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Tennessee Law Between the Lines

The Semi-Annual Online Companion to the Tennessee Law Magazine

Instapundit Predicts for the New Year

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Law and the Workplace

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Outside the Law

Humor? Pathos? Even a bit of bathos. Who would have guessed lawyers could be so entertaining? Our e-news version of class notes brings you the latest news about alumni who have ventured successfully into the literary realm. Let us know what you've been up to outside the law! [Read More](#)



CLINICAL PROGRAMS RANKED 5TH

The spring issue of *Tennessee Law* takes an in-depth look at our highly ranked clinical programs. Watch for it in May.

LAW APPLICATIONS UP

As of February 1, applications for admission are up over 25 percent compared to the same time last year.

FIND US ON FACEBOOK

UT Law alumni now have their own Facebook page. Stay connected with events, faculty, and other alums at facebook.com/UTLawAlumni.

CLASS OF 1999 REUNION

Were you there? More than 40 members of the class were. [Click here](#) for story and photos.

COMING EVENTS

[Click here](#) to see upcoming events at the College of Law.

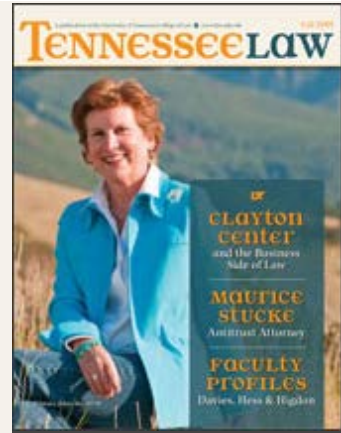
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Another "Lion" to Speak at Orr Distinguished Lecture on April 5

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Instapundit Predicts

We asked Glenn Reynolds, blogger extraordinaire, what topics, personalities and issues are going to be hot in 2010?

The never-shy, rarely reticent UT law professor is an expert on the Second Amendment, space law, nanotechnology law, blogs, social media, and the Internet. The Beauchamp Brogan Distinguished Professor of Law, Reynolds also blogs as the "Instapundit," one of the most widely read political blogs in the world. He describes himself as a libertarian. Reynolds has written for a variety of publications, including *Popular Mechanics*, *Forbes*, *The Atlantic*, the *New York Times*, the *Washington Post*, and the *Wall Street Journal*. He has authored several books, including *An Army of Davids: How Markets and Technology Empower Ordinary People to Beat Big Media, Big Government, and Other Goliaths*, published in 2006.



Here are Reynolds' predictions for 2010.

Politics



The biggest issues—and biggest influences on elections—are likely to be the national budget and the deficit.

"We've seen pretty much an unprecedented level of public concern," Reynolds said, adding that the last time these issues were so intense on the public's radar screen was in the early 1990s with the Ross Perot movement. . . I think that's certainly going to be the story between now and the 2010 elections," he said.

Personalities



"It's going to be another year of Sarah Palin," Reynolds said. "Love her or hate her, she's going to be huge."

But Reynolds doesn't expect Palin to make a run for the presidency. "She'd rather be a power than a candidate," he said. "I actually think that shows good judgment."

Rather, Reynolds suspects Palin may have her own TV show by year's end. "I think she's likely to be the red state Oprah," he said.

Obama: "His story in the coming year is going to be one of disappointment," Reynolds said, noting that his policies and his popularity already have taken hits in the polls. "Part of that is because of inflated expectations. You blow somebody up bigger than life, and it's a disappointment when they turn out human and flawed."

Economy

The trend of personal frugality will continue, Reynolds said. "And



people are going to start asking if we're frugal at home, if we can make hard choices, why can't government?"

Scandals



These are nearly impossible to predict, Reynolds said, because "the trouble with scandals is that you don't see them until they appear." His "safe bet" speculation is that someone in Obama's cabinet will be forced to step down in the next year. "That happens with pretty much every administration."

Entertainment



"We're going to continue to see more fragmentation, more do-it-yourself entertainment," such as watching videos on YouTube and Facebook, while the popularity of network TV will continue to decline," Reynolds said. "I think reality TV will peak, but it will be kept alive because it is cheap to produce."

Social Media



"We'll see the beginning of whatever the next Facebook is," he said.

Traditional Media



"The newspaper industry seems to be in freefall, and there doesn't seem to be any saving it," he said, predicting that at least one major newspaper or magazine will fail in 2010.

Republicans



"They have a lot of great advantages right now, which stem from the Democrats being in power," he said. "But they don't have any obvious charismatic leaders in Congress and, other than Sarah Palin, they really don't have charismatic leaders outside. Even if they win back control of the House or Senate, they don't have someone who can lead the cavalry like Newt Gingrich did."

Democrats



"Their problem is they are yoked to Obama, and his appeal was that of being the first black president," Reynolds said. With that historic moment over, some voters might not be as motivated to go to the polls now. "We're already seeing that," he said. And just like Republicans, the Democrats don't really have a rising star on the horizon.

"(Speaker of the House) Nancy Pelosi and (Senate Majority Leader) Harry Reid are charisma-challenged," he quipped. "Politics-wise, on both sides of the fence, talent is pretty thin on the ground."

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Law and the Workplace

The UT College of Law is fortunate to have two faculty members teaching, writing, and presenting nationally in the area of labor and employment law. Meet Jeff Hirsch (right) and Alex Long.



Jeff Hirsch joined the faculty in 2004 after four years as a trial attorney with the Appellate Court Branch of the National Labor Relations Board in Washington, D.C. There he briefed and argued cases in the U.S. Courts of Appeals and handled all aspects of appellate litigation, including substantive motions and mediation efforts.

Alex Long joined the law faculty in 2007 after teaching at West Virginia University and Oklahoma City University. Prior to entering academia, he was an associate in the Clarksburg, West Virginia, office of Steptoe & Johnson.

Long teaches and writes in the areas of employment law, disability law, torts, and professional responsibility. His scholarship in these areas has been published in numerous journals, including the *Minnesota Law Review*, *Washington Law Review*, *Washington & Lee Law Review*, and the *Georgetown Journal of Legal Ethics*, as well as the online version of Northwestern University's journal.


Both have taken their scholarship beyond the UT College of Law to numerous academic colloquia and symposia. Most recently, they were both presenters at the Seton Hall Labor and Employment Law Colloquium in October 2009

"We are a small faculty, and we rarely have two people who work in such similar scholarly fields," said Greg Stein, UT's associate dean for faculty development. "But the great work that Professors Hirsch and Long are doing in overlapping areas of interest is helping them develop national reputations for themselves and for the UT College of Law.

Hirsch, who received a J.D. from New York University in 1998, became interested in labor law while pursuing a Master of Public Policy degree at the College of William & Mary. "My father is a labor economist," he said, "and I vowed never to do anything related to what he did. But after taking a law school course while in graduate school, I became interested in employment discrimination."

Hirsch writes and teaches and also speaks frequently on various aspects of labor and employment law. While he does some discrimination work, his primary interest is traditional labor law, specifically how employees collectively act to improve conditions at work, particularly in a global economy. He also writes in the areas of workplace communications and the relationship between federal and state workplace regulations.

"There is a lot of overlap," he said. "Almost every state has its own laws. Sometimes federal and state laws are consistent, sometimes they are not. There is a lot of confusion." Hirsch's scholarship has been published in numerous law journals, including those at Boston College, Florida State, Fordham, George Washington, and



Maryland, and his essays have been published in the online journals at Pennsylvania, Virginia and Yale. He also is the co-author of a book on employment law and a contributing editor for the Workplace Prof Blog, one of the most visited legal blogs on the web.

Long's primary interest is employment discrimination law, specifically the Americans With Disabilities Act, common law regulations in the workplace, invasion of privacy, wrongful discharge, tort claims in the workplace, and disability law

"I took a course in employment law my second year of law school and was fascinated by it," said Long, a 1998 graduate of the William & Mary School of Law. "After law school I practiced in the labor and employment area, so when I got into teaching this was the area I wished to crack."

Long is enjoying the collaboration with Hirsch. "When I came here I think some professors in Jeff's position would have said, 'We already have someone teaching in the employment area. This guy will be stepping on my turf.' But to Jeff's credit, he's been nothing but supportive. He sees the benefits to the students of having more than one person teaching in this area. It has been beneficial for everyone involved."

Each enjoys collaborating with the other. "It is nice to have some one to talk to and have a lively discussion with," Long said. "Jeff and I are usually on the same wave length, but it is good to have someone to bounce things off of."

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Ramping Up

The Access to Justice and student mentoring programs get a coordinator. Alum Brittany Gardner '09 takes on the challenges of leadership.

Recent College of Law graduate Brittany Gardner '09 has returned to her alma mater to make an outstanding outreach program even better and also to help implement a new student mentoring program.

Gardner, who has worked since graduation as a student recruiter for the college's Admissions Office, became coordinator of the Access to Justice and Mentor Programs in November. In her new role, she will provide staff direction for the college's student pro bono and public interest programs, as well as coordinate a new mentoring program for law students slated for likely implementation in the fall of 2011.



"We have had a great pro bono program for years," said Dean Doug Blaze, "but it will be strengthened by having staff coordinator support. Having Brittany to provide guidance and stability to the program will allow students to do what they really want to do, which is to get out there and help people."

Professor Jerry Black, chair of the UT Pro Bono Committee, enthusiastically welcomes Gardner to UT's pro bono programs. "Our legal system depends on people having access to counsel to advise them of their respective rights and obligations," Black said. "Our students in the pro bono program seek to fill in some of the gaps that exist when people cannot afford counsel or obtain representation from legal aid programs."


Gardner will be an invaluable addition to the college's staff, Black said. "She is an enthusiastic graduate of our law school who is committed to furthering opportunities for our students to reach out and help those in need of legal services."

The mentoring program will evolve over the next year and a half, Dean Blaze said. "Brittany will be the key in helping to connect alumni in practice with students," he added.

"I wish there had been a mentoring program like this one in place when I was a student," Gardner said. "That's why I'm excited about helping to start a program here."

As a law student Gardner was involved with UT Pro Bono programs such as Volunteer Income Tax Assistance (VITA) and Saturday Bar and also worked with Legal Clinic director Ben Barton on several overlapping projects. "Pro Bono is an excellent leadership opportunity for students," she said. "Students have a lot of energy and a coordinator can help direct that energy. I think this is one of the dean's passions given his background as a former director of UT's clinical programs."

Gardner's responsibilities will include recruitment and supervision of student volunteers and recruitment and orientation of attorney volunteers, the latter also



including bar associations and legal services programs. She will also work with the college's Admissions and Career Services offices and faculty in designing and implementing outreach programs, including the Tennessee Bar Association and Tennessee Supreme Court Access to Justice Programs.

Gardner majored in English as an undergraduate at the University of Richmond, Va., receiving a B.A. degree in 2006. While a UT law student, she was an articles editor for the *Tennessee Law Review*, a research assistant for clinic director Ben Barton, and an intern with the Tennessee Supreme Court. She was also a member of the Hamilton Burnett Chapter of the American Inns of Court, Student Bar Association, Phi Alpha Delta Law Fraternity, and the Black Law Students' Association. Over the course of her scholastic career, she has worked during the summers and holidays for law firms and legal aid agencies in Knoxville and her hometown of Chattanooga.

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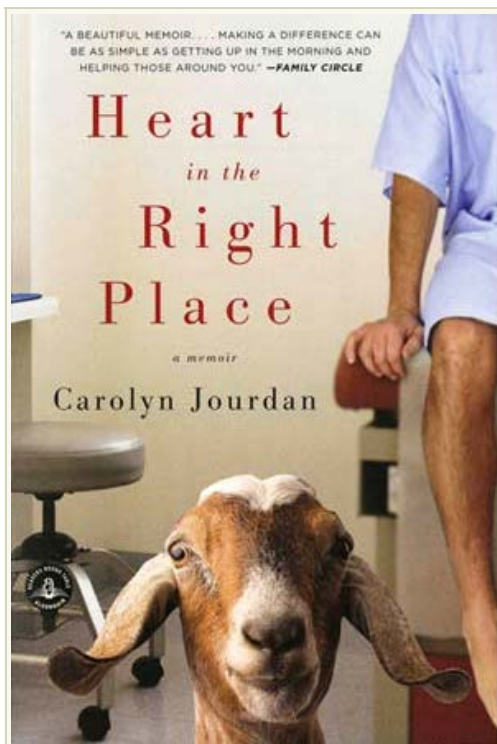
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Outside the Law

Heart in the Right Place

Humor? Pathos? Even a bit of bathos. Who would have guessed lawyers could be so entertaining? Our e-news version of class notes brings you the latest news about alumni who have ventured successfully into the literary realm. Let us know what you've been up to outside the law!

What does a kid who spent her first allowance on a Bill Cosby recording grow up to be? A lawyer. This is not the beginning of a bad lawyer joke, but the start of a journey that takes one woman to the U.S. Senate and then brings her back home again to work as the world's worst medical receptionist.



After graduating from the UT College of Law, **Carolyn Jourdan '81** clerked at the U.S. District Court for the Southern District of Florida, then served as a Special Assistant U.S. Attorney for the District of Columbia. She later moved to Capitol Hill, first as counsel to the Senate Committee on Governmental Affairs and later to the Committee on Environment and Public Works. She enjoyed her prestigious job and glamorous lifestyle.

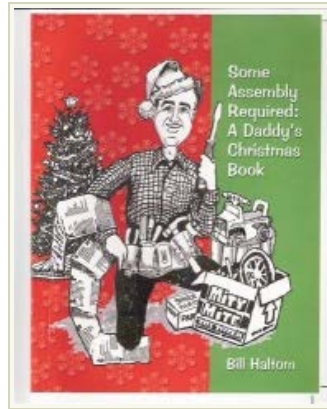
That was until the day her daddy called to say her momma had suffered a heart attack. Carolyn rushed back to Knoxville to be with her family whereupon her mother begged her from a gurney in the Emergency Room to fill in for just a couple of days as the receptionist at her father's rural medical office.

Those two days turned into four years and Carolyn never did get back to Washington, D.C. She says, "What I learned during my climb down the ladder of success is that the service the world is calling us to do may have no relationship to our fancy educations or even to our talents or interests. If we pay attention to the people in our own family and neighborhood, we'll notice that the most helpful thing we can do for others is not part of some grand spectacle requiring massive expertise but is a very humble task, performed in obscurity, and probably not done particularly well. Soon after becoming a receptionist, I realized I was doing more meaningful public service by swabbing up stray body fluids from the working poor than I ever did writing legislation in Washington."

Carolyn wrote about her experience to pay homage to east Knox County culture as well as explain her perspective on the healthcare system. Her memoir, *Heart in the Right Place*, has won widespread acclaim. Various groups have named it a Best Book of the Year, a Best Book Club Book of the Year, and a Number 1 Non-Fiction Pick of

the Year. It was listed in the Top 5 Most Fun Books (Ever) and on a roster of Great Books about Extraordinary People 2010 (alongside *The Pianist* and *The Soloist*). It was chosen as the first ever book-of-the-month by *Family Circle* magazine and won a readers prize from *Elle* magazine. To learn more about Carolyn, visit www.carolynjordan.com.

Some Assembly Required: A Daddy's Christmas Book



“Legal humor is an oxymoron like jumbo shrimp,” according to **Bill Haltom '78**, a father, husband, lawyer, and award-winning writer. Verging on the prolific, Haltom published his fourth book in December. He has been a newspaper and magazine humor columnist for over 20 years and has served as chair of the editorial boards for four magazines, including the *ABA Journal*. Also a popular speaker on the rubber chicken circuit, Bill has been the featured speaker at conventions, banquets, leadership seminars and commencements.

Bill's latest work, *Some Assembly Required: A Daddy's Christmas Book*, combines a nostalgic as well as humorous tour of Christmases past with exposition on current Yuletide traditions. This collection of new and previously published articles on holiday topics will remind you that the holiday season is all about friends, family, faith and fellowship.

Bill lives in Memphis with his wife (Judge Claudia), his daughter (Princess Margaret) and his two beagles (Atticus and Scout). He continues to practice law as a partner with the firm of Thomason Hendrix Harvey Johnson & Mitchell. For more information about Bill go to www.billhaltom.com.

With subjects ranging from the lawyer who weekly lost cases to Perry Mason for ten consecutive years to a nostalgic tribute to old-fashioned dads, Bill's other books are also forays into the humorous, legal and otherwise. You can find out more about his other books—*No Controlling Legal Authority: Essays on the Insignificant Legal Issues of Our Times*, *In Search of Hamilton Burger: The Trials and Tribulations of a Southern Lawyer*, and *Daddies: An Endangered Species*—on his [website](http://www.billhaltom.com).

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Another "Lion" will speak at Orr Distinguished Lecture on April 5

Lawyer Fred Bartlit Jr. had to slip away from his daughter's wedding reception and fly to Tallahassee on the day in 2000 that former secretary of state James Baker called him to represent George W. Bush against Al Gore in the Florida election dispute.



And the rest is history.

It was just one of the many high-profile battles the 77-year-old lawyer has taken on during his 45-plus years as a trial lawyer.

Bartlit—named by the *ABA Journal* as one of the "Seven Over 70 Lions of the Trial Bar"—will speak at the University of Tennessee, Knoxville, College of Law on April 5. Free and open to the public, his lecture begins at noon in Room 132.

The speech is part of the Orr Distinguished Lecture Series, made possible by the support of E. Wycliffe Orr Sr. and Lyn H. Orr of Gainesville, Ga. Mr. Orr, a 1970 graduate of the UT College of Law, is a founding partner of Orr Brown Johnson LLP in Gainesville.

Bartlit, a founding partner of Bartlit, Beck, Herman, Palenchar & Scott, with offices in Chicago and Denver, has been involved in more than 50 major trials since 1970. He's got a resume full of big wins in a wide variety of cases, including fraud, antitrust, product liability and intellectual property:


- 1976—Successfully defended General Motors in a \$2 billion price-fixing antitrust case in Connecticut.
- 1981—Successfully defended, at trial and on appeal, Monsanto in a suit alleging price fixing on artificial turf products.
- 1996—Successfully defended United Technologies in a suit alleging the company monopolized the sale of jet engine parts.
- 2002—Successfully defended, in two trials and two appeals, Bayer's patent on the antibiotic drug, Cipro.
- 2004—Successfully defended investment fund Forstmass Little & Co. from \$1 billion in claims by the state of Connecticut.

Bartlit told the *ABA Journal* that he decided to become a trial lawyer in 1963 when, feeling overshadowed by super-achieving colleagues in his first job, he got some sage advice from his father. His dad told him to try to set himself apart from others by finding something that he could do that no one else wanted to do.

"Sure all lawyers say they wanted to try cases," he told the *Journal*. "But I realized that, when push came to shove, not one of them really wanted to actually go to court and try cases to a jury."

Having used his father's advice to get himself started, Bartlit now tenders some wisdom of his own to up-and-coming lawyers.

"I tell our young lawyers the one thing we know jurors do is evaluate everyone in court, and they don't trust phonies," he told the *Journal*. "So always be yourself. If you can't figure out how you should act, I always say you should act like John



Wayne. John Wayne wouldn't whine to the judge with objections. He wouldn't be arrogant. John Wayne was strong but quiet. He was a leader who focused on getting the job done."

Bartlit's trial techniques have been described in several books about the nation's top litigators, including *The Trial Lawyers*, published in 1988 by St. Martin's Press and *America's Top Trial Lawyers—Who They Are & Why They Win*, published in 1994 by Prentice Hall. In 1997, *The National Law Journal* listed him in "The 100 Most Influential Lawyers," and described him as "one of the most successful corporate defense litigators ever, with a long history of big wins." And, in September 2009, *The National Law Journal* included Bartlit in its "Winning Hall of Fame," for his significant bench or jury trial verdicts and his record of success over many years.

Bartlit was born in Harvey, Ill. He earned his bachelor's degree in engineering from the U.S. Military Academy at West Point and went to law school at the University of Illinois. He graduated first in his class with the top academic record in the history of the U of I's College of Law