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### Taylor Times (April 1993)

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4-1993

## Taylor Times (April 1993)

University of Tennessee College of Law

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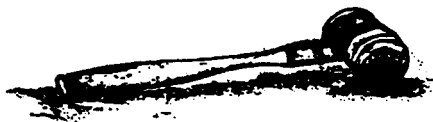
University of Tennessee College of Law, "Taylor Times (April 1993)" (1993). *Taylor Times (1986 - 1994)*.  
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# Taylor Times

A PUBLICATION OF THE GEORGE C. TAYLOR LAW CENTER AT THE UNIVERSITY OF TENNESSEE

APRIL 1993



## UT Law Evidence Moot Court Team Places First in the Nation

The 1993 Jerome Prince Evidence Moot Court Team from the University of Tennessee College of Law finished first in a three-day national appellate moot court competition. The Eighth Annual Dean Jerome Prince Memorial Evidence Competition was held at Brooklyn Law School in New York City on March 11-13. The Tennessee team was comprised of Jason P. Hood, a second-year law student from Memphis; Jane M. Stahl, a second-year law student from Chattanooga; and Joe H. Thompson, a third-year law student from Gallatin.

The Tennessee team won all six of its rounds and was the only undefeated team in the 32-team competition. UT beat teams from Pace Law School, the University of Pennsylvania, Bridgeport Law School, Florida State University, and Chicago-Kent Law School. They beat the host team, Brooklyn Law School, in the finals.

Joe Thompson was selected Best Oralist in the Final Round. Jason Hood was selected Second Best Oralist in the Preliminary Rounds. Professor of Law Neil P. Cohen served as the team's advisor. Teams from Tennessee finished third in this competition in both 1991 and 1992.

This year's fictitious case involved two issues. They were: (1) Whether a rape complainant's rental of pornographic movies for in-home viewing or her written

diary entries concerning sexually explicit fantasies constitute inadmissible evidence of past sexual behavior within the meaning of Fed. R. Evid. 412, and if so, whether the Constitution nonetheless requires such evidence to be admitted. (2) Whether a privilege exists pursuant to Fed. R. Evid. 501 for communications between a patient and a psychotherapist acting as a rape crisis counselor.

Jason graduated from Rhodes College in Memphis. While at the College of Law, he has served on the Dean's Advisory Council and the Moot Court Board. Jason was Student Bar Association (SBA) treasurer and Tennessee Association of Public Interest Law treasurer this year. He will serve as SBA president next year. His expected graduation date is May 1994.

Jane graduated from UT-Chattanooga with a degree in political science. While at the College of Law, she has served on the Moot Court Board and was vice-president of the NACDL/TACDL. Her expected graduation date is May 1994.

Joe graduated with a degree in history from Harvard University. While at the College of Law, he has served on the Moot Court Board and has been a member of the Evidence Moot Court team for two years. His expected graduation date is May 1993.



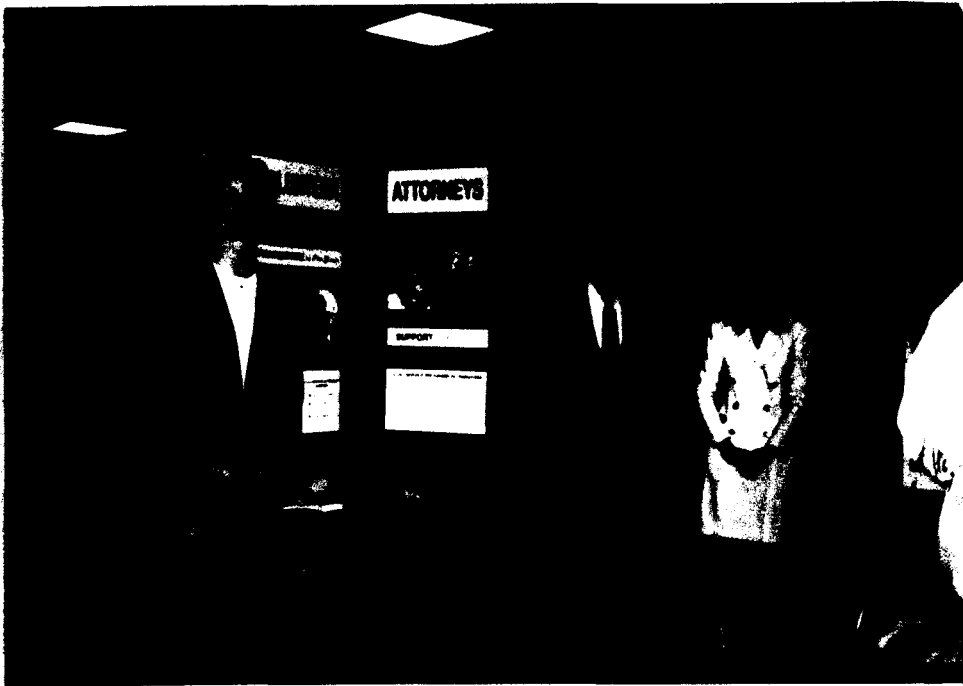
*After the 1993 Miller Lecture in Professional Responsibility on March 12, Dean Dick Wirtz unveiled a portrait of Legal Clinic founder Charles H. Miller. The portrait will hang in the lobby of the Clinic. From left, the year's speaker Professor Gerald P. Lopez, Dean Wirtz, and Mr. Miller.*

## CLE Program Open to Law Students

Find out if you are interested in becoming a corporate attorney

Law students are cordially invited to attend sessions during the First Annual Tennessee Corporate Counsel Institute on April 15-16 at the Radisson Hotel. The program will include sessions on Employment Law, Environmental Law, Corporate Criminal Law, and Tennessee Court Highlights.

For a detailed description of the program, stop by Suite 14 and pick up a brochure from Betty Stuart. If you plan to attend any of the sessions, you must pre-register with Betty. Materials will be provided for individual sessions.



*From left: Cynthia Chapman. Jonathan Cole. and Michele Johnson*

### **GCT Selected For Pro Bono Program**

The University of Tennessee College of Law has been selected by the Tennessee Bar Association to begin a Volunteer Legal Assistance Program, designed to help under-privileged people receive legal representation. Volunteer student participants will do research and help lawyers prepare cases for clients who meet federal poverty guidelines.

A reception sponsored by the Tennessee Association of Public Interest Law was held in the White Avenue Lobby on March 2 for interested students. All law students may get involved in this program. The program is designed to "sensitize people going into public interest and broaden the awareness of public interest law," said Michele M. Johnson, president of TAPIL and a second-year law student from Nashville. So far, about 40 students have volunteered to participate in the program.

Cynthia L. Chapman, director of Knoxville's Volunteer Legal Assistance Program and a member of the Class of '90, will assist TAPIL with the program. Jonathan J. Cole, a second-year law student from Nashville, will coordinate the program at the College of Law. For further information, contact Jonathan.

**TAYLOR TRIVIA:** Which professor was a member of "Captain Curcio's Carbolic Smokeballers."

**Answer to last month's Taylor Trivia:** John Christopher Bowles, a first-year law student from Kingsport, was the 1992 Turkey Club Man of the Year. But not to live on his past laurels, he is now the First-Year Representative to the Academic Review Board.

## **Moot Court News**

### **Constitutional Law Moot Court Team Competed Favorably**

The College of Law fielded a Constitutional Law Moot Court Team this year consisting of three hard-working second-year law students. They are: Peter B. Halverstadt from Nashville, Melissa A. Johnson from Saratoga, California, and Tammi R. Simpson from Nashville. Professors Jerry Phillips and Philip Prygoski served as coaches/advisors.

The competition was held at William and Mary in Williamsburg, Virginia, on February 26-27, 1993, with 25 teams from across the county competing. Our team ranked in the top third on oral argument, and at about the middle in the brief score.

### **Labor Law Team Competes Against Tough Teams**

The 1993 Robert Wagner Labor Law Moot Court team competed at New York Law School, March 18-21. Team members Gary Ferraris, Margaret Gray and Sharon Patterson ran up against formidable opponents at the competition. "They competed admirably," said Professor Pat Hardin, the team's advisor, "but lost the first two rounds and were eliminated from the competition."

Garry is a third-year law student from Knoxville. He is a member of the SBA, has been on the Dean's List, and has received the McKnight Scholarship while at the College of Law. Margaret, a third-year law student from Terre Haute, Indiana, is a member of the SBA, Law Women, and the Christian Legal Society. She has also been on the Dean's List. Sharon, a third-year from Johnson City, is a member of the Moot Court Board and SBA. She has received several scholarships while at the College of Law and has made the Dean's List several times. Sharon and Kevin Townsel won the 1992 Advocates' Prize Competition.

**Student Stuff**

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**NOTES of Interest**

Congratulations to Amy Haddad and Elizabeth Price on publication of their Notes in the Fall 1992 issue of the *Tennessee Law Review*. Amy's note is titled, "Constitutional Law - Fourteenth Amendment Right to Equal Protection - Criminal Defendant's Racially Discriminatory Exercise of Peremptory Challenges *Georgia v. McCollum*, 112 S. Ct. 2348 (1992)." Elizabeth's note is titled, "Torts - Federal Preemption of State Common Law - Federal Cigarette Labeling and Advertising Act *Cipollone v. Liggett Group, Inc.*, 112 S. Ct. 2608 (1992)."

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**Scholarship Winner**

Suzanne Scott, a third-year law student from Chattanooga, has been awarded the Phi Delta Phi Balfour Scholarship. Suzanne ranked above more than 100 applicants nationwide to be one of only ten recipients of the scholastic achievement award. Upon graduation, she will be returning to Chattanooga as an associate with Miller and Martin. Her interests are in employment and labor law, as well as litigation.

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**Law Review News**

Michael K. Stagg has been elected Editor in Chief of the *Tennessee Law Review* for 1993-94. Other staff appointments for the 1993-94 editorial board are: Managing Editor: M. Kim Mitchell; Articles Editors: J. Chadwick Hatmaker, Edward Kershaw, and Elizabeth C. Price; Executive/Research Editors: Monica L. Allie, Sandy R. Copous, Lesa A. Fugate, Robert Manning, Jeffrey J. Miller, and Robert N. Russ; Student Materials Editors: Nicole R. Barnett, Bruce C. Bryant, David P. Canas, Amy E. Haddad, Christopher H. Leonard, Michael G. Stewart, and Mary J.

**An Open Letter to the Students at the George C. Taylor Law Center**

On Friday, March 5, the SBA held a forum on the law school building project and the school's accreditation status. For those of you who weren't there, I'd like to give you the gist of my report.

Last year, as you probably know, the legislature appropriated \$700,000 in planning funds for the College of Law building project. Architects have been hired, the site has been checked out, the studies have been done; detailed plans are in the works for construction of a first-rate, state-of-the-art law school building.

The original plan was to secure funding for the construction phase of the law school building project in the 1993 legislative session. That still may occur. However, assuming it does, the University will not be able to begin construction until the spring of 1994 at the soonest. In part for this reason, the Governor has indicated that he would prefer to fund the project in the 1994 legislative session. The effect of that will be to defer actual construction until fall of the next year.

There is, quite simply, no realistic possibility that the U.T. College of Law will lose its national accreditation over a three-to-six-month delay.

There remains the possibility that the American Bar Association might place the College on probation. If it did, UT would remain a fully accredited law school, and our graduates would have the same privileges as the graduates of every other nationally accredited law school to practice law nationwide. But our reputation would suffer.

The ABA has consistently praised our faculty, our students, and our program. Given the steady progress on the building, whether we get the construction money this year or the next, I am optimistic that the ABA will conclude that probation is unnecessary. But I am working hard -- along with many others, including the SBA Legislative Committee and many GCT students -- to make sure that the ABA is satisfied and its concerns are fully met. And we could use your help.

Yours very truly,



Richard S. Wirtz  
Dean

\*\*\*\*\*

Templeton; Staff Writers: John M. Cooper, John B. Enkema, Raymond Haynes Hixson, Jr., Paul A. Holcombe III, Myrlene R. Marsa, and Gregory L. Pehlman.

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Thanks to all the students who helped with the 1993 Tennessee Mock Trial Competition. They

include: Bailiffs: Howard Cleveland, Mark Frensley, Stuart Fields, and Charles Martin. Advisors: Christy Allen, Kevin Allen, Ken Bailey, Jeff Beemer, Kevin Benedict, Beth Boatner, Wade Boswell, Beth Edens, Melanie Flickinger, Shannon Flynn, Houston Foppiano, Paula Gentry, Michelle Greene, Mitch Harper,

### **Dean's List Fall Semester 1992**

Monica Allie  
 Jane Anderson  
 Melissa Ashburn  
 John Borden  
 Jeb Branham  
 Cynthia Britt  
 Donna Brown  
 Samuel Brown  
 Leigh Ann Buckley  
 Michael Carmody  
 Jackson Case  
 Kathleen Clark  
 Steele Clayton  
 J. Christopher Clem\*  
 Richard Combs  
 Jonathan Cooper  
 Wade Davies  
 Beverly Dean  
 Robert Durham  
 John Enkema  
 Garry Ferraris  
 Shannon Flynn  
 Charles Forlidas  
 Cynthia Foster  
 Chris Fox  
 Shannon Francis\*  
 Irma Freestate  
 Michelle Gensheimer  
 Matthew Gerdeman  
 Thelma Givens  
 Margaret Gray  
 Steven Hacker  
 Deborah Harless  
 John Harrington\*  
 Joe Harsh  
 Chad Hatmaker  
 Travis Hawkins  
 Raymond Hixson  
 Saja Hoffpauir

Amy Hollars  
 Krista Hollman  
 Jennifer Horn  
 Dennis Hughes  
 Karen Jernigan  
 M. John Johnson\*  
 Melissa Johnson  
 Jonathan Jordan  
 John Kea  
 Edward Kershaw  
 Andrea Kline  
 Matthew Kline  
 Arthur Knight  
 Annette Konikiewicz  
 Bryan Larson  
 Dianne Lashmit  
 Chris Leonard  
 Lori Lovin  
 John Macrae  
 Robert Manning  
 Myrlene Marsa  
 Scott Mayer  
 Jack Mayfield  
 Catherine McCormick  
 Mary Anne McDaniel  
 William McKenzie  
 Kristi McKinney  
 Gregory Meadows  
 Timothy Mickel  
 Jeffrey Miller  
 Kim Mitchell  
 Kimberly Moore  
 Margaret Moore  
 Angelia Morie  
 Sandra Myatt  
 James H. Nixon  
 Timothy Noonan  
 Wilfred Nwauwa  
 Greg Oakley

Stephen Page  
 Sharon Patterson  
 Gregory Phelman  
 Richard Plumley  
 Elizabeth Price  
 Rodney Quarles  
 Gary Redderson  
 Timothy Reed  
 Cynthia Richardson  
 Patrick Rogers  
 Christopher Romeo  
 Robert Russ  
 David Sanders  
 Ann Sartwell  
 Joseph Sbuttoni  
 Paul Scott  
 Amy Shehee  
 Joseph Shelton  
 Cindy Shoffner  
 William Sims  
 Eric Smith  
 Robyn Smith  
 Carl Spining  
 Anthony Steele  
 John Taylor  
 Reese Thomas  
 Suzanne Thomas  
 Susan Wagner  
 Paige Waldrop  
 Jeffrey Ward  
 George Waters  
 Mel Werner\*  
 James Williams  
 Kurt Williams  
 Kathy Yett  
 Charles Young  
 W. Scott Young

\* denotes graduate

## Faculty Facts

Fran Ansley ...

... was a contributor to *Fighting Back in Appalachia: Traditions of Resistance and Change*. She co-authored with her husband a personal memoir of the union-community takeover of the Moss Three coal preparation plant during the United Mine Workers' strike against Pittston in 1989. Jim Sessions, Fran's spouse, was an invited participant in the takeover and Fran became one of the supporters who gathered and camped outside the plant during the occupation.

Neil Cohen ...

... had his book, *Problems in Criminal Law* (co-authored with James Gobert) mentioned in a recent *Journal of Legal Education* article.

Joseph Cook ...

... signed a contract with Clark Boardman Callaghan to do a third edition of *Constitutional Rights of the Accused*.

Judy Cornett ...

... will serve as co-chair of the Knoxville Bar Association's Professionalism Committee for 1993

... will participate in two panels at the annual meeting of the American Society for Eighteenth-Century Studies from April 21-25, 1993, in Providence, Rhode Island. As a member of the Woman's Causus panel, she will give a paper entitled "The Treachery of Perception: Evidence and Inference in *Clarissa*." Judy will serve as co-respondent for a panel discussion on "Constructing and Deconstructing Jurisprudence: Unruly Narratives Meet the Rule of Law."

Larry Dessem ...

... addressed the Barristers Advocates Society last month. The group does *pro bono* work with the Knoxville Bar Association.

Bob Lloyd ...

... had an article, "The Absolute Bar Rule in UCC Foreclosure Sales: A Prescription for Waste," published in Volume 40, No. 3 of the *UCLA Law Review*.

Jerry Phillips ...

... had his article, "*Marbury v. Madison* and Section 13 of the 1789 Judiciary Act," published in the Fall 1992 issue of the *Tennessee Law Review*. ... was a panelist for 'The Revision of Section 402A of the Restatement (Second) of Torts: Occasion for Reform of Product Liability Law' at Touro College in Huntington, New York, on March 19. The panel was presented by Touro College, Jacob D. Fuchsberg Law Center, and *The Touro Law Review*.

Philip Prygoski ...

... presented a Constitutional Law Forum on "Hate Speech: From the Campus to the Courthouse," on March 18 in Knoxville. The Forum was sponsored by the Knoxville Bar Association.

Dean Rivkin ...

... was a co-presenter with Attorney Brenda McGee on a presentation entitled "Special Education, School Discipline, and the Juvenile Courts." It was part of the Juvenile Court Services Association Conference which was held last month in Gatlinburg.

John Sebert ...

... continues to work as a member of the AALS Substance Abuse Committee and was quoted as to some of the committee's recommendations in the March 22 edition of *The National Law Journal*.

Barbara Stark ...

... edited *Family Law and Gender Bias: Comparative Perspectives* which has been published by JAI

Press as the fourth volume of the *International Review of Comparative Public Policy* series. ... will give a paper at the International Society of Family Law Conference in June in Jackson Hole, Wyoming. She will also be a member on the "Theories of Family Relations" panel at the conference.

Greg Stein ...

... taught a class entitled, "The Legal/Economic System," as part of a Business School session in "Management and Economics in Emerging Democracies: Central and Eastern Europe." The class focused on the complex legal problems facing the emerging European democracies as they attempt to attract Western business investment.

**CONGRATULATIONS**  
to the  
**Homeless Persons**  
**Representation Project**  
for winning the  
**1992 Project of the Year**  
from the  
**National Association**  
of **Social Workers!**

**Student Stuff** (Continued from Page 4)

Madison Hindman, Sharon Hockman, Saja Hoffpauir, Samyah Jubran, Jenny Karam, Kevin Linsley, Teresa Marshall, Charles Martin, Christie McCallie, Kristi McKinney, Laura Metcalf, Tammy Mulling, Kelly Parkhurst, Randall Phillips, Suzanne Queen, Dallas Reynolds, Will Roberson, Trenny Rogers, Nathan Rowell, David Sanders, Lisa Sherrill, David Silvus, Karin Simons, Lane Simpson, David Skidmore, Liz Sowa, Suzanne Sweet, Jennifer Tallent, Shari Tayloe, Richard Thornburgh, George Waters, Harry Weddle, Mary Williams, and Lori Williams.

## \*\*\*\*\* VOICES FROM THE LEGAL CLINIC \*\*\*\*\*

Advocacy for the Homeless - Homeless Persons Representation Project  
by Phyliss Wimberly, Staff Attorney

Homelessness is not a temporary problem, nor one which will disappear if simply ignored. An increasing number of people are losing their homes or come into this world without a home because more and more people are joining the ranks of the very poor. As poverty grows, many more families and individuals are being pushed into homelessness by a single crisis which could have been handled in less financially tenuous times. According to the Children's Defense Fund, a baby is born into poverty every 35 seconds and 100,000 children go to sleep each night without homes. Shockingly, children make up approximately one fourth of our nation's homeless. While many factors, including low income, domestic violence, and deinstitutionalization contribute to the crisis of homelessness, a root cause is the lack of housing set at prices poor people can afford. This most basic of needs--housing--is not available to millions of citizens because of spiraling housing costs which far out pace the inflation rate, depressed wages and depressed government benefits which do not keep up with inflation. Even as poverty has grown, the total supply of low income housing decreased by approximately 2.5 million units, primarily the result of large cutbacks in federal housing programs since 1980.

With the award of the United States Department of Education Grant, the College of Law and the Legal Clinic established the Homeless Persons Representation Project and joined lawyers throughout the country in responding to the legal needs of the growing number of homeless people. After extensive networking with local shelters, public and private agencies and other organizations in the community serving the homeless, it was clear that our perspective clients had many different problems, thus necessitating different approaches to serve even their basic

needs. The exigency for an interdisciplinary approach mixing law and social work was quite evident. By blending the two disciplines we are better able to utilize existing resources, share ideas and expertise, and develop holistic plans and strategies for improving the range of services and quality of life of our clients.

The students' work takes many forms including handling housing, employment, public benefits, medical care, and education issues. All students visit the shelters to interview homeless clients and provide legal assistance on a case-by-case basis. If a homeless person needs legal representation but cannot attend an intake session at the shelter, the individual can contact the Clinic directly. In addition to their live client cases, some students provide services to organizations including the Knoxville Coalition for the Homeless, Knoxville Housing Partnership, and Job's Children. These students perform tasks which range from assisting in the formation of non-profit corporations, obtaining IRS tax exempt status, drafting position papers and participating in lobbying efforts. Other students conduct workshops providing legal information and counseling to groups of homeless individuals. There are no quick fixes. Many issues can be resolved with negotiations while others require more time and/or court appearances.

Through this project, students have the opportunity to learn and build many skills. They practice interviewing, counseling, case theory planning, case management, negotiations, advocacy and team building. Even students with practice interest in tax or corporate law learn skills which they can take forward into their careers. Students represent a wide cross section of clients, women and men, black and white, young and old. Some of the clients are

victims of disease, mental illness, or substance abuse. They are real people, either homeless or nearly homeless with an immediate need. Without legal assistance they may be forced to live in shelters, in alleys, in abandoned cars, or under bridges. Students face tremendous challenge as they attempt to provide legal assistance to many clients who feel there is nowhere else to go. For many this assistance provides their only hope.

The demographics for this population are disheartening. While the government counts approximately 350,000 homeless, the National Coalition for the Homeless puts the figure closer to 3 million with one third of this group representing parents and children. Most, however, will agree that the situation is worsening. This project will probably not change the many systems which contribute to the crisis but we hope to make a noticeable difference in the lives of clients we serve.

## STARE

*One more stare*

*A rushed commuter crisp buttoned  
down collared face;*

*Quick consuming look. swallowing  
up.*

*Judging. rushing past. gone;  
Leaving me broken further. crushed  
and hurting. degraded;*

*One more stare*

*Judgment oozes uncontained and silent  
from those eyes;*

*A feeling that one is violated. stripped.  
exposed;*

*I am angry now. fighting mad  
But broken and crushed as a tiny  
powerless child;*

*Feeling shame just from those stares*

*I blush the pain of shame  
Being caught in private thing in  
public*

*The private is just my life exposed.*

Anonymous Homeless Person