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Fall 1999

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University of Tennessee College of Law

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University of Tennessee College of Law

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FALL 1999

# Alumni HEADNOTES

COLLEGE OF LAW

THE UNIVERSITY OF TENNESSEE



EQUAL JUSTICE UNDER LAW





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# Alumni Headnotes

THE UNIVERSITY OF TENNESSEE COLLEGE OF LAW

Fall 1999

Volume 25, Number 1

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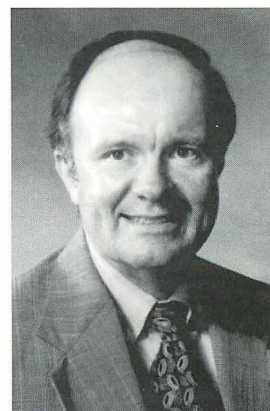
Peggy Goodman

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# Dean's Message



One day recently while visiting the College, my youngest daughter Jennifer, who is seven, saw our scales of justice and wondered how they sat there so evenly without falling.

I told her that the scales of justice don't fall over because of one key concept – balance. I couldn't strive for a better rule by which to live. Balance family, spirituality, work, friends, exercise, hobbies, expanding my mind. When you think about it, balance is a pretty great thing.

Now, where exactly am I headed with this? If you look at great organizations and great universities, you will see that one of their key traits over time is balance. You will also see that balance very often coincides with excellence.

It is with pride I report to you that the University of Tennessee is a great law school whose excellence is characterized by outstanding balance.

We are not a place that seeks to find a niche for itself to justify what we do. You will hear us brag about those things we do particularly well – teaching advocacy, teaching lawyers to represent entrepreneurs, teaching legal writing, clinical programs, and service learning devoted to the public interest. But none of those things define us. Those are things that make us excellent, things that make us better. But none of those things capture all that we are.

All of those things are part of the balance that makes us so strong.

While we have nationally recognized and innovative programs, not one of those outstanding programs defines or dominates our approach to providing our students with a well-rounded legal education in which we prepare them to be excellent, ethical, and professional attorneys.

Hopefully, you have seen our building. It is one of the best facilities for legal education in America. But we balance its newness with a longstanding tradition and reputation for excellence. While we have the best new building in America with the best new technology available, we also know that we opened our doors in 1890. We know that we were a charter member of the AALS. We know that we have the oldest continually operating legal clinic in the United States.

Our faculty balances teaching with scholarship. The faculty's research is rooted in its teaching and its teaching is rooted in its research, both practical and theoretical. We are teacher/scholars – balancing those two aspects of our mission.

We display true balance in our approach to legal education.

You no doubt remember the movie and the television show "Paper Chase" where the stodgy Professor Kingsfield, played by the late John Houseman, battered his students with question after question. He thought his students' brains were mush and it was his job to get them to think like lawyers. Well that

Socratic method—question, question, question—is one excellent way to teach law. It has been the traditional way to teach law since 1870 or so. And we have some great Socratic teachers at the College of Law. We run with the best of them when it comes to traditional law school classroom teaching.

But we also realize that one of the drawbacks of three years of nothing but the traditional Socratic method is that the law student does not learn a lot of the skills he or she has to know to practice law. They don't learn legal writing and research. They don't learn how to question a witness in a deposition or at a trial. They don't learn how to solve a business person's problem or how to negotiate or draft a contract. They don't know how to mediate a dispute.

Realizing the drawbacks and the strengths of the traditional method we balance it with more innovative skills training. As I said earlier, we were one of the nation's leaders in clinical legal education and we are still on the forefront. In the clinic our students learn by actually representing real clients under the supervision of our outstanding clinical law faculty. And at UT our clinical faculty are tenure-track just like our faculty who teach in the traditional classroom. This year we have welcomed a new faculty member, Paula Williams, to the clinic. Before joining us Paula spent many years in practice with the Legal Aid Society in New York City. She also spent one year teaching at Cornell Law School's clinic.

What other skills do we teach? We are extremely proud of our legal writing program. We have a six-hour first-year course in legal writing and research. We also have an upperclass writing requirement. Our goal is to truly have writing across the curriculum. Imagine a lawyer who doesn't have to spend a good deal of their time writing. We can't, and we want to make sure our students are able to write and write well.

Let me also tell you a little about our two Centers.

First let me tell you about our Advocacy Center. UT has a long tradition of training outstanding trial lawyers. Also, as I said before, we have the tradition of our Clinic. Building on those traditions, a few years ago we created a Center for Advocacy. The goal of the Center is to provide our students who want to spend their careers in the court room (or just outside it), the absolute best training possible.

The first and primary thrust of the Center is educational – to train our students. As such, students in the Center, after their first year, can take a series of systematically organized courses

aimed at teaching them how to be effective, professional, ethical advocates.

Because of our commitment to balance, the Center is not just concerned with our students. We also hope to be able to establish the Center as a national center for scholarship about advocacy and about ways to improve our American dispute resolution system. Additionally, we hope to be able to reach out to our graduates and other lawyers and judges in the area – to be able to continue to teach them about advocacy throughout their careers.

We are especially proud to have just hired a new director for the Center, Paul Zwier. Paul comes to us from The University of Richmond where he spent the last 18 years establishing his reputation as one of the best teachers of trial advocacy in the nation. Paul has a longstanding relationship with the National Institute of Trial Advocacy – the best provider of continuing education about trial advocacy in the world. Through Paul we hope to develop ties to NITA ourselves and leverage that connection to an even better national reputation for us. You will read more about the Center in the pages that follow.

Now, if all we had was a Center for Advocacy, we wouldn't be very balanced. And so, that's not the only center we have. We also have our Clayton Entrepreneurial Law Center, named for Jim and Kay Clayton who have made a generous contribution to the Center. Other generous supporters of the Center have been the Woolf-McClaine firm and Rich and Donna Plumley.

The Clayton Center is about teaching our students how to work with and for business and not to get in the way of business people. We want our students to understand how business works and to be able to communicate with entrepreneurs and be able to support them rather than hinder them. Like the Advocacy Center, the Clayton Center is first and foremost a Center for our students with a curriculum that systematically builds upon itself and culminates in an experience in which our students are doing what they will be doing after graduating.

The Director of the Center is Carl Pierce, who succeeded Bob Lloyd, the Center's first director. This year we are searching for Carl's successor. And, in the years ahead we hope the Clayton Center will be a national leader in scholarship and continuing education for business lawyers. We also hope that it will be a place where both lawyers and business people come to learn together.

At UT, we also recognize that lawyers have an obligation to our society to do public service work and to do pro bono work. We embrace those responsibilities at UT. Through our Clinic we represent those who would not otherwise be able to afford a lawyer. We also have a student pro bono program in which our students work with lawyers who are representing people who cannot afford to pay for legal service.

We are also a national leader in service learning. Some of our professors try to involve our students in community projects while they learn. Much of what we do, we do through UT's Community Partnership Center. My colleague Fran Ansley has been a national leader in in-service learning in law schools. Last Spring she had her students work with various groups dealing with the wave of Hispanic workers coming into our state.

Balance – we hear about lawyers wanting to win at any cost and sometimes doing things to win that all of us lawyers are ashamed of. Well, we train our students to represent their clients well, but ethics pervades our teaching. Carl Pierce is the reporter for the TBA revision of the Tenn. Ethics Code, and he is also one of the reporters for the ABA's Ethics 2000 Commission, which is reexamining and redrafting the Code of Professional Conduct.

Our students continue to display great balance. Eighty percent come from the great state of Tennessee. Twenty percent come from the rest of the world. Three of our first-year students this year really do come from the rest of the world – one comes from the United Kingdom, another from Sweden, and a third all the way from the People's Republic of China. We received about 1,050 applications this year for our first-year class of 171. The median undergraduate grade point average of the entering class is 3.47 and the median LSAT score was 156.

Our balance is also manifested in our continuing and abiding commitment to a diverse student body, faculty, and staff. We believe diversity leads to a richer, more vibrant learning environment. It also helps fulfill our obligation to be sure the legal profession is representative of and responsive to all the groups that make up our great country's population. We will remain an open, welcoming place for all.

In short, our balance helps us stay strong and get even stronger. Our balanced foundation allows us to reach higher with confidence. Like justice's balance, it leads us to even greater things.





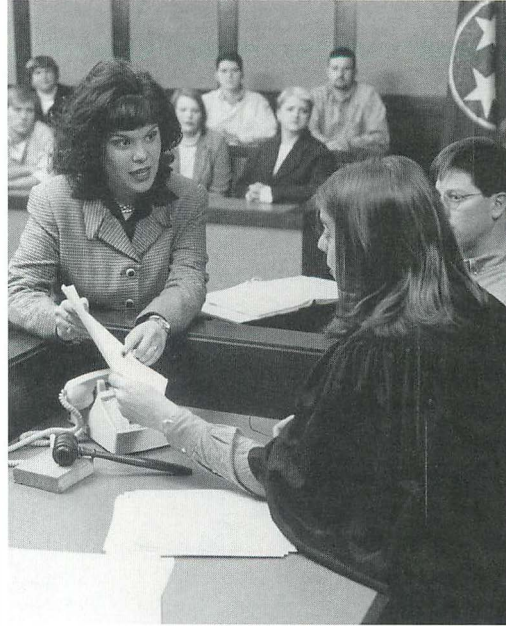
# UT Advocacy Center embarking upon bold legal mission

By Paul J. Zwier  
Professor of Law

The University of Tennessee College of Law's Center for Advocacy and Dispute Resolution is committed to teaching "real" lawyers who serve "real" clients to resolve "real" problems. What makes the problems "real" relates to the nature of the values — accountability and responsibility — that are at stake in resolving disputes and to the nature of tragic choices that are involved when someone has been injured or harmed by the actions of another.

A recent *Time Magazine* opinion poll confirms the importance of "personal accountability," reporting it as the single most important value to U.S. citizens today. And it is important to see the tragic choices that are inherent in a society wanting to promote accountability. On the one hand, Americans believe in the inestimable value of the life, health, and safety of each individual. Particularly where an institution or company acts in a way that causes harm to the innocent individual, Americans believe that the institution or company ought to be made to pay, without regard to the cost. On the other hand, Americans also believe in the right of every person to be free from unwarranted intrusion by government and to see the free market as the place where values of safety trade off against consumer needs. Americans believe that through the magic of the market place you get what you pay for, and injured individuals should be held accountable for their purchasing choices and any other choices they made that contributed to their injury.

In the criminal context, the conflicts inherent in "accountability" come into sharper focus. Here the need for accountability is expressed as the need to protect the innocent individual, letting, at times, the guilty go free rather than subject someone to unwarranted punishment. And so government must prove its case, not invade the privacy of individuals nor subject citizens to unreasonable intrusions into their affairs. On the other hand, criminals ought to be held strictly accountable and severely punished for the harms that they cause. Victims have rights, too. In the criminal context, the same tragic choices are involved: that of "accountability" of the actor, the injured, and the government body who is seeking to make the decision of



*The University of Tennessee Center for Advocacy takes seriously the role of ethical advocacy and persuasion, and sees it as a cornerstone to the dispute resolution process.*

who is responsible, and for how much. Resolving the disputes will involve making tragic choices that will require placing limits on freedoms and rights that many believe are absolute and limitless.

Of course, resolving these disputes is becoming more and more expensive. And there is an ever increasing need for fast, efficient, and fair resolution of disputes. Business needs to know the rules to help it set prices, and individuals need quick decisions to get the help they may need and to get on with their lives. Justice delayed is still believed to be justice denied. While technology has greatly speeded the gathering of necessary information that Courts need to help resolve these disputes, there is still a great need for individual case by case determination of the tragic choices involved in each dispute.

The University of Tennessee Center for Advocacy takes seriously the role of ethical advocacy and persuasion, and sees it as a cornerstone to the dispute resolution process. It will teach that to hold individuals and/or institutions fairly accountable, their individual stories and their motivations, actions, and lack of actions need to be vigorously presented and carefully considered. No matter how fast the parties learn "what" is in dispute, there remains the need for the Courts to make the hard choices and develop the rule of law in the midst of the stresses of accelerating change. To that end the Center has three major goals:

- **Enhancing the stature of advocacy training in legal education and the academy's relationship with the practicing bar.**

The Center can take a leadership role in enhancing the stature of advocacy training in three ways.

First, the Center, in conjunction with the *Tennessee Law Review*, will publish scholarly articles on important advocacy issues. The next *Tennessee Law Review Symposium* will be entitled “Communicating with Juries.” It will include articles on such topics as the continued viability of using juries in civil cases, the latest on openings and closings, social science research on the crafting and timing of jury instructions, the use of technology and its affects on juries, the role of race in jury decisionmaking, and the impact of the size of juries on jury deliberations. This publication (perhaps the first of many) will be an important way for the Advocacy Center to do interdisciplinary works by inviting articles from other disciplines such as psychology, leadership, political science, moral philosophy, and sociology.

The Center will also bring to the law school each year a team of four or five scholars who, with a University of Tennessee professor, will team-teach an advocacy class on one of the above issues. The Center Director or other faculty member will coordinate the class. The visitors will also contribute a scholarly article on the topic to either the *Tennessee Law Review* or the Center’s own journal. The Center’s journal will help interested junior faculty to take an interdisciplinary approach to a given advocacy topic.

Second, the Center can continually seek to integrate the advocacy curriculum with the rest of the law school curriculum. An advocacy class should not be seen as the place where the lawyer learns the “tricks” of the trade. There needs to be continued effort to integrate substantive law developments in practical skills training. Coordination with the clinics would also be important in this regard. Understanding the developments in the law and coordinating the advocacy curriculum in a fast changing legal environment has to be a high priority. The Center should serve as a resource to other traditional classes that may want to integrate advocacy simulations into their teaching materials and give expert perspectives on the way that substantive issues should be legislated, negotiated, and tried.

Third, the Center will enhance advocacy training by striving to be a first-class trial advocacy training center for both our students and for the bar. These efforts will help break down the barriers between the academy and the profession. The Center will be a place where the practitioner both learns and teaches and then returns to the practice, renewed and inspired. It will also serve as a place where students get exposure to various lawyers and firms, which will, in turn, help them in their placement efforts.

The Center should bring together the best trial advocates and advocacy teachers from Tennessee and across the country,

## The Curriculum

Building on the College’s long-standing reputation for excellence in clinical training, the College of Law has expanded its strong basic curriculum in trial and appellate advocacy to the next level—the Concentration in Advocacy and Dispute Resolution. Central to the curriculum is the extensive use of advanced teaching technology available in the College of Law building, including conventional and interactive video and special courtrooms for use in simulation experiences. Future plans for the Center for Advocacy envision attracting distinguished visiting faculty, awarding scholarships to students in the concentration, developing post-J.D. apprenticeships, and continuing legal education programs for attorneys and judges to complement the existing advocacy curriculum.

Students who choose this concentration will follow the traditional curriculum in the first year, then begin the advocacy curriculum, consisting of 26 hours of concentration in lawyering skills. In the second year, courses in professional responsibility, evidence, and trial practice illustrate the relationship between case theory, the rules governing the introduction of proof at trial, the skills necessary to persuade the fact finder of the merits of one’s case, and the ethical choices confronting the advocate. Next, students focus on the creation of the attorney-client relationship, identification of the client problem, investigation of the case, negotiation, and presentation to the client of the available options, including alternatives for dispute resolution short of trial. In the third year, students work on advanced trial advocacy and pretrial litigation skills and represent clients as part of the Advocacy Clinic. Students who have met the requirements of this concentration and the other course requirements of the College will be acknowledged as having completed the J.D. degree with a concentration in Advocacy and Dispute Resolution.

not only for them to teach law students and train lawyers, but also to be interviewed and videotaped in advocacy settings. The Center could create a library of examples for law students and new lawyers. The Center should use their expertise to build learning models that keep the law school curriculum on the cutting edge. All the while, issues of professionalism and ethics should be emphasized. The Center should not lose sight of the need to train the advocate not only to be a zealous, skilled advocate, but to also impart practical wisdom and sound counsel to the client, so that the client’s true interests are well served.



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• **Keeping pace with developing trends in legal education.**

First is the trend in legal education toward teaching mediation and arbitration as tools for resolving disputes. The Center will seek to develop courses and programs designed to teach the skills involved in being an advocate before mediators and arbitrators. It will also teach the skills involved in counseling clients concerning the implications of using mediation and/or arbitration as an alternative dispute resolution method.

The second trend of which the Center will be a part is the rise of the use of technology as a tool of advocacy. Many feel that to succeed in the courtroom, it is no longer sufficient to simply be a persuasive orator. Today, technology is advocacy and all persuaders need to master it. By the year 2000, over 40 percent of the jury pool will be Generation Xers who are accustomed to getting information quickly and visually. Moreover, the U.S. Senate is voting to outfit all federal courtrooms with electronic evidence presentation equipment over the next four years, and judges are already expecting lawyers to use this technology.

The Center has partnered with the National Institute for Trial Advocacy, which is the first organization in the nation to teach how to integrate the latest in technology with advocacy skills. This partnership will bring to Tennessee experts on the intersection of technology and the law to share with lawyers their expertise through performance evaluations, as well as by lecture and demonstration. The Center/NITA program will explore more than just how to use the equipment; it will teach the advocate when to use various types of equipment and software, how to use them effectively, and what types of exhibits are best suited for particular presentations. It demonstrates how to control jury attention and witness's testimony by effectively integrating state-of-the-art technology into an advocate's personal style of courtroom presentation. It helps the advocate understand how to get the exhibit into evidence and what to do when your opponent objects. And finally, these programs will teach the dangers that technology use may present to persuasion: that the client's story may get lost, that the technology-driven case takes on a cartoon aspect that makes it easier for the court to dismiss it as unimportant, or that it overrides important human motivations, intents, and feelings that are better expressed by the lawyer, unaided by technology.

The Advocacy Center will also be a part of the important trend in legal education toward globalization. The Advocacy Center will be a place to train and sensitize lawyers for an international practice. Advocates from around the world will gather at the Center, not only to be trained in the latest advocacy skills, such as trial persuasion and negotiation, but also to

learn and compare how lawyers can most fairly and effectively serve their clients' needs in different cultures and communities. The Center will serve not only as a place to train Tennessee lawyers for an international practice, but also serve as a place where international lawyers come to learn about the ways of the U.S. advocacy system.

The Center will give Tennessee the opportunity to participate in the globalization movement, and yet not become too tied to any one recent hot trend. The Center will serve as a recruitment tool for those prospective students who are interested in globalization but remain flexible to emphasize other areas of advocacy that may best fit the needs and particular setting of the law school.

• **Gaining national recognition of the law school's achievements in advocacy education.**

The University of Tennessee College of Law has one of the top programs in Clinical Education in the country. It has been at it longer than anyone else, with the first in-house legal clinic in legal education having been established in 1949. It has the first concentration in advocacy whereby law students can elect at the start of their second year to take an integrated and coordinated skills curriculum designed to teach excellence and ethics in advocacy and dispute resolution.

The Advocacy Center can increase its exposure and recognition to its program on a national scale by becoming a meeting and training place for advocacy teachers from across the country. The Center has ideal facilities and people to be the place for 1) programs for trial advocacy teachers from other law schools and legal organizations, 2) for panels and lectures for academics on various aspects of dispute resolution, and 3) programs cosponsored by the finest CLE organizations including NITA, ATLA or PLI. The Center has already proved to be an ideal place for conducting national and/or regional training programs in Case Development, Advocacy and Ethics, Motion Practice, Taking and Defending Depositions, Trial Advocacy, Defending Capital Murder Cases, Advocacy in Negotiations, and Mediations.

By bringing some of the best advocacy teachers and trial lawyers in the country to Tennessee, showing them the facilities, describing the curriculum, and involving the University of Tennessee faculty, the Center can help bring the national exposure to the law school's program and facility that it already deserves.

## Learning By Doing: UT's Clinical Programs

The UT College of Law offers two clinical programs that are key training components in the Center for Advocacy:

### The Legal Clinic

For half a century, the College of Law Legal Clinic has provided law students with opportunities to “learn by doing”—representing clients and helping resolve legal disputes. The Legal Clinic celebrated its 50th Anniversary in 1997 and remains one of the country’s oldest and most successful programs of its kind. The 1998 issue of *U.S. News & World Report* ranked the UT Legal Clinic 22nd among the more than 150 clinics surveyed.

The faculty of the Legal Clinic expose students through direct experience to the formation and development of the attorney-client relationship and accompanying professional obligations as they begin to develop their professional advocacy skills. The Legal Clinic functions much as a real law firm does. Third-year students, through the Advocacy Clinic course, work with faculty members on several different types of cases, including criminal, housing, social security and unemployment matters. The entire “firm” meets weekly to decide which cases to accept for representation and to discuss tactics and strategy. Students develop skills in fact investigation, negotiation with other attorneys, case development, interviewing witnesses, use of expert witnesses, drafting and arguing motions, and presentation of evidence. Students begin to develop professional judgment and the skills necessary for effective client representation. All cases handled by students are real cases with real consequences.

### The Mediation Clinic

Mediation is a process by which a neutral attorney helps clients resolve their differences by agreement. The Mediation Clinic provides law students with opportunities to “learn by serving”—mediating actual disputes instead of serving as advocates. Students enrolled in the Mediation Clinic receive intensive training in mediation techniques, then work in pairs to mediate civil and criminal cases in Knox County General Sessions Court and agencies such as the Equal Employment Opportunity Commission.

Students work under the supervision of a faculty member who has been instrumental in the development and coordination of mediation services in the Knoxville community. Students also work with experienced mediators from the Community Mediation Center and private practice.

Students may participate in both the Legal Clinic and the Mediation Clinic in different semesters to learn about these different aspects of the practice of law.

## Full-time Advocacy Faculty

### Gary L. Anderson

Associate Professor of Law  
S.B., 1960, Iowa State University  
J.D., 1962, State University of Iowa  
LL.M., 1968, Harvard University



Professor Anderson serves on the faculty of the UT Legal Clinic specializing in criminal advocacy. Before coming to UT in 1973, he was a practicing attorney and county attorney in Iowa. Professor Anderson was also a teaching fellow at Harvard University and a member of the faculty at the University of Missouri. He was honored with the 1994 Lionel R. Barrett, Jr. Award from the Tennessee Association of Criminal Defense Lawyers for his work with the Indigent Defense Funding Crisis Group. Professor Anderson received the Bass, Berry & Sims Award for Outstanding Service to the Bench and Bar. He served as reporter for the Tennessee Indigent Defense Commission from 1995 to 1998.

### Jerry P. Black, Jr.

Associate Professor of Law  
B.A., 1965, Southwestern at Memphis  
J.D., 1968, Vanderbilt University



Professor Black has been working in the public interest all of his legal career. He was a staff attorney with Legal Services of Nashville, Director of Clinical Programs and Administrator of Clinical Programs at Vanderbilt University, and Executive Director of the Knoxville Legal Aid Society. Professor Black was Director of the UT Legal Clinic from 1981-86 and Acting Director during 1990-91 and the spring of 1993. He remains a member of the clinic faculty and is a former director of UT's Center for Advocacy. Professor Black was the recipient of the Harold C. Warner Outstanding Faculty Service Award in 1991 and 1998 and the Forrest W. Lacey Award for 1996-97.

### Douglas A. Blaze

Professor of Law and Director of Clinical Programs  
B.S., 1976, Dickinson College  
J.D., 1984, Georgetown University



Professor Blaze was named head of the UT Legal Clinic in 1993. He came to Tennessee from Phoenix, Ariz., where he worked in private practice and later joined the faculty at Arizona State University. Professor Blaze is co-author of *The Law of Negligence in Arizona* and his work has been published in the *Arizona State*, *Georgetown*, *Tennessee* and *William & Mary* law reviews. He is a member of the board of directors of the Knoxville Legal Aid Society and is a member of several Tennessee Bar Association committees.



**Neil P. Cohen**

Alumni Distinguished Service Professor of Law  
 B.A., 1967, Yale University  
 J.D., 1970, Vanderbilt University  
 LL.M., 1972, Harvard University  
 Diploma in Criminology, 1976, Cambridge University



Professor Cohen's areas of expertise are criminal law and procedure, and evidence. He was frequently quoted by national, state, and local media during the O.J. Simpson trial and was also a commentator for Court TV and a guest lecturer to numerous academic and civic groups. Professor Cohen is the author or co-author of eight books and has been published in many law reviews, including the Harvard Journal of Legislation. He also drafted the gender-neutral version of the Tennessee Rules of Appellate, Civil, Criminal, and Juvenile Procedure and assisted in drafting the Tennessee Rules of Evidence and the Tennessee Penal Code. He is currently the reporter of the Tennessee Bar Association's Jury Reform Commission. Professor Cohen spent 1996-97 working as a prosecutor with the Knox County District Attorney General's Office. Professor Cohen has been honored with the Harold C. Warner Award for Outstanding Teaching, the Harry W. Laughlin Award for Outstanding Service, the Carden Award for Outstanding Scholarship, the Bass Berry & Sims Award, and the Tennessee Supreme Court Outstanding Service Award.

**Janice E. McAlpine**

Associate Professor of Law  
 B.A., 1971, J.D., 1979, University of Michigan



Professor McAlpine was a staff and managing attorney with the Legal Aid Bureau of Southwestern Michigan and executive director of Western Wisconsin Legal Services before joining the UT faculty in 1994. She is the author of *A Brief Overview of the Legal Needs of Wisconsin's Poor*, 1992. Professor McAlpine is a member of the Legal Clinic faculty and works in the area of civil and criminal advocacy.

**Paulette J. Williams**

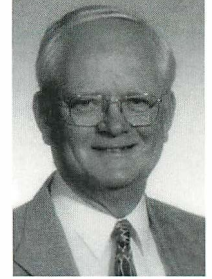
Associate Professor of Law  
 J.D., 1971, New York University  
 B.A., 1966, Brown University



Professor Williams brought a wealth of practice and teaching experience to the College of Law when she joined the faculty in August 1999. She practiced previously with the Legal Aid Society of New York from 1971 to 1997, concentrating in the areas of family law, housing, and government benefits. Most recently, Professor Williams was on the faculty at the Cornell University Law School where she taught in the Cornell Legal Aid Clinic. She has been an adjunct professor at the City University of New York teaching family law, an evidence skills seminar, and housing law.

**Richard S. Wirtz**

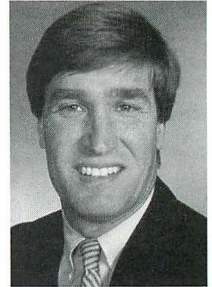
Professor of Law  
 B.A., 1961, Amherst College  
 M.P.A., 1963, Princeton University  
 J.D., 1970, Stanford University



Professor Wirtz has been a member of the UT College of Law faculty since 1974. He served as Associate Dean for Academic Affairs from 1988 until 1991, Acting Dean from 1991 until 1992, and as Dean of the College from 1992 to 1998. He has been honored for his teaching with the Harold C. Warner Outstanding Teacher Award and the Student Bar Association Outstanding Teacher Award. He has had articles published in the Tennessee, Indiana and Washington law reviews and the Antitrust Law Journal. Professor Wirtz is a member of the Commission on the Future of the Tennessee Judicial System, chair of the Curriculum Committee of the ABA Section of Legal Education and Admissions to the Bar, and a fellow of the American and Tennessee Bar Foundations. Prior to entering law teaching, he worked with the Peace Corps, clerked for Judge Robert A. Ainsworth, Jr. of the U.S. Court of Appeals for the Fifth Circuit, and practiced law in Seattle, Wash. Prof. Wirtz is on leave during 1999-2000, teaching law in Slovenia on a Fulbright Scholarship.

**Paul J. Zwier II**

Professor of Law and Director of the Center for Advocacy  
 B.A., 1976, Calvin College  
 J.D., 1979, Pepperdine University  
 LL.M., 1981, Temple University



Professor Zwier was named Director of the UT Center for Advocacy and Dispute Resolution in July 1999. He came to Tennessee from the University of Richmond's T.C. Williams School of Law, where he was a professor of law and former director of the Lawyering Skills Program. Professor Zwier has been a team leader and faculty member for the prestigious National Institute of Trial Advocacy and was invited to teach in NITA's Harvard Teachers' Training Conference, an institute designed to assist trial advocacy teachers in becoming more accomplished professors. In 1998, he received NITA's Prentice Marshall Award. Professor Zwier has taught Alternative Dispute Resolution, Trial Advocacy, Torts, Advanced Torts, and Bioethics. He has been a visiting professor at Temple University and the William & Mary School of Law.

## Adjunct Faculty

The UT College of Law uses several adjunct faculty members each semester to teach courses in the advocacy track. These are practicing attorneys who bring "real-world" knowledge and experience into the classroom. They provide invaluable training to UT law students.

Practitioners who frequently teach in the advocacy track:



# Center benefits from Founders' support

One of the major goals of the College of Law's recent Cornerstone Campaign was to obtain financial support for two new Centers – one for Advocacy and the other for Entrepreneurial law.

With regard to advocacy, the elements of a first-rate program were already in place at UT. The College has a pioneering Legal Clinic, a strong basic curriculum in trial and appellate advocacy taught by lawyers and judges as well as full-time faculty, and a highly successful program of intramural and interschool moot court and mock trial competitions. The new building, which opened in 1997, includes classrooms, courtrooms and other facilities that teach lawyering skills to the state of the art.

With the advent of the Center for Advocacy, the UT College of Law has established one of the premier programs in the nation for the training of competent, ethical attorney-advocates, skilled in the full range of techniques for resolving disputes.

An initial endowment of \$1.2 million for the Center for Advocacy funded the hiring of a director and the addition of adjunct faculty to staff the curriculum. During the Cornerstone Campaign, several dedicated alumni stepped forward with gifts and pledges to support the mission of the new Center. Those who gave at least \$100,000 were designated as Founders of the Center for Advocacy at the University of Tennessee. One of the courtrooms in the new law building has been designated as the Founders Courtroom, and a plaque located just outside the room contains the names of the eight Founders. The Founders meet regularly and provide valuable advice and counsel to the UT College of Law advocacy programs.

The Founders of the UT Center for Advocacy:

**Bass, Berry & Sims** is one of Tennessee's largest law firms, with more than 110 attorneys practicing in offices in Knoxville, Nashville, and Memphis. The firm's major practice areas include labor and employment law; corporate and securities; health law; bankruptcy, insolvency and workouts; commercial lending; environmental law; intellectual property; litigation; public finance; real estate; taxation; and utilities law.

**Donna R. Davis** '79 is a partner in the Knoxville firm of Davis, Arnold, Haynes & Sanders. Prior to entering the UT College of Law, she worked as a registered nurse for 10 years. Davis' practice areas include medical malpractice, products liability, personal injury, admiralty, aviation litigation, and mediation.

**Sidney W. Gilreath** '62 is a partner in the Knoxville firm of Gilreath & Associates. He is a graduate of Maryville College and has been certified as a civil trial specialist by the Tennessee

Commission on Continuing Legal Education and Specialization. Gilreath's practice areas include personal injury, products liability, medical malpractice, aviation law, and the Federal Employers Liability Act.

**T. Robert Hill** '68 and **Frankie Wade** '78 are partners in the Jackson, Tenn., firm of Hill & Boren, Drew, P.C. They were married in 1991 and both are longtime supporters of the University of Tennessee. Hill practices in the areas of workers compensation and personal injury and Wade in civil litigation, primarily family law. Wade practiced in Knoxville prior to moving to Jackson.

**Thomas R. Prewitt, Sr.** '48 has been a partner in the Memphis firm of Armstrong Allen Prewitt Gentry Johnston & Holmes since 1950 and is now a senior partner. He is a former president of the Memphis Bar Association and is a Fellow of the American College of Trial Lawyers. The gift establishing Prewitt as a Founder was made by his children, Thomas R. Prewitt, Jr. '73, Thurston Hall Prewitt, Julian Jones Prewitt, and Mary Louise Carrick, all of Memphis.

**Robert E. Pryor** '69 of Knoxville was chair of the College of Law's Cornerstone Campaign and was the first founder of the Center for Advocacy. A partner in the firm of Pryor, Flynn, Priest & Harber, Pryor practices in the areas of personal injury, products liability, and medical malpractice.

**John T. Milburn Rogers** '74 is a partner in the Greeneville, Tenn., firm of Rogers, Laughlin, Nunnally, Hood & Crum. He works in the areas of personal injury, criminal law, and products liability. He has spoken at state and national seminars on trial tactics in civil and criminal cases and has served as Greeneville city attorney since 1980.

**Jerry Summers** '66 is a partner in the Chattanooga firm of Summers, McCrea & Wyatt P.C. He attended Auburn University and the University of the South prior to entering the UT College of Law. Summers is active in numerous Tennessee and Georgia legal organizations, including serving as president of the Chattanooga and Tennessee Trial Lawyers Association and the Tennessee Association of Criminal Defense Lawyers. His practice areas include personal injury, workers compensation, medical malpractice, products liability, and criminal law.



# President emeritus a good friend to College of Law

Former Dean Dick Wirtz says the UT College of Law owes a tremendous debt of gratitude to Joe Johnson, who stepped down as president of the University of Tennessee last summer.

"In the last ten years we have gone from being in a deep hole to being recognized once again as a first-rate law school," Wirtz said. And the former dean says Johnson played a major role in the College's revitalization. "He was the right guy at the right time," the dean added.

Johnson, a member of the UT faculty and administration since 1958, became UT's president in June 1991. About the same time, Wirtz was named acting dean of the College of Law. Soon after that, one of Wirtz's biggest problems became one of Johnson's problems, as well.

As early as 1984, the UT College of Law had received unfavorable reports from the American Bar Association accreditation committee because of deficiencies in three areas – the building, faculty salaries, and the law library budget. Three times from 1984 through 1991, Wirtz said, the College was called before the committee to explain why the deficiencies had not been corrected.

"Each time the university administrators and the deans got us through," Wirtz said. "But in 1991 the accreditation team came again and they wrote a report which said that everything that was wrong in 1984 was still wrong. This was about the time I became acting dean, and I received a letter from the ABA which sounded to me like we were prime candidates for a new status created by the ABA called probation."

Feeling the College was in serious trouble this time, Wirtz asked Johnson to accompany him to San Diego for a meeting with the accreditation committee. "I didn't know him very well and I didn't know what his response would be," Wirtz said. "But he wrote me a very nice note and said, 'Yes, I'll go.'"

On the plane to San Diego, Wirtz was impressed with Johnson's knowledge of the ABA problems. "He had a good understanding of why things had reached a desperation point," Wirtz said. John Quinn, UTK Chancellor at the time, also made the trip to San Diego.

"We all agreed that Joe would do the talking," Wirtz said. "And he was masterful – extremely professional and well informed. And, I thought, quite credible."

Wirtz said that after Johnson's remarks when it was time for questions, a member of the committee said, "President Johnson, why should we believe you?"

"I looked at Joe out of the corner of my eye and his expression didn't change," Wirtz said. "The question must have been extremely offensive to him, but he never blinked. He looked at the name plate



***UT President Emeritus Joe Johnson (third from left at the 1997 dedication ceremony for the new law school building) helped the UT College of Law solve problems and build for the future.***

in front of the person who asked the question and said, 'Miss Rodriguez, I don't know you and you don't know me, but I have never given you any reason to doubt my word.'"

Upon returning to Knoxville, the College received a letter from the ABA saying, in effect, UT ought to be on probation "but we want to give President Johnson a chance to do what he said he was going to do. Come back to us in six months."

"Well, that was all we needed because Joe was ready to do it," Wirtz said.

The College's building project was already on the UTK list, but it wasn't where it needed to be to get funded, Wirtz said. Johnson was instrumental in pushing the project to the top of the list and, ultimately, convincing Gov. Ned McWhorter that the project should be funded. At the University's bicentennial breakfast in 1994, the governor announced he would recommend funding for the law school building in his next budget.

"Gov. Sundquist finished the project," Wirtz said, "but Joe had done it. He did what he said he was going to do. And he was very persistent about it. I think without his personal commitment the project would not have come until we were publicly in disgrace."

Wirtz and new Chancellor Bill Snyder then went to the president about the other two ABA issues – faculty salaries and library funding. "Joe had to make a commitment to a college at a time when there wasn't a lot of new money to spend," Wirtz said. "But he was ready to make an investment in the college. We made our report to the ABA, and they kept us on hold until the building was completed, but all of the tension was gone and we weren't talking about probation any more."

Wirtz said Johnson was the right man at the right time for the UT College of Law. "He has been a real friend to the law school, and that friendship has not been casual. He has been personally involved in major decisions, and seeing that the right decisions were made. I think we owe him a lot."

# College honors alumnus Howard Baker

The main rotunda of the University of Tennessee College of Law was dedicated Nov. 27 in honor of one of the College's most distinguished alumnus, former U.S. Senator and White House Chief of Staff Howard H. Baker, Jr.

Baker, who graduated from the UT College of Law in 1949, was honored by remarks from UT-Knoxville Chancellor William T. Snyder, UT President J. Wade Gilley, Law Dean Thomas C. Galligan, Jr., Robert F. Worthington, Jr. of the firm of Baker, Donelson, Bearman & Caldwell, and U.S. Congressman John J. Duncan. Former Tennessee Governor and Republican presidential candidate Lamar Alexander and U.S. Congressman Van Hillary also attended the ceremony.

The ceremony was held in the main rotunda of the law school, just inside the Cumberland Avenue entrance.

"We are pleased to honor a man who has been a devoted friend and supporter of the College of Law and the University of Tennessee for many years," said UT Law Dean Tom Galligan. "Senator Baker is a distinguished alumnus, an internationally renowned statesman, and favorite son of Tennessee."

Congressman Duncan said he considered Baker "the greatest living Tennessean and one of the greatest statesmen this country has ever produced."

Senator Baker was born in Huntsville, Tennessee. He served for three years in the U.S. Navy during World War II, and following undergraduate studies at the University of the South and Tulane University he earned his law degree from the UT College of Law.

After law school, he joined his father, the late Congressman Howard H. Baker, in the law practice founded by his grandfather in 1888. Both Senator Baker's father and mother served in the U.S. House of Representatives. In 1966, Senator Baker became the first Republican ever elected by popular vote to the U.S. Senate from Tennessee. He subsequently won reelection by wide margins in 1972 and 1978, and concluded his Senate career by serving two terms as Minority Leader and two terms as Majority Leader.

He first won national recognition in 1973 as the vice chairman of the Senate Watergate Committee. He was the keynote speaker at the Republican National Convention in 1976 and was also a candidate for the Republican presidential nomination in 1980.

After leaving the Senate in 1985, Senator Baker went back to private practice for two years with his old law firm, then known as Baker, Worthington, Crossley & Stansberry. In February 1987, he returned to Washington and served for a year and a half as President Reagan's Chief of Staff. He then resumed his law practice again after leaving the White House in 1988. In 1995, his firm merged with Heiskell, Donelson, Bearman & Caldwell, to form Baker, Donelson, Bearman & Caldwell—which is now the largest law firm in Tennessee.

Senator Baker has provided outstanding leadership and service in numerous other capacities throughout his career. He served as a delegate to the United Nations in 1976 and also served for several years on the President's Foreign Intelligence Board. He is currently a member of the Council on Foreign Relations and the Washington



*Howard H. Baker, Jr. (right) receives a gift from UT Law Dean Tom Galligan during the dedication ceremony for the Senator Howard H. Baker, Jr. Main Rotunda.*

Institute of Foreign Affairs. He serves on the boards of the Forum of International Policy and the American-Russian Cultural Cooperation Foundation and is an International Councillor for The Center for Strategic and International Studies. Senator Baker is a member of the Board of Pennzoil, the Smithsonian Board of Regents, and the International Advisory Board of the Barrick Gold Corporation and serves as Chairman of the Board of Newstar, Inc. and Cherokee Aviation.

Senator Baker has received numerous honors and awards in recognition of his many years of extraordinary service and exceptional contributions, including the 1982 Jefferson Award for Greatest Public Service Performed by an Elected or Appointed Official and The Presidential Medal of Freedom in 1984, which is the nation's highest civilian award. He has been awarded honorary degrees from several universities, including, Yale, Dartmouth, Georgetown, Bradley, Pepperdine, and Centre College.

Senator Baker is the author of three highly-acclaimed books — *No Margin for Error*, published in 1980; *Howard Baker's Washington*, published in 1982; and *Big South Fork Country*, published in 1993. He is also a widely-respected photographer — in 1993 he received The American Society of Photographers' International Award and was elected to The Photo Marketing Association's Hall of Fame in 1994.

"Senator Baker has had a remarkable career and has represented the citizens of Tennessee and the Nation with distinction," Dean Galligan said. "He has been an extraordinary friend to the College of Law and the University of Tennessee for many, many years, and we are extremely pleased to have this opportunity to thank him and to honor him for his extraordinary support and generosity."

Baker concluded his remarks by saying, "I hope that all the young men and women who pass through these portals on the way to their careers will enjoy it [the UT College of Law] as much as I did."



# UT Law Library named for Joel Katz '69

## *Atlanta alum honored for longtime support*

The Law Library at the University of Tennessee was named Oct. 9 in honor of UT law alumnus Joel A. Katz of Atlanta, one of the nation's leading music entertainment attorneys.

The dedication ceremony was held in the main rotunda of the law school building, just outside the entrance to the Joel A. Katz Law Library, prior to the Tennessee-Georgia football game.

"Joel Katz has been an avid supporter of the College of Law and the University of Tennessee for many, many years," said UT Law Dean Tom Galligan.

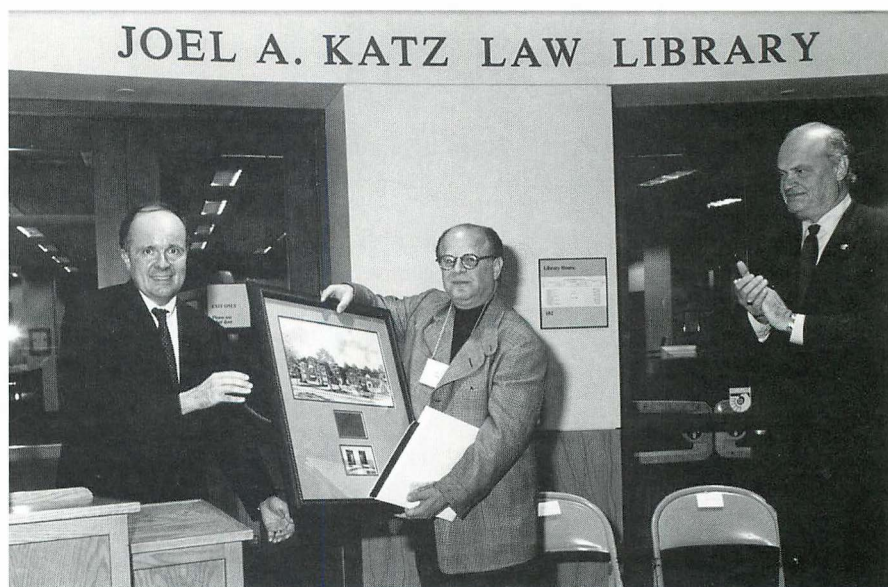
Katz recently made a gift of \$1 million to the UT Law Library.

In 1997 Katz made a gift of \$100,000 to establish the Katz Family Scholarships at the UT College of Law. The scholarships are awarded annually to students who have an interest in entrepreneurial or business law and are struggling, as Katz did during his years as a UT law student, because of financial and/or family obligations.

Katz is a native of The Bronx, N.Y., and he earned an undergraduate degree from Hunter College in New York City. Encouraged by then-UT Law Dean Harold C. Warner, who said UT needed some students from the north, Katz moved to Knoxville and enrolled at the UT College of Law in 1966. He recalled having just \$150 in his pocket when he arrived, but the New Yorker proceeded to spend "the best three years of my life.

"I had a wonderful time and met some wonderful people that remain good friends to this day. I've watched the UT law school grow into one of the finest law schools in the country, which, as an alumnus, certainly makes me proud."

After receiving a J.D. degree from UT in 1969, Katz went to work as a HUD attorney in Atlanta and subsequently became a clerk for a major Atlanta law firm. While working as a clerk, he also taught urban and business law part-time at Georgia State University.



*Joel A. Katz '69 (center) of Atlanta receives a gift from UT Law Dean Tom Galligan (left) during the Law Library dedication ceremony Oct. 9. U.S. Senator Fred Thompson is at right.*

In 1971 Katz started a private practice in Atlanta. Shortly after opening his office, he received a call from a former student who had a friend who needed legal help. The friend turned out to be well-known recording artist James Brown. After successfully representing Brown, Katz's practice in the music entertainment field steadily expanded. Over the years clients have included Willie Nelson, Kris Kristofferson, Jimmy Buffet, George Strait and Toni Braxton, as well as many of the world's best-known television and motion picture producers, record labels, concert promoters, booking and talent agencies, actors, and authors.

In 1998, the firm of Katz, Smith & Cohen merged with the international firm of Greenberg Traurig. Katz is a shareholder in the firm and heads the firm's Atlanta office.

In November 1995, *Forbes Magazine* ranked Katz among the top 25 highest-paid corporate lawyers in America, and he has been recognized in a number of other prominent professional publications, including *Who's Who in America*, *Who's Who in Executives and Professionals*, *Who's Who in Entertainment*, and *Best Lawyers in America*. In 1995 he became the first attorney inducted into the Georgia Music Hall of Fame.

Katz has provided leadership in numerous capacities as a member of several professional organizations. He is chairman-elect of the ABA Entertainment and Sports Law Section, serves as special counsel for the Country Music Association, is chairman emeritus of the National Academy of Recording Arts and Sciences, is a member of the board of the Georgia Music Hall of Fame, and serves on the advisory boards of the Atlanta Chamber of Commerce and the Atlanta Songwriters Association. Katz has been a lecturer and panelist for numerous entertainment and sports law programs for the ABA and the Georgia Bar Association.

Katz's commitment to community service includes serving as a member of the board of the T.J. Martell Foundation for Leukemia Research, general counsel and board member for Farm Aid, Inc., and chairman of the Board of Advisors for Georgia State University's commercial music program.

Among those making remarks at the dedication ceremony were U.S. Senator Fred Thompson, a longtime friend of Katz's, UT President Emeritus Joe Johnson, and UTK Chancellor Bill Snyder.



## Congratulatory Letters

Dear Joel:

I am pleased to send greetings as you celebrate the dedication of the Joel A. Katz Law Library. While I regret that I am unable to join you for this special event, I want to add my congratulations to those of your family, friends and colleagues at this special time.

Your success in entertainment law is a source of pride at the University of Tennessee College of Law. It is not your success in law, however, but your commitment to giving back to your community and your alma mater which is being recognized today. I commend your benevolence to the University of Tennessee and the various educational and philanthropic associations you support. You are more than deserving of this special honor, and you can be sure of my confidence in your continued success in the months and years to come.

Once again, please accept my best wishes.

Sincerely, Al Gore.

Dear Chancellor Snyder:

I am extremely pleased to join you in honoring Joel Katz through the dedication of the Joel A. Katz Law Library.

As an esteemed alumnus of The University of Tennessee College of Law, Joel has built a reputation for integrity and dedication to his clients. His hard work has not only led to enhancing the excellence of the legal profession, but also to the advancement of music, and the music industry, in America.

The Joel A. Katz Entertainment and Sports Law Professorship will ensure that such excellence will continue in this field of law into the next millennium.

It is also fitting that the Joel A. Katz Law Library is on the cutting edge of technology. This is a direct reflection of Joel's vision and his belief that all clients, and their attorneys, need and deserve the finest technology available for their advocacy.

The University of Tennessee Law School can be justifiably proud that Joel Katz is a graduate. Dedicating the Law Library in his name is, indeed, a proper tribute to his notable achievements.

Most respectfully, Max Cleland, United States Senator

## Joel Katz receives Founder's Day Medal

Joel A. Katz '69 of Atlanta is the recipient of a 1999 Founder's Day Medal from the University of Tennessee. The Founder's Day Medal is presented to alumni who exemplify post-college success and achievement.

Katz, a native of The Bronx, N.Y., was the founding partner of one of the world's largest entertainment law firms, Katz, Smith & Cohen. In 1998 the firm merged with the international firm of Greenberg Traurig. Katz is a shareholder in the firm and heads the firm's Atlanta office.

In October 1999, the UT law library was named the Joel A. Katz Law Library in honor of his achievements and benevolence to the UT College of Law (see previous page).

"Joel Katz embodies the true meaning of alumnus, friend, and leader," said Dotti Bressi, the UT College of Law's director of development and alumni affairs. "His dedication to the betterment of the College is obvious through his continued personal and financial involvement. He exemplifies all of the characteristics of a Founder's Day Medal recipient."

## Peggy Goodman retires after 27 years with the University



Peggy R. Goodman, who came to the UT College of Law in 1977 and served as assistant to the last four law deans, retired from the University of Tennessee Dec. 31, 1999.

For 22 years Goodman was responsible for overseeing the College's fiscal operations and several other areas related to the management of the physical facility such as building access, security, and custodial services.

"We thank Peggy for her extraordinary service and commitment to the College of Law and the University," said current law Dean Tom Galligan. "She has truly made this a better law school and a better place to work. We wish her all the best."

Goodman began her career with the University in 1972 in the Department of Biological Life Sciences. Prior to that she worked at the Waynesville, N.C. Country Club and Holston Hills Country Club in Knoxville. She attended Winthrop College and is a charter member of the Knoxville chapter of the American Society of Women Accountants.

Goodman was honored with a reception at the law school Jan. 13.



# Pat Hardin named first Separk Professor at College of Law

Pat Hardin is the recipient of the first W. Allen Separk Professorship of Law at the UT College of Law.

The professorship was funded by a gift from UT law alumnus W. Allen Separk '69 of Marietta, Ga. The recipient is to be a tenured, full professor in the College of Law who is selected by the Dean in consultation with the faculty and Mr. Separk.

Prof. Hardin is a highly-regarded expert in the field of labor law. He is editor-in-chief of *The Developing Labor Law* (3rd ed.) and has been published in *Proceedings of Annual Institutes on Labor Law*, *The Labor Lawyer*, and *The Tennessee Law Review*.

Prior to joining the UT faculty in 1975, Professor Hardin was Chief Counsel to the Chairman and Associate General Counsel in charge of the Division of Enforcement Litigation, of the National Labor Relations Board. He was also a trial attorney with the U.S. Department of Justice and a practicing attorney with the Chicago firm of Pope, Ballard, Shepherd & Fowle.

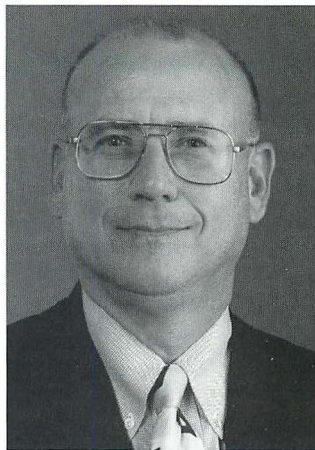
Prof. Hardin has received the Harold C. Warner Outstanding Teacher Award, the Carden Award for Outstanding Service to the College of Law, and the Young Federal Lawyer Award presented by the Federal Bar Association. He served as the College of Law's Associate Dean for Academic Affairs during 1986-87.

A native of Durham, N.C., Separk earned an undergraduate degree in business administration from East Carolina University in 1965. He sold life insurance while a student at the UT College of Law and after receiving a law degree in March 1969 went to work for Connecticut Mutual. Separk soon moved to Atlanta and became a tax consultant with Alexander, Grant & Company. In December 1971 he opened his own office in Marietta and has remained in solo practice ever since.

While the breadth of his practice has expanded over the years, Separk is still primarily a specialist in taxation, fiduciary and elder law, business and corporate law, and non-profit organizations, serving as pro bono counsel for several of the latter.

Separk has been a member of the UT College of Law Dean's Alumni Advisory Council since 1983 and is a charter member of the Dean's Circle, serving as chairman from 1994 to 1998. He served as Atlanta chair for the recent Cornerstone Campaign that raised more than \$7 million for the College. Separk received the Dean's Alumni Leadership Award in 1985 and a UT Chancellor's Citation for Extraordinary Service to the University in 1999. The UT Law Library's Faculty Study was named in his honor in 1996.

Separk has received a number of honors, awards and recognitions, including the Cobb County, Ga., Bar Association President's Award of Merit for Outstanding Service 1976-77 and the Award of the District Director of Internal Revenue Service for the Atlanta District for Contributing to the Public Understanding of Federal Tax Laws in 1988. He was the first recipient of the Kennestone Regional Foundation Member of the Year in 1990 and was the *Atlanta Journal's* Cobb County Volunteer of the Week in November 1990.



Al Separk '69



Prof. Pat Hardin

## Neil P. Cohen is named UTK Distinguished Service Professor

Prof. Neil P. Cohen has been selected as a UTK Distinguished Service Professor at the University of Tennessee.

"This award recognizes effectiveness in teaching and distinction in a professional field as evidenced by publications or other appropriate demonstrations of distinction," UTK Chancellor Bill Snyder said in announcing the award.

Prof. Cohen has been one of the most productive and recognized members of the College of Law faculty over the past 26 years, said Dean Tom Galligan. "In addition to his excellent teaching and outstanding scholarship, he has been a dedicated citizen of the UTK community, the city, and the state. He is deserving of the honor of holding a UTK Distinguished Service Professorship and his career has been and continues to be representative of the highest values we in higher education seek to foster."

Prof. Cohen's areas of expertise are criminal law and procedure, and evidence. He has been a commentator for Court TV and a guest lecturer to numerous academic and civic groups, as well as speaking at CLE programs. He is the author or co-author of eight books and has been published in many law reviews, including the *Harvard Journal of Legislation*. He also drafted the gender-neutral version of the Tennessee Rules of Appellate, Civil, Criminal, and Juvenile Procedure and assisted in drafting the Tennessee Rules of Evidence and the Tennessee Penal Code. He is currently the reporter of the Tennessee Bar Association's Jury Reform Commission.

Prof. Cohen spent 1996-97 working as a prosecutor with the Knox County District Attorney General's Office. He has also been instrumental in placing UT law students as externs in the District Attorney's Office.

Prof. Cohen has been honored with the Harold C. Warner Award for Outstanding Teaching, the Harry W. Laughlin Award for Outstanding Service, the Carden Award for Outstanding Scholarship, and the Tennessee Supreme Court Outstanding Service Award.



# Faculty News

The Board of Trustees has granted tenure to Profs. **Dwight Aarons**, **Carol Parker**, and **Tom Plank**. Prof. Aarons has been a member of the UT law faculty since 1993 and Profs. Parker and Plank since 1994.

The 1998 Supplement to the Second Edition of *The Insanity Defense: A Bibliographic Research Guide*, by Profs. **Cheryn Picquet** and **Reba Best**, has been published by the Harrison Company.

Prof. **Dwight Aarons'** article, "Getting Out of this Mess: Steps Toward Addressing and Avoiding Inordinate Delay in Capital Cases" (89 *J. Crim. Law and Crim* 1 [1998]) was published.

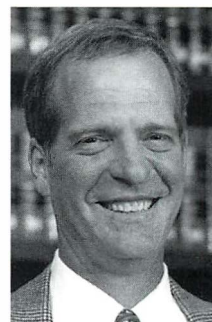


Prof. **Fran Ansley** was featured in the Feb. 5 issue of *The Daily Beacon* as Professor of the Week. The article profiled Prof. Ansley and quoted one of her students as saying she "inspired her to continue" with her legal education. Prof. Ansley's article, "Afterword: What's the Globe Got to Do With It?," appears in *Hard Labor: Women and Work in the Post-Welfare Era* (ed. Joel

F. Handler & Lucie White). Her article, "Rethinking Law in Globalizing Labor Markets," appears in the University of Pennsylvania's *Journal of Labor and Employment Law* (Fall 1998, v. 1, no. 2). Prof. Ansley and four UT law students made a presentation, "Plenary 3: Enriching Legal Education Through Service in Immigrant Communities," at the CUNY School of Law in Flushing, N.Y., in April. Joining Prof. Ansley were **students Jennifer Buck, Victoria Krebs, Dean Owens and Paula Trujillo**. The CUNY program was entitled "Enriching Legal Education for the 21<sup>st</sup> Century: Integrating Immigrant Perspectives Throughout the Curriculum & Connecting with Immigrant Communities." She and co-author Susan Williams had a chapter entitled "Southern Women and Southern Borders on the Move: Tennessee Workers Explore the New International Division of Labor" published in *Neither Separate Nor Equal* (Temple University Press). The chapter appears in a section entitled "Changing Possibilities in the Global South." Prof. Ansley participated in an award-winning radio series that addressed the individual's role in global governance, the global economy, human rights, and the environment. The series, "The Individual in a Global Society," was produced by the University of Georgia's Dean Rusk Center for International and Comparative Law and the Georgia Center for Continuing Education's WUGA-FM. The series received a Green Eyeshade Award from the Society of Professional Journalists,

as well as two awards from the New York Festivals for Radio Programming and Promotion and Radio Advertising. Prof. Ansley discussed the book *Neither Separate Nor Equal: Women, Race, and Class in the South* at Knoxville's Davis-Kidd Booksellers in September. She was one of three area contributors to the book.

Prof. **Doug Blaze's** article, "Bridging the Gap: A Professional Practice Skills Program for New Lawyers," co-written with B. Riney Green and Pam Reeves, appeared in the April 1999 issue of the *Tennessee Bar Journal*. The article analyzes, discusses, and advocates for the Supreme Court to adopt a required transitional legal education program for new lawyers. The TBA's Transitional Education Proposal is currently before the Tennessee Supreme Court. Prof. Blaze has contracted with Harcourt Brace to write a book entitled *Federal Civil Procedure in Practice: Discovery*. He will co-author the book with Peter Simmons, a partner in the New York office of Fried, Frank.



Prof. **Neil Cohen** presented a CLE program entitled "Jury Reform: What the TBA and Common Sense Suggest Should Be Done" in October in Knoxville. In September, Prof. Cohen spoke at Heska Amuna Synagogue in Knoxville on the topic of hate crimes. He spoke to the Tennessee and Alabama appellate judges in Nashville on Sept. 13 on jury reform. The 1999 Supplement to *Criminal Procedure: The Post-Investigative Process*, co-authored with Prof. Don Hall of Vanderbilt Law School, has been published by Lexis. Prof. Cohen presented a CLE program to the Knoxville Bar Association on Jury Reform in October. Prof. Cohen was also appointed Chair of the University of Tennessee Police Review Board. Dean **Tom Galligan** is also a member of the board.

Prof. **Judy Cornett** spoke to the annual convention of the Tennessee Lawyers Association for Women in Chattanooga in April. Along with co-chair Monte Watkins of Nashville, Prof. Cornett gave an "Update on the Work of the Tennessee Supreme Court Implementation Committee." She spoke at a CLE program sponsored by the Chattanooga Federal Bar Association in July. Her presentation was entitled, "Review and Update of the Federal Rules of Civil Procedure." On Oct. 12, Prof. Cornett spoke at the monthly meeting of the Knoxville chapter of the Association of Government Accountants. Her presentation was entitled "Legal Ethics vs. Business Ethics: Some Common Dilemmas."



Prof. **Tom Davies** and **Judy Cornett** and 3L **John Winemiller** presented papers at the annual meeting of the Southeastern American Society for Eighteenth-Century Studies held in Knoxville in March. The panel was "Reuniting Eighteenth-Century Law with Twenty-First Century Practice: What We Can Learn From English Copyright Law, Trial Practice, and Search and Seizure Doctrine." Tom Davies' paper was entitled "Sir Edward Coke, James Otis, John Adams, and the Original Meaning of Unreasonable Searches and Seizures." Judy Cornett's paper was entitled "Matrons and Merchants: The Eighteenth-Century Expert Jury and Modern Proposals for Reform." John Winemiller's paper was entitled "Eighteenth Century Echoes in Modern American Copyright Law."

Prof. **Judy Cornett**, **Penny Tschantz**, and **Carol Parker** gave a panel presentation at the Fourth Annual Writing Across the Curriculum Conference at Cornell University in June. The panel was titled "Writing Across the Curriculum in Law School" and included the following three papers: "Writing to Learn and Learning to Write: Envisioning a Law School Writing Curriculum," by Prof. Parker; "Welcome to the Neighborhood: Legal Writing as a New Discipline," by Prof. Tschantz; and "Practicing Lawyers: Drafting Documents in the Civil Procedure Class," by Prof. Cornett.

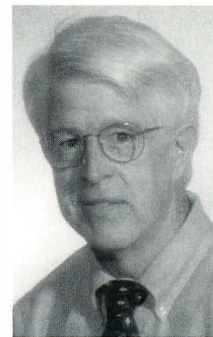
Dean **Tom Galligan** was moderator of the Southeastern Conference AALS annual meeting at Hilton Head, S.C., in July.



Prof. **Grayfred Gray** was on a panel on co-mediation in a training program for the Community Mediation Center for its new General Sessions and Juvenile Court mediators. There were 16 trainees. In May, Prof. Gray presented a 1.5 hour class in the Tennessee Bar Association's ADR Section Forum in the Nashville Convention Center. His subject was "Models of Mediation."

Prof. **Deseriee Kennedy**'s essay, "Witnessing the Process: Reflections on Civil Procedure, Power, Pedagogy, and Praxis," appears in Vol. 32 of the *Loyola of Los Angeles Law Review*. The essay was submitted as part of a conference held by the Society of American Law Teachers regarding incorporating student activism into a Civil Procedure course. Prof. Kennedy participated in a conference, "Black Women in the Old World and the New," which was sponsored by the Rockefeller Foundation and the University of Tennessee. The interdisciplinary conference involved scholars from Africa, the Caribbean and around the Country. Her paper, entitled "Decolonizing Culture: Black Women, Media & the Law," along with the other papers from the conference, will be published in a text.

Prof. **Joe King**'s article, "Reconciling the Exercise of Judgment and the Objective Standard of Care in Medical Malpractice," was published in the Spring 1999 issue of the *Oklahoma Law Review*.



Prof. **Don Leatherman**'s article "Are Separate Liability Losses 'Separate' for Consolidated Groups" was accepted for publication in the summer 1999 issue of the *Tax Lawyer*. In addition, Prof. Leatherman spoke in April on the current developments panel for the Committee on Affiliated and Related Corporations at the ABA Tax Section meeting. In October he presented a paper on the various topics related to Subchapter S corporations at the NYU Federal Tax Institute.

Prof. **Bob Lloyd** spoke on "Teaching Professionalism in the First Year Contracts Course" at the AALS Conference on Contracts held in Washington, D.C. in June.

Prof. **Colleen Medill**'s article, "The Individual Responsibility Model of Retirement Plans Today: Conforming ERISA Policy To Reality," has been accepted for publication by the *Emory Law Journal*. Prof. Medill has been named to the Board of Editors of the *Journal of Elder Law and Policy*, an Internet-accessible scholarly publication addressing legal issues that affect senior citizens.

Prof. **Jerry Phillips** and UT alumnus Bob Pryor's *Products Liability* (3<sup>rd</sup> ed. 1998) was published.

Prof. **Cheryn Picquet** has been appointed to the Library Advisory Board of Knoxville Business College for 1999-2000. Prof. Picquet served on the Board for a number of years in the past. KBC is a two-year college which offers an ABA-accredited paralegal program.



Prof. **Tom Plank**'s article, "The Outer Boundaries of the Bankruptcy Estate" was published in 47 *Emory Law Journal*. The article analyzes the different concepts of property that appear in the Bankruptcy Code. Prof. Plank's article, "Why Bankruptcy Judges Need Not and Should Not Be Article III Judges" was published in 72 *American Bankruptcy Law Journal* 567. This

article was solicited by the *Journal* to respond to the argument that bankruptcy judges, who are appointed by U.S. Courts of Appeal for 14 year terms and not by the President for life terms under Article III of the Constitution, should be made article III judges. He spoke at the ABA Annual Real Property Symposium in Washington, D.C. His topic was "The Rotten Foundations of Securitization." Prof. Plank and Prof. David Carlson of Cardozo debated "how well current securitization practices are grounded in the Bankruptcy Code." He has accepted an offer from the *Maryland Law Review* to publish his latest article, "The Creditor in Possession Under the Bankruptcy Code: History, Text, and Policy." It will be the lead article in 59 *Maryland Law Review* Issue #2 (Winter 1999).

Prof. **Glenn Reynolds** contributed to a *Chicago Tribune* article on President Clinton's impeachment and related issues. His op-ed piece "Let's Bring Shame Back to Political Life" appeared in New York's *Newsday* in March. Another piece, co-authored with Dave Kopel and entitled "Sex and the Interstate Commerce Clause," appeared in the *Washington Times* in March. Prof. Reynolds' article "It Takes a Militia," a review and discussion of Gary Hart's book, *The Minutemen: Restoring an Army of the People*, appeared in the May 1999 issue of *Reason*. He was quoted in a *Chicago Tribune* article entitled "The Acquittal of the President: Scandal's Toll Incalculable." Additionally, Volokh, Cottrol, Levinson, Powe & Reynolds, "The Second Amendment as Teaching Tool in Constitutional Law Classes," was published at 48 *J. Legal Educ.* 591 (1998). Prof. Reynolds appeared on NPR's "Diane Rehm" show, a nationally-syndicated talk show. He debated gun control and youth violence with Tom Diaz of the Violence Policy Center. His article, "The Proper Scope of the Patent and Copyright Power," co-authored with Robert P. Merges, will be published by the *Harvard Journal on Legislation*. He also completed a one-hour appearance on "Talk of the City" on KPCC, an LA-area NPR affiliate. The topic was space law.

A presentation by Prof. **Dean Rivkin**, Brenda McGee (UT '84) and Jenness Ford (Tennessee Project STEP) was the basis, in part, for an EDLAW *Briefing Paper*, "Is the Right to Due Process Disappearing?" In early April, Prof. Rivkin made a presentation to a group of about 40 judges, lawyers, and public defenders in a seminar sponsored by Rural Legal Services of Tennessee entitled "Is State Custody Necessary? Strategies For Obtaining Services For Juveniles In Delinquency Cases." His topic was "Representing Juveniles With Disabilities." Prof. Rivkin presented a CLE program for the Environmental Section of the KBA on "Environmental Citizen Suits" in August. He served as a member of an ABA Site Evaluation Team that visited the Pontifical Catholic University of Puerto Rico in Ponce, Puerto Rico, in October. His primary responsibility was to re-

view the school's professional skills programs, including its Legal Clinic.

Prof. **Barbara Stark** spoke on a panel, "Women's Rights Internationally: Mainstreaming vs. Backsliding," at the Annual Meeting of the American Society of International Law. She spoke specifically on economic issues. Prof. Stark's article, "Bottom Line Feminist Theory: The Dream of a Common Language," will be published by the *Harvard Women's Law Journal*. In addition, She served as moderator for a panel on "Adoption, Foster Care and the Best Interests of the Child" at the International Society of Family Law Conference in Albuquerque in June. She also presented a paper, "Marriage Proposals: From One-Size-Fits-All to Postmodern Marriage Law," June 10. Prof. Stark's article, "Deconstructing the Framers' Right to Property: 'Liberty's Daughters' and Economic Rights," will be published in the *Hofstra Law Review*.

Prof. **Greg Stein** signed a contract with Harcourt Brace Professional Publishing to write *Commercial Real Estate Law in Practice*. The book is designed as a guide for law firm associates and other junior attorneys involved in commercial real estate practice. The book will be one of the first three books published in their new series, which is aimed at helping beginning attorneys make the transition from law school to law practice. Prof.



Stein's article, "The Scope of Borrower's Liability in a Nonrecourse Real Estate Loan," was published in the *Washington and Lee Law Review* (55 1207{1998}). He participated in the Practising Law Institute's Commercial Real Estate Financing course in Atlanta in May, where he spoke on two panels. The first was entitled "Letters of Credit; Participations; Nonrecourse; UCC Collateral" and the second was entitled "Trouble Ahead: Lender's First Ten Steps Before Acceleration." Prof. Stein also prepared written materials on nonrecourse lending, which will appear in PLI's Coursebook. He also spoke to the Sevier County Bar Association in October on "Recent Developments in Property Law."



# Moot Court Banquet, April 16, 1999

The 1999 Order of the Barristers (left to right): Melanie Stovall Murry of Memphis, Cynthia Blair of Maryville, Marjorie Bristol of Knoxville, Sherard Dixon of Mason, Elizabeth Foss of Cleveland, Heather Kirksey of Memphis, and Lori Ritter of Cookeville. Sami Randolph of Las Vegas was also selected. Dean Tom Galligan is at right.



Cynthia Blair (left) of Maryville receives a certificate from Profs. Tom Davies and Carol Parker as a member of the Constitutional Law team. Other team members were Russell Jones of Charlotte, N.C., and Emily Wiggins of Chesterfield, Mo.



Melanie Stovall Murry of Memphis receives the Chancellor George Lewis Moot Court Board Award from Prof. Doug Blaze. Melanie chaired the Moot Court Board during 1998-99. She also received the McClung Medal and was a member of the second-place team in the 1999 Jenkins Trial Competition.



Elizabeth Foss (left) of Cleveland receives the John C. Baugh Award from Dean Tom Galligan.



Philip Welty (left) of Hendersonville and Scott Thomas (right) of Knoxville are congratulated by Dean Thomas Galligan for being the 1999 Jenkins Trial Competition winners. Thomas was also recognized as the competition's Best Oralist.





*Members of the National Trial team include (left to right) William Stover of Nashville, Rachel Eaton of Chattanooga, Richard Scrugham of Knoxville, advisor Prof. Gary Anderson, Melanie Stovall Murry of Memphis, and Carol Ann Lamons of Jackson.*

*Members of the ATLA trial team include (left to right) Shannon Wilson, Summer Stevens of Knoxville, Michael Sayne of Knoxville, Sean Martin of Redondo Beach, Calif., advisor Prof. Doug Blaze, Heather Kirksey of Memphis, Drew Bledsoe of Hot Springs, Ark., and Scott Thomas of Knoxville.*



*Kelly Johnson (left) of St. Louis, Mo., Sandi Pack of Jonesboro, Ark., and April York (right) of Cleveland were members of the 1999 National Evidence Moot Court team. Prof. Neil Cohen is at right center.*

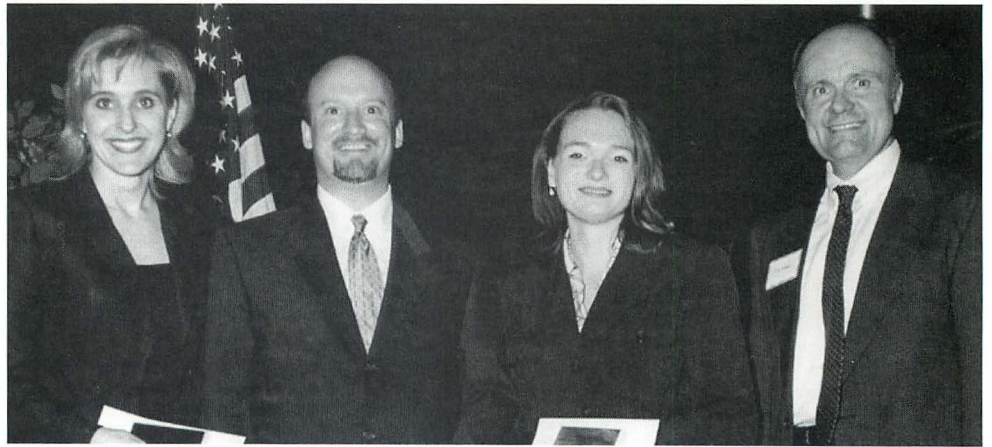
*Carol Ann Lamons (right) of Jackson receives the Best Oralist Award for the 1999 Advocates Prize competition from Dean Tom Galligan. Lamons was a member of the second-place team in both the Advocates' Prize and Jenkins competitions.*





# Moot Court Banquet, April 16, 1999

*(left to right) Sandi Pack of Jonesboro, Ark., Kelly Johnson of St. Louis, Mo., and April York of Cleveland receive the Gunn, Ogden & Sullivan Brief Writing Award from Dean Tom Galligan. The three comprised the College's 1999 Evidence Moot Court Team.*



*(left to right) Elizabeth Foss of Cleveland, Lori Ritter of Cookeville, and Keli Stewart of Crossville receive the Gunn, Ogden & Sullivan Brief Writing Award from Dean Tom Galligan. The three comprised the College's 1999 National Moot Court Team.*

*Sherard Dixon (left) of Mason receives a certificate for his participation in the Frederick Douglass Moot Court team from Prof. Dwight Aarons.*



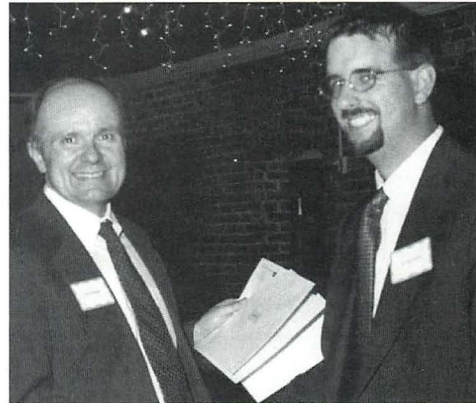
*Diona Eberhart of Chattanooga receives a certificate for her participation in the Frederick Douglass Moot Court team from Prof. Dwight Aarons.*





*Michael Berman (left) of Nashville and Cheryl Ann Davis (right) of San Francisco receive certificates from Prof. Dean Rivkin for their participation as members of the Environmental Law team. Lorrie Miller of Chattanooga was also a member of the team.*

*Lori Ritter (left) of Cookeville receives the Susan Devitt National Moot Court Award from Janet Eschman, sister of the late Susan Devitt '87.*



*Michael Sayne (right) of Knoxville receives the Best Oralist Award for the 1999 Advocates' Prize competition from Dean Tom Galligan. Sayne also shared the second-place brief award.*



### 1999 Advocates Prize

*Carol Ann Lamons of Jackson and Michael Sayne of Knoxville (right) won the 1999 Advocates' Prize competition over Harry Garner of Spartanburg, S.C., and Michael Berman of Nashville (left). The presiding judges (center) were the Hon. Adolpho A. Burch, Jr. of the Tennessee Supreme Court, the Hon. James L. Dennis of the U.S. Court of Appeals for the Fifth Circuit, and the Hon. Patricia J. Cottrell of the Tennessee Court of Appeals for the Middle Section of Tennessee.*

### 1999 Jenkins Competition

*Philip Welty of Hendersonville and Scott Thomas of Knoxville (left) won the 1999 Ray H. Jenkins competition over Carol Ann Lamons of Jackson and Melanie Stovall Murry of Memphis (right). The presiding judges were (center) James Young Reed, Esq., the Hon. Robert L. Echols of the U.S. District Court for the Middle District of Tennessee, and Mary Aubry Kenner, Esq., assistant U.S. attorney for the Eastern District of Tennessee.*





# Jeremy Padawer '99 turns 'surfing' into a career path

Jeremy Padawer '99 remembers the good old days of the Internet – way back in the '80s.

As a 13-year-old in Germantown, Tenn., in 1986, Padawer was fortunate enough to have parents with the foresight to buy a computer. The eighth grader quickly found a local bulletin board that was popular.

"Only one person could log it at a time," Padawer recalled. "You could read messages and play games. The Internet didn't exist in the form it does now. It was just singular, point-to-point connections."

Although he didn't know it at the time, Padawer was embarking on a journey that would put him right at the heart of the Internet expansion. "I didn't realize the explosiveness of what was going on, and nothing really existed – except in the scientific community – that really pointed to where we are now," he said. "But I got really interested in being able to reach out and touch people I didn't know, talking to people that I would never meet."

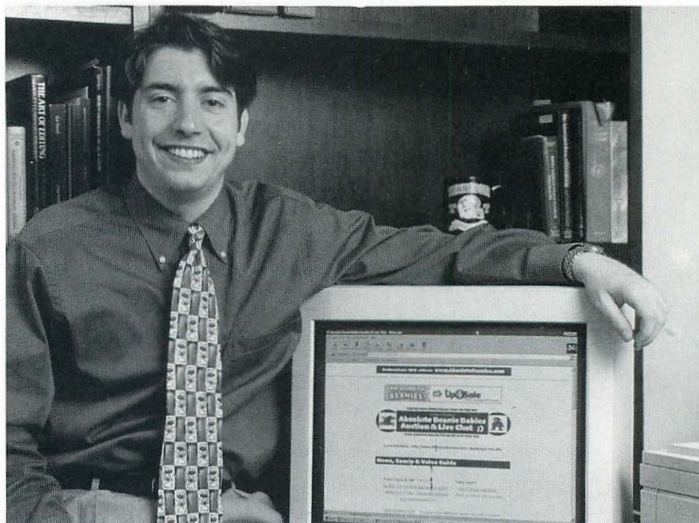
It didn't hurt that Padawer's older brother Randy was one of the founding fathers of American On Line. "Now he runs the classifieds for AOL Netscape," Jeremy said. "I got my first AOL screen name in 1989, but it wasn't until 1993 that the Internet really took off." Padawer was a sophomore at the University of Texas at the time, studying sociobiology and business.

After graduating with high honors at Texas, Padawer enrolled at the UT College of Law in 1996 with plans to earn a J.D. degree with a likely concentration in business transactions. Late in his first semester of law school, he was watching television and discovered a piece on a woman who was creating celebrity-related web content.

"Corporate advertisers were coming in and, basically, she was selling them banner advertising. This was brand new to me. I had seen web sites with these banners, but I didn't realize people were actually making money on them."

At that point, Padawer's entrepreneurial spirit took over. He decided to create a collectibles-related web site that would offer a free classified advertising section. "No one was really offering free classified ads at that time," he said. "So that's what I did. I created a decent-looking web with free classified ads and people really started pouring in."

Padawer's site deals with Beanie Babies. The URL is <http://www.absolutebeanies.com>. In order to keep the site going — and make a profit — Padawer sold banner advertising. "In the early days — February and March of '97 — I had to go out and find people to advertise. I had about 400 to 500 people coming in to visit the site



*Jeremy Padawer '99 produced and maintained several web sites during his three years as a UT law student. He hopes to forge a career in the Information Age.*

each day. That helped."

Padawer's site began attracting attention from the media. He was mentioned in Newsweek Magazine, the Pittsburgh Post-Gazette, USA Today, and newspapers in California and Nevada. With the notoriety came more attention from advertisers. Padawer's advertisers now include Amazon.com, Disney, Infoseek, Diners Club, onsale.com, and, most recently, ebay.com.

Padawer has now expanded his operation to include three other projects. In addition to collectibles, he has a business that pairs web domain name sellers with buyers, a Jewish ring exchange site, and schmuck.com, a monthly web humor publication.

The Internet-related enterprises have been so successful that Padawer reports he was debt free when he received his J.D. degree from the UT College of Law in May 1999. "I borrowed about \$40,000 coming into law school," he said. "The money from my web sites allowed me to start paying off my debt before I graduated. I thought I'd be about \$50,000 in debt coming out of law school, and I didn't think I'd be able to go right into an MBA program because I couldn't take any more debt. But I'm debt free."

As a result, Padawer did enter an MBA program at Vanderbilt University this fall. And he definitely plans to include the Internet in his current and future plans.

"Ultimately, I'd like to do something that doesn't exist right now," he said. "Broad band technologies are becoming more and more viable. What's going to happen eventually is that one cable is going to run into our homes and we're going to log into the Internet, call our friends in New Mexico, and turn on our television set — all through this singular cable."

And Padawer plans to be right there when it happens.

# Class Notes

## Class of 1960

BYRON M. EISEMAN of Little Rock, Ark., has served as an adjunct professor in taxation at the University of Arkansas at Little Rock Law School for the past 30 years. He recently received the school's first Adjunct Professor of the Year Award.

## Class of 1964

G. MALLON FAIRCLOTH of Cordele, Ga., was appointed to serve as the United States Magistrate Judge for the Middle District of Georgia, Columbus division.

## Class of 1966

JUDGE RICHARD R. VANCE of Knoxville has been appointed to the board for the National Kidney Foundation of East Tennessee.

## Class of 1968

DAVID F. LEAKE of Memphis has been named Of Counsel for the Memphis law firm of Humphreys, Dunlap, Wellford, Acuff & Stanton, P.C.

## Class of 1970

JOHN L. GREEN of Alpharetta, Ga., has a daughter, Katherine Anne, who is a member of the UT Lady Vol cross country team.

## Class of 1973

RICHARD P. JAHN, JR. of Chattanooga has become Of Counsel to the firm of Gearhiser, Peters, Lockaby & Tallant, PLLC.

## Class of 1974

JAMES R. LAFEVOR of Knoxville has associated with Carol Nickle to form the firm Nickle and LaFavor. Their address is Nickle and LaFavor; 1900 First Tennessee Plaza; 800 S. Gay Street; Knoxville, TN 37929-1900.

CHARLES R. PULLEN of Ashland City was active in the Naval Reserves in Alameda, Calif., from July to October 1999.

## Class of 1975

PAUL CAMPBELL, III of Chattanooga has joined the firm of Witt, Gaither & Whitaker, P.C.

## Class of 1977

NANCY KING CRAWFORD of Nashville opened her own law practice during the summer. Before that, she worked with the Department of Transportation as assistant general counsel.

## Deceased

Earl S. Ailor ('41), Knoxville  
Joel H. Anderson, Jr. ('47), Knoxville  
Robert L. Badger ('58), Kingston  
George D. Brabson ('16), Winter Park, Fla.  
John F. Brehm ('39), Knoxville  
Sean Curry ('95), Knoxville  
Cyril R. Dannenhold ('68), Knoxville  
William W. Gilley ('56), Kingsport  
John D. Goodin ('41), Johnson City  
Judge Don Thomas McMurray ('65), Lenoir City  
Kenneth P. Murtaugh ('57), Durango, Colo.  
Judge William Stanton Russell ('48), Rowesville  
Ross Stuart ('37), Knoxville  
Aubrey Tramel ('51), Knoxville  
Joseph B. Yancey ('54), Knoxville

DWIGHT E. STOKES of Kodak was elected General Sessions and Juvenile Judge of Sevier County. He is currently serving an eight-year term.

## Class of 1978

STEPHEN P. PARSONS of Greeneville is the author of "Interviewing and Investigating: Essential Skills for the Paralegal." This article will be published in the January '00 edition of the *Aspen Law and Business*.

ROBERT MICHAEL UNDERWOOD of Tallahassee, Fla., formerly of the Florida Department of Banking and Finance, has joined the Tallahassee office of Akerman, Senterfitt, & Eidson, P.A. He specializes in securities, banking, and insurance regulation. Since 1997 he has served as chairman of the Florida Comptrollers Advisory Board on Unclaimed Property. His new work address is P.O. Box 10555; Tallahassee, FL 32302-2555.

## Class of 1979

DAVID FIELDER of Knoxville is the managing partner in the Knoxville office of Baker, Donelson, Bearman & Caldwell.

## Class of 1980

MARK L. AGEE of Trenton, Tenn., is the current President of Tennessee General Sessions Judges conference (1998-99). He has also been elected to a three-year term to the UT National Alumni Association Board of Governors. His work address is 295 North College Street; Trenton, TN 38382.



KAREN L.C. ELLIS of Nashville spoke at the Bass, Berry & Sims Annual Employment Law Seminar in Nashville and Knoxville. She is with Bass, Berry & Sims' employment law group.

#### **Class of 1981**

SAM D. ELLIOTT of Chattanooga has authored a book entitled *Soldier of Tennessee: General Alixander P. Stewart and the Civil War in the West* (Louisiana State University Press 1999).

JAMES L. MURPHY III of Nashville has joined the law firm of Boulton, Cummings, Connors & Berry, PLC. James had recently served as the Director of Law for Nashville and Davidson County's Metro Government.

DEBORAH ADAMSON RUSTER of Bartow, Fla., and her husband, Greg, announce the birth of daughter Marylssa Alexis on Sept. 15, 1998. Deborah is a partner with Peterson & Myers in Lake Wales. She concentrates in eminent domain litigation.

#### **Class of 1982**

THOMAS H. MCLAIN, JR. of St. Petersburg, Fla., was named managing shareholder of Fisher & Smalls P.A. in St. Petersburg, Fla.

#### **Class of 1984**

TERESA D. DAVIDSON of Greensboro, N.C., has been elected to the Board of Directors of Volvo Comercial de Mexico, SA.

DR. ANTHONY SIMONES of Springfield, Mo., was the 1998 recipient of the Governor's Award for Excellence in Teaching and a 1999 nominee for the Carnegie Foundation U.S. Professor of the Year.

#### **Class of 1985**

JENNIFER P. CRAIG of Knoxville has joined Direct Insurance as the litigation adjuster. She was previously a member of the Knoxville firm of Moore & Smith, P.C.

#### **Class of 1986**

STEPHEN K. GARRETT of Knoxville has opened the law firm of Garrett & Varnum, PLLC. His new office address is 318 N. Gay Street; Suite 206; Knoxville, TN 37917.

ODELL HORTON, JR. of Memphis is vice chancellor of university relations at UT Memphis.

STEVE ROTH of Knoxville is the managing partner in the Knoxville office of Baker, Donelson, Bearman & Caldwell.

## Bill Henning '76 named chair of UCC drafting committee

Bill Henning '76 has been named chair of the drafting committee that will continue to revise Articles 2 and 2A of the Uniform Commercial Code. Henning, professor of law at the University of Missouri, was named to lead the seven-person committee in August 1999 by the American Law Institute and the National Conference of Commissioners on Uniform State Laws.



**Bill Henning**

The UCC has achieved substantial uniformity of commercial law throughout the U.S. through enactment in whole or in part in all 50 states as well as the District of Columbia, the Virgin Islands, and Puerto Rico. The present revision of Articles 2 and 2A is part of an ongoing undertaking by the ALI and NCCUSL to modernize the UCC, originally promulgated in 1952, and keep it responsive to contemporary commercial realities.

In May 1999 the ALI approved revised versions of both Articles 2 and 2A that were the result of many years of collaborative effort by the two organizations. At the NCCUSL annual meeting in July, opposition to certain sections of Article 2 led the leadership of NCCUSL to conclude that the prospects for uniform adoption throughout the country required additional review of some provisions.

Henning, who recently returned to his alma mater in 1998 as a summer visitor, said the committee hopes to have a revision ready by the summer of 2000.

Henning is the R.B. Price Professor of Law at the University of Missouri and teaches Contracts I and II, Secured Transactions, Modern Payment Systems, Sales and Leases of Good, and Trial Advocacy. He has written numerous books and articles in the area of commercial law.

After receiving his law degree in 1976, Henning was an associate with Strang, Fletcher, Carriger, Walker, Hodge & Smith in Chattanooga. He joined the Missouri law faculty in 1980 and received the LL.M. degree from the University of Illinois in 1982.

While a UT law student, Henning was named to the Order of the Coif.

#### **Class of 1987**

KIM STAGG of Nashville is an associate at Harwell Howard Hyne Gabbert & Manner P.C.

#### **Class of 1988**

DONALD A. BOSCH of Knoxville is an adjunct professor of law teaching trial practice for the fall 1999 semester at the Uni-



versity of Tennessee College of Law. He has been named as chair of the membership committee for the National Association of Criminal Defense Lawyers for the upcoming year. His practice consists mainly of the representation of individuals.

DEBRA L. HOUSE of Cleveland, Tenn., has been appointed Deputy Director of Southeast Tennessee Legal Services in May of 1999. She has served as Project Director of Tennessee Elder Law since November of 1998.

COLLETTE R. JONES of Signal Mountain has been selected as a dean's award scholarship recipient at Emory University's Candler School of Theology.

#### **Class of 1989**

GREG COLEMAN of Knoxville has successfully achieved Board Certification as a civil trial advocate through the National Board of Trial Advocacy.

BRADLEY H. HODGE of Knoxville has been appointed by Governor Don Sundquist as a member of the Board of Commissioners of the Tennessee Human Rights Commission for a six-year term.

SCOTT G. KIRK of Jackson has opened his own law office. The new address is 200 E. Main Street; Suite 110; Jackson, TN 38301.

THOMAS A. SNAPP of Knoxville has been appointed to the board for the National Kidney Foundation of East Tennessee.

KELLIL THOMPSON of Knoxville has been named shareholder in the Knoxville office of Baker, Donelson, Bearman & Caldwell.

#### **Class of 1990**

JOHN BELLAMY of Bristol, Tenn., was awarded one of the 40 Under 40 Awards recognizing outstanding businessmen and women in the Tri-Cities Tennessee/Virginia area.

#### **Class of 1991**

JAMES D. HOLLEY, JR. of Knoxville and his wife Jennifer announce the birth of their first child, Leah Elizabeth on May 3, 1999.

ROBERT W. HORTON of Nashville spoke at the Bass, Berry & Sims Annual Employment Law Seminar in Nashville and Knoxville. He is with Bass, Berry & Sims' employment law group.

NICK McCALL and Brannon P. Denning '95 co-authored an article entitled "The Constitutionality of State and Local 'San-

## '92 alumna named to head Tennessee's VORP program

Cassandra Washington Adams '92 has been named Project Director for the Victim Offender Reconciliation Program (VORP). The project, funded under a federal Edward Byrne Memorial Grant Award, provides start-up funds for new VORP mediation centers throughout Tennessee. It is administered under the auspices of the Tennessee Supreme Court, Administrative Office of the Courts.



**Cassandra Adams**

VORPs are mediation programs for juvenile and general sessions court cases involving property damage and/or minor assault. Judges can refer cases they deem appropriate to mediation, rather than proceed through the adjudication process. VORPs recruit and train volunteer mediators to serve as neutrals in resolving the problem. Statistics have shown a more than 50 percent reduction in juveniles that re-offend when they have participated in the VORP mediation process.

During the project, Adams will work to identify candidate organizations interested in applying for start-up funding. To date, Tennessee has seven VORP programs: The Community Mediation Center in Knoxville, Community Mediation Center in Oak Ridge, Community Mediation Center in Crossville, Mediation Services of Putnam County in Cookeville, VORP of Nashville, The Mediation Center in Columbia, and the newest program, Mid-South VORP, servicing Lewis, Perry, Hickman, Lawrence and Wayne counties.

Adams is very excited and motivated in her new position. After spending years in law school administration, she says this project presents the challenges that come with a new program, while feeding her interest in alternative dispute resolution. "Working to establish alternatives within Tennessee's judicial system is a great investment in the well being of our communities," she said.

Adams learned of the position from her former law school clinic professor, K. Ann Barker, who is now the Director of the Tennessee Supreme Court Alternative Dispute Resolution Commission. Both Cassandra and Ms. Barker are excited that they have teamed up again on such a worthwhile project.

If you have questions about the project, feel free to contact Adams at 615-741-2687.

tions' Against Foreign Countries: Affairs of State, States' Affairs, or a Sorry State of Affairs?" that was published in the Winter 1999 issue of the *Hastings Constitutional Law Quarterly*.



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**Class of 1992**

CHERI BEASLEY of Fayetteville, N.C., was appointed to a District Court Judgeship in Fayetteville in February 1999. She will serve a four-year term.

J. DAVIDSON FRENCH of Franklin spoke at the Bass, Berry & Sims Annual Employment Law Seminar in Nashville and Knoxville. He is with Bass, Berry & Sims' labor and employment law group.

SHERYL CLARK ROLLINS of Knoxville has been named to the National Kidney Foundation of East Tennessee board.

**Class of 1993**

ADAM EPSTEIN of Knoxville has been named Coordinator and Assistant Professor of Legal Assistant Studies at the University of Tennessee in Chattanooga.

**Class of 1994**

MICHELE JOHNSON of Nashville has been awarded the 1999 Child Advocacy Award by the American Bar Association Young Lawyers Division. The award recognizes the contributions of child advocates nationwide who have actively labored on behalf of children and celebrates the often-unheralded service that child advocates bring to families.

MICHELLE JONES LONG of Nashville has been named legal counsel to Governor Don Sundquist.

BERNARD J. O'CONNOR was recently named Michigan Professor of the Year by the Carnegie Foundation. O'Connor is a lecturer at Eastern Michigan University.

MICHAEL K. STAGG of Nashville is the coauthor of "Air Emissions Standards and Guidelines Under the Clean Air Act for the Incineration of Hospital, Medical, and Infectious Waste." This article appeared in the 1998 (vol. 28) edition of the *Northwestern School of Law of Lewis & Clark College's Environmental Law Journal*.

**Class of 1995**

BRANNON P. DENNING AND Nick McCall '91 co-authored an article entitled "The Constitutionality of State and Local 'Sanctions' Against Foreign Countries: Affairs of State, States' Affairs, or a Sorry State of Affairs?" that was published in the Winter 1999 issue of the *Hastings Constitutional Law Quarterly*.

GEORGE SPENCER of Knoxville is president of Mountain Crest Media and the editor-in-chief of *Travel Life*, a magazine for travel agents published by Time Inc.'s Custom Publishing Division. He and his wife, Paula, were expecting their fourth child this fall.

**Class of 1996**

TRACI R. GARNER of Denver has joined the firm of Holland & Hart LLP.

**Class of 1997**

JASON G. WOLFKILL of Memphis has a new office address: Kiesewetter, Wise, Kaplan, Schwimmer & Prather, PLC; 2650 Thousand Oaks Blvd.; Suite 2200; Memphis, TN 38118.

JOANNE YODER of Murfreesboro has been named Director of Major Gifts and Planned Giving at Middle Tennessee State University.

**Class of 1998**

JENNIFER J. BREAZEALE of Englewood, Colo., has been promoted to Senior Trust Administrator at Merrill Lynch Trust.

J. ADIN LARA of Nashville has joined the law firm of Baker, Donelson, Bearman & Caldwell in Nashville.

**Class of 1999**

JERAMIE J. KEYS has joined the Minneapolis/St. Paul office of the firm of Merchant & Gould as an associate.

# Alum establishes award to reward writing excellence



James R. Cunningham

James R. Cunningham '47 of Cincinnati has always had an interest in legal writing — and an admiration of good legal writing.

“When I was at Proctor & Gamble,” he recalled, “my boss, who had been educated at Dartmouth and Harvard, had a novel way of reducing complex legal questions to easily understood ideas. His efficiency of words was incredible. I’ve always admired that type of legal writing very much.”

Cunningham, a native of Union City, Tenn., who worked as a litigation counsel for Proctor & Gamble from 1952 until his retirement in 1978, wanted to write for the *Tennessee Law Review* during his UT law school years, but he had to work outside the college instead. “I’ve regretted it ever since,” he says.

As a means of stimulating interest in scholarly legal writing by upperclass UT law students, Cunningham and his late wife, Nell, provided the funds to establish the James R. and Nell W. Cunningham Excellence in Legal Writing Award at the UT College of Law. The award carries a \$5,000 cash prize and was first awarded during the College’s 1998 Honors Banquet and Awards Program to Jenny Sullivan of Murfreesboro. The 1999 award went to Natalie LeVasseur of Knoxville.

“Our intent was to inspire an interest in legal writing at my alma mater,” Cunningham said. “My writing always had a tendency to be wordy — I would weave in complex legal terms when plain English would get the job done just as well.”

UT Law Dean Tom Galligan is especially appreciative of the Cunningham’s gift. “We are honored to have one of, if not, the most significant legal writing prize in America,” he said. “We are committed to teaching our students to become great legal writers, and the Cunningham Award symbolizes that commitment. We are indebted to Jim Cunningham and his late wife, Nell, for providing this wonderful award to our students.”

Prof. Carol Parker, director of UT’s legal writing program, says the award has had a positive influence on students. “By recognizing the value of students’ legal scholarship, this generous prize encourages students to think of themselves as writers and scholars and to set high standards for themselves in their scholarly writing,” she said.

Cunningham enrolled at UT as an undergraduate at a time when students could earn both an undergraduate and law degree in six years. His education was interrupted in 1941 when he was drafted into the Army at the outbreak of World War II. Cunningham participated in nine major amphibious landings in the Pacific during the war.

Cunningham returned to Knoxville after the war and completed his law degree in 1947. He worked for five years in private practice in Humboldt, Tenn., and during that time married Nell Senter Watkins in June 1950. Cunningham moved to Proctor & Gamble in 1952, working at the Milan, Tenn., Arsenal until being transferred to the home office in Cincinnati in 1957. At the time of his retirement, Cunningham headed the company’s litigation section.

## Calling all UT alums -- New directory is in the works

In an effort to bring alumni from around the globe back together, the University of Tennessee College of Law announces the publication of an all-new Alumni Directory.

The new Alumni Directory, scheduled for distribution in the spring of 2001, will be the most up-to-date and complete reference of more than 5,800 UT law graduates ever compiled. The comprehensive volume will include the current name and the name when a student attended (if different) as well as class year. Each biographical listing will also include home address and phone number in addition to detailed professional information.

The new 2001 edition will list alumni alphabetically with the information outlined above, by class year, by geographical location, and by area of practice. In addition, all alumni

with an e-mail address will be listed by name with their corresponding class year and e-mail address in a separate section of the directory.

The Alumni Office has chosen the Bernard C. Harris Publishing Company to produce the directory. Harris will soon begin researching and compiling the data by mailing a questionnaire to each alumnus/a. Please fill out the form and return it as soon as you receive it. If the Alumni Office does not have your current address, please contact the office as soon as possible so you will receive a questionnaire.

With your participation, the 2001 edition of the UT College of Law Alumni Directory is sure to be a success. Look for more details about the project in future issues of *Alumni Headnotes*.



# An Open Letter from the Dean

## Children of Alumni and the Admissions Process: Creating a Win/Win Situation

As the number of alumni of the College of Law grows, the Admission's Office and the Dean's Office are increasingly asked about the application process and the chances of admission for the son or daughter of an alumnus. At the 1999 Spring Alumni Advisory Council meeting, our alumni recommended that we educate them and other alumni about current trends in law school admissions to help our graduates prepare their children for admission well before the actual process begins. As you know, the admissions process is extremely competitive. We want to avoid hurt feelings by sharing information now that will help explain the process that the son or daughter of an alumnus will face. While we cannot discuss every aspect of the admissions process in this article because it would run on too long, we will address common questions and concerns.

**Numbers—** The undergraduate grade point average (UGPA) and the Law School Admissions Test score form the baseline factors used in the admissions process at the College of Law, as at most law schools. When a student first thinks about applying to law school, he or she should contact law schools which might interest them and learn about the academic profile of the most recent entering class. The student can then compare his/her own UGPA to the average for that school and determine if he/she will be competitive if his/her grades stay on track or if he/she must improve his/her grades in the senior year in order to qualify for schools he/she is considering. As a general rule, as a candidate's UGPA and LSAT exceed the median scores for that school, the chances for admission on this level of consideration increase accordingly.

For example, the 1999 entering class at the College of Law reported a UGPA median of 3.47. Twenty-five percent of the class reported a UGPA of above a 3.70 and 75 percent of the entering class reported above a UGPA of 3.28. The median LSAT score for the 1999 entering class was 156, which is close to the 70th percentile on the LSAT. Twenty-five percent of the entering class reported an LSAT score of 160 and above; seventy-five percent reported a score of 152 and above.

**...But Not Just Numbers—** UT and other law schools gather an array of information to consider about each applicant for admission in addition to UGPA and LSAT score. Factors which the UT College of Law Admissions Committee consider are

outlined in our admissions materials. (The full text is available at our web site, [www.law.utk.edu](http://www.law.utk.edu) in the Admissions section, or by request from the Admissions Office.) If a candidate's "numbers" are not as strong as those of other candidates, he or she may still gain admission on the strength of the overall application. It is important that a candidate whose academic credentials are lower than those of candidates who are usually admitted put forth special effort to strengthen the remainder of the application.

Know how to advise your son or daughter to prepare during the undergraduate years in order to maximize his or her chances for admission when the time comes. Top tips include:

1. Do not shy away from taking a rigorous course of study at the undergraduate institution you choose. Many different undergraduate majors are represented in any given entering class. The Admissions Committee is looking for evidence that the candidate took undergraduate courses which required critical thinking, analysis of complex information, and writing of significant papers or theses on the undergraduate level. Evidence of achievement can be found on the academic transcript, through writing samples, and in letters of recommendation from faculty members.
2. Develop a relationship with one or more faculty members at the undergraduate level. Undergraduate faculty members have had the opportunity to evaluate the candidate in an academic setting, as will law school faculty - to evaluate writing and thinking skills, work ethic, cooperation with other students, and the ability to accept constructive suggestions on his work. The most effective letters of recommendation address these competencies as measured in their classroom experiences.
3. Investigate early. As soon as a student begins to consider law school, he or she should begin gathering information about the law school admissions process and about particular law schools. Gathering this information has never been easier. The World Wide Web provides the best place to start. The Law School Admissions Council web site ([www.lsac.org](http://www.lsac.org)) provides details about the LSAT and other services. A student may link to almost every law school's home page from this web site. This is a one-stop shop and should be the first place to look for information.
4. Work systematically toward reaching the academic credentials which will increase admissibility. Among our most painful conversations are those with candidates who are at the point of application and then learn that their grades and LSAT scores

are not competitive — and no time is left to improve them. Ideally, a student will realize the importance of maintaining a strong grade point average and will not have to exert excessive pressure on himself in the junior year to make up lost ground.

Facts that our readers might not realize include:

The College of Law will admit about one of every 3.5 applications we receive. In recent years, our application activity has remained steady in the face of a more volatile national market for law school applicants. Between 1,100 and 1,200 applicants are expected to apply for the August 2000 entering class. We will likely offer admission to approximately 360 of these candidates in order to fill an entering class of 155-165 students.

The UT Board of Trustees requires that at least 80 percent of the students in each entering class be residents of Tennessee. Tennessee residents, therefore, are given priority in admission as well as the advantage of lower, in-state tuition.

There are no admissions “set-asides” for the Dean or other University officials. Children of alumni or donors are not given special consideration in the admissions process. Neither the Dean of the College of Law nor the President or Chancellor of the University of Tennessee, Knoxville participate in or attempt to influence the admissions process. Given the number of alumni and donors, if such consideration were to be given, we would have full classes on these bases alone.

The Admissions Staff is happy to speak with potential candidates or their parents about preparing for the application process as early as during the high school years. Let us help you prepare the future lawyer in your family!

*-- Dean Thomas C. Galligan, Jr.*

## Class of '02 embarks upon UT legal education journey

One-hundred and sixty-eight first-year students enrolled at the UT College of Law in August to begin the 1999 fall semester.

The students spent most of their first week in Orientation and The Introductory Period. The program included a keynote address by Nashville attorney and 1976 graduate Margaret Behm, partner in the law firm Dodson, Parker, Dinkins and Behm; a panel of recent graduates sharing suggestions for maximizing the law school experience; lunch with student advisors followed by a tour of the law school; and a dinner for the entering class sponsored by the Deans and the Faculty.

The Class of 2002 hails from 17 states (Alabama, California, Florida, Georgia, Illinois, Kentucky, Louisiana, Missouri, Mississippi, New York, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee and Virginia) and three foreign countries (China, Sweden and the United Kingdom).

The Class of 2002 comes to us from undergraduate schools across the United States. Schools yielding multiple matriculants are, in order of frequency, UT Knoxville, Middle Tennessee State University, University of Tennessee, Chattanooga, University of Tennessee at Martin, University of North Carolina, Chapel Hill, Tennessee State University, Auburn University, Vanderbilt University, David Lipscomb University, East Tennessee State University, Rhodes College, Tennessee Technological University, University of Memphis, Austin Peay State University, Clinch Valley College of the University of Virginia, Furman University, Miami University (Ohio), Purdue University, UCLA, University of Florida, University of Minnesota, University of Mississippi, University of Notre Dame and the University of Texas.

The class reflects 50 undergraduate courses of study, including Accounting, Anthropology, Banking, Biology, Business Management, Chemical Engineering, Diplomacy, Economics, English Literature, Instrumental Music, International Studies, Journalism, Logistics and Transportation, Mass Communications, Mathematics, Multinational Studies, Natural Resources, Philosophy, Public Administration, Religion, Risk Management, Speech Communication, Sports Management, and Studio Art.

Members of the Class of 2002 range in age from 21-50 with the median age being 25. Nine members of the class are over the age of 40.



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# Make an investment in the College of Law's future

## *More scholarships are needed to attract top-flight students*

By *Karen R. Britton*  
*Director of Admissions and Financial Aid*

"Show Me The Money!" is a catch phrase many of us recognize from a recent movie. Top candidates for law school admission may not use this rather mercenary phraseology, but "the money" in the form of scholarship assistance often makes the difference between our adding that student to our entering class or our receiving a "rejection" letter from them indicating they will attend another law school.

Each year the Admissions and Financial Aid Office staff surveys students who were admitted to the College of Law and decline our offer of admission. About half of the responding non-matriculants tell us who we recruited against (and lost) and the factors that influenced their decisions to choose a law school instead of Tennessee.

The following trends are noteworthy:

- 44% of the respondents in 1999, 1998 and 1997 indicated that the **cost of attending** law school was very influential or influential in their decision.
- 41 % of the respondents in 1999, compared with 37% in 1998, indicated that scholarship assistance was important or very important.
- If a candidate was "in the chase" for **scholarships**, the amount of the scholarship was usually very influential in the candidate's ultimate choice.

Each scholarship dollar we can provide to an admitted candidate or a returning second and third year student pays dividends as we attempt to recruit and retain well-qualified students. The availability of scholarship assistance can make the difference for some students in their attending law school or not, particularly if they have family obligations and/or they are leaving a job to return to school.

The timing of scholarship offers and management of the financial aid process present perhaps the greatest challenges in our recruitment efforts. We are unable to reach many attractive candidates with any level of scholarship assistance. Many candidates who perceive themselves as worthy of scholarship assistance are clearly offended when no scholarship offer results. Our scholarship offers are sometimes mentioned as lower than offers the candidates received from other schools — when the scholarships we offered those candidates were our top scholar-

ships. Given our existing scholarship resources, we could have done no better for these candidates.

Here are some of the comments we heard in our 1998 and 1999 survey results:

"I received a full tuition scholarship at Washington University, valued at \$24,000 a year. I would have considered UT more significantly had I been offered a better scholarship than the aforementioned one." *UT offered scholarship for \$4,400 for one year. Tennessee resident.*

"Washington & Lee offered a top quality (top 20 ) institution at a fair price due to the fact that they awarded a substantial scholarship to me. They really sold me when they paid my expenses for a campus visit. It is nice to be wanted that much." *UT offered Scholarship for \$2,500 for one year. Tennessee resident.*

"The main reason I chose Alabama was the full scholarship. Although I thought Tennessee had a great law school, I felt Alabama was in the same ballpark. Receiving the scholarship from one school and not the other was the deciding factor." *Alabama Resident. No scholarship offer from UT.*

"My first choice was UT and I was thrilled to be accepted, but I was offered a scholarship at South Carolina that would make the tuition about one third of UT's (since I would be out of state). I did not believe I would get a scholarship from UT being a non-resident and I was not sure I would be able to claim a legal residency. I am very conscious of the debt I am having to accrue and this was the major factor in my decision to decline Tennessee's offer of admission." *South Carolina resident. No scholarship offer from UT.*

"I do not plan to enroll in a law school this fall. I plan to reapply to UT for the 2000-2001 academic year. Was not offered a scholarship by you. I was undergrad valedictorian, support myself, and was not offered a scholarship by UT. I did not apply elsewhere that I wanted to attend after further consideration. I plan to reapply next year. Would like academic (if not need-based also) scholarship to attend." *Tennessee resident. No scholarship offer by UT.*

Because we are a state-assisted institution, 80% of each entering class must be Tennessee residents; therefore, it is vital that we successfully retain well qualified Tennessee candidates. Increasingly, the state's top high school students are receiving attractive financial packages from UTK and other Tennessee colleges and universities, and these students go on to enjoy suc-

successful undergraduate careers. Ultimately, many of these students are top candidates for admission at several law schools. We have found, however, that even our top scholarships are not enough to attract Tennessee undergraduates who are accustomed to and/or depend upon scholarship assistance when they are enticed by larger scholarship offers from “more prestigious” law schools. If a candidate has not incurred debt as an undergraduate scholarship student, the “bait” of low tuition at the UT College of Law is less persuasive. We must find the means to counter this effect.

The private dollars given to us for scholarships by our alumni, friends, and law firms are often the deciding factor among prospective students when making a commitment to attend law school. We are in constant need of financial contributions to help us attract and retain top students to the UT College each year. At present, we have a number of scholarship funds at the College but very few that offer the type of funds large enough to attract these exceptionally credentialed students. The College of Law should have the financial resources needed to recruit prospective students to the College whose qualifications indicate exceptional promise for the practice of law or public service.

If you would like to help in this effort, please designate your future gifts to either the General Scholarship fund or the Forest Lacey fund. Additionally, if you are interested in establishing your own named scholarship fund, please contact the Development Office for details. It currently takes a gift or pledge of \$25,000 to establish any named fund at the College.

Students are the lifeblood of this institution and private dollars often mean the difference between a student accepting our invitation to attend the University of Tennessee College of Law or deciding to go somewhere else for their legal education. Alumni, friends, and law firms can make a difference in the lives of our students. We encourage each of you to please consider investing in our future.

## McKnight Scholarship helps students achieve career goals in labor and employment law

Since 1978, UT law students interested in careers in labor and employment law have benefitted from a fund established by colleagues and friends of the late Robert L. McKnight.

McKnight, a 1933 graduate of the University of Memphis Law School, was a founding partner in the Memphis firm of McKnight, Hudson, Henderson, Clark, Fisher & Warren. Shortly after Mr. McKnight's death in 1976, the remaining partners established the Robert L. McKnight Memorial Scholarship in Labor Law at the UT College of Law.

The scholarship is awarded annually to a third-year UT law student who has an interest in and a promise of distinction in the practice of labor and employment law.

Mr. McKnight was a noted labor lawyer and the senior partner in the firm at the time of death. The other partners who established the scholarship were Fletcher L. Hudson '63, Kenneth D. Henderson '65, Ross B. Clark II '60, Donna K. Fisher, and Keith A. Warren.

Over the years 17 UT students have received financial support through the McKnight Scholarship. The current recipient is Ronald A. Honaker of Roanoke, Va. Most of the recipients have been students in labor and employment law classes taught by Prof. Pat Hardin.

“For more than 20 years, the McKnight Scholarship has enabled the College of Law to recognize and reward academic excellence in students who appear to be headed for a career in labor and employment law,” Hardin said. “Recipients have gone on to earn distinction in the profession through careers in private practice, in public service, and in teaching. I am personally grateful to Fletcher Hudson and his law partners whose generosity has made this possible.”

The partners in the McKnight Hudson firm have changed over the years, but the focus of the practice remains labor and employment law. In 1997, McKnight Hudson merged with the Atlanta-based firm of Ford & Harrison LLP. As of Jan. 1, 1999, the firm became known as Ford & Harrison LLP nationwide. The name was changed to assure a single nationwide firm identity.

Ford & Harrison now has more than 120 attorneys in seven offices across the nation and concentrates its practice in labor and employment law and employment litigation.



# How I made the College my retirement beneficiary

By W. Allen Separk '69  
Marietta, Ga.

The University of Tennessee College of Law has always been near and dear to my heart. I enjoyed my graduate experience at Tennessee very much, so it was very easy for me to join the Dean's Circle Committee and the Alumni Advisory Council many years ago. As my law practice has thrived over the years, I have continued to be supportive of the University of Tennessee with financial gifts as well as personal service.



As a tax and fiduciary lawyer, I have enjoyed the opportunity of working with various charitable and tax exempt organizations in my local community, and I have always tried to maximize tax strategies as they relate to charitable giving. Gifts of highly appreciated securities and other property have always been a great way to give and minimize after tax cost of the gift.

My personal circumstances changed recently as my son Gregory reached the age of eighteen. I decided to cash in some old whole life insurance policies and replace them with a new level premium term policy at a much lower cost. I named Gregory as the policy owner to keep the policy out of my estate for federal estate tax purposes. Additionally, I have changed the beneficiary of my retirement account from my estate to the College of Law. This means these funds will not be subject to estate taxes, and there will be no adverse income tax consequences for my son.

Retirement accounts are subject to inclusion in an individual's estate for federal estate tax purposes and are also subject to federal and state income taxes, although a spouse may roll over these funds to avoid immediate taxation. Ultimately, however, there would be income tax consequences to any nonspouse beneficiary.

Obviously, retirement funds constitute a significant percentage of most individuals' assets, particularly as he or she approaches

## What will you do?



You've provided for your loved ones and taken care of them. Now, with your will, you've assured their protection after your lifetime. But have you thought about how you can protect your estate from taxes and have it work for years to come? It's easy.

A bequest to The University of Tennessee, Knoxville can help you save estate taxes and leave a lasting legacy. By including us in your will, you can provide educational funding to ensure the quality of the University for future generations.

What will you do?  
Make the future better with your will today. It's . . .

*A Smart Thing To Do*



Call or write to:  
Director of Planned Giving  
The University of Tennessee, Knoxville  
1609 Melrose Avenue  
Knoxville, TN 37996-3550  
(423) 974-5045  
E-mail: alumni@www.admin.utk.edu

retirement age. Proper tax planning involving these retirement accounts can save tremendous dollars in income and estate taxes

while benefitting the University of Tennessee College of Law (or any other tax exempt organization or charity).

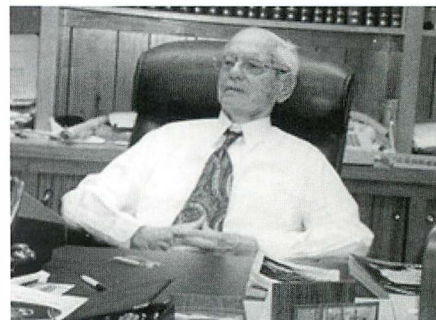
## Elmer Stewart '26 endows faculty fund

Elmer L. Stewart '26 of Lexington, Tenn., has made a gift of \$100,000 to the UT College of Law that will be used to establish the Elmer L. Stewart Faculty Scholar Fund at his alma mater.

Dean Tom Galligan said the Stewart Faculty Scholar fund will be used to support UT faculty members whether they be full-time, adjunct or visiting faculty.

"We are extremely grateful to Mr. Stewart for his generous support of his alma mater," the Dean said. "We will use the gift to establish an Elmer Stewart Faculty Scholar Fund to help fund the work of one of our professors who has exhibited excellence in teaching, research, and public service."

The 99-year-old Stewart was believed to be the state's oldest practicing attorney when he retired in 1999. Throughout his career, which began in 1926 in his hometown of Lexington, Stewart practiced with



**Elmer L. Stewart '26**

an easygoing but thorough manner that mirrored his personality.

"He's just the best in the world," said his longtime secretary, Jo Ann Blankenship Faught. "I've never seen him lose his temper. He's just the same with everyone, rich or poor."

Early in his career, Stewart handled criminal cases for about 25 years. But the

*Continued on next page*

## Briefly...

The College of Law, in cooperation with the Knoxville Legal Aid Society (KLAS) and Rural Legal Services (Oak Ridge), announces the selection of **Kristi Bernard** and **Mary Gillum** as Kolwyck Fellows for the Fall 1999 semester. As Kolwyck Fellows, Ms. Bernard and Ms. Gillum will work as interns at KLAS and Rural Legal Services, respectively, and receive funding from the Kolwyck Public Interest Fellowship Fund. The Kolwyck Fellowship Program is intended to foster work by law students in public interest settings without the financial sacrifice that often accompanies such a decision. Selection of the fellows is based upon demonstrated interest to public interest work and financial eligibility.

The Kolwyck Selection Committee, co-chaired by Profs. **Carl Pierce** and **Doug Blaze**, was impressed by the high quality of all the applicants for the fellowships. The Committee would like to express its appreciation to David Yoder, Executive Director of KLAS, and Neil McBride, Executive Director of Rural Legal Services, for their on-going support of the program. The Committee would also like to acknowledge the exceptional commitment of Knoxville Legal Aid Society to the program. In light of the high quality of applicants for the positions, KLAS has decided to independently fund an additional internship at their office during the school year and has hired one of the fellowship applicants.

The College of Law Library's faculty and staff members were named the 1999 winners of the UTK Team Excellence Award for their cooperative work in hosting the Southeastern Chapter of the American Association of Law Libraries' Conference in Knoxville during the spring of 1999. UTK Chancellor Bill Snyder presented the award at a breakfast in December.

The College of Law's law-related art collection was recently enhanced by a gift of two statues of *Justitia* by Thomas Braun of Naples, Fla. Each piece was commissioned by Braun in 1978. One was sculpted by Karoly Antal, a noted Hungarian artist, and the other by the Italian sculptor Ambrogio Consonni. Both pieces depict a blindfolded woman holding a sword in her right hand and the scales of justice in her left. The Consonni rendition is housed in the Law Library and the Antal work is situated at the entrance to the faculty wing of the new law building. The College of Law's law-related art collection now includes more than 150 pieces.

**Michael Tigar**, professor of law at American University and former lead counsel for convicted Oklahoma City bombing conspirator Terry Nichols, delivered the 1999 Charles H. Miller Lecture in Professional Responsibility in October 1999 at the



### College acquires Lincoln bust

*The College of Law has acquired a sculpture of Abraham Lincoln, which is on display just inside the UT Law Library. The bronze bust titled "Prairie Lawyer" was produced by artist James J. Nance (above) of Loveland, Colo., and is part of a limited edition of 35 castings.*

College of Law. His topic was "Litigator's Ethics -- The Struggle for Meaning."

**Roy C. Flowers**, a Middle Tennessee real estate developer who served on the UT Board of Trustees from 1991-97, donated land in Nashville to UT and specified that the proceeds from its sale, in part, be used to endow a professorship in the UT College of Law.

### Stewart gift

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majority of his cases since the 1950s were civil. He represented clients in cases involving land titles for banks and estate settlements for individuals.

Stewart decided to make his gift to the College of Law as part of his estate planning, Faught said. "He loves Knoxville and, of course, he graduated from the UT College of Law. He worked his way through school and has lots of fond memories," she said.



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# Development Report

In recognition of our generous donors, the College of Law publishes an honor roll each year. Because of an oversight, the honor roll of 1997-98 donors that appeared in the 1999 spring issue of *Alumni Headnotes* did not contain the names of those who gave deferred gifts. The list appears below.

Mary Elizabeth Abernathy, Pulaski, TN  
Herbert Martin Bacon, Morristown, TN  
Howard Henry Baker, Huntsville, TN  
Roy Timothy Campbell, Newport, TN  
Alan Lamar Cates, Signal Mountain, TN  
Jean E Cates, Signal Mountain, TN  
Steven Edward Collett, Bristol, TN  
Betsey Beeler Creekmore, Knoxville, TN  
Robert Lealand Derrick, Rockwood, TN  
Diane Davison Drinnon, Knoxville, TN  
James Drinnon, Knoxville, TN  
Tracy Gerald Edmundson, Knoxville, TN  
Betty L. Emison, Alamo, TN  
Theophilus James Emison, Alamo, TN  
Mary Elizabeth Ford, Parrottsville, TN  
Nathan F. Ford, Parrottsville, TN  
Gerald Wayne Fudge, Atlanta, GA  
Karen Gail Gilbert, Knoxville, TN  
Roger Lee Gilbert, Knoxville, TN  
Allena Gail Gray, Cleveland, TN  
Judy Grissom, Knoxville, TN  
Kimera Dickson Grissom, Knoxville, TN  
Lillian L. Hall, Knoxville, TN  
Gregory Allen Hamilton, Knoxville, TN  
Katherine R. Hamilton, Knoxville, TN  
John Charles Hine, Goldsboro, NC  
Dan W. Holbrook, Knoxville, TN  
Mary Wells Holbrook, Knoxville, TN  
Julia Gillock Hoppe, Oak Ridge, TN  
William C. Hoppe, Oak Ridge, TN  
William Horace Horton, Chattanooga, TN  
Douglas Wallace Hutson, Athens, TN  
Melissa G. Hutson, Athens, TN  
Peter Bennington Irvine, Pittsburgh, PA  
Edward Douglas Ivey, Nashville, TN  
David Clark Jones, Dandridge, TN  
Ruth Anne Jones, Dandridge, TN  
Barbara E. Kirby, Nashville, TN  
James Edwin Lauderback, Johnson City, TN  
Sandra Jo Lauderback, Johnson City, TN  
Charles David Lockett, Knoxville, TN  
Robert Montgomery, Kingsport, TN

Jill Anne Owen, Dandridge, TN  
Jimmy Dean Owen, Dandridge, TN  
(Trust Estate of Joe H Wilson) James O. Phillips III,  
Rogersville, TN, and William E. Phillips, Rogersville, TN  
Joy Rice, Memphis, TN  
William Russell Rice, Memphis, TN  
Beverly J. Ritchie, Knoxville, TN  
Robert W. Ritchie, Knoxville, TN  
Jon Gilbert Roach, Knoxville, TN  
Mintha Evans Roach, Knoxville, TN  
Robert C. Schock, Atlanta, GA  
Allen Separk, Maritta, GA  
Harriet Chapin Smartt, Knoxville, TN  
John Madison Smartt, Knoxville, TN  
Betty Smith, Dickson, TN  
Jerry B. Smith, Dickson, TN  
Margaret T. Smith, Nashville, TN  
Richard Lewis Smith, Nashville, TN  
Suzanne G. Stolnitz, Carpinteria, CA  
Arthur Howard Stolnitz, Carpinteria, CA  
Dorman L. Stout, Kingsport, TN  
Mary Ann Stout, Kingsport, TN  
Saralee Clark Stout, Knoxville, TN  
Charles Walter Swanson, Knoxville, TN  
Carolyn Suzanne Terry, Bulls Gap, TN  
Steven Wayne Terry, Bulls Gap, TN  
Patricia Trent, Colorado Springs, CO  
Shirley Baumgardner Underwood, Johnson City, TN  
Marion C. Wilkinson, San Diego, CA  
Thomas Roy Wilkinson, San Diego, CA  
Jan E. Wilks, Springfield, TN  
Larry Dean Wilks, Springfield, TN  
Bette Winchester, Memphis, TN  
Richard Lee Winchester, Memphis, TN  
Kathy Denise Wright, Knoxville, TN  
James C. Wright, Knoxville, TN

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## Alumni Address Change and News

12/99

### News/Awards/Honors

If your address or job status has changed or will soon change, let us know.

Name: \_\_\_\_\_ Class Year: \_\_\_\_\_

Firm Name/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

This is my: \_\_\_\_\_ Office Address \_\_\_\_\_ Home Address \_\_\_\_\_

Is this a change of address? \_\_\_\_\_ Yes \_\_\_\_\_ No

Would you like your new work address published? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please list your former address: \_\_\_\_\_

\_\_\_\_\_

Please send information to: Office of Development and Alumni Affairs  
The University of Tennessee College of Law  
1505 West Cumberland Avenue  
Knoxville, TN 37996-1810

Our telephone number is 423/974-6691. Please call if you have questions.

## Calendar

### February 23

Distinguished Alumni speaker, 12:20-1:10 p.m., Room 132.

### March 15

Advocates Prize finals (tentative), Room 237.

### April 1

Speaker Series golf tournament, Centennial, Oak Ridge.

### April 8

Advocacy Center Luncheon.

### April 14

Jenkins Competition finals.

Moot Court Banquet, 6 p.m., The Foundry.

### April 19

Mediation Clinic/College of Practical Law dinner, University Club.

### May 11

Hooding Ceremony, World's Fair Amphitheatre.

### May 12

University Commencement.

### August 21

Orientation, Class of 2003.

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