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Winter 1989

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University of Tennessee College of Law

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Alumni Headnotes



THE UNIVERSITY OF TENNESSEE COLLEGE OF LAW

Learning English From the Experts

Under the revised curriculum which went into effect last term, the courses many of us are familiar with as the research and writing sequence have been incorporated into Legal Process I and II, with a new twist: the involvement of the University's Writing Center.

The Plan

Associate Dean Dick Wirtz and Writing Center Director Kirsten Benson designed this new program, using a similar program at Brown University as a model. The plan allows writing assistants to work within the regular structure of the Legal Process course, providing students individualized tutoring.

In the Fall, the four sections of the first-year Legal Process I class were each assigned an instructor from the Department of English to work with the students in addition to the professors teaching the class. These writing assistants reviewed at least three sets of drafts written by each student during

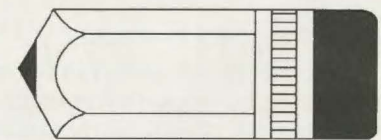
the term. They also discussed each draft with the students in half-hour sessions.

The unique advantage of this program is that the professors can concentrate on the students' legal analysis, and the writing assistants can focus on any weaknesses in the students' English composition skills. The students thus get the best of both worlds: the experts on analytical skills and the experts on writing skills, combined.

The Help

The Writing Center has been in existence since 1936, but the Department of English has expanded its services considerably in the last few years. The staff provides individualized tutoring services at no charge and special services, such as the Law College program, on a contract basis.

One of the writing assistants assigned to work with the Law College this year is in fact a law student, Lori Lomangino, who also teaches in the English



Department. The other three writing assistants are full- or part-time English instructors, two with Ph.D.s and one in the process of completing her dissertation: Gordon Lee, Doug McKinstry, and Jean Rohloff.

There was some variation in the approach of the writing assistants, but they all critiqued the organization and "internal coherence" of the papers in addition to noting any recurring grammatical or sentence structure problems.

Supplemental Program

Another element of this innovative program is to give special attention to those with severely deficient writing skills. Of the 178 first-year students, 20 were identified as needing this extra help. Kirsten Benson and one other

(Continued on page 3)

Although conventional wisdom indicates that mixing development activities with alumni news is a bad idea, I have decided to take the plunge to respond to queries and concerns about College of Law fundraising communicated to us since the publication of our first Annual Report.

The report, detailing activities of the Law College during the 1987-88 academic year, placed a good deal of emphasis on the financial status of the College, especially accounting for private funds raised and spent in the year in question and recognizing the donors of those funds. Largely the work of Associate Dean Julie Hardin, the report generated much favorable comment, both for its aesthetic appeal and for its content, and prompted questions from a number of you.

Below are the most asked questions and my responses.

Why does a public institution need to raise private funds? Don't I contribute when I pay my taxes?

State appropriations support approximately 91% of our total annual budget. Salaries paid by the state account for 70.4% of that amount. If we were to consider only operating expenses and salary supplements for faculty research and development, the proportion of state appropriations to private funds drops to 53.5% of the total.

Although not always in the same proportions, this problem exists for most state law schools in the country. Many of these schools began private fundraising in earnest some years ago. The effort at the College has been ongoing for some time as well. It has intensified within the last few months because of the faculty's determination to aggressively pursue a program of excellence that cannot realistically be accomplished if we depend only on state funding increases over the next few years.



My emphasis on increased alumni giving, evidenced in part by the hiring of a full-time development director, is a response to that faculty mandate.

What do I get for my contribution? I'm told that if I give to the athletic department I get ticket priority and an opportunity to purchase parking at football and basketball games.

If you give to *any* program within the University, you get ticket priority and an opportunity to purchase parking at football and basketball games. The University is one of few educational institutions in the country that allows this. Your contribution to the College of Law qualifies you for the same donor club perquisites that you receive when donating to any entity of the University.

For those of you who have a history of giving directly to the Athletics Department, please check with us about how you can assist the College of Law while maintaining your current ticket and parking priorities.

More importantly, what you receive is a better alma mater. Among many other items, the contributions provide scholarships for students; travel and expense money for student organizations, most notably moot court teams and law review; travel to scholarly meetings and summer research grants for faculty; honoraria and expense reimbursement for speakers; and equipment for the College, library and clinic. It is truly the margin of excellence for the College.

The Dean's Corner

How do I determine what is an appropriate gift from me to the College?

I have found that there are several meanings to this often asked question. One, "how much do you expect from me?" and the other, "what is it you need?"

A response to the first, though simple in form, is complex in meaning. We have no set expectation. Unlike the United Way or some religious denominations there is no scale that would indicate that an attorney grossing X dollars per annum is expected to donate X to his or her alma mater. Our gifts have thus far ranged from \$5 per year to pledges in the tens of thousands of dollars.

We welcome all gifts. Scott Fountain, our development director, is available to consult with individuals on any aspect of giving. He is knowledgeable about UT donor clubs, deferred giving, in-kind gifts, gifts of securities, etc. He is a valuable resource to you and to us. Contact him at 615/974-4241.

The second meaning requires a similarly simple response. We need your support. Often that means that you cannot personally donate large amounts of money, but that you can help us identify other sources of funds or that you can donate your time and effort to the College. This is as valuable to us as a large cash gift would be. We are aware that we have not always been as diligent in recognizing these efforts as we should have been and pledge to do better in the future.

How do we compare with other law schools in private fundraising?

The answer is: we compare much better when the subject of comparison is faculty, students, or the overall academic program. With our relatively short history in the "development" game, we are below the national average among public law schools both in terms of the percentage of alumni participating and in total dollars.

However, with our new comprehensive approach to fundraising *and your help*, there is no reason that we should not be able to compare favorably with institutions with alumni populations similar to ours within the next year or two.

The result of these efforts will be an even stronger academic program, which in turn will strengthen our regional and national stature.

Marilyn V. Yarbrough



Atlanta area alumni gathered with the Dean and some faculty members at the newly renovated offices of Simmons & Toliver on December 2nd. From left: Collette Jones, Class of '88, Professor Jerry Black, Julie Taylor, Class of '88, Stan Lanzo, Class of '68, and Norma Black.

Learning English

(Continued from the front page)

member of the English department's faculty, Professor Michael Keene, reviewed all of the students' LSAT essays, looking for such errors as subject-verb disagreement, sentence fragmentation, and underdeveloped composition. Those identified needed to satisfy extra requirements to complete the Legal Process course.

The Results

As might well be expected from those who are proud of their achievement of getting through the law school door, some of the students resisted suggestions from these "outsiders". The English professionals also encountered some difficulty in adjusting to legal analysis and terminology, and they found that the ratio of 44 students to one assistant was also a bit too much.

"They learned to build into their schedule the need to do a rough draft and then to rewrite it before turning it in..."

On the other hand, most of the students clearly appreciated the help. One of the assistants, Jean Rohloff, stated that she enjoyed working with students whose writing is substantially superior to that of the majority of students --undergraduates-- with whom she ordinarily works. It also reinforced her conviction about how important basic writing skills are to any profession.

Describing it as an "uplifting" experience, Ms. Rohloff believes that the most successful element of the program was convincing the students of the value of redrafting. "They learned to build into their schedule the need to do a rough draft and then to rewrite it before turning it in," she concluded. "The writing automatically improves."

This was an experimental year, and some changes will probably be implemented before the Fall of 1989, but the need for this emphasis on writing skills is clear. Writing well is an essential skill for any attorney, and to learn something well, you need to learn from the experts.



1988-89 Alumni Advisory Council

(Pictured at the Fall, 1988 Meeting of the Council)

Front row, from left: Bill Haltom, John T. Rogers, John Harber, Claudia Haltom, Mary Farmer, Fraser Humphreys, Carole Lynch, Shirley Underwood, Linda Moore, Associate Dean Mary Jo Hoover, and Charles Huddleston.

Second row, from left: Payson Matthews, Gil Campbell, Warren Kennerly, Rick Rose, Jim Simmons, Robert Echols, Al Separk, Margaret Klein, Susan Shanks, Assistant Dean Doug Wells, and Paul Campbell.

Third row, from left: Bob Crossley, Lowry Kline, Dean Marilyn Yarbrough, Associate Dean Julie Hardin, Wendy Goggin, John Phillips, and Drew Robinson.

In the back, from left: Skip Frierson, Cecil Laws, Morris Hadden, and Director of Development Scott Fountain.

Not pictured: Bernie Bernstein, George Bishop, III, Collins Bonds, Bob Campbell, Ross Clark, Lewis Cobb, Mark Dugger, Bob Finley, Paula Godsey, Julie Jones, George (Buck) Lewis, Harry Ogden, Jimmie Lynn Ramsaur, Richard Roberts, Stanley Robinson, and Bob Worthington.

UT College of Law Alumni: Whereabouts Unknown

Finding a former classmate can be just like looking for the proverbial "needle in a haystack." But not anymore. Soon an impressive directory of our alumni will be available to help you locate your old friends.

The new University of Tennessee College of Law Alumni Directory is scheduled for release in the Spring of 1990, just in time to cap off our Centennial celebration.

It will be the most up-to-date and complete reference on over 5,000 UT law alumni ever compiled! It has been six years since our last comprehensive directory. This volume will include current name, home and business addresses and phone numbers, and practice specialty, bound into a classic, library-quality edition.

The alumni office has contracted the prestigious Bernard C. Harris Publishing Company, Inc. to produce our directory at no charge to the University of Tennessee. Harris will soon be researching and compiling the information to be printed in the directory by mailing a questionnaire to each alumna/us. (If you prefer not to be listed in the directory, please contact Associate Dean Julie Hardin in writing as soon as possible.)

Our new directory will make finding a fellow UT law alumna or alumnus as easy as opening a book.





Joseph P. Cook

The Williford Gragg Professor of Law

Birthplace:
Gulfport, Mississippi

Spouse:
Norma C. Cook,
UT Associate Professor in
Speech Communication

Legal Education:
LL.M., Yale, 1965
J.D., Univ. of Alabama, 1964

Pre-Law Education:
A.B., Univ. of Alabama, 1961

Special Interests:
Constitutional Law, Contracts,
Criminal Procedure, and
Jurisprudence

Recent Publications:
Constitutional Rights of the Accused
2nd Ed. (3 vols.)
Criminal Law 2nd Ed. (with P. Marcus)
Criminal Procedure 2nd Ed.
(with P. Marcus)
Civil Rights Actions
(6 vols.; with J. Sobieski)
Surveys of Criminal Law in Tenn. L. Rev.
Articles on Search and Seizure,
Probable Cause, Arrest, and Detention in
Vanderbilt, Kansas, Alabama, and
Fordham Law Reviews

Editor's Note: The following is an interview conducted by External Affairs Assistant Betty Stuart. We found the comments so "quotable" that we decided to print his responses verbatim as opposed to incorporating them into an article.

When did you become interested in law?

My father was an attorney, and that set the path as much as anything. On the other hand, once I got to college, I immediately discovered that the people I found most admirable were college professors. The life of the mind in the academic institute appeared the most ideal of any I had observed.

What do you enjoy most about being a law teacher?

First and foremost, the classroom contact with students -- sharing ideas, watching minds grow and expand -- that's the most rewarding part of the job. The intellectual freedom associated with being a part of the University

is one of the teaching profession's strongest attractions, and given the nature of law as largely an adversarial enterprise for most law professionals, it is the one place where one has the luxury of complete independence of inquiry.

The classroom experience keeps one young because students will never let you get set in your ways without a challenge. That and the scholarly dimension are the two principal attractions of the job.

You have been teaching law since 1965. Have law students changed?

I suppose the only obvious, permanent change has been the substantial infusion of women into law schools, a change which has altered the nature of the academy radically and permanently and clearly for the good.

More changeable over time is the shifting wind of students' ideological perspectives.

What was UT law school like when you first started teaching?

It was half the size it is now, with a dozen faculty, a building half the size, and a student body of around 300. Overall, we have increased by a factor of two in every measurable dimension.

By and large, the changes have all been positive. In the 60's, the law school's primary goal was to produce Tennessee practitioners, and I would suspect a larger percentage of our students were Tennessee residents than they are today. Also, there was very little emphasis on scholarly output of the faculty at that time.

In the early 1970s, the faculty felt a sense of excitement about building the law school into something that would gain recognition regionally, and in the long run, nationally, by virtue of its quality and its scholarly production. The size of the faculty was growing by leaps and bounds, and with the new building, we were getting a new surge of students.

This school's reputation has improved, both regionally and nationally. That improvement is probably due to the fact that a sizable number of the faculty have published articles in prominent journals and books on significant topics.

What are your interests outside of law?

I read a lot. The last book I read was *Texasville* by Larry McMurtry, which was rather disappointing. It does not hold a candle to McMurtry's *Lonesome Dove*. I read a lot of detective fiction, too.

I like to travel. Tops on my list of places to visit (and haven't yet) is Greece.

I'm also a jazz buff.

How did you become interested in jazz?

My hometown (Gulfport, Mississippi) is about 70 miles from New Orleans, and WWL in New Orleans had a disc jockey named Dick Martin. He had a midnight program, Monday through Saturday, called "Moonglow with Martin". The program featured the only jazz music which I found in "organized" fashion on radio, with a lot of jazz and quasi-jazz vocalists: Ella Fitzgerald, Mel Torme, Sara Vaughn, Billie Holliday, and so forth.

I worked as a disc jockey and radio announcer in Gulfport during the last few years of high school and over the summers while in college. Disc jockeys at small town radio stations do everything, the news, the commercials, opening up and locking the doors at night depending on your shift, answering the telephones, and so forth.

From time to time, I still feel this urge to be a late night jazz disc jockey.

Are there particular courses or projects you enjoy?

Forrest Lacey asked me if I was interested in advising the National Moot Court Team way back in 1967. I said yes, and I have been an advisor of the team ever since. I try to stay in touch with the former team members.

I like to teach different courses for different reasons: Jurisprudence for what it can do for one intellectually; Criminal Process because that is where my expertise is strongest; Contracts for the challenge of teaching first-year students; and Constitutional Law because it's so hard.

A final note: Professor Cook doesn't mind being compared to Professor Kingsfield on *Paper Chase*. He likes to challenge...and to be challenged. His former students will recall the "challenging" feeling of being in one of his classes, as well as the feeling that they are learning from someone who's not afraid of a challenge, himself.



Continuing Legal Education Calendar

**Government Contracting Seminar
(6 hours)
May 12, 1989**

**College of Trial Advocacy
(12-30 hours)
May 17-21, 1989**

At right: Classes of '47-'49

Old class photos brought back fond memories for Judge Shirley Underwood of Johnson City, left, and Dr. and Mrs. J. Fred Hamblen.

Below: Class of '78

Several close friendships were rekindled at the gathering of these alumni, ten years after graduation.



Below: Class of '68

Jim Simmons of Atlanta (right foreground) and Al Separk of Marietta (second from right) discuss law school experiences with Dean Marilyn Yarbrough and her husband David Didion.



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*At right:
Class of '58
This small but
jovial gathering
included John M.
Foley, left, and
Robert L. Badger.*



At right and below: Carole Yard Lynch and John K. Harber, both Class of '77, were presented with Alumni Leadership Awards by Advisory Council Chair Robert Echols, Class of '64, at the Annual Fund Appreciation Dinner on November 5th. Jim Simmons of Atlanta and Buck Lewis of Memphis also received awards.



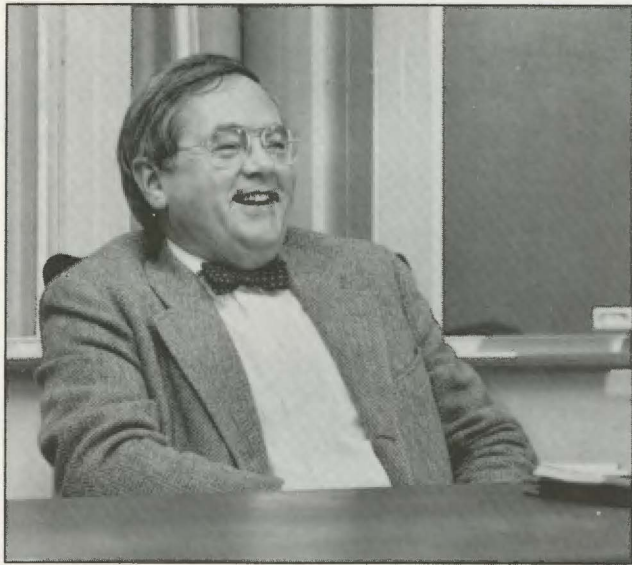
1988 Homecoming Celebrations

*Entering Our
100th Year:
February, 1989
through
February, 1990*

In Memoriam

Robert P. Ball of Knoxville
Jerry William Hacker of Indianapolis, IN
Thomas Monroe Keeling of Washington, DC
W. Wayne Oliver of Maryville
Carl E. "Dutch" Reischling of Knoxville
Hubert Howard Vesser of Knoxville

Class of '58
Class of '73
Class of '67
Class of '38
Class of '29
Class of '31



Jurist-in-Residence: Boyce F. Martin, Jr.

United States Court of Appeals judge Boyce Martin visited classes at the College of Law during the final week of October, 1988. The Sixth Circuit jurist also sat on a panel judging a practice round of the National Moot Court Competition and delivered an address to students, faculty, and alumni on the subject of "The Legal Profession: The Next 100 Years."



Dean Yarbrough found a football weekend the perfect occasion to thank members of the firm of Manier, Herod, Hollabaugh & Smith for the generous scholarship they have established. Pictured with the Dean, from left, are Randall C. Ferguson, Terry Lee Hill, and James M. Doran, Jr.



Left, third-year student Elizabeth Einstman argues the merits of her client's case in a practice session of the National Moot Court Team in front of an enthralled and occasionally amused audience of students, above. Panelists were Judge Boyce Martin and Professors Joseph Cook and John Sobieski. The team made it to the semifinal round of the regional competition.

Development News

Warren W. Kennerly, Class of '31, has given shares of stock valued at \$34,818 to the University of Tennessee College of Law in the form of a charitable remainder unitrust. The gift is designated for the George D. Montgomery Advocacy Fund, established in memory of Mr. Kennerly's late partner in the Knoxville firm of Kennerly, Montgomery & Finley.

An anonymous donor has given the College \$10,000 to perpetuate the lecture series in professional responsibility which bears the name of the founding director of the Legal Clinic at UT, Professor Charles H. Miller.

The Law Annual Fund is in progress. As of January 1, the College had received gifts in excess of \$140,000 -- a 250% increase over last year's mid-year total! Donor participation is up 60%. Gifts received prior to July 1, 1989 will be counted in this year's Annual Fund.

Through significant gifts which have been either entirely or partially designated for use by the College of Law, the following persons have recently joined The Presidents' Club at the University of Tennessee:

Mr. and Mrs. Roy L. Aaron
Mr. and Mrs. Carl W. Eshbaugh
Mr. and Mrs. S. Morris Hadden
Mr. and Mrs. Gregory A. Hamilton
Mr. and Mrs. Douglas W. Hutson
Mr. and Mrs. David C. Jones
Mr. and Mrs. Daniel F. Layman, Jr.
Mr. and Mrs. James L. Murphy, III
Mr. Richard L. Rose
Mr. Charles W. Swanson
Mr. Ed Townsend, Jr.
Ms. Frankie E. Wade

For information about membership in the Presidents' Club, contact Scott Fountain, Director of Development, at 615/974-4241.

Thank You!

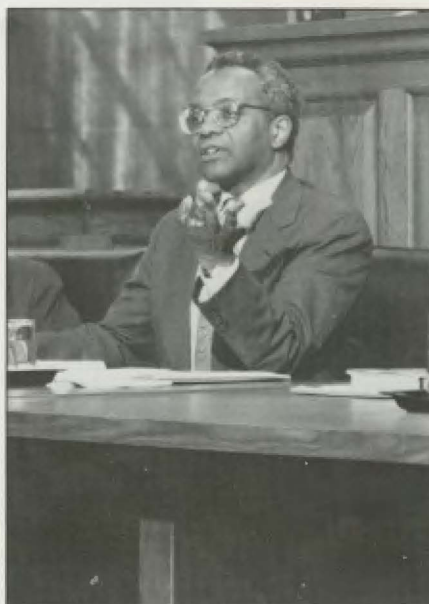
Special Events On Campus

We had a very active visiting speakers program this past Fall, offering our students, faculty, and area alumni an opportunity to meet some distinguished scholars.

The Charles Henderson Miller Lecture in Professional Responsibility on September 13th was given by Harvard Law Professor Gary Bellow.

Another Harvard law professor, Frank Michelman, delivered the Alumni Distinguished Lecture in Jurisprudence on October 10th. His topic was "Conceptions of Democracy and 'The People' in American Constitutional Argument."

The College of Law and the UTK Constitution Bicentennial Committee co-sponsored a two-part symposium in September on the topic of slavery and the Constitution. Lectures and panel discussions featured such visitors as Stanford University History Professor Don Fehrenbacher and Harvard Law Professor Derrick A. Bell, Jr.



Harvard Law Professor Derrick Bell is explaining an important point during a panel discussion on "Slavery and the Framers of the Constitution" held in the Moot Court Room on September 28th.

A Long Way From "The Land of Many Waters"

One might assume that Patricia Krikorian's interest in representing children stems from her training as the oldest of six children growing up in tropical Guyana, South America. But there is much more to it than that. After years of social work education and experience, Patricia decided that of all the populations of people she could help, she could help children the most.

"Children are the neediest," she said, adding that the juvenile court system needs changing. She believes that the distinctions between "dependent and neglected" and "delinquent" are antiquated, and that the focus needs to be placed on the family. "Where a child is having problems," she has observed, "more efforts need to be focused on the family."

Patricia saw entirely too much recidivism when she worked for a receiving home for juveniles in Washington, D.C. Too often, she found herself asking such questions as, "Jane, why are you back here?"

A desire to have more of an influence on the juvenile justice system has kept her in school continuously since 1980, the year after she immigrated to the United States from Guyana.

Known as "The Land of Many Waters" as well as the site of the Jim Jones tragedy, Guyana is a beautiful country, says Patricia. About two-thirds of the country consists of waterfalls and waterways. It is very underpopulated, however, and Patricia laments that the political leaders have been allowing the country's natural resources to be abused. She describes her homeland as "your basic poor, developing, third-world country."

Patricia became a U.S. citizen in 1984, and she considers this her home, now. Her parents and all of her siblings have migrated to the United States, though her parents still have a house in Guyana. The only apparent hint of her origin lies in her exquisite and precise pronunciation of the English language.

She has worked either full-time or part-time throughout her undergraduate and graduate years, often as a counselor or a social worker. That background has served her well in her current position as an instructor for the Community Alternative to Prison Program. She teaches classes in law-related education to state offenders who have been placed in this "alternative" sentencing program which offers such services as group counseling, drug

and alcohol rehabilitation, and job skills training.

Her students in this program seem especially eager to learn about the law, perhaps due to a combination of her ability to relate to their problems and their personal interest in the subjects. Consumer, housing, family, and criminal law are examples of the subjects covered in the *Street Law* text she uses, one which was designed for a lay audience.

Why UT? Well, she knew she wanted to move South because of its growing economy, its slower pace of living, and its warm climate (she doesn't care for snow). The University of Tennessee was very enthusiastic about her application to law school, and UT was the first school to offer her a scholarship. She appreciated our eagerness.

"Where a child is having problems,...more efforts need to be focused on the family."

How does she feel about law school? She says that she had no illusions about law school and that it has turned out to be exactly as she expected -- the stress, the exhaustive studying, etc. Her favorite classes thus far have been Constitutional Law, Family Law, and Trial Practice.

Last Spring, she was a research assistant for Dean Yarbrough whom Patricia describes as "very professional and efficient." "Does she ever get ruffled?" Patricia asked with admiration.

She's taking Clinic this term, and she just had her first taste of the juvenile justice system from the attorney's view. She was guardian ad litem for a child whose mother had been imprisoned. Patricia seemed very excited. It's a role for which she's been preparing over the past decade, and she's ready for the challenge.

Patricia has a job offer from a child welfare agency in Charlotte, North Carolina, conditioned upon her passing the North Carolina bar. She would be representing abused and neglected children in the community. Recently wed to a "great" guy, Patricia plans to settle there and have kids of her own someday ... after taking care of the children of others for awhile longer.



Patricia Anne Krikorian

Birthplace:
Guyana, South America

Pre-Law Education:
2-Year Degree in Social Work,
The University of Guyana
B.A. in Social Work, 1985,
University of the District of Columbia
M.S. in Social Work, 1986,
Catholic University of America

Expected Graduation Date:
May 1989

Career Interest:
Child Advocacy

You are invited to recruit a student!

Any of our services can be initiated by phone or letter.
Reservations for an on-campus visit are accepted
at any time during the year.

On-Campus Interviewing
Spring: Continues through April 27
Fall: September 14 - November 20

Joann Gillespie
Joann Gillespie, Director
Career Services
615/974-4348

William Hardin Davis Fones, Class of '40

Recipient of the 1988 Outstanding Public Service Award



Birthplace:
Crockett County, Tennessee

Education:
Memphis State University, 1937
J.D., The University of Tennessee, 1940

Career Path:
U.S. Army Air Corps, 1941-45
Private Practice in Memphis, 1945-71
Tennessee Circuit Court, 1971-73
Supreme Court of Tennessee, since 1974

Family:
Spouse, Rebecca Barr Fones
Two sons, Jere Barr Fones and
William H.D. Fones, Jr., both attorneys

Sitting on a neighbor's porch swing, William H.D. Fones listened to the stories this prominent criminal lawyer loved to tell about lawsuits.

"I just assumed from age 9 or 10 that I would be a lawyer," Justice Fones recalls. He travelled to East Tennessee to make that assumption a reality in 1940.

World War II was coming, and he exchanged his law books for aviation gear. As a pilot in the U.S. Army Air Corps, Justice Fones flew 90 combat missions in a two-year period. He went from Australia to New Guinea to the Philippines, accumulating 468 hours of combat flying without a scratch. That was not to say that he didn't come under fire -- his plane was riddled full of holes, but he managed to land safely. Surviving so many dangerous encounters "sort of relaxes you for the rest of your life," he muses.

Justice Fones had become a Lieutenant Colonel by the time he left active service in 1945. He served in reserve status until 1965, including one tour of duty in the Pentagon during the years in the Judge Advocate General's Corps.

For 26 years, Justice Fones practiced law in Memphis. He was a trial lawyer in a small firm which ranged in size from six to ten lawyers at any given time.

In 1971, he succeeded his good friend Bill Leffler as Judge of the Tennessee Circuit Court for the Fifteenth Judicial Circuit. Judge Leffler encouraged then-lawyer Bill Fones to enter the judiciary while they were on a fishing trip in Arkansas, and the idea took hold. The timing seemed right -- his law practice had become so demanding that he had even given up playing golf.

He also thought that he might eventually make it to the state Supreme Court bench, where he thought he could be in a position to do something about the judicial districting "hodge-podge".

Lo and behold, he was elected to the Supreme Court bench in 1974. Although he says "people don't appreciate how little Supreme Court justices are in a position to do about such things," one of his most satisfying accomplishments has been the fact that he did have an influence on improving the judicial structure and districting problem. While serving his rotation as Chief Judge for the second time, his State of the Judiciary address to the Tennessee Bar Association revived the movement to restructure the judicial system, resulting in the passage of the redistricting bill in 1984.

Surviving so many dangerous encounters "sort of relaxes you for the rest of your life...."

How he came to serve on the state's highest court is a fascinating story. "I'm just an accident," he modestly noted, after recounting the story of the "Taylor-Turley Controversy". (See inset)

Somewhere along the way, Justice Fones found the time to teach medical jurisprudence at the University of Tennessee at Memphis Medical School (1950-55) and to serve on the Board of Directors of the Memphis and Shelby County Bar Association (1962-65).

When asked about his observations regarding the profession, Justice Fones mentioned his concern about the deterioration of attorneys' communication skills. Pondering the cause of that deterioration, Justice Fones wondered if today's younger people were getting the strong basic training in literature that he had received.

He noted that literature is a continuing learning tool. "Lawyers need to continue to expose themselves to literature," he added, "otherwise they'll fall behind the times."

Staying on top of things has become a way of life for Justice Fones, and he has borne well the obligations of leadership as a member of the state's highest court over these many years. It is precisely because of the tireless and often thankless role he plays as a member of that court that he was chosen by a committee of alumni as this year's recipient of the Outstanding Public Service Award.

The Taylor-Turley Controversy

When the former West Tennessee member of the Court died in 1972, the Supreme Court was under the Modified Missouri Plan. Republican Governor Winfield Dunn was presented with three replacement nominees, only one of which was a Republican, Tom Turley. Turley was the Governor's choice, with the appointment to be effective September 1st of that year.

A separate statute from the one under which the Governor's appointment was made appeared to provide for a general election to fill such a vacancy. An enterprising Memphis lawyer named Robert Taylor began a write-in campaign three days before the August election and managed to get votes in about half of the counties in the state.

Both Turley and Taylor claimed title to the position, and the case ended up in the Supreme Court. The Court held that the Governor did not have the power to appoint Turley to the term beginning September 1, but that no election had taken place either because the Governor had not ordered the special election as required by statute. *State ex rel. Higgins v. Dunn*, 496 S.W.2d 480 (Tenn. 1973). The Governor could then fill the vacancy by another process of nomination and appointment because the vacancy had not been filled by special election.

Although Turley was expected to win the appointment, Justice Fones was strongly urged by his friends to put his name in for consideration. Despite his conviction that it was a useless exercise, he relented at the last minute.

To everyone's surprise, Turley withdrew from consideration following an unpleasant encounter with a political activist, and William H.D. Fones found himself on the list of three names (all Democrats this time) submitted to Governor Dunn. Fones was the choice.

One year later, the Supreme Court of Tennessee was removed from the Missouri Plan after a deal was struck in a political power struggle. The details of that story are much too involved to relate here.

A Lawyer's Rewards

(The following is an excerpt from the December, 1988 Hooding Address by Associate Dean and Professor Richard S. Wirtz. Dean Wirtz was chosen by the graduating class to be their hooding speaker.)

I stand before you, on this important occasion, somewhat unclear as to why it is I who stands before you on this important occasion. I gather that it may be because some of you, members of the graduating class, indicated that you wanted me to do so.

Why did you do that? I think I know. As I look you over, I recognize a number of you whom I have been tormenting, off and on, for three years. This is your revenge.

Well, you're entitled, as they say. You've been through a lot. If you had known beforehand what all would be involved -- well, it's probably just as well you didn't. But you stuck with it, to the end, and now you're entitled to your reward. What's that going to be?

A symbolic hood? We have one of those for you -- a very nice one, too.

A degree? Yes. Almost certainly.

A license to practice law? Yes, almost certainly, again, assuming that's what you want to do -- and for most of you it is.

You'll be glad to have all those things I'm sure. But I suppose you do not regard them as ends in themselves. You're going to be lawyers. You did all of this -- most of you, at any rate -- for the sake of whatever satisfactions are likely to enure to you from the practice of law.

And will it be worth it? I don't know. I hope so. Perhaps this would be the right moment to talk a little about the kinds of satisfactions you are entitled to expect as lawyers. You would not want me to list them all. Let me simply list a few:

*The satisfaction of helping people get their due from a legal system they could not possibly understand without your help, and if they did understand it, could never pull the levers to make it move.

*The satisfaction of drafting a document to meet your client's needs, trying to foresee all the many contingencies that may arise, knowing that you can't but that you've got to try, drafting it to withstand every test you can think of, and finally, months or years later, having your client come to you in a moment of crisis, and going to the files

and getting out that document with a palpitating heart, and discovering that you did, in fact, do a thorough and effective job of protecting the client's rear end.

*The satisfaction of researching a case carefully, investigating the facts thoroughly, and negotiating a settlement on favorable terms for your client because it is entirely clear to opposing counsel that you have made a reasonable assessment of what the case is worth and are fully prepared to try it if that is what has to be done.

*The satisfaction of obtaining something for your client, not by blustering or threatening or clouding the issue, but simply by crafting an argument that would persuade a fair-minded man or woman, and addressing that argument to the person with the power of decision on the premise that that person is the fair-minded man or woman she holds herself out to be, and having your faith borne out.

...having your client come to you in a moment of crisis, and going to the files and getting out that document with a palpitating heart, and discovering that you did, in fact, do a thorough and effective job of protecting the client's rear end.

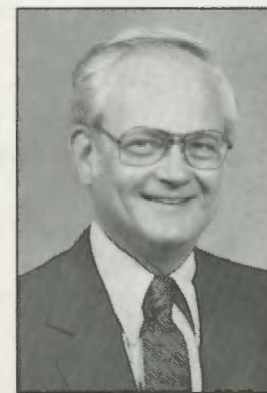
*The satisfaction of counseling your client on a matter, giving her advice which is the right advice in terms of what the law requires, but which she does not want to take, and having her take it, ultimately, on the strength of her respect for you.

*The satisfaction of taking on vested power and privilege on a matter that is important to your client -- and perhaps to the public at large -- as a matter of principle, and seeing the principle vindicated and your client prevail.

*The satisfaction, suddenly, in the midst of hot and heavy negotiations, with the decibel level rising and positions hardening, of seeing the solution that, without requiring either side to cave in, gives each party what he wants most.

*The satisfaction, when negotiation fails and all that's left is litigation, of preparing, and preparing, and preparing that case -- planning what you will do, and trying to anticipate what opposing counsel will do -- and finding, at the decisive moments in the trial, that you are ready for whatever comes.

*The satisfaction of persuading the



Dick Wirtz

court that notwithstanding the great antiquity of a particular rule, where the reason for the rule ends, there the rule itself really does end, and that due respect for precedent does not divest the court of the power to do justice for your client in the case at hand.

If these examples appeal to you -- if what I have been saying strikes a responsive chord -- then you have reason to hope that two years from now, or five, or fifteen, you will be able to look back and say that by good luck, or good planning, or some combination of the two, when you chose the legal profession, you chose the profession that was right for you....

It is worth noting also that the skills and habits that you have been cultivating here, at considerable sacrifice, will be valuable to you in other ways.

To take just one example: as good lawyers, you will be appreciated in the communities in which you live and work for the contributions you make -- if you so choose -- in the form of service on public bodies, civic organizations, and other community institutions.

To these organizations you will bring, as a result of your legal training: a well-developed sense of relevancy; the capacity to cut through the nonsense to the pivotal issue on which everything turns; an eye for contingencies others will be inclined to overlook; and once the group has reached some rough consensus on what it wants to do, the ability to produce the words to effectuate the purpose....

In my forecast of what you can reasonably hope is in store for you as lawyers, I hope I have not distorted the picture. In particular, I hope that I have not implied that in what you attempt you will invariably succeed. If I have, I apologize. It isn't true. You will win some, and you will lose some. In fact, you will lose quite a few.

Losing is no sin. In itself, losing is not a badge of guilt. The important thing is to take your best shot, and if you lose, learn from it.

Alumni News

East Tennessee

Class of '33
ROSCOE C. WORD, JR. of Knoxville is an honorary life member of the Greater Knoxville Chamber of Commerce. He retired in 1983 as Senior Vice President and Staff Attorney for Home Federal Savings Bank of Tennessee.

Class of '49
HOWARD H. BAKER has been appointed to the Board of Directors of Federal Express Corporation.

Class of '56
ROBERT R. CAMPBELL was honored with the Knoxville Bar Association's very first "Governors' Award", for his outstanding services to the profession, at the Association's annual meeting in December. This is the highest award given by the KBA, and a permanent plaque with Bob's name on it will hang in the City-County Building.

LOUIS HOFFERBERT, former City Law Director under Knoxville's former Mayor Kyle Testerman, was recently voted Reserve Officer of the Year by the Knoxville Police Department.

Class of '58
CLAUDE ROBERTSON has been named Chairman of the Future Knox Committee by Knox County Commission Chairman John Mills.

Class of '60
ROBERT LEON JORDAN is the new United States District Court Judge for East Tennessee. A former Johnson City practitioner, he has been Chancellor of the First District of Tennessee since 1980.

Class of '62
SIDNEY GILREATH was elected Vice President of the Association of Trial Lawyers of America at their convention in Kansas City last August, and he was inducted into the American College of Trial Lawyers at their meeting in Toronto, Canada.

Class of '63
THOMAS A. WILLIAMS, Past President of the Chattanooga Bar Association,

has been elected to the Board of Directors of the Tennessee Defense Lawyers Association.

Class of '64
KENDRED A. WHITE was recently elected a Fellow of the Tennessee Bar Foundation.

Class of '65
WILLIAM H. SKELTON of Knoxville and fellow alumnus KENNETH A. CUTSHAW of Washington, D.C., Class of '78, have seen the world from the top of a Himalayan mountain. Their November trek into the highest altitudes was featured in the January 20, 1989 issue of *The Knoxville News-Sentinel*.

Class of '66
ROBERT W. KNOLTON has become associated with the Knoxville firm, Morton, Lewis, King & Krieg.

JERRY H. SUMMERS of Chattanooga has been elected a Fellow of the International Society of Barristers and a Fellow of the American College of Trial Lawyers.

Class of '68
THOMAS S. SCOTT, JR. was recently elected President-Elect of the Knoxville Bar Association.

JOHN W. WHEELER of Knoxville, who assumed the office of President-Elect of the Tennessee Bar Association in June of 1988, has also been named a Fellow of the American Bar Foundation.

Class of '69
G. RICHARD JOHNSON of Johnson City has been appointed Chancellor of the First Judicial District of Tennessee.

JOHN M. PORTER is Associate General Counsel with Philips Consumer Electronics Company in Knoxville.

Class of '71
L. ANDERSON GALYON III has been elected President of the Tennessee Defense Lawyers Association.

Class of '72
HUGH F. KENDALL of Chattanooga has announced the opening of his law office.

Class of '73
MONA J. WILSON of Knoxville recently announced the opening of The Title Source, Inc., of which she is President.

Class of '74
MONROE ALEX BROWN of Knoxville has become licensed in patent law.

DANIEL F. MCGEHEE, Kitty G. Grubb, and TIM S. MOORE, Class of '84, have announced the relocation of McGehee & Grubb's offices to Suite One of The Stuart on Market St. in Knoxville.

Class of '75
HARRY P. OGDEN has become associated with the Knoxville firm of Morton, Lewis, King & Krieg.

Class of '76
LYNN W. BROWN of Elizabethton was elected to the new position of Criminal Court Judge (Part II) for the First Judicial District of Tennessee.

DENNIS R. MCCLANE was recently elected to the Board of Governors of the Knoxville Bar Association.

Class of '77
JAMES D. CULP recently graduated in the 1988 class of Leadership 2000. He is Staff Attorney for the city of Johnson City.

JOHN K. HARBER was re-elected Secretary of the Knoxville Bar Association.

SID HEMSLEY of Knoxville was recently named an Outstanding Public Service Professional by the UT Municipal Technical Advisory Service for his exceptional performance in the extension of University resources to Tennessee city officials.

Class of '78
GREG SHANKS (See notice at Class of '83)

Class of '79
PAMELA L. REEVES and CHARLES W. SWANSON tied the knot recently. CHARLES is also the President of the Knoxville Barristers for 1989, and PAMELA is President-Elect of the Tenn. Young Lawyers Conference.

Class of '81
DEBRA L. FULTON was elected to the Board of Governors of the Knoxville Bar Association and as Secretary of the Knoxville Barristers.

Class of '82
JERRY FARINASH has joined the Chattanooga office of Kennedy, Fulton & Koontz as a partner as of January 1, 1989.

GREG LITTLE was elected President-Elect of the Knoxville Barristers at their meeting in December.

BRIAN TRAMMELL was elected a Member-at-Large of the Knoxville Barristers for 1989.

Class of '83'
SUSAN SHANKS and husband, GREG SHANKS, Class of '78, of Knoxville, had an addition to the family on August 5, 1988: Gregory Alexander.

Class of '84
CECILIA LAMBERT was elected Treasurer of the Knoxville Barristers for 1989.

TIM S. MOORE (See notice at Class of '74).

TONY PAGANO was released from active duty with the U.S. Army JAG Corps in September, and he has moved back to Knoxville to be a Staff Attorney with the FDIC. He spent two years at Fort Ritchie, Maryland, and one year at the U.S. Army Physical Disability Agency.

Class of '86
CHRISTOPHER H. HAYES has become associated with the Knoxville firm of Morton, Lewis, King & Krieg.

Class of '87
ROBYN LYNNE RYAN became associated with the Chattanooga office of Kennedy, Fulton & Koontz last July.

Class of '88
KELLY S. ATKINS has become associated with the Knoxville firm of Morton, Lewis, King & Krieg.

DONALD A. BOSCH has become an associate with the Knoxville firm of Tipton, Eshbaugh, Simpson & Varner. He has also been made Executive Vice President of Total Sports, Inc., a sports management company in Knoxville.

M. LYNN ROGERS has joined the law firm of Joyce, Anderson, Meredith & Flitcroft in Oak Ridge. She plays the violin and is a member of the Knoxville Symphony Orchestra.

Middle Tennessee

Class of '58
DAVID W. LANIER, Juvenile Court Judge for Dyer County, and his

family of lawyers were recently featured in an Associated Press news article. His brother, James O. Lanier, is the public defender, and his nephew, James E. Lanier, is a prosecutor for the county.

Class of '72
LEON C. BURNS, JR., Criminal Court Judge for the 13th Judicial District, was recently elected President of the Tenn. Judicial Conference. He is also a member of the Tenn. Sentencing Commission.

Class of '74
WILLIAM P. ALEXANDER III has opened an office in Brentwood, where his practice continues to focus on general international commercial transactions. He practiced law from 1975 to 1985 in Saudi Arabia, and more recently he was Counsel to a firm in Nashville. Bill is President of the Tennessee World Trade Association and also a member of the panel of arbitrators for the American Arbitration Association.

Class of '77
E. CLIFTON KNOWLES was recently elected to the 1988-89 Board of Directors of the American Judicature Society.

JULIE N. JONES is the 1989-90 President of the Lawyers Association for Women and a Director of the Mid-South Commercial Law Institute

Class of '80
MEREDITH DEVAULT PENCE of Nashville and husband Kenneth have announced the birth of their son, Charlton DeVault Pence, on June 21, 1988, weighing in at 7 lbs., 10.75 oz. Meredith is with the Attorney General's Anti-trust and Consumer Protection Division.

Class of '81
JERRY W. TAYLOR is now an Assistant Attorney General for Tennessee.

Class of '85
DEB TEUFEL is with the U.S. Attorney General's office in Nashville. She is to be married to Class of '87 graduate Tim Phillips by the time this publication goes to press.

Class of '87
PATRICIA MURPHY BRYANT of Brentwood has won the \$200 second prize in the Nathan Burkan Memorial Competition at

Alumni Address Change and News

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

Name: _____ Year of Graduation: _____

Firm Name/Organization: _____

Address: _____

City/State/Zip: _____

Phone: _____

This is my: Office Address Home Address

Is this a change of address? Yes No

If yes, please list your former address: _____

Please send your information to: Alumni Office, UT College of Law
1505 West Cumberland Avenue
Knoxville, TN 37996-1800

Our phone number is 615/974-4241. Please call if you have any questions.

- Thank you!

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Atlanta created the new partnership of Stimmel Fudge and Shuffer, with a emphasis in Real Estate.

Class of '68
JIM SIMMONS of Atlanta was featured in the Sept. 26, 1988 issue of the *Business Chronicle*. The focus was Jim's successes in million-dollar lawsuits against drug companies.

Class of '71
WILLIAM A. GOSS, now of Atlanta, has been appointed Legal Counsel for the Southeastern Region of the Internal Revenue Service. He joined the IRS in 1972 as an attorney in the Dallas region.

Class of '86
SHARON HOPKINS is handling criminal defense cases with the firm of King & King in Atlanta.

Illinois

Class of '78
TERRY VAISVILAS has returned to school after eight years of law practice. He is presently in his second year of medical school at The Chicago Medical School in North Chicago, Illinois.

Indiana

Class of '73
ROBERT M. BLY is Vice Chair of the AIDS Advisory Committee, Western High School, a statutory organization created in the wake of the Ryan White controversy. He is in solo practice in Kokomo and is also a part-time instructor for paralegal courses at Indiana University.

Class of '83
ALLEN D. AUSTILL is a Assistant Professor of Business at the University of Southern Indiana in Evansville. He teaches Legal Environment of Business, Business Law, and Taxation.

Kentucky

Class of '77
ARTHUR L. WILLIAMS of Louisville, Kentucky was recently appointed Commissioner of the Kentucky Department of Environmental Protection by Governor Wallace Wilkinson.

the UT College of Law. Her essay for the competition, which is sponsored by the American Society of Composers, Authors and Publishers, is entitled, "Digital Sampling: Copyright by Manipulation?"

WILLIAM GERALD McCASKILL, JR., formerly a reporter for *The Tennessean*, has become an associate with the Nashville firm of Adams, Taylor, Philbin, Pigue & Marchetti.

TIMOTHY C. PHILLIPS is an associate with the Nashville firm of Gracey, Maddin, Miller & McCune. He is to be married to Class of '85 graduate DEB TEUFEL by the time this publication goes to press.

West Tennessee

Class of '37
IRVING M. STRAUCH of Memphis has been around the world twice with the "Semester at Sea", a ship sponsored by the University of Pittsburgh.

Class of '52
JERE C. GORDON retired from the active practice of law on July 1, 1988, after 36 years of general practice in Kenton, Tennessee.

Class of '68
FREDERICK J. LEWIS has rejoined the Memphis firm of McKnight, Hudson, Lewis, Henderson & Clark.

Class of '73
SAM C. NAILLING, JR. is currently Secretary-Treasurer of the Tennessee

Council of Juvenile and Family Court Judges. He has been practicing law in Union City for 15 years, has been Juvenile Court Judge for Obion County since 1980, and has been the Municipal Judge of the town of Troy since 1982.

Class of '79
LINDA LASSATER MOORE is the 1988-89 President of the Jackson-Madison County Bar Association.

Class of '85
JUDY ANTHONY has been named Assistant Vice Chancellor of Planned Giving at the University of Tennessee, Memphis. Her responsibilities include the development and implementation of a planned giving program.

JILL MENUSKIN STEINBERG was elected to a second term on the Board of Directors of the Young Lawyers Division of the Memphis and Shelby County Bar Association.

Class of '88
JOHN W. MARSHALL has become an associate with the firm of Heiskell, Donelson, Bearman, Adams, Williams & Kirsch in its Memphis office.

STEPHEN W. RAGLAND of Memphis has become an associate with the firm of Heiskell, Donelson, Bearman, Adams, Williams & Kirsch.

Arizona

Class of '72
J. ROBERT TATE of

Tucson, Arizona, has been employed by Mountain States Mineral Enterprises for the past 11 years. MSME is a 20-year-old engineering and construction company serving primarily the mining and mineral processing industry, worldwide. He is currently Corporate Counsel and Secretary.

Class of '77
PHILIP S. VAVALIDES and TERESA DAVIDSON VAVALIDES, Class of '84, of Phoenix, Arizona, proudly announce the birth of their second child, Alexander Philip, in November. Their first child is named Elizabeth Anastasia. Teresa is a corporate/securities attorney with Mariscal, Weeks, McIntyre & Friedlander. Phil is with the Maricopa County Public Defender's office.

California

Class of '73
THOMAS J. RITENBURG is an attorney with the firm of Lewis, D'Amato, Brisbois & Bisgaard in its Los Angeles office. He and his wife, Mary Ann, had their first child, Andrew Thomas, on August 9, 1988.

District of Columbia

Class of '73
MATTHEW V. SCOZZA joined the Washington, D.C.-based McNair Law Firm in August after serving as Assistant Secretary for Policy and International Affairs of the

United States Department of Transportation five years.

Class of '77
ROBERT H. BRUMLEY II was featured in the Summer, 1988 issue of the *Nebraska Transcript*, a publication of the University of Nebraska College of Law. As Acting General Counsel of the United States Department of Commerce, he spoke to a group of students and faculty there on the subject of "the perils of protectionism."

Class of '78
KENNETH A. CUTSHAW (See notice at Class of '65 under "East Tennessee".) Ken is with the Commerce Department in D.C.

Florida

Class of '82
LAUREL D. OWENS has been a staff attorney for the United States District Court for the Middle District of Florida since April of 1986. Her office monitors prisoner civil rights cases, assisting three judges and two magistrates.

Georgia

Class of '54
WILLIAM E. CALDWELL, Regional Attorney with the National Labor Relations Board in Atlanta, has accepted an "Of Counsel" position with the law firm of Powell, Goldstein, Frazer & Murphy.

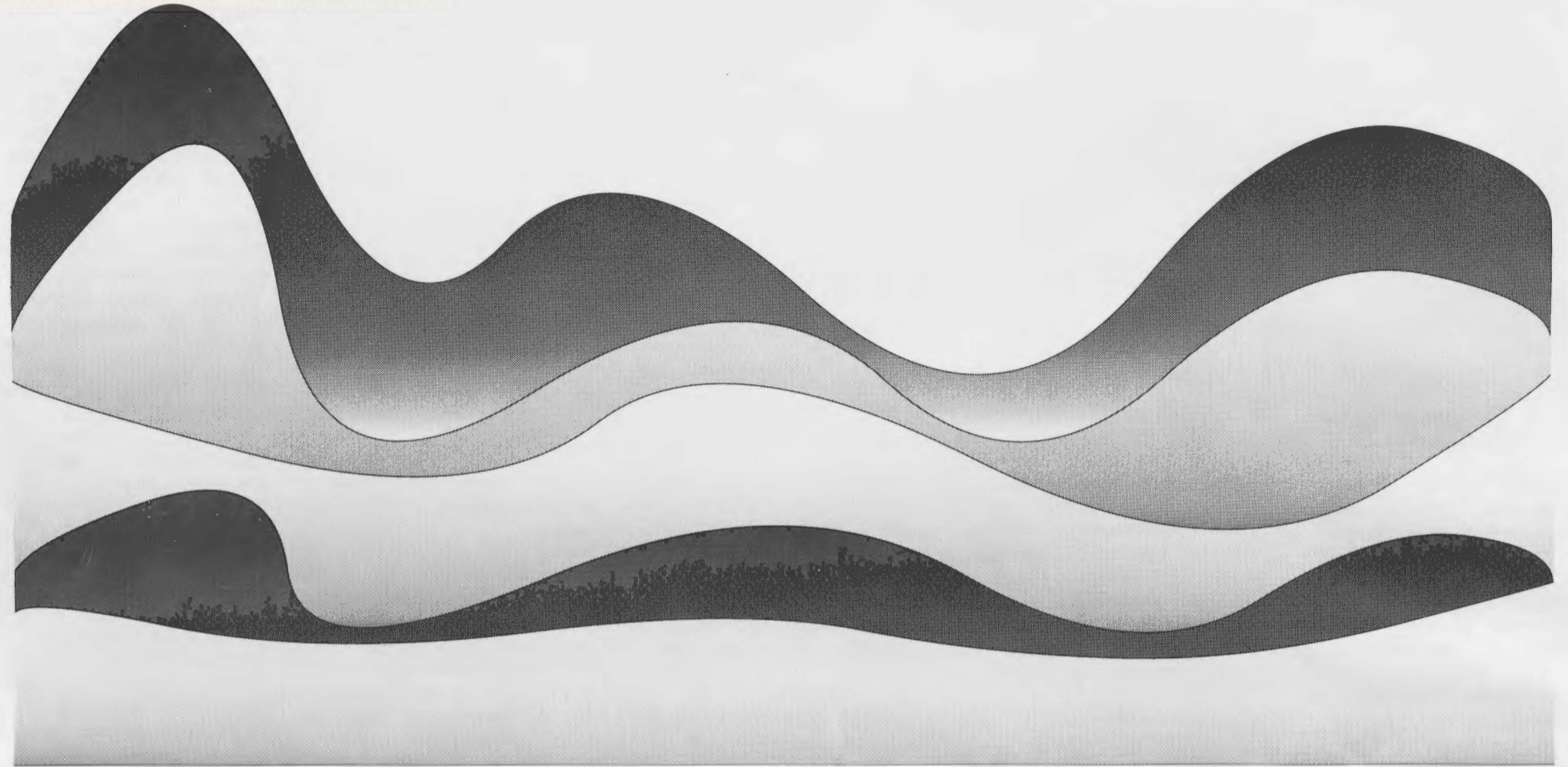
Class of '68
GERALD W. FUDGE of

Alumni Headnotes

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ALUMNI NEWS (Continued)

Maryland

Class of '88
RICHARD T. SAAS of Rockville, Maryland won the \$500 first prize in the Nathan Burkan Memorial Competition at the UT College of Law. His winning essay is entitled, "Copyright Protection for Non-Narrative Fact Works: Reassessment and Recommendations."

New Jersey

Class of '67
WAYNE H. SAMSON was recently named General Manager of Franchise and Network Development for Mercedes-Benz of North America. He was previously Associate General Counsel, having joined MBNA in 1970 as a Corporate Attorney.

Class of '73
RICHARD D. SIDKOFF of Cinnaminson, NJ, was recently named Vice President and General Counsel for Wall to Wall Sound & Video, Inc., a home entertainment retail conglomerate headquartered in Philadelphia and the Delaware Valley, Eastern Seaboard.

New York

Class of '85
ROSALIE SHIELDS has become associated with Skadden, Arps, Slate, Meagher & Flom in New York. With 962 lawyers in nine offices, including London and Tokyo, the firm was recently described by *The National Law Journal* as "The Firm That Has It All."

Pennsylvania

Class of '81
NANCY E. CAMPBELL is a senior associate with Marks, Kent & O'Neill in Philadelphia, Pennsylvania.

South Carolina

Class of '79
KEITH F. KRAEMER, holder of two doctorates from UT (one in medicine and one in law), is now a full partner with Greenville Anesthesia in Greenville, SC. He practiced emergency medicine for 10 years and part-time law, then went back to school to do additional residency. He is board certified in both emergency medicine and anesthesiology. Since 1983, Keith and his wife, Paula, have added four children to their family with the most recent addition, Andrew William, having arrived in February, 1988.

Texas

Class of '85
RICHARD T. REDANO practices intellectual property law with the Houston law firm of Arnold, White

& Durkee. He is co-author of a chapter on patent protection of software-related inventions in the *Licensing Law Handbook*, published by Clark-Boardman.

Virginia

Class of '78
WES PENDERGRASS was recently promoted to the rank of Associate Professor and named Chairman of the Department of Management and Marketing in the School of Business and Economics at Christopher Newport College in Newport News, Virginia. Wes is in his fifth year with CNC and lives with his wife, Kay, in Hampton, Virginia.

Washington

Class of '83
JETT L. WHITMER recently transferred from Orange County, California to Seattle, Washington. He is Senior Defense Counsel at the Naval Legal Service Office in Seattle.

The University of Tennessee, Knoxville does not discriminate on the basis of race, sex, color, 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 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, (615) 974-2498. Charges of violation of the above policy should also be directed to the Director of Affirmative Action.