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Spring 2013

### **The Advocate Spring 2013**

University of Tennessee College of Law

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Spring 2013

# The Advocate Spring 2013

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

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The University of Tennessee College of Law's Center for Advocacy & Dispute Resolution, "The Advocate Spring 2013" (2013). *The Advocate (2006 - 2012)*.

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CENTER FOR ADVOCACY  
& DISPUTE RESOLUTION

*"Educating Today the  
Successful Lawyers  
of Tomorrow"*

# A<sup>the</sup> Advocate

## Learning by Doing Fellowship gives student real-world advocacy experience

By Francis J. Cuddihee



Aristotle once said, "that which we must learn to do, we learn by doing." For law students this can be a daunting prospect in a field where practitioners have to adhere to countless rules of conduct, carry malpractice insurance and regularly hold clients' fortunes and freedoms in their hands.

Needless to say, while the first year of law school may teach students to think like lawyers, it takes something more to prepare them for the practice of law. As I learned this past summer, there is no better preparation for the practice of law than doing it.

I was privileged to serve as a summer fellow at Harvard Legal Aid Bureau in Cambridge, Mass. The bureau, or HLAB, is a student-run legal service organization established at Harvard Law School in 1913 to provide free legal assistance to indigent clients in the Greater Boston area. Not surprisingly, HLAB boasts many notable alumni, including former Supreme Court Justice William J. Brennan, Massachusetts Governor Duval Patrick and First Lady Michelle Obama, but what made my experience there so impactful was the work, not the history.

After a brief crash course in relevant state law, the summer fellows—licensed as student attorneys—began work on their respective caseloads. My particular set of a dozen or so cases was rather diverse, ranging from child relocation to domestic violence, and from divorce to government benefits. When I put together my event calendar for the summer, I was stunned at

both the variety and number of meetings, hearings and appearances I would have to make. I was unsure how I would manage balancing the needs of each client versus the amount of work I had with the rest.

I am not afraid to admit that in the beginning I was motivated by fear, especially considering the majority of my previous clientele were fictitious parties to trial practice, moot court and mock trial cases. Yet, as I began to meet clients and read their files, I felt myself being driven by something altogether different. I began to feel a sense of purpose. I felt myself becoming an advocate.

One of my first appearances was on behalf of a single mom who was denied unemployment benefits pursuant to a termination that, we argued, was wrongful. When I first met her, I was taken with how passionate she was about her case. She knew every fact, every company policy; she was as versed in the case as either opposing counsel or myself. She told me in great detail about every workplace intimidation and accusation she suffered and how the lack of unemployment benefits had hurt her family. →



THE UNIVERSITY OF  
TENNESSEE **UT**  
KNOXVILLE

College of Law

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Two weeks later, I was in downtown Boston, arguing the case before an administrative judge and against corporate counsel. The hearing was contentious, the witnesses were hostile, but for one of the first times in my career, I felt like I belonged.

Over the next few weeks, I found myself in courthouses across the Greater Boston area, arguing motions and negotiating visitation agreements on behalf of several clients who were immigrants and victims of domestic abuse. I can remember meeting with each one. One had watched her ex-husband beat her 3-year-old son with a belt. Another had a knife held to her neck in front of her young son. All of them were scared. Without legal services they would not have known how to safeguard themselves or their children from their abusers.

About half way through the summer came one of the proudest moments of my young career. One of my clients was a father of two girls from a previous and dysfunctional marriage. During the marriage, his spouse allegedly engaged in economic and emotional abuse, often stealing money from my client and even stealing his car. In addition, he held that she developed a drug habit and began neglecting the couple's daughters. After an acrimonious divorce, but in the spirit of good faith, my client agreed to allow his ex-wife unsupervised visitation.

Sometime later, my client fell in love with and married another woman. The two adopted a baby girl and, after finding out from child services that the baby had three other siblings in the foster care system, made the decision to adopt the entire family. Unfortunately, the couple could not find a home in Greater Boston to properly accommodate their new family and began looking outside the state—eventually finding an affordable home in the southern part of the state near members of their family.

My client's ex-wife, however, would not agree to amend the visitation schedule in a way that would make the move feasible. In the meantime, my client and his new wife were forced to maintain separate homes, driving to and from each other's houses each night so that their family could spend dinner and evenings together.

The case went to trial just weeks before my client's daughters were scheduled to start school in their new community. We were required to prove that the move was both advantageous to my client and in the best interests of his daughters. After a three-hour trial, the judge made a bench ruling in my client's favor, allowing him and his family to make the move they had long anticipated.

Outside the courtroom, my client and his wife were overjoyed. They thanked my supervisor, co-counsel, and me with hugs and through tears. They immediately telephoned their daughters,

telling them that they were going to be able to move after all. I will never forget how I felt knowing that I had actually helped someone achieve something that they needed and wanted so much.

During my last week at HLAB, I received a decision regarding the unemployment benefits hearing from the beginning of the summer. The judge had decided in

our favor and granted our client all the benefits she was due. I spoke with her that afternoon, and she thanked me for all the work I had done on her case. I felt both a sense of pride for having helped her and a sense of satisfaction for knowing that a wrong had been righted.

I came back to Knoxville this semester with a new understanding of what advocacy is. I learned that advocacy, at its core, is about people. It is about making a positive impact for someone that needs help. I also learned that advocacy is about doing, and that it is in the doing that we can become agents of change.

Finally, I learned how privileged I am to have been equipped and supported by an institution like the University of Tennessee College of Law, where learning and doing have always gone hand in hand.

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# LEADERSHIP SEMINAR



**In the fall, Dean Doug Blaze and Buck Lewis (LAW '80) decided to look beyond books to create a course that shared the first-hand experiences of leaders in the field with students. The course, *Lawyers as Leaders: Becoming a Leader and Leaving a Legacy*, introduced students to some high-profile guest speakers. The class hosted to Supreme Court justices, SEC athletic directors and others. Students learned about leadership from different points of view and developed their own strategic career plan. The take-away of the inventive approach? To succeed as lawyers, students must plan ahead for their entry into the legal profession, develop relationships with practicing attorneys and keep their long-term goals in mind.**

## Lessons Learned in Leadership Class Will Endure

*By Kathryn Downey*

The *Lawyers as Leaders: Leaving a Legacy* seminar was a valuable edition to the College of Law's curriculum. Doctrinal classes are important, but we, like many other law schools, were lacking in professional development classes. The seminar focused on all aspects of leadership, enabling us to hear from notable leaders in business, law firms, bar associations, the legislature and the judiciary.

It was a privilege to hear from well-known leaders from all across the state, but the best part was that they all shared such candid and personal stories about their own careers, struggles and triumphs.

Each speaker shared with the class the characteristics that they felt were embodied by a good leader. Most of the speakers said they hadn't really thought of themselves as leaders until they found themselves in that position.

Characteristics mentioned by nearly every speaker were honesty, integrity, vision and hard work. Another theme that recurred throughout the class was the importance of giving back once you are in a leadership position and the recognition that people will look to you as a role model.

Professor Buck Lewis and Dean Doug Blaze organized the class in such a way that we not only focused on leadership but also on the importance of service, work-life balance and the difficulties the profession faces. Each week the class was devoted to a particular



topic ranging from the image of the profession and practical ethics to access to justice and leaving an enduring legacy.

One of my favorite topics was *Being a Leader in the Profession: Bar Association Service* because we were able to see how much each of the speaker's leadership activities had impacted their careers and their personal lives.

Another class that really stands out was on the topic of *Redefining Success: Being Fulfilled* because so many law students, including myself, struggle with which career path to take and constantly worry about making the right decisions and whether or not we will be happy with our choices.

My favorite exercise required us to share two things we were glad we spent our time doing and two things we wished we had not wasted our time doing. So many of us shared similar stories, and Dean Blaze told us that we were all too hard on ourselves and reminded us "a mistake is not a failure if you learn from it."

Each of us designed a strategic plan for our future professional careers. Professor Lewis met with each of us to help us develop our personal plans. As a third-year law student about to embark upon my professional journey, I cannot imagine a better class to help prepare me for my first steps out of law school.

LEADERSHIP SEMINAR *continued* →

## Lawyers as Leaders Class Teaches Integrity

By C.J. Fayton

Webster defines integrity as “a firm adherence to a code of especially moral or artistic values.” In a world where the greedy lawyer stereotype is pervasive, society seldom relates integrity to lawyers.

Webster’s definition, however, perfectly describes the life and work of Professor Buck Lewis. From his work as chair of the Mid-South Chapter of the American Red Cross to his dedication to promoting access to justice in Tennessee, Lewis sticks to and fights for his values.



As a student at UT College of Law, I, along with several of my peers, had the opportunity to witness Lewis’ integrity in action during the fall semester as students in his Lawyers as Leaders seminar. The College of Law, through the leadership of Dean Doug Blaze and Lewis, created the class to help students learn about and observe

different leadership skills through readings, discussions and the testimony of many of Tennessee’s leaders.

Speakers such as Justice Janice Holder, Jim Haslam, Judge Kerry Blackwood and Dave Hart spoke to the class on topics ranging from ethics to the leadership skills they have embraced in order to be successful in their respective fields.

While deciding whether to attend law school, I often heard that a law degree was one of the most versatile educational degrees one can hold. This statement had a profound effect on my decision to attend and was illustrated by the diverse speakers who spoke to our class. We were introduced to many individuals, whose careers had benefitted from their legal education background, including CEOs, heads of athletic departments, public servants and government administrators.

Our Lawyers as Leaders class exposed us to a variety of career possibilities that a traditional law school class might not. This exposure was invaluable as many law students are worried about being able to find jobs in the existing legal market.

Our concern about our futures was a common theme in the class. The bleak outlook of the legal job market caused some of the fears, while others’ misgivings were motivated by uncertainty in their professional goals.

Lewis’ idea of “getting to a place you love,” states that your first, second or even third job may not be your dream job, but each will be a part of the progression of leading

to the place you love. The concept helped assuage some of our fears.

We learned that though our ideal dream job may change, it is important to have and execute a plan and to amend the plan when necessary.

Lewis took time from his law firm and family in order to teach the course in honor of his recently deceased friend, Larry Wilks (LAW ’80). Wilks was a member of the Tennessee Bar Association and the founder of the TBA’s Law Leadership program. By honoring Wilks, who had a profound effect on his life, Lewis clearly adhered to a code of moral values. In doing so, he exemplified the adage that “tell somebody something and they will forget, but show them, and they will remember for a lifetime.” Lewis showed his students the essence of integrity, and that is something none of us will ever forget.

## Finding the Answers through Leadership Seminar

By Taylor Askew

Every Wednesday at one o’clock, Buck Lewis would stand in the front of our classroom smiling. I have never seen a professor so excited to see his students. It was as if we were doing him a favor, not the other way around.

Each week, Professor Lewis would gather a few of his friends to come and talk to us about issues they had faced in the legal profession. By friends, I mean Supreme Court justices, SEC athletic directors, FedEx presidents, managing partners and psychologists. The variety of guests that he brought to the class was second to none. I would wager that a group of students has never experienced anything close to what our class experienced over the course of the fall semester.

Each week’s speakers never repeated the lessons of previous speakers. Every visitor spoke to us candidly. They spoke not as superiors, but as equals, with a level of intimacy that I have never experienced in a classroom setting. There were no PowerPoint presentations with cheesy acronyms spelling out L-E-A-D-E-R; instead, each guest offered very personal, very real anecdotes about the challenges that the legal profession, and more importantly, the challenges that life in general will throw at us.



It was a class that did not put the strain and rigor of the typical law school semester on your shoulders, but rather challenged you to put down the books and think about where the path you were on was heading. Professor Lewis demanded that you answer the tough questions: Do you like where you are? Are you the kind of person you want to be? What is missing? Do you really want to be a lawyer?

The answers weren't always easy to find. They certainly weren't for me. That difficulty was the beauty of the experience. I could not sit down and simply point to something and say to myself "that's the life I want," because in all honesty, I had no idea what I wanted. No one had ever asked.

At the end of the semester, I found myself in a drastically different place than where I started. The lessons I learned have applied to more areas of my life than I could have imagined. I assumed I would sit through a class once a week, take notes and apply the lessons to some unknown law firm setting at some unknown time. Instead, I'm applying them now. I'm a better son, brother, student and friend because of this class. I know what I want, I know what is important to me and now I think I know how to get it.

When I sign up for classes at the end of every semester, I try to leave a few credit hours for a "want to take" class to balance out all the "need to takes." I signed up for Lawyers as Leaders as a "want to take" class but found out I actually needed it.

## The Lessons of Earned Leadership

*By William Gibbons*

If three words sum up the semester in Professor Buck Lewis and Dean Doug Blaze's Lawyers as Leaders seminar, they are "leadership is earned."

This valuable mantra came out in some form in every class, and I feel grateful to have had the exposure. Law school sometimes fails to include professional guidance on how to conduct oneself as an attorney. The Lawyers as Leaders seminar uniquely motivated students to be better people in addition to being better lawyers.

The course covered a range of topics such as bar association service, law firm structure, public service, the image

of the profession, judicial selection, access to justice and ethics. All topics fell in line with the theme that one's daily actions inevitably build toward something. Emerging as a leader requires attention to this point.

As a result of the class, I am inspired to participate in my local bar association next year after graduating, not only because bar associations fulfill important community service missions such as pro bono assistance, but also because participation offers opportunities to build relationships that will enhance my career and professional development.

I also learned the importance of maximizing what I can do for the area in which I am working, a sphere that may expand over time as a result of my diligence and hard work. The seminar even outlined the pitfalls that affect our profession, such as alcoholism and depression. I learned the importance of being very careful, especially with respect to my professional responsibility, to keep a watchful eye over my peers and myself in regard to such illnesses.

Perhaps the best learning experience I had in Lawyers as Leaders, however, was embracing the idea that lawyers should design a plan for our professional lives. This forced us to think about the future and what goals were the most important. More importantly, it forced us to consider the specific steps necessary to accomplish those goals. Through this process I learned that it helps to carefully craft a plan, even if the plan does not transpire accordingly. The act of developing a plan facilitates focused action. Beginning a legal career with no goals in sight will not lead to the same fulfillment as the focused efforts of a plan—even if those efforts lead to unintended developments. If one works hard, produces good work and relates well with others, the unintended consequences are likely to be positive.

The significance of building positive relationships also is a lesson that endures. Having taken this course, I am motivated to create lasting relationships with co-workers and colleagues. This helps in working together and as adversaries. On a broader scale, it helps us all carry out the mission of justice in our communities and state.

The underlying themes of the course—vision, relationships, dependability and honesty—all support the mantra that leadership is in fact earned.



# ‘Hot bench’ at 2012 Advocates Prize Justice Kagan presides over competition



Four College of Law students, and more than a hundred of their classmates, got to view first-hand what appellate lawyers mean by a “hot bench” during the final round of the 2012 Advocates Prize competition held at UT Law on October 18.

Supreme Court Justice Elena Kagan, who presided over the six-judge panel, told the audience after the argument that advocacy is a “hard sport.” She emphasized the important skill of listening and advised that advocates should view oral argument as an opportunity—one that should be used in the most productive way.

Other members of the panel also gave excellent advice to the law students and lawyers in the audience. Judge Rosemary Barkett, of the United States Court of Appeals for the Eleventh Circuit, urged advocates to look at their case from a real-world perspective. Advocates should think about “how they would talk about their cases with a buddy or at rump court tonight.

“Talking about the case with friends will raise questions that will likely be the same questions the court would have,” Barkett said.

Judge Adalberto Jordan, also from the United States Court of Appeals for the Eleventh Circuit, told the students that good appellate lawyers see two to three steps ahead of the case before the court and are able to predict the concerns that their positions may raise for future cases.

Judge James Wynn from the Fourth Circuit, Judge Marsha Berzon from the Ninth Circuit and Judge Jerome Holmes from the Tenth Circuit complimented the competitors on their ability to remain poised despite a very active bench. Judge Holmes noted that the students, unlike most appellate lawyers, had the nerve to stand up not only in front of the judges, but also in front of an audience of their peers. As Judge Holmes noted, “most appellate lawyers don’t have an audience of 200 listening to their arguments.”

While the judges uniformly noted that the competitors “got pounded” by the bench, they complimented the competitors for holding up well during the arduous questioning. Kagan, who made the first appellate argument of her career in the United States Supreme Court in *Citizens United v. FEC*, ended the day for the competitors on a positive note by assuring them that just as she had improved over the course of her tenure as solicitor general, they too would get better with additional appellate experience.





## The Day I Met Justice Elena Kagan

By Matt McGraw

After I finished my argument in the final round of this year's Advocates Prize competition, I stood there for a second, surprised that it was actually over (it felt like it had just started), before stumbling over to my chair and slumping down in it. I was drained, unable to really focus on my partner's argument. I sat there, drank a glass of water, traced over some notes that I had taken, drew a picture of something, and tried to remember what I had actually said while I was arguing.

I couldn't really remember which questions were asked or how I had responded. I also didn't remember whether the questions were combative or conversational. I was confident that my responses were at least competent. I didn't recollect any outright eye rolls from the panel or notice any bewildered follow-ups to suggest my answers were especially implausible or horrible.

Here's what people had to say to me immediately afterward, though:

"Wow! They were rough. I couldn't imagine doing that."

"Was it horrible? Were you scared? I bet you were so scared."

"I've never seen a panel that...active."

"We all just cringed when you gave your answers. They seemed so inflexible."

"Did you even address them properly?"

I received about 50 comments to this effect following the competition; all of them expressing some form of congratulations mixed with awe that I didn't collapse of a nervous seizure.

The statements made sense, given the crippling anxiety I experienced in the hours leading up to the final round (thanks to the fine YouTube users who posted clips of "The West Wing" that got me through the afternoon and up to the podium), but they certainly weren't indicative of the ex-

perience of arguing in front of the panel of judges. Of course, there was a room full of a few hundred of my peers, but once the questions began, I really had no time to be frightened or deliberate for long about what I was going to say.

I had done nothing but argue this case for the past three days, so I knew what I was going to say before the questions were even asked. In fact, the rapid pace was almost comforting. I didn't have to focus on my words; I just had to worry about getting them out to the judges for their consideration before someone on the bench lobbed another question back at me.

Even in the preliminary rounds, I preferred answering questions to my own sermonizing of the issues. Sure, I wanted to be able to say what I intended to say, make the points I intended to make, but I didn't want to overthink my message or second-guess myself, backtracking and confusing my points as I tend to do if given too much time between questions.

Even though the opportunity to argue in front of Justice Kagan was perhaps the

reason I participated in Advocates Prize, I basically forgot that I was speaking in front of her until we were taking pictures together afterwards. When the questions started, I just went with it. The rest is all a blur.

## Advocates Prize Tests Endurance, Intellect

By Alicia McMurray

When my partner and I first started preparing to compete in Advocates Prize, we would often fantasize about making it to the final round and arguing in front of some of our country's most prestigious judges, but I never actually thought it would happen. When the Moot Court Executive Board announced that we were finalists, I was caught completely off guard.

There were so many good competitors that I had never actually expected to →



Alicia McMurray and Matt McGraw were named the winners of the 2012 Advocates Prize competition. McGraw also won Best Oralist.

be one of the four people selected for the final round. The night before, all I could think was, “24 hours from now I will have argued in front of a United States Supreme Court Justice and some of the most respected federal appellate judges in the country.” I knew it, but it still did not feel real.

When I walked into the courtroom, I was shocked to see that the podium was only a few feet from the bench. My heart stopped as I finally realized what was about to happen. The bailiff instructed us to rise, and the judges walked in. It was real. I was actually about to argue in front of this panel. They sat down, and suddenly, I felt calm and prepared. The idea of sitting so close to such an elite group of people had terrified me, but I found that my physical proximity to the judges made them less intimidating. They just looked like regular people.

I had the benefit of arguing last, so when I finally stepped up to the podium, I realized what was about to happen. This panel had charbroiled my fellow competitors, so I was not surprised when I was interrupted before even beginning the first sentence of my argument. I was asked question after question after question. Often, I was interrupted with another question before I could finish answering the first. Not only was this an aggressive panel, it was an intellectually challenging panel as well.

I was asked many questions that I had never heard before and a couple that I had not even considered. Luckily, I knew the law well enough to give justifiable answers. The entire time I was searching for appropriate places to answer with one of my key points.

My first sentence, which I had not been able to complete, made a particularly powerful argument. I waited, and eventually, I was able to sneak it in as an answer. Still, there were some points I never had the opportunity to make.

The panel had complete control of the subject matter. Through it all, I somehow never broke, and all of my most important arguments came out.

My performance was far from perfect, but I still walked back to my seat with pride. It was over. I did it. When the judges announced that Matt McGraw and I had won, it was wonderful. However, the real win was that I had been tested beyond what I thought my limits were, and I had survived. I learned that I am capable of handling more than I had previously thought. I will take that knowledge with me as I begin my career as an attorney.

## An Unforgettable Experience

*By Annie Ellis*

When the Moot Court Board announced the two teams that would proceed to the final round of this year’s Advocates Prize—the two teams who would argue in front of many prestigious judges including Supreme Court Justice Elena Kagan—I momentarily forgot my own name. It took more than a few seconds for me to realize that I was part of the “Todd Skelton and Annie Ellis” team that would be arguing in the final round.

Of course, while writing our brief and preparing our oral arguments, my partner and I had talked about what an awesome experience it would be to make it to the final round, but we never pondered it for too long, believing it too far-fetched. In fact, I remember watching my fellow classmates who had argued in the final round the previous year and thinking, “I could just never do that.”

However, law school has presented many opportunities to do things I never thought I could, or would have the nerve to, do. For example, I really never thought I would be interested in litigation at all. My summer experiences and practical legal courses including Trial Practice and Pretrial Litigation totally changed that mindset.

I thought I would hate my 1L oral arguments, but thanks to a great Legal Process II course, I realized there’s actually an adrenaline rush about getting the op-

portunity to explain to someone else why your argument makes the most sense.

But this was something different. Todd and I had been given the opportunity of a lifetime. We had worked so well together leading up to the finals and had been friends since early in our first year. For the two days following the announcement of the finalists, we were nearly inseparable, constantly critiquing one another and practicing. Many of our classmates helped us prepare as well.

As described by Justice Kagan following the oral argument, the bench was “hot.” Todd argued first, and I quickly realized that I would have little control over the direction of my argument; rather, my argument would be largely guided by their tough questions.

I knew they would not ask about the straightforward, or even the somewhat weak, parts of my argument. Their questions would concern the many deep holes in both sides’ arguments. When Todd sat down, I smiled at him in a “good job” kind of way and took a deep breath. It was my turn.

My prediction was right. I knew what points I could not concede as well as those upon which I could compromise. I tried to focus on speaking with confidence, holding the podium instead of my hands and maintaining eye contact. Before I knew it, my time was up. I “respectfully request[ed]” our relief, and I sat down. My part was over. I was so happy to be finished and so excited at what we had accomplished.

I cherish my Advocates Prize experience. I learned a great deal and am thankful to the many people who made the entire competition possible, including the judges, faculty, the Moot Court Board and local attorneys who judged the preliminary rounds.

I feel privileged to be a member of the College of Law community and am grateful for having the opportunity to represent UT Law before such a prestigious panel of federal judges. It is an experience I will never forget.

## Road to Final Filled with Hard Work, Preparation

By Todd B. Skelton

I decided to compete in this year's Advocates Prize competition for two reasons. First, the opportunity to argue in front of a sitting United States Supreme Court justice was too tempting to forego. Second, I wanted additional appellate advocacy experience. Drafting a moot court appellate brief is useful practice, and appellate oral arguments are unlike almost any other form of public speaking.

The deadline for submitting our brief was during the middle of law firm interviews and on the front end of MBA exams, so it made for a hectic few weeks. My partner, Annie Ellis, and I split the two issues and determined that we would write for the government's position. The novel legal issues were interesting and not particularly favorable to either side, which made solid research and legal reasoning skills imperative.

After submitting the brief, the next task was to prepare for oral argument. The challenge was to transform an organized, subheaded brief into talking points that presented the strongest and most coherent argument for our position. As I had learned in the classroom, oral argument provides an opportunity to discuss the nuances of my case with the court.

Rather than relying on one's brief or a script, I have learned that a successful advocate is conversational and adapts the flow of his argument as necessary. Certainly, a "map" of where you want the argument to go is important, but flexibility and the ability to respond to questions while directing the conversation are paramount. The competition emphasized

these points that I had learned in the classroom.

Annie and I were confident that we had done well in the preliminary rounds but nonetheless were surprised when it was announced that we had made the finals. In retrospect, I am not sure if that feeling was excitement or terror. Fortunately, we had a day in between the second and final rounds, which went by quickly and was consumed with last-minute refinements to our arguments.

I was the first person to address the court in the final round because I was arguing the initial issue for the petitioner. Annie and I sat patiently as the room filled to capacity. After what seemed like an eternity, it was time to step behind the podium.

The standing-room-only crowd added a new dynamic to oral argument. I knew the introduction by heart, but after that anything could happen. I realized immediately that it was a "hot" bench, as I

was peppered with questions throughout my allotted 15 minutes. The preliminary rounds were useful practice, but this was certainly more intense. Arguing first had its advantages, and it undoubtedly warned Annie and our opponents of what was in store for them. After listening to the other arguments, I rose again for a brief rebuttal for both Annie's and my issues. Finally, it was time to catch my breath.

It was an honor to represent the UT College of Law in front of Justice Elena Kagan and a distinguished panel of federal circuit judges. Competing in the final round of the Advocates Prize competition provided invaluable practice and was a great opportunity. I was fortunate to have had a wonderful partner in Annie and know that I will always remember the experience.



*Todd Skelton and Annie Ellis advanced to the final round of the 2012 Advocates Prize competition. The original field included more than 25 teams.*

# Going Strong

## Mentoring at UT Law a Boon for Students and Mentors

By Brad Morgan

I first had the opportunity to write about the College of Law mentoring program nearly two years ago. At that time my message was prospective.

I was cautiously optimistic about a program that would be developed at some point in the future and had no data or experience to report. Two years later, the mentoring program—although continually undergoing evaluation and innovation—has generated experiences between attorney volunteers and law students that have benefited each group of participants in unique and sometimes unexpected ways.

While I would relish the opportunity to relate some of these experiences—ranging from students discovering what type of lawyer they want to be to students discovering that the area of law that initially appealed to them would drive them crazy if they were to practice it—the words from participants are a much more valuable evaluation of the program. Kevin Thompson (LAW '05), of Thompson Burton PLLC, and third-year student Fred Pickney graciously accepted the invitation to relate their experiences in the program.



### Kevin Thompson, Attorney Mentor

*“For whom much is given, much will be required.” - Luke 12:48*

I’m a firm believer in the power of mentorship. I’m very thankful for the influence of good mentors throughout the course of my life. I have excelled the most when I was engaged with a mentor and so it was an honor to serve as a mentor for two exceptional law students this past year.

As I was having conversations with my mentees about various decisions, it took me back to the days when I was in law school and made me envious of these young men. If I could go back in time, I, too, would have benefited from having someone to talk to about the major decisions that I considered before graduation.

Offering the mentoring program for students demonstrates the college’s commitment to providing practical knowledge to students. It helps these students get started with networking and thinking strategically about their career choices. When I was in law school, I barely thought beyond the end of the week. With my mentees, I challenge them to think five years beyond law school and measure their decisions with their ideal lifestyle in mind. Having recently been interviewed on CNBC as an expert in multi-level marketing, I was able to give the students some practical advice about choosing their specialties and building their professional brands.

In addition, I have personally gained a great deal from the mentoring process. We all have tough decisions to make, whether we’re in law school making career decisions, deciding on whether to marry a

significant other, or choosing a school for our children. Working with these law students forced me to “practice what I preach” by facing my own fears and thinking through my own personal decisions. Success is always on the other side of inconvenience. Once you’ve acquired it, it can go as quickly as it arrived. As I was sharing these principles with my mentees, it challenged me to maintain an edge.

I would encourage others who have been blessed by an association with the law school to give back by participating in the mentorship program. It’s a well-organized and well-led program in which the mutual benefits dramatically outweigh the costs associated with the time commitment.

### Fred Pickney, 3L, Law Student Mentee

I signed up as a mentee for the mentoring program because I understand how important mentors are to professional development. Being in the inaugural group of mentees, however, I wasn’t sure what to expect. My hopes were to build a relationship of trust and confidence with my mentor and to benefit from his or her years of legal experience. I also hoped to receive advice about whether my strategies for achieving my career goals were likely to succeed and how to better pursue them.

I was pleasantly surprised to be paired with a mentor who took such an interest in my career development and who genuinely wanted to see me succeed. The relationship I have built with my mentor, Kevin Thompson, has been a real asset to my legal education and overall professional development. Kevin is a wealth of practical knowledge. Having graduated from UT College of Law himself not long ago, he can relate to the struggles and tough decisions brought about by law school, yet also provide advice rooted in his years of experience practicing law.

I know I can count on Kevin to give me candid feedback and guidance about any decision I might be considering. He has prompted me to define my career goals more clearly and has suggested resources for pursuing my goals (of which I was previously unaware). His feedback has also helped me improve my professional communication and networking skills. I’ve learned a lot about the practice of law from talking with Kevin about what he does and about what I would like to do. Although every mentor/mentee relationship is different, I believe all law students could benefit from having such a relationship with a practicing attorney.



## CLE HOURS FOR MENTORS

In January 2013, the Tennessee Supreme Court amended Rule 21, § 4.07 to authorize the Commission on Continuing Legal Education and Specialization to award continuing legal education credits to lawyers participating as mentors in a qualifying mentoring program. The new section, which takes effect on July 1, 2013, allows attorneys to earn up to six CLE hours by participating in qualifying law school mentoring programs. The mentoring program at the University of Tennessee College of Law is pursuing official approval as a qualifying mentoring program under this new section.

While not yet officially approved, UT’s mentoring program presently includes discussion of many of the topics mandated by the new rule, such as professionalism and legal ethics; professional development, including work with the legal community, bar associations, and court activities; career paths and work/life balance; and, sources of well-being and causes of mental health and substance abuse issues.

## BECOME A MENTOR

As expressed by these two outstanding individuals, involvement in the mentoring program adds value not only to the law school experience, but also to practitioners as they evaluate their career and like decisions. In the event that you would like to participate in the program, contact Brad Morgan at [rmorgan2@utk.edu](mailto:rmorgan2@utk.edu).

*Right: David Priest talks with a fellow law student during the 2012 Alternative Spring Break in Fort Campbell, Ky.*

## Alternative Spring Break Allows Students to Advocate for Veterans

*By David Priest*



As a part of the College of Law's continual effort to provide pro bono legal services to the underserved, I started the pro bono project Vols for Veterans, which is designed to educate current and former members of the armed services, while providing free legal representation to those that require it.

After speaking with Dean Doug Blaze and Access to Justice Coordinator Brad Morgan, I knew that UT Law wanted a sustainable annual project that would benefit the soldiers, the students and the community. Additionally, Blaze and Morgan wanted to allow students the ability to engage with clients outside of the law school, while expanding our pro bono department's footprint.

In order to achieve these goals, I contacted the JAG office at Fort Campbell, Kentucky, and arranged for a group of seven students to spend their spring break working there with JAG officers. Our trip was designed to allow students the opportunity to draft wills for soldiers and their families. However, the JAG officers took the trip to the next level, assembling a special project designed to teach us about professionalism and the military justice system while allowing us to work in our particular areas of interest.

The JAG officers split us into two teams as soon as we arrived on base. In order to provide us with the most authentic learning experience possible while working, Col. Bovarnick and Lt. Col. Edwards assigned one group to the new JAG building and one group to the old JAG building.



The new building presented unique challenges for which our classroom experiences could never have prepared us. It was located adjacent to the firing range. Col. Bovarnick and Lt. Col. Edwards told us that we would become accustomed to the sounds of an M16 and a Barrett M107 .50 caliber sniper rifle, but in the three days that we were there, I don't think anybody was ever 100 percent comfortable with the sound of artillery fire in the background.

The old building was part of a converted hospital. The entire first floor was condemned, and the basement previously housed the morgue. These conditions only enhanced our experiences while working hand-in-hand with the JAG officers on a variety of issues. The conditions also added to the immense amount of respect, admiration and gratitude that we developed for the members of our armed forces. Never again will we complain about a 12-hour day spent in the library, while knowing that thousands of troops leave their families and voluntarily put themselves in danger so we may safely study.

While at Fort Campbell, we drafted briefs, researched claims, wrote opinion letters, watched a court martial and even participated in PT (physical training) drills, at 5 a.m. However, the most meaningful thing that we did on base was to thank the soldiers. After we finished collecting information or writing a brief, we all made sure to thank each soldier for the immense sacrifice that he or she continues to make.

The Vols for Vets 2012 Alternative Spring Break trip to Fort Campbell was the most rewarding experience of which I've ever been a part. It allowed me to provide a small service to the men and women of our military while furthering my education in a unique learning environment. All of the students who participated left determined to encourage others to take part in the meaningful and valuable opportunity to serve in some small way the men and women of our armed forces.



## UT Pro Bono Provides Path to Legal Passion

By Brittany Thomas

In the fall of my 1L year, as I struggled through classes with my peers, I was looking for something tangible to put my classroom learning into perspective. That semester, I participated in Legal Aid of East Tennessee's Saturday Bar and Homeless project, which helped to remind me of the reason I came to law school. I gained perspective while helping others, and pro bono became my law school career.

My participation in pro bono activities taught me how to "issue spot" outside of a designated topic, work with clients and manage expectations. I encountered a variety of subject areas and discovered my true passion in UT Pro Bono.

In my first semester of law school I was doing intake for a national pro bono week event with Legal Aid when I saw a familiar face. An acquaintance from high school had come seeking advice with his fiancée, whom I later discovered was an undocumented immigrant brought to the U.S. when she was 6 months old. My friend's fiancée was also a nursing student at UT.

They were concerned about whether their marriage might alert Immigration and Custom Enforcement to her undocumented status. The attorney with whom they spoke informed them that their greater concern should be how the young woman's legal status would impact her ability to be granted a nursing license by the Tennessee Board of Nursing.



That experience was the impetus for my passion for immigration work. Since volunteering for the national pro bono week, I have worked with several nonprofit organizations pursuing greater access to justice for immigrants.

Fortunately, I found a permanent position at a private firm in Chattanooga, where a large portion of my time will be focused on immigration work. I owe UT Pro Bono for helping me to find my passion and for helping me forge my professional career path.

*Brittany Thomas (LAW '12), received the Tennessee Bar Association's Student Volunteer of the Year award during her last semester of law school. Thomas (pictured second from left in both photos above), who graduated in May, was chosen based on the leadership and volunteer service she provided to the underserved while a student at UT Law. She now practices law in Chattanooga, Tenn.*

## Higdon's Passion for Teaching and Serving By Monica Goldblatt

When I speak about the attributes of the University of Tennessee College of Law, I never fail to mention that perhaps its greatest strength is its faculty—one that is knowledgeable, involved and committed to our success. When I speak about Professor Michael Higdon, the director of legal writing who embodies all of these things, I speak with additional enthusiasm.

I was lucky enough to have Professor Higdon as my legal process professor my 1L year. He is passionate about teaching the do's and don'ts of legal writing. Fortunately, he goes about it in a way that it is entertaining for his students. The thoughtfulness and effort that Professor Higdon puts into his presentations is obvious. His ability to teach about persuasive authority by using DVD covers is one of those lessons that anyone who is fortunate enough to hear it will likely not soon forget.

Professor Higdon is visible around the law school in numerous capacities. When he isn't teaching classes on sex and gender, family law or legal process, you can often find him volunteering his time with students. He also serves on the panel of professors that speak to 1Ls during their first semester, giving tips on successful transition to law school.

His influence also is felt throughout our Moot Court program. He assists with Advocates Prize, the intraschool appellate competition, by providing the participating students with lectures on brief writing. He coordinates the grading of the appellate briefs and assists students in revising their briefs following the competition, giving students an additional opportunity to hone their legal research and writing skills. He still finds time to assist with the National Moot Court team and also coaches his own teams.

Valeria Gomez, chair of this year's Moot Court Board and a returning member of the National Moot Court team, says Higdon's dedication benefits participants.

"I know he is very involved from day one, helping grade the briefs for those students trying out for the team," Gomez says. "He helps judge the tryouts, and once the team is in oral argument practice, he also volunteers his time to judge practice rounds."



Because of the high level of interest in a moot court team coached by Professor Higdon, he fielded a second team last year. Buki Baruwa, a member of Higdon's First Amendment Moot Court Team, described what it meant to be involved in one of Professor Higdon's team.

"He has such passion, love, energy, and enthusiasm about appellate advocacy and brief writing that it is an honor to get the opportunity to learn from the best," Baruwa says. "Throughout preparation for the competition Professor Higdon emphasized his confidence in us. His passion for the team inspired us to be the best that we could be."

Professor Higdon is a gem of a law professor. I cannot imagine what my legal education would have been without him.



# DIRECTOR'S DICTA

John C. Maxwell, author of “The 21 Irrefutable Laws of Leadership,” said “a leader is one who knows the way, goes the way and shows the way.” That definition of leadership perfectly describes the College of Law’s leader, Dean Doug Blaze. His vision and leadership underlie every story in this edition of *The Advocate*.

About two years ago, believing that law students would benefit from professional mentoring during their law school years, Dean Blaze led the school in a study to determine how best to create a mentoring program for our students. Ultimately, he found the resources to hire a full-time coordinator to establish a law school mentoring program and to coordinate the various pro bono opportunities for law students. In this edition of *The Advocate*, we highlighted the benefits of that act of leadership by sharing the stories of a law student mentee and his mentor as well as one particularly significant pro bono effort—our students’ involvement with service men and women at Fort Campbell, Kentucky.

Through his prior leadership as clinical director, Dean Blaze encouraged student involvement in pro bono programs, but his commitment to pro bono did not end when he took on the more rigorous tasks of deaning. Through the efforts of Brad Morgan, the coordinator Dean Blaze hired, our students are participating in an expanding number of pro bono programs, which many of them describe as life altering.

Illustrating Maxwell’s definition of leader as one who not only “knows the way” but one who “goes the way and shows the way,” Dean Blaze has continued his own personal commitment to pro bono, serving in numerous capacities, including on the Tennessee Supreme Court’s Access to Justice Commission and the Knoxville Bar Association Access to Justice Initiative. Recently, his commitment to pro bono was recognized by the American Association of Law Schools, which bestowed upon him its 2012 Deborah Rhode award, recognizing his significant efforts to increase access to justice

through the law school environment while inspiring similar efforts from others.

It was also the dean’s leadership that enabled the College of Law’s Moot Court Board to offer law students the opportunity to argue before a justice of the United States Supreme Court and five U.S. Circuit Court of Appeals judges in this fall’s Advocates Prize competition.

Realizing the important role that leadership plays in the legal profession, Dean Blaze recruited College of Law alumnus Buck Lewis to help develop a course on Lawyers as Leaders. Reading the recap of the students’ experiences in the course, featured in this edition of *The Advocate*, amplifies the effects that the dean’s leadership and vision are having on the future of our profession.

In the coming months, the Center for Advocacy and Dispute Resolution will attempt to emulate Dean Blaze’s leadership and vision as we revise and improve our curricular offerings and bring notable speakers to the College of Law. Of particular interest—and consistent with the leadership lessons our dean has demonstrated—is the lecture on April 18 by Tom Stipanowich, “Lincoln’s Lessons for Lawyers.”

As always, we welcome your advice and suggestions as well as your attendance at any of our programs.



A handwritten signature in black ink that reads "Penny White". The signature is fluid and cursive, written over a white background.

Penny White, Director  
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# 2013

## Calendar of Activities

### **March 4-6**

Ray L. Jenkins Trial Competition

### **March 13**

First-Year Advocacy Idol Competition

### **April 12**

Tennessee Journal of Law & Policy,  
*Navigating the Complexities of our  
Melting Pot: How Immigration Affects  
Legal Representation*

### **April 15**

Dave Prouty, *Lawyering in the Big  
Leagues: The Players' Lawyer*

### **April 18**

Tom Stipanowich, *Lincoln's Lessons  
for Lawyers*

### **April 24**

Center for Advocacy and Dispute  
Resolution Annual Collaboration