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US Supreme
Court Justice

ELENA KAGAN

Visits UT Law

**ALSO
INSIDE**

Admissions &
Career Report

Yosemite's
Judge

Vol
Volunteers

Contents



16 Kagan Visits
UT Law



28 Judging
from on High

DEPARTMENTS

6 Admissions and Career Report 2012 / 15 Student Affairs

18 Faculty Highlights / 25 News and Notes / 28 Alumni Briefs

On the Cover: US Supreme Court Associate Justice Elena Kagan judges the Advocates' Prize competition.
Photo by Patrick Murphy Racey

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

TENNESSEELAW
Fall 2012

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the FALL has BEEN INCREDIBLY, BUT WONDERFULLY,

busy at the College of Law. In mid-October we hosted US Supreme Court Associate Justice Elena Kagan, who gave the inaugural Richard Rose Lecture. Kagan, joined by five US Circuit Court of Appeals judges, presided over the championship round of the annual Advocates' Prize Moot Court Competition.

The highlight of the visit was a conversation I had with the Justice—in front of a packed crowd in Cox Alumni Memorial Auditorium—about her career and the Supreme Court. All in all, it was a wonderful event.

And, thanks to the hard work of a lot of people, we now have a brand new website. I hope you will take a look and let us know if you have any suggestions. Be sure to check it regularly so that you can keep up with our activities and events during what is shaping up to be an equally busy spring.

While things are going well, we do face some challenges. As Karen Britton describes in this issue, we are confronted with a significant decline in law school applications nationwide and a still-tight job market for our graduates. In fact, applications have dropped between 30 and 40 percent during the past three years, but we are responding to these challenges. Our remarkable and committed admissions professionals managed to attract a new class—the Class of 2015—that is as academically gifted and diverse as we have ever enrolled.

We also are stepping up to the challenge of the difficult job market. The faculty are now increasingly engaged in advising and assisting our students in finding jobs through our newly created Placement and Professional Development Committee. Alumni, in addition to directly hiring our students, are also working with us to help better counsel and mentor them. For example, Buck Lewis (LAW '80), a partner with Baker Donelson in Memphis who is serving as the Larry Wilks Distinguished Practitioner in Residence this semester, has developed a new course for us—Lawyers as Leaders: Becoming a Leader and Leaving a Legacy. Through the course, Lewis is not only bringing the best and brightest in the profession to interact with our students, he is working one-on-one with each to develop a five-year professional development plan and advise them on strategies to achieve their desired career goals.

Simply put, things at UT Law are great, but we are striving to be even better. To do so we continue to need your help. If you are interested in serving as a mentor to our students, please let us know. If you have jobs for our students, please let us know. If you are interested in helping to get other alumni more involved by serving as a class representative or volunteer, well, you get the idea. And, as always, your financial support is essential to our continued success.

Thank you for everything you do. Together we will ensure that the College of Law is the best law school it can be.



“Alumni, in addition to directly hiring our students, are also working with us to help better counsel and mentor them. ”

Doug Blaze
DOUG BLAZE

There's an old expression that anything tough but worth it feels

like birthing a baby. After launching the College of Law's new website midway through this semester, several people asked me if it felt that way. My honest answer is no. I've delivered four children, including a set of twins, and this wasn't anything like that. Since we're using kid metaphors, though, I'll tell you what it was like.



If you have a daughter who loves making jewelry like mine, imagine the disarray that is her bead box. If you have boys, picture the bins where their action figures live. Our old website closely resembled those boxes. Lots of information, contained where you could usually find it, but not well organized. You know how much kids struggle when you ask them to organize those boxes? Or how much you struggle when your email inbox is full or your desk cannot hold one more piece of paper? How does one usually tackle that painful process?

You probably do exactly what we did. Flip it upside down and start over from scratch. Pick up every bead, every Lego or army man, every paper or errant email, and try to determine what you have in front of you. What goes together? What belongs on its own?

What do you need to find first and most often? Are there pieces you still need in order to complete these collections? Is there missing data that would make the whole thing work? You're building a new framework. Once that's done, you start the hard part of putting everything back where it should go—neatly and in a way that makes walking into that bedroom or office a joy each day.

That's what we were aiming for with our new site. A well-organized, intuitive web experience that delivers not only the information you need, but makes the time you spend on the site enjoyable. Maybe you'll even learn something about our dedicated students, our outstanding alumni, or our superstar faculty that you didn't know before visiting.

I invite you to visit law.utk.edu. Look over the items in our freshly designed site, and get a feel for how it can help you.

But first, of course, enjoy this magazine, which offers both a serious report on how your law school is responding to and anticipating changes in the admissions and employment climate as well as a proud look back at our visit from Supreme Court Associate Justice Elena Kagan. Since it's the holiday season, and many of you are probably on the road to visit family or taking a much-deserved break from work, flip to the Alumni section and enjoy reading about Judge Michael Seng, whose workplace actually is on the front of postcards.

As ever, feel free to drop me a line with your comments and suggestions. I'm always on the lookout for a great *Tennessee Law* story.

“Once that's done, you start the hard part of putting everything back where it should go—neatly and in a way that makes walking into that bedroom or office a joy each day.”


Tanya Brown



Volunteer Traditions

Where State Pride Meets Quality

This holiday season cross off a few gift items at Volunteer Traditions and support the University of Tennessee College of Law at the same time.

Mason Jones (LAW '07), founder of Volunteer Traditions, is offering a sweet deal for UT Law alumni and friends. Simply enter "UT Law" into the organization box on the checkout page, and 30% of your entire purchase will be donated to the College of Law.

Check out the whole line, including hats, bow ties, belts, shirts, and more at VolunteerTraditions.com.



The CHANGING Landscape

UT Law and the Changed World of Law School Admissions and Employment

INSIDE: EMPLOYMENT TIME CAPSULE ALUMNI INVOLVEMENT THE VALUE OF SCHOLARSHIPS SIBLING STORIES

The University of Tennessee College of Law prides itself on educating lawyers who have the practical experience and legal knowledge to make a difference.

As the national employment and admissions outlook for law schools has shifted in the wake of the recession, UT Law is working to anticipate and respond to the challenges. Our mission remains the same—educating well-prepared lawyers who are ready to succeed as they join the work force.

The college utilizes an informed “prospect to alumnus” advising and information pipeline. The core functions of student recruitment, admission, scholarships, financial aid, career and professionalism advising, employment services and recruitment, employer relations, and student mentoring and pro bono activities are housed under a unified administrative umbrella.

This pipeline introduces critical information about cost of attendance and career outcomes at an early, prospective student stage. Students and staff work together through a “career competencies” framework to monitor student progress in career exploration, professional development, and job seeking goals. This holistic approach, facilitated by an experienced team of admissions, financial aid, and career services professionals, gives the law school the ability to keep making strides during challenging times.

THE NATIONAL EMPLOYMENT PICTURE

Data from the National Association for Law Placement (NALP) and the American Bar Association offer startling characterizations of the legal job market for recent graduates, focusing on record lows in private practice employment. The most significant cutbacks in associate hiring and salaries have come from larger firms.

Law graduate employment nationally fell to record lows for the classes of 2009 through 2011. With stiff competition for jobs, many graduates experienced underemployment. More graduates took jobs that were part-time or temporary, that did not require a juris doctor, or that were not in their preferred employment setting or location.

Government, business, and public interest job sectors remained steady or saw slight upticks nationwide. Not unexpectedly, as the number of higher paying private practice jobs decreased, average salaries reported by law schools fell as well.

ADMISSIONS—THE SUPPLY SIDE OF THE EQUATION

Concerns about law student indebtedness and the shaky legal job market likely influenced prospective students, as applications across the country have dropped to the lowest number in recent history. Applications for admission to ABA-accredited law schools, which topped 100,000 in 2004, fell to 67,957 candidates in 2012. UT Law’s 2012 pool was 33 percent smaller than its largest pool in 2005.

With law schools competing for a smaller number of applicants to meet their enrollment goals, most made hard choices this summer. Many schools dropped in their LSAT and UGPA class profiles, exceeded their scholarship budgets, missed their diversity goals, and/or still enrolled smaller classes. UT Law was able to avoid many of those outcomes, enrolling a smaller, but talented and diverse, class of 120 students with an academic profile that met its goals.

WHAT'S NEXT? THE EMPLOYMENT FORECAST

Legal employment industry observers forecasting the near future, while cautiously optimistic that a “slow growth mode” will ultimately describe 2012, suggest the legal job market will not soon, if ever, approach the “run and gun” hiring conditions of the job market building up to 2007–2008.

Several challenges are emerging that the younger generation of lawyers will likely face. UT Law is rethinking career and professional development goals to reflect these and other long-term trends:

- Most new lawyers will change jobs, and possibly careers, several times;
- Law schools will be preparing graduates to retrain and retool themselves throughout their entire careers; and
- The current generation of lawyers will gain opportunities as the larger “baby boomer” generation of attorneys moves into retirement.

At UT Law, the outlook has already improved when compared to the first few years of the recession. More employers interviewed our students this fall. While the traditional “on-campus interview” process remains the method of choice for many employers, video interviews, which minimize cost and lost attorney time, are increasingly popular. Off-campus interview programs yielded interviews for several students, because they connect students to employers in other cities. These events offer students and employers an opportunity to meet each other through scheduled interviews, informative workshops, and networking receptions.

UT LAW'S BIG PICTURE

The “success pipeline” in the law school admission world links application volume, increased selectivity, and strategic enrollment meant to increase LSAT and UGPA profiles. Positive outcomes are rewarded by *U.S. News and World Report* rankings, which attract employers. Employment outcomes affect applications for the next year.

This year’s outcomes suggest that UT Law will remain successful at leveraging the college’s solid reputation and enroll a right-sized class consisting primarily of talented Tennessee residents. The College of Law takes pride in the fact that it has carved out a niche in diversity enrollment, but must devote resources to maintain or increase the qualifications of the students who enroll.

Given these realities, the admissions team is working with Dean Doug Blaze to craft a new three-year enrollment and scholarship plan. The plan will incorporate best estimates of applicant pools, potential for transfer enrollment, concerns for cost sensitivity, and the assistance of support from the university.

—Karen R. Britton

Karen R. Britton is the director of the Office of Admissions and Financial Aid and director of the Bettye B. Lewis Career Center. She is a former president of NALP, the Association for Legal Career Professionals.



EMPLOYMENT TIME CAPSULE

How have things changed through the years in the Offices of Admissions and Financial Aid and the Career Center? Here are some interesting facts and figures from each office.

How much of a difference has twenty years made when it comes to graduating classes and their job opportunities? The total number of graduates in each class is comparable, with 155 people in 1991 and 146 people in 2011. While male graduates have outnumbered female graduates each year, the gap between the groups remains narrow. Between 1991 and 2011, the smallest graduating class size included 131 people (1997), and the largest included 167 people (2010). There also has been a marked increase in diversity, with 8 percent graduates of color in 1991 and 30 percent in 2011.

The percentage of graduates employed nine months after graduation is high in both eras, with 96 percent and 95 percent respectively. The major difference is in the percentage of graduates who accepted full-time legal positions, presumably “jobs of choice,” from one class to the other. In 1991, 92 percent accepted full-time legal positions, compared to 76 percent in 2011. For the past few years, more graduates have faced the reality of being underemployed or employed in non-legal jobs as they continue to seek permanent, full-time legal positions. Others have come into law school with other job settings in mind and have secured employment in those preferred arenas.

Starting salaries for both private and public sector jobs have shown increases typical of the national picture. The average law firm salary of \$41,110 in 1991 was \$69,290 in 2011, while the average government salary went from \$30,660 to \$51,920. The average salary for all private practice positions in Tennessee went from \$38,310 in 1991 to \$66,000 in 2011, while the average for all private practice positions out of state went from \$51,580 to \$82,430.

-Kay Brown



EMPLOYMENT DETAILS

	1991	2011
Total Graduates	155	146
Employed <i>(known graduates seeking employment)</i>	96%	95%
Full-Time Legal Positions	92%	76%
Full-Time Non-Legal Positions	4%	13%
Part-Time Legal & Non-Legal	4%	11%
Private Practice	71%	50%
Government	23%	22%
Business & Industry	4%	21%
Public Interest	1%	5%
Academic	1%	2%
Employed in Tennessee	76%	78%
Employed Out of State	24%	22%
Salary Range for All Positions (All Locations)	\$19,500-85,000	\$25,000-135,000
Average Salary for All Positions (All Locations)	\$38,600	\$59,160
Average Salary for All Positions (Tennessee)	\$36,450	\$56,320
Average Salary for All Positions (Out of State)	\$45,980	\$69,030

ADMISSIONS TIME CAPSULE

Alumni often comment, “I wouldn’t be admitted to UT Law now,” alluding to the increase in the academic profile of the entering class. This “time capsule” suggests that while applicant activity has fluctuated over the past decade, the academic profile of UT law students has indeed improved, while the college has also increased the diversity of the student body.



	2000	2004	2012
Total Applicants Nationwide	69,505	100,573	67,957
Applicants to UT College of Law	1,063	1,556	1,080
Percent of Applicants Admitted	36%	20%	37%
Class Size	163	156	120
LSAT Median	156	158	160
UGPA Median	3.51	3.63	3.60
Percent Students of Color	15%	15%	18%
Percent Male/Female	49%/51%	46%/54%	63%/37%
Universities Represented	67	76	56
States Represented	17	18	19



ALL ABOUT THE BENJAMINS

Legal media have pointed out the rising costs of legal education and subsequent increases in borrowing. These comparisons illustrate that UT’s law students are borrowing more and receiving more scholarship funding to meet the rising cost of attendance.

DOLLARS AND CENTS

Academic Year	2000-2001	2005-2006	2011-2012
Total Amount Borrowed by UT Law Students	\$ 5,466,753	\$6,557,918	\$9,120,164
UT Law Annual Tuition and Fees (2 Semesters) Tennessee Resident	\$5,870	\$9,412	\$16,456
UT Law Annual Tuition and Fees (2 Semesters) Non-Resident	\$15,672	\$24,106	\$35,200
Value of Scholarships and Other Aid Awarded to UT Law Students (awards by all university and known external sources)	\$698,120	\$1,370,637	\$2,018,613

ALUMNI show their VOLUNTEER SPIRIT

If our current and prospective students are looking for the true meaning of the Volunteer spirit, they need only look to alumni from the College of Law.

Many of the college's initiatives benefit from the selfless contributions of our alumni. Contributions of time, effort, imparted wisdom, and experiences make a difference every day in the lives of our students.

The college is privileged to have so many alumni who are willing to give back in several ways, including Phil Beck (LAW '81). Beck has a busy practice with the Atlanta office of Smith, Currie & Hancock LLP, focusing on construction law, government contracts, and commercial litigation. While he is heavily involved with several trade associations, bar associations, and other civic interests, Beck also finds time to become involved at the College of Law.

Beck serves as an alumni networker for the Office of Admissions, making himself available to prospective students—especially in his geographic area—to give advice and insight into his law school and career experience. He also has made himself available by agreeing to advise a student in the Mentoring Program. Beck served as a speaker at the College of Law, conducting a presentation on the daily life and specialized requirements of an attorney with a construction law practice. He also has regularly given of his time to conduct interviews with law students on behalf of his firm. Because of his efforts, the firm has hired several UT Law students as summer clerks and new associates.

Reflecting on his involvement with the College of Law, Beck says, "I greatly value the education I received at the UT College of Law. I am always happy to spread the Tennessee Law gospel and to support the students and graduates who are following behind me."

It takes many alumni like Beck to support the mission of the college and to help students achieve to their highest potential. The college has many needs and many opportunities for alumni to get involved. To learn more, go to utk.edu/go/f5.

—Joe Christian

UT COLLEGE OF LAW WAYS TO GET INVOLVED

Prospective Students

- Admissions Alumni Networker
Be available to talk to prospective students
- Undergraduate Alma Mater Reach Back
Help recruit students at your undergraduate institution
- Admitted Candidate Receptions
Attend or host small gatherings with admitted candidates in your area

Current Students

- Mock Interviewer
Help 1Ls hone their interviewing skills
- Hire a Student or Graduate
Recruit for your organization through our Career Center
- Moot Court/Mock Trial Judge
Volunteer as a judge for one of our advocacy competitions
- Clinic Advisor/Consultant/Mentor
Assist our clinic students
- Judicial Clerkship Advisor
Advise student applicants
- Mentor
Communicate with one of our students about professionalism, your career path, and more
- Pro Bono
Support our numerous pro bono projects

Alumni

- Alumni Council
Help promote alumni involvement with the College of Law
- Class Volunteer
Serve as a contact point for a small group of your classmates



the VALUE OF SCHOLARSHIPS

College of Law student Kourtney Hennard knows the value of student scholarships first hand. The 3L, on track to graduate near the top of her class this May, received several scholarships to pursue her degree.

Hennard, whose awards include the Harry W. Brooks Scholarship, also received financial support from the College of Law general scholarship fund. "I am so grateful for the scholarship funds that have made it possible for me to attend UT Law," Hennard said at a recent scholarship awards reception. "This assistance has enabled me to experience so many opportunities that otherwise would have been inaccessible to me."

Karen Britton, director of Admissions and Financial Aid at UT Law, said scholarship awards often mean the difference between recruiting quality students like Hennard, who graduated summa cum laude from Middle Tennessee State University as an undergraduate, and losing them to competing schools.

UT Law's standing and reputation as a "best value" among law schools cannot always stand up against larger scholarship endowments at competitor schools that provide tempting awards, which UT often cannot match.

"We are competing against several law schools that have scholarship budgets that are three to five times the size of ours," says Britton. "However, it's encouraging that our ability to provide funding to students is increasing, due to alumni giving and support. This generosity becomes even more important as we move into an increasingly competitive admissions environment."

Alumni and donors are very aware of the importance of their gifts to the future of UT law students and to the reputation of the college.

"One of my Sunday school lessons was on leaving a legacy," says Carl Collums, who funds the Judge Carl E. Colloms Scholarship award. "Realizing that I could not have attended college or law school without help from scholarships, I know of no better legacy than to help deserving students receive a quality education that will prepare them to have a positive impact on their communities."

Reggie Hill is one of several alumni who fund a scholarship personally and have influenced their law firms to direct their philanthropy to the university. Hill says he considers scholarships to be "twofers."

"First, scholarships benefit students by assisting them in paying the ever-increasing cost of tuition. Second, scholarships benefit the College of Law by enabling recruitment of the best students. This elevates the college and its ranking by raising the metrics of our incoming students."

Donors are increasingly involved in designating funds for causes they support, such as public service, helping the College of Law with diversity enrollment, or supporting loan repayment assistance programs.

IF YOU ARE INTERESTED IN ESTABLISHING A SCHOLARSHIP AT THE COLLEGE OR HAVE ANY QUESTIONS ABOUT OUR SCHOLARSHIP PROGRAM, PLEASE CONTACT HOWIE AVERY, DIRECTOR OF DEVELOPMENT, AT 865-974-6691 OR BY EMAIL AT HAVERY@UTK.EDU.

2011-2012 SCHOLARSHIP PROFILE

238 scholarships were awarded to law students (alumni, donors, and state-appropriated funds).

267 UT students (55 percent of the law student body) received \$2,018,613 in scholarship assistance (from UT or other sources).

2011-2012 BORROWING PROFILE

374 UT students (77 percent of the law student body) took out \$9,120,164 in student loans.

137 graduates borrowed an average of \$76,381.



ALL in the UT LAW FAMILY

Each year at hooding, families gather to see the purple hood that represents three years of legal study bestowed on their loved ones. Although there are always many examples of family ties in the UT Law community, the current student body has siblings and cousins whose loyalty to the university family runs deep.

A NEW LIFE IN KNOXVILLE

Goran and Nina Musinovic enjoyed their childhoods in Sarajevo, Bosnia, until civil war erupted in Yugoslavia and shattered the ideal life their parents had built for them. Forced to flee Sarajevo, they lived with their mother in Serbia for three years before immigrating to the United States in 1995. Goran was 11 and Nina was 7 when they reunited as a family in Knoxville.



The language barrier made making new friends difficult, so the pair became best friends and fierce allies whose love and support for each other never wavered.

Goran, who was an honor student as an undergraduate at UT, continued to excel in law school.

Philip Beck (LAW '81), of Smith Currie & Hancock in Atlanta, Georgia, recruited him upon graduation. Nina also shined as an undergraduate at UT before bringing her passion for legal studies to the College of Law.

Both attribute their success to their parents, whose sacrifice, hard work, love, and devotion enabled them to come to America, focus on school, and succeed. One day, there may be another Musinovic in the UT law family, as Goran and his wife, Sheena, are now expecting their first child.

SCHOLARS AND FRIENDS

Jeremy Poynter grew up watching his older brother, Trenton Poynter (LAW '10), excel at basketball as a high school athlete who was recruited by several colleges and universities. He also paid attention as Trenton turned his back on ath-

letic opportunities, choosing instead to pursue the life of a scholar.

Trenton chose UT Law for his legal education and excelled from his first day as a 1L. He served as an editor for the *Tennessee Law Review* and *Tennessee Journal of Law and Policy* and was the recipient of numerous awards and scholarships. After graduation, he accepted an associate position with Waller Lansden Dortch and Davis in Nashville, where he works to help ensure that health care providers are in compliance with federal and state health care regulations.



Jeremy hopes to blaze his own trail in law school, where he has brought to the table experience in leadership and public service. As an undergraduate, he served on a wide range of committees and held office in a variety of student organizations at Middle Tennessee State University. As a member of the Class of 2015, Jeremy doesn't doubt he will find many ways to use his experiences to lead at UT Law, or that his brother, Trenton, will be encouraging him every step of the way.

A RUNAWAY SUCCESS

Siblings Todd and Amy Skelton seem to have inherited both their passion for the law and their passion for running from their father, Mark Skelton (LAW '82). The Skelton family founded the Skelton Law Racing Series in 2002 to promote fitness and health in East Tennessee. Currently, the series includes eight road races and trail running events. Both Amy and Todd are avid distance runners. In fact, Todd represented the United States on the Junior Men's Team at the 2004 World Mountain Running Championships in Italy.

Todd began law school immediately after an impressive undergraduate career at UT, which culminated in him being named a Torchbearer—UT's highest student honor. Before beginning her legal studies with UT Law, Amy worked for a year in her father's law firm in Rogersville, Tennessee, after graduating magna cum laude from Clemson University in 2010.

Last year, Todd served as Graduate Student Senate president and received the Chancellor's Citation for Extraordinary



training to make a positive impact on the communities in which they eventually settle.

COMING HOME TO UT LAW

Cousins Addie and Kate Boston have strong ties to each other and to UT Law. Addie's father, Robert Boston (LAW '81), practices with Waller Lansden Dortch and Davis in Nashville, Tennessee. Kate's father, Ben Boston (LAW '85),

Campus Leadership and Service, while Amy served on the Faculty Senate Research Council. Todd is completing the dual JD/MBA program and will graduate in 2014. Amy will receive her juris doctor in 2014. Both plan to use their legal

practices with Boston, Holt, Sockwell and Durham in Lawrenceburg, Tennessee. Kate's uncle, Ryan Durham (LAW '02), also is a partner in the firm.

Kate says she never questioned where she would attend law school. UT Law is home for her family. Since Addie spent her undergraduate years at Colorado State University and Kate went to Auburn University, the cousins decided it was time to attend the same school. The family may need to reserve a whole row of seats at hooding in the spring of 2014 to accommodate all the well-wishers!

—Phyllis Brewer



WHAT ABOUT REFERRALS AND RISING STANDARDS?

As the objective qualifications—LSAT scores and undergraduate GPAs—for admission have continued to rise, many alumni have told us they feel conflicted when their family members ask about UT Law. Should they apply, even if their grades and scores do not match the current profile?

Alumni are by far our best referral sources. The College of Law values the referral of family members

and family friends for admission by alumni. Since many candidates are admitted based on excellence in other, nonquantifiable areas, please give the College of Law an opportunity to review the full application file of the family member or friend that you recommend.

The admissions staff is happy to advise students during their undergraduate years, well in advance of the application process, in order to

help them position themselves for success in the application process. Even if the College of Law cannot admit every referred candidate, we strive to help candidates understand the admissions process and put their best selves forward in order to find an academic program that is the best fit for them.

—Karen R. Britton

student profile

UT COLLEGE OF LAW 2013-2015 STUDENT BODY PROFILE

	CLASS OF 2013	CLASS OF 2014	CLASS OF 2015
Class Size	169	160	120
Percent of Applicants Admitted	27%	34%	37%
LSAT Median	160	160	160
UGPA Median	3.61	3.53	3.60
Percent Students of Color	27%	29%	18%
Percent Male/Female	59%/41%	58%/42%	63%/37%
Universities Represented	82	75	56
States Represented	19	16	11
Countries Represented	3	1	3

CAREER INTERESTS

The Career Center surveys each first-year class, asking about the kinds of legal and law-related jobs they are interested in, the various practice areas they would like to explore, and the geographic locations they are most likely to consider for long-term employment. Here are the “early impressions” from each class.

EMPLOYMENT SETTINGS

CLASS OF 2013

Law Firms (*Large, Medium, Small*)
In-House Counsel
Government

CLASS OF 2014

Mid-Sized Law Firm
In-House Counsel
Federal Government Agency
Policy/Advocacy Organization
Law School Faculty

CLASS OF 2015

Mid-Sized Law Firm
Boutique Firm
In-House Counsel
Consulting
Federal Government Agency

PRACTICE AREAS

CLASS OF 2013

Advocacy/Litigation
ADR/Mediation
Governmental Relations
International
Sports/Entertainment

CLASS OF 2014

Advocacy/Litigation
ADR/Mediation
Business/Commercial
Governmental Relations
International Law

CLASS OF 2015

Advocacy
Business/Commercial
Governmental Relations
International
ADR/Mediation

GEOGRAPHIC LOCATIONS

CLASS OF 2013

South Atlantic
East South Central
International
Mid-Atlantic

CLASS OF 2014

South Atlantic
East South Central
International
Tennessee

CLASS OF 2015

South Atlantic
East South Central
International
Tennessee

South Atlantic (DC, MD, VA, WV, GA, NC, SC, FL) East South Central (TN, AL, KY, MS) Mid-Atlantic (NY, NJ, PA)

Law Students Begin Judicial Clerkships

By Judy Cornett

Judicial law clerks assist judges by researching the law and drafting opinions, orders, jury instructions, and other documents. A judicial clerkship offers graduates an unparalleled opportunity to see the judicial process from the inside out.

“From urgent preliminary injunctions to routine motions for summary judgment, I have seen cases at nearly every stage of litigation,” says Audrey

Calkins (LAW '11), who clerked for US District Judge S. Thomas Anderson.

The College of Law has a long tradition of placing graduates in both state and federal judicial clerkships. Chris Call (LAW '10) has served clerkships with Judge Steven Stafford of the Tennessee Court of Appeals and Judge Jeffrey Bivins of the Tennessee Court of Criminal Appeals. He is now clerking for US Magistrate Judge Juliet Griffin. His clerkships have given “valuable insight into how our courts operate and judicial decisions are made,” Call says. “I learned the importance of procedure and what makes for effective advocacy. A clerkship provides a young lawyer with a unique perspective that can't be acquired in the classroom or the law office.”

The opportunity to sharpen their skills and work with judges motivated the new judicial clerks from the Class of 2012. “I pursued a clerkship because it is a once-in-a-lifetime opportunity to learn from and be mentored by someone with amazing experience and legal knowledge,” says Amy Rao Mohan (LAW '12), who will soon begin her clerkship with Senior Judge Gilbert S. Merritt of the Sixth Circuit Court of Appeals. “It's an opportunity to gain insight and see a perspective from the judiciary that you can't get anywhere else.”

Brennan Wingerter credits UT Law's judicial externship program and its nationally ranked legal writing program with preparing her for her clerkship with Chief Justice Gary R. Wade of the Tennessee Supreme Court. “The past few months have been challenging and intimidating yet fulfilling and rewarding,” she says. “I can honestly say that I look forward to going to work each and every morning.”

Above left: Students from the Class of 2012 who accepted judicial clerkships this year include, from left to right, Liz Tramm, Alisa Livaditas, Holly Lusk, Laura Alliman, Alaina Whitt, Jon Fisher, Carrie Pond, Mabern Wall, Amy Mohan, Brennan Wingerter, and Ashley Griffith. Not pictured: Laura Miller

ROLL CALL

The Class of 2012 judicial clerks and their judges include the following:

Laura Alliman: Hon. John C. Few, Chief Judge, South Carolina Court of Appeals, Greenville, South Carolina.

Jon Fisher: Hon. Barbara Houser, Chief Judge, US Bankruptcy Court for the Northern District of Texas, Dallas, Texas.

Ashley Griffith: Hon. Bruce Guyton and Hon. Clifford Shirley, US Magistrate Judges, US District Court for the Eastern District of Tennessee, Knoxville, Tennessee.

Alisa Livaditas: Hon. Penny L. Blackwell, Court of Common Pleas of York County, York, Pennsylvania.

Holly Lusk: Hon. Jacqueline E. Bolton, Circuit Court Judge, Eleventh Judicial District, Chattanooga, Tennessee.

Laura Miller: Hon. Jeffrey M. Atherton and Hon. W. Frank Brown, Chancellors, Eleventh Judicial District, Chattanooga, Tennessee.

Amy Mohan: Hon. Gilbert S. Merritt, US Court of Appeals for the Sixth Circuit, Nashville, Tennessee.

Carrie Pond: Hon. Thomas B. Russell, Senior US District Judge, US District Court for the Western District of Kentucky, Paducah, Kentucky.

Liz Tramm: Hon. J. Rich Leonard, US Bankruptcy Court for the Eastern District of North Carolina, Raleigh, North Carolina.

Mabern Wall: Hon. Joseph Tipton, Tennessee Court of Criminal Appeals, Knoxville, Tennessee.

Alaina Whitt: Hon. Gloria M. Navarro, US District Court for the District of Nevada, Las Vegas, Nevada.

Brennan Wingerter: Hon. Gary R. Wade, Chief Justice, Tennessee Supreme Court, Knoxville, Tennessee.



Justice Elena Kagan Visits UT Law

A nearly full house greeted US Supreme Court Associate Justice Elena Kagan for her talk on October 19 at UT's Cox Memorial Auditorium.

by Tanya G. Brown



Kagan sat down for an hour-long conversation with Doug Blaze, dean of the College of Law, in which she touched on the inner workings of the court and even her preference in movies.

Discussing her time as solicitor general, Kagan said she could empathize with the pain UT Law students may have felt while she served as the presiding judge of the final round of the Advocates' Prize competition the previous afternoon.

Kagan said her first time arguing in front of the Supreme Court as solicitor general didn't go all that smoothly either.

"I was about two sentences in and Justice (Antonin) Scalia said, 'No, no, no!' But you get through it, and after a while, you even realize there are words coming out of your mouth again," she said.

Kagan revealed that one of the greatest misconceptions about the Supreme Court is the idea that the justices are not friends outside of the courtroom because of how often they disagree in opinions and on cases.

"We're actually an extremely collegial court," Kagan said, pointing out that she goes to the opera with Justice Ruth Bader Ginsburg and hunting with Justice Scalia.

When questioned about how the court decides cases during a session, Kagan said the members gather for discussion, with her taking notes as the junior member of the court. Each justice may speak one time during discussion before any justice speaks twice. It's a rule that she appreciates as the newest member of the court, because it guarantees that everyone on the court will get a turn during discussion.

She also lauded the female justices who have come before her, pointing out that justices like Ginsburg and Sandra Day O'Connor made it possible for her to be taken seriously as a member of the court.

During decision-making, however, she said neither gender nor politics come into play as much as some people might believe. "We are all coming at these cases from the position of a lawyer," she said. "You can't

WATCH AND CLICK: TO VIEW THE ROSE LECTURE WITH JUSTICE KAGAN IN ITS ENTIRETY, AND SEE MORE PHOTOS OF HER VISIT, GO TO LAW.UTK.EDU AND CLICK HER PHOTO IN THE ROTATING WINDOW.



make the Constitution mean whatever the best Constitution might mean. What you are doing is law. You're not importing your own concepts of right and wrong and good and bad."

She is aware that people discuss the personal lives of justices, and said that such conversation, as long as it is on a higher plane, is fitting. "There should be conversation and criticism of us, because our job is important, what we are doing is important work." 🌸



McKanders Returns from Fulbright Trip

UT law students may soon be interning in Morocco if Professor Karla McKanders has her way.

by R.G. Smithson

McKanders recently returned from a one-year residency in Rabat, Morocco, as a Fulbright Scholar teaching at the University of Mohammed Souissi-V. While there, she connected with the pro bono law firm Droit et Justice. McKanders and this organization continue to collaborate to create a program that will place pro bono lawyers with refugees who cannot afford representation.

“This was one of the most exciting parts of my trip,” says McKanders, a longtime champion for the rights of immigrants, refugees, and those seeking asylum. She has worked over the years with immigrant clients from the Middle East, Central

America, and Africa.

“I am working with Barbara Herrell-Bond from Oxford University in the United Kingdom who has set up pro bono programs in several African countries. Hopefully we can continue to collaborate so that our students can become involved in projects assisting refugees in Morocco.”

Located in the northwestern corner of Africa, Morocco is just a short ferry ride from Spain. McKanders says many immigrants and refugees come to Morocco in hopes of eventually getting to Europe.

“Morocco is a good place to teach and study about migration and refugee issues,” she says. “I definitely want to go back and take some of our students with me.”



ABOUT MOROCCO

Morocco, about one-tenth larger than California, lies across the Strait of Gibraltar on the Mediterranean and looks out on the Atlantic from the northwest shoulder of Africa. The political capital of Morocco is Rabat, although the largest city is Casablanca.

The Moroccan economy is generally diverse but fragile. The major resources of the Moroccan economy are agriculture, phosphates, and tourism. Industry and mining contribute about one-third of the annual GDP. Morocco is the



world’s third-largest producer of phosphates (after the United States and China), and the price fluctuations of phosphates on the international market greatly influence Morocco’s economy.

Tourism and workers’ remittances have played a critical role since independence. The production of textiles and clothing is part of a growing manufacturing sector that accounted for approximately 34 percent of total exports in 2002, employing 40 percent of the industrial workforce.

POPULATION: 32,000,000+ CAPITAL: RABAT AREA: 710,850 SQUARE KILOMETERS (274,461 SQUARE MILES)
CURRENCY: DIRHAM LIFE EXPECTANCY: 70 GDP PER CAPITA: US \$3,900 LITERACY PERCENTAGE: 52

During McKanders' four years at UT, her students in the Immigration Clinic have helped Knoxville-area immigrants with asylum applications, immigrant victims of domestic violence, and currently immigrants seeking US citizenship. Clinic students have



traveled to Memphis, Tennessee, to advocate for clients before the Immigration Court.

McKanders says the issues in Morocco are much the same as they are in the United States. "You have persons from developing countries trying to relocate to more developed countries, like Central Americans trying to transition to the United States. You have the same issues of racism and poor treatment of immigrants."

While in Morocco, McKanders was able to speak with a United Nations High Commissioner for Refugees regarding the immigration process. "I also spoke with organizations serving immigrants and many immigrants about their situations—how they migrated to Morocco," she says. "Most of them want to transition to Europe, but they get stuck in Morocco."

McKanders has presented her research at a Moroccan conference on migration and will also present her findings at the annual conference of the Association of American Law Schools in January 2013 in New Orleans, Louisiana.

McKanders enjoyed her first trip to Morocco—especially her time in the classroom, where she taught in French Refugee Law and Policy the first semester and International Humanitarian Law the second.

"The students were very engaged," she says. "They enjoyed having a different teaching style other than just lectures. Being in another country and being able to collaborate and learn from my students was great, which is one of the goals of the Fulbright program."

Far left: Students of Professor McKanders gather during a certificate presentation ceremony. Upper left: McKanders tours one of Morocco's jardins, a large outdoor garden. Above right: McKanders with her international humanitarian law class in Morocco.



About 40 percent of Moroccans cannot read or write, and the country has high levels of extreme poverty and health care deprivation. Morocco also has a high level of economic inequality. The unemployment rates for the highly educated, as well as the unskilled, are high and cause consistent social unrest in many cities and villages. In 2011, the UN's Human Development Index ranked Morocco as the 130th most developed country in the world.

-Compiled from online resources / Photos by Karla McKanders

LANGUAGES: ARABIC, BERBER DIALECTS, FRENCH RELIGION: MUSLIM
GOVERNMENT: CONSTITUTIONAL MONARCHY KING: MUHAMMAD VI

MCKANDERS INSPIRED BY CIVIL RIGHTS MOVEMENT

Karla McKanders developed empathy for victims of discrimination at an early age. While growing up in Michigan, she listened intently to stories told by her grandparents, who lived through the turbulent civil rights movement in the 1950s and '60s.

"I listened to their stories regarding segregation and discrimination when they were growing up in Mississippi and Louisiana," McKanders says. "That definitely impacted what I wanted to do with my life. I decided that I wanted to advocate for peoples' rights."

In the four years she has been a member of the College of Law faculty, McKanders has developed a national reputation for her research regarding issues affecting the growing immigrant populations in the United States and throughout the world at large.

"I can remember as early as 8 years old wanting to advocate for other peoples' rights," she says. "I watched documentaries like *Eyes on the Prize* and read books on the civil rights movement and different civil rights leaders."

It all came together in the fall of 1998 during a study abroad program in Strasbourg, France, when McKanders worked with refugees who migrated to France from Afghanistan, Kashmir, and Mauritania, and several African countries. "I was able to make the connection between what I had learned about civil rights growing up and the current civil rights challenges faced by immigrants around the world," she says.

In 2006, McKanders became a Reuschlein Clinical Teaching Fellow at Villanova University, where she worked with the Clinic for Asylum, Refugee, and Emigrant Services. The clinic handles asylum cases before immigration judges, asylum officers, and the Board of Immigration Appeals.

At UT, McKanders currently teaches in the new Immigration Clinic, where law students represent immigrants who cannot afford counsel.

by R.G. Smithson



Cloistered Court

The Life and Times of Supreme Court Justices

During the 2010 confirmation debate surrounding the most recently appointed United States Supreme Court Justice, Elena Kagan, the collective backgrounds of current justices were up for considerable discussion.

“Some argued that too many of the justices went to Yale or Harvard law schools, or that they were basically northeasterners,” says UT College of Law Professor Ben Barton.

His interest piqued, Barton began researching the life experiences of every Supreme Court justice from John Jay to Kagan. His findings expose the unusual makeup of the current nine-person court headed by Chief Justice John G. Roberts.

Barton’s study revealed the Roberts Court is, in many ways, an outlier from the previous 105 versions of the court. He published his findings in a UT Legal Studies research paper entitled “An Empirical Study of Supreme Court Justice Pre-Appointment Experience.”

“Roberts Court justices have spent more pre-appointment time in legal academia, appellate judging, and living in Washington, DC, than any previous Supreme Court,” Barton writes.

“No Supreme Court has spent more time studying at the very best of the best of American educational institutions (Ivy League or Stanford for undergrad and Harvard or Yale for law school). These experiences reflect a particular type of achievement and another heavy dose of the ivory tower.” As a result of those kinds of pursuits, Barton reasons the Roberts Court has a deficiency of other experiences, including “practical wisdom.”

“The Roberts Court has spent less time in the private practice of law, in trial judging, and as elected politicians than any previous court,” Barton says. As a result, the current justices spent most of their pre-appointment careers in professional arenas largely withdrawn from personal interaction with clients, juries, and voters.

“These cloistered and neutral experiences offer limited opportunities for the development of the most critical judicial virtue: practical wisdom,” he says.

Among those taking note of Barton’s research have been the *Washington Post*, the *Wall Street Journal Law Blog*, and the Volokh Conspiracy website.

“Much of this will come as no surprise to court watchers,” Joe Palazzolo posted on the *Wall Street Journal Law Blog* under the headline “The Roberts Court: Is Wonkier Worse?” “We know the route to becoming a justice has narrowed over time, for many



DOWNLOAD BEN BARTON’S “AN EMPIRICAL STUDY OF SUPREME COURT JUSTICE PRE-APPOINTMENT EXPERIENCE” AT TINYURL.COM/9AWD6GV.



reasons—the Bork hearings, for instance. The question is whether it’s a bad thing that the Roberts Court is wonkier than its predecessors.”

Barton acknowledged that supporters of the current court “can argue that this court is the most qualified of any court in history—they have spent more time considering and studying constitutional theory and the court itself than any other group.”

He goes on to write, “If one thinks that lifetime Supreme Court appointments should go to justices who have displayed a particular kind of technical legal excellence and a single-minded focus upon achievement, the current system is perfect.

“If, on the other hand, we would prefer justices with more ‘real life’ experiences, a return to prior emphasis on the practice of law, trial judging, and political experience would be welcome. This might also ameliorate overly complex Supreme Court case law and provide some needed practical wisdom to the Court.”



SUPREME FACTS

- The Roberts Court is the first to not have a justice who had previously served in an elected office. Over the years, justices have included a president, several governors and mayors, fourteen senators, and seventeen US representatives. The retirement of Sandra Day O’Connor in 2006 ended a string of having at least one politician on the court since its inception in 1789. O’Connor was a former Arizona representative.
- Roberts Court justices average only six years in private practice, while the historical court average is seventeen years. The only two justices in the history of the court with no private practice experience are current members of the court, Stephen G. Breyer and Samuel A. Alito, Jr. Both came to the court with extensive government experience.
- Roberts Court justices have spent ninety-five years, collectively, in legal academia—first among all the courts. Justice Kagan was the first female dean of the Harvard Law School, and current justices Antonin Scalia, Anthony M. Kennedy, and Ruth Bader Ginsburg had extensive teaching careers.
- Even though every justice except Kagan came to the high court from the bench, most of that experience was with the appeals courts. Only Sonia Sotomayor on the Roberts Court served as a trial court judge, and none served in state courts.
- New York leads in producing justices. Out of 114 justices, sixteen listed New York as their home. Massachusetts is second with ten, followed by Ohio with nine; Virginia with eight; Pennsylvania and Tennessee with six each; and Kentucky, Maryland, and New Jersey with five each. Delaware and Rhode Island have never had a justice.
- Four of the five boroughs of New York City are represented on the Roberts Court.
- Educational experience mirrors the changes in the educational paths of lawyers in America. For instance, every justice appointed from 1789 to 1899 except two spent some period of years “reading the law.” From the twentieth century forward this became much less common. Likewise, eleven different nineteenth-century justices (and one twentieth-century justice) had no formal undergraduate or graduate education whatsoever—just a period reading law. Three twentieth-century justices have only a law school education and no undergraduate studies. The first year when every justice had four years of undergraduate work and three years of law school was 1986, when Justice Scalia replaced Chief Justice Warren Burger.

Faculty Notes

Professor Emeritus Fran Ansley has published a chapter, “Talking Union in Two Languages: Labor Rights and Immigrant Workers in East Tennessee,” which appears in *Transforming Places: Lessons from Appalachia*.

Professor Brad Areheart’s new article, “GINA, Privacy, and Antisubordination,” was published in the *Georgia Law Review*.

Professor Wendy Bach’s article “Mobilization and Poverty: Searching for Participatory Democracy Amongst the Ashes of the War on Poverty” will appear in the *Virginia Journal of Social Policy and the Law*. Bach gave a presentation at this year’s AALS Clinical Law Conference in Los Angeles, entitled “Intersecting Subordination and Poverty Law: Re-examining Our Teaching Goals,” and she moderated a Works-in-Progress section on delivering legal services effectively.

Professor Ben Barton gave a presentation at the AALS Workshop on Clinical Legal Education, held in Los Angeles, on scholarship for social change. He also gave a presentation at the fifth annual International Legal Ethics Conference, in Banff, Alberta, Canada, on the subject of his recent book, *The Lawyer-Judge Bias in the American Legal System*. Barton spoke as part of a panel at the annual meeting of the Southeastern Association of Law Schools on “Whither Skills Training, Clinic, and Scholarship in Tight Budget Times?” Barton serves on the board of editors of the peer-edited *Clinical Law Review*.

Professor Jerry Black participated in the Summit for Improving Indigent Party Representation that was convened by the Tennessee Supreme Court. Black also spoke at the 2012 Habeas Institute Conference, held at Loyola Law School in Los Angeles.

Case Western Reserve Law Review has published **Professor Robert Blitt’s** most recent article, “Defamation of Religion: Rumors of Its Death Are Greatly Exaggerated.” A second article, “Beyond Ruggie’s Guiding Principles on Business and Human Rights: Charting an Embrasive Approach to Corporate Human Rights Compliance,” will be published in the *Texas International Law Journal*. Blitt also spoke and served as an instructor at the Peking University Law School Center for Admin-

istrative and Constitutional Law Summer 2012 China Certificate Training Program on Religion and the Rule of Law, in Beijing, China.

Professor Judy Cornett participated in a panel discussion entitled “SB 893: Teaching Alternative or an Attack on Science?” The panel addressed the Academic Freedom Acts from a legal, educational, and scientific perspective. Cornett has also been invited to speak at the Forum for Interdisciplinary Dialogue at the University of Virginia.

Professor Iris Goodwin attended the 2012 Critical Tax Conference hosted by Seton Hall Law School, where she moderated a panel on the Wealth Transfer Tax.

Professor Joan Heminway gave a presentation about the extraterritorial reach of federal securities law in Paris, France. She presented her book chapter on gender and insider trading, entitled “A Portrait of the Insider Trader as a Woman,” at the Law and Society Association Annual Meeting in Honolulu, Hawaii. Heminway presented and gave comments at the National Business Law Scholars Conference at the University of Cincinnati College of Law. She later participated in a roundtable on the general solicitation provisions of the JOBS Act that was convened by the US Department of the Treasury and conducted at New York University School of Law. Heminway also gave presentations earlier at Case Western Reserve University School of Law and at Ohio State University-Moritz College of Law. She has been invited to speak at the annual meeting of the Canadian Law and Economics Association, to be held in Toronto, Ontario. Heminway recently completed her term as president of the Southeastern Association of Law Schools and will serve as past president during the coming year.

Professor Amy Morris Hess spoke at the Southern Regional Meeting of the American College of Trust and Estate Counsel in Mobile, Alabama, on the topic, “Estate Planning for the Baby Boomers: Will They Have Estates to Plan?” She also attended the annual meeting of the Uniform Law Commission, held earlier this summer in Nashville.

Professor Michael Higdon’s article “Law Faculty Hiring and Socioeconomic Bias” was discussed and quoted on the *Faculty Lounge Blog*.

Professor Becky Jacobs spoke on a panel in Rio de Janeiro, Brazil, on the subject, “Energy Law for Sustainable Development.” The event took place at the Fundação Getulio Vargas and was a companion event to Rio+20, the United Nations Conference on sustainable development held in Rio in June.

A chapter by **Professor Brian Krumm**, entitled “State Legislative Efforts to Improve Access to Venture Capital,” was published recently as part of the book *Entrepreneurship and Innovation in Evolving Economies: The Role of Law*.

Professor Michelle Kwon spoke as part of a panel at the annual meeting of the Southeastern Association of Law Schools, on “Incorporating Practical Legal Research and Writing Skills into the Traditional Doctrinal Classroom.”

Professor George Kuney has accepted an invitation to participate on the American Bankruptcy Institute Commission to Study the Reform of Chapter 11. Kuney will serve on the commission’s Advisory Committee on Plan of Reorganization—Process Issues. Kuney also submitted a pro bono *amicus curiae* brief to the United States Court of Appeals for the Second Circuit concerning general growth properties.

Professor Alex Long spoke on the subject of UT colleague Ben Barton’s book, *The Lawyer–Judge Bias in the American Legal System*, at the fifth annual International Legal Ethics Conference, held in Banff, Alberta, Canada. UT’s *Quest: Research, Scholarship, Creative Activity* recently highlighted Long’s work in the article “Rocking Out at the Bar (or, Lyrics and the Lawyers Who Love Them).” The article discusses Long’s research into judicial citation of popular song lyrics. Long’s work on judicial citations to Bob Dylan songs was also cited favorably on the *Legal Writing Prof Blog*.

Professor Emeritus Bob Lloyd served as an observer on the Uniform Law Commission Study Group considering amendments to the Uniform Fraudulent Transfer Act. Lloyd represented the American College of Commercial Finance Lawyers.

Professor Karla McKanders spent the past academic year as a Fulbright Scholar at the University of Mohammad V in Rabat, Morocco,

teaching refugee law and international humanitarian law. McKanders also recently published the op-ed column “Renewing Violence Against Women Act Would Protect All,” in the *Knoxville News Sentinel*.

Professor Tom Plank is the author of the article that was the one millionth download in the William & Mary Law School Scholarship Repository. The article, “The Essential Elements of Judicial Independence and the Experience of Pre-Soviet Russia,” was downloaded on May 9, 2012.

Professor Nathan Preuss has authored the new CALI exercise “Tennessee Primary Sources.”

Professor Glenn Reynolds’ article “Second Amendment Penumbra: Some Preliminary Observations” has been published by the *Southern California Law Review*. His article “A Due Process Right to Record the Police,” coauthored with John Steakley, was published by the *Washington University Law Review*. Reynolds’s article “National Federation of Independent Business v. Sebelius: Five Takes,” coauthored with alumnus Brannon Denning, will appear in the *Hastings Constitutional Law Quarterly*. His recent publication “The Higher Education Bubble” was discussed at length in a recent *Washington Post* column by George Will. Reynolds also spoke recently at Vanderbilt Law School on the topics of space law and careers in law, science, and technology.

Professor Dean Rivkin was quoted in the *ABA/BNA Lawyers’ Manual on Professional Conduct*, in the article “Pro Bono Mandate for N.Y. Bar Admission Brings Mixed Reactions, Lots of Questions.” He currently leads a new working group, convened by the Tennessee State Board of Education, that has the goal of reforming Tennessee’s truancy and attendance laws. He was also invited to speak at the Tennessee Board of Education Forum on Truancy Reform and Rule-Making in Nashville.

Professor Paula Schaefer gave a presentation to the Tennessee Attorney General’s Office about recent developments in attorney ethics. She also gave a presentation to the Knoxville Bar Association Corporate Counsel on the subject of confidentiality ethics for transactional lawyers. And her recent *Nevada Law Journal* article, “In-

Faculty Notes

jecting Law Student Drama Into the Classroom: Transforming an E-Discovery Class (or Any Law School Class) with a Complex, Student-Generated Simulation,” was noted positively in the *Institute for Law Teaching and Learning Blog*.

Associate Dean Greg Stein's new book, *Modern Chinese Real Estate Law: Property Development in an Evolving Legal System*, has been published by Ashgate Publishing. The book received a favorable review from Professor Rebecca Tushnet of Georgetown Law School at the *PropertyProf Blog*. Stein is a member of the Board of Governors of the American College of Real Estate Lawyers. He served as a facilitator for a discussion session at ACREL's recent meeting in Las Vegas, Nevada. He also spoke as part of a panel at the annual meeting of the Southeastern Association of Law Schools on “Changing Our Approaches to Teaching to Enhance Feedback and Assessment.”

Professor Maurice Stucke's article “Reconsidering Antitrust's Goals” has been published in the *Boston College Law Review*. An article by Stucke and Allen Grunes, “The AT&T/T-Mobile Merger: What Might Have Been?” was published in the *Journal of European Competition Law & Practice*, an Oxford University Press journal. Stucke also wrote an article, “Occupy Wall Street and Antitrust,” which will appear in the *Southern California Law Review Postscript* as part of a symposium on the Supreme Court's 1911 Standard Oil decision. Stucke visited the University of Melbourne, Australia, as a senior fellow of the law school and a visitor of the university's Competition Law and Economics Network. While at Melbourne, Stucke taught a master's course on behavioral law and economics and gave a presentation of his recent article “Is Intent Relevant?” The Organisation for Economic Co-operation and Development (OECD) commissioned Stucke to present his paper “The Implications of Behavioral Antitrust,” to the senior officials of more than thirty competition authorities in Paris, France. Stucke also participated at the American Antitrust Institute's thirteenth annual conference in Washington, DC, taking part in a panel on harmonizing civil liberties and antitrust policy that was moderated by DC Circuit Judge Douglas Ginsburg.

Professors Kris Tobin and Paula Williams spoke at the annual AALS Clinical Law Conference in

Los Angeles, California, on the topic, “Fear of Numbers? Teaching Financial Planning Skills in a Transactional Clinic.”

Professor Val Vojdik taught in a July summer program in Istanbul, Turkey, sponsored by the Open Society Institute. Vojdik taught lawyers and fellows from Palestine, Jordan, Egypt, Syria, Lebanon, and Iraq in OSI's Middle Eastern Rule of Law Program. While there, Vojdik conducted research at Bilgi University's Center for Human Rights. Vojdik also presented at the annual Law and Society Conference held in Honolulu, Hawaii, and at the AALS workshop on Clinical Legal Education in Los Angeles, California.

Professor Penny White was one of three featured speakers at the Harvard Law Review Annual Symposium, held at the Harvard Law School. While at Harvard, White also was a featured speaker for the class Judicial Independence, Judicial Elections, and the First Amendment, taught by former Chief Justice Margaret Marshall of the Massachusetts Supreme Judicial Court. White spoke recently at Yale Law School on the topic of “The Politicalization of America's State Courts.” White participated in the William and Mary School of Law's Election Law Society Symposium. While there, White and former Texas Chief Justice Tom Phillips filmed an online session for the National Center for State Courts, entitled “What Every Judge Should Know About Money in Judicial Elections.” She also was a participant and keynote speaker at an Indiana Law Review symposium on the subject “Reflecting on Forty Years of Merit Selection.” White's presentation, which will be published in the *Indiana Law Review*, is entitled “Recusal Reform: An Antidote to Citizens United and White.”

Professor David Wolitz moderated a panel on “International and Comparative Criminal Law” at the American Society of Comparative Law's “New Perspectives in Comparative Law” conference, held at George Washington University Law School. Wolitz also participated in a New Scholars Workshop at the annual meeting of the Southeastern Association of Law Schools, presenting a paper entitled “Criminal Jurisdiction and the Nation-State.”

Knoxville Law Firm Establishes Woolf Scholarship

The law firm of Woolf, McClane, Bright, Allen & Carpenter, PLLC, has established the Lou Woolf Scholarship at the College of Law. The scholarship honors Louis C. Woolf's retirement earlier this year. He is a 1960 graduate of the College of Law and practiced law for more than fifty years in Knoxville. Woolf is a founding member of the firm. Jo Niedens, his longtime assistant, spearheaded efforts to endow the scholarship in his honor. The scholarship will be awarded for the first time in August 2013.



On September 12, the UT College of Law gathered to celebrate the new scholarship at Woolf's firm. Pictured from left: Ed Niedens, Jo Niedens, Lou Woolf, Jamie Woolf, Dennis McClane, and UT Law Dean Doug Blaze.



CHIEF JUSTICE VISITS UT LAW ON SUPREME COURT DOCKET DAY

The Moot Court Board of the College of Law hosted the Honorable Chief Justice of the Tennessee Supreme Court Gary Wade, along with Associate Justices Janice M. Holder, Cornelia A. Clark, William C. Koch Jr., and Sharon G. Lee, on September 4 for a series of special events.

Wade, who was sworn in on September 1 at the Sevier County Courthouse, is the third

chief justice to speak at the college after being sworn in. Wade received both his law degree and his undergraduate degree from the University of Tennessee. He previously served as a member of the Tennessee Court of Criminal Appeals.

In his address, Wade stressed the importance of public service to law students. "You will inherit in your practice of law some difficult issues," Wade said. "When people have domestic issues or financial issues, you perhaps will be called upon to give advice. We may not love our lawyers, we may not love our judges, but when society has any kind of difficulty, we turn first to our lawyers."

Following Wade's address, the court heard cases at the law school, providing students with an opportunity to observe oral arguments in the state's highest court.

Smaller, Academically Talented 1L Class at UT Law

In August, the College of Law welcomed a selective and talented class of 120 students. This class has a 3.60 undergraduate GPA median and an LSAT median of 160—an academic profile that approaches the best in the history of the College of Law. In addition to the 84 percent of the class that hails from Tennessee, students come from eleven other states and three foreign countries. Class members graduated from fifty-six undergraduate institutions. Forty-two class members received their undergraduate degree from the University of Tennessee. Twenty-two students, or 18 percent of the class, are students of color.



Douglas A. Blaze, dean of the College of Law, said the talented entering class enriches the school as a whole. “This class is a good size, given the challenges that the current economic climate presents,” Blaze said. “Our first-year students were carefully selected and are well prepared and qualified for a rigorous academic program. We are fortunate to

have the flexibility to enroll a smaller class as a means to maintain the academic quality of our students and to strengthen the reputation of the college.”

The law school has experienced significant momentum in diversity recruitment. In 2012, *U.S. News and World Report* recently recognized UT Law as one of the top twenty-five public law schools with a diverse student body.

College of Law Hosts First Mentoring Program Speakers Series

Kevin Thompson (LAW '05), of Thompson Burton PLLC, kicked off the Mentoring Program Speaker Series on September 12. Thompson addressed a group of first-, second-, and third-year students, sharing the insights and learning experiences he gained during his climb to being named one of the top twenty-five most influential people in the direct sales industry. He discussed “self-branding,” or actively taking control of one’s professional identity. Thompson advised students about maintaining a personal website, appropriately participating in social media, and generating quality and valuable content.

Having published multiple e-books accruing more than 85,000 reads and 2,500 downloads, Thompson extolled the idea of becoming a “conversation starter.” He has followed these pieces of advice in his own practice, becoming a go-to attorney for direct sales startups and a known leader in the industry, resulting in appearances on CNBC and speaking engagements around the world.





McGraw, McMurray Win 2012 Advocates' Prize Competition

Matthew McGraw and Alicia McMurray won the College of Law's 2012 Advocates' Prize competition. Todd Skelton and Annie Ellis placed second. McGraw and Murray were recognized for writing the Best Brief, and McGraw was named the Best Oralist in the

final round. Brooke Boyd and Ashley Batts won the Second Best Brief award.

McGraw, McMurray, Skelton, and Ellis—all third-year students—advanced through a field of twenty-three teams to earn a spot in the final round. This gave them the opportunity to argue before US Supreme Court Associate Justice Elena Kagan, who presided over the final round, and five federal appellate court judges, who sit in the Fourth, Ninth, Tenth, and Eleventh Circuits.

Associate Justice Kagan was nominated in 2009 by President Barack Obama to serve as the solicitor general of the United States. In 2010, Obama nominated her to the Supreme Court. Joining Justice Kagan in judging the Advocates' Prize were: Judge Rosemary Barkett, Judge Marsha Siegel Berzon, Judge Jerome A. Holmes, Judge Adalberto José Jordan, and Judge James A. Wynn.

Judge Barkett was nominated by President Bill Clinton in 1993 for a seat on the US Court of Appeals for the Eleventh Circuit. Barkett is the recipient of seven honorary degrees.

Judge Berzon was nominated by President Bill Clinton in 1999 to the US Court of Appeals for the Ninth Circuit. Berzon clerked for Justice William Brennan of the US Supreme Court as his first female law clerk.

Judge Holmes was nominated by President George W. Bush in 2006 to the US Court of Appeals for the Tenth Circuit. Holmes became the first African American to serve on the Tenth Circuit.

Judge Wynn was nominated by President Barack Obama in 2010 to the US Court of Appeals for the Fourth Circuit. Wynn served as a captain for the US Navy Judge Advocate General Corps at the Norfolk Naval Base.

Judge Jordan was nominated by Obama in 2012 to the US Court of Appeals for the Eleventh Circuit. Jordan clerked for Sandra Day O'Connor on the US Supreme Court in 1988.

This year's Advocates' Prize focused on the hypothetical case, *United States of America v. Lucas*, posing issues related to Fifth Amendment rights against self-incrimination and Sixth Amendment Confrontation Clause and right-to-counsel issues.

Each team participated in a brief-writing workshop and an appellate argument boot camp in addition to filing an appellate brief on behalf of one of the parties.



Judging From on High

The *New York Times* called it “one of the most scenic jobs in American law,” but for Michael Seng (LAW ’75), it’s arguably the best job in American law. Seng serves as a United States magistrate judge for the Eastern District of California. His address? Yosemite National Park.

By Tanya G. Brown

well in the middle. Nobody was beating down the door to hire me when I finished law school.”

He did receive a solicitation from the federal government. The Department of Health, Education, and Welfare (the precursor to today’s Department of Health and Human Services) would be hiring law clerks for the first time to assist administrative law judges throughout the country. Desperate for work, Seng applied.

To his surprise he received a call later that summer as he sat for the Tennessee Bar, asking him to clerk in Fresno, California. Thinking the job was his family’s ticket to a beachfront California life, he accepted. Having no idea what to expect, he went to the law library and opened an almanac. He learned that Fresno was home to a brand new outdoor mall, and that it rained only 12 inches a year there.

The cross-country trip opened his eyes to what Eastern California was really like. Traveling during August, they arrived to find no water in the rivers and temperatures that soared above 100 degrees. It was not love at first sight.



As the seasons changed that first year, though, they began to see the good in the area. Living at the foothills that lead into the Sierra Nevada Mountains reminded them a bit of East Tennessee. They were only a few hours from the beach and from Los Angeles. It was a convenient location and a safe area to raise a family. The Sengs, who had met and married while both undergraduates at UT, decided that they might stay a while after all.

Seng went into private practice. At one point, he represented an attorney who was being sued for malpractice. The case was a relatively simple one, but the other attorney wanted it settled quickly, as he was in the running to be appointed as the next federal magistrate in Yosemite. The position, which came with its own little

Getting Judge Seng on the phone takes a few tries. The connection drops the first time and clarity takes a few times to achieve.

“Welcome to Yosemite,” Seng says with a laugh. “We have more technical issues than most up here.”

You can tell from the sound of his voice, though, that he doesn’t really mind connectivity issues. The remoteness of the Yosemite division of the Eastern District court and its setting in the national park are part of the charm of the job.

Seng has been lusting after the judgeship at Yosemite almost since he came to California to practice law. It’s been a long road to the heart of Yosemite Falls, where the force of North America’s highest waterfall often shakes the windows of the courthouse and his home, but Seng has enjoyed every stop along the way.

GO WEST, YOUNG MAN

In 1975, no rule existed limiting law students to twenty hours of work per week or less. Seng, already a father and husband, worked a full-time job to support his family while attending law school.

“Needless to say, I was not the star of my class,” he says. “I was pretty

house in Yosemite, a courthouse in the heart of the park, and a full law enforcement partnership with the only national park that operates its own jail, intrigued Seng. He watched the job throughout the years, taking note of those who served when they entered or left the judgeship.

After thirty years in private practice, he became a federal administrative law judge. Shortly thereafter, the job in Yosemite opened again. Feeling the time was finally right, Seng applied and was selected.

THE BUSIEST DISTRICT IN THE COUNTRY

He makes it sound like a lark, as though being chosen as a federal magistrate judge for the Eastern District of California still surprises him. In actuality, Seng was chosen from a large field of well-qualified applicants for a job that routinely means fifty-hour workweeks in what is widely considered the busiest district in the country.

But he loves his job and that, according to those with whom he serves, makes him the kind of judge Yosemite needs. Grady Bryant, the lead court security officer at Yosemite, has worked in the court for seven years and in Yosemite as part of the park ranger service for much longer. He says Seng's sensitivity to the natural environment of the park and the courtesy he extends to the accused make him a natural for the position.

"A lot of people who end up in court here want to plead guilty just to get rid of it," he says. "They want to go home and forget it ever happened. Judge Seng has actually said, 'Talk to your defense attorney and come up with an alternative' (to pleading guilty). He wants to

make sure the procedure is right for the court and for the individual."

Seng also gives judgment with understanding despite the huge volume of criminal cases, says Bryant. He keeps in mind that many of those who end up in court for offenses like marijuana possession and public intoxication are young people camping or working at the park seasonally. He tries to rule with this in mind, while also stressing the potential seriousness of these issues in a place like Yosemite, where failure to properly store food can attract bobcats and bears.

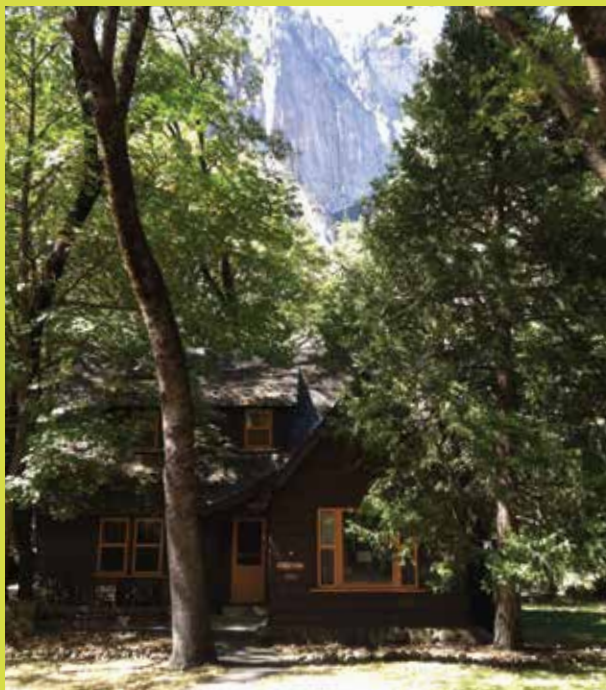
Seng's court also spends hours weekly evaluating civil rights cases filed by prisoners at the many Eastern California prisons. Prisoners file cases alleging everything from excessive force by guards to inadequate medical care.

"You never know what is going to be in there," Seng says. "Water, for example, is an issue out here. One of the cases alleged that the prison water has an excessive amount of arsenic in it. People need to be incarcerated at times, but we don't mean to poison them while they're here. Many of the prisoner cases don't get past screening, but there are some righteous cases in there."

When he's not at his desk, Seng is an avid hiker. He once found himself atop Half Dome, one of the most iconic peaks at Yosemite, with enough members of the court to actually convene. They dismissed a case 8,400 feet above sea level after a six-hour climb. He thinks they might have been the literal "highest court in the land" that day.

He's okay with never ascending to a higher court. Yosemite is home.

"I can look to my right and see Yosemite Falls, and directly behind my chambers and the bench is Castle Cliffs," says Seng. "It's 1,500 feet straight up. We get a lot of wildlife wandering through the yard. I plan to work until I'm no longer capable. I've never had more fun in my career than what I'm doing right now."



Head of the Class



By R.G. Smithson

Tanisha Hart Love (LAW '02) is a firm believer in the old adage, “To whom much is given, much is expected.”

When her classmate, Chasity Goodner, suggested Love would be an excellent candidate for the college’s Class Volunteer program, she agreed and contacted her alma mater for more information. Lauren Herbstritt, director of annual giving and alumni affairs, worked with Love and quickly convinced her of the program’s worth.

Class volunteers are the primary fundraisers for each class and serve as liaisons between their classmates and the college. They work closely with the college’s Office of Development and Alumni Affairs.

“Having a law degree from the University of Tennessee has provided me and my classmates with a lot of opportunities,” Love says. “My experience with the faculty, administration, and staff was so enriching in my life. It’s now our time to give back.”

THE PERKS OF ALUMNI ENGAGEMENT

Love, who spent seven years as in-house counsel with Kroll Background America Inc. in Nashville and who now works with her family’s construction business, was allowed to select and contact fifteen classmates to see if they would be willing to “give back” to their alma mater.

“Since the first of the year, I have contacted most of the classmates on my list,” Love says. “I’ve had some face-to-face meetings, exchanged a few e-mails, and made a few calls. It’s been great reconnecting with them.”

Love has been pleased with her results thus far. “Most everyone I have contacted agrees on the value of our experience in law school and is willing to help,” she says. Most of Love’s contacts are in Tennessee, but she has connected with classmates in California and Washington, DC, as well.

Herbstritt, who launched the program during the summer of 2011, says the college currently has forty-seven volunteers representing twenty class years going back to 1978.

“The idea is really to engage with alumni and have alumni engage with each other,” Herbstritt says. “It benefits the college financially, as well, with the skills and experience alumni can share with our current students. Plus, alumni can re-connect with each other and network with each other for career opportunities.”



Herbstritt mentions the class volunteer program whenever she meets with alumni and asks if they would be interested or could recommend a classmate, as Chasity Goodner (LAW '02) did when recommending Love.

“Tanisha and I had dinner and she asked a lot of great questions,” Herbstritt says. “When she understood what we needed from a class volunteer—which is someone to connect with their classmates and help with fundraising—she took off with it.”

Not surprisingly, the majority of current volunteers represent the most recent class years.

“They are the most connected,” Herbstritt says. “We would love to have every class represented, and we continue to get volunteers all the time. I want to hear from anyone in any class year.”

Thus far, the program is proving successful. “I have been hearing from alumni who are on a Class Volunteer’s list, and they like to hear about what is happening at the college,” she says. “We communicate with our volunteers every few

months to keep them updated about what is going on here at UT Law so they can share that information when they meet with their classmates.”

Currently, only 10 percent of the college’s alumni make any kind of gift to their alma mater, Herbstritt says.

“We are hoping our class volunteers will help increase that number and get some new alumni giving back to the College of Law.”

THE CLASS VOLUNTEERS

Interested in becoming a Class Volunteer or know a classmate who might make a good addition to the program? Contact Lauren Herbstritt, director of annual giving and alumni affairs, at 865-974-6704 or lkh@utk.edu.

More information is available online at law.utk.edu/alumni/volunteer/class-volunteers.

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