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Spring 2016

## Tennessee Law Spring 2016

University of Tennessee College of Law

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# Tennessee Law

University of Tennessee  
College of Law

Spring 16

THE  
*Music*  
ISSUE

BETWEEN THE

# #BLURRED LINES

Copyright versus creativity?  
UT professors discuss the  
law and art behind the  
pop song's court battle



Patrick Morrison ('16) took a bit of UT Law with him to Machu Picchu during his recent volunteer trip to Peru. (And don't miss the marriage proposal he inadvertently captured during this snapshot.) Read more about his experience on page 22.

PHOTO BY PATRICK MORRISON ('16)

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Pop star Robin Thicke,  
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## From the Dean

I remain incredibly proud to serve as your dean, and this semester, I am back in the classroom, teaching my first class since arriving here in July. Teaching our talented students is not only energizing, but it also informs my work as dean of a college that celebrates academic excellence in the Volunteer spirit.

Our faculty and students continue to innovate in the classroom. For example, Joy Radice's criminal law class brings in UT theater students to play the role of clients, creating realistic trial scenarios (p. 7), and Kris Tobin and Brad Morgan's legal research class partners 1L students with Mark Stephens ('79) and his Community Law Office to give our students practical lawyering skills from year one of their legal studies (p. 22). Our faculty are producing impressive scholarship, too, with recent articles published in such journals as the *Michigan Law Review*, the *UC Davis Law Review*, and the *George Washington Law Review*, as well as books published by prestigious presses, such as Oxford University Press.

Achieving all of this excellence requires Volunteers of many kinds: talented students, superb faculty, dedicated staff, and loyal alumni and friends. In November, we launched our ambitious campaign to raise \$45 million by 2020. And thanks to alumni and friends like you with the "soul of a Volunteer," to quote Buck Lewis ('80), we are well on our way to that goal, with more than \$40 million already pledged. Due to the decrease in state funding, your financial support is more important than ever in helping us fulfill our core mission of educating and producing some of the best lawyers and leaders in the country.

You hear it often: Every gift of any size matters. Believe it or not, that's absolutely true. We have more than 7,500 alumni, and if everyone gives a little, we can achieve great things. Did you know, for example, that you can endow a scholarship for students or create an endowed fund to support outstanding faculty teaching and scholarship by pledging a gift of \$25,000—and you can pay



that pledge over a period of five years? That's just \$5,000 per year to leave your unique mark on UT Law. Plus, if you and four fellow alumni decide to fund such an endowment, each person could pay \$1,000 each year. Best of all, together you would make an immense impact at your alma mater.

With your investment in UT Law, we are poised to exceed expectations and lead among our peers in innovative and valuable teaching, scholarship, and service to our community, state, and beyond. We can continue to attract the best students while maintaining our commitment to a diverse, welcoming, and close-knit college family. We will broaden the employment opportunities for our accomplished graduates. Thanks to your investment, all of these successes will ultimately strengthen the college's reputation and increase the value of every diploma we grant—past, present, and future.

Thank you for your support and for living the Volunteer spirit.

Go Vols!

MELANIE D. WILSON, DEAN

# Omnibus

## College launches \$45M campaign

Celebrating its transformative 125-year history during an anniversary gala in November, UT Law announced its campaign to raise \$45 million by 2020.

The College of Law has already raised more than \$40 million toward its goal during the four-year quiet phase of the campaign.

Co-chaired by George T. "Buck" Lewis ('80) and Richard L. "Rick" Rose ('74), the campaign is part of an overall push by UT toward becoming a top 25 public research university.



### CAMPAIGN PRIORITIES

**SCHOLARSHIPS.** Support for student scholarships and loan forgiveness programs will help UT Law recruit a diverse and talented student body and ease graduates' debt load as they begin their careers.

**PROGRAMS.** UT Law's programs, centers, journals, and clinics offer students real-world experiential learning opportunities to prepare them for legal practice. Support for these programs will help UT Law expand its reach, improve its educational offerings, and encourage outstanding scholarship and service.

**FACULTY.** The college needs support for its talented faculty, including endowed chairs, professorships, and research support, all of which helps UT Law recruit and retain the best faculty in the nation.

Learn more: [law.utk.edu/journey](http://law.utk.edu/journey)



Counterclockwise from above: Gala guests enjoy dinner at the Knoxville Convention Center; Richard Greene ('05), Reagan Taylor ('05), and Le Evans ('05); Lillian Napper ('10), Amanda Jordan ('10), and Norene Napper ('10); Luke Ihnen ('16) gives the gala two thumbs up.



WILSON PHOTO BY PATRICK MURPHY-RACEY; GALA PHOTOS BY PATRICK MORRISON ('16)





**STRONG CONNECTION**  
 Brian Krumm (standing) presents a lecture during his Representing Enterprises course. UT Law students participated in the course on campus, while Renmin University students participated in China via live video. The students also engaged in real-time simulated transactions.

PHOTO BY PATRICK MURPHY-RACEY

**UT Law among top 10 low-debt law schools**

The College of Law places seventh in the U.S. News Short List for “10 Law Schools that Leave Grads with the Least Debt.” Members of UT Law’s Class of 2014 completed law school with an average debt load of \$66,201, compared to a nationwide average debt load of \$111,899 for all 2014 law school graduates in the United States.

**College of Law ranks 15th on Super Lawyers list**

UT Law is one of the top fifteen law schools producing the most “Super Lawyers,” according to a 2015 ranking released by *The National Jurist*. UT ranks fifteenth among all law schools in the nation, with 14.9 percent of the college’s alumni named Super Lawyers. Among the public law schools on the list, UT Law ranks seventh.

**UT Law launches LLM program in business law**

The college is accepting applications for its first advanced law degree, the Master of Laws (LLM) in US business law. International lawyers with a JD or its foreign equivalent will be able to complete the 24-credit program in one academic year. Graduates will be eligible to sit for the Tennessee and New York bar exams. [law.utk.edu/LLM](http://law.utk.edu/LLM)

**Program allows UT students to earn law, bachelor’s degrees in 6 years**

Undergraduate students of the University of Tennessee can now earn both a bachelor’s degree and law degree in six years, one year less than what is normally required. UT 3+3 is a new accelerated degree program offered by UT’s College of Law and College of Arts and Sciences. In the program, students complete

three years of approved undergraduate coursework in the College of Arts and Sciences. Following their third year, participating students admitted to the College of Law become full-time, first-year law students. The first year of law study will count toward a student’s law degree and also toward the completion of his or

her bachelor’s degree. Two additional years of law study follow, after which a student earns a juris doctor degree. In addition, during their first year of law school, UT 3+3 students will be eligible for undergraduate financial awards, including the Tennessee HOPE Scholarship or a Federal Pell Grant. [law.utk.edu/3plus3](http://law.utk.edu/3plus3)



## FACULTY FORUM

UT Law faculty are great teachers and active scholars. Here, we present selected faculty publications, scholarly presentations, and other updates from 2015. For more faculty updates like these, visit [law.utk.edu/now](http://law.utk.edu/now).

### PUBLICATIONS

#### BRAD AREHEART

"Integrating the Internet" (co-authored), *George Washington Law Review*

"The Disability-Employability Divide: Bottlenecks to Equal Opportunity" (co-authored), *Michigan Law Review*

#### WENDY BACH

"Flourishing Rights," *Michigan Law Review*

"The Hyperregulatory State: Women, Race, Poverty, and Support," selected by Jotwell as one of the best works of recent scholarship in family law

#### BEN BARTON

*Glass Half Full: The Decline and Rebirth of the Legal Profession*, Oxford University Press

"The Upside of the Legal Profession's Crisis," *The Chronicle of Higher Education*

**JUDY CORNETT**, "Good-Bye Significant Contacts: General Personal Jurisdiction After *Daimler AG v. Bauman*" (co-authored), *Ohio State Law Journal*

#### AMY HESS

Supplements, Bogert & Hess, *The Law of Trusts and Trustees* (3rd ed).

"The Journal Enters the Twenty-First Century," *Real Property, Trust and Estate Law Journal*

**BECKY JACOBS**, "Cultivating Purposeful Curiosity in a Clinical Setting: Extrapolating from Case to Social Justice," *Clinical Law Review*

#### LUCY JEWEL

"The Indie Lawyer of the Future," *SMU Science and Technology Law Review*

"Indie Lawyering," chapter, *The Relevant Lawyer - Reimagining the Future of the Legal Profession*, ABA Publishing

"Old School Rhetoric and New School Cognitive Science: The Enduring Power of Logocentric Categories," *Legal Communication and Rhetoric: JALWD*

#### GEORGE KUNYEY

"All Writs' in Bankruptcy and District Courts: A Story of Differing Scope," *The Review of Litigation*, University of Texas

*Bankruptcy in Practice* (5th ed., co-authored), American Bankruptcy Institute

*Experiencing Remedies*, West Academic Publishing

**GARY PULSINELLI**, "Happy Together? The Uneasy Coexistence of Federal and State Protection for Sound Recordings," *Tennessee Law Review*

**MELANIE WILSON**, "Anti-Justice," *Tennessee Law Review*

### DOMESTIC SCHOLARLY PRESENTATIONS

**WENDY BACH**, workshop facilitator, *Clinical Law Review* Writer's Workshop, NYU Law School

**IRIS GOODWIN**, "The Place of the Fiduciary in Liberal Political Thought," Columbia University Seminar on Law and Politics

**JOAN HEMINWAY**, "Curation and Crowdfunding: Creating a Sustainable Investment Market for the Masses," University of Maryland Francis King Carey School of Law

**MICHAEL HIGDON**, "Revisiting Langdell: Legal Education Reform and the Lawyer's Craft," *Wake Forest Law Review* symposium

**BECKY JACOBS**, panel moderator, UT Watershed Symposium, "Horizons of Environmental and Water Policy: Where We Are and Where We Are Going"

#### LUCY JEWEL

"The Dark Side of Cognitive Rhetoric," Psychology of Persuasion Conference, University of Wyoming

"Old School Rhetoric and New School Cognitive Science," LegalED Igniting Law School Teaching Conference, American University Washington College of Law

#### MICHELLE KWON

"Easing Regulatory Bottlenecks," University of Washington Tax Symposium

"The Influence of Cultural Differences on Estate, Tax, and Employment Benefit Planning," ABA Tax Section Meeting, Chicago

#### DON LEATHERMAN

Practising Law Institute conference, Tax Strategies for Corporate Acquisitions, Dispositions, Spin-Offs, Joint Ventures, Financings, Reorganizations, and Restructurings

"The Intersection of Subchapter K and the Consolidated Return Regulations," Bankruptcy and Workouts Committee, ABA Tax Section meeting

**BOB LLOYD, PROFESSOR EMERITUS**, "Lost Profits: A Case Study in Reasonable Certainty and Discounting," Litigation Counsel of America, American Institute of Certified Public Accountants, and Tennessee Society of Certified Public Accountants

#### ALEX LONG

"A Billy Joel Legal Anthology," Conference on Billy Joel and the Law, Touro Law Center, New York

"Employment Discrimination in the Practice of Law: A Question of Ethics?," Warns-Rendler Labor and Employment Law Institute, Louisville

**SIBYL MARSHALL**, "Find it Free and Fast on the Net: Strategies for Legal Research on the Web," National Business Institute

**JOY RADICE**, "The Reintegrative State," *Clinical Law Review* Writer's Workshop, NYU Law School

**GLENN REYNOLDS**, "Second Amendment Limitations," Georgetown University Law Center

#### DEAN RIVKIN

"The Evolving Clean Water Act," UT Watershed Symposium

Webinar, Support and Training for Parents with Exceptional Children

**PAULA SCHAEFER**, "Tips for Finding Professionalism Lessons Hiding in Plain Sight in Every Casebook," LegalED Igniting Law School Teaching Conference, American University Washington College of Law

**GREG STEIN**, "Harmonizing Chinese Real Estate Law with the Theory of Law and Development," Association for Law, Property, and Society, University of Georgia Law School

**VAL VOJDIK**, panelist, "The U.S. Feminist Judgments Project: Collaboration as a Feminist Model for Creative Scholarship," Joint Scholars and Scholarship Workshop on Feminist Jurisprudence, Fordham Law School

#### PENNY WHITE

"Judicial Selection, Judicial Independence, and Capital Punishment," Yale Law School

"New—and Not-So-New—Evidentiary Challenges," Kansas Judiciary Annual Judicial Conference

**PAULA WILLIAMS**, "With/out Prejudice, With/out Privilege," Southern Clinical Conference

**DAVID WOLITZ**, "Herbert Wechsler, Legal Process, and the Jurisprudential Roots of the Model Penal Code," American Society for Legal History

**JINGWEI ZHANG**, "International Attorneys and LLM Students: Filling Research Gaps," American Association of Law Libraries

**JOY RADICE** and **PAULA SCHAEFER**, "Developing the Case for 1L Curriculum Reform," Experiential Learning Across the Curriculum, Institute for Law Teaching and Learning

**KRIS TOBIN** and **BRAD MORGAN**, "Combining Legal Research Pedagogy, Pro Bono, and Experiential Learning in the First Year Curriculum," Experiential Learning Across the Curriculum, Institute for Law Teaching and Learning

### INTERNATIONAL SCHOLARLY PRESENTATIONS

#### ROB BLITT

"From Jyllands Posten to Charlie Hebdo: Mohammed Cartoons, Free Expression, and Subversive Sites," Osgoode Hall Law School, Toronto

"Balancing Religious Freedom with Other Human Rights: The Promise and Perils of Transjudicialism—A Debate," Germany

"The Organization for Islamic Cooperation (OIC) and the Arab Spring: Impact of Regime Changes on Institutional Agenda and Politics," International Conference on Religion and Equality, Israel

**JOAN HEMINWAY**, Institutional and Technological Environments of Microfinance conference, France

**KARLA MCKANDERS**, "The Middle East and North Africa at the Heart of the Refugee Crisis," Public Interest Law Net, European Pro Bono Forum, Rome

**PAULA WILLIAMS**, "Community Building for Justice Education," Global Alliance for Justice Education Conference, Turkey

### COMMUNITY ENGAGEMENT

**CLASSCRITS VIII CONFERENCE** "Emerging Coalitions: Challenging the Structures of Inequality" in October. The conference drew speakers from throughout the country and was organized by Wendy Bach and Lucy Jewel. Other UT faculty who participated



**'I HAVE A DREAM'** Students, faculty, and staff—including (from far left) Brenda Adimora, Paula Williams, and Lucy Jewel—present the entirety of Martin Luther King Jr.'s famous "I have a dream" speech during the college's MLK Week.

were Becky Jacobs, Karla McKanders, Joy Radice, Val Vojdik, Professor Emerita Fran Ansley, and Dean Melanie Wilson.

**KNOXVILLE BAR ASSOCIATION PANELS** Associate Dean Alex Long, Ben Barton, Judy Cornett, Glenn Reynolds, and Paula Schaefer

**SOUTHEAST ASSOCIATION OF LAW SCHOOLS** Dean Melanie Wilson, Associate Dean Alex Long, Brad Areheart, Ben Barton, Teri Baxter, Judy Cornett, Joan Heminway, Michael Higdon, Becky Jacobs, Lucy Jewel, Brian Krumm, Paula Schaefer, and Director of Career Services Karen Britton

**UT LAW PRE-FOOTBALL CLE SERIES** Associate Dean Greg Stein, Teri Baxter, Karla McKanders, and Lecturer Valeria Gomez

### AWARDS AND APPOINTMENTS

**DOUG BLAZE**, 2015 Barristers' Law and Liberty Award, Knoxville Bar Association

**AMY HESS**, co-chair, Standing Committee on Diversity, ABA Section on Real Property, Trust, and Estate Law

**GREG STEIN**, Board of Governors, American College of Real Estate Lawyers

### QUOTATIONS AND CITATIONS

**DWIGHT AARONS**, "Tennessee Governor Amends 'Guns in Parking Lots' Law to Protect Workers," WBRC-TV

**BEN BARTON**, *ABA Journal*, *Chicago Tribune*, Bloomberg BNA

#### JUDY CORNETT

Cited in Tennessee Supreme Court decision, *Rye v. Women's Care Center of Memphis, M PLLC*

"Atticus' Teachable Moment," *National Law Journal*

**TOM PLANK**, cited in US Supreme Court decision, *Wellness Int'l Network, Ltd. v. Sharif*

#### GLENN REYNOLDS

Appearances, Fox Business Network

Cited in "Criminal Law 2.0" by Judge Alex Kozinski, Ninth Circuit Court of Appeals

#### YOUR WEEKLY CONSTITUTIONAL

Joan Heminway, Brian Krumm, Gary Pulsinelli, Greg Stein, and David Wolitz

**KAREN REAGAN BRITTON** is leaving the College of Law after more than twenty years of service to the law school and twenty-five years with UT. She joined the College of Law in 1994 and led the college's admissions, financial aid, and career services units in challenging times for legal education and through significant shifts in the employment market for law students and graduates. She served in national leadership positions in the law admissions and career services fields, including as president of the National Association for Law Placement (NALP)—the association of law schools and legal employers—and as a member of on the Tennessee Bar Association's Committee on Racial and Ethnic Diversity. She also served with the American Bar Association as a site team member for law school reaccreditation and in testing the recently established employment data collection and reporting protocol. "I will miss our students and the faculty and staff at UT, who have been my friends and colleagues," Britton says. "It has been gratifying to influence the careers of the last two decades of UT lawyers, and I look forward to maintaining these relationships." The college wishes Britton the very best in her future endeavors.

## FACULTY RETIREMENTS



Reba Best



Joe Cook



Amy Hess



John Sobieski



Paula Williams



# Deliberation

## To whom much is given, much will be required

BY CASEY DUHART ('16)

To whom much is given, much will be required (Luke 12:48). If you have heard that line of wisdom, you know it means we are held responsible for what we have. If we have been blessed with talents, wealth, knowledge, time, and the like, it is expected that we benefit others.

As a law student at UT, much has been given to me, so in turn, I am required to give back, and there are some extraordinary people who have given much to me. Maude Riseden Hughett (1909) was the first female graduate of UT Law and the first female law school graduate in the South. Can you imagine the courage that it took for Ms. Hughett to do what seemed impossible during that time? Because of her sacrifice, today as a female, I can learn, be challenged, and compete with my male peers in the law school environment. Lincoln Blakeney was the first black student to enroll at UT Law. I have heard stories about how he had to study in a separate section of the library and how he had to sit apart from his peers in his classes. Although he did not graduate from UT Law, because of his sacrifice, today I can learn, be challenged, and compete with my white peers in the law school environment. Finally, I want to acknowledge RBJ Campbell Jr. ('56), the first black student to graduate from UT Law. These extraordinary people—and there are more that I could mention—have given much to me, so it is required of me to give to those who will follow me.

In the present, much has been given to me by UT Law, and my time here has been a dream come true. So many professors have made a lasting impact on my life. Dwight Aarons taught me how to diligently prepare for class. He taught me how to dissect a case—word by word. And I will never forget how Ben Barton gave our class a “football locker speech” before we took our Torts I final. He literally acted like he was our coach in the locker room. He did not know that at the very same time he was giving his speech, my husband was having back surgery. My children were three and four years old, so needless to say, trying to get them to day care and worrying about my husband’s surgery, I needed to hear that speech. I felt like Superwoman when I got that exam in front of me! Then, you have Regina Lambert ('01), who has encouraged me to excel in everything I have attempted at UT Law. In my opinion, she is the biggest cheerleader for student success. I could go on and on about how much has been given to me by faculty and staff. I tell you: I am required to give back to UT Law because so much has been given to me!

The Knoxville legal community has also been beyond sacrificial in giving much to me. I have learned “the practice of law” from the Federal Defenders Services of East Tennessee under the leadership of Beth Ford ('77); the attorneys at Egerton, McAfee, Armistead, and Davis; the Knox County District Attorney’s office; the Tennessee Valley Authority; the attorneys at Kennerly, Montgomery, and Finley;



Casey Duhart ('16)

and Judge Deborah Stevens ('88). Many of these attorneys have taken me under their wings, and much has been given to me through their patience and willingness to see me excel in my understanding of the legal system. Therefore, it is required of me to give back to my legal community.

If you have walked through the doors at UT Law, much has been given to you. Although you might complain about professors you had or the student loans you are possibly still paying back, one thing is for sure: much has been given to you. Because much has been given to you, much will be required of you. There are a variety of ways in which you can fulfill that requirement. Whether you choose to use your talents, wealth, knowledge, time, and the like, I urge you to give, so that students like me can blaze trails for the next group of talented lawyers who will follow us.

Duhart is a UT Law student. She presented a version of this essay at the 125th Anniversary Gala in November.

PHOTO BY PATRICK KIRBY/RACEY



## THE *Music* ISSUE

Music is an integral part of our lives personally and culturally. Just look at “Rocky Top,” a song that is synonymous with UT and the Volunteers. No surprise, then, that music is woven through the UT Law experience, too, from alumni who practice entertainment law to students who perform. Join us for a series of features about music, the law, and good old Rocky Top.



# If Mozart were a trial lawyer

BY MELISSA JOY BAXTER ('17)

It was my first mock trial competition, and I was receiving a crash course on how to prepare a closing argument. “Connect the dots,” my coach said. “Apply the law. Draw the inferences.”

I listened dutifully, but in the end, my closing argument was nothing more than a lackluster recitation. I created a closing argument that connected the dots, but the result was murky and analytical. I applied the law, and the jury yawned.

Until I thought about Mozart. What would Wolfgang Mozart do with a closing argument? If the great composer had to construct an argument for a jury, what would it sound like? Often, trial lawyers must reinvent their closing arguments during the course of a trial, depending on what evidence is admitted and excluded. Mozart, the boy genius who wrote the overtures to operas on the mornings of their premieres, was no stranger to this blend of procrastination and forced improvisation. Yet, the structure of his work was always stable. The Mozartian framework is emotionally appealing, sterling in clarity, consistent in structure, and brilliantly simple—everything a closing argument should be.

As a classically trained pianist, I entered law school understanding the fundamental principles of an artistic performance. The application of these principles to trial advocacy became my strength. After placing as a finalist in a mock trial competition my first year, I earned a spot on the National Trial Team and aced my closing arguments in class because of a simple mantra: “What would Mozart do?”

To explain how I applied principles of artistic performance to trial advocacy requires a primer on sonata-allegro form (which most lawyers know nothing about unless they took Advanced Music Theory in college). Sonata-allegro form, a framework for musical composition that was the dominant structure of the classical period from 1750 until 1820, is still in use today. The structure consists of musical ideas that are presented simply in a musical space, referred to as an *exposition*. The composer then adds detail to the musical ideas by elaborating on them, and expanding and juxtaposing them against each other in a section referred to as the *development*. Finally, these musical

ideas are resolved harmoniously (and often with a splash of flair) in a musical section known as a *recapitulation*. This may be followed by an ambitious, artistically challenging *coda*, and the entire work is sometimes preceded by an *introduction*.

The result is what every composer—sorry, trial lawyer—longs for: a complete, harmonious entrancement of the audience (jury). These principles can be applied to every aspect of a closing argument. This structure can be reflected not only in the content of the closing argument, through the lawyer’s structure and application of the law and facts, use of exhibits and demonstrations, sentence structure, and word choices, but also in the delivery, through the lawyer’s presence, tone, inflection, vocal dynamics, gestures, and eye contact with the jury.

For example, a closing argument by Mozart might look something like this:

**Introduction:** A passionate statement that previews the single most important fact of the case.

**Exposition:** An “announcement” of each idea. This is not a comprehensive listing of facts, but a simple statement of each general idea that you wish to plant in a juror’s mind. To prepare this section, you should answer this simple question: What are the one to five statements with which each juror should be armed during deliberations? The statements should be stated simply. This is not the time to elaborate or confuse. This is the time to introduce the inferences and overarching concepts behind the case theory.

**Development:** These are the most complex and tense moments of the closing argument. If you have succeeded in the first

Melissa Joy Baxter ('17), a UT Law student and classically trained pianist

two sections, the audience—your jurors—will be ready for it. Now you have their attention. It’s time for you to contrast, compare, and elaborate upon the details, but be careful to not overdo it. The development section should not comprise more than 30 percent of your “musical”—legal—composition. It should be a fascinating exploration of the initial themes that have already been introduced. If you are ever going to present a “what if?” argument to your audience, this is your moment.

**Recapitulation:** Harmony, harmony, harmony. There can be no dissonance. This is the resolution, the “why I should win” moment. This is where each musical idea blends and ultimately ends. If this section doesn’t have an element of peacefulness to it, the audience will be left feeling bereft and disappointed.

**Coda:** This is the flashiest part of the statement. You’ve heard of this concept before as “primacy” and “recency,” and Mozart employed it long before it was written in the Mauet trial text. By the end of this section, your audience should be humming your catchy, beautiful composition in their heads as they leave the courtroom.

You may think my comparison is an exaggeration, but it’s worked thus far. Einstein reportedly said Mozart’s music was “a reflection of the inner beauty of the universe.” I don’t know a single trial lawyer who wouldn’t have the same aspirations for a closing argument.

And by the way, this post was written in sonata-allegro form. If you’re still reading, it worked. ♦

PHOTO BY PATRICK KIRBY-ROGEE



BETWEEN THE

# #BLURRED LINES

Musicians Robin Thicke (left) and Pharrell Williams

BY CASSANDRA J. SPROLES & ROGER HAGY JR. # ILLUSTRATIONS BY ROGER HAGY JR.

Where does creativity end and copyright begin? Two UT Law professors join two UT School of Music professors to discuss the Marvin Gaye-versus-Robin Thicke copyright trial and the implications it may hold for the entertainment industry.

## “NO MORE PRETENDIN’. ‘CAUSE NOW YOU’RE WINNIN’...”

Or...not. (“Hey hey hey.”)

“I hate these blurred lines!” sings pop star Robin Thicke. And now he may truly hate them, or rather his 2013 hit song “Blurred Lines,” which put him at the center of a bitter copyright dispute in 2015.

The “Blurred Lines” battle pits Thicke and his co-writers—producer Pharrell Williams and rapper Clifford “T.I.” Harris—against the family of the late Marvin Gaye, the celebrated soul singer who left a lasting musical catalog following his death in 1984.

The Gaye family claims “Blurred Lines” infringes on the copyright of Gaye’s 1977 disco-funk hit, “Got to Give It Up.” Following buzz that their song sounded remarkably similar to Gaye’s song, the “Blurred Lines” artists filed a lawsuit to proactively determine that there was no copyright infringement. Gaye’s family countersued, represented by a legal team that was led by attorney Richard Busch and included UT Law alumna Sara Ellis (’11).

So far the legal battle has tilted in favor of Gaye’s family, with the latest court ruling awarding \$5.3 million and 50 percent of future royalties to the soul singer’s survivors. Unsurprisingly, counsel for Thicke and his co-writers appealed the decision in December 2015.

The case is complex and raises many issues about songwriting, copyright infringement, creativity, and the impact of a public persona in a legal dispute. Two UT Law professors and two UT music professors recently discussed the case and what it means for music and copyright law.

### CAN YOU COPYRIGHT COWBELL?

“For me, the fascinating thing is the way the lawyers for the Gaye estate presented these two catchy pop songs to the jury, using a very logical and analytical framework,” says Associate Professor of Law Lucy Jewel, referring to the fact that the case was based not on the actual performance of the songs but only on the musical composition—the sheet music.

A musicologist for the Gaye family pointed out at least five alleged similarities between the sheet music for the two songs, including the recurrence of an A7 chord, similar successions of notes, similar beginning tones in phrasing, and similar melodic contours.

But what about the performance elements that make these songs sound similar? It was, after all, the similarity in the sound of the two songs that first got people discussing the possibility of copyright infringement.

“Can you copyright cowbell?” asks Associate Professor of Music Theory and Composition Brendan McConville, citing the percussive sound found on both tracks.

In this case, the short answer is no.

A performer’s voice (a high male falsetto), the percussion (a similar beat and cowbell sound), and backing vocals are not considered part of the copyright for a piece of sheet music. Though the two songs may have a similar sound due to some of these elements, they are not protected in copyright law.

“I think it’s also interesting to note that [the Gaye family] didn’t have a digital recording protected under copyright law,” says Brian Krumm, associate professor of law and director of the Business Law

and Trademark Clinic. “That might have made a difference as well. If you copyright both the sheet music and the digital recording, you probably have greater rights than just the sheet music itself.”

Basing the lawsuit on just the sheet music may have also put an unusual burden on the jury, according to Andrew Sigler, lecturer of music composition. “They’re trying to analyze and have a sense of something they can only get through the musicologist. So it really comes down to how well that expert witness can argue.”

McConville points to his music analysis classes and the subjectivity involved. “Analysis is interpretation, so the jury had to follow the



analytical position of this person and that person, and they're not able to make that determination themselves. Whereas in our classes, we may have twenty different perspectives on a piece. But the interpretation of the piece is subjective, and [in the trial] that was isolated to a few people's opinions."

Krumm and Jewel agree that in cases such as these, jurors are going to be heavily influenced by the advocacy of the attorneys and what they do with the evidence presented. However, they both argue that one major factor in the case had nothing to do with the songs themselves, but instead came from how the jury felt about Thicke's bad-boy behavior and erratic testimony.

### FALSUS IN UNO, FALSUS IN OMNIBUS

During the trial, jurors were shown footage of Thicke's and Pharrell's depositions. The footage, which was released to the public in October 2015, conflicted at times with their courtroom testimony.

Just as damaging, though, was how the video reflected on Thicke personally. During the deposition he admitted that he was high or drunk every time he did an interview to promote "Blurred Lines." Thicke also made the startling claim that Pharrell was the sole creator of the song and that he, again, was high or drunk during the song's creation.

"This really is a cautionary tale for entertainment lawyers," says Jewel. "Entertainers can be narcissistic; they can get into all kinds of nasty things like crime and drugs."

Perhaps the most damning testimony was Thicke's response when asked, "Do you consider yourself an honest man?"

He simply responded, "No."

"In legal advocacy we actually call this *falsus in uno, falsus in omnibus*, meaning that if you lie once, we can't believe you for anything," Jewel says. "I think that was fatal to their side of the case."

### STANDING ON THE SHOULDERS OF GIANTS

Recently, several other cases of copyright infringement in the music industry have been settled out of court. In

January 2015 it was reported that UK crooner Sam Smith had given 12.5 percent songwriting credit on his hit song "Stay With Me" to American rocker Tom Petty, after publishers for Petty's 1989 song "I Won't Back Down" noticed similarities in the melodies of the choruses. Songwriters for "Stay With Me" said they were not familiar with the Petty song but acknowledged the similarities.

"That's the interesting thing about copyright law," Jewel says. "You can commit infringement by mistake or subconsciously. You don't actually have to intentionally copy or plagiarize the song."

Petty said in a statement on his website, "All my years of songwriting have shown me these things can happen. Most times you catch it before it gets out the studio door, but in this case it got by."

"Tom Petty, as a composer, knows that we're all standing on the shoulders of giants. It's all an aggregate," says Sigler, who points out that Igor Stravinsky, one of the most influential composers of the twentieth century, was once quoted as saying, "A good composer does not imitate; he steals."

"He knew very well the art, or rather the nature of his art, which is building upon previous epochs," says Sigler.

It's well documented that Gaye himself wrote "Got to Give It Up" after being inspired by the Johnnie Taylor hit "Disco Lady." Gaye's song was even originally titled "Dancing Lady."

### PURE, BRIGHT LINE?

So legally, where does inspiration end and copyright begin? McConville asks if there can ever be a "pure, bright line" in these cases.

"Since music electronics and recording mechanisms come into play, it's making it much more complicated," says Krumm.

According to Sigler, up until about fifty years ago, music was a "fixed sheet of music, open to interpretation." Now, sheet music is usually written after the fact, and the performance of the song—the recorded artifact—has become more important, making lawsuits like this one tricky.

Though there may never be a "pure, bright line" legally, the music professors agree that these types of cases shouldn't stifle the creativity of artists.

"We're continuing to evolve in how music is produced," McConville says. "Musicians today just have to work hard to come up with creative, unique ideas." ♦



**IF YOU LIE ONCE,**  
we can't believe you for  
anything...I think that  
was fatal to their side  
of the case.

LUCY JEWEL

Stars adorn the walls of the College of Law. No, not the kind that fill the night sky, but the framed records of musicians whose songs have filled the airways and contributed to American pop culture. These silver, gold, and platinum records serve as a permanent testament to some of music's greatest hits, and despite the differences in genre and even era between the artists, they all share one thing in common: the attorney behind the musicians. That attorney, **JOEL A. KATZ ('69)**—who gave these framed records to the college from his collection and for whom the college's law library is named—is *Billboard's* top-ranked entertainment attorney and one of UT Law's most prominent alumni.





**THE CAREER OF JOEL KATZ IS A FAITHFUL TESTAMENT TO THE AMERICAN DREAM.**

During law school, Katz faced hardships and nearly flunked out. At the beginning of his career, he found himself with no clients in an Atlanta office “the size of a restroom stall,” barely living off his savings. However, it was his resilience and entrepreneurial spirit—not to mention a bit of luck—that transformed him into an entertainment mogul with unparalleled experience in the world’s “most fickle business.”

**TOUGH WITH A HEART OF GOLD**

A Queens native, Katz attended Hunter College in New York City and graduated with an economics degree in 1966. Like his father, Katz aspired to become a lawyer, and that summer he arrived in Knoxville in pursuit of a law degree.

To finance his legal education at UT, he took on two jobs: a part-time position at the college’s library and a full-time, six-days-a-week position from 6:00 p.m. to 6:00 a.m. as a hotel night clerk. Though Katz was able to keep up with his studies, his punctuality suffered, leading to a confrontation with his contracts professor, Colonel R. McDonald Gray.

“He was a very prim and proper military guy, and he had a rule that if you were late three times, you got an automatic ‘F,’” explains Katz. It was early in the semester when Katz reached his third tardy, a fact the colonel announced to the entire class. “I was so embarrassed,” Katz says. Still, he asked Gray for permission to sit in the class and listen for the rest of the semester so that he would be better prepared to retake the class. The colonel obliged. After class, Gray privately interrogated Katz about his frequent tardiness. Once Katz explained his night clerk position, which only allowed him an hour or two of sleep at dawn, he saw an astounded look on the colonel’s face.

“I’ll never forget it. He said to me, ‘You’re not going to get an ‘F’ in my class, son. You want to be a lawyer more than anybody else in this damn law school. You’re going to be a great lawyer, so I’m not going to flunk you out of my class.’”

Colonel Gray became like a patron saint to Katz. One semester, Katz’s brother fell severely ill, warranting Katz’s return to New York at the cost of failing nearly all of his classes. The colonel testified before the administration, speaking to Katz’s character, and garnered him readmission to the college. The following semester, Katz made the dean’s list.

“That’s why I feel really close to UT Law, because everything I’ve done [in my career] I never could have done if that man and that school didn’t have a sense of goodness and

kindness towards me,” says Katz. “Tennessee will always be really important to me and taught me how I want to treat people. I’m tough, but I think I have a pretty good heart, too, just like the colonel.”

**THE MAN WHO WOULD BE COUNSEL**

A few years after graduation, Katz was a small-time attorney in Atlanta sharing a secretary with three other lawyers in a cramped office with no clients. A former student of Katz’s from Georgia State—where Katz had been a lecturer on urban law—told him about a client who was looking for a lawyer who had never practiced entertainment law.

“[He told me], ‘We represent an entertainment superstar, and he’s been burned by the people in New York and the people in California. He’s from Augusta, Georgia, and only wants a lawyer from the South,’” recalls Katz. Upon learning that the client was the legendary James Brown, Katz found it hard to conceal his amazement. “In 1971, James Brown was the equivalent of Taylor Swift and Justin Bieber all rolled up together,” he says.

Katz tried to read up on entertainment law as much as he could before his meeting with the Godfather of Soul at the end of the week. When he arrived at Brown’s downtown hotel suite, the star was having his hair styled. “He took one look at me, and he knew exactly what I was: a guy who didn’t know nothing.” Brown hired Katz on the spot.

Soon after, the two headed to New York, where Brown hoped to sign a contract with the then new record label PolyGram, a joint venture by Philips and Siemens. However, Brown’s demands were steep.

“He said he wanted a \$5 million advance against royalties, he wanted a jet plane, and he wanted to own the master recordings and the publishing rights,” says Katz. “I went through the list with the [PolyGram lawyer], and he looks at me and says, ‘Are you completely out of your mind? This is the stupidest, craziest, most egregious list of things I’ve ever heard in my career!’”

“I knew at that moment why James Brown had hired me: because no lawyer who knew anything about this business would ever go in and ask for the things he wanted.”

Nevertheless, Katz was invited to dinner with the PolyGram lawyer later that evening, where, with a fair amount of negotiating, most of Brown’s demands were met with small modifications. Soon, Brown became PolyGram’s first recording artist. At the press conference announcing the deal, Brown profusely thanked Katz, telling the press that Katz had “just made the biggest deal for an artist in the history of the recording music business.”



Joel Katz ('69)

**THE ART OF LAW**

Upon his return to Atlanta, word of Katz’s unbelievable deal began to spread through the entertainment industry. Only a few days later, Katz found himself in Austin, Texas, with Willie Nelson, who wanted to utilize the skill of “the Godfather’s lawyer,” to sell his album, *Red Headed Stranger*, to Columbia Records. Through Nelson, Katz was introduced to George Jones, Tammy Wynette, Waylon Jennings, and Kris Kristofferson.

“I put them all on retainer for \$2,000 a month, every one of them,” he says. “And Willie said to them all, ‘This is our lawyer, this is our guy. He’s going to look after us.’ And they became lifetime clients.”

Katz’s client base continued to grow in size and prestige. He has represented Michael Jackson, Justin Timberlake, Mary J. Blige, Jamie Foxx, George Strait, Kenny Chesney, Ludacris, Jimmy Buffett, Julio Iglesias, TLC...and the list goes on and on.

In time, Katz realized the amount of work on his plate was too much for one attorney. In 1981 Katz founded his own firm, Katz, Smith & Cohen, which he ran until 1998, when the firm joined Greenberg Traurig.

“My theory about practicing law is that it’s an art form, and it’s also a business. But without clients, you don’t have a business. So the most important thing in the world are clients and treating them well, treating them like family, and making sure that they understand everything you are doing,” Katz says. “I never tell people I’m a lawyer. People ask, ‘What do you do?’ and I say, ‘I’m an architect surrounded by lawyers. I create things, build them, and then my lawyers close them up.’ That’s the way I look at my job.”

In recent decades, Katz has expanded his areas of practice to international issues.

“The great thing about my life is I’m a very inquisitive person, and I got blessed with the ability to

**A STAR-STUDED CAST OF CLIENTS**

Joel Katz’s client list features some of the most recognizable names in music, including:

- Mary J. Blige
- James Brown
- Jimmy Buffett
- Julio Iglesias
- Michael Jackson
- Ludacris
- Rock & Roll Hall of Fame
- George Strait
- Justin Timberlake
- TLC



see the world and meet people from all sorts of different places, all sorts of different cultures...whose lives have affected so many other people,” he says. “I feel very blessed with this ride that I’ve had.”

A lawyer now for more than forty years, Katz says he’s mindful about taking care of himself and choosing how busy his schedule is.

“As you get older, you just learn things. You can’t just sit on the sidelines and watch life go by. You’ve got to live it and do everything that you can do based on your education, the experience that you have, and based on what you think you can do well,” Katz says. “I’ve also learned that you treat everybody the same in life. You treat the waiter the same way you treat the president of the United States. And you know what? That works.” ♦

PHOTO BY JIM FITTS





Defense attorney Pat Snyder (right) and singer/songwriter Janis Ian (Photo by Nathan Morgan/The New York Times/Redux)

# Playing on Uneven Ground

Pat Snyder ('98) on her journey to legal practice, fighting for those in need, and her marriage to Grammy-winning singer/songwriter Janis Ian

BY WHITNEY HEINS

Nashville criminal defense attorney Pat Snyder ('98) was in a rural county courtroom in 2003. She, along with her client, about a dozen state attorneys, a number of case workers, and a judge were furiously trying to schedule the case. With all those parties involved, it wasn't going the way Pat had hoped.

As usual, Pat wasn't playing on a level field. The state had a team of people and a bevy of resources to fight its case. She had herself and a client with little money.

Then, in front of everyone, the judge paused, looked up, and caught Pat's eye.

"Congratulations," he said.

The judge had read that Sunday's *New York Times*, in which Pat was the subject of a trailblazing article. Her marriage to famous folk singer/songwriter Janis Ian was the first same-sex wedding to be featured in the newspaper's wedding announcement pages. Because same-sex couples weren't yet on equal footing with heterosexual couples in US courts, the two said their vows in Canada. It would be another twelve years before their marriage would be recognized in their home country and they would have the same rights as heterosexual married couples.

Pat and Janis met fourteen years earlier when friends in common matched them up. While the two had mutual friends, they didn't seem to share much else. At the time, Pat (not yet a lawyer) was a single parent working two jobs to support herself and her daughter, Pier. Janis was a touring musician trotting all over the globe. Pat was an introvert and Janis never met a stranger. Janis loved to cook, while Pat's idea of a home-cooked meal involved unwrapping something and popping it in the microwave.

Still, their lunch at a local Nashville restaurant lasted eight hours and turned into dinner. The next two weeks turned into an intense courtship. The pair spent every hour together, much of the time stretched out on the couch coming up with a list of relationship deal-breakers.

"We had been in a lot of relationships and knew what was important to us," says Pat. It turned out the two had a lot in common, and their differences only made each other stronger. They learned from one another and encouraged each other to go after their dreams. One night after a long day at work, Pat was lamenting her frustration with her current position in the television news archives at Vanderbilt University. Janis listened carefully and gave her a simple response: "You should go to law school like you always wanted."

"I can't go to college. I have to put Pier through college," Pat said.

"Pier graduated two years ago," Janis reminded her.

And so, that was that.

Pat chose UT Law and enrolled at the age of forty-seven. Later, she would establish the LAMBDA Legal Society Scholarship for returning students like herself.

Janis toured more than usual to help pay for Pat's education. Despite one-half of the couple being on the road and the other living away from home, the pair managed to see each other often. "We have a house in Nashville and an apartment in Knoxville," Pat explains. "Janis would come up to Knoxville on the weekends, or I would go to Nashville."

When Pat entered the College of Law, she knew she wanted to be a lawyer but had no idea what kind. It was her criminal justice and ethics classes that sparked her interest in helping those on uneven ground get a leg up. "A federal public defender came to one of our classes and told us 'no one should face the power of the state alone.' That got me thinking."

Indeed, Pat has come to learn just how powerful the state is in terms of resources. "As a sole practitioner with 99.9 percent of clients who are indigent, you can't pay to get the same investigative work and the same quality of background work that the state has at its fingertips," she says. "You can't do it all by yourself."

That's why after graduation Pat opened her own criminal law firm where she can practice law the way she wants and for whom she wants, often taking pro bono cases. "I hope I'm a voice for the voiceless because otherwise, why else be a lawyer?" she says.

Although Pat and Janis had been together for a quarter-century, they had few rights as a couple in the United States. They lacked rights for hospital visitation, the ability to obtain family health coverage, inheritance rights, parental roles of each other's children, and protection in case the relationship ends. "When reaching our age, you start planning things like retirement, putting together a will. It makes a world of difference to know that your partner is going to be provided for if something happens to you," says Pat. "That's something heterosexual couples have taken for granted."

Pat and Janis went to extraordinary lengths to try to make sure they were covered in each other's wills. "But there was no way we could take care of each other if something happened to us," Pat says. "Our marriage was never accepted in Tennessee."

But on June 26, 2015, that changed when the US Supreme Court legalized gay marriage nationwide. Tears erupted from Pat's and Janis's eyes when they heard the news. They could now be sure the other would be taken care of if their time together was cut short. They now knew if the other was severely harmed, they could see each other in the hospital without the law standing in the way. Finally, nothing could keep them apart.

"It was such a relief," Pat says. "Legally, we can finally be normal people." ♦

**I hope I'm a voice for the voiceless because otherwise, why else be a lawyer?**

PAT SNYDER ('98)



# C • N N E C T I N G T H E • D • T S

BY WHITNEY HEINS

## Y • U K N • W H • W I T I S .

Every law student—past and present—can talk about those times when they feel stressed, overwhelmed, and overworked. But underneath the thousands of pages of reading and dozens of assignments on their plates lies the real reason why most students enter law school in the first place: to help people.

Kris Tobin's Legal Research II class uncovers this reason early at UT Law by giving first-year students the chance to help real people in the real world with their work. Through a partnership with the Knox County Public Defender's Community Law Office (CLO), Tobin's students research dozens of issues that are then applied to real cases that ultimately improve peoples' lives.

"I want my students to have the experience where they can figure out what the practice of law really is," says Tobin, assistant professor and reference/faculty services librarian of the college's Law Library. "I feel really blessed to be able to help students grapple with a real-life project."

Most law students don't encounter real-world experience in the first year of school, if at all.

"This kind of exposure (to real problems) is rare and unheard of," says Tobin.

Tobin got the idea for a first-year experiential learning class nearly five years ago. When she approached Brad Morgan ('05), UT's pro bono coordinator, for help, he was immediately excited.

It was Morgan's strong belief in the power lawyers have to influence people's lives that drew him away from a large firm to academia so he could instill this importance in the next generation of lawyers.

"Often as a law student or lawyer, we get caught up with going through the motions—billing hours, moving from one file to the next—but at the end of the day, behind every file and every task in the file, even if it is as small a piece as a research memo, is a person," Morgan says. "And the work that is being done on that file is

being done in furtherance of helping that person."

Morgan worked to connect Tobin's students with community partners in need. After hearing a WUOT-FM interview with Mark Stephens ('79), the public defender for the Sixth Judicial District of Tennessee, the two knew they had found the perfect partner. Stephens, who admits to stacks of issues needing research on his shelf dating back twenty-five years, was happy to have his load lightened and more of his clients helped while exposing students to legal experience and "what it's like for a client to have access to justice, or the lack thereof."

"This class is, in a way, a reality test for students. It can really shape their learning experiences over the next three years," says Stephens, who can't help but compare the class to his own experience as a law student. "I wasted two-and-a-half years of law school because I didn't get the point of the theory. It wasn't until I took the clinic in my ninth quarter and a real, live, breathing person was sitting before me that I connected the dots."

The students have helped countless clients by researching more than forty-five legal issues for Stephens and his fellow CLO attorneys' cases, dealing with topics like expungement, gang and school zone enhancements, and pro se divorce.

In one case, an attorney requested research to help a client who blacked out and potentially caused a car accident. "He is diabetic and hadn't eaten anything that day, and I believe that he had a hypoglycemic shock/coma," reads the



Brad Morgan ('05) and Kris Tobin (right)

request. "Some research suggests that Prozac (which was in his system) can cause/worsen hypoglycemia in diabetics... What I need to know is if someone is under the influence of a substance that wouldn't affect the ability of an 'ordinary' person to drive, but it affects this individual's ability to drive because of their known medical condition, is that sufficient for a DUI conviction?"

After the students research such topics, they present a draft of the legal memo to the CLO attorneys, who challenge and question them and offer feedback. The students then bolster and revise the memos for their final draft. The students' legal memos are then added to a Community Law Office database so that the information is at attorneys' fingertips.

"They really get a taste of what it's like working with legal colleagues," says Tobin. "This class helps them think about things earlier. Legal research can be very esoteric. It's not until they apply their legal research to real issues that it all comes together intuitively."

Tobin and Morgan remember one class specifically when a student's eyes widened and he asked, "You mean, this isn't a hypothetical? This is real?" The ability to do work for more than a grade emboldens the students' initial motivation to be lawyers and instills an early appreciation of the importance of pro bono service.

"Professor Tobin's project found a way to get first-year students involved in 'real' legal work that not only benefited

us as students, but made a significant impact in an individual's life," said Shelisha Steele ('15), who now works as a law clerk in Atlanta. "My experience overall has not only helped me develop as an attorney, but also as a person. I intend to provide pro bono services throughout my legal career."

Tennessee alone has one million residents each year who aren't be able to afford meaningful access to a lawyer. For this reason, the Tennessee Supreme Court has an aspirational goal for each lawyer in the state to provide fifty hours of pro bono service per year, an expectation imprinted on UT's aspiring lawyers.

"Students walk away with an appreciation of the service they have done for the Community Law Office and the clients," says Tobin. "And they learn that when they become practicing lawyers, they're expected to help less fortunate and marginalized clients."

Tobin and Morgan say UT is the only law school they know to include experiential learning in the first year, but the idea is catching on. They have presented the curriculum at several conferences and workshops and wrote a chapter for a forthcoming book on experiential learning in the law school curriculum.

And no doubt, they're helping shape the next generation of lawyers who will speak of law school as well worth their time.

"I really want our students to appreciate where they are and what they can give to others," says Tobin. ♦

PHOTO BY PATRICK KIRBY/RAEY





# VOLUNTEER VILLAGER

WORDS AND PHOTOS BY  
PATRICK MORRISON ('16)

UT Law student and photographer Patrick Morrison ('16) on his recent work in Peru to help children from around the globe learn how to build a better world—and how the experience is central to his passion for advocacy and volunteerism

**I WAS SEVENTEEN** when I traveled to Stockholm, Sweden, to serve as a junior village counselor with CISV International, a nonprofit organization that promotes peace education for children throughout the world.

While in Stockholm, I helped plan an activity where the children work together to build a city. The kids poured their hearts and souls into it. They then walked around to see what everyone else had created, but the activity also involved someone feeding a lie to each group: another group had damaged their city. The kids then discussed whether they wanted to get revenge by damaging the other cities—and some did. The activity simulated how easily conflict can be created and the difficulty of reaching peace after a conflict. After the activity, the kids discussed the exercise, and one boy in particular just “got it”—the whole purpose of CISV clicked with him. He recognized that bad things happen in the world, but there is room for people to do good and make a positive impact. It was at that moment that I knew I wanted to go to law school so I could advocate for others and make a difference in the world.

Fast-forward almost a decade later, to my last semester at UT Law. This winter, I worked for several weeks as one of five individuals in charge of a CISV village program in Lima, Peru. Instead of museums and typical tourist activities, our camp featured cultural presentations from the different countries

represented and activities that introduced the children to topics like stereotypes, race, gender, disability, trust, peace, war, and diversity. And any time you have seventy-two people living together in close quarters, conflict is bound to happen. However, it was exciting to help the kids learn to work together, learn from each other, build trust, and enable them to become active members of society.

Little did I know that I would connect my legal knowledge and experience to a camp focused on the educational development of eleven-year-olds. At one point during the camp, two participants got into a physical altercation, and I was tasked as the investigator to get to the bottom of the conflict. I treated it as a legal proceeding: I interviewed the parties, talked to witnesses, and gathered evidence. I also faced cultural and language barriers throughout the program and used the negotiation and communication skills I’ve learned to overcome these obstacles. Because of both UT Law and CISV, I know I’m now prepared to successfully overcome similar challenges during my legal career.

The world needs our help, abroad and in our local communities. As an aspiring lawyer and a Tennessee Volunteer, I seek to make the world a better place as I advocate for those who need a helping voice, and I plan to commit my life to pro bono service and the educational development of children—our future leaders.



Clockwise from top left: A Norwegian boy participates in a trust activity where children work together to carry a person down the line; a llama at Machu Picchu; children from Peru, France, and Denmark laugh together; the streets of Cusco; Patrick Morrison with his camera at the Huaca Pucllana ruins in the Miraflores district of Lima (photo by fellow counselor Daniela Madriz); and a groundskeeper takes a break at the summit of Machu Picchu.





# Report on Giving 2015

Thank you to all UT Law alumni and friends who made philanthropic gifts to the college in 2015. Donor support is critical to the success of our law school. It allows us to strive for excellence in everything we do and to provide the best legal education possible for our students. Again, thank you for all your support!

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- CLASS OF 1963**  
**\$4,600**  
Thomas and Judy Hodge  
Ben and Patsy Hooper  
Richard and Isabelle Ladd  
Thomas and Connie Williams
- CLASS OF 1964**  
**\$11,500**  
W. Thomas and Susan Dillard  
S. Morris and Anne Hadden  
James and Kathy Powers
- CLASS OF 1965**  
**\$4,900**  
William and Eve Earnest  
Lowry and Jane Kline  
Charles B. Sexton  
Richard and Mary Stair
- CLASS OF 1966**  
**\$6,600**  
Walter W. Bussart  
Carl E. Colloms  
Thomas and Dorothy Dyer  
John and Elizabeth Beck  
U. Richard Eberhardt  
G. Mallon and Kay Faircloth  
Jack and Susan Franklin  
James and Clio Friedewald  
Gerald W. Fudge  
Frank and Beverly Groves  
Perry and Gayle Happell  
Marilyn and Ben Kavanaugh, Jr.  
Frederick Lewis and Laura Adler
- CLASS OF 1967**  
**\$54,650**  
Walton and Susan Bonds  
William and Martha Carriger  
B. Samuel and Barbara Engram  
John and Trish Foy

- CLASS OF 1968**  
**\$5,997**  
Ronald and Louise Beck  
U. Richard Eberhardt  
G. Mallon and Kay Faircloth  
Jack and Susan Franklin  
James and Clio Friedewald  
Gerald W. Fudge  
Frank and Beverly Groves  
Perry and Gayle Happell  
Marilyn and Ben Kavanaugh, Jr.  
Frederick Lewis and Laura Adler
- CLASS OF 1969**  
**\$153,181.30**  
Edward and Evelyn Arnn  
Joel A. Katz  
Paul and Cynthia Millin  
Peter and Leslie Rosen  
W. Allen Separk  
Cheryl A. Tipton  
Benjamin and Bonnie Williamson  
John and Hope Williamson
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E.H. "Buddy" and Lisa Avery

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Albert and Nancy Harvey  
A.J. and Vicki Kalfus  
Jerry R. Maxwell  
Hugh W. Morgan  
Chip Smith  
David and Virginia Smith  
Harold and Ellen Waggoner
- CLASS OF 1971**  
**\$3,528.25**  
William and Sally Cates  
J. Stephen and Lara Daniel  
Roger and Pamela Dickson  
Michael and Rhonda Galligan  
Jeffrey and Mary Henry  
Carleton and Sharon Knechtel  
Harold and Charlene McDonough  
Jimmy and Jill-Anne Owen  
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Joseph and Cheryl Tipton
- CLASS OF 1972**  
**\$2,950**  
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Alan and Jean Cates  
James and Patricia Curlin  
William and Karen Davis  
John Kocsis, III  
J. Klyne and Sara Lauderback  
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**\$13,240**  
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Robert and Ann Bly  
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Robert and Patricia Croley  
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James and Jane Stranch  
Jeffrey and Nancy Thompson  
William and Gwendolyn Wray

- CLASS OF 1974**  
**\$72,080**  
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Richard and Ray Armstrong  
Lee J. Bloomfield  
Patrick and Linda Deren  
Carl and Laura Eshbaugh  
William and Patricia Farmer  
Dennis and Susan Godfrey  
William and Mary Gray  
David B. Green  
James and Maureen Hill  
Joseph and Ann Huie  
Ann and Mark Mostoller  
Randall and Jackie Pais  
John B. Phillips, Jr.  
William and Calista Pressly  
Richard L. Rose  
W. Ronald and Patricia Stout  
David and Ginny Welles  
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**\$10,939.94**  
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Joe and Joyce Beene  
Terry C. Bird  
George and Drusilla Bishop  
John and Linda Breen  
Paul and Emily Campbell

- CLASS OF 1976**  
**\$10,675**  
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Margaret L. Behm and Harlan Dodson  
Hugh and Celia Bright  
Wendy and Charles Goggin  
Jeffrey W. Guild  
Charles T. Huddleston  
Kenneth and Barbara Krushenski  
Todd and Betty Lepage  
Karen and David McGinley  
C. David Mecklin, Jr.  
William and Barbara Miller  
John and Barbara Phillips  
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Arnold and Rebecca Stulce  
Ellen C. Tewes  
G. Wendell and Kathy Thomas  
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Bonnie Bolejack and Alan R. Griswold

- Robert and Donna Hamilton  
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Beatrice Heveran and Robert D'Alessandri  
Harry and Gail Laughlin  
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Phillip and Christy Robinson  
Ben and Nancy Sissman  
Bill and Diana Swann  
James and Rochelle Weatherly  
Ken and Susan Wichter

- CLASS OF 1978**  
**\$11,650**  
Gloria S. Beauchene  
Jeffrey and Margaret Beausse  
Joseph and Marsha Cohen  
Kenneth and Daine Cutshaw  
David and Mary Jo Eberspacher  
Michael and Carol Hickey  
Sharon G. Lee  
Jerry L. Smith

- CLASS OF 1979**  
**\$7,996.38**  
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Frances Ansley and James Sessions  
Susan Bivins  
William and Amy Corley  
Donna Davis-Beltz and Ivan Beltz  
Laura and A. Scott Derrick  
John and Phyllis Eldridge  
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Howard and Elizabeth Jarvis  
James and Lisa McKinnon  
Nathan and Connie Ridley  
Pamela L. Reeves  
Michael L. Schneider  
Martin S. Sir Charles W. Swanson  
Mary E. Walker  
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- CLASS OF 1980**  
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Barbara and C. Leon Franks  
Stephen and Karen High  
J. Reginald Hill  
Gail Stone Jarvis



## Tennessee Hall Society

From the college's original building, Tennessee Hall, to our current location on Cumberland Avenue, UT Law has always stood proudly, serving as a beacon of legal education. These donors who have committed \$1 million or more to the college represent our continued commitment to excellence in legal education.

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Anonymous  
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Jim Clayton  
Carl E. Colloms  
Joel and Kane Katz

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Richard and Donna Plumley  
W. Allen Separk  
Jerry H. Summers

- Steven and Deborah Douglas  
Gregory Fletcher and Carolyn Mikulic  
Elizabeth Ford and Michael Driskill  
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Charles L. Trotter, Jr.  
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Donald and Cathy Parish  
Eugene and Martha Podesta  
Michael and Judith St. Charles  
Penny J. White  
Kevin B. Wilson  
Scarlett D. Wilson

Please be assured that every effort was made to ensure the accuracy of this report. For couples with only one UT Law alumnus, the alumnus is listed first. Let us know if you find errors by contacting Steve Evans, senior director of development and alumni affairs, at 865-974-6691 or sevans6@utk.edu.



# Report on Giving



## Harold C. Warner Society

As dean, Harold C. Warner brought the college into our modern history. To recognize his work, this society recognizes individuals and businesses that have established an endowed fund at UT Law.

- |   |                                       |   |
|---|---------------------------------------|---|
| Aslan Foundation  | T. Robert Hill                        | Ann Jarvis Pruitt                               |
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| Bonnie C. Bolejack  | Kennerly                              | John T. Milburn Rogers                          |
| Clayton Family Foundation   | Montgomery & Finley, P.C.             | J. Scott Rose                                   |
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| Michael and Carol Hickey  | Pilot/Flying J Thomas R. Prewitt, Jr. |   |
| J. Reginald Hill  |                                       |   |

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Louann Prater Smith  
Richard A. Smith  
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Craig and Penny Thompson  
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Sherrie N. Rutherford  
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David and Bonnie Thornton  
William S. Walton  
M. Patrick and Virginia Woodard

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Bethany Dumas  
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Joy and Randy Gothard

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Jill and Ken Steinberg  
Steven E. Walburn  
Rochelle and James Weatherly  
Laura and Kyle Williams  
Thomas and Kathryn Wilson  
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**\$2,600**  
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Philip and Melanie Crye  
Judith Deprisco and Gary Wagner  
Jacqueline Dixon and Mitch Scott  
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Odell and Ella Horton  
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Stuart F. Patton  
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Lynn P. Talley

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**\$1,050**  
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Jeri Saunders Bryant  
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David and Elizabeth Fleenor  
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Denna F. Middleton  
James and Mary Normand  
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Stephen W. Ragland  
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R. Dale and Janet Thomas  
Daniel C. Todd  
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Sherry L. Paty

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Robbin and Dan Page  
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Darrell E. Warner  
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### CLASS OF 1991

**\$2,000**  
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Kim Waterhouse  
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Allison and James Cardwell  
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Laninya Cason  
Jason and Susan Epstein  
Christine Jones Laird  
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Jason and Carol Long  
Amy and Chadwick Pierce  
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Jon P. Debardeleben

Dee Ann Dorsey and Jason Bazar  
Kevin N. Graham  
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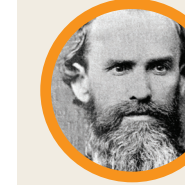
**\$6,900**  
Tasha Blakney and Michael Rogers  
Jason and Daphne Havens  
Jeramie Keys and Christy Smith-Keys  
Christen E. McCammon  
Tommy and Jenny Meredith  
Freddie and Marnie Mullins  
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Hancock  
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The Freeman Society, named for our first dean, recognizes individuals and families who, through their estate plans, have established a planned gift of any size benefiting the college. These future gifts can be a bequest through a will or personal trust or one of several charitable life-income plans.

- |                                 |   |
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| Anonymous                       | David and Ruth Jones                    |
| Anonymous                       | Joel and Kane Katz                      |
| Anonymous                       | John R. LaBar                           |
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| Herbert M. Bacon                | Sam and Marlo LaPorte                   |
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| Thomas and Nancy Campbell       | Robert and Jamie Montgomery             |
| Carl E. Colloms                 | Steven and Evelyn Oberman               |
| Gail Gray Cunningham            | Jimmy and Jill-Anne Owen                |
| W. Thomas and Susan Dillard     | W. Allen Separk                         |
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| Gregory and Katherine Hamilton  | Frankie E. Wade                         |
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| Michael H. Hickey               | Edward G. White, II                     |
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Jennifer Barnhardt  
McAfee  
R. Jackson and Sarah Pope  
John Tyler Roper  
John S. and Melisia Seehorn  
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Ryan and Melanie Durham  
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Deborah A. Josephs  
Kristian M. Lehmkuhl  
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and Benjamin Polly  
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Troy and Sarese Svihl

Hanson and Elizabeth Tipton  
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Celeste M. Watson  
Stephanie J. Williams

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LaJuana and Kenneth Atkins  
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Michael K. Han  
David and Naomi Henry  
Ashley Jones  
Kebrdle

Richard S. Kebrdle  
Sean C. Kirk and Candice L. Reed  
Vicki L. Mayfield and Mark J. Rennich  
Matt and Carolyn Thomson  
Erica Bell Vick

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Loretta G. Cravens  
Julie and Matthew Eisenhower  
Andrew M. Frieberg



# Report on Giving



## 1890 Society

In 1890, UT Law opened with only nine students and one faculty member, but from those humble beginnings an institution known for excellent legal education has flourished. UT Law relies on the continued support of donors who give to the College Fund for Law. Alumni and friends who give \$2,500 or more during the calendar year to the College Fund will be members of this esteemed group for the remainder of the year and the next year.

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J. Porter Durham  
Beth Ford and Michael Driskill  
Greg Coleman Law PC  
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Thomas and Judy Hodge  
Sean and Jacqueline Jones  
A.J. and Vicki Kalfus

Anthony and Theresa Lee  
David T. Lewis  
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Charles and Nancy Reynolds  
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Terry Weatherford  
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Crystal R. Frieberg  
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Amanda and Scott Sammons  
Baylor and Ryan Swindell  
Riette L. Van Laack  
Michael and Jessica Wall  
Justin and Edie Wear  
Christopher R. Whittaker  
Winston S. Williams

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Ashley and Jeffrey Beck  
Tracy and Christian Clevenger  
Beth and Allan Crooks  
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Gianna M. Maio  
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Brad Morgan  
Betty T. Rhoades  
Marissa Moses Russ and Manuel B. Russ  
Carla L. Taylor  
Tonya and Robert Thornton  
Emily and Bryan Wilburn

### CLASS OF 2006 \$4,275

Andrew R. Brown  
Douglas and Allison Elkins  
Gregory C. Eshbaugh  
Melissa Hsieh and William Alexander  
Elizabeth Saxton  
Inman  
John M. Inman  
Anica Conner Jones  
Aretha Nikkia Jones and Jana L. Denning  
Sarah and Joseph Keith  
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Landon P. Lackey and Frances R. Koho  
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Rebecca M. Oldfield-Frey  
Courtney M. Rogers  
Brooklyn D. Sawyers

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Melanie S. Creech  
J. Scott and Sarah Griswold  
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Lisa A. White and Daniel Butler  
Tara Wylie

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Abigail D. Bray  
Thomas Caldwell  
Erin P. Davenport  
John and Ginger Dawson  
Patrick L. Earnest  
Eric J. Garcia  
Martha McRee Garcia  
Jason and Jennifer Isaacson  
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Kelly  
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Maude Riseden Hughett (1909) and RBJ Campbelle Jr. ('56) were pioneers at UT Law as the first female graduate and the first black graduate, respectively. They helped establish the college's foundation as a diverse and inclusive law school community. Alumni and friends who give \$1,000 to \$2,499 to the College Fund during the current calendar year will be members of this group for the following calendar year.

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Each year, the College of Law remembers our alumni who have passed away. They have all paved the way for today's students.

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# Colleague

## The puzzle solver

BY LUIS RUUSKA

Janet Hatcher, interim director of admissions and financial aid, has been with UT Law for thirty-six years, making her one of the college's most familiar faces.

A Knoxville native who grew up in Alcoa, Hatcher began working at the college in 1979 as a temp and was later hired full-time as a receptionist. A few months later she was moved to the Office of Admissions, which later became the Office of Admissions and Financial Aid, where she has spent the bulk of her career as the financial aid coordinator. In 2015, Hatcher was promoted to her current position, where she aids in recruiting qualified students to join UT Law's ranks.

In her more than three decades of service, Hatcher says the college's atmosphere has transformed in a variety of ways. "It's warmer, friendlier, and more community-oriented than it was when I first began working," says Hatcher. "The students are happier, and the faculty and the students are more open and receptive with each other, too."

Throughout her time at the college, Hatcher says the lifetime connections she has made with students have resulted in some of her fondest memories. "The connections that I've made have been nice and now you see the kids of some of the alumni coming through law school, which is rewarding because you see the learning continuing on," she says.

Students have also remembered Hatcher fondly since graduating from the college. Ronald Attanasio ('85) recalls that Hatcher's support was critical during his time in law school. "For the two-and-a-half years I was in law school, and to this day, Janet has been a friend, a counselor, and a staunch supporter," says Attanasio. "Now, thirty years later, I still enjoy the practice of law and verily believe that I have made a difference for at least one particular non-profit and in the lives of many others—and without Janet, I simply would not have been in a position to have done so."

Stephanie L. Slater ('90) says she will never forget when Hatcher came to her aid in the weeks leading up to her second year of law school. A system error had caused Slater to be incorrectly labeled as an undocumented student and also listed a missing transcript from a university she had not attended, which caused her financial aid package to



Janet Hatcher

be rescinded. "[I was] distraught and dazed...Fortunately I ran into Janet Hatcher," Slater says. "She calmed me down, sat me in a chair, and in one phone call cleared up the whole mess. All these years later, I have not forgotten what she did for me that day. The college is very fortunate to have her."

Hatcher says the highlight of her career has been developing relationships with students past and present,

like Attanasio and Slater. "I'm not in it for myself; I like helping the students. Financial aid can be hard, but the challenges have been fun and rewarding," she says. "I like puzzles, and getting all of this stuff to work together is like fitting the pieces of a puzzle together. When I can see the kids walk across the stage at graduation, that makes it all worthwhile. That's what it's all about."

## LAW 809: Criminal Law

Joy Radice, Associate Professor of Law

BY AMY BLAKELEY

What do you get when you combine a classroom, courtroom, and theater stage? Associate Professor Joy Radice's criminal law class.

Radice, who came to UT in 2012, is using a new approach to teach criminal law. In 2013, she began recruiting actors from UT's Department of Theatre to make a criminal case—the fictitious *State v. Jones*—come to life for her first-year students. They get to see what it's like to interview and assess the statements of a defendant ("Calvin Jones," charged with burglary) and prosecution witness (police officer "George Hitchens"), apply those facts to Tennessee cases, and then negotiate with opposing counsel to try to resolve the case.

Although actors have been used in some upper-level law courses, Radice's interactive, experiential approach is new for first-year students. The actors were so effective that she also uses them at the start of each semester for a five-day "Advocacy Clinic Boot Camp" that prepares students for representing actual clients.

"My hope in using the actors is that students would get a real feel for what it's like to be a lawyer and, more importantly, how they can learn on their own through experience and reflection," Radice says. "I want students to see that they are their own teachers. The combination of legal knowledge, lawyering skills, and self-awareness is what will make them excellent lawyers."





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