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Spring 2008

The Advocate Spring 2008

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

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The Advocate

“educating today the successful lawyers of tomorrow”

Center Hosts Collaboration for Graduates Awards First Summers-Wyatt Trial Advocacy Scholarship

The Center for Advocacy and Dispute Resolution hosted its annual Year-End Collaboration for students graduating in the Advocacy Concentration on April 1. In addition to honoring the graduates and the adjunct faculty, the Center awarded the first Summers-Wyatt Trial Advocacy Scholarship. The scholarship, created by the Chattanooga law firm of Summers and Wyatt, was awarded to Anna Gracey, from Soddy Daisy, Tennessee. Jerry Summers, Center Founder and partner at Summers and Wyatt, was on hand to award the scholarship.

Anna is a rising third-year law student who plans to serve as a public defender after finishing law school. She is a graduate of Lee College and of Soddy Daisy High School. At Lee she worked with the Mock Trial program. But Anna’s first law-related experience came much earlier in life when, at the age of nine, she was interviewed by a trial judge in chambers. She says that “ever since then, I knew I wanted to come to law school.”



Founder Jerry Summers awards Anna Gracey first Summers-Wyatt Trial Advocacy Scholarship

Anna first met Jerry Summers at the Collaboration. “Meeting Mr. Summers was a wonderful experience,” she said. “He is an awe-inspiring man who is consistently contributing to the lives of those around him. I am extremely honored to be the first recipient of the Summers-Wyatt Scholarship. To receive such a generous scholarship to fulfill my dreams is something I never thought possible.” She says that the funds from the scholarship which will fund her last year of law school will help her meet her ultimate goal of working for the public defender after graduation.

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Attorney Jerry Summers and the Pursuit of Justice

“Attorneys must continue to fight peaceful revolutions in the name of individual rights.”



Center Founder Jerry Summers speaks at Center Collaboration

“When you’ve fought for an individual’s rights, and it is a tough case, there is no greater satisfaction than a verdict in your client’s favor. You will know that the training you got on the advocacy track and in the legal clinic had something to do with it... That’s a gift that can never be taken away from you.”

If Webster’s or Wikipedia had an accurate entry for Jerry Summers it would read something like this:

an attorney who embraces every opportunity to advocate for fairness for his clients, despite their unpopularity or the unpopularity of their cause.

Whether representing a citizen accused, an individual seeking redress of his or her civil rights, or an injured worker, Summers has stood firmly beside his clients as an advocate for their rights.

Examples of Summers’ successful advocacy abound, but two of the most noteworthy include Summers’ successful challenge to a 140-year-old Tennessee statute that required criminal defendants who wished to testify as the first defense witness (*Brooks v. Tennessee*, 1973) and two cases challenging police roadblocks as unreasonable searches and seizures. (*State v. Downey*, 1997; *State v. Hicks*, 2001). In both of the roadblock cases, Summers succeeded in persuading the court to find that the police roadblocks at issue were unconstitutional, thus providing greater protection to Tennessee citizens.

In 2000, Summers became one of ten founders of the University of Tennessee College of Law Center for Advocacy and Dispute Resolution. Through his support of the Center, he has, in effect, broadened his pursuit of justice by providing law school courses that help students better prepare for client representation.

Never complacent, Jerry Summers recently redoubled his efforts by creating the Summers and Wyatt Trial Advocacy Endowment. He spent some time talking to Chattanooga native, and UT law student Stevie Phillips, about what has motivated his generosity to the College of Law and the Center for Advocacy and Dispute Resolution.

Stevie Phillips, Class of 2008, interviewed Mr. Summers and contributed to these articles.

A Conversation with Jerry Summers—Master Advocate

When Jerry Summers was a student in the Legal Clinic, he realized that the University of Tennessee College of Law was an institution dedicated to training lawyers in the tradition of advocacy. Since becoming one of Tennessee’s most recognized tort and criminal defense lawyers, he has sought to ensure that training lawyers to be zealous advocates will continue to be a hallmark of a UT legal education.

In addition to founding the Center for Advocacy and Dispute Resolution, which



Jerry speaks with Professor Carl Pierce and Stevie Phillips, Class of 2008

seeks to instill in advocates the skill, dedication, and courage to champion individual rights, Summers recently established the Summers and Wyatt Trial Advocacy Endowment. His gift was motivated by his personal experience as a law student and by his concern with the diminishing number of jury trials.

The gift demonstrates Summers’ gratitude for the education he received as a UT law student. He says his legal education would have been beyond his reach had it not been for a scholarship and the encouragement of mentors. The Summers and Wyatt Endowment will provide a scholarship for a devoted student in the advocacy concentration. As Summers describes it, this is consistent with a “commitment to the proposition that attorneys must continue to fight peaceful revolutions in the name of individual rights.” The Endowment will also promote continuing discussions of the importance of the right to jury trial by providing funding for symposia addressing the issue.

Former Center Director Doug Blaze is Named Law School Dean

Professor, Director, Associate Dean Doug Blaze has another new hat — law school dean. Doug Blaze has served the College of Law since 1993 in three significant positions — Director of Clinical Programs, Director of the Center for Advocacy and Dispute Resolution, and Associate Dean. Beginning August 1, he will assume a new post — Dean of the College of Law.



Dean Doug Blaze



Blaze, a favorite of the students, serves as auctioneer during the annual Alan Novak Auction sponsored by the Student Bar Association to raise money to assist students working in summer public interest jobs.

Blaze is the ideal choice for the College of Law. He has been frequently recognized for his service, his scholarship, and his teaching. In 2004, he received the Thomas Jefferson Prize. He received the Bass, Berry & Sims Award for Outstanding Service to the Bench and Bar in 1996 and 2004, the Harold Warner Outstanding Teacher Award in 1997, and the Carden Institutional Service Award in 2000 and 2005.

In addition to being held in high regard by his colleagues at the College of Law and in the profession, he is a perennial favorite of students. Dean Blaze says he will draw upon the opportunities and experiences he has had at UT and elsewhere to continue to lead the law school forward.

“The UT College of Law is exceptional. We are blessed with talented faculty and staff, bright and committed students, and a unique curriculum that successfully bridges the gap between theory and practice. I am honored and excited to have the opportunity to work with everyone involved - faculty, students, and alums - to make a great place even better.”



Professor Jerry Black Honored With B. Rex McGee Award

Professor Jerry Black was honored at the Eighth Annual Awards Luncheon hosted by members of the Knox County Bench and Bar with the B. Rex McGee Award for the Pursuit of Legal Excellence. The award is given to a member of the legal profession who exemplifies the traits of the late Rex McGee, including maintaining excellence in legal scholarship, practicing the profession with civility, devoting time to mentoring young lawyers, and maintaining respect and empathy for individuals brought within the justice system.

Since graduating from Vanderbilt Law School in 1968, Black has devoted his legal career to serving others. He has served as a staff attorney with Legal Services in Nashville, as Executive Director of Knoxville Legal Aid, and has twice served as the Director of the UT Legal Clinic. Black presently teaches in the Advocacy Clinic, mentoring law students as they represent clients in juvenile, criminal, housing, and employment matters.

The McGee Award is the most recent in a long line of distinguished and well-deserved awards given to Black. In 2002, Jerry received the highest award given to a professor of trial practice from the Roscoe Pound Institute, the Richard S. Jacobson Award for Excellence in Teaching Trial Advocacy. A year later, Black received a lifetime achievement award from the Tennessee Association of Criminal Defense Lawyers (TACDL) which honored Black for his “lifetime contribution to teaching the goals, aspirations, and principles of quality criminal defense to his students, peers, and friends.” In 2009 Professor Black will serve as President of TACDL.



Professor Jerry Black

Students Discuss Triple A— Advanced Appellate Advocacy

Rodd Barckhoff: Veteran Legal Process Adjunct Revives Triple A Course

For several years, Professor Patrick Hardin taught a course in Advanced Appellate Advocacy, affectionately labeled “Triple A,” which students stood in line to take. But with Professor Hardin’s retirement from full-time teaching, the course “retired” as well, at least until a lightning bolt struck.

Rodd Barckhoff, who has clerked for two Tennessee Chief Justices and two Court of Criminal Appeals Judges and who serves as staff attorney to the Tennessee Supreme Court, has taught first-year legal process for five years. It took only a slight bit of arm twisting and a few encouraging sessions with Professor Hardin, to convince Barckhoff to add Triple A to his adjunct teaching repertoire.



“Advanced Appellate Advocacy is a combination of trial practice, procedure, and legal process. The class is taught in the ‘laboratory setting’ like trial practice. Currently, we serve as criminal defense attorneys working on an interlocutory appeal based on a fictional set of circumstances created by Professor Barckhoff.

Professor Barckhoff chose an interesting issue that is actually an issue of first impression in Tennessee. He then had the trial judge make rulings that drastically limited our defense. Our task is to review the Rules of Appellate Procedure as a class to determine how to correct these erroneous rulings. After class discussions, in which we assume the role of defense counsel and also play ‘devil’s advocate,’ we decided to pursue an interlocutory appeal in an effort to overturn the trial judge’s ruling. We weighed the option of an interlocutory appeal against the option of a direct appeal following trial, but determined that pursuing an interlocutory appeal would benefit our client procedurally. Using this teaching format allows us not only to learn the procedural rules while determining the best course of action for our appeal, but also to utilize the rules in order to file the appeal.”

“On Docket Day at the University of Tennessee College of Law I dined with several Tennessee Court of Appeals judges. The judges commented that, in general, many attorneys do not know proper appellate procedure and do not seem to be familiar with the rules. I was thankful that I could tell them about the Advanced Appellate Advocacy course at the University of Tennessee College of Law

Advanced Appellate Advocacy is focused training and practice with writing and analysis. The course supplies in-depth study and practice building upon that provided in the first-year writing courses. Among the topics examined are appellate brief writing, preservation of appellate issues, the Tennessee Rules of Appellate Procedure, appellate standards of review, rhetoric and the canons of logic in the appellate context, successful appellate strategies, and appellate oral argument.

I expected the course to be no more than writing an appellate brief; however, I have been pleasantly surprised as we are learning about the entire appeals process. My prior courses dealing with the appeals process, including my first-year writing courses and my moot court experiences, did not help me to understand the process leading up to the writing of the brief. Triple A does. In addition, Professor Barckhoff’s enthusiasm for appellate work makes even procedural matters more interesting.

Some of my classmates say they do not intend to do appellate practice and therefore do not need to take a course in advanced appellate advocacy. I disagree because I think it is important for an attorney to be familiar with appellate rules and procedure in order to be more effective overall and to better assist clients even at the trial court level.”

“At only two years old, Advanced Appellate Advocacy is one of the youngest courses in the College of Law’s curriculum. Rodd Barckhoff, the adjunct professor responsible for the course and a law clerk to the Tennessee Supreme Court, is almost equally young. Yet despite their respective novelty, both course and professor provide major benefits for law students at UT. Unlike first-year legal process and second-year trial practice classes, Advanced Appellate Advocacy focuses intensely on building presentation skills for a *legal* audience.”

**Students Discuss Triple A -
Advanced Appellate Advocacy, cont'd**

“Within the first few weeks of law school, I began to realize the importance of appellate advocacy. While diligently following advice to brief cases, I began to notice a trend in the “procedural history” section of my briefs. Almost every case was an appellate court decision. And it was these appellate decisions that shaped law and impacted society. What struck me the most was *who* drove this process: appellate lawyers. By framing the issues and crafting the arguments, attorneys laid the foundation for what would become important (and at times ground-breaking) judicial decisions. Based on this appreciation of appellate advocacy, I felt compelled to enroll in Professor Barckhoff’s Advanced Appellate Advocacy course.

Beyond learning skills that will allow me to effectively advocate on an influential stage, I quickly realized that studying appellate advocacy has practical importance. As Professor Barckhoff stressed during our first class meeting, lawyers cannot shelter themselves from appellate issues. The mere reality that a case could be appealed means that every litigator has a responsibility to put his or her client in the best possible

position if an appeal occurs. In order to provide this service to the client, it is imperative that an attorney

understand appellate procedure as well as appellate advocacy.

In only six weeks, Professor Barckhoff had immersed us in appellate practice. I am currently writing a Rule 9 Application and by the end of the semester I will have written an appellate brief as well as presented an oral argument. In contrast to a typical law school setting, Professor Barckhoff has engaged our class as a group of colleagues who meet to collectively analyze issues concerning our appellate practice. Professor Barckhoff acts as the experienced colleague who leads discussions and gives advice from his own experience. While no class can fully prepare you to practice law, I have no doubt that Professor Barckhoff’s class will provide me the competence to recognize important appellate issues as well as the confidence to address them. “

Steven Campbell, Trey Fogerty III, Aaron Kandel, and Lindsey Laughner, Class of 2008, and Meghan Fowler, Class of 2009, contributed to these articles.



“Professor Barckhoff acts as the experienced colleague who leads discussions and gives advice from his own experience.”

Professor Barckhoff’s course syllabus shows just how well he understands the appellate process. The course description includes this valuable information:

Although some may view appellate litigation as the final part of the judicial process, effective appellate advocacy starts at the beginning and includes interviewing the client, identifying issues, raising pretrial motions, objecting during and after trial, counseling clients, initiating appeals, and writing persuasive briefs. In sum, effective appellate advocacy encompasses *all* of the skills necessary to be an effective and zealous advocate.

Barckhoff *should* know. After all, he has served as a judicial clerk to four appellate judges, including serving as clerk to Chief Justice E. Riley Anderson for ten years. He has viewed the appellate process in Tennessee from the inside out since 1991.

But a visit to his class immediately demonstrates that he more than understands the appellate process, he also knows how to teach it. Students in Advanced Appellate Advocacy don’t just write a brief and give an oral argument — they counsel clients about whether to appeal; they strategize with colleagues about which issues to appeal; they study opinions to learn about the judges’ particular penchants. And then they write a brief . . . and an interlocutory appeal . . . and an appellate motion. Clearly the experience the students are getting in AAA will make them not only better appellate lawyers, but better lawyers all around.

UT Business Clinic

“What I will remember is that I was in a position to help clients that otherwise would not have been helped.”

**Professor Williams,
Founder UT
Business Clinic**



A Student's View: The Eye-Opening Experience that is the Business Clinic

The UT College of Law Business Clinic was created in 2002 by Professor Paula J. Williams. Williams came to UT in 1999 and served as a faculty member in the Advocacy Clinic. Professor Williams designed the Business Clinic to allow students interested in a transactional practice to represent start-up businesses, non-profit community groups, and individuals with transactional legal issues. Here, one student describes his experience in the Business Clinic

The University of Tennessee College of Law Business Clinic, directed by Professor Paula Williams, offers a unique experience for students at the UT College of Law, one that is not available to students at most other law schools. While many law schools have clinical programs that focus on trial advocacy, few clinical programs allow students the opportunity to learn and exercise the many skills that are required of transactional lawyers. After graduation and the bar exam, I may not be fully capable of supervising a multi-million dollar merger or drafting an asset purchase agreement between two Fortune 500 companies, but I will have had an opportunity to represent live clients with real business needs in a real-world setting.

Through my experience with the Business Clinic, I have had the privilege of working with a highly structured, nationwide non-profit corporation with a multi-million dollar annual budget as well as a start-up, local non-profit with an annual budget of under \$10,000. I have revised highly complicated real estate closing documents, and I have helped a client obtain tax exempt status. Learning how to do those tasks was important, but that educational experience is not what I will remember after I graduate from the College of Law. What I will remember is that I was in a position to help clients that otherwise would not have been helped. The director and founder of a local non-profit agency working with an annual budget of \$10,000 is no less deserving of my time and effort than the CEO of a multi-million dollar, Fortune 500 company.

What I gained from the Business Clinic was an opportunity to learn more about people and about how to help them deal with their various legal problems. Our clients did not come to us saying, “Let me tell you about my problem so that you can learn the applicable law and have an educating experience.” Quite the opposite. Our clients came to us with problems, and they simply expected us to have the answers. What we learned in getting from point A to point B is of no consequence to them so long as their problem is solved. In many ways four months of working directly with clients to help solve their legal problems taught me more than two and half years of classroom study.

The lessons that I learned from my experience with the UT Business Clinic will inform my work on other business issues because I now know more about how to approach the task of solving problems for a person or an organization. I do not expect the situation to be any different in the world of billable hours. The UT Business Clinic gives law students a snapshot of what it is like to work for business clients in the real world, where a legal education is only as good as what you do with it. I feel as though my time in the Business Clinic this semester has been well worth my while.

Kyle A. Baisley, Class of 2008, contributed this article.

Center Hosts Distinguished Lecturer James McElhaney

The Center for Advocacy and Dispute Resolution was pleased to host distinguished scholar and lecturer James W. McElhaney on Wednesday, April 2, 2008. Professor McElhaney is perhaps the foremost teacher, writer, and speaker on trial techniques in the country today. He writes the award winning column, "Litigation," in the *American Bar Association Journal* and the popular quarterly column, "Trial Notebook," in *Litigation*. He has authored three highly acclaimed books, *Effective Litigation*, *McElhaney's Trial Notebook*, and *McElhaney's Litigation*. McElhaney is the Joseph C. Hutcheson Distinguished Lecturer in Trial Advocacy, South Texas College of Law; the Baker & Hostetler Distinguished Scholar in Trial Practice and the Joseph C. Hostetler Professor Emeritus of Trial Practice and Advocacy, Case Western Reserve University School of Law; and a faculty member of the National Institute for Trial Advocacy. He has given nearly 1,000 seminars, speeches and workshops on evidence, procedure, and trial practice in each of the 50 U.S. states and Canada.



Maryam Kassaei, Class of 2009, introduces Professor McElhaney



Professor White presents a UT Lady Vols T-Shirt



Professor McElhaney lectures to students and faculty



Judicial Externships

“Whether you are seeking to become a law clerk or a law firm associate post-graduation, your time as an extern will allow you to more quickly transition from mere law student to competent legal advocate — and employers know this.”

“I ... look forward to the day when I will stand in front of a judge knowing, at least somewhat, what will happen after the judge leaves the courtroom.”

As most lawyers in Tennessee know, only a few trial judges have judicial clerks. In order to provide a service to the state courts and to give students an opportunity to hone their research and writing skills while learning the intricacies of the court system, the law school allows students, under faculty supervision, to serve as judicial clerks for a semester. Many of those who serve go on to secure state and federal clerkships following graduation. Two recent graduates both landed clerking jobs with Tennessee Supreme Court justices. Scott Griswold, Class of 2007, has clerked for Chief Justice William M. Barker since graduation. Rachel Park, Class of 2007, has clerked for Justice Cornelia A. Clark. The two former judicial externs describe their clerking experience and how the externship prepared them for work as a Tennessee Supreme Court judicial clerk.



Chief Justice William M. Barker and Professor Clyde Willis, UT Class of 1969, with Scott Griswold, Class of 2007, who serves as one of the Chief's judicial clerks.

Benefits of the Judicial Externship Program

• One Year Later

By Scott Griswold, Class of 2007

In the Fall 2006 semester, I was faced with the daunting realization that in less than a year I was going to be out of school for the first time in 21 years. To a professional student, this was both an exhilarating and chilling prospect. Gone would be the days of final exams, fictional parties that could be changed at the professor's whim, and ivory towers, only to be replaced with clients, real triers of fact, and billable hours. As I considered this prospect, the College's career services office hosted an event for those interested in clerking for judges after graduation.

The idea of serving as a judicial clerk held great appeal. First, it would provide a transition from the ivory tower of the law school to the glass tower of the law firm. Second, it would give me an opportunity to hone my research and writing skills. And, third, it sounded more appealing to perform the duties of a first year lawyer for a member of the bench than a partner. However, now I faced the new challenge of how to obtain a judicial clerkship. The obvious answer was to call upon someone already familiar with clerks and the bench: Professor Penny White. Through her, I learned about the benefits and responsibilities of a judicial clerk and, that if I was hesitant, then I should apply to serve as a judicial extern with a local jurist through the College's judicial externship program. Aside from earning credit, I would escape the law library three days a week. I was placed with federal magistrate judges C. Clifford Shirley, Jr. and H. Bruce Guyton of the Federal District Court of the Eastern District of Tennessee.

Looking back a year later, this is the best thing that happened to me during my time in Knoxville. Both judges and their law clerks allowed me not only to pepper them with questions about the cases before them, but also to inquire about the decision-making process. I learned a great deal about what really matters to a judge, from the attorneys' preparation to policy to interpretation. The externship offered not only the chance to see how judges decide cases, but also included a classroom component. Professor White ensured that we did not begin the externship without knowing the structure of the courts, the role of an extern and law clerk, the importance of judicial ethics, and the basic mechanics of writing judicial orders and drafting opinions.

After completing my externship, I realized that serving as a judicial clerk after graduation was the path for me. I focused my clerkship search on the Tennessee intermediate appellate courts and Supreme Court since I wanted to stay in Tennessee. I had the good fortune to (continued on next page)

(Benefits of the Judicial Externship Program, continued) land an interview with the Honorable William M. Barker, Chief Justice of the Tennessee Supreme Court.

My interview with the Chief Justice was unlike any that I have had previously or since. We talked football. Discussing football recruiting and play calling with our state's highest jurist was exciting, but left me wondering why he was not exploring my writing and research skills, my knowledge of judicial interpretation, or cases pending before the Court. As he told me at the end of our interview, the resume credentials were the threshold, but his decision came down, in part, to who he could get along with since his chambers were isolated from other members of the Court. I never realized the ability to talk football would help me in obtaining a clerkship.

My clerkship has been an awesome experience. As many people will agree, the Chief's personality immediately puts people at ease. As his junior clerk, I know he expects a great deal from me and that my work must be timely, concise, and accurate. A large part of my ability to perform the assignments come from my time as a judicial extern.

The judicial externship program introduced me to the world of the judiciary and helped lift the veil between the Bench and Bar. Our courts operate in such a manner so as to preserve the confidentiality and integrity of the decision-making process. But I can carry this knowledge with me after I leave the clerkship in the fall, and this hopefully will allow me to better represent my future clients. In sum, the judicial externship program and the College's efforts to place law graduates in judicial clerkships will go a long way toward improving practitioners' understanding of the judicial process. The externship provides an excellent opportunity even for those who intend to practice immediately after graduation because even serving for a limited time can have long term benefits for the student. I have enjoyed my clerkship and look forward to the day when I will stand in front of a judge knowing, at least somewhat, what will happen after the judge leaves the courtroom.

"I Concur."

By Rachel Park, Class of 2007

When asked to write about my experiences as a judicial extern and how those experiences have aided me in my current position as a judicial law clerk for the Honorable Cornelia A. Clark, I did what all law clerks do - **research**. Call it an occupational hazard, but I felt as though the only way to write about my judicial externship was to research the topic thoroughly and consider the perspectives of others who have gone where I had. What I found did not surprise me. In every article I read, the same common benefits were discussed. So without further ado, I will join the bandwagon and present here the top three benefits of the College of Law's judicial externship program.

First, and most obvious, a judicial externship provides the opportunity to improve analytical, research, and writing skills. Yes, I know that this is what Law Review and moot court and, well, law school are supposed to do. But, as a judicial extern, you get the opportunity to go beyond attempting to answer theoretical law school exam questions and actually engage in the day-to-day realities of a lawsuit. Researching a topic and drafting language that had the possibility of becoming law was not only nerve-racking, it was a motivator that aided me significantly in improving my legal writing. The reason for this is

simple — although law school grades were a reflection of me, a signed order was a reflection of the judge.

Second, and this is particularly true for me, a judicial externship exposes you to many areas of the law. I entered law school convinced I wanted to practice real estate law. Throughout law school, however, my conviction was tested (especially when asked to apply the rule against perpetuities). Through my externship, I was able to sample many areas of the law that I was not exposed to in law school. Because I was able to observe various civil proceedings (my externship was with Chancellor John Weaver), I came into contact with the practical aspects of these different areas of the law and ultimately was exposed to practice areas that are of greater interest to me.

Third, and always of great interest to every law student, I believe my externship assisted me in finding employment after law school. Whether you are seeking to become a law clerk or a law firm associate post-graduation, your time as an extern will allow you to more quickly transition from mere law student to competent legal advocate - and employers know this. As previously mentioned, my externship provided me with the opportunity to continuously sharpen my research and writing skills and gain substantive knowledge in various areas of the law. Additionally, the experience gave me an invaluable and unique viewpoint on the workings of the judicial system. For obvious reasons, employers like to hire attorneys who

have experienced this viewpoint first hand.

There are, of course, many more benefits to be gained. For me personally, I especially enjoyed my interactions with Chancellor Weaver. Because I was able to make substantive contributions to our discussions of legal issues, I gained confidence in my analytical abilities and my powers of articulation. Because I was able to also discuss non-legal issues with him, I gained an appreciation of the Chancellor as a colleague. And, because I was able to closely observe the Chancellor's interactions with the attorneys practicing in his court, I learned a great deal about proper court decorum and effective litigation techniques. For all these reasons, I was not surprised when my research for this article indicated that 97% of those who had clerked before said they would clerk again if possible. *Courting the Clerkship*, 40 No. 2 JUDGE 10, 17 (2001). I wholeheartedly agree with the majority.



"My research indicate[s] that 97% of those who had clerked [for a judge] before said they would clerk again if possible. I wholeheartedly agree with the majority."

Rachel Park,
Class of 2007

Bush, Lord, and Ward Take Top Advocacy Awards

Awards were recently given to outstanding student advocates at the College of Law's February Honors Banquet. These awards are based upon the recipients' outstanding academic achievements in advocacy courses.

The Tennessee Attorney General's Award for Excellence in Trial Advocacy was awarded to Bridgett Bush. Attorney General Robert E. Cooper, Jr. is pictured below presenting the award to Bush. Bush is a second-year student who has excelled in trial advocacy skills, both in class and as a member of moot court teams.

Student Advocacy Honors

Bridgett Bush, Tennessee Attorney General's Award for Excellence in Trial Advocacy

Ellis Lord, Robert E. Pryor Award of Excellence in Trial Advocacy

Elizabeth Ward, International Academy of Trial Advocacy Award



The Legal Clinic presented the Charles H. Miller Excellence in Civil Advocacy Award to Daniel Headrick and the James L. Powers III Excellence in Criminal Advocacy Award to Erin Wallace and the Clinical Legal Education Association (CLEA) Student Excellence Award to Amy Michaelson (not pictured).

In addition, two awards were presented to students from the Class of 2007 who were outstanding graduates in the Advocacy Concentration. Both awards were presented by or on behalf of Founders of the Center for Advocacy and Dispute Resolution.

Ellis Lord received the Robert E. Pryor Award of Excellence in Trial Advocacy. Lord is pictured below receiving the award from Robbie Pryor, Jr.

Elizabeth Ward, also a 2007 graduate, received the International Academy of Trial Advocacy Award. Ward is pictured below receiving the award from Sidney W. Gilreath, Center Founder and member of the International Academy of Trial Lawyers.



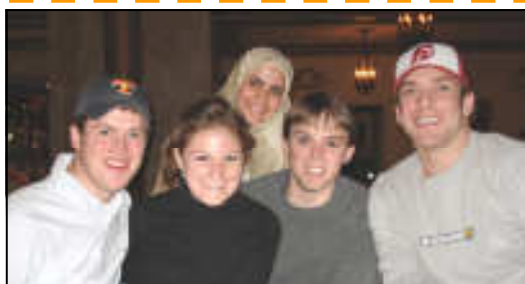
Trial Teams Receive Priceless Gift — Experienced Practitioners’ Time



AJA Lawyer Coaches Summer Stephens and Larry Giordano, who also serves as an adjunct professor

Once again, Tennessee law students received the priceless gift of time. Three practicing lawyers and one full-time law professor served as coaches for the law school’s two trial teams. Larry Giordano and Summer Stephens coached the AJA team. AJA Trial Team members included Nicholas Cook, Adrienne Gilliam, Maryam Kassae, Matthew Lamberth, and Barton Williams (pictured at right, not pictured Assistant Coach

Patrick Powell). The team competed in Memphis in March. According to one team member, “from the memorable openings to passionate closings, the team proudly upheld the name of UT in its three rounds of competition and won the first round but marginally lost the other two.” Since most of the team’s members are second-year students, they hope to compete again next year.



2008 AJA Trial Team Members

The National Trial Team also benefited from the gift of expertise and time. Professor Gary Anderson and Carl Eshbaugh, Class of 1974, coached the National Trial Team, which consisted of Bridgett Bush, Alicia Cottrell, Martesha Johnson, Bryce McKenzie, Goran Musinovic, and Jatrea Sanders. The team competed in Atlanta, Georgia. “Eshbaugh and Anderson did a great job of actually teaching us how to be trial attorneys instead of giving us a script to memorize,” said one team member.



Some of the 2008 National Trial Team with Coach Gary Anderson.

Focus on Alumni: Stulberg, Class of ‘74, Named Woman of the Year!

Awarded this designation by *EvaMag*, Knoxville’s monthly magazine for women, Dorothy Stulberg would be Woman of the Year by any standard. Here are just a few reasons to honor her:

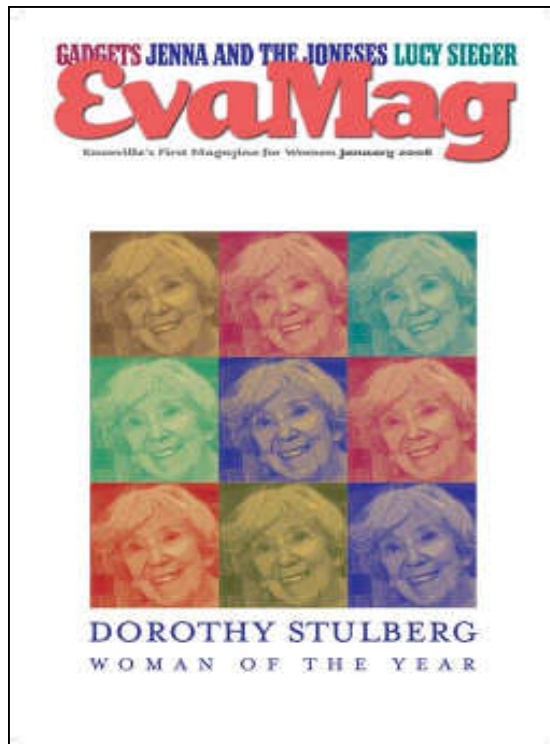
EvaMag described Dorothy, correctly, as embodying “the voracious spirit it takes to make a difference in the world.” And making a difference is what inspired Dorothy to go to law school. “The reason I became a lawyer is because so many people are considered less than valuable. I believe in the value of human beings.”

When Dorothy graduated with an LLD (Doctor of Laws) from U.T College of Law in 1974, she established, with her partner Ann Mostoller, the first female-owned (and at the time female-staffed) law firm in Tennessee, where she continues to practice. From the beginning, Dorothy has worked to equalize opportunity. In 1974, she challenged the inequities that existed in the Oak Ridge High School’s boys and girls track teams, ultimately forcing change.

Dorothy Stulberg has continued to fight for equality, not only in the courtroom but in the community. A big Lady Vols fan, Dorothy used her legal skills to aid in the creation of the Lady Vols Boost-Her club, writing the charter and incorporation papers. She makes ongoing contributions to the community as a board member and former chairperson of Anderson County’s Community Action Committee; as a member of RIDE, Inc, a private non-profit company providing transportation for low income people; and as chair of the board of Rural Legal Services of Tennessee.

With her dedication to serving humanity, Dorothy strives constantly to learn. Her husband of 52 years calls her a “professional student.” In addition to her LLD, B.S., M.S., and an Ed.D., Dorothy is currently pursuing

January 2008 cover reprinted with permission of *EvaMag*. Micki Fox contributed to this article.



another doctorate, this one in collaborative learning. The College of Law congratulates Dorothy Stulberg, Woman of the Year!

Galligan spoke to students at the College of Law on “Doing Well While Doing Good—How to Have Fun and Make a Difference While Practicing Law in a Small Town.”

Adjunct’s Gift Helps Center Host First-Year Advocacy Competition

For nine years Mike Galligan drove the 140 miles from McMinnville once each week to teach Trial Practice. His experience as a trial lawyer, trying civil and criminal cases in state and federal courts, benefited the students in his class, but he felt a benefit as well. Galligan loved teaching the course. But after literally thousands of miles, he decided he had to give up the weekly trek across the state. Although “retiring” from his adjunct teaching position, he wanted to stay involved with the advocacy program at the College of Law.




Galligan also served as a judge for the First Annual First-Year Advocacy Competition, an event funded by his generous gift to the Center for Advocacy and Dispute Resolution. The Competition was intended to introduce first-year students to the Advocacy Concentration and to allow third-year students, trained in trial advocacy skills, to mentor their first-year counterparts.

Twenty-one first-year students were paired with twenty-one third-year students in the inaugural competition which required the competitors to quickly prepare and deliver opening statements based upon a hypothetical case. After preliminary rounds, six finalists delivered their opening statements a second time before a panel of nine judges. The winners received plaques and cash awards.

This spring, Mike Galligan returned to campus to teach a session on closing arguments and to talk about “Doing Well While Doing Good—how to have fun and make a difference while practicing law in a small town.”

Doing Well While Doing Good

How to have fun and make a difference while practicing law in a small town



Mike Galligan,
U.T. Law adjunct professor and founding partner of Galligan & Newman, will speak about practicing law and being a community activist in McMinnville.

His practice includes personal injury, medical malpractice, products liability, criminal defense, civil rights, employment, workers compensation, and family law.

Wednesday
March 12
12:20 - 1:05
Room 241

Lunch provided

Presented by the University of Tennessee College of Law
Center for Advocacy & Dispute Resolution



Nine members of the Tennessee Bench and Bar participated in the Center’s First-Year Advocacy Competition. They included the Honorable Clifford Shirley, Jr., United States Magistrate Judge for the Eastern District of Tennessee; Ursula Bailey, Stacy, Whitt, & Cooper; Robert Kurtz, Stanley & Kurtz; the Honorable William H. Russell, Loudon County General Sessions Court Judge; the Honorable John R. Rosson, Jr., Knoxville Municipal Court Judge; Mike Galligan, Galligan & Newman; the Honorable H. Bruce Guyton, United States Magistrate Judge for the Eastern District of Tennessee; Andrew Roskind, McKellar Roskind; and Jerry P. Black, Jr., Professor, UT College of Law.



Six finalists from the first-year class prepare to give opening statements for the nine judges. The six finalists from left were Lillian Napper, Craig Meredith, Chris Collins, Jamie Carter, Monica Rice, and Rachel Stevens.

Following the final round, Jamie Carter received the 1st-place award; Monica Rice received the 2nd-place award; and Rachel Stevens received the 3rd-place award.

Advocacy Graduates Gather for Annual Collaboration

On April 1, the College of Law and the Center for Advocacy and Dispute Resolution honored the 2008 Advocacy Concentration graduates as well as its adjunct faculty at the annual Year-End Collaboration held at the Bridgeview Grill.



Founder Jerry Summers speaks to advocacy grads



Adjunct faculty members and members of the Bench and Bar



Grads enjoy Collaboration with adjuncts and special guests



Grads receive advocacy certificates

Center Names New Director

The College of Law recently announced the appointment of Professor Penny White as Director for the Center for Advocacy and Dispute Resolution. Having served as Interim Director, Professor White is excited to officially take over. "My long-term vision is that the Center will one day be considered a national leader in innovative instruction, scholarship, and research on issues related to advocacy and dispute resolution," says White, who has been a fixture of Tennessee jurisprudence for more than 20 years and who has received national recognition for her contribution to the study of judicial independence. White says the Center's immediate purpose will be "to help educate students to become advocates with excellent knowledge of relevant substantive law, who are skilled in the full range of techniques for dispute resolution, and who are prepared to exercise appropriate professional judgment on behalf of clients."

Professor White is a native of Sullivan County, Tennessee and was an honor graduate of the University of Tennessee College of Law, where she received her J.D., and Georgetown Law Center, where she completed her LL.M. as a Prettyman Fellow. As an attorney, she has represented civil litigants and criminal defendants in state and federal courts. She has also argued cases in a variety of appellate fora, including the United States Supreme Court.

Professor White has experienced the legal community from every angle, an accomplishment which has prepared her for her new role as the Director of the Center and which provides her with a unique perspective on how best to prepare today's law students for careers in the courtrooms of tomorrow. Professor White spent almost seven years on the bench in Tennessee, culminating in her appointment to the Tennessee Supreme Court in December 1994. At the time of her investiture, she was the youngest Associate Justice to ever sit on the Tennessee Supreme Court. "I try to teach from a practical point of view," she says. "My strengths ... lie in the fact that I have practiced and judged at every level in the state court system. I hope to impart to my students not only the substance of the subject matter, but the in-the-trenches, non-textbook dimensions as well."

Since leaving the bench in 1996, Professor White has collected an impressive list of academic achievements. As a professor, she has served as a faculty member at respected law schools in Colorado, West Virginia, Virginia, and North Carolina. For several years, she has been an instructor at the National Judicial College, where she has also served as Chair of the Faculty Council. Among her students have been highly regarded judges from all fifty states and several foreign countries.

As a faculty member at the College of Law, White has focused her teaching efforts on subjects that define the Advocacy Concentration, including Evidence, Trial Practice, and Pre-Trial Litigation. "I am presently working on a number of Center-related projects as well as scholarship related to my teaching areas," she says. "For the Center, I am planning more programming for the students and continuing to partner with the Bench and Bar. . . . I am also reviewing the curriculum to see how our course offerings could be improved and expanded. As always, I welcome student comments on these projects."

In spite of her busy teaching schedule, Professor White also maintains her status as a widely published legal scholar. She has authored law review articles on a variety of topics, including legal ethics, evidence, capital punishment, and trial practice. She has also authored benchbooks for Tennessee's Municipal, General Sessions, and Circuit Courts. Presently she is revising the Tennessee Association of Criminal Defense Lawyer's Capital Defense Manual.

With Penny White at the helm, the Center is certain to continue its history of excellence. Her own words sum it up best: "I sincerely believe that those who undertake to represent others – to speak for others, to stand in other's shoes – as counsel, have taken on a great responsibility to their clients, for sure, but also to the court, the justice system, and in many ways, to our system of government. I take the honor of being a lawyer, or teaching people who want to become lawyers, very seriously. I seek to exemplify that in my teaching and in my role as mentor."



Professor Penny J. White

"I believe that those who undertake to represent others – to speak for others, to stand in other's shoes – as counsel, have taken on a great responsibility to their clients, for sure, but also to the court, the justice system, and in many ways, to our system of government. I take the honor of being a lawyer, or teaching people who want to become lawyers, very seriously."

This article was written by Kelly Street and Jonathan May, Class of 2008, and former students in the Advocacy Concentration.

Director's Dicta:

It is hard to believe that it has been almost two years since I was given this incredible opportunity on an interim basis to direct the UT Center for Advocacy and Dispute Resolution. My goal has been to establish the Center's identity. I have sought to do that by promoting quality programs for our students. The Center has hosted nationally renowned lawyers including Michael Tigar and James McElhaney and prestigious members of the Tennessee Bench and Bar. We have sponsored a variety of continuing legal education courses, both on our own, and in conjunction with the Knoxville Bar Association. The most rewarding aspect of these efforts has been the response of our students. Not only have they supported our efforts, they have often commented on how the programming has enhanced their classroom learning.

Next year we will continue to provide quality programs and opportunities for the students at UT College of Law.

In the fall, we will again host communication experts from the Act of Communication, Inc. who will work individually with our students to improve their communication skills. In addition, we will host experts in courtroom technology who will give our students a running start on the appropriate and persuasive use of technology in the courtroom. As always, dedicated members of the Tennessee judiciary and legal profession will teach our core advocacy courses.

In the spring, we will host the first Summers-Wyatt Symposium dealing with the right to trial by jury. I plan to invite legal experts as well as professionals in related fields, including psychology and communication, to explore this timely and important topic.

Finally, my goal is to launch a scholarly publication for the Center next year. A publication featuring articles and re-

search related to advocacy and dispute resolution will help create a national identity for the Center.

As always, I hope you will share your ideas and suggestions as to how the Center might improve to better serve you.

My goal is to launch a scholarly publication for the Center next year. A publication featuring articles and research related to advocacy and dispute resolution will help create a national identity for the Center.

Penny White
 Director
 UT Center for Advocacy &
 Dispute Resolution



Center for Advocacy & Dispute Resolution

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