bach has been a passionate advocate for public benefits recipients. Before coming to UT, she served as a staff attorney at the Legal Aid Society, specializing in public benefits and housing law. She also directed the Urban Justice Center in New York, an outreach and prevention project that served the homeless community.

When the opportunity came along in 2004 to teach in the NYU Law School Public Benefits Clinic, Bach assumed her return to the classroom was a temporary move. She soon discovered a passion for both teaching and writing, leading her to search for a full-time teaching position. After serving as a clinical instructor at the City University of New York School of Law for five years, Bach accepted UT's offer and made a much longer move from the Big Apple to East Tennessee.

Bach's position with the Legal Clinic enables her to continue to serve clients while writing about social welfare policy and post-welfare reform. For her teaching and scholarship, she says she has found a supportive faculty at the College of Law.

"It's wonderful to be a clinician in a place where the dean used to direct the clinic," she said. "This leads to a strong public and legal service commitment by the college, complemented by students who are open to learning, highly skilled and incredibly enthusiastic."

Wells Trompeter, one of Bach's students, describes her as "One of the most passionate and caring professors I have had the privilege to work with at the law school. She has a genuine interest in whether her clinical students learn from their decisions.



AN OUNCE OF LUCK, BUT A POUND OF GRIT

Ray Fraley must know how to pick a jury. He has tried more than 300 jury trials, including 14 first-degree murder cases, one of which has been televised on Court TV, three gas tank explosion cases and a medical malpractice case which resulted in a \$5.3 million judgment. During Fraley's recent visit to the College of Law, he told his audience that the catchword for his life was not "skill" but "kismet."

While Fraley's background, detailed in an introduction delivered by Mabern Wall, Class of 2012, reflected examples of luck, it also was jam-packed with illustrations of his dogged determination.

His advice to would-be litigators springs from his years of experience. In picking a jury, he advised that a lawyer should strive to "establish rapport and elicit information while educating the jury about the case."

To establish rapport, the lawyer must be interested in what the jurors have to say. Lawyers must not only learn to ask voir dire questions, but they also must learn to really listen to the answers.

In order to get valuable information from potential jurors, lawyers should avoid asking "safe" binary questions which evoke a yes or no answer and instead ask the juror open-ended questions such as "Tell me what you think about that?" and "Why?"

Fraley also introduced the students to the concept of the scaled voir dire question, a technique used to increase participation among less outspoken jurors. Scaled questions ask a juror to answer a question or react to a comment based on a scale of one to 10. For example, the lawyer may ask the jurors how they feel about the use of alcohol or drugs, with 10 indicating extreme opposition and one indicating extreme acceptance. These questions allow jurors to be more honest and precise about their feelings, particularly about sensitive subject matters.

While she allows you to control the direction of your cases, she will talk through every possible route and potential outcome for as long as is needed.”

“At one point, when I was feeling particularly embarrassed about something that happened in one of my cases, she took me aside and explained to me that every new lawyer, including her, has made the same mistake and learned the same lesson. She did so in a way that was not patronizing or critical, but in a way that helped me to learn from the experience and move forward.”



Ben Barton, Director of Clinical Programs, Steps Down

After three years of service, Professor Ben Barton has announced that he will step down as the Director of Clinical Programs in order to focus on his teaching and research interests. During his tenure, Barton has expanded the number of clinical offerings, adding specialty clinics such as the grant-funded Wills Clinic and the Innocence Clinic, and has increased enrollment in clinic programs across the board. Barton describes his collaboration with students as “producing work beyond his imagination” and beyond what he could achieve by himself.

Since joining the College of Law in 2001, Barton has excelled as a teacher and scholar. He has twice been named the Outstanding Faculty Advisor for UT Pro Bono for his work with student public interest and pro bono organizations. He has received the Marilyn V. Yarbrough Faculty Award for Writing Excellence. He is the winner of the 2010 LSAC Philip D. Shelton Award for outstanding research in legal education for his article “Is There a Correlation Between Law Professor Publication Counts, Law Review Citation Counts, and Teaching Evaluations? An Empirical

Study” published in the *Journal of Empirical Legal Studies*. His book, *The Lawyer-Judge Bias in the American Legal System*, will be released from Cambridge Press this spring.

A national search is currently underway for the next director of clinical programs who will assume the position in the fall. Professor John Sobieski is chairing the search committee, which includes Professors Jerry Black, Amy Hess, Karla McKanders and Penny White, and 3L student Sarah McGee.

The Importance of Mentoring *continued from page 3*

the law and the legal profession and to exemplify the legal profession’s ideals of public service.” Participation in a mentor-mentee relationship is one method to magnify the unique calling of those involved in the legal profession.

Studies demonstrate that mentoring in the legal profession enhances mentees’ understanding of the ethical and professional aspects of the law. Benefits that inure to mentors range from individual to individual, but are often described as expanding one’s reputation in the legal community, positively impacting the profession and connecting with one’s alma mater. Recognizing the value of mentoring in the legal profession, the College of Law is developing a mentoring program designed to match law students with legal professionals. Such a program will create in both present and future professionals a greater degree of dedication to the legal community as together we pursue what the venerable Dean Roscoe Pound described as this “learned art in the spirit of a public service.”

Just as the scientific community has benefitted over the generations from giants such as Sir Isaac Newton, the legal profession benefits in the same fashion. I have been privileged to encounter many legal giants and hope that many of you—even if too humble to recognize yourselves as giants—will respond to the forthcoming call for mentors as we implement the program.

Krumm Serves as Visiting Professor

The most interesting paths never run in a straight line. Thus, “interesting” is a fitting description for the professional experiences of Visiting Professor Brian Krumm.

Before entering law school, Krumm studied both political science and public affairs, which prepared him well for his varied career. Krumm has served domestic and international private and governmental clients as a consultant. He also has held executive positions in state government and served as a policy advisor to the governor. He has held senior management positions with the Tennessee Valley Authority and has represented small- and medium-sized business clients in private practice.

“Professor Krumm’s insight is invaluable in part because of his varied professional experiences. He understands the importance and the nuances of practicing law within the context of the real world and the personalities and problems that exist,” said student Jordan M. Mollenhour, Class of 2011.

Krumm also has served in a variety of capacities at the College of Law. Beginning in 1999, he served as an adjunct professor, teaching Introduction to Business Transactions, Contract Drafting and Representing Enterprises. In 2009, he began teaching in the Business Clinic, a clinic in which students represent both for-profit and not-for-profit firms in the Knoxville area, creating a partnership between the College of Law and the community while providing students the opportunity to undertake client representation.

April Young, a student in the Business Clinic, compliments Professor Krumm’s ability to mix theory and practice and to push students to think in creative ways about solving real-world problems.

“Professor Krumm has shown me how to think outside the box when working with clients,” Young says. “He has a wealth of knowledge on a wide range of issues, and I’ve enjoyed the hands-on and practical approach that he uses to resolve the client issues. The experience I’ve gained by working in the business clinic has been priceless.”



Competition Memories *continued from page 7*

When the time arrived for the oral argument, I can honestly say that I had never been so nervous in my life. Watching the room fill with lawyers, professors and students (some of whom were certainly looking forward to seeing a law student get trampled), I concluded that the experience at that point was both one of the very best and one of the very worst of my life. When Justice Thomas came into the room, flanked by four judges from the U.S. Circuit Courts of Appeals, I don’t really remember what I was thinking at all—probably because I was paralyzed.

Thankfully, my paralysis only lasted a couple of minutes. Someone made a joke, and Justice Thomas let loose a hearty laugh that set me at ease. At that point, I noticed that the judges were enjoying themselves. They were making a point to encourage the advocates. I stood up, made my argument and considered it a success—largely due to the fact that I did not throw up. Afterwards, the judges were kind enough to give us comments and critiques.

I will never forget my experience arguing in front of Justice Thomas and Judges Callahan, Duncan, Gibbons and Moore. Few in the legal profession can say that they reached the pinnacle of their legal careers as third-year law students! I owe this once-in-a-lifetime, unforgettable and truly humbling experience to the ambitious efforts of the Moot Court Board and the Center for the Advocacy and Dispute Resolution.



Director's Dicta

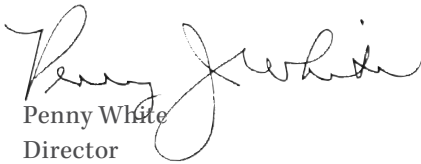
It is a remarkable time to be associated with the University of Tennessee College of Law and the Center for Advocacy and Dispute Resolution. This fall, our students welcomed Chief Justice Cornelia Clark on her second day as Tennessee Chief Justice, hosted five federal judges who presided over the final round of our Advocates' Prize, encountered four top-notch trial lawyers who spoke on litigation topics and embraced our first advocate in residence, Stephen Bright, who delivered the Summers-Wyatt lecture, taught classes and consulted with the Innocence Clinic.

In collaboration with the student editors of the *Tennessee Journal of Law and Policy*, we also published a special edition of the journal that contains the proceedings from the National Public Defense Symposium held at the College of Law on May 20–21, 2010. The symposium, entitled "Achieving the Promise of the Sixth Amendment: Non-Capital and Capital Defense Services," attracted scholars and practitioners from around the country to Knoxville to discuss the crises in indigent defense. If you would like a copy of this special edition of the journal, please contact the center office.

In the spring, the center will broaden its involvement with the mediation community. In March, we will host the 2011 Regional ABA Representation in Mediation that will attract law students from around the country. During the competition, Professor Becky Jacobs, who directs our Mediation Clinic and coached our team to a national championship, has planned a Master Mediation program, featuring Tennessee's top mediators. The program, set for March 11, will be open to the public, will provide CME and CLE credit.

As always, I hope you will share your ideas and suggestions about the center's work.




Penny White
Director

UT Center for Advocacy and Dispute Resolution

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CENTER FOR ADVOCACY
& DISPUTE RESOLUTION
2011 Calendar
of Activities

Ray L. Jenkins Trial Competition	March 8–10
2011 Regional ABA Representation in Mediation Competition ...	March 11–12
Master Mediators:.....	March 11
<i>A Panel Discussion Featuring Tennessee's Master Mediators</i>	
First-Year Advocacy Competition	March 23
Tennessee Journal of Law & Policy Symposium:	April 1
<i>The Politics of Protecting Children</i>	
Center for Advocacy and Dispute Resolution	April 27
<i>Graduation Collaboration</i>	