

University of Tennessee Law

Legal Scholarship Repository: A Service of the Joel A. Katz Library

Taylor Times (1986 - 1994)

Historic Collections

2-1991

Taylor Times (February 1991)

University of Tennessee College of Law

Follow this and additional works at: https://ir.law.utk.edu/utk_lawtaylortimes



2-1991

Taylor Times (February 1991)

University of Tennessee College of Law

Follow this and additional works at: http://trace.tennessee.edu/utk_lawtaylortimes

 Part of the [Law Commons](#)

Recommended Citation

University of Tennessee College of Law, "Taylor Times (February 1991)" (1991). *Taylor Times (1986 - 1994)*.
http://trace.tennessee.edu/utk_lawtaylortimes/51

This Publication is brought to you for free and open access by the College of Law Communications and Publications at Trace: Tennessee Research and Creative Exchange. It has been accepted for inclusion in Taylor Times (1986 - 1994) by an authorized administrator of Trace: Tennessee Research and Creative Exchange. For more information, please contact trace@utk.edu.

Taylor Times

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

FEBRUARY, 1991

February						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

February 1

26th Amendment enacted, 1971

February 2

National Moot Court team members leave for New York to compete in the nationals.

Their first round is at 5:00 p.m. on February 5th against New York State University School of Law. Good luck, Mark, Lane, and Scarlett!

February 2

Groundhog Day

February 6

May 1991 Graduates Meeting

11:00 a.m. - Room 118

Topics to be covered include hooding, commencement, cap and gown orders, etc.

Judicial Clerkship Seminar

11:00 a.m. - Moot Court Room

February 7

11th Amendment enacted, 1795

February 10

25th Amendment enacted, 1967

February 11

"Judicial Ideology and Judicial Role Orientations" presented by Dr. John Scheb, UT Political Science Department Noon - 6th Floor Conference Room in Hodges Library

February 12

Lincoln's Birthday

February 13

Ash Wednesday

Coming Events
Spring Break: March 18-22
Law Week: April 8-12

February 13-16

Frederick Douglass Moot Court team competes in New Orleans, Louisiana.

Team members are Cheri Beasley (second-year) and Brian Quarles (second-year). Professors Peter Morgan and Carl Pierce are team advisors. Good luck!

February 14

Valentine's Day

February 15

Second Annual Susan B. Anthony Celebration featuring Gloria Steinem 7:00 - 10:00 p.m. at the Tennessee Theater. \$30 for full-time faculty and \$15 for full-time students. For further information contact Lynn Collings, Class of '86, at (615) 673-0868.

February 18

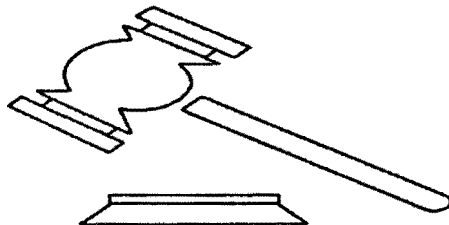
Washington's Birthday (Observed) or Presidents' Day

February 24

Marbury v. Madison, 1803

February 25

16th Amendment enacted, 1913



1991 Judicial Clerkship Seminar

Wednesday, February 6

11:00 a.m.

Moot Court Room

Professor Carol Mutter and Associate Dean Richard Wirtz will chair the panel discussion which will feature:

Andy Tillman, Class '89;

David Kleinfelter, Class of '89, and Janet Morrisett Kleinfelter, Class of '89. Mr. Tillman clerked for Judge Theodore Milburn of the U.S. Court of Appeals.

Mr. Kleinfelter clerked for Judge William Wiseman of the U.S. District Court. Ms. Kleinfelter clerked for Judge William Koch of the Tennessee Court of Appeals.

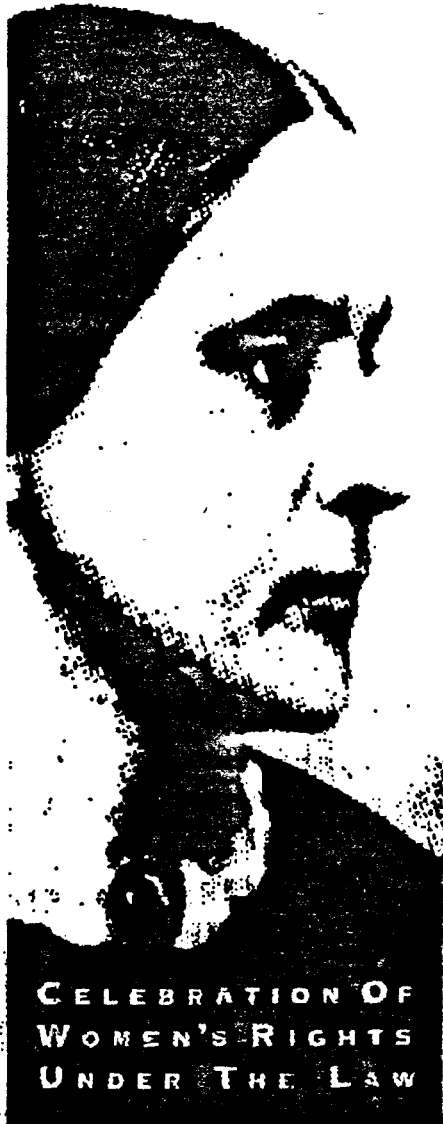
The University of Tennessee, Knoxville, does not discriminate on the basis of race, sex, religion, national origin, age, handicap, or veteran status in provision of educational opportunities or employment opportunities and benefits. UT does not discriminate on the basis of sex or handicap in the education programs and activities which it operates, pursuant to Title IX of the Education Amendments of 1972, Public Law 92-318, and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, respectively. This policy extends to both employment by and admission to the University. Inquiries concerning Title IX and Section 504 should be directed to the Director of Affirmative Action, 403B Andy Holt Tower, University of Tennessee, Knoxville, TN 37996-0144, telephone 615/974-2498. Charges of violation of the above policy should also be directed to the office of the Director of Affirmative Action. EO1-1610-006-91

TAYLOR TRIVIA: When did Taylor Trivia begin as a feature in *Taylor Times*? Answer to last month's Taylor Trivia: *Taylor Times* began publication February 5, 1986 with a 6-page edition filled with faculty, moot court, and calendar news. The first issues were done on a typewriter and then cut and pasted. *Taylor Times* today is prepared by using a desktop-publishing program. It's come a long way! Look out Pulitzer! (Old issues of *Taylor Times* are located in the College of Law's archives in Suite 14.)



Our thoughts are with Barry Abbott, Dan Berexa, Troy Brown, and Tim Higgs as they serve in the United States Armed Forces in the Middle East.

THE SECOND ANNUAL SUSAN B. ANTHONY



CELEBRATION OF
WOMEN'S RIGHTS
UNDER THE LAW



The Second Annual
Susan B. Anthony
Celebration of Women's Rights
Under The Law

Friday, February 15, 1991
7:00 p.m. - 10:00 p.m.
Tennessee Theater
604 South Gay Street.

Presented by the East Tennessee
Lawyers Association for Women
(ETLAW)

Featured speaker: Gloria Steinem.

Proceeds will be donated to ETLAW's
Susan B. Anthony Scholarship Fund
at the College of Law.

Tickets are \$30 for full-time faculty
and \$15 for full-time students and
are available at the Knoxville Civic
Coliseum and all Ticketron outlets.
Tickets may also be charged by
telephone 1-800-225-7337.

The program includes "View from the Bench" with Justice Lyle Reid, Chief Justice of the Tennessee Supreme Court, Justice Martha Craig Daughtrey, Justice of the Tennessee Supreme Court, and the Honorable Julia Gibbons, Judge for the United States District Court for the Western District of Tennessee, and "The Perfect 36" which depicts the struggle for the woman's vote in Tennessee with live dramatic skits, contemporary accounts, and original songs and featuring Candace Anderson. Ms. Anderson wrote, produced, and directed "American Women in Radio and Television" which was selected as the "Best Documentary of 1989." Remarks by Gloria Steinem will conclude the program. Ms. Steinem is cofounder of *New York* and *Ms.* magazines. As one of the country's most widely read and critically acclaimed writer and award-winning editor, she has been selected by *World Almanac* as one of the "Most Influential Women in America" for nine consecutive years.

There will be a reception and signing party following the program. The reception area will also feature suffrage and equal rights campaign memorabilia. ETLAW will also have copies of its publication, *The Legal Rights of Women in Tennessee*, available.

You should know ...

The University of Tennessee has a grammar hotline - 974-2611 - that has the answers.

Karla Thompson, Professor Jim Thompson's daughter, has been selected a second-team All-American, NCAA Division I, in soccer. Karla, a junior at Colorado State, is majoring in biology and pre-med.

Zula Parton, Office Supervisor in the Legal Clinic, will celebrate her 20th anniversary with the University of Tennessee on February 8, 1991. Zula, who was hired by Clinic Director Emeritus Charlie Miller, has worked the entire twenty years at the Legal Clinic. Congratulations, Zula!

Patty DeArmond has joined the GCT family as a Specialist in Cataloging in the Law Library. Patty comes to us from Hodges Library. Welcome, Patty!

Betty Lett, Career Services Assistant, has been with the University of Tennessee for five years as of October 1990. Betty was the third-floor faculty secretary before her move to Career Services. Congratulations, Betty!

Our condolences go to Janet Hatcher, Admissions Office, on the death of her brother-in-law last month.

Our condolences go to Professor Fred Thomforde on the death of his father last month.

Micki Fox, Law Review, is under contract to actor's equity to understudy the role of Elmira in "Mr. Roosevelt's Train Never Got Here." The play runs February 1 - 16 at the Clarence Brown Theatre. Student discount tickets are available by calling 974-5161. She also opens February 28 in "The Marriage of Bette and Boo" at the Clarence Brown Theatre. The play runs through March 16th. Student discount tickets are available. Break a leg, Micki!

(Continued from page 3)
the American Inns of Court is to improve the skills, professionalism and legal ethics of the bench and bar. The American Inns have adopted the traditional British model of legal apprenticeship and modified it to suit the specific needs of the American legal system. Our goal is to cultivate higher levels of excellence, professionalism, and ethical awareness among trial and appellate lawyers and judges.

An American Inn is often affiliated with a law school or bar association and holds eight to ten meetings per year. Membership ranges from 44 to 65 members in three categories: (1) Masters of the Bench, (2) Barristers, and (3) Pupils, described at the beginning of this section.

Members are grouped into "Pupilage Teams" which consist of two to three of each member type. Each pupilage team is responsible for conducting one demonstration for the Inn per year (i.e., the Charles Fahy American Inn of Court in Washington, DC has eight pupilage teams and holds eight meetings per year with each team being responsible for one demonstration).

The American Inns of Court movement succeeds in helping lawyers become more effective advocates of the American legal system with a more acute ethical awareness. They learn side-by-side with the most experienced judges and attorneys in their community. Younger attorneys become especially more effective trial and appellate advocates by learning from more experienced judges and attorneys. Judges, master litigators, professors and Barristers are learners and teachers, benefitting from each others' experience and insight. Like the British Inns' model (or the American Medical model), the novice attorney is assigned to a more experienced attorney or judge who serves as a mentor. The novice and the mentor meet on at least a monthly basis, in court, in deposition, or in the office, to observe and discuss pertinent legal issues.

One last note of special interest: the ABA Commission on Professionalism strongly endorsed the American Inns concept in its final report.

Efforts are underway to develop and foster relationships between younger and more senior lawyers... One such example is the American Inns of Court program, founded in 1980, which seeks to create intimate, local societies of judges and lawyers, law students, and law professors who meet on a regular basis and discuss ethical issues and the quality of legal advocacy in America. Voluntary programs of this kind should be encouraged and expanded.

The History and Growth.

In the late 1970s members of the United States Anglo-American exchange of lawyers and judges, including Chief Justice Warren E. Burger, and Ninth Circuit Judge Clifford Wallace held a discussion which later led to the development of the American Inns concept. Chief Justice Burger later invited Dean Rex Lee of the Brigham Young University School of Law and District Judge A. Sherman Christensen of Salt Lake City who agreed to examine the American Inns concept. As a result, in 1980 the first American Inn of Court was created in Provo, Utah. In 1981 the second American Inn was created in Salt Lake City, with law students from the University of Utah. 1982 saw the creation of two more American Inns: Honolulu, Hawaii, and Oxford, Mississippi. Then, in 1983 American Inns were created in Washington, DC and Brooklyn, New York. By 1985 there were 12 Inns nationally.

Chief Justice Burger formed a committee of the Judicial Conference of the United States in 1983 to explore the plausibility of the American Inns concept for the administration of justice in the federal courts and to determine the feasibility of a national organization. The response of The Committee to the Judicial Conference was affirmative. As a result, a national organization was proposed: the American Inns of Court Foundation. The Judicial Conference approved these recommendations and further endorsed the concept and the Foundation. In 1985 the American Inns of Court Foundation was commissioned.

There were 19 American Inns chartered by the annual meeting in May 1986; by May 1987 there were 31; by June

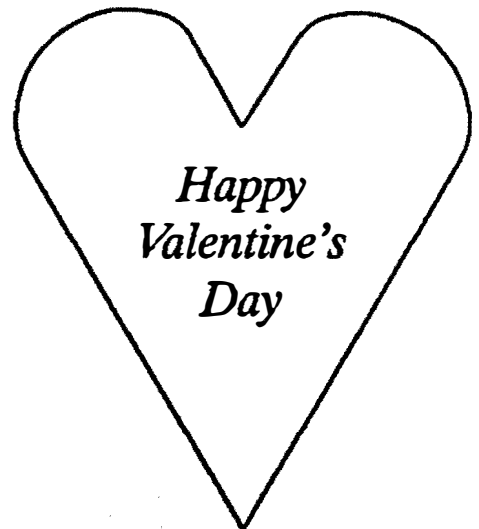
1988, 62. As of the Sixth Annual Meeting in June 1990, there were 124 chartered Inns. By the end of the 1990 calendar year, there were 133 American Inns of Court in operation around the country. American Inns of Court membership has grown to some 8,000 active judges, trial lawyers, and graduating law students. An additional 10,000 or more are alumnus or emeritus members.

(Compiled from Inns of Court publicity)

Class of '91 Selects Gift

The Class of 1991 has selected an academic scholarship as its class gift. A pledge drive will begin in February to start fund-raising efforts.

Members of the Class of '91 Development Council are: Rodd W. Barckhoff, Daniel P. Berexa, Kelly C. Bryson, Jeffrey A. Calk, Anthony N. Creasy, Dawn Doran, Beth H. Dupree, Kimberly S. Dyslin, Tracy G. Edmundson, Kristin K. Ellis, Carla G. Fox, Mary E. Gasparini, David C. Higney, John E. Lippl, Jack H. (Nick) McCall, Jr., Reuben N. (Buddy) Pelot, J. Matthew Powers, Patsy O. Powers, Jeffrey L. Reed, Dirk R. Rountree, Elizabeth M. Roy, Sarah G. St. Onge, and Norman G. Templeton.



"Law School Burn-Out!"

- For other summer job opportunities,
- see the Summer Job Newsletter
- posted on the vending machine area
- bulletin board under Law School
- Notices.

***** VOICES FROM THE LEGAL CLINIC *****

Practice makes perfect

Law Clinic presents to students what classrooms can not teach

by Kris Leydig

(reprinted with permission from *The Daily Beacon*)

Law students are getting to practice, practice, practice.

At the UT Law Clinic, third-year law students can actually practice law to prepare for their law careers. The Clinic provides legal counsel to low-income clients with the services performed by law students "under close supervision of (law) faculty," said Dean Rivkin, director of the Clinic.

Work at the Clinic is considered participation in a class at the law school, Rivkin said. Students can choose to be involved in civil or criminal advocacy.

"I don't think law school, in general, prepares you to practice law," said Bob Gorham, a student attorney in the criminal advocacy program. "The Clinic gives you real client contact. We're representing real people."

Abbie Phillips, who does administrative work for the Clinic, said that "students get to work with a lot of different agencies . . . they get an idea of what agencies are available to help the indigent."

"You could tell the clerks who had 'had clinic,'" said Zane Daniel, a Knoxville attorney. "They were much more self-assured in dealing with the court: they had already been exposed. It really does make a difference."

"We view the work that we do here as predominantly educational, but we never lose sight of the public service," Rivkin said. "We feel strongly that (the Clinic's) representation that is closely supervised is as high a quality representation as a person can receive."

Students at the Clinic "learn by doing, learn by thinking," said Gary Anderson, who teaches in the Criminal Advocacy program at the Clinic. Anderson said the Clinic will bring in prosecutors to lecture "give a prosecutorial perspective" since many students are interested in being

prosecutors and the Clinic is involved only in defense. This semester Knox County Assistant District Attorney Robert Jolley and prosecutor Leon Franks will lecture at the Clinic.

Franks is a former UT law student who also worked at the Clinic, Anderson said.

Students are permitted to practice law through the Clinic, even though they have not yet passed the bar exam because of the Tennessee Student Practice Rule. This rule, passed by the Tennessee Supreme Court, gives the student "all the rights and responsibilities of a practicing attorney, as long as they are supervised," Rivkin said.

"Most states now have (a student practice rule) in recognition of the value of clinical legal aid." The students at the Clinic are all certified by the Supreme Court, he said.

The Clinic was involved in more than 300 cases during the last academic year, Rivkin said. He described the Clinic program as "a demanding academic and practice experience." He added that all of the 17 students at the Clinic this semester are "highly motivated."

Since the students are involved in the actual practice of law, Rivkin said that there is "no excuse for anything less than an A performance."

The Clinic is a well-established part of the legal community, Rivkin said. It has a large number of referrals from around the country and "the demand is significantly greater than our ability to meet it." The Clinic has students in every court in Knoxville, including juvenile, general sessions, circuit and federal courts, Rivkin said. One student at the Clinic just prepared a brief, or written memorandum of a case, to argue before the U.S. Court of Appeals in Cincinnati. "This will be the first time we'll have a student go there," Rivkin said.

Clinic: One of GCT's

Best-Kept Secrets

by John S. Colley III

(reprinted with permission from *The Daily Beacon*)

One of this law school's greatest assets remains somewhat a secret from most of the students attending classes here.

In the bowels of George C. Taylor lies the Legal Clinic, the chance for us law students to leave law school with more than a lot of ethereal theories bouncing around in our heads. We don't have to learn the ropes of the legal profession the hard way, getting drilled by other, more experienced attorneys after we get out in the streets. No, we have the chance to learn the ropes (at least some of them) before we graduate, and if we pass up that chance, it's unfortunate, not just for us, but for the miserable souls at whose expense we obtain our on-the-job training after graduation and the Bar.

Technically, Legal Clinic is an eight-hour course taught by professors of the University of Tennessee. But, much more than that, Legal Clinic is an experience that ties together everything you've learned since day one in law school, and, just as importantly, it's taught by real lawyers, and you learn many lessons in real courtrooms—not mock courtrooms. You deal with real clients with real problems—not classmates reading from scripts.

Clinic demands a lot of time, just as real practice demands a lot of time. Over this period all clinic students are involved in a crash course on Trial Advocacy—only you don't get an entire semester to take the course. Consequently, class time runs at least four hours a day, five days a week over this period, and the reading and class preparation demands the rest of your time. For this reason, it is recommended that no more than one other class be taken with Clinic—you just simply won't have time to do your classes or Clinic justice.

For some reason, however, no one seems to know about Clinic. The sections were not full this semester, and each section only holds either six or eight

(Continued on page 6)

Faculty Activities

(Continued from page 5)

students, depending on whether it's civil or criminal. Surely more students here intend to try cases when they graduate. Having witnessed individuals trying their first cases without the benefit of clinic, it borders upon an ethical violation to pass up a chance to take clinic.

Former Clinic professor, Carl Eshbaugh, now in private practice, likens the Clinic experience to two years of actual practice, but without the price exacted by learning through mistakes which lose you cases and clients. He agrees that the Trial Practice course also offered here is helpful in preparing the law student for the cold, cruel world, but points out that all the material covered in Trial Practice is covered in Clinic in the first four weeks. The additional worth of actually functioning in the legal system is invaluable, Eshbaugh stressed.

And he's right. It's difficult to get a feel for lawyering until you've actually been handed a case and told it's YOUR case. The decisions are yours (unless they're blatantly stupid that the attorney overseeing supervising your handling of the case stops you) and, win or lose, the outcome is yours, along with your client's, of course. You're not playing lawyer, you are a lawyer, but you've got a safety net in case you stumble.

I, for one, cannot understand why the value of this course is not stressed to the student population. It is the single most important course for the student contemplating any type of trial practice, yet all students are being required to suffer through a four-hour tax class, 85 percent will never use (except to fill out their own 1040 forms).



Neil Cohen ...

... has signed a contract to author a book tentatively titled *Criminal Procedure: The Post-Investigative Process* for The Michie Company.

Tom Eisele ...

... had an article, "Our Real Need: Not Explanation, But Education" published in the July 1990 issue of *The Canadian Journal of Law and Jurisprudence*.

... had an article, "Never Mind the Manner of my Speech": The Dilemma of Socrates' Defense" published in Volume 14 of *Legal Studies Forum*.

Pat Hardin ...

... has been commended for his lecture in a University Studies Course on AIDS.

Joe King ...

... will have an article, "The Standard of Care for Veterinarians in Medical Malpractice Claims," published in 58:1 *Tennessee Law Review* (Fall, 1990).

Fred Le Clercq ...

... is a part of a growing UT Faculty Development Award for Scholarship/Research and will go to Germany for three weeks this summer to enhance and develop the speaking skills he and eleven other UT professors learned during an intensive program. Professor Jeff Mellor and Christine Prough spent two afternoons a week teaching "Deutsch für die Fakultät" (The Faculty) here on campus. Professor Le Clercq also took additional undergraduate German classes for three semesters so he will be sure he can communicate to Germans as he visits their public amusements.

... will visit the University of Bonn this summer to plan a series of seminars on American constitutional law.

Jerry Phillips ...

... had a book, *Tort Law: Cases, Materials, Problems*, with Teacher's Manual published by The Michie Company and will be available in February.

... is working on a revision of his *Products Liability Casebook*.

... will write a critique of the ALI *Compensation and Liability for Product and Process Injuries* final report.

... is the co-editor of a special issue of *Anglo-American Products Liability Law Review*.

... is writing a 1990 supplement to his *Products Liability Treatise*.

Glenn Reynolds ...

... has assisted *Knoxville Journal* reporter Robert Womack with a series on the amendments to the United States Constitution. Professor Reynolds explains the amendments in layman's terms.

... had an article, "Sex, Lies and Jurisprudence: Robert Bork, *Griswold* and the Philosophy of Original Understanding," published in the *Georgia Law Review*.

... had an article, "Space Law in the 1990s: An Agenda for Research," published in the Fall 1990 issue of *Jurimetrics*.

... received the Outstanding Public Service Award for 1990 from Space Cause, a space interest group.

... was interviewed on Wisconsin Public Radio about the Augustine Committee's report on restructuring NASA.

... has received another favorable review on his book, *Outer Space: Problems of Law and Policy*, co-authored by R. Merges, from Edward S. Binkowski in the *Fordham International Law Journal*.

Barbara Stark ...

... has received a UT Faculty Development Award for Research. Professor Stark will do a study of The International Covenant on Economic, Social and Cultural Rights which is a statement of rights to health, food, and shelter.

Jim Thompson ...

... has received a UT Faculty Development Award for research into the legal implications of the Public Trust Doctrine as it applies to the ability of the State of Tennessee to control its water resources in view of the control historically and presently exerted by federal agencies — particularly the Tennessee Valley Authority.

Marilyn Yarbrough ...

... spoke to the Bradley County Bar Association in Cleveland on January 14.

... received the "Key to the City" from Cleveland Mayor Bill Schultz. As of January 14, 1991, Dean Yarbrough is an honorary citizen of Cleveland.

... spoke to the Bedford County Bar Association at a January 29th luncheon in Shelbyville.