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UT
**The Future
of Health
Law**

**ALSO
INSIDE**

A View of
the Past

UT Pro Bono:
Built for Success

An Advocate
for Justice

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

TENNESSEE **LAW**
Fall 2013

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throughout history, the LEGAL PROFESSION HAS BEEN

the source of most of the leaders in our society. Our profession has produced the majority of our presidents, and over the past fifty years, half of the members of Congress. Ten percent of our largest 500 companies are lead by lawyer CEOs. Lawyers serve as state legislators and judges, heads of government agencies, managing partners of law firms, general counsel, prosecutors, and public defenders. Members of the legal profession provide day-to-day leadership for their churches, other social and charitable groups, campaigns, committees, and countless other groups and organizations.

The graduates of our law school are no different. Our alumni have served—and continue to serve—as United States senators, members of Congress, state legislators, federal and state judges, bar leaders, business leaders, and leaders for our local communities and charitable organizations.

The need for our service as leaders has never been greater. Leaders today face challenges of incredible breadth and complexity. At the same time, the public lacks confidence in many of our leaders. The problems we face as a society may only be solved by committed and trained leaders—like lawyers.

Law schools (and our law school in particular) need to step forward and become much more intentional about training our future leaders. While legal education has played a role in the past, that role has been indirect and fairly inefficient. Law schools traditionally focused on teaching the substantive law and some professional skills. At least at Tennessee, there also are opportunities to apply the law and new skills in clinic settings. We need to and we must now do more. We need to provide an education that includes development of leadership skills.

At the College of Law, we have already started. First, we established a mentoring program that connects students with trained mentors from the practicing bar. Second, we significantly expanded our pro bono program to help foster a commitment to service. And thanks to the hard work and commitment of Buck Lewis (**LAW '80**), we now offer a course in leadership and professional development called Lawyers as Leaders: Becoming a Leader and Leaving a Legacy.

A gift from the estate of Larry Wilks—a role model for all of us who served his community in many leadership roles, including as Tennessee Bar Association President—partially funds the class. Participating students are exposed to leadership principles by some of the very best in our profession. Judges, bar association leaders, business people, solo practitioners, lawyers from large firms, and government leaders speak directly to the students during the class. Students then reflect on what they hear and read and individually craft professional plans to help guide their development as leaders and as members of the profession.

We are just getting started. We hope to build on these modest steps forward to establish a three-year program designed to train our students more effectively to assume the mantle of leadership through professional planning and exposure to professional values like service and civility.

You can help as we move forward. We need your support, and not just your financial support, though that is needed as well. We also need your suggestions and ideas. We need you, our alumni, to be invested and engaged with us as we work to train tomorrow's lawyers and leaders.

I look forward to working with all of you.



The need for our service as leaders has never been greater.... At the same time, the public lacks confidence in many of our leaders. The problems we face as a society may only be solved by committed and trained leaders—like lawyers. ”

Doug Blaze
DOUG BLAZE

A lot of people like to talk about doing what's right.

They like to showcase all their rights for the world to see. Instagram, Facebook, Twitter. They're full of a great many people with a great many accomplishments, pointing out their shiny achievements from the tip top of a rickety soapbox.



Very few of them have the grit to actually do what's right, not just some of the time, but most of the time.

When I meet people who not only do what's right, but also live it, breathe it, seek it, and share it, I always feel a bit like a kid picking up a shiny penny on a playground. Lucky. This issue of *Tennessee Law* showcases many of those people who personify grit—who accept the challenge of bettering the world and the hard work that comes with actually accomplishing it day after day.

It starts with our students.

Brooke Boyd, this year's student director of the College of Law's pro bono programs, explains how she and a bunch of other like-minded students spent last year and the fall semester of this year going above and beyond for people in need. Not content to do the bare minimum that would prop up their résumés and give them a few talking points for interviews, Boyd and her peers started with a goal of 1,600 hours of pro bono service in East Tennessee communities. Last year alone, they racked up more than 7,000 hours. This year, they're on track to do more than what's called for, what's talked about, or even dreamed. They do what's right, over and over again.

“They're on track to do more than what's called for, what's talked about, or even dreamed.”

Professor Paula Schaefer is another example. Unable to locate a way to teach pre-trial litigation and e-discovery that didn't rely heavily on case law, she felt frustrated. Could students learn what they needed to learn from the books? Sure. But she knew that experience of actually working on e-discovery in a simulated case, with the software that real lawyers use, would be the best teacher. Creating the class from scratch meant a great deal of work and more than a little luck in the form of free software and technical assistance from a company that also did the right thing, Schaefer has created classes that students rave about.

A great many of our alumni working within the healthcare industry—the focus of this issue—also find themselves called to a higher good. Healthcare law, be it on the side of helping draft policy or protecting disabled clients in landlord disputes, requires more than a law degree. It requires the grit to know the law and then use it to serve.

I hope you enjoy reading this issue as much as I enjoyed helping create it. More than that, I hope you also are inspired to go forth and do the right thing.


Tanya Brown

UT Law Honors First Female Graduate

Staff Report

At the University of Tennessee College of Law's Homecoming celebration on November 9, members of the Class of 1999 dedicated their class gift to the college—a portrait of UT Law's first female graduate.

The portrait honors Maude Riseden Hughett (**LAW 1909**), a Wartburg, Tennessee, native who earned her law degree ten years before women were granted the right to vote.

Hughett's father served as the first judge of Morgan County, Tennessee. While all three of her brothers moved to California, both Maude and her sister, Mae, became women lawyers and later, married lawyers. At the time Hughett received her degree at UT Law, women in Arkansas, Kentucky, Georgia, Mississippi, and Texas were still denied admission to the bar.

Hughett moved to Louisville, Kentucky, upon passing the bar exam. Her photo hangs in the hallway of the Louisville Bar Association with other notable Louisville attorneys.

She practiced law with her husband in their own practice, Hughett & Hughett, until they were joined by their daughter, Josephine. When Josephine followed in her mother's footsteps in earning her law degree, the firm name was changed to Hughett, Hughett & Hughett.

Steve Moppert painted the portrait of Maude Riseden Hughett, commissioned by the



Class of 1999 on behalf of UT Law. Moppert, the recipient of the National Portrait Society's prestigious grand prize award in 1981, has received recognition for his work in other venues including national periodicals and newspapers. He has been featured in *Colorado Homes and Lifestyles* and *The Mississippi Magazine*, and in 2000 his portrait work was featured in the *International Artist Magazine*. Residing in Signal Mountain, Tennessee, he has been represented by galleries from New York to Arizona.



Class of 1999 on behalf of UT Law. Moppert, the recipient of the National Portrait Society's prestigious grand prize award in 1981, has received recognition for his work in other venues including national periodicals and newspapers. He has been featured in *Colorado Homes and Lifestyles* and *The Mississippi Magazine*, and in 2000 his portrait work was featured in the *International Artist Magazine*. Residing in Signal Mountain, Tennessee, he has been represented by galleries from New York to Arizona.



To view photos from the portrait presentation, please visit the College of Law's homepage at law.utk.edu.

Letter to the Editor

Dear Mrs. Brown,

I was interested in reading the article on Herbert (Herb) Bacon in your latest *Tennessee Law* publication ("To Infinity and Beyond," Spring 2013). I was in law school with Herb part of the time, and would like to pass on to you an interesting anecdote concerning him.

The old law school was on property adjoining the Church Street United Methodist Church. The windows at the rear of the first floor were ground level so that you could come through the window and step down into the classroom. Judge Jones was one of the professors and he was very limited in his ability to see as he wore very thick lens glasses. One morning, Herb came through the window about fifteen to twenty minutes after the class had started. Judge Jones saw him (I don't know how) and he called out to Herb, "Mr. Bacon, why are you coming in this late to class?" Herb replied, "My alarm clock did not go off." Judge Jones went ballistic and said, "Mr. Bacon, any man that will predicate his destiny on the inferior workings of an alarm clock will never make a living practicing law."

Yours very truly,

Arthur B. Goddard (**LAW '51**)
Goddard & Gamble Attorneys,
Maryville, Tennessee

Mr. Goddard,

Thank you for sharing this amusing memory! I think Judge Jones would be very pleased to see that Mr. Bacon is an upstanding member of the UT Law and Tennessee Bar communities. You might also be interested in the story in this issue, "A View of the Past," (page 13) which explores more of the history of the law school.

All best,

Tanya G. Brown



Built for Success

UT Pro Bono exceeds hours goal through planning, dedication

As a first-year, I was sure I knew what I wanted to do with my law degree, but I did not know how to achieve those goals. Luckily, the UT Pro Bono program gave a presentation during our 1L introductory period. I learned that the community service organization has significant student leadership and staff direction. The director explained that the program strives to connect law students with area attorneys representing indigent clients, working in cooperation with attorneys and local legal aid societies by providing law students for research, educational, and investigatory assistance. I knew at that moment where I wanted to focus my extracurricular efforts. What I did not realize at the time was just how successful the program would become.

By Brooke Boyd
UT Pro Bono Student Director

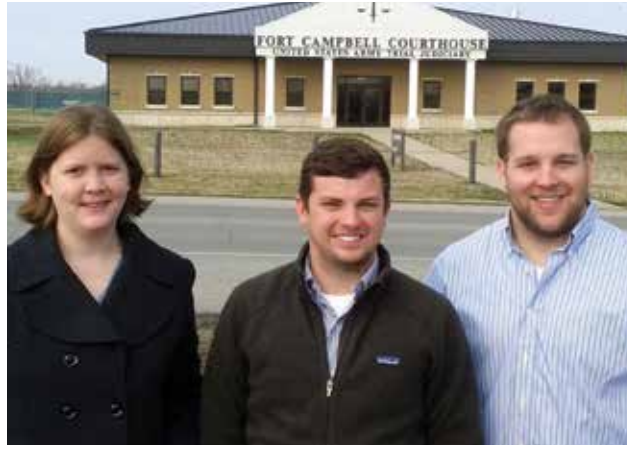
During that year, UT Pro Bono set a goal to achieve 50 percent participation of the student body by 2015 and to donate a minimum of 2,000 hours of pro bono service each year. To

achieve that goal, the organization implemented a five-year plan. During the 2011–2012 academic year, UT Pro Bono achieved a participation rate of 33 percent and contributed 1,800 hours of pro bono legal service to our community.

Although the participation rate remained the same the following academic year, the volunteers contributed more than 7,000 hours of pro bono legal service. Its recent success and the benefits to the community make the program one of the best of its kind.

A STREAMLINED STUDENT ORGANIZATION

UT Pro Bono is recognized as an official student organization by the university. The program serves as the umbrella organization for numerous projects, each with its own agenda, schedule, and leadership. Students who



Left page: UT Law students took part in a rib-eating contest to benefit UT Pro Bono.

This page: During the March 2013 Alternative Spring Break, students participated in projects, including (far left) immigration assistance and (near left) providing direct services to active service members at Fort Campbell, Kentucky.

have an idea for a pro bono event are able to avoid the red tape of creating a sanctioned student organization by joining UT Pro Bono under its constitution and title.

During my first year I had an idea to create a program partnering with Court Appointed Special Advocates for Children (CASA). With the assistance of the UT Pro Bono leaders, we were able to get CASA's VOLunteers up, running, and serving our local CASA office in a matter of weeks.

With the addition of the Access to Justice Coordinator position occupied by Brad Morgan, the program has been able to achieve a level of stability not typically found in student organizations. As leadership changes from year to year, the coordinator is ever-present, ensuring that the program runs as efficiently as possible.

A CULTURE OF SUPPORT

UT Pro Bono's recent growth would have been impossible without the support of the faculty and staff here at the College of Law. Dean Doug Blaze and Associate Dean Katrice Morgan are avid supporters of the program and invite speakers to 1L orientations to discuss the importance of pro bono involvement. From their first days on campus, students understand that not only is pro bono important, but it is vital part of our community at UT Law.

The program also enjoys rigorous support from professors and other student organizations. For the past two years, professors have lined up to participate in the "Pie the Professor" auction at Pro Bono's Fall Festival in October, which benefits our Alternative Spring Break projects.

Other student organizations, such as Law Women, donate proceeds from their own annual fundraisers to benefit UT Pro Bono. Student organizations also host programs alongside UT Pro Bono. The Black Law Students Association manages the Street Law program. Lambda Legal Society facilitates the Gay Straight Alliance project, Environmental Law runs the Environmental Law Project, and Animal Law organizes the Student Animal Legal Defense Fund. Without the support of our faculty and students, UT Pro Bono would not be the success it is today.

Another important aspect of UT Pro Bono's success is found in the partnerships that its programs form with community organizations. Students are able to assist targeted populations in the community who are identified as needing legal assistance but would be unable to obtain assistance on their own.



Brad Morgan

FIVE QUESTIONS: UT PRO BONO

Brad Morgan joined the College of Law in 2010 as the Access to Justice and Mentoring Coordinator. In his post, Morgan works to develop, maintain, and advance strategic relationships with a variety of groups that both offer and need pro bono service. In this Five Questions installment, Morgan lays out the history and goals of the UT Pro Bono program.

1. What is the mission of UT Pro Bono?

The Pro Bono Society of the College of Law is a community service organization with significant student leadership and staff direction. The program strives to connect law students with area attorneys representing indigent clients. Working in cooperation with attorneys, local legal aid societies, and other nonprofit organizations, it serves as a resource by providing law students for research, educational, and investigatory assistance.

2. What are some of the typical pro bono projects in which students take part?

The typical project will involve first identifying a particular subject matter of interest to the students or a particular need that the students are interested in serving. Second, UT Pro Bono reaches out to community partners that serve as access points for either the subject matter area or the population. For example, if the students were interested in working on child advocacy issues, we would reach out to the Department of Children's Services. If the students were interested in serving the homeless population we would reach out to Knoxville Area Rescue Ministries. The students might offer "know your rights" presentations and/or advice clinics through the partnerships.

Continued on next page...

Currently, Pro Bono partners with Legal Aid of East Tennessee, Legal Aid of Middle Tennessee and the Cumberlandians, and Knoxville Area Rescue Mission to provide legal services through the Homeless Project and Legal Aid Advice Clinics. Programs like Street Law and the Gay Straight Alliance partner with local schools to provide legal education to middle and high school students. Additionally, Vols for Vets works with the local Veteran's Affairs office and Legal Aid of East Tennessee to coordinate legal advice clinics for veterans.

THE HEART OF A VOLUNTEER

At the end of the day, all the work, support, and collaboration efforts can only go so far. The most important key to UT Pro Bono's recent success lies with the students here at the College of Law. Without the hard work, dedication, and heart for service brought to the projects by our students, UT Pro Bono would not exist.

UT Law students who participate continue the tradition of service passed down from generation to generation of Volunteers. Through UT Pro Bono, students are able to give back to the community by providing a valuable, free service to under-represented populations.

Continued from previous page

3. How does doing pro bono work benefit students and the East Tennessee community?

Student participation in a law school pro bono program helps bridge the gap between theory and practice, enriching understanding of how law relates to life. It is across this "bridge"—in addition to other experiential learning opportunities—that students are able to develop core competencies such as interviewing, fact-finding, rapport building, and teamwork.

Pro bono service increases the confidence in the judicial system that it serves. As the public participates in pro bono programming, its perception of the bar and the legitimacy of the legal process increases. Of course, the benefit that individuals receive through advice, counsel, or service that they would have not received except through pro bono programs cannot be understated.

4. Why do you think students have responded so much to the call to do more pro bono work?

Well, donating 7,000 hours of pro bono service happens for only one reason—dedication. As our students walk in and out of the law school each day they walk underneath the words "equal justice under the law," which are literally etched into the stonework on the building's edifice. It's not just a nice phrase. Our students have consistently shown unparalleled dedication to the ideals of the profession, including equal justice under the law for all.

5. How do the pro bono partners with whom UT Law works make it possible for our students to give back?

Without a group of committed, knowledgeable, and proactive volunteers, pro bono work would never occur. What we see from our partners is a cadre of individuals, nonprofit organizations, courts, and firms that are working together to address the needs of the communities in which we live. While great strides have been made, due in no small part to the efforts of our partners, there is still much to be done. We invite any and all that wish to participate in this important work to reach out to us to discuss what we can do together.

Contact Brad Morgan at rmorgan2@utk.edu or call 865-974-2492. Learn more at law.utk.edu/pro-bono.



Dean Doug Blaze takes a pie to the face as part of the fall Pro Bono Carnival. The annual event raises money for UT Pro Bono through a Pie the Professor contest, auctions, refreshment sales, and other activities.

The officers of the Health Law Society for the 2013–2014 academic year are, from left, Karen Anderson, Lee Nutini, and Shelisha Steele.



The Health Law Society is seeking to give College of Law students the chance to connect with the national trends in healthcare. Formed a couple of years ago, the student organization explores the possibility of working in the health field in a legal capacity.

The recent contentious debates over the Patient Protection and Affordable Care Act and other national healthcare concerns have been a boon for the Health Law Society, with more and more students looking into what the society has to offer.

Lee Nutini, this year's president of the Health Law Society, said the first goal for the organization this year centers on trying to connect students with legal professionals in the healthcare field.

"We will both teach students how to work in the healthcare field as the healthcare economy shifts and connect students with current professionals on the cutting-edge of those fields," Nutini says.

Previous events hosted by the society have explored some of the myriad aspects of health and public policy law. In the past year, the society hosted a panel of three attorneys to discuss the practice of health law. Frank Anderson and Stephanie Davis, in-house counsel for Mountain States Health Alliance in Johnson City, Tennessee, spoke about in-house representation of a health care system and the work they do for medical malpractice defense, as well as advisement, policy, and contracts. Andy Wampler, a shareholder at Worley Moore Gamble & Stout, PC, also discussed his work providing counsel to a health care system from the perspective of a partner in a full-service law firm.

The Health Law Society hosted Dr. David Mirvis, a physician, health scholar, and adjunct professor at the UT Department of Public Health. Mirvis spoke about the implementation of the Patient Protection and Affordable Care Act in Tennessee and how it will affect the health system in the state.

Carol Parker, associate dean of academic affairs and professor of law, advises the society.

"Health law is such a broad area," Parker says. "It includes very different legal topics—everything from compliance with governmental regulations and medical malpractice to legal aid health law partnerships and access to health care concerns. A student organization like the Health Law Society gives our students more opportunities to learn about this quickly changing field."

Karen Anderson, secretary of the society, says the organization uses a variety of guest speaker and programming to bring attention to the growing field.

"This year we hope to bring in speakers and host events that will help students develop an interest in what's going on in the national scene and how it affects them and the law," says Anderson. "We also want to partner with the School of Public Policy to attract speakers and increase the presence of the organization on campus."

Health Law Society Tackles Big Picture Issues

By Jason Collver

CONNECT

Interested in speaking to the Health Law Society or connecting with members of the student organization? Contact Lee Nutini at lnutini@utk.edu.



By Tanya G. Brown

The Future of Health Law & the Role of Lawyers

It's been called a "game-changer," a "disaster," and a "breakthrough."

The Patient Protection and Affordable Care Act has been looming over Washington and over the politicians and the lawyers who debate, write, and protect the rule of law, like a gathering storm. The tempest finally hit in October with a government shutdown aimed at strangling or at least disabling the act, also known as ObamaCare. Despite how it may seem, this kind of thunder show isn't new. Looking back in our country's history, it's evident that health law has been changing and adapting since the Roosevelt administration.

But how do we adapt for a future in which healthcare, in all of its many forms, will mesh more fully with the field of law than it ever has before?

In a way, we have to go back to the beginning.

When Jim Pyles (**LAW '72**) of Powers Pyles Sutter & Verville PC, in Washington, DC, looks into the future of healthcare, he sees the law.

“It’s all driven by law,” says Pyles. “The ability to enact all these laws? It comes from the Constitution. The law and lawyers are going to create and drive all of this policy and the implementation of it. They have to date and they will continue to do so in the future. There has never been a time when a lawyer had a bigger opportunity to make a difference in the lives of people in this country.”

Pyles, a registered lobbyist for several healthcare associations, helped author the Independence at Home program that was adopted in 2010 as part of the Patient Protection and Affordable Care Act. After working in the Office of General Counsel for the United States Department of Health, Education, and Welfare (now the US Department of Health and Human Services), Pyles co-founded his firm, which focuses exclusively on litigation, counseling, and lobbying in the field of health law and policy and education law.

Not surprisingly, he asserts that despite what may be playing out on C-SPAN, there actually is broad bipartisan support for health reform in America. The shape that reform takes remains the bone of contention. Lawyers, he says, must step up to the plate to help legislators craft the policies necessary to make change occur in a coherent and constitutional manner. The Affordable Care Act will change constantly as the years progress, and lawyers must be involved to ensure those changes are fair to the American people.

“The Medicare Act of 1965 has been amended almost every year since its inception,” Pyles says. “One of the things that I learned in law school but I didn’t understand until almost forty years later is that all law starts with the Constitution in our system of government. Its longevity boils down to hope. If you don’t like what’s going on, every two, four, and six years, you can change it.”

Something he is certain won’t change is the complexity of the problems facing healthcare consumers. Most immediately concerning, he says, isn’t a government-backed healthcare reform but the intersection of health information technology and privacy. As health records increasingly become digital and mobile, the potential for security breaches and damage to patients increases exponentially. The impact on consumers, and the ensuing legal liability, almost is

a health law practice of its own. These types of issues ensure that the demand for health lawyers will continue to grow, he says.

FIVE FEET HIGH AND RISING

James Holt (**LAW '90**), who teaches a public health law class at UT every two years, agrees. As a senior attorney in the Centers for Disease Control branch of the United States Department of Health and Human Services Office of General Counsel, Holt notes that threats to public health can range from chronic diseases (cancer and heart disease) to infectious diseases (influenza and measles) to public safety (motor vehicles and the workplace) to food and waterborne outbreaks (salmonella and cholera). Lawyers trained to handle a wide variety of legal issues will also continue to be needed to serve on the front line of the states’ response to natural disasters and bioterrorism.

“One of the main points of my class is to say, ‘Look how wide-ranging this is,’” Holt says. “It’s more than vaccinations and blood tests. It’s also contracts, torts, and property law. It’s state, federal, and international law. And it is increasingly international in scope because of the ease and importance of international travel and world trade.” This type of health law, he tells his students, can have a direct impact on the development of public health policy.

The differences between the two types of health law—healthcare law and public health law—can be distinguished by the people they impact. Health-



Bruce Anderson serves as general counsel at East Tennessee Children's Hospital in Knoxville.

care law is a breed of business law that is most often focused on federal, state, and local laws and regulations, addressing the delivery of healthcare services to individuals. It also has a strong focus on corporate, transactions, and medical malpractice, as well as administrative law.

Public health policy lawyers may deal with many of those same issues but on a much more macro level, looking at healthcare through the lens of its effect on the greatest portion of the general population.

The shrinking of public funding for state departments of health charged with administering programs ranging from child nutrition to disease prevention (vaccinations) to food safety to emergency preparedness, means that public healthcare providers find they must increasingly triage their efforts to do more for those they serve, with fewer resources.

It's the intersection of these realities that make both public health law and healthcare law like a river rising over its banks. The issues are multiplying, while the number of lawyers trained in the field has yet to meet the oncoming demand.

"With the recent amendments to HIPAA and as more of the provisions of the Affordable Care Act come into effect, the healthcare industry will have an urgent need of more attorneys trained in healthcare law," Holt says. "In addition, we can expect that the aging baby boomer generation will result in the continued growth of assisted care living, which includes a ton of healthcare regulations."

MASTER GENERALISTS: HOW TO TRAIN HEALTH LAWYERS

The only way to ensure that the legal profession steps up is to educate future lawyers on the importance of the work and equip them with the skills to handle the complex pieces of the health law. Carol Parker, associate dean for faculty development at UT Law, says that for students interested in health law, a good starting place can be easily found.

Students at UT Law may receive a graduate certificate in health policy, or pursue a dual juris doctor, master's of public health degree through the college's partnership with the College of Education, Health, and Human Sciences.

"The good news is that when students are taking employment law, torts, antitrust, corporate law—all of those things are helping them learn something they need for health law," Parker says. "Because what do health lawyers do? They do everything. There's

"There has never been a time when a lawyer had a bigger opportunity to make a difference in the lives of people in this country."

—Jim Pyles

something that would be of interest (in health law) to absolutely everybody."

Bruce Anderson (**LAW '75**), general counsel of East Tennessee Children's Hospital in Knoxville, says that attorneys, who work Of Counsel for small health law firms or hospitals, do find themselves almost working in the position of a master generalist.

"I'm also the compliance officer and the risk manager for the hospital," Anderson says. "In small shops like ours, these roles tend to gravitate to the lawyer because they don't fit with anyone else."

He jokes that he has become accustomed to wearing more hats than a sports free agent but the up side is that no day at work, or even hour, is the same.

"On a daily basis, I deal with contracts, HIPAA concerns, consents for procedures, general legal questions of compliance, or we can pursue a certain type of action legally from employment law to real estate."

Students from UT Law will soon have the chance to get some experience in the field directly from the sources. This spring, the college will partner with the Children's Hospital on a field placement through Anderson's Office of General Counsel. Similar programs are in discussion for other health organizations around Knoxville.

Anderson defended doctors in medical malpractice suits for thirty years before making the leap to general counsel for a health provider. The change meant a steep learning curve at first, but like Pyles and Holt, he says that part of what drew him to this section of healthcare law and policy was the ability to advocate for and affect change on the behalf of a population in need.

"For me, personally, one of the attractions is that this is a pediatric hospital," Anderson says. "I enjoy the fact that every day I know when I come to work I am helping sick and hurt kids, even if it is indirectly. If you want to matter, this is a part of the law you should look into."

The law school moved to Carrick Hall, formerly South College, in 1920. Below right, Carrick Hall also contained a post office, bookstore, and cafeteria.



Past

a view
of the

By M. Loretta Price

Collection Management Librarian
and Associate Professor

University of Tennessee Joel A. Katz
Law Library

in the early 1980s, a cleanup project in a dusty and moldy old attic of the College of Law Library uncovered a small collection of worn and tattered, handwritten record books, dating back to the early 1920s. With some recognition that these books could be immensely interesting, and perhaps of historical value, they were gathered and tucked into a bottom shelf in the technical services department, amongst other special collections, where they again slipped into obscurity.



In 1997, when the college and its library moved into a new facility, the journals were unearthed yet again. As a newly hired acquisitions librarian, I became intrigued with the books. With the help of student assistants over the years, I created digital transcriptions that allowed the records to be read without the sometimes-tedious need for scrutiny and interpretation of handwriting. Some of the penmanship was exquisite and forthright, but some was sprawling and indistinct and simply could not be made out or interpreted.

The journals contained work logs by the earliest of the University of Tennessee law librarians. In the beginning there was little or no overlap of the work hours of the women keeping the library, so the record was

a way of noting the attendance, order, and activities of the day as well as a way of passing such information of note from person to person as they arrived to supervise the Law Library. It also was a convenient basis for an annual report that was reportedly given to Lucy E. Fay, UT librarian and sister-in-law of Harcourt Morgan, president of the university, (Townsend, 2), and later to Mary E. Baker, librarian (Townsend, 3).

The records began in September 1921 and concluded in June 1945 with occasional gaps created by the fact that a few of the record books were never found. September 1921 appears to be the first time the Law Library was kept open during regular hours by librarians and treated as a branch of the main University Carnegie Library. The record books relate the ups and downs of the law school, the advent of new faculty and students, and the changing face of legal education.

When the work logs began, the Law Department had been in existence for a little more than thirty years (Morse, 345) and had just moved to two classrooms and a room for the library in the basement of the newly built Ayres Hall (Wicker, 566). Malcolm McDermott, teaching in the department since 1916, had just replaced Charles Turner as dean upon Turner's retirement (Hardin, 145). While the Law Department



had become a charter member of the American Association of Law Schools at the turn of the century (and the only member south of the Ohio River at that time), the Law course of study was reorganized in 1920 and increased to three full years of study and its standards raised to conform to the then current American Association of Law Schools standards. Admission to the course of study demanded 15 units of high school credit and one year of college work (Hoskins, 679). At this time, the Bachelor of Laws degree was conferred by the Board of Trustees on those students who completed the course (Morse, 349). In 1925, again to comply with AALS standards, a second year of college course work was required to enroll in the Law course (Hardin, 157).

During the years of World War I, students left the university in large numbers, and the College of Law student body dwindled to a few men (Wicker, 1950, 12). But by the end of 1919, the College of Law's enrollment was back up to eighty-nine (Montgomery, 149). By July of 1920, the faculty of the College of Law, whose name changed from the Law Department in 1911, (Hardin, 154) consisted of two full-time faculty members and four part-time instructors (Hoskins, 681).

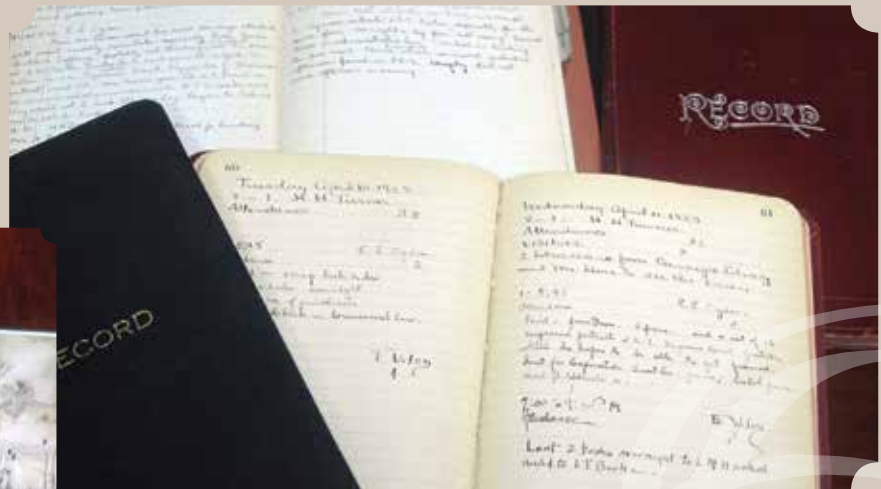
According to the Historical Edition of the University of Tennessee Magazine published in 1920, 12 hours of classroom work was required of law students, as well as Moot Court. The same source tells that the Law Library held 4,500 volumes and was "in charge" of a special librarian and open at all convenient hours for the benefit of the students. The university also was reported to have arrangements with the Knoxville Bar Association for the law students to use its "large law library" where many thousand more works were available (Morse, 351) in the downtown Federal Building (Wicker and Overton, 24).

According to the first entry in the work logs, work in the Law Library began on September 21, 1921, although no records were kept of daily work until September 26. E. L. Ogden was in charge and on duty

Tennessee Hall, located at 720 West Main Street, housed the College of Law from 1926 to 1950.



Read the Diaries



Diaries compiled by Collection Management Librarian M. Loretta Price may be accessed online through Trace, at trace.tennessee.edu/utk_lawlibhist. Diaries currently available cover the years of 1921 to 1945.

from 1:45–5:45 each afternoon, including Saturdays. Laura Luttrell covered the hours of 7–10 p.m. on Mondays, Wednesdays, and Fridays, and Nellie Wiley from 7–10 p.m. on Tuesdays and Thursdays.

These hours and personnel change as the logs progress, as does the type of information included in them. The librarian in charge of the Law Library in 1921 was one of the first two women to graduate from the University of Tennessee, Eliza Lucy Ogden (Gaither, 25). A native of Knox County and born in 1870, Ogden had worked as an histologist at the US Department of Agriculture in Washington, DC (UT Record, 169). She graduated from UT in 1895, along with Elma Eliza Rachel Ellis, with a Bachelor of Arts degree (Gaither, 25).

Helen Turner, who was hired in 1922 to assist Miss Ogden, also attended classes during these early years, but failed to graduate (Pulliam). She, however, remained a fixture in the Law Library until 1948, her father having taught in the Law School from 1892 and being Dean from 1915 to 1920 (Hardin, 155). With these two women as the primary journalists for many years, the books chart the growth and development of both the University of Tennessee College of Law and the growth and development of law libraries in general.

The entire transcribed text of these diaries is now available on the University of Tennessee TRACE website (trace.tennessee.edu/utk_lawlibhist), where they are completely searchable. Making the diaries available on this freely accessible platform allows them to be used in research projects, as well as making them available to the simply curious.


As a future research project, I intend to annotate

these work logs. The larger story of the times and the people is just hinted at in the diaries, and they deserve much more attention. Wouldn't you like to know that the Dr. Neal whose comings and goings were noted in the logs—and who was one of the two full-time faculty members at the College of Law in 1921—was the eccentric John R. Neal, who was soon to be dismissed from the university along with six other faculty for flouting UT authority? Neal later assisted Clarence Darrow in his representation of John T. Scopes in the now-famous 1925 Scopes Monkey Trial (Hardin, 155).

Wouldn't you also like to know that the Edward T. Sanford, who taught part time for the College of Law from 1897–1916 and donated a collection of law books to the library, was a founding member of the Harvard Law Review and later a Supreme Court Justice (Hardin, 150)? The diaries are full of notable people and noteworthy events. The librarians set the tone in the work logs, though, as one of everyday, ordinary incidents and encounters that provided a certain continuity and stability in the lives of the students and faculty of the evolving College of Law.

SEARCHING OUT WILLIAM WAYNE OLIVER

Price and a colleague also are beginning a new project centered on a collection of annotated class notes given to the Law Library by William Wayne Oliver (**LAW '38**), a noted regional lawyer and judge. Any biographical or other information will be gratefully accepted by Carol Collins, ccollin1@utk.edu or Loretta Price, mprice@utk.edu.

A photograph of two women in a meeting. The woman on the right is wearing glasses and a dark turtleneck, looking intently at a document. The woman on the left has long brown hair and is also looking at the document. The background is a plain, light-colored wall.

Simulating Practice with E-Discovery

By Tanya G. Brown

Matlock would have done it with files, poring over reams and reams of paperwork surrendered by the opponents of his case, looking for anything that might help his client. These days, when it comes to discovery—that part of the law where each side must

share certain documents with the other which might be relevant to the problem—paper has almost vanished.

In its place are e-mails, online documents, and even text messages, all of which may be of use to the opposing counsel. Sorting through this mass of data has come to be known as e-discovery, and lawyers who know how to sort it, search it, and use it well can separate themselves from the pack of other practitioners. With a little luck, they may even find a piece of evidence that opens up their case in an entirely new light.

Steven Fulgham (**LAW '13**) learned about e-discovery from College of Law Professor Paula Schaefer. Schaefer teaches components of the complicated process in both her pretrial litigation class and a course devoted to e-discovery. In both classes she assigns her students a client to represent in a realistic legal dispute and requires them to work with real e-discovery software to find, search, and produce documents for the dispute.

It's an approach not many law schools use, but one that Fulgham, now an associate at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, found invaluable. Fulgham took Schaefer's e-discovery class to learn more about an area of the law that intrigued him.

"I heard that young associates spend a lot of time drafting and responding to discovery requests," he says. "I took the class last fall, and Professor Schaefer could not have created a more realistic scenario. I learned more from e-discovery than any other class. Analyzing each request and struggling with each document was an invaluable experience."

As Schaefer went about creating her classes, she realized that she would need to start from scratch to make the work as close to real life as possible.

“When I first taught pre-trial litigation, I wanted my students to handle the volume of documents they would encounter in a real dispute,” Schaefer says. “But I couldn’t find that in any of the pre-trial litigation books that were on the market. I didn’t set out to teach an e-discovery class, but it evolved over time.”

Schaefer created a simulation to generate the documents and the business dispute that would be the centerpiece of her pre-trial litigation course. Six law students play characters in a developing business dispute. They negotiate several contracts and communicate with one another by email for a three-month period. When the simulation is complete, they have generated more than 7,000 documents. Two of the characters become the plaintiff and defendant in a lawsuit, with pre-trial litigation students serving as their lawyers.

BRINGING TECHNOLOGY INTO THE CLASSROOM WITH IRIS DATA SERVICES

Schaefer knew that hands-on experience sifting through the more than 7,000 documents would be easier and more realistic if students could use the e-discovery review tools that lawyers use in practice. She was challenged by a lack of budget to purchase such tools.

For two semesters, Schaefer and her students experimented with two different e-discovery review tools, but the technology part of the class was often time-consuming and distracting—as it can be for attorneys in practice.

She began “shopping” for a better technology solution. A friend at her former law firm put her in touch with Major Baisden, the president of Iris Data Services. Iris is an e-discovery company that focuses on providing such services to the legal community.

Iris agreed to provide e-discovery services to Schaefer’s classes for free. Iris processes the data, provides the review platform (Relativity), and trains students to use Relativity in real-time, web-based training sessions. With Iris’s support, Schaefer has been able to offer both pre-trial litigation and a new e-discovery course to UT Law students.

Baisden says providing the service at no fee for UT Law serves dual purposes. “There’s a giant need in the marketplace for attorneys coming out of law school that have exposure to e-discovery,” he says. “It makes them a lot more marketable, and anything that helps the legal community also benefits us because that is who our customer is.”

Schaefer said the work with Iris, which includes company representatives being on hand when students have questions as they move through the pre-trial litigation and e-discovery process, has helped her students experience e-discovery in the same way they might when they leave law school.

“Iris doesn’t cut corners because I’m not a paying client,” she says. “They provide us with a host of services, support, and software. They treat my students just like attorneys in practice, and because of that, my students learn just like practicing attorneys.”

GOING BEYOND CASE LAW

For Anthony Mendenhall (**LAW ’13**), the class led to practice in a tangible way. Mendenhall entered the paper he wrote for Schaefer’s e-discovery class in the IT-Lex Writing Contest, sponsored by Foley & Lardner LLP. He won first place, a \$5,000 prize, and the chance to moderate a keynote panel at the IT-Lex Innovate Conference. As part of Schaefer’s class, he toured Deloitte’s Electronic Discovery Solutions Center in Nashville, Tennessee.

“I met one of the recruiters there,” says Mendenhall. “Deloitte offered me a job after graduation, and now I’m in Nashville working at Deloitte, all because of Professor Schaefer’s e-discovery class.”

Schaefer says the class is intended to prepare students for litigation in the modern world.

“I want students to have experience handling every step of litigation,” Schaefer says. “Whether working in a team on a large case or handling a small case solo, all lawyers need to understand e-discovery. Students here get a depth of understanding that they wouldn’t get just reading case law.”

IRIS DATA VISITS UT

Attorney Brandon Mack of Iris Data Services met with students in Paula Schaefer’s E-Discovery and Pre-Trial Litigation classes on Friday, October 18. Iris Data Services provides the document review technology and training to students in Schaefer’s courses. Mack led training sessions with both classes this semester. With training complete,



students are now reviewing their clients’ documents to determine the documents to be produced to opposing counsel in discovery.

Mack (left), and his Atlanta-based colleague Irvin Marchand, cheered the Vols on to victory on October 19.

Faculty Notes

Dean Doug Blaze and **Associate Dean Greg Stein** recently visited three Chinese law schools in an effort to strengthen UT's relationship with these schools and undertake future student and faculty exchange programs. The three schools are all schools with which UT has had a relationship in the past: Renmin University Law School in Beijing (which hosts the China Law Summer Program for students in which UT is a partner); KoGuan Law School of Shanghai Jiaotong University (at which Stein has previously taught twice as a Fulbright Lecturer, and also the home institution of two former visiting professors at UT); and Shanghai University (home institution of a recent visiting scholar at UT).

In addition, Blaze spoke to students and faculty at Shanghai University on the subject of "American Legal Education: Past History, Future Challenges." Stein spoke to students and faculty at Shanghai University on the subject of "Takings Law in the United States," and Stein gave a guest lecture at Peking University, in Professor Lou Jianbo's Legal Issues in Real Estate Development course on the subject of "American Eminent Domain Law."

Professor Dwight Aarons's most recent article, "The Marshall Hypothesis and the Rise of Anti-Death Penalty Judges," was published in the *Tennessee Law Review*. Aarons also was quoted in *Time* magazine, discussing the Anderson County Jail's plan to assess fees for inmate staples such as pants and towels, and in the *Knoxville News Sentinel*, on the possible criminal prosecution of executives of Pilot Flying J and on the George Zimmerman trial.

Professor Fran Ansley chaired one panel and gave a presentation on another panel at the Law and Society Association Conference. Ansley also gave a presentation at the Harvard Institute for Global Law and Policy Conference.

Professor Brad Areheart's article, "Accommodating Every Body" (co-authored), has been accepted for publication in the *University of Chicago Law Review*. Areheart gave a presentation at the Developing Ideas Conference, held at the University of Kentucky College of Law, on the topic, "Framing Pregnancy Accommodations." He has been in-

vited to present a related paper at the 2013 Labor and Employment Law Colloquium. He will speak at Michigan State University College of Law this fall.

Professor Wendy Bach has been named to the editorial board of the *Clinical Law Review*. She also participated in a panel at the AALS Conference on Clinical Legal Education, on "Confronting Criminal Injustice Through Clinical Partnerships with the Public Interest Bar," gave a presentation to new clinicians attending that conference on designing a clinical curriculum, facilitated a works-in-progress session, and chaired a meeting of the Teaching Methodologies Subcommittee of the clinical section.

Professor Ben Barton was invited to give a presentation at Fordham Law Review's Ethics Symposium and also was asked to speak at Fordham Law School's Civil Gideon Symposium. Barton has just completed a term on the editorial board of the *Clinical Law Review*. And he presented a work in progress, "Glass Half Full and Clinical Legal Education," at the AALS Conference on Clinical Legal Education.

Professor Rob Blitt's article, "Beyond Ruggie's Guiding Principles on Business and Human Rights: Charting an Embrasive Approach to Corporate Human Rights Compliance," was published in the *Texas International Law Journal*.

Professor Iris Goodwin spoke before the Columbia University Seminar on Law & Politics, on the topic, "Civil Law Views of the Common Law Trust: Why Such Anxiety?" She also gave a presentation at the meeting of the American College of Trusts and Estates Counsel.

Professor Joan Heminway presented her paper, "Lawyering in the Crowdfunding Era," at American University. At George Washington University Law School, she served as a discussant on two papers written by junior faculty members at other law schools. Heminway gave a presentation at the annual meeting of the Law and Society Association, on the subject, "Business Lawyering in the Crowdfunding Era." She also served as a reader in an author-meets-reader event, on Tamar Frankel's "The Ponzi Scheme Puzzle: A History and Analysis of Con Artists and Victims."

Heminway also participated in a panel discussion on “Crowdfunding Social Enterprise” at the University of Colorado, and she delivered a paper at the Midwest Political Science Association annual conference.

Professor Amy Hess spoke at a CLE program on expert witnesses, held in Nashville and sponsored by the Tennessee Bar Association.

Professor Michael Higdon gave a presentation at the AALS Workshop for Beginning Legal Writing Teachers on “Legal Writing Scholarship: Finding Your Voice in the Legal Academy.” He has signed a contract with Aspen Publishers to write a textbook on objective legal writing that is aimed at first-semester law students. Higdon also was quoted in a *Knoxville News-Sentinel* article addressing the impact of the Supreme Court decision striking down the Defense of Marriage Act.

Professor Becky Jacobs traveled to Istanbul, Turkey, to participate in Study Space VI: “Planning for Disasters: Place, Population, Culture and the Environment.” The conference is a joint project of Bahcesehir University in Istanbul, Turkey, and Tulane University Law School.

Professor Lucy Jewel traveled to London, England, to present a paper at the third annual Applied Legal Storytelling Conference, held at City College Law School. In addition, her article, “You’re Doing it Wrong: How the Anti-Law School Scam Blogging Movement Can Shape the Legal Profession,” received favorable notice on the *Legal Skills Prof Blog*.

Professor Brian Krumm spoke at a West Academic Publishing event held at the AALS Conference on Clinical Legal Education. He discussed his recent e-book, *Kuney and Krumm’s The Entrepreneurial Law Clinic Handbook*, co-authored with **Professor George Kuney**. Krumm and four law students were also featured in a recent article in UT’s *Quest* magazine, discussing their legal advice to a small business client. This advice was provided under a National Science Foundation grant awarded to a UT chemistry professor for his work in developing a new technology.

Professor George Kuney’s article, “Successor Liability and Section 363 Sales,” was published in the *Norton Annual Survey of Bankruptcy Law*. Kuney currently serves as official reporter for the National Bankruptcy Reform Commission’s committee on Chapter 11 Plan Substance and Process. His article, “Addressing Shortfalls in Traditional Legal Education: UT’s Concentrations and Capstones and Waller Lansden’s Schola2juris Program,” has been uploaded to SSRN. And *Judgment Enforcement in Tennessee*, a new book co-authored by Kuney, has just been published.

Professor Michelle Kwon spoke on a panel at the joint meeting of the ABA Sections on Taxation and Real Property, Trust and Estate Law, in San Francisco, California. Kwon also spoke at the meeting of the Tax Section of the ABA, on the subject of regulations that allow corporate sellers to treat the disposition of subsidiary stock as a disposition of subsidiary assets.

Professor Don Leatherman spoke at the ABA Tax Section meeting held in Washington, DC. He discussed regulations finalized on the day of the meeting, allowing corporate sellers to treat the disposition of subsidiary stock as a disposition of subsidiary assets. He also spoke on a panel at the joint meeting of the ABA Sections on Taxation and Real Property, Trust and Estate Law.

Professor Alex Long’s article, “Diminishing Retaliation Liability” (co-authored), was published by the *NYU Law Review Online*. The United States Court of Appeals for the Tenth Circuit and the Nebraska Court of Appeals both recently cited an article by Long. The article cited in these two cases, “Attorney Deceit Statutes: Promoting Professionalism Through Criminal Prosecution and Treble Damages,” appeared in the *UC Davis Law Review*. Long also participated in a Knoxville Bar Association panel that gave a presentation as part of the East Tennessee Accessibility Symposium, “Rights and Responsibilities Under the Americans with Disabilities Act.”

Faculty Notes

Global Issues in Immigration Law, a casebook co-authored by **Professor Karla McKanders**, has been published by West. McKanders spoke on a plenary panel at the recent Workshop on Poverty, Immigration, and Property, sponsored by the AALS. At the AALS conference on Clinical Legal Education, she participated in a panel discussion on the subject, “Teaching to Transform: Collaborating and Building Relationships for Change.”

In addition, McKanders has been invited to speak at a conference in Poitiers, France, focusing on immigration issues. She will travel to Delhi, India, to give a presentation at the Worldwide Global Alliance for Justice Education Conference. And Community Shares awarded McKanders its Gardener of Change award in recognition of her work in encouraging and supervising law students who represent immigrants and asylees and her work in recruiting and training private lawyers to represent immigrants.

Professor Tom Plank’s latest article, “Article 9 of the UCC: Reconciling Fundamental Property Principles and Plain Language,” has been published in *The Business Lawyer*.

UT’s Tennessee Teaching and Learning Center has awarded **Professor Joy Radice** a 2013–2014 Creative Teaching Grant. Radice also gave a presentation at the AALS Conference on Clinical Legal Education on the subject, “Confronting Criminal Injustice Through Clinical Partnerships with the Public Interest Bar.” And she presented an article at a conference on Hybrid Law Teaching, held at Washburn University School of Law.

Professor Glenn Reynolds’s article, “Ham Sandwich Nation: Due Process When Everything Is A Crime,” was published in the *Columbia Law Review Sidebar*. His review of a new book on space law was published in the *California Law Review*. And his recent article, “How To Stop Worrying And Learn To Love The Second Amendment: A Reply To Professor Magarian,” is the most downloaded recent paper in the Social Science Research Network. The article, co-authored with Brannon Denning (**LAW ’95**), was published in the *Texas Law Review*. Reynolds also spoke to the Federal Reserve

Bank of Atlanta on the topic of higher education.

Reynolds is ranked twelfth among all active US-based law professors by the number of papers downloaded from the SSRN database. In addition, SSRN recently posted a list of its ten most downloaded papers since 1997 in the category of “US Constitutional Law: Interpretation and Judicial Review,” and two of the ten are authored by Reynolds.

Professor Dean Rivkin spoke at a meeting at the University of Washington School of Law about the campaign of the UT Public Interest Lawyering Practicum to establish a right to counsel in juvenile status offense cases. He also spoke at a conference at Cardozo Law School entitled, “In Search of Meaningful Systemic Justice for Adolescents in New York.” Rivkin taught a seminar there on the subject of youth justice. In addition, he spoke recently at the Tennessee State Board of Education meeting on the subject of truancy regulation reform.

Professor Briana Lynn Rosenbaum’s article, “Sentence Appeals in England: Finding a Model for Reasonableness Review in Federal Courts,” has been accepted for publication in *The Journal of Appellate Practice and Process*. Rosenbaum also presented her work at the American Society of Comparative Law Younger Comparativists Committee second annual conference at Indiana University’s McKinney School of Law.

Professor Paula Schaefer’s book, *Developing Professional Skills: Civil Procedure*, has been published by West Academic Publishing. Schaefer was invited to speak at a panel that was part of the ABA Center for Professional Responsibility’s National Conference in San Antonio, Texas, on the topic of “Lawyer Fiduciary Duties: Testing the Limits of Client Loyalty and Confidentiality.” And her article, “Technology’s Triple Threat to the Attorney-Client Privilege,” was published in the *Journal of the Professional Lawyer*.

Associate Dean Greg Stein’s latest article, “Is China’s Housing Market Heading Toward A US-Style Crash?” was published in the *Arizona Journal of*

International and Comparative Law. In addition, Stein's book, *Modern Chinese Real Estate Law: Property Development in an Evolving Legal System*, received a favorable review at the *China Law Blog*.

Professor Maurice Stucke's article, "Looking at the Monopsony in the Mirror," has been published in the *Emory Law Journal*, and his article, "Should Competition Policy Promote Happiness?" was published in the *Fordham Law Review*. Stucke traveled to Dublin, Ireland, to speak on behavioral economics at the European Competition and Consumer Day Conference. He spoke at the American Antitrust Institute's annual conference held in New York. Stucke traveled to Florence, Italy, to present a paper at the Conference of the International Society for New Institutional Economics, and then to Boulder, Colorado, to give a presentation at the Subjective Well-Being and Law Conference at the University of Colorado Law School.

In addition, Stucke gave presentations at the *South Dakota Law Review's* symposium, "Antitrust and Competition in America's Heartland." The Italian Competition Authority invited Stucke to a roundtable discussion on public and private enforcement of competition law. *The European Competition Journal* will publish a transcript of this symposium later in the year. Stucke was also quoted in the *Wall Street Journal* and the *Wall Street Journal Blog* on the US Department of Justice's challenge to the US Air/American Airlines merger. He also published a blog post on Oxford University Press's *OUPblog* entitled, "Is Competition Always Good?" The post uses UT athletics as a case study for a discussion of antitrust policy.

Professor Val Vojdik's article, "Sexual Violence Against Men and Women in War: A Masculinities Approach," will appear in the *Nevada Law Journal*. Vojdik has been invited to present a paper at the Clinical Law Review Workshop. She also helped to co-sponsor an interdisciplinary conference on Cosmopolitanism and Women's Rights at the Bahcesehir University in Istanbul, Turkey. Vojdik presented a paper at the conference, "Beyond Intersectionality: Cosmopolitanism and Gender Violence." Recently, at the first Padjadjaran International Conference on

Human Rights in Indonesia, Vojdik presented two papers: "Redressing Gender Violence Through the International Covenant on Economic, Social, and Cultural Rights" and "Advancing Women's Equality Through Socioeconomic Rights Litigation."

Professor Penny White was the featured speaker for two classes at Yale Law School. She lectured for Professor Stephen Bright's class, "Capital Punishment and the Politics of Death," on the topic of "Judicial Elections, Judicial Independence, and the Death Penalty." She also spoke at the Liman Public Interest Workshop on Racial Justice and Immigrants' Rights about "The Role of Lawyers in Public Interest." In addition, White and Bright filmed a segment for the Free Yale University on how criminal justice issues are used to manipulate voters in judicial elections.

White taught a four-day evidence course, "Evidence in a Courtroom Setting," in Seattle, Washington. She served as a member of the faculty for the ABA Section of Litigation's "Critical Trial Skills for Legal Services Attorneys," held in St. Louis, Missouri. And she spoke recently at the Tennessee Judicial Conference.

Professor Paula Williams presented an article at a conference on Hybrid Law Teaching held at Washburn University School of Law. She also spoke at the AALS Conference on Clinical Legal Education, where she presented a work in progress entitled, "Community Lawyering: Race, Privilege, and Social Justice," and also served as a co-leader of four small group sessions.

Professor David Wolitz traveled to Osaka, Japan, to conduct research in Japanese law libraries and meet with Japanese professors in preparation for a published work on Japanese criminal justice.



The Honorable Curtis L. Collier shakes hands with Dean Doug Blaze while TBA President Cindy Wyrick looks on.

Minority Law Student Reception Pairs Students with Attorneys

The Knoxville Bar Association, in conjunction with the College of Law and the Lincoln Memorial University Duncan School of Law, sponsored a Minority Law Student Reception in September at The Southern Depot in downtown Knoxville.

About thirty UT Law students attended the reception and met local attorneys from firms, solo practices, and government employers, as well as local judges. The Honorable Curtis L. Collier, United States District Judge in Chattanooga, gave remarks on the topic of fostering professional growth and developing future bar leaders.

Several students participated in a “Buddy Match” program that paired law students with practicing attorneys. These pairs met before the event and then the attorneys were able to introduce their “buddy” to several potential networking contacts at the event.

Photos from the event are available at tiny.utk.edu/A2MLJ.



UT Law students met with local attorneys, judges, and government employers.



Above: Deb House, associate executive director of Legal Aid of East Tennessee.

At right: Representatives from six law schools, members of TBA, and Legal Aid, attended the conference.

Pro Bono Conference a Success

Representatives from all six Tennessee law schools gathered in Knoxville in September with leaders from the access to justice community for the second Law School Pro Bono and Public Interest Conference, sponsored by the Tennessee Bar Association Access to Justice Committee.

About forty people participated in the program, including Supreme Court Justices Janice Holder and Sharon Lee, Access to Justice Commission Chair Buck Lewis, Dave Yoder, and Chay Sengkhoumany. They engaged in conversations about the needs, opportunities, challenges, and possibilities surrounding pro bono work and related access to justice issues.

Lewis, a former TBA president, delivered the keynote address, highlighting the historic collaborations that have produced outstanding developments, while issuing the clear call to action that much work still remains. TBA President Cindy Wyrick presented to the group Saturday morning, calling for early engagement service by the legal community.



Joel and Kane Katz with Julianne and Senator Saxby Chambliss.



US Senator Chambliss talks Washington, politics

US Sen. Saxby Chambliss of Georgia (**LAW '68**) delivered the Joel A. Katz-Sun Trust Lecture on October 4. Chambliss, who addressed the law school and university community, talked about his eighteen years on Capitol Hill.

Chambliss served in the US House of Representatives from 1995 to 2003. He was elected to the US Senate in 2002 and is now serving his second term. He has announced that he won't seek re-election.

The Washington Post named Chambliss and the "Gang of Six"

as one of the Best Leaders of 2011 for attempts to craft a bipartisan deficit reduction package. The Gang of Six included three Democrats (Sens. Mark Warner of Virginia and Dick Durbin of Illinois and former Sen. Kent Conrad of North Dakota) and three Republicans (Saxby and Sens. Mike Crapo of Indiana and Tom Coburn of Oklahoma).

The lecture was co-sponsored by the college and SunTrust. **To learn more about the lecture, or to watch the event in its entirety, visit tiny.utk.edu/chambliss.**



From left: UT Law Development Director Howie Avery, Dean Doug Blaze, Joel Katz, Senator Saxby Chambliss, and Joe Campbell, SunTrust representative.

ST. MARTIN, LEWIS HONORED WITH ALUMNI AWARDS



Two College of Law alumni were honored during the University of Tennessee, Knoxville, Alumni Board of Directors Alumni Awards Program on September 27.

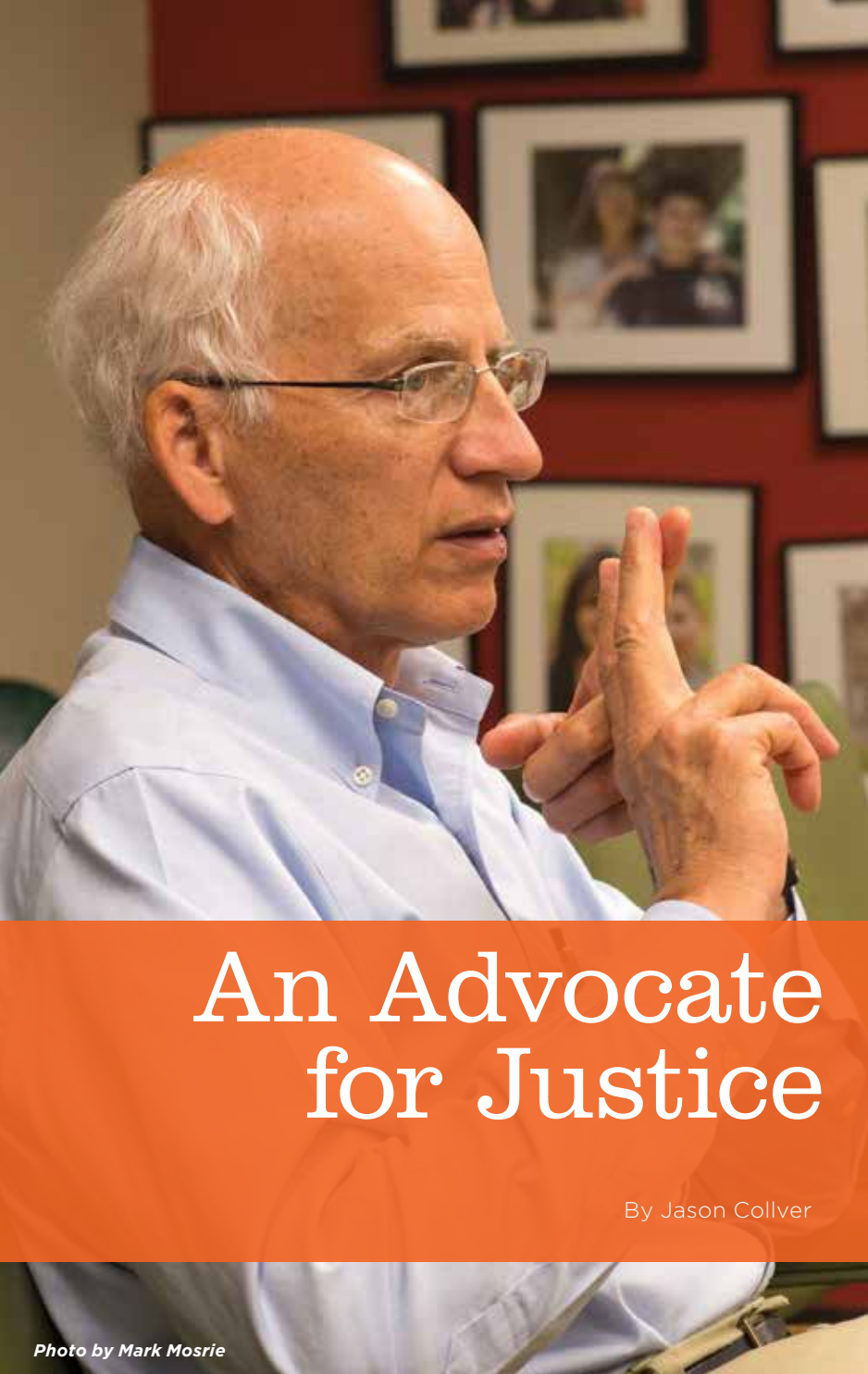
Jo-Marie St. Martin (**LAW '85**) received the Alumni Professional Achievement Award. She has served as general counsel and chief of Legislative Operations for the speaker of the US House of Representatives, the Honorable John A. Boehner, since his election as speaker in

2011. Previously, St. Martin was general counsel and floor director in Boehner's office since his election as majority leader in February 2006 and subsequent re-election as Republican leader in November 2006. The award recognizes alumni who have achieved a high level of success in their chosen field of endeavor. The trademark of this recipient is a record of notable career accomplishments and a history of outstanding contributions to their profession.

George T. "Buck" Lewis (**LAW '80**) received the Alumni Service Award. Lewis is a shareholder in the Memphis office of Baker, Donelson and chair of the Appellate Practice Group. He was appointed by the Tennessee Supreme Court to chair the Tennessee Supreme Court Access to Justice Commission and became the chair of the Mid-South Chapter of the American Red Cross. The Alumni Service Award recognizes exceptional service or long-term continuing service or leadership to the university.



To learn more about St. Martin, Lewis, and other winners of this year's alumni awards, visit tiny.utk.edu/fHsnp.



An Advocate for Justice

By Jason Collver

Photo by Mark Mosrie

The Tennessean newspaper named Gordon Bonnyman (LAW '72) the Tennessean of the Year in 2003, and that title is still appropriate today. Bonnyman's dedication to the underserved of Tennessee continues to this day and has inspired many to follow in his footsteps.

THE BEGINNING

Bonnyman began his humble career more than forty years ago. He passed the bar in the summer of 1972 and started working for Legal Services in 1973, representing low-income individuals in a wide variety of civil matters. His work was instrumental in changing the lives of thousands in the state.

Though being a Legal Services attorney is not the dream of most, Bonnyman's colleagues say he has a knack for it. "Gordon listens to the people who feel forgotten and makes them feel important," says Michele Johnson (LAW '94), managing attorney at the Tennessee Justice Center, where Bonnyman has worked for nearly twenty years.

While with Legal Services, Bonnyman tackled systematic injustices that were the roots of the misfortunes that plagued so many of his clients. His first class-action lawsuit began when he had been on the job for only two months. The litigation kept thousands of citizens from losing cash assistance payments through overpayment recoveries.

Through litigation, he successfully reformed the Tennessee prison system and its criminal code, eliminated racial discrimination in Tennessee nursing homes, and reformed state laws that deprived individuals with intellectual disabilities of their rights. This quality, this need to advocate for those less fortunate led the policy journal *Health Affairs* to aptly describe him as "indefatigable" in his advocacy for the poor and uninsured.

Bonnyman has made great strides in the area of health law, even before it garnered national attention in the form of the Patient Protection and Affordable Care Act. He has litigated and lobbied relentlessly for healthcare improvements for the underrepresented. In his early days at Legal Aid, he filed a class-action suit to force hospitals to provide uncompensated care

for the poor through a stipulation in the Hill-Burton Act subsidies. The case resulted in thousands of low-income individuals receiving free healthcare and prompted federal regulation to broaden access to Hill-Burton hospitals nationwide.

In the mid-1990s, Bonnyman helped Tennessee create one of the most innovative expanded Medicaid programs in the nation. TennCare expanded coverage to 300,000 Tennessee residents. His work with former Governor Ned McWherter's administration created a healthcare system that led the nation in providing care for low-income families for nearly a decade.

"Gordon is an extraordinary person because he could have worked anywhere in the nation, and he choose here to make the world a better place," Johnson says.



MAKING A WAY

The Tennessee Justice Center (TJC) was a result of Congressional restrictions in the Legal Services area and Bonnyman's determination to continue to provide legal services that the Legal Services organization could no longer provide.

The TJC was co-founded by Bonnyman and Johnson in 1995. The creation of TJC would not have been possible without the support of the Tennessee Bar and its members. The center is primarily funded by the Tennessee Bar Foundation's Interest on Lawyers' Trust Accounts program and operates on a \$700,000 annual budget.

The pair does their best to stretch the funds. "The center attorneys do a lot of their own work that you might otherwise hire a support staff to handle to provide the most for their clients," says Johnson.

When the center first opened its doors, it was staffed only by the two co-founding attorneys. They were uncertain about whether the center would be successful. Johnson remembers how things took off faster than they had expected.

"We couldn't pay the bills, but as soon as we opened our doors the phones started ringing," she says. "We knew we couldn't stop what we were doing."

When the center began, its goal was to operate without governmental funding and to provide representation for low-income Tennesseans in a way that federally funded legal aid programs were unable to do.

The formula has worked. Bonnyman notes that the state of has recognized that "as a result of just a couple of TJC cases, \$3 billion more in services have been rendered to Tennesseans in need."

FOR THE PEOPLE

Johnson says that much of the success of TJC come from the great respect Bonnyman has earned from both the people he helps and those in power.

"Gordon is greatly respected because he treats people with dignity and respect," she says.

One of those people is Tod Newberry, whom Bonnyman greatly impacted during the late 1990s. Newberry



Over the years, Gordon Bonnyman has helped countless clients and received many awards for his service to the community and state.

is wheelchair-bound due to adult spinal muscular atrophy. While going to school at Middle Tennessee State University, he received a brochure from Blue Cross Blue Shield notifying him that he would no longer be eligible for in-home care. A few of Newberry's friends recommended he talk with Bonnyman.

The attorney filed a lawsuit against Blue Cross, Blue Shield on the grounds that Newberry was improperly notified of the changes to his coverage. Ultimately, Bonnyman was able to get coverage reinstated for Newman and others across the state.

"Gordon helped me do what I



At right: Michele Johnson with Gordon Bonnyman

Lower right: Bonnyman (far right) with members of the Tennessee Justice Center.

couldn't do on my own," Newman says. "He stood up for me and stood toe-to-toe with Blue Cross Blue Shield. He is a fantastic man."

Marvin Berry was in a similar situation to Newberry. Berry suffered an injury that left him paralyzed. His family cared for him until he went to vocational school. While at school, he received in-home care provided by the school, but once he left school he was told the state would no longer provide the same care, and his family was unable to provide for him. He read in the paper about a meeting with individuals in similar situations. In hopes of finding help, he attended the meeting, where he met Bonnyman.

TJC later filed a class action suit on behalf of individuals like Berry and helped get them the care they need. Berry, who is still in contact with Bonnyman, says that the man who changed his life always sees him as a person rather than someone with a disability.

"Whenever I see Gordon, he kneels down beside me, so we can see eye-to-eye and talks with me. He is a very warm and caring person," says Berry.

THE FUTURE

Bonnyman is scheduled to step down as executive director of TJC at the end of 2013. He insists he is not retiring, however. He simply plans to step out of a management position to work more closely with his clients.

There is much work to be done. Bonnyman feels that with the implementation of the Affordable Care Act, "there is an enormous potential for systematic errors."

The law changes eligibility for most people enrolled in TennCare and also will affect the Cover Kids programs. Additionally, the state has not yet elected to expand the Medicare program. An expansion, encouraged by the Affordable Care Act with, in essence, a subsidy that would pay to expand Medicare to more people in each state, has yet to be approved in Tennessee. Legislators are split on whether an expansion would help more underserved or create an undue financial burden on the state after the federal subsidy runs out.

Bonnyman is very concerned about people that have coverage now who might have their coverage affected by the new law.

"The focus needs to be on weathering the storm that is about to occur and protecting those that we traditionally serve," he says.



DECADES OF IMPACT

To learn more about the Tennessee Justice Center and those it serves, visit tnjustice.org.

The Tennessee Justice Center, with Gordon Bonnyman at the helm, has impacted the lives of many people, but some of its most substantial impacts have been with:

- Families First
- The national food stamps program (SNAP)
- Medicare
- Quality enforcement in nursing homes and
- Alternatives to nursing homes, such as in-home care



Volunteer Traditions

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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 company box on the checkout page, and 30 percent 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.



CLASS NOTES

The University of Tennessee College of Law will now publish Class Notes both online and biannually in *Tennessee Law* magazine. The following notes reflect submissions for all of the current year. Future printings will reflect only those notes submitted since the previous issue of *Tennessee Law* magazine.

To submit a Class Note, please visit law.utk.edu/alumni/reconnect/alumni-information-update-form.

High resolution photographs of the alumnus featured also are accepted. Please note that low quality photographs may be published online but not in print.

To read the most up-to-date list of Class Notes, please visit law.utk.edu/alumni/reconnect/class-notes.

CLASS OF 2013

Andrew M. Hodgson joins Husch Blackwell's Corporate group. He received his JD, cum laude, with a concentration in business transactions.

Mark T. Jobe has joined Glankler Brown, PLLC as an associate in Memphis. At UT Law, he completed the concentration in Business Transactions and served as the senior commentaries editor for *Transactions: The Tennessee Journal of Business Law*.

CLASS OF 2012

Brittany Lace Thomas has joined Chattanooga law firm, Grant, Konvalinka & Harrison, PC. She is an associate with plans to concentrate in litigation, dispute resolution, and immigration law. At UT Law, Thomas participated in the advocacy and dispute resolution concentration and served as a director of UT Pro Bono.

Jamie Leigh Morton has joined the Chattanooga office of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC. She is an associate in the Advocacy department, where she works on a wide variety of business-related litigation matters. At UT Law, she was editor-in-chief of the *Tennessee Law Review* and editor of *Transactions: Tennessee Journal of Business Law*.

CLASS OF 2011

George Green recently joined Carlock, Copeland & Stair in the general liability, employment litigation and insurance coverage, and bad faith practice groups. His practice focuses on premises liability, products liability, sexual harassment, discrimination, retaliation, and wrongful discharge.

Morgan L. Manning has joined Spotts Fain law firm in Richmond, VA as an associate. Morgan received her BA in history from the University of Virginia in 2007. She received her JD at UT Law and was admitted to practice in Virginia in 2010.

CLASS OF 2009

Jatrean Sanders was named to the Lawyers of Color Hot List. She is an associate at Leitner, Williams, Dooley, and Napolitan, PLLC, where she primarily focuses on general civil litigation and workers' compensation matters. Sanders is licensed to practice law in Tennessee and Georgia and represents clients in both geographic locations. She is the assistant secretary for the Gate City Bar Association and is a recent graduate of the 2013 Class of the State Bar of Georgia Young Lawyers Division Leadership Academy. She is also a member of the Atlanta Bar Association Law School Outreach Committee, Georgia Association of Black Women Attorneys, and the DRI Women in the Law Committee. Sanders also serves as a mentor in the Spelman College Alumnae-Student Mentoring Program.

CLASS OF 2006

Matthew Lindsay has joined the law firm Jones Swanson Huddell & Garrison LLC as of Counsel and will practice in the firm's commercial litigation practice group. Prior to joining Jones Swanson, Lindsay worked for the city of New Orleans as deputy chief of Litigation, where, among other responsibilities, he served as lead attorney on all First Amendment issues asserted against the city and its public officials. During his tenure there, Lindsay litigated a variety of cases, including lawsuits relating to civil rights violations, mass torts, and environmental justice lawsuits.

CLASS OF 2005

Betty Thurber Rhoades has been selected as the chief of Specially Adapted Housing within the Department of Veterans Affairs in Washington, DC. As chief, she has direct responsibility for the planning, organization, oversight, and execution of all aspects of the Specially Adapted Housing grant program on a nationwide basis, including policies and procedures, methodologies, training resources, and costs.

CLASS OF 2004

April Sawhill has been recognized by *Michigan Lawyers Weekly* as one of their 2013 Women in the Law. The honor is awarded to those who exhibit excellence in the practice of law, are inspiring and accomplished leaders in the profession, serve as a mentor to other women, and contribute significant time and effort to volunteerism or pro bono work.

CLASS OF 2003

Erica Vick, a Bass, Berry & Sims attorney in Nashville, was recently promoted to senior public policy advisor. In her new role, Vick will co-lead the Tennessee State Public Policy section of the firm's Government Advocacy Group.

Courtney Schuyler Vest has joined McNabb, Bragorgos, & Burgess, PLLC.

Jonathan D. Edwards has joined the Atlanta office of Miller & Maretin PLLC as an associate in the Corporate department. Edwards came to Miller & Martin from Deloitte Tax LLP where he was a senior consultant in Real Estate Services. Edwards practices in the areas of corporate and securities; tax; and mergers, acquisitions, and joint ventures.

Matt Thomson has been appointed counsel at the law firm of Hogan Lovells US LLP in Washington, DC. Thompson practices in the areas of capital markets, mergers and acquisitions, and corporate finance.

CLASS OF 2002

Stephen Ross Johnson was sworn in as a member of the board of directors of the National Association of Criminal Defense Lawyers (NACDL) at the association's fifty-sixth annual meeting in San Francisco. Johnson has been a dedicated member of NACDL for many years and has served as a member of NACDL's White Collar Crime and Federal Sentencing committees. Johnson has also participated in the researching and drafting of amicus briefs on behalf of NACDL.

Amy (Jones) Urban joined AIG as Workers' Compensation Claims Counsel in November 2012. She was formerly a partner at Carlock, Copeland and Stair, LLP in Atlanta, where she practiced workers' compensation defense. In her new role, Urban is providing workers' compensation claims counsel advice for several jurisdictions including Georgia, Mississippi, Alabama, and Illinois.

CLASS OF 2000

Russell Jones has joined Kilpatrick Townsend & Stockton as a partner. He will be part of the firm's Labor and Employment Team in Atlanta.

John R. LeBar has earned a master of laws (LLM) from the University of Miami School of Law in real property and development. A paper authored by LeBar has been included (with minor edits) as Section 12.07, "Issues in the LEED Appeal Process" of the treatise, *Green Buildings: Law, Contract and Regulation*, authored by Peter S. Britell and published by the *Law Journal Press*.

Brad Lampley, an attorney at Adams and Reese, has been appointed by Governor Bill Haslam to the University of Tennessee Board of Trustees, overseeing the educational and operational activities of the statewide university system. Lampley will serve the appointment through May 2018.

CLASS OF 1999

Jason Havens was recently elected secretary/treasurer of the Estate Law Specialist Board, Inc., which administers the Estate Planning Law Specialist certification program accredited by the American Bar Association. Havens is the founding co-member of Havens & Miller, P.L.L.C., in Destin, Florida. He is board certified in wills, trusts, and estates law by the Florida Bar and as an estate planning law specialist by the Tennessee Commission on Continuing Legal Education and Specialization.

Heather White has been named executive director of Environmental Working Group, the Washington, DC-based nonprofit consumer advocacy and research organization. White, who has been the organization's chief of staff and general counsel since 2009, will be responsible for all aspects of EWG operations, including managing its forty-seven employees and \$6.7 million budget; overseeing its research, advocacy, and policy initiatives; and fundraising, development, and engagement with its more than 1.3 million online supporters.

CLASS OF 1998

R. Scott McCullough is now a member of McNabb, Bragorgos, & Burgess, PPLC. McNabb, The firm focuses primarily on civil matters in state and federal courts in Tennessee, Mississippi, and Arkansas.

CLASS OF 1996

Trace Blankenship has been elected by the Nashville Bar Association as treasurer and ex-officio director after serving a year as treasurer-elect of the association in 2012. He is an attorney with Bone McAllester Norton PLLC.

Jennifer Keller, chair of Baker Donelson's nationally recognized Labor and Employment department, has been elected as a member to Baker Donelson's Board of Directors for a three-year term by the firm's shareholders.

CLASS OF 1994

Karen G. Crutchfield was selected to participate in the Nuclear Energy Agency-Organisation of Economic Cooperation and Development's Advanced Nuclear Law program that was held in Paris, France, in October 2013.

Scott Mayer has recently been promoted to the position of legal director for SMS Holdings, a Nashville-based nationwide services company with more than 14,000 employees. Previously, he managed employee relations and labor/employment matters for the company.

CLASS OF 1993

Paula R. Henderson, of the Law Offices of James A.H. Bell, P.C., in Knoxville, was elected to an affiliate representative seat on the Board of Directors of the National Association of Criminal Defense Lawyers (NACDL) at the association's annual meeting in San Francisco.

CLASS OF 1991

Chattanooga attorney **David Higney** again is listed as one of the leading environmental law counselors by *The International Who's Who of Environmental Lawyers 2012*. Licensed in both Tennessee and Georgia, Higney focuses his practice on litigation and environmental law with Grant Konvalinka & Harrison, P.C. He was the only attorney who was not located in Nashville, and one of only four environmental attorneys in Tennessee to be honored, and again in 2012, of the four Tennessee lawyers selected Higney is the only Tennessee environmental attorney selected outside of Nashville.

CLASS OF 1989

Andy Tillman has been appointed chancellor for Tennessee's 8th Judicial District.

CLASS OF 1986

Robert D. Meyers, Glankler Brown attorney, was named Lawyer of the Year by his peers in his respective practice area of Labor & Employment Litigation, Municipal Litigation. Meyers has joined Glankler Brown, as a member. He is certified as a civil trial specialist by the Tennessee Commission on Continuing Legal Education and Specialization and the National Board of Trial Advocacy.

CLASS OF 1985

Patricia Head Moskal has been named by Benchmark Litigation among the Top 250 Women in Litigation in America and as a Litigation Star in Tennessee. She also has been selected as a Fellow of the Litigation Counsel of America. Moskal is a partner with the law firm of Bradley Arant Boult Cummings LLP in Nashville.

CLASS OF 1980

George T. "Buck" Lewis of the law firm Baker Donelson received a 2013 Presidential Citation from the American Bar Association.

CLASS OF 1975

Don Donati of Donati Law has been named a recipient of the Tennessee Human Rights Commission's fiftieth anniversary Human Rights Advocate honor. It is given to individuals who have made a significant impact in their local communities and across the state in advancing human rights.

CLASS OF 1973

George Oliver was one of twenty Smith Moore Leatherwood attorneys to earn recognition in the *2013 Chambers USA Guide* by Chambers and Partners, publisher of the world's leading guides to the legal profession. He was recently named by *North Carolina Super Lawyers* magazine as a top attorney in 2013 for his work in employment and labor law. Less than five percent of attorneys in the state are selected to the exclusive list of *Super Lawyers*.

UT LAW WELCOMES THE CLASS OF 2016

The Class of 2016, which included 158 students, attended orientation on Monday, August 19.

First-year students spent most of their first week in orientation and the introductory period.

The week's activities featured a keynote address by George T. Lewis (**LAW '80**), shareholder and chair of the Appellate Practice Litigation Group of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Memphis, Tennessee. Other activities included a panel discussion with recent graduates, who shared suggestions for maximizing the law school experience; lunch with student advisors; a visit to Federal Court; and a faculty-hosted dinner for

the entering class. Introductory period classes were held Tuesday through Thursday, and first-year classes began on Thursday afternoon.

The class of 2016 hails from sixteen states (California, Colorado, Georgia, Florida, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, Utah, West Virginia, and Virginia) and one foreign country (Zambia).

For more information on the class, and to check out a video of orientation day, visit law.utk.edu/richmedia/welcome-class-of-2016.





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