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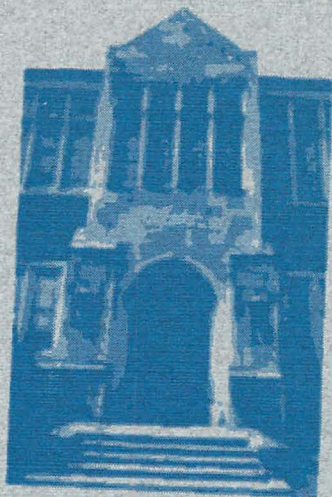
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REUNION
INFORMATION INSIDE



THE
COLLEGE OF
LAW



THE UNIVERSITY OF TENNESSEE
ALUMNI HEADNOTES
WINTER 1994

Alumni Headnotes

Winter 1994

Volume 20, Number 1

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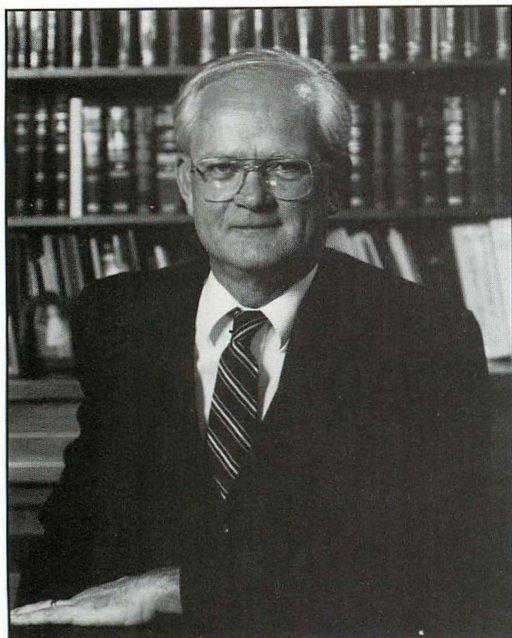
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Alumni Headnotes is published by the Office of Development and Alumni Affairs at the College of Law three times a year for alumni, students, faculty, staff, and friends.

Printer: UT Graphic Arts

Dean's Corner



On January 13, at the kickoff ceremony for The University of Tennessee's Bicentennial Year, Governor McWherter renewed his pledge to recommend funding for the law school building project in the current legislative session. After two years of planning, we're ready. In November, the Building Commission approved the design development phase of the project. Over the Christmas holidays there were engineering trucks in the parking lot taking core drillings. A three-dimensional model of the "new" (renovated and expanded) building is on view in the lobby of the Legal Clinic. It looks . . . great.

□

We're not home yet. The last key step will be the decision of the Tennessee General Assembly to authorize the expenditure of \$21.5 million to build the building. The support of alumni all over the state has brought the project this far. Please stand by us.

□

It's really nice to have reached the point that people have stopped asking what's going to happen to the law school if we don't get the building, and started asking seriously what we plan to do in it. In the Annual Report we reported on part of the answer: a state-of-the-art library that will be accessible in new ways to lawyers, judges and others, in the Knox County area and (we hope) throughout the State.

Well, what else? Let me tell you about three centers.

□

The idea for a **Center for Advocacy and Dispute Resolution** at the law school springs from three propositions. First, law schools do not fully prepare their graduates for practice as competent advocates. Second, given the right circumstances and the necessary resources, a law school could do it.

Third, The University of Tennessee College of Law is the right place for a first-class program for training advocates for the bar. It has a long-standing advocacy clinic with an excellent national reputation, and a first class mock trial and moot court program. Many able and distinguished advocates are numbered among its alumni.

The new facility will give us the flexibility to teach advocacy and dispute-resolution skills in a wide range of settings, taking full advantage of the possibilities inherent in new technologies (like interactive video) as well as more traditional modes. The law school is surrounded by other strong colleges that are potential sources of relevant expertise. Many elements of a comprehensive program are already in place.

If we do it, our objectives will be:

- To establish The University of Tennessee as one of the premier law schools in the United States for the preparation of advocates for the profession.
- To prepare students who choose this path for practice as competent, ethical advocates.
- To render additional service to the bench and bar of the state through advocacy-oriented clinical programs and (prospectively) externships.

It would certainly be exciting to do.

□

The current working title for the second center is the **Center For Entrepreneurial Law**.

The media imply that most lawyers are trial lawyers, and many students come to law school believing it. Lawyers know that for many attorneys the heart of their practice is working with clients in planning and carrying out business transactions, drafting documents, counseling clients concerning compliance with laws and regulations, etc. Much of the future growth in law jobs, in Tennessee and nationwide, seems likely to occur in this so-called "office practice."

Done well, this kind of legal work promotes good business relationships, reduces litigation, and facilitates economic activity and growth. Sound preparation of lawyers for practice in this field will benefit not only the lawyers and their clients, but their communities and the State.

We propose:

- To establish a first-class, nationally recognized curriculum in the area of Entrepreneurial Law - - the legal aspects of the conduct of public and private enterprise, with special emphasis on the needs of small and intermediate-sized firms.
- To graduate lawyers competent to advise and assist large and small businesses, non-profit corporations, and individuals engaged in financial transactions in the conduct of their affairs.
- To contribute significantly to the body of scholarship in the areas of entrepreneurial law.
- To join in forming mutually beneficial partnerships between The University of Tennessee and private industry.
- To promote the economic growth of the State of Tennessee.

Once again, this College is a prime site for such a center. Many of the essential elements of a sound curriculum for the Center - - courses in business associations, taxation, commercial law, securities regulation, etc. - - are already in place. The College of Business Administration at UTK is nationally recognized for its innovative programs focused on the real needs of American business. Chancellor Bill Snyder has been devoting significant emphasis to the development of mutually productive partnerships with industry. Finally, the State of Tennessee is poised for the kind of economic growth that the availability of competent entrepreneurial lawyers can promote.

□

The third center taking shape is a **Center for Law & Justice**. The supporting ideas are that there ought to be, at a law school with aspirations to excellence, (1) a curriculum for students who come to the law in the hope of using their skills as lawyers to improve the human condition; (2) a focal point within the College for scholarship in fields like civil rights, international human rights, and the rights of children; and (3) a vehicle for increased and more visible service to the community and the State - - through projects, for example, aimed at making the law more intelligible and the legal system more accessible to ordinary citizens. On this one, as you see, our thinking is not as far along; but it is potentially a very important complement to the other two.

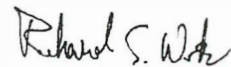
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I am sharing these thoughts with you while they are still in the early stages, in the hope that you'll send me your suggestions and comments. There are some other exciting possibilities on the drawing board as well.

I should make a couple of things clear. First, anything we do along these lines will build on a solid curricular base - - the teaching of core subjects and the legal skills of reasoning, analysis, writing and research.

Second, the object is not to have centers just to have Centers. Our mission is the same as it's always been: to provide a first-rate professional education to students who are preparing to practice law, to contribute significantly to the body of legal scholarship, and to render appropriate service to the university, the bench and bar, and the public. We're looking for ways to do these things better, in a more focused, concentrated fashion, with more ultimate success.

We'd like to know how this sounds to you.



Richard S. Wirtz
Dean

Tax Team Places Second in the Nation

The University of Tennessee College of Law's Tax Moot Court Team placed second in the nation during the national competition in Clearwater, Florida, January 19-23. Steele Clayton was named best oralist for the competition. The team's advisors were Professor Amy Hess and Timothy M. McLemore.

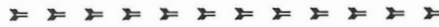
Team members are E. Steele Clayton of Knoxville, Rhonda Drinnon Fawbush of Whitesburg, and John C. Taylor of Cumberland Gap. All are third-year law students.

UT defeated fifteen other teams in the competition before meeting Southwestern University of Los Angeles, California, in the final round. The case was about the proper tax treatment of a reduction in liabilities of a partnership.

Professor Hess teaches Estate Planning, Gratuitous Transfers, Property, and Tax at the College of Law. Mr. McLemore teaches Gratuitous Transfers and Legal Process at the College of Law and is associated with the Knoxville law firm of Gentry, Tipton, Kizer & Little. He is a 1986 graduate of the law school.

UT College of Law Honors Two Alumni

Hull and Paine Receive Outstanding Public Service Awards



At the fall meeting of The University of Tennessee College of Law's Alumni Advisory Council, two 1993 Alumni Outstanding Public Service Awards were presented. The award is given annually to recognize outstanding service to the public on the part of alumni of the College of Law whose accomplishments might otherwise go unrecognized. The Honorable Thomas G. Hull of Greeneville, Class of 1951, and Donald F. Paine of Knoxville, Class of 1963, were this year's recipients. Each was presented an engraved plaque by the chair of the Council, Payson Matthews.

Morris Hadden of Kingsport served as chair of the selection committee. He reported that a unanimous decision for two recipients surfaced quickly. Other committee members were Greg Fletcher of Memphis, Bill Nunnally of Greeneville, and Harry Ogden of Knoxville.

After law school graduation in 1951, Thomas Gray Hull went into private practice in Greeneville. Judge Hull was a member of the Tennessee House of Representatives, 1955-65, and served as the House's chief clerk, 1969-70. In 1972, he was appointed by then-Governor Winfield Dunn to the Circuit Court. He was elected to that post in 1974 and served until 1979. His public service continued when he became Governor Lamar Alexander's legal counsel in 1979. Since his 1983 appointment to the federal bench

by former president Ronald Reagan, he has been a United States District Court Judge for the Eastern District, in Greeneville.



Payson Matthews (left) and Judge Hull

He is a member of the Tennessee and Greeneville Bar Associations and the Tennessee Judicial Conference. He is a charter member of the Dean's Circle and has been a UT Presidents' Club member since 1984.

Judge Hull was born in Greeneville, Tennessee and lives there today with his wife, Joan. They also raised three children, Leslie, Brandon and Amy, in Greeneville. Daughters Leslie and Amy are attorneys and son Brandon is in business.

During the selection discussion, the committee noted Judge Hull's fairness and accessibility to the bench and bar. He treats lawyers with respect and dignity and is considered by all who know him as a hard-working jurist. He is also a pillar of his community, with church and civic activities taking much of his spare time. "Judge Hull's diversity of public service over an extended period more than qualifies him for this award," said Matthews.

Donald Franklin Paine is a native son of Knoxville. He has become a well-known member of the legal community throughout Tennessee and, in fact, may be the best known lawyer in Tennessee. He earned a B.A. in 1961, an M.A. in 1963 and a J.D. in 1963 from UTK. While at UT, he was a member of Phi Kappa Phi and Phi Delta Phi and served as editor in chief of the *Tennessee Law Review*, 1962-63.

Since law school graduation, Don Paine has continuously been a teacher, practitioner, and author on the law. He taught at Vanderbilt and was an Assistant Professor of Law at UT, 1966-70. Since 1970, he has been an Adjunct Professor of Law at UT. He teaches Evidence, Remedies, and Legal Profession with bears and guitars. He was the UT Professor of the Year in 1975 and received a 1992 Harold C. Warner Outstanding Teacher Award from the College of Law for his excellence in classroom teaching.

Don is a partner with Paine, Swiney & Tarwater in Knoxville and is often listed in *The Best Lawyers in America* for personal injury litigation. His service and commitment to pro bono won him the Tennessee Bar Association's 1993 Pro Bono Volunteer Attorney of the Year Award. As an excellent lawyer himself, he unselfishly shares his knowledge with other lawyers and is well-respected as a very learned person. Many seek his counsel. His commitment to pro bono work continues today with hours and hours of legal service to indigent persons.

He is the co-author of two books and countless law review and law journal articles. In 1990, he received the Justice Joseph W. Henry Award for Outstanding Legal Writing from the Tennessee Bar Association for his "Paine on Procedure" articles in the *Tennessee Bar Journal*. He is a popular speaker at CLE programs and conferences.

Don is a member of the American Law Institute, the American College of Trial Lawyers, the Advisory Commission to the Tennessee Supreme Court on Civil Procedure, the Tennessee Defense Lawyers' Association, the Tennessee Trial Lawyers' Association, and the American, Tennessee and Knoxville Bar Associations. He is a past president of the Tennessee Bar Association.

His accessibility to every other lawyer is remarkable; he follows-up every query when he interacts with other lawyers; and he does all this with boundless energy and enthusiasm. "Don Paine is the personification of the meaning of true public service," said Matthews.



Don Paine

Miller Lecture Will Feature Civil Liberties Professor

The 1994 Charles Henderson Miller Lecture in Professional Responsibility will be presented Monday, April 4, at noon in the Moot Court Room, and will feature Professor of Law Sylvia Ann Law of New York University School of Law. The title of her lecture will be "A Right to Health Care That Cannot Be Taken Away: The Lessons of Twenty Years of Health Care Advocacy." The Lecture Series was established in 1977 in honor of Professor Charles H. Miller, the founding director of The University of Tennessee College of Law Legal Clinic.

Professor Law teaches Constitutional Law, Family Law, Federal Courts, Health Law, Torts, and Welfare Law at NYU. She is also NYU's director of the Arthur Garfield Hays Civil Liberties Memorial Program. After earning a B.A. in 1964 from Antioch College, Professor Law received a J.D. in 1968 from New York University. After graduation from law school, she was the Reginald Heber Smith Community Lawyer at the Columbia Center on Social Welfare Policy and Law.

From 1969 to 1970 she was a lecturer at the London School of Economics and Political Science. Before joining the New York University faculty in 1973, she served as the staff director for the Pennsylvania Health Law Project. She has been a full professor at NYU since 1979.

Her book, *Blue Cross: What Went Wrong* (2nd ed., 1974) received a New York Times Outstanding Book Award. Professor Law has co-authored three other books: *Political and Civil Rights* (with Emerson, Haber, Dorsen and Chachkin)(Volume 2, 1978), *Pain and Profit: The Politics of Malpractice* (with Polan, 1978), and *American Health Law* (with Annas, Rosenblatt and Wing)(1990). She has had many articles published in various law reviews.

Professor Law is a member of the New York and Pennsylvania Bars, the American Civil Liberties Union, the Society of American Law Teachers, the National Lawyer's Guild, and the Alan Guttmacher Institute. She was appointed in 1990 by New York Governor Mario Cuomo to the IOLTA Fund Board of Trustees and serves on the board of New York's Center for Reproductive Law and Policy. In 1983 she was named a MacArthur Foundation Fellow for her work on social justice issues, particularly in the areas of civil rights, reproductive freedom, and health care. Professor Law has submitted friend-of-the-court briefs to the U.S. Supreme Court on key abortion rights cases.

The lecture is free of charge and open to the public. For more information, contact the College of Law at 615/974-4241.

Honors Banquet and Awards Program - October 15, 1993



Elizabeth C. Price, (left) a third-year student from Charlotte, North Carolina, received academic awards from West Publishing Company and Callaghan and Company. She also received the Herbert L. Davis Trust Fund Award for earning the highest scholastic average during her first two years of study. Dean Wirtz made the presentation.



Patricia J. Cottrell (center), Chief Deputy Attorney General, announced the winners of an award established by the Tennessee Attorney General's Office to recognize and reward the accomplishments of students who have excelled in Trial Practice. Richard W. Barnes, Jr. (right), a third-year student from Knoxville, and Richard D. Plumley (left), a third-year student from Knoxville, each received a plaque.



T. Scott Noonan (right), a second-year student from Dyersburg, received an academic award from West Publishing Company and a special award from the Knoxville Bar Auxiliary to the Tennessee Bar Association for academic achievement during his first year of studies. The award was presented by Knoxville Bar Auxiliary President Andrea J. Anderson (left).



The Frank Benson Creekmore Memorial Award was presented to M. Kim Mitchell (right), a third-year student from Dickson, by Betsey Creekmore (left). The Creekmore Award recognizes students for their future professional promise as practitioners of law in Tennessee.



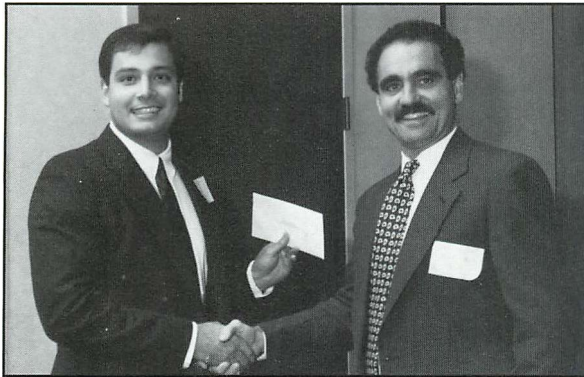
Ann D. Jarvis (left), a June 1993 graduate now associated with Baker, Worthington, Crossley, Stansberry & Woolf in Knoxville, received the Charles H. Miller Clinical Achievement Award for excellence in civil advocacy. Professor Kate Bunker (right) presented her with the award.



Derek L. Spratley (left), a third-year student from Disputanta, Virginia, received the Heiskell, Donelson, Bearman, Adams, Williams & Caldwell Award for extraordinary student leadership. Nelwyn Rhodes (right) presented him with the award. Derek serves as an active member of the Black Law Students Association, the Student Bar Association, the Career Services Advisory Committee, the Admissions Committee, the Christian Legal Society, and as Law Representative to the UT Graduate Student Association.



The 1993 Susan B. Anthony Award was presented to K. Hollyn Hollman (left), a second-year student from Jackson, Mississippi, by Sharon Frankenberg (right), President of the East Tennessee Lawyers Association for Women.



The Knoxville office of Hunton & Williams was represented by Martin Bailey (right), who presented the firm's annual first-year writing award to John K. Koontz (left), a second-year student from Concord, North Carolina.



The National Association of Women Lawyers Award went to Mitzi L. Privette (left), a third-year student from Johnson City, for her work in Law Women, the Student Bar Association, Phi Delta Phi, and the College's Academic Standards and Curriculum Committee. Dean Wirtz presented Mitzi with the award.



Alma Wade (left), the Senior Recorder in the Student Records Office, received the first annual Support Staff Award for Extraordinary Service. Dean Wirtz (right) presented her with a plaque and a cash award.

Faculty Awards

Amy Morris Hess received the 1993 Harold C. Warner Outstanding Teacher Award for her excellence in classroom teaching.

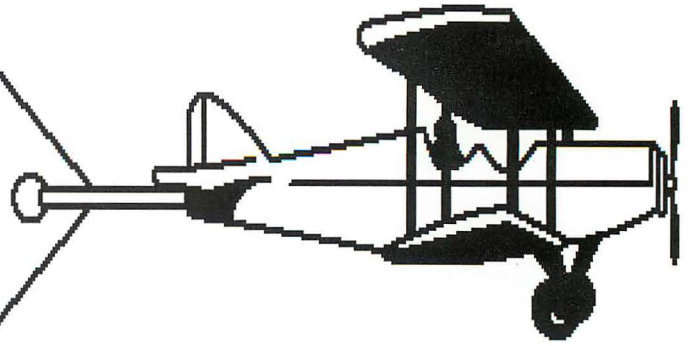
Carl A. Pierce and John L. Sobieski, Jr. received Carden Awards for outstanding service to the institution.

Barbara Stark received a Carden Award for superior achievement in scholarship.

Grayfred B. Gray received the Bass, Berry & Sims Faculty Award for his commitment to improve the legal profession through teaching and service.

Fran Ansley received the W. Allen Separk Faculty Scholarship Award.

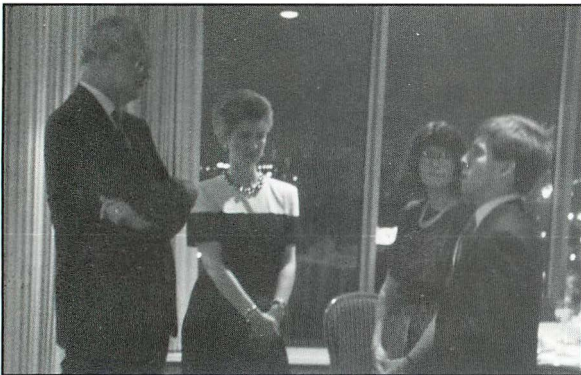
Travels with the Dean



Jackson Alumni Event - May 24, 1993



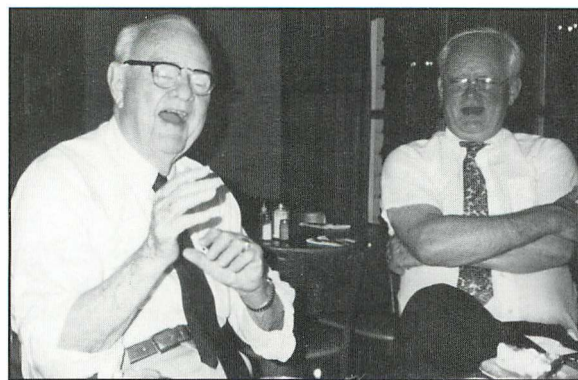
Meeting in Memphis with alumni - May 25, 1993



Chattanooga Alumni Dinner - June 14, 1993



Nashville Alumni Breakfast - September 23, 1993



*Colonel Tom Elam's 84th birthday party
in Union City - May 26, 1993*

Moot Court

Moot Court Competitions Need Alumni Judges

Over the years, the Moot Court program has been one of the College of Law's most successful endeavors. Moot Court teams have won four national championships and usually placed in at least one national competition each year. In addition, students have had the opportunity to participate in both trial and appellate intraschool competitions sponsored by the Moot Court Board.

To run the program well, there is a great demand for attorneys to assist in the development of the next generation of courtroom advocates. Judges are especially needed for the two intraschool competitions in the spring. In addition, some of the traveling teams use practitioners to evaluate their preparation for competition. If you would be willing to assist the Moot Court program and serve as a judge, please fill out and mail the form below to the Moot Court Board, The University of Tennessee College of Law, 1505 West Cumberland Avenue, Knoxville, Tennessee 37996-1800. If you cannot be involved this year, please send the form in this year and the Board will contact you next fall.



SCHEDULE OF COMPETITIONS

Advocates' Prize Appellate Competition: Held from January through March of the spring semester each year.

Ray H. Jenkins Trial Competition: Held during March and April of the spring semester each year.

National Traveling Teams: Practice throughout the year with the heaviest concentration from January through March of the spring semester.

*Thank you.
Moot Court Board*

I would like to participate as a judge.
Please contact me regarding one or more of the following: Advocates' Prize Appellate Competition
Ray H. Jenkins Trial Competition
National Traveling Teams

Name: _____
Firm: _____
Address: _____

Telephone number: _____
Primary area(s) of practice: _____

THE UNIVERSITY OF TENNESSEE
COLLEGE OF LAW
MOOT COURT PROGRAM



Faculty News

Dwight L. Aarons attended the American Bar Association Young Lawyer's Division 1993 Fall Affiliate Outreach Project National Conference in Nashville, October 14-16. During the conference, he also attended a committee meeting for the Division's Minorities in the Profession. He presented "AIDS and Society" as part of a University Studies Course on November 4.

D. Fenton Adams, Visiting Professor from the University of Arkansas School of Law in Little Rock, had an article, "Problem with the 1990 Revision of Articles 3 and 4 of the Uniform Commercial Code," published in Volume 15, Number 4 of the *University of Arkansas at Little Rock Law Journal*.

Gary L. Anderson will serve as the College of Law's 1993-94 representative to the Association of American Law Schools House of Representatives.

Fran Ansley was a guest columnist for *The Knoxville News-Sentinel* Business Viewpoint in August and September. The August article was titled, "Proposed free trade pact opposed as worldwide trickle-down theory," and the September piece was about Mexico's maquiladora problem. She served as a program chair for the American Society for Legal History's Annual Meeting in Memphis, October 21-23, 1993. In November, Professor Ansley spoke on fairness in the economy at the University of West Virginia's Benedum Lecture Series and talked to the UTK Chapter of the Society for International Development on the North American Free Trade Agreement. Her research into NAFTA also includes studies on the global economy and poverty law. To broaden her understanding of poverty law, she attended a meeting of the Task Force on Low-Wage Workers and the Working Poor of the Interuniversity Consortium on Poverty Law. Partici-

pants included legal services lawyers, law professors, and staff attorneys for labor unions. The law schools represented included: Buffalo, Harvard, New York, Northeastern, Pennsylvania, Tennessee, and UCLA. The group decided to meet again and hopes to explore ways: (1) that legal services lawyers might work in more productive ways with unions who represent low-wage workers, and (2) that law professors concerned about the fate of low-wage workers in the restructuring economy can help to formulate policy and participate in emerging national debate about this subject and about various proposals for welfare reform. She continues to work for the Tennessee Industrial Renewal Network. In January, Professor Ansley was a panelist on the program of the Section on Teaching Methods at the Association of American Law Schools Annual Meeting in Orlando, Florida.

Ann Barker, an Adjunct Professor who teaches Interviewing, Counseling and Negotiation, has been accepted as a practitioner member of the Academy of Family Mediation. Her practice is concentrated on family and commercial mediation. She is also a member of the Knoxville Bar Association's Mediation Service.

Neil P. Cohen attended the International Conference on Rights of the Accused, Crime Control, and Protection of Victims, December 19-22, at the Mt. Scopus Campus of Hebrew University in Jerusalem.

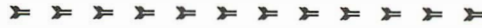
Joseph G. Cook presented "The Puzzling Case of *Lockhart v. Fretwell*: The Client Who Suffered No Prejudice By His Own Execution" on September 30, 1993 as part of the Knoxville Bar Association's Constitutional Law Forum Series.



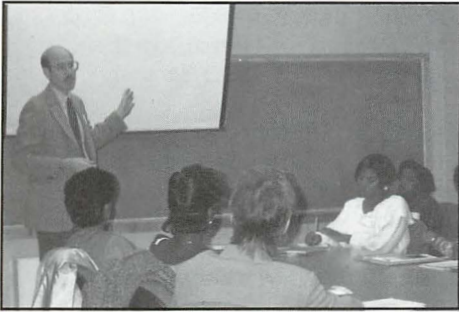
(From left) Professor Cook with Patty Wheeler, co-chair of the Knoxville Bar Association's Professionalism Committee.

Judy M. Cornett received the Knoxville Bar Association's President's Award for her work as co-chair of the Professionalism Committee. She presented a paper, "The Eighteenth-Century Law of Evidence: Chief Baron Gilbert, John Locke, and Samuel Richardson's *Clarissa*," as a member of the panel on "Legal History, Literary History: Eighteenth-Century Intersections" at the American Society for Legal History's Annual Meeting in Memphis, October 21-23, 1993. She also serves as the Knoxville Bar Association's advisor to the Phi Delta Phi Mentor Program. The Mentor Program matches a law student with an attorney who is practicing in the student's area of interest. Professor Cornett continues to serve as a member of the Tennessee Commission on Women and Minorities. She will present a paper, "The World Within Meets 'The World Without': Epistemology in *The Mysteries of Udolpho*," at the American Society for Eighteenth-Century Studies Annual Meeting, March 9-13, in Charleston, South Carolina. The paper will be part of a panel on "Meaning in the Gothic: The Terrified Heroine and Interpretive Strategies."

R. Lawrence Dessem had an article, "Judicial Reporting Under the Civil Justice Reform Act," published in the *University of Pittsburgh Law Review*. He has been selected for membership in The American Law Institute. Professor Dessem served as chair of the University's internal review team for the Academic Program Review conducted by the College of Social Work last semester. His fall speaking



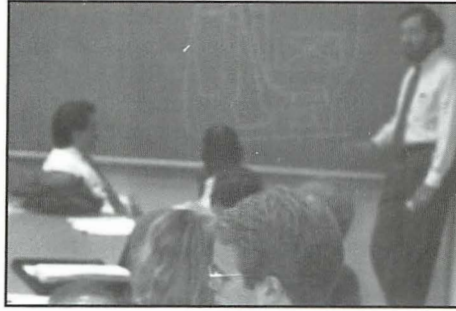
engagements included: a presentation about the Civil Justice Reform Act at a Chattanooga Bar Association Bench/Bar Conference; a program about the work of the Tennessee Supreme Court Commission on Dispute Resolution at a meeting of the Mediation Association of Knoxville; a CLE program on alternative dispute resolution sponsored by the Knoxville Bar Association; and a Tennessee Bar Association program on federal practice. Professor Dessem's extracurricular activities now include serving as a member of the Knoxville Bar Association's Public and Bar Relations Committee, as a member of the Association of American Law Schools' Civil Procedure Section Executive Committee, and as a member of the American Law Institute.



Professor Dessem spoke at the College's Pre-Law Day for Minority Students on October 29, 1993. Pre-Law Day was organized by former Admissions Director Sybil Richards to increase college minority students' awareness of the legal profession and to encourage them to consider a career in law.

Grayfred B. Gray had an article, "Legal Expert System Building: A Semi-Intelligent Computer Program Makes It Easier," published in the December 1993 issue of *The John Marshall Law School Journal of Computer and Information Law*. He served as the lead author on the article for the Natural Language Expert System Builder research group. The article describes the use of NLESB in building an expert system on the Tennessee law of orders of protection from domestic violence. He continues to work enthusiastically on dispute resolution as an important and viable part of the legal system. There are now four programs in Knox

County that offer mediation, and the new Mediation Clinic at the College of Law provides mediation services to several local organizations. Professor Gray also works with the Knoxville Bar Associations' dispute resolution program. Knoxville's Sessions Court is the first in Tennessee to test the program that officially began last fall.



Professor Hardin talked with student representatives at an Organizational Council Meeting, September 8, 1993 about the new facility.

Patrick Hardin serves as chair of the College of Law's Building Committee and continues to give presentations on the concept and development of the new law facility.

Amy Morris Hess has been chosen as one of the ten finalist for the 1994 UTK Outstanding Faculty Award sponsored by the National Alumni Association. Winners will be announced in April. She served as an advisor to the 1994 Tax Moot Court Team, which placed second in the national competition in January.

Robert M. Lloyd had an article, "Tennessee Adopts Article 2A of the UCC," published in the July/August issue of *The Tennessee Bar Journal*. He has been invited by Senator Robert Rochelle of Lebanon to address the inaugural meeting of the legislature's Uniform Commercial Code Study Committee. The committee was created by the bill that enacted Article 2A in Tennessee. Professor Lloyd serves as a member of UT's Continuing Education Program's Distance Education Advisory Committee. This endeavor examines electronic and satellite programs.

Jerry J. Phillips, Nicolas P. Terry of St. Louis University, and Frank J. Vandall of Emory had their casebook, *Products Liability: Cases, Materials and Problems*, published by Michie Company. Volume I of the Second Edition of his treatise on *Products Liability* (Michie Company, 1993) with Bob Pryor, Class of '69, has also been published. His article, "Comments on the Reporters' Study of Enterprise Responsibility for Personal Injury," has been published in a 1993 issue of the *San Diego Law Review*. Professor Phillips delivered the Krinock Lecture at Thomas M. Cooley Law School on November 20, 1993. His address, "Law as Ornamentation," has been published in a 1993 issue of the *Thomas M. Cooley Law Review*. His contribution to a Symposium on the Revision of Section 402A of the Restatement (2nd) of Torts has been published as "The Proposed Products Liability Restatement: A Misguided Revision," in the *Touro Law Review* (1993). Professor Phillips' essay, "FELA Revisited," has been published in a 1993 issue of the *Maryland Law Review*.

Carl A. Pierce has been appointed chair of the UTK Residence Classification Committee by Chancellor William T. Snyder. He presented a talk on "The Practice of Corporate Law" in November to UT undergraduate business majors as part of their Executive Undergraduates Workshop Series in the College of Business Administration. As a member of the Tennessee Bar Association's Corporation Section Committee, Professor Pierce is working on proposed changes to the Tennessee Business Corporations Act.

Glenn H. Reynolds will have an article, "Legal Problems of Nanotechnology: An Overview," published in a forthcoming issue of *U.S.C.'s Southern California Interdisciplinary Law Journal*. Frederick A. Fiedler, a third-year law student from Columbia, Tennessee, co-wrote the article with him. Professor Reynolds will have a paper, "Space Commercialization: Problems of Law and Policy," included in the proceedings volume of the 4th International Conference and Exposition on Engineering,

Faculty News

(Continued from page 11)
Construction, and Operations in Space and The Conference and Exposition/Demonstration of Robotics for Challenging Environments, which was in Albuquerque, New Mexico, in February. Professor Reynolds participated in a U.S. Senate breakfast briefing regarding "low-cost access to space" in Washington, D.C. in September. His next Washington trip in October provided him the opportunity to testify before the U.S. Congress' Committee on Science, Space and Technology, Subcommittee on Space. The topic was the "Status of Space Commercialization and the Omnibus Space Commercialization Act of 1993." He reviewed current legislation designed to promote commercial companies' success in providing space goods and services and spoke about several "reinventing NASA" proposals made by Vice President Gore's government-reform program. Professor Reynolds is the author of *Outer Space: Problems of Law and Policy*. He has served on a White House advisory panel dealing with space issues and is Executive Vice President of the National Space Society. One of Professor Reynolds' local activities included serving as a member of a panel, "The Religious Right vs. Civil Rights: How the Religious Right is Threatening Our Liberties," in November. Members of the panel discussed prayer in public schools, censorship, and gender discrimination. The panel was sponsored by the Knoxville and Oak Ridge Chapters of the American Civil Liberties Union of Tennessee. As part of the Knoxville Bar Association's Constitutional Law Forum Series, he presented "Is Democracy Like Sex" on November 23, 1993. On behalf of the National Space Society, Professor Reynolds is spearheading a campaign to have Arthur C. Clarke (inventor of the communications satellite and author of *2001: A Space Odyssey*) selected as the recipient of the 1994 Nobel Peace Prize.

Dean H. Rivkin was featured in Metro Pulse, along with Attorney Brenda McGee, Class of '84, for work on behalf of children with disabilities and continues to be an advocate for children as he speaks on changes in

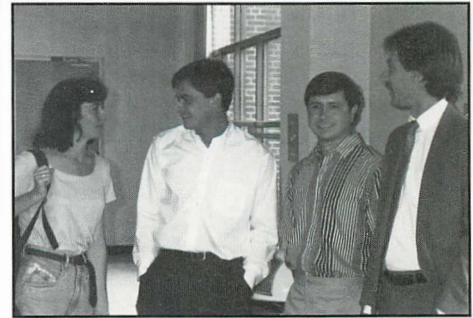
Tennessee's foster care system. The Committee on Adoption Reform is studying adoption and foster care through hearings throughout the state. "State agencies and courts should emphasize keeping biological families together," he says. Professor Rivkin was appointed by the National Park Service to serve as a public representative on a new federal-state program, the Southern Appalachian Mountain Initiative (SAMI). SAMI will attempt to develop strategies for combating the continuing adverse effects of air pollution on national parks in the Southeast.

Jürgen Salzwedel, Visiting Professor from the University of Bonn, Germany, presented a lecture in September to the UT community titled, "Environmental Law and the Withering Command of the Word: Some Remarks on the Legal Approaches of the United States and Germany to Environmental Protection." He taught Comparative Environmental Law during the Fall 1993 Semester.

Barbara Stark had an article, "Post Modern Rhetoric, Economic Rights and an International Text: 'A Miracle for Breakfast'," appear in the *Virginia Journal of International Law* (1993). Excerpts from the article will also be included in the forthcoming *International Law Anthology* from Anderson Publishing. She joined a small group of distinguished scholars, diplomats, and practitioners who met with 18 Junior Fellows from the New York University Center for International Studies for two days in January 1994 to discuss "The Law of International Organizations in Situations of Civil War." Professor Stark will serve as one of seven members on a new Advisory Committee that will distribute information and promote awareness of selected U.N.-sponsored world conferences over the next two years. The Committee, which is under the auspices of the American Society of International Law, is supported by the Ford Foundation.

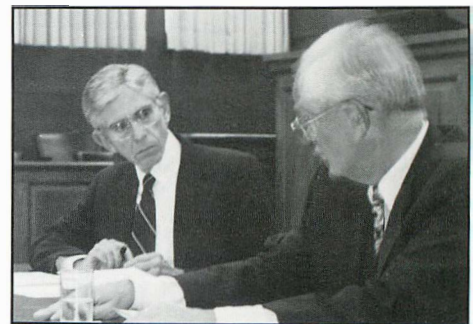
Gregory M. Stein had his "Op Ed" piece, "Don't Ask, Don't Tell, Don't Pursue," appear in the July 30 edition of *The Washington Post*.

Steven R. Thorpe presented "Computer Assisted Legal Research: A Valuable Tool for the Law Office" at the Knoxville Bar Association's Legal Exposition in October.



(From left) Michele Johnson, a third-year student from Nashville, Joseph Sbuttoni, a third-year student from Knoxville, Alvin Cooper, a third-year student from Knoxville, and Professor Wertheimer had lunch together during the Fall 1993 Semester.

Barry M. Wertheimer participated in the Student Bar Association's "Lunch with a Professor" Program. The informal lunches allowed professors and students to exchange ideas and talk as they got to know each other better.



The 1993 Alumni Distinguished Lecture in Jurisprudence at the College of Law was delivered on November 5th by Milner S. Ball (left), the Caldwell Professor of Constitutional Law at the University of Georgia. His lecture, "Jurisprudence from Below: First Notes," defined jurisprudence as law from the top, but suggested that lawyering should really empower clients. Dean Wirtz introduced him to the audience.

New Adjunct Faculty



John L. Capone is teaching a section of Legal Process II during the Spring 1994 Semester. He is a Senior Litigation Associate with Higgins, Cavanagh & Cooney in Providence, Rhode Island. Mr. Capone received his J.D. in 1985 from Case Western Reserve University School of Law in Cleveland, Ohio. While in law school he served as Associate Editor of the Law Review and as an Associate Editor for the *Journal of International Law*. His case note, "Bartling Glendale Adventist Medical Center: The Final Transgression of a Patient's Right to Die?" was published in the *Case Western Reserve Law Review* (1985).



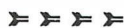
John S. Collins is teaching a section of Legal Process II during the Spring 1994 Semester. He is associated with the Knoxville law firm of Arnett, Draper & Hagood. Mr. Collins received his J.D. in 1986 from UT. While in law school, he made the Dean's List each semester, was honored for scholastic achievement in Civil Procedure, Torts, and Evidence, and received the Howard Baker Scholarship and a John Green Scholarship. Upon graduation he was elected to the Order of the Coif.



Kelley A. Gillikin is teaching a section of Legal Process II during the Spring 1994 Semester. She is associated with the law firm of Hunton & Williams in their Knoxville office. Ms. Gillikin received her J.D. in 1991 from UT. While in law school, she received a



John Green Scholarship and was a member of the Inns of Court and the Moot Court Board. Upon graduation, she was elected to the Order of the Coif.



Leo J. Raskind is teaching Income Tax and Antitrust as a Visiting Professor during the Spring 1994 Semester. He is a Professor of Law at Minnesota where he teaches Antitrust, Tax, and Patents, Copyrights, and Trademarks. After earning a Ph.D. in 1952 from the London School of Economics, he received a J.D. in 1955 from Yale. Professor Raskind is the co-author of *Cases, Materials, Problems: Advanced Federal Income Taxation* (1978) and *Cases, Federal Antitrust Law* (1983).



Andrew R. Tillman is teaching a section of Legal Process II during the Spring 1994 Semester. He is associated with the Knoxville law firm of Paine, Swiney & Tarwater. Mr. Tillman received his J.D. in 1989 from UT. While in law school, he received the John W. Green and the Tennessee Bar Association Knoxville Auxiliary Scholarship as well as many scholastic achievement awards. Mr. Tillman was a member of the *Tennessee Law Review*, the Moot Court Board, the Inns of Court and the Order of Barristers. Upon graduation he was selected outstanding graduate and was elected to the Order of the Coif.

Richards Becomes a Legal Eagle

1994 is a beginning for all of us, but to Sybil Veronica Richards, much, much, much more of a beginning. Sybil, Director of Admissions and Financial Aid, left the College of Law in December to begin a solo practice in Connecticut. "Solo practice is a mixture of equal parts of blood, sweat and tears and heaping spoonfuls of love, labor and luck," says Sybil, "but it is also a recipe for my way back to law practice. And I am ready for the challenge."

As Director of Admissions and Financial Aid, Sybil was responsible for the planning, management and implementation of law student recruitment, admissions and financial aid. She is a native New Yorker. Before joining the College of Law in August 14, 1989, she worked for the Westchester County Attorney's Office in White Plains, New York, as an Assistant County Attorney. She earned a B.A. in English in 1984 from State University of New York at Albany and a J.D. in 1988 from Brooklyn Law School.

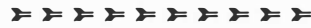
While in law school she received the C. Bainbridge Smith Scholarship for three years; was honored for scholastic achievement in torts, trusts, and real estate; and served as secretary of the Black Law Student Association. While at GCT, Sybil coordinated the Tennessee High School Mock Trial Competition. She was also instrumental in organizing pre-law days and conferences for minority students and spoke at Law School Admissions programs on policies and minority recruitment.

"Sybil's done a great job for the program," said Dean Wirtz. "She told us that at some point she would probably want to return to practice, and I guess that time has come. She will leave a great many friends behind." Sybil agrees. "I don't want to say goodbye as our paths may cross in the future," she said. "So I bid you all a farewell until we meet again."



Sybil Richards

Browne Added to Law Library Staff



As the services of the Law Library grow, so does its staff. Kelly K. Browne was hired in January as an Assistant Professor and Reference Librarian. Her duties include providing reference assistance, coordinating Computer Assisted Legal Research training, developing library and research guides, assisting with library instruction, and preparing bibliographies.

Kelly earned a B.A. in 1982 from the University of Central Arkansas and a J.D. in 1989 from the University of Cincinnati College of Law. While in law school, she received the Arthur Russell Morgan Fellow Academic Scholarship and American Jurisprudence Awards for Advocacy, Civil Procedure II, Family Law, Federal Jurisdiction, and Property. She served as Articles Editor of the *Human Rights Quarterly* and had her note, "A Sad Time for the Gay Olympics," published in a 1988 issue of *The University of*

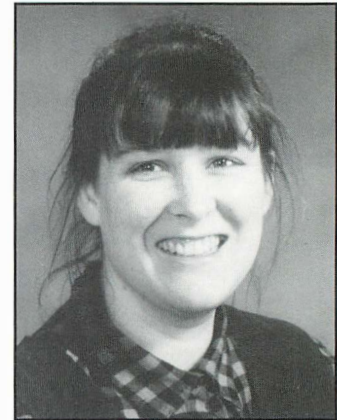
Cincinnati Law Review. Upon graduation she was elected to the Order of the Coif.

Kelly received her library training at the University of Washington Graduate School of Library and Information Science, and earned a Master of Librarianship and Certificate in Law Librarianship in August 1993. Her library work experience includes past positions with the law libraries at the University of Washington and the University of Arkansas at Little Rock.

Kelly is a member of the Washington State Bar Association, the American Association of Law Libraries, and Law Librarians of Puget Sound.

Because of her past experience in the private sector, Kelly will be able to provide a wide range of expertise to law library users. Her computer skills include knowledge of

Westlaw, Lexis, BRS, Dialog, OCLC Prism, OCLC Epic, WLN WordPerfect, Multimate Lotus 1-2-3, and Excel. "We are very fortunate to have Kelly join our staff," said Bill Beintema, Director of the Law Library. "She will help support the mission of the law library as it serves the faculty, students and alumni of the College of Law."



Kelly Browne



Legal Clinic Founder Celebrates 88th Birthday



(From left) Charlie Miller accepts a gift from Doug Blaze, Director of Clinical Programs.

Faculty, staff, old friends and co-workers celebrated Charles H. Miller's 88th birthday on October 22, 1993 with a luncheon in the Legal Clinic. Mr. Miller founded the Legal Clinic in 1947 and served as its director until 1975. His talent as a clinical educator is nationally known and appreciated. The University of Tennessee Legal Clinic was the

prototype for law school clinic programs and is the oldest continuously operated legal clinic in the country.

As a teacher, Mr. Miller focused on educating students about what their future professional responsibilities as lawyers should be. His favorite quotation is a paraphrase from the medical profession: "To study the phenomena of law in society without books is to sail an uncharted sea, while to study books without clients is not to go to sea at all."

Professor Miller also has a faculty study in Hodges Library named for him. A portrait of Mr. Miller hangs in the Legal Clinic lobby. His latest honors include the Society of American Law Teachers Award in 1976 and the Charles S. Murphy Distinguished Alumni Award in 1989 from Duke.

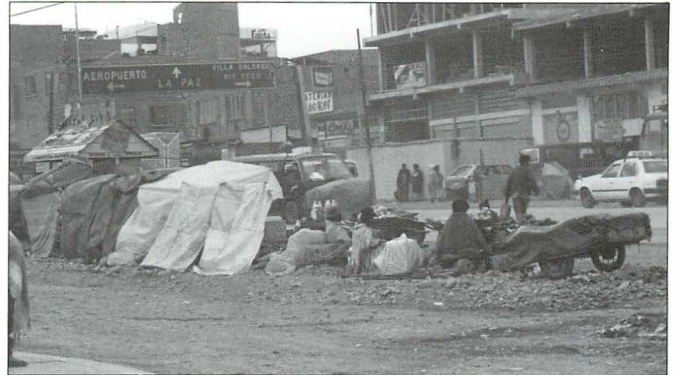
He earned an A.B. in 1928 and an LL.B. in 1934 from Duke. His years of legal education began in 1934 as the Assistant Director of Duke's Legal Aid Clinic. Mr. Miller helped establish clinics at Georgetown University, George Washington University, the University of Maryland, and the Universidad de Puerto Rico. He is a longstanding member of the National Legal Aid and Defender Association, the National Council of Legal Clinics, and the Association of American Law Schools' Committees on Legal Clinic Teaching.

The Charles Henderson Miller Lecture Series in Professional Responsibility was established in 1977 to honor Professor Miller for his illustrious teaching career. The 1994 Lecture will be presented on Monday, April 4, and will feature Sylvia A. Law, Professor of Law and Director of the Garfield Hays Civil Liberties Memorial Program at New York University.

Rivkin Travels to Bolivia

Circumstances sometimes lead to well-planned conclusions. Professor Dean H. Rivkin was a very happy victim of circumstance last summer. His son was on his way to Bolivia to play soccer. As a proud dad, Professor Rivkin dreamed of seeing him play. Therefore, when opportunity arose for father and son to be in Bolivia at the same time, circumstance became reality. After several telephone conversations with environmental community friends and a chance conversation with someone in the Department of Justice, Professor Rivkin found himself on his way to Bolivia.

The U.S. Department of Justice Project works in La Paz, Bolivia to help the Bolivian government with its new environmental laws. Rivkin's expertise in the area led to one of the Project's lawyers inviting him down to help. Concurrently he talked with an old college friend with PLAN International, a child-welfare organization that works on housing issues in La Paz, and he was extended another invitation. After developing an agenda with both agencies, Professor Rivkin worked and parented in Bolivia for 10 days in August.



View from PLAN Office window in La Paz

"Children and the environment are very closely related," says Rivkin. "One deeply touches the other." One of PLAN's main focus is the issue of children and the environment. PLAN develops infrastructure in Bolivia so children will have a safe and healthy environment that includes clean water and adequate housing. Along with the United Nations UNICEF program, Professor Rivkin hopes PLAN will help Bolivian children to one day reach their full potential.

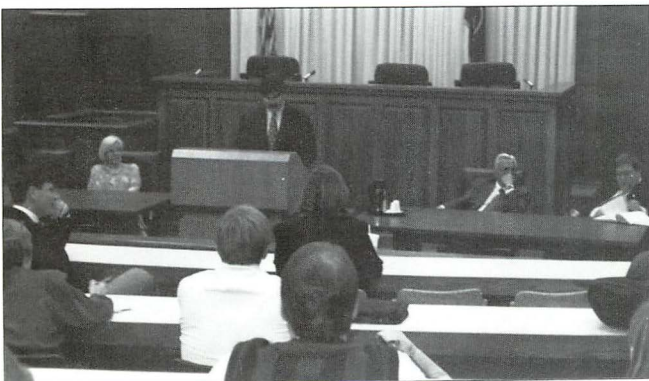
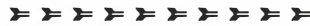


While in Santa Cruz working with PLAN, he also worked with Fundacion Amigos de la Naturaleza, an organization with specific interest in the Amazon and rainforest. Bolivia's new environmental laws are part of a new stable government filled with leaders who want the country to move forward. After working with both agencies, Professor Rivkin made recommendations to the Bolivian Attorney General and the national government on Bolivia's new environmental laws. The country must learn how to enforce its laws through education of its legal community as well as its citizenry. Criminal enforcement is critical along with the need for technical and scientific education to help attorneys and judges prosecute cases.



Dean Rivkin in the Main Square of Santa Cruz

With substantial U.S. assistance and a new Bolivian spirit among the people, Professor Rivkin perceives a bright future for the country. He plans to continue working closely with both organizations.



The Association of Trial Lawyers of America/the Tennessee Trial Lawyers Association Student Chapter presented "A Trial Lawyers Practice" on October 25. It featured (from left, sitting) Donna Davis, Sidney Gilreath and John Rogers. All former presidents of TTLA and UT law alums. This year's president, Harry L. Weddle III (at podium) from Collegedale, introduced the panel.

Development News

Overcash Tax Scholarship Established

W. Hugh Overcash established a tax scholarship at the College of Law on October 21, 1993. The W. Hugh Overcash Tax Law Scholarship will be given to law students who are interested in pursuing a career in tax law. "The scholarship was established with the goal of attracting deserving, industrious students to the field of taxation," said Mr. Overcash. "Recipients must also communicate and interact well with fellow human beings." He said that he knew in law school that he wanted to be a tax lawyer.

The scholarship will soon be fully endowed. Mr. Overcash is utilizing his company's generous employee match program to help encourage students with similar career interests. Once the match is received on Mr. Overcash's recent gift, the endowment will be fully funded at over \$100,000. Through this scholarship, Mr. Overcash hopes to demonstrate the importance of educating tax counsel to help corporations become successful. "A valuable and valued tax counsel," said Mr. Overcash, "is one who possesses not only the knowledge, but also the interpersonal skills to work well in a corporate environment."

Mr. Overcash earned three degrees from The University of Tennessee: a B.S. in 1949 in Business Administration, a J.D. in 1951, and a M.S. in 1952 in Accounting and Finance. He also earned an LL.M. in Taxation from New York University in 1963. While in law school, Mr. Overcash served on the Student Editorial Board of the *Tennessee Law Review*. Upon graduation, he was elected to the Order of the Coif.

Hugh Overcash has served over forty years as tax counsel to major U.S. corporations including Rockwell International, U.S. Steel, and Ashland Oil. He retired from Georgia-Pacific in January. Hugh and his wife, Myra, live in Stone Mountain, Georgia.



Lewis, King, Krieg & Waldrop Support Faculty Research

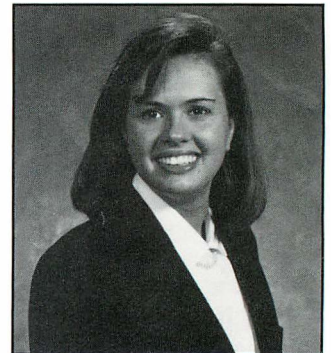
The Knoxville law firm of Lewis, King, Krieg & Waldrop has pledged \$2,500 per year for three years to support faculty research at the College of Law. The money will be used by a faculty member (or members) during the summer months. Recipients will be selected by Dean Wirtz.

"The firm wants to show support for the College of Law," said Harry P. Ogden. "It is also an effort to keep good, quality faculty at the College." Harry, Class of '75, is a partner in the firm. The first stipend will be awarded in the Summer of 1994.



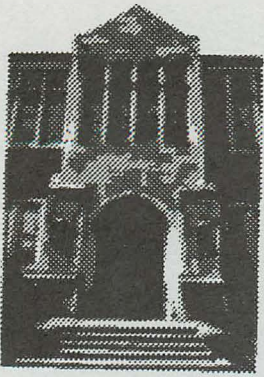
Samuel Walter Price and Walter Lee Price Scholarship Awarded

Walter Lee Price of Johnson City honored his father, Samuel Walter Price, by providing a scholarship to a law student for the 1993-94 academic year. Lori D. Lovin, a second-year student from Morristown, was the recipient of the Price Scholarship. She is a student advisor, a member of the Student Bar Association, and has been on the Dean's List.



Walter is the son of Samuel and Nannie Price of Washington County. Samuel graduated from the College of Law in 1902, and began practicing law in LaFollette, where he soon became known as an excellent attorney and civic-minded citizen. He practiced law in East Tennessee until his death in 1958.

Son Walter graduated from the College of Law in 1936 and is following in his father's footsteps with a distinguished career in law and service to his community. Walter practices in Johnson City as the General Counsel for the Medical Center.



University of Tennessee College of Law

ALUMNI NETWORKERS

A career launching program sponsored by the Career Services Committee of the Alumni Advisory Council and Career Services

Dear Alumnus/a:

You're invited to join an exciting project designed to be of tremendous assistance to our students who are about to enter the legal profession. The Career Services Committee of the Alumni Advisory Council, in cooperation with the Career Services office, is sponsoring a project to build a network of alumni who're willing to give several hours a year by phone or personal interview to assist our graduates in the transition from academics to the practice of law.

The program has been planned because students tell us that the best way we can assist them is in finding a job. While many legal employers schedule interviews on campus each year, the majority are law firms seeking only students with the highest academic qualifications. Most small firms, not being in a position to send a representative to campus, usually hire new associates from personal referrals or chance interviews.

As a practicing attorney you are in an excellent position to be aware of employment opportunities in your area and to be of assistance to new Tennessee alumni. In many instances you would know which firms have recently moved to larger offices and which firms have recently obtained new clients and might need additional legal staff. As a participant in the program serving as an alumni networker, you would simply advise students of local opportunities. Once the door has been opened, their chances of finding employment would be greatly improved.

Another way in which you can assist students is by advising them on your particular expertise in law. Having someone with whom to talk who actually practices in a particular area can be invaluable to a student who is trying to decide what type of legal career to pursue. "Networkers" are needed not only in the traditional areas of practice, but also in some of the more unusual fields of law, as more and more students are expressing an interest in learning about alternative career options.

Out-of-state alumni can also be particularly helpful. As you may be aware, the majority of our students, 70 to 80 percent of each class, remain in Tennessee. Many of the other students who would like to locate outside of Tennessee do not know where to begin a job search in their targeted geographical areas. Career Services receives some out-of-state listings, but again, they are predominantly from large firms with high academic requirements. As an out-of-state alumnus/a, you can act as the link between Tennessee graduates and opportunities in your area.

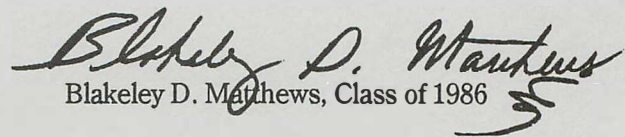
If you would like to become a part of this program, simply complete and return the attached profile sheet. Students, who will be given a list of several alumni based on their particular interests and needs, will be instructed to write or call you to schedule a convenient meeting time. Consultations will be distributed among as many alumni as possible on a rotation basis, so that no one alumnus/a will be called upon excessively.

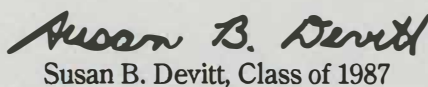
We would also like to remind you that we have a very active Career Services staff which is eager to assist you with your employment needs. Requests for year-round, summer, and single project clerks, as well as entry-level and experienced attorneys will be processed promptly. A staff member will be happy to schedule an on-campus interview, post a notice on the job board or include your listing in the College of Law's monthly alumni employment opportunities newsletter, Job Briefs. If any of these services would be of assistance to you, please contact Joann (Gillespie) Rothery, Director of Career Services at the College.

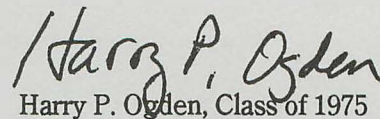
Our graduates need your help, and with your support we can give them an edge over the many graduates competing for jobs.

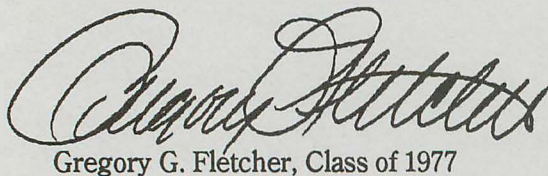
Sincerely yours,

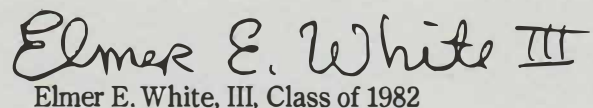

George W. Bishop III, Class of 1975

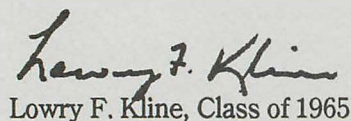

Blakeley D. Matthews, Class of 1986

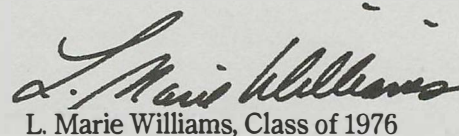

Susan B. Devitt, Class of 1987


Harry P. Ogden, Class of 1975


Gregory G. Fletcher, Class of 1977


Elmer E. White, III, Class of 1982


Lowry F. Kline, Class of 1965


L. Marie Williams, Class of 1976

Alumnus/a Networker Profile

Description of practice (Check one.)

- Law firm
- Sole attorney for business/corporation
- Attorney in legal department of business/corporation
- Government
 - Federal _____
 - State _____
 - Local _____
- Public interest/legal services
- Other _____

(Please explain.)

Number of years in practice _____

Size of firm (including associates) or number of attorneys in corporate legal dept., agency, etc.

- Self-employed 11-25 51-100 251-500
- 2-10 26-50 101-250 501 or more

From the list below, please rank 1-2-3 the areas which constitute the major part of your practice.

- | | | |
|--|--|--|
| <input type="checkbox"/> Administrative | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Oil & Gas |
| <input type="checkbox"/> Admiralty/Maritime | <input type="checkbox"/> Environmental | <input type="checkbox"/> Patent |
| <input type="checkbox"/> Bankruptcy | <input type="checkbox"/> General | <input type="checkbox"/> Personal Injury |
| <input type="checkbox"/> Civil Rights | <input type="checkbox"/> Health Law | <input type="checkbox"/> Probate and Estate |
| <input type="checkbox"/> Commercial/Business | <input type="checkbox"/> Immigration | <input type="checkbox"/> Public Interest |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Insurance | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Constitutional | <input type="checkbox"/> International | <input type="checkbox"/> Sports |
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Labor | <input type="checkbox"/> Tax |
| <input type="checkbox"/> Domestic Relations | <input type="checkbox"/> Litigation | <input type="checkbox"/> Worker's Compensation |

Other _____

(Please explain.)

Practice primarily In-Office Trial

Name _____ UT Law Class 19 _____

Title of position _____

Name of employer _____

Address _____

City, state, zip _____ Phone number _____

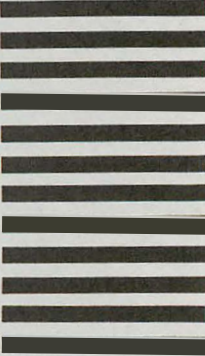
Availability as Alumnus/a Networker

I am available to advise students as follows:

- Telephone calls
- Correspondence
- Informational interviews
- Speaker's Bureau for on-campus panels and workshops



NO POSTAGE
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IN THE
UNITED STATES

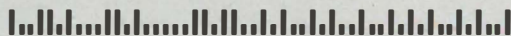


BUSINESS REPLY MAIL

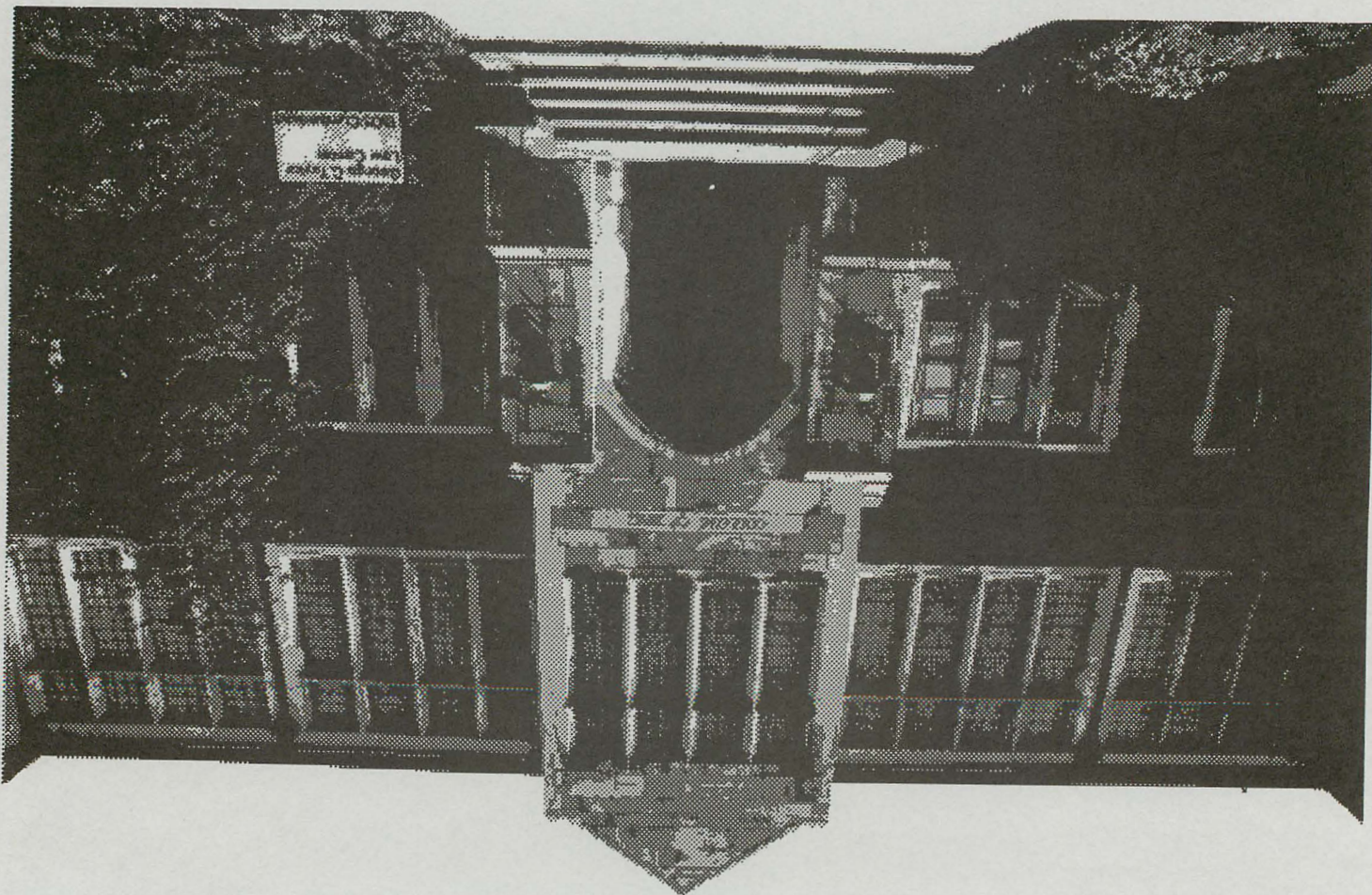
FIRST CLASS PERMIT NO. 477 KNOXVILLE, TENNESSEE

POSTAGE WILL BE PAID BY ADDRESSEE

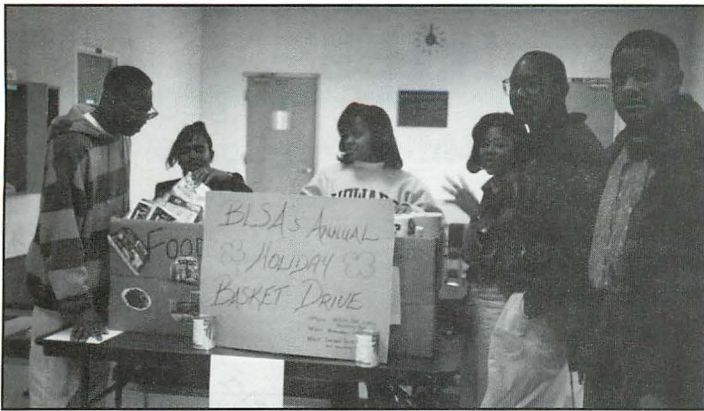
Career Services
University of Tennessee
College of Law
1505 West Cumberland Avenue
Knoxville, TN 37916-9989



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(From left) Christopher R. Buford, a second-year student from Nashville, Venita M. Martin, a second-year student from Memphis, Monique N. Igbino, a first-year student from Miami, Florida, D. Chenise Wiley, a second-year student from Camden, South Carolina, Maurice L. King, Jr., a second-year student from Leary, Georgia, and Eugene Felton, a second-year student from Marshallville, Georgia, helped with BLSA's Holiday Food Drive.

BLSA Develops Good Community Relations

The Black Law Students Association sponsored a Holiday Food Drive during the week of November 15. The group collected canned foods, non-perishables, and toiletries for the Love Kitchen in Knoxville. Chris Buford, chair of the Community Services Committee, and Christopher L. Taylor, a first-year student from Brownsville, organized the project.



Students Make 1993 Phone-a-thon a HUGE SUCCESS!

The 1993 Phone-a-thon, October 11-13, was organized by the Roosevelt Inn Chapter of Phi Delta Phi (PDP) Legal Fraternity. Three nights of telephoning by 50 law students resulted in 292 pledges by alumni, totalling \$29,950.00. The money was raised for the law library.

Each law class also had representatives phoning alumni. First year law students became as adept to asking for financial support as the third years. Students competed each night for prizes for most pledges, for the largest pledge, and for the most money pledged. Nine law student organizations participated. PDP was the winning organization with 107 pledges. The Tennessee Association for Public Interest Law (TAPIL) came in second with 83 pledges; the American Trial Lawyers Association/Law Student Division was third with 50; and the Black Law Student Association fourth with 23.



Sam Furrow, (left) Class of '69, presents Dean Wirtz with a check to establish The Judge Robert L. Taylor Public Service Fund. The fund will be used to encourage and support law student activities in public service.

New Tennessee Society Members

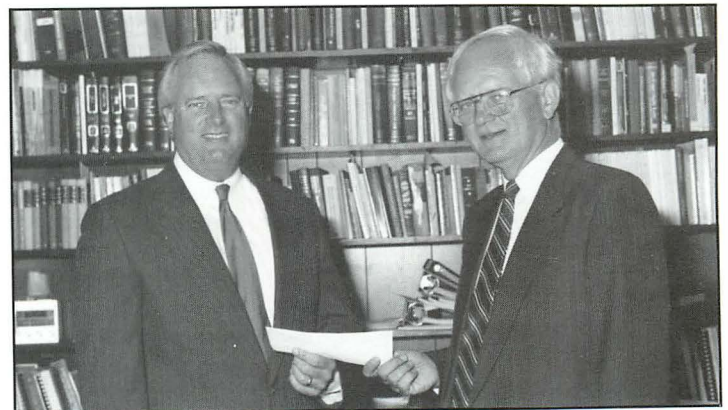
Thanks to:

- Wanda G. and John L. Sobieski, Jr.
Knoxville
- Margaret H. and Richard S. Wirtz
Knoxville

New Presidents' Club Members

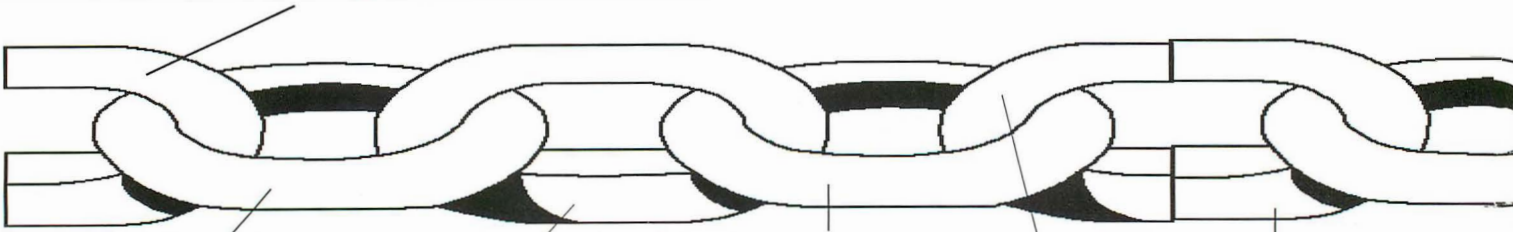
Thanks to:

- Valerie and Gary L. Anderson
Knoxville
- Anne and John R. Barrett
Knoxville
- Jane and William J. Beintema
Knoxville
- Norma S. and Jerry P. Black, Jr.
Knoxville
- Christine W. and Douglas A. Blaze
Knoxville
- Jerri S. and D. Mitchell Bryant
Cleveland
- Susan M. and Thomas Y. Davies
Knoxville
- Beth T. and R. Lawrence Dessem
Knoxville
- Julie D. and Patrick H. Hardin
Knoxville
- Amy Morris Hess
Knoxville
- Diane and Joseph H. King, Jr.
Knoxville
- Angie W. and Frederic S. Le Clercq
Knoxville
- Deanna J. and Robert M. Lloyd
Knoxville
- Margaret S. and Carl A. Pierce
Knoxville
- Glenn H. Reynolds
Knoxville



Linking Universities

Rheinische Friedrich - Wilhelms - Universität Bonn, Germany



Dean Ken Penegar and Professors Neil Cohen, Jerry Phillips, Dean Rivkin, and Dick Wirtz went to the University of Bonn, June 16-27, 1986. They delivered papers and exchanged ideas with Bonn faculty and students.

Professors Wolfgang Freiherr von Marschall, Hans-Ullrich Paeffgen, Jost Pietzcker and Jürgen Salzwedel visited UT, September 28 - October 2, 1987. They delivered a series of lectures.

Jürgen Salzwedel, Professor of Environmental and International Law from Bonn University, presented a seminar on water management in 1988.

Jürgen Salzwedel presented two lectures during his April 6-10, 1992 visit.

Professor Fred Le Clercq was a visiting professor at Bonn University for the second term of the 1992-93 academic year. He offered a class in American Constitutional Law in the law school and taught two classes in American Constitutional Law in the American Studies program. In addition, he was a guest professor at the graduate seminar in American Constitutional History at the University of Cologne. Professor Le Clercq's classes at Cologne were in the German language. Two of his law students at Bonn are visiting students at the College of Law this year.

Headnotes proudly introduces the newest Bonn connections Silke Henkel and Jan Wetzel.

A graduate of a German Gymnasium (which corresponds approximately to an American high school) has the opportunity to attend any German University, and to major in any professional field. Jan and Silke took advantage of the system and are now studying law at the University of Bonn. "We do not have undergraduate studies," said Jan, "and I wanted the best law education so I applied to Bonn. I also liked the area." After doing a year of alternative service instead of military service, Jan began law studies. Silke wanted to go to Bonn because it is regarded as the best. "I have wanted to be an attorney since I was little," Silke said. Her parents, Marion and Gerd Henkel of Bonn, are both attorneys.

Silke Alexandra Henkel lives outside Bonn in a small country village with her parents. She is an only child. Her mother is an administrative jurist who works in the area of employment and labor law; her father is the head of a government civil protection agency.

Jan Erik Wetzel is the son of Christina and Joerg Wetzel of Neumuenster. Christina is a physio-

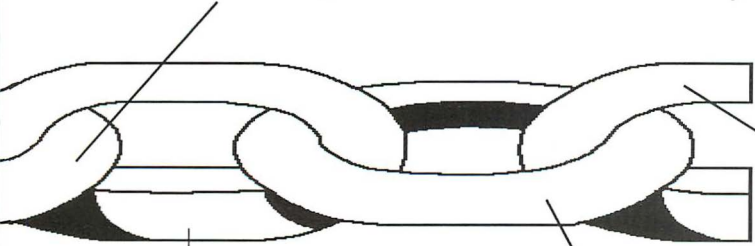
therapist whose specialty is birth support and preparation, and Joerg is the sales manager of a pharmaceutical company. Jan did his alternative service as a physical education teacher for disabled children in a town about an hour from Bonn. He said that experience almost drew him to medicine or teaching instead of law. Older brother Dirk may visit Jan during spring break this year if he finishes his masters in sports management.

Jan and Silke want to pursue an international law practice; therefore, a year in the States is an excellent opportunity to learn in the international field. Both are taking classes that are not available at Bonn and are studying case law for the first time. German law students study statutory law. Silke found Public International Law very interesting due to its perspective, the American point-of-view. She also enjoyed Employment Law and may develop some specialization in it after graduation. Jan would like to develop some specialization in environmental law because Germany is heavy into recycling and alternative modes of transportation to save energy. Another career path Jan may pursue after receiving his law degree is to go to diplomatic school and then join the foreign service.

A German law degree opens doors to numerous other occupations, not only to careers in law, but advertising, management, government, and sales. A German legal education usually takes from six to seven years to complete; there are generally fewer tests; and the system is basically lecture, lecture, lecture. After attending classes for four or five years, the German law student must pass a state examination before continuing to the next educational level. The next two or three years are spent doing practicums ... actual work experiences with attorneys and judges, and as administrators. The work experience lets each student spend time in every area of law and the administrative experience focuses on the practical side of law. Another state exam is taken after the practicums. If it is passed, all that remains is for the new German attorney to register with a local attorney association.

The College of Law/Bonn exchange program has allowed Jan and Silke to visit the United States for a second time. Silke attended high school in Florida in 1988 on a Fulbright Scholarship, and Jan attended high school in New Mexico in 1989 on a commercial exchange program. German high schools teach a general educational program and can go up to grade 13. "There is a lot more variety

The University of Tennessee College of Law



Jürgen Salzwedel taught Comparative Environmental Law at the College of Law during the Fall 1993 Semester.

*** University of Bonn law students, Jan Wetzel and Silke Henkel, attend UTK law classes for the 1993-94 academic year.

Dean Richard S. Wirtz visited Bonn in December 1993.

In December of 1993, Ralph Norman, Associate Vice Chancellor at UTK, Larry Ratner, Dean of the College of Liberal Arts, and Dean Dick Wirtz visited Bonn, where they participated in a colloquium under the auspices of the Bonn University North American Studies Program, which is directed by Professor Lothar Honnighausen. Dean Wirtz lectured on the comparison between German and American antitrust law, and led a student-faculty discussion with Professor Jürgen Salzwedel on Constitutional decisions of the U.S. Supreme Court during the Jacksonian era. The participants also met with the Rector of the University and other University officials to discuss future exchanges. "It was a wonderful experience for me," said Dean Wirtz. "I hope we can find ways of opening up more of these opportunities for our faculty, our students, and our alumni."

in the American educational system", said Silke. "You can do more. I took Drama, Speech, and American History because they are not available at home."

"The professors are wonderful here," Silke said. "They care about the students." She feels the interaction between student and professor here makes for more effective learning. She will return to Germany with a bit more legal knowledge than her classmates. "Contact with professors at Bonn is minimal," said Jan. His favorite class has been Entertainment Law. The expanding entertainment industry in Germany has no specific laws, so when Jan took Entertainment Law he not only found it interesting, but thinks it may be the most useful once he gets home. Along with knowledge, both Jan and Silke plan to take as many American law books with them as they can afford and carry.

Jan also will take with him a pair of cowboy boots and several pairs of athletic shoes. In his spare time, he works out and plays basketball so his American purchases have, for the most part, been very practical. The 24-hour shopping convenience has spoiled Jan. He will miss it. German shop hours are regulated by the government and are closed from 2:00 p.m. Saturday until 8:00 a.m. Monday.

Silke's family vacationed in Florida for many years; therefore, she feels quite comfortable here. Having so many choices is her

favorite American characteristic. Silke has fallen in love with the UTK campus and the Great Smoky Mountains, and will always remember her first football game here ... it was amazing due to all those orange people.

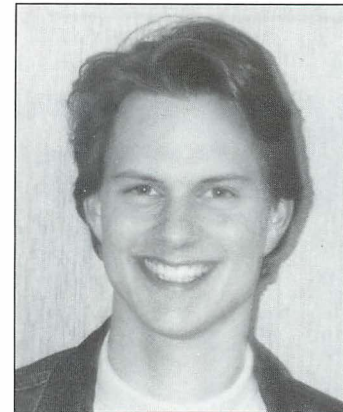
The UT-Bonn connection has been very successful so far. Its future also looks bright if others like Jan and Silke come to study with us.



Silke keeps up with assignments by reading the bulletin boards.



Silke often visits GCT's next door neighbor, The International House.



Jan



Jan's typical class day includes trips to his locker for books.

Alumni News

In Memoriam

Richard E. Armstrong, Jr. '38
Kingsport

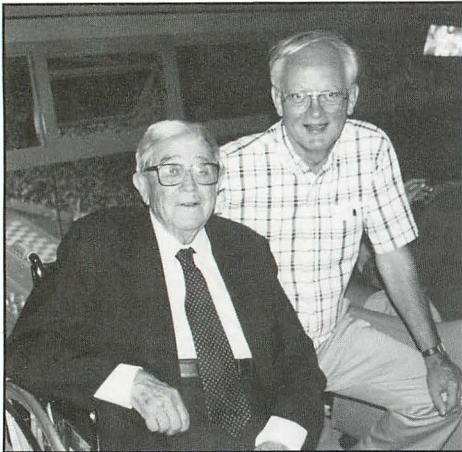
Edwin Ferguson Dalstrom '33
Decatur, Alabama

Hugh 'K.D.' Donaldson '51
Norris

Walter Edward Fischer '42
Clinton

Don Darius Greene '66
Knoxville

Class of '22



Colonel FRED WADE and Dean Wirtz enjoyed a Vol football game. Can you beat this? We think Colonel Wade represents the oldest law school class with a living alum. If you graduated earlier than 1922, please let us know.

Class of '27

The Honorable HUGH C. SIMPSON authored an amendment to the Tennessee Constitution regarding Justice of the Peace Courts early in his career. His work led to the establishment of General Sessions Courts in 1939. He was later appointed by Governor Cooper to serve as one of the

first General Sessions Judges in Knox County. After a 1962 appointment by Senator Albert Gore, Sr. and the late Senator Estes Kefauver, he served as an Administrative Law Judge in the Department of Health, Education and Welfare. His retirement from the bench in 1977 allowed him to serve as chair of the Knoxville Bar Archives Committee until last year when he resigned due to health reasons. Hugh and Virginia, his bride of fifty-five years, reside in Knoxville.

REUNION YEAR Class of '49



(From left) Bill Watt and Dean Wirtz. Colonel WILLIAM A. WATT, USA Retired, visited with Dean Wirtz during UT's Golden Grad Reunion May 20, 1993. Bill lives in Ormond Beach, Florida.

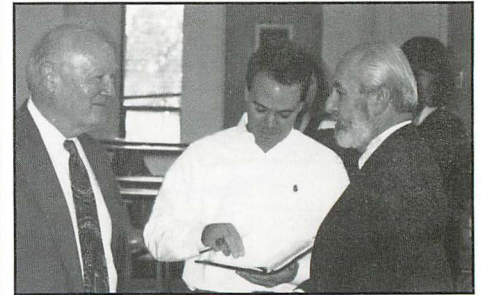
Class of '50

B. REX MCGEE retired in September 1993 after more than 40 years of practicing law. He retired as a Knox County Assistant District Attorney General. Rex and his wife, Rhea, plan to take it easy.

Class of '52

ROBERT L. CROSSLEY worked as a special assistant in the District Attorney General's office last fall and prosecuted DUI cases. Bob, a partner with Baker, Worthington, Crossley, Stansberry & Woolf in Knoxville, volunteered his time and hoped his efforts would reduce the backlog of cases.

JOSEPH O. FULLER has been selected by Governor Ned McWherter to serve on The University of Tennessee's Board of Trustees until 1999. He is a partner in the Kingsport law firm of Fuller & Vaughn.



(From left) Professor Sklar, Derek Crownover, a third-year law student from Tullahoma, and Art Stolnitz.

ARTHUR H. STOLNITZ spoke to Visiting Professor Daniel Sklar's Entertainment Law Class last fall. As Executive Vice President for Business and Financial Affairs at Warner Brothers Television Productions in Los Angeles, California, Art said that there were "a multitude of things you can do with a legal education in the entertainment business." He gave students an insight into network television production and said the future of television is heading for interactive concepts.

REUNION YEAR Class of '54

WILLIAM F. BRONSON retired in January 1993 from the Army & Air Force Exchange Service which oversees approximately 12,000 retail operations worldwide from its Dallas, Texas headquarters. For the last 17 years, he served as their Deputy General Counsel. His civilian retirement includes a part-time law practice in Dallas, and quality time with his wife, Nancy.

Class of '56

ROBERT R. CAMPBELL has been selected to serve a four-year term on the American College of Trial Lawyers' 18-member governing Board of Regents. Members of the College work to improve and enhance the standards of trial practice, the administration of justice, and the profession's ethics. He is also a Fellow of the College. Robert is a partner with the Knoxville law firm of Hodges, Doughty & Carson

where he specializes in product liability and commercial litigation.

Class of '60

I. BURTON SPRAKER continues to practice law as a partner in the Orlando, Florida law firm of Broad & Cassel.

Class of '61

GLENN C. STOPHEL has been named a fellow of the Chattanooga Bar Foundation, the charitable and educational part of the Chattanooga Bar Association. He is a member of the law firm of Stophel & Stophel.

Class of '62

BRANDON INGHAM retired in 1985 after 22 years of practicing law. He spent seven years as an Assistant District Attorney. "I'm noisy as a bluebird and happy as a pig in slop," says Brandon. He lives in Clarksville with his wife, Mary Fay.

Class of '63

BEN W. HOOPER II was named to the Circuit Court judgeship for the 4th Judicial District of Tennessee. He replaced Judge J. Kenneth Porter in September 1993. Ben will run for reelection next May. He was associated with Campbell & Hooper in Newport before the judicial appointment.

THOMAS A. WILLIAMS has been elected president-elect of the Tennessee Defense Lawyers Association. He is also the vice-president of the Chattanooga Civitan Club. Tom is a partner in the law firm of Leitner, Warner, Moffitt, Williams, Dooley, Carpenter & Napolitan.

REUNION YEAR

Class of '64

W. THOMAS DILLARD has been inducted as a fellow in the American College of Trial Lawyers. The College is a professional association whose members work to improve the standards of trial practice, the administration of justice, and the profession's ethics. He practices criminal law with the Knoxville law firm of Ritchie, Fels & Dillard.

Class of '65

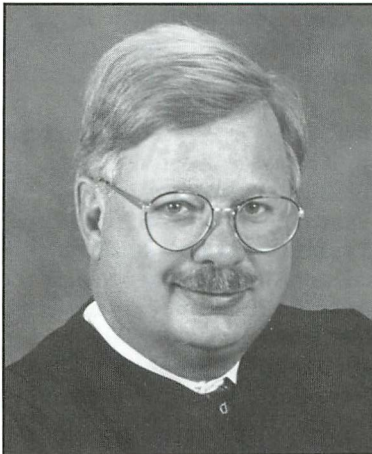
WILLIAM M. EARNEST, a founding partner in the Atlanta, Georgia law firm of Elarbee, Thompson & Tradnell, practices labor, employment, and environmental law representing management.

Class of '67

DON R. CASTLEMAN was awarded an honorary Doctor of Comparative Laws degree by the International Business School of the Moscow State Institute of International Relations on June 2, 1993, for service to that institution. He is a Professor of Law at Wake Forest University in Winston-Salem, North Carolina, where he teaches tax courses and criminal law.

WILLIAM C. CARRIGER has been named a fellow of the Chattanooga Bar Foundation, the charitable and educational part of the Chattanooga Bar Association. He is a partner in the law firm of Strang, Fletcher, Carriger, Walker, Hodge & Smith.

Class of '68



JERRY BECK was appointed to the Circuit Court in Sullivan County on July 22, 1993 by Governor Ned McWherter. He had been a Sullivan County Assistant District Attorney since 1972. Judge Beck, a Sullivan County native, is working on a Master's Degree in Criminal Justice and Criminology at East Tennessee State University. He and his wife, Louise, are the proud parents of two children, Gabriel and Robyn.

The Honorable JAMES R. EVERETT, JR. teaches Wills and Estates at the Nashville School of Law. He is a probate court judge in Nashville.

GERALD W. FUDGE has relocated his law office to 4140 Roswell Road, Atlanta, Georgia 30342. He focuses on real estate law.

PERRY R. HAPPELL has been certified in consumer bankruptcy law by the American Bankruptcy Board of Certification. He practices in Nashville.

REUNION YEAR

Class of '69

JOHN J. O'BRIEN recently received the Chartered Property and Casualty Underwriter Designation. He is also a Chartered Life Underwriter. In his West Chester, Pennsylvania office, he specializes in insurance subrogation matters. John also gained admission to the South Carolina Bar and opened an insurance subrogation law office in Charleston in January.

H. GREELEY WELLS, JR. was appointed District Attorney General for the Second Judicial District by Governor Ned McWherter on October 12, 1993. His office is in Blountville.

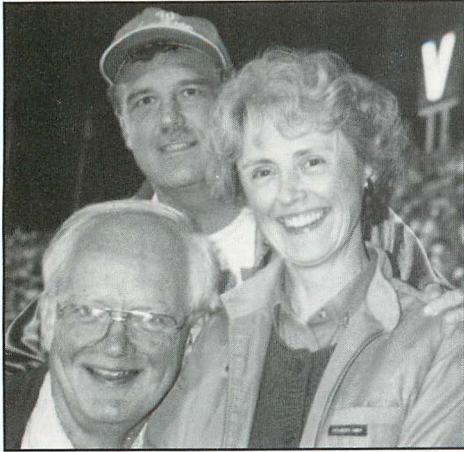
Class of '70

WILLIAM M. CLOUD, JR. serves as the Assistant District Attorney for the 19th Judicial District in Clarksville. He also serves on Clarksville's City Council.

G. HOWARD DOTY co-authored a textbook and teacher's manual on legal transcription that was published last year by Pasadena Publishing. The text will be used in college legal secretary and paralegal courses.

MICHAEL Y. ROWLAND has been elected to the Board of Governors of the Tennessee Trial Lawyers Association. He practices law in Knoxville with Rowland & Rowland, P.C.

ROBERT H. YANKELEVITZ practices general law in Bayside, New York, and occasionally shows up in Knoxville to cheer on the Vols because his sub-specialty is sports law. He contributes to his community through pro bono work. Bob and his wife, Andi Kessler, a teacher and '69 UTK grad, are the parents of three children: Brian, 20, Jimmy, 18, and Kristy, 16.



Vol fans - Dean Wirtz, Bob Yankelevitz, Peggy Wirtz

Class of '71

L. ANDERSON GALYON III served as a member of the faculty for the 1993 Defense Counsel Trial Academy in Boulder, Colorado, in July. Andy is the president of Kennerly, Montgomery & Finley, P.C. in Knoxville.

J. RANDOLPH HUMBLE has been elected vice-president of the Tennessee Trial Lawyers Association. He is a partner in the Knoxville law firm of Rainwater, Humble & Vowell. Randy also serves as chair of the Knoxville Sierra Club, as a member of the board of directors of the Knoxville Women's Center, and as a member of Knoxville Greenways Coalition and Rohm-Haas Community Advisory Committee.

Class of '72

G. GORDON BONNYMAN, JR. was selected 1993 Nashvillian of the Year. A committee of six prominent Nashvillians selected him due to his work with the poor, the mentally ill, and the incarcerated. Gordon is an attorney with Legal Services of Middle Tennessee.

WILLIAM (TOM) THOMAS serves as the Oak Ridge Associated Universities Vice-President and Associate Director for Environment, Safety and Quality Assurance. As an attorney and a scientist, he is a popular speaker on environmental issues.

Class of '73

G. WALTER BRESSLER practices law in Bristol, Virginia as a partner with the law firm of Bressler, Curcio & Stout. He specializes in governmental, educational, family and tort law.

J. CURTIS SMITH was named by Governor Ned McWherter in January to fill the vacant 12th Circuit judgeship. He is a partner in the Dunlap law firm of Greer & Smith and has a general civil litigation and criminal defense practice. Judge Smith will also seek to hold the office in the upcoming election this summer.

REUNION YEAR

Class of '74

C. BRYANT BOYDSTUN, JR. proudly announces the opening of Boydstun, Dabroski & Lyle, P.A. The firm's address is P.O. Box 76380, St. Petersburg, Florida 33734. Bryant will concentrate his practice in the areas of personal injury, insurance, and product liability litigation.

J. ANTHONY FARMER is the new president-elect of the Tennessee Trial Lawyers Association. He is a partner in the Knoxville law firm of Ray, Farmer, Eldridge & Hickman.

G. TURNER HOWARD III accepted the position of managing attorney and chief litigator for the Law Office of J.D. Lee in Knoxville in May 1993. He is also a Young Barristers team leader who assists at the Ministry Center during mealtime. Turner works with Professor Grayfred Gray on the Alternative Dispute Resolution Committee; with Professor Judy Cornett on the Religion, Ethics, and Morality Law Committee; and with the Knoxville Bar Association's mentor program for law students. In his spare time, he studied for the January 1994 National Board of Trial Advocacy written examination in hopes of becoming American Bar Association certified in the area of trial advocacy.

SCOTT D. SANDERS was a guest speaker in Visiting Professor Dan Sklar's Entertainment Law class on November 1, 1993. Scott teaches Entertainment Law at Emory University and has a private practice in Atlanta.

R. THOMAS STINNETT has been chosen by the 6th U.S. Circuit Court of Appeals to serve a 14-year term as a U.S. bankruptcy judge in Chattanooga. He practiced bankruptcy law with the Knoxville law firm of Stone & Hinds for 20 years.

Class of '75

THOMAS C. JESSEE was elected chair of the Tennessee Higher Education Commission in September 1993. The commission is the coordinating board for Tennessee's public higher education system. He has served on the commission since 1989, and his term will expire in 1995. Tom practices law in Johnson City with Jessee & Jessee.

W. SCOTT MCGINNESS, JR. has been appointed to the Girls Preparatory School's Board of Directors for a three-year term. He is a partner with the Chattanooga law firm of Miller & Martin. Scott also serves as the Public Works Commissioner for Lookout Mountain.

JENNIFER HELTON SMALL received the National Association of Attorneys General President's Distinguished Service Award for 1993. She works as a Deputy Attorney General in Nashville.

KENT R. STEPHENSON, formerly with Zapata Corporation, is now Vice President and General Counsel of Pioneer Chlor Alkali Company, Inc. of Houston, Texas.

Class of '76

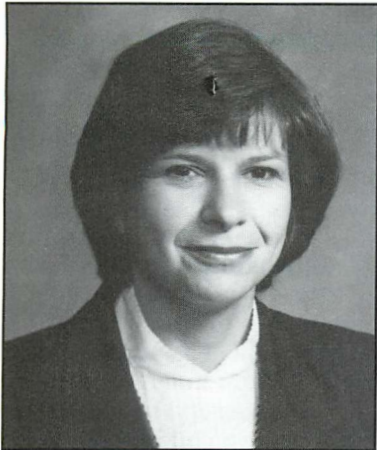
BRUCE D. FOX has been elected to the Board of Governors of the Tennessee Trial Lawyers Association. He is an attorney with the Clinton law firm of Ridenour & Ridenour.

Class of '77

JAMES D. CULP is the City Staff Attorney for Johnson City. He is also the immediate past president of the Tennessee Municipal Attorneys Association.

THERESA K. LEE was promoted to Assistant General Counsel at Eastman Chemical Company in Kingsport in September 1993. She was previously Assistant Secretary and Senior Council at Texas Eastman Division in Longview, Texas. She resides in Johnson City with her husband,

Anthony, and their two children, Patrick and Katherine.



Theresa Lee

CAROLE Y. LYNCH has been elected a Fellow of the American Bar Foundation. The ABF is a honorary legal organization of professionals who have demonstrated outstanding dedication to the welfare of their communities and to the highest principles of the legal profession. She serves as the secretary of the National Conference of Bar Presidents and will become its president in a year and a half. Carole is a partner in the Chattanooga law firm of Grant, Konvalinka & Grubbs.



MARY A. PARKER was elected president-elect of the Trial Lawyers for Public Justice Foundation at its annual meeting in San Francisco in September 1993. Based in Washington, D.C., the TLPF is a national public interest law firm with over 1,300 network-member attorneys who specialize in tort and damage litigation. Mary is a partner in the Nashville law firm of Parker & Allen, and concentrates her practice in personal injury, product liability, and workers'

compensation litigation. She is a member of the Tennessee Trial Lawyers Association, the Association of Trial Lawyers of America, the Lawyers Association for Women, and the Ethics Committee of the Nashville Bar Association. Mary has been an instructor with the National Trial Advocacy College.

ANNE CLARKE SANDERS is a partner in the Jackson, Mississippi law firm of Brunini, Grantham, Grower & Hewes. She practices employment and labor law and medical malpractice. Anne and her husband, Michael, an Administrative Law Judge for the Social Security Administration, are the proud parents of daughter Bailey, 6.

RAYMOND A. SHIRLEY, JR. has been elected to the Board of Governors of the Tennessee Trial Lawyers Association. He practices law in Knoxville.

Class of '78

W. DALE AMBURN has been elected to the executive committee of the Tennessee Bar Association's Health Care Law Section. He is a partner in the Knoxville law firm of London & Amburn.

JEFFREY H. BEUSSE was named a Fellow of the Michigan Bar Foundation. He practices law in Grand Rapids.

CAREY S. ROSEMARIN and his wife, Joan, proudly announce the birth of their daughter, Meryl Ruth, on July 10, 1993. Meryl's brother, Benjamin, is 9. Carey is a partner in the Environmental Law Department of the Chicago law firm of Jenner & Block.

R. EDDIE WAYLAND has been listed in the 1993-94 edition of *Best Lawyers In America* under the areas of labor and employment law. He is a partner in the Nashville law firm of King & Ballow where he supervises the litigation section. Eddie was a co-author for the *Americans With Disabilities Act Compliance Guidebook*, a contributing author for *The Developing Labor Law*, and founder and editor of the *TBA Letter*. He is a past chair of the Labor Section of the Tennessee Bar Association and is a member of the Nashville, Tennessee and American Bar Associations, the Association of Trial Lawyers of America, and the

National Institute for Trial Advocacy.

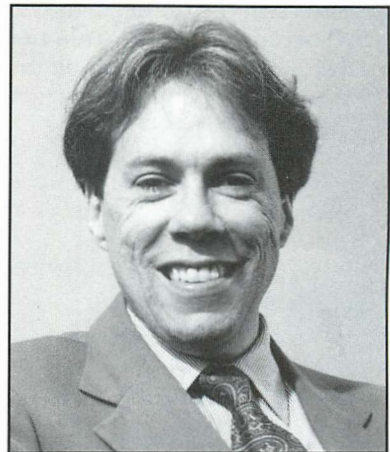
REUNION YEAR

Class of '79

DEVEREAUX D. CANNON, JR. had his third book, *Flags of the Union*, published in the Fall of 1993. His two prior books are *Flags of the Confederacy* and *Flags of Tennessee*. Devereaux is a candidate for the state legislature in the 44th District. He resides in Portland.

SARAH Y. SHEPPEARD has won the greater Knoxville 1993 YMCA Woman of Achievement Award in Business and Government. She will be the first woman president of the Knoxville Bar Association in 1994 and is considered a leading authority in domestic law and commercial litigation. Sarah is a founding member of the law firm of Susano, Sheppard, Giordano & Swanson.

Class of '80

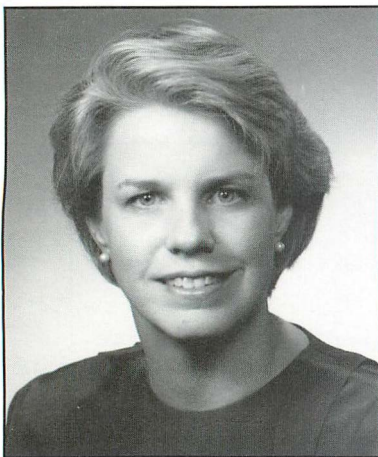


GARY A. DAVIS is the Director of the new University of Tennessee Center for Clean Products and Clean Technologies, which is part of the twenty-year old Energy, Environment and Resources Center. He and his staff conduct research on the life-cycle environmental impact of products, on substitutes for polluting products, and on policies to encourage the use of cleaner products and processes. The Center also conducts research for the Environmental Protection Agency, for an environmental labeling organization, Green Seal, and for companies interested in developing cleaner technologies. Gary is an attorney and a chemical engineer who has been working on technical and policy issues related to pollution prevention and hazardous waste management for over

Alumni News

12 years. He was previously with the California Governor's Office where he wrote California's hazardous waste land disposal restrictions. Gary was also a practicing chemical engineer with a Knoxville environmental consulting firm where he developed waste reduction technologies for industry. He also maintains a law practice and represents citizens' groups, local governments, and individuals in environmental permit matters, damage suits, and enforcement regulations. He teaches Environmental Law as an Adjunct Professor at the College of Law.

CLAUDIA S. HALTOM was sworn in as a Juvenile Court Referee for Shelby County on October 15, 1993. She was an Assistant County Attorney for 12 years and handled Juvenile Court, school board, and health department cases that involved children. This new position will allow her to continue to work in the area of children's law.

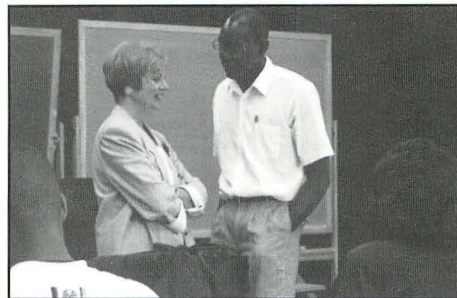


The Honorable JESSICA L. PARKS was appointed Vice Chair of the United States Merit Systems Protection Board by President Bill Clinton on July 30, 1993. Her office is in Washington, D.C. She has served on the Board since 1990 and has handled over 5,000 appeals. Prior to her appointment, Jessica was Associate Regional Counsel for Litigation and Program Enforcement for the United States Department of Housing and Urban Development in Atlanta. She lives in Alexandria, Virginia with her husband, EDGAR M. SWINDELL, Class of '80, and two daughters. Edgar is the Deputy Agency Ethics

Official at the United States Department of Health and Human Services.

MARCIA PHILLIPS PARSONS was selected to serve as a Federal Bankruptcy Judge in East Tennessee in November 1993 by the judges of the 6th United States Circuit Court of Appeals in Cincinnati. She will sit primarily in Greeneville. Marcia had previously served as a Chapter 13 Trustee in Knoxville and was also associated with the law firm of Wagner & Myers in Knoxville.

WILLIAM T. RAMSEY presented "A Survival Guide to the Automated Desktop" as part of "Winning With Computers: Getting the Most from Your Word Processor," in Nashville on December 1, 1993 and in Louisville, Kentucky on December 2. It was part of a CLE program sponsored by Advanced Computer Legal Education, Inc. of Broomfield, Colorado. Bill is a partner in the Nashville law firm of Neal & Harwell where he uses his computer in almost every aspect of his practice.



Deborah Stevens (left) and BLSA President Maurice King

DEBORAH C. STEVENS presented a program to the Black Law Students Association on August 30, 1993 at the College of Law. She spoke on the Knoxville Bar Association's mentor program. Deborah is with the Knoxville law firm of Lewis, King, Krieg & Waldrop, P.C.

Class of '81

NANCY L. CARNES has been promoted to Assistant Chief Counsel for Environment at the Oak Ridge Operations Office of the Department of Energy. She has been with DOE for 3-1/2 years. Nancy and her husband, Sam, have one child and live in Farragut.

N. WHITNEY JOHNS has been elected to a two-year term as treasurer and

member of the Board of Directors of the National Association of Women Business Owners. The NAWBO is headquartered in Washington, D.C. Whitney is president of Whitney Johns, Inc., a Nashville-based acquisitions firm.

DEBORAH ADAMSON RUSTER, formerly Senior Counsel with the Florida Department of Transportation, has joined the law firm of Peterson, Myers, Craig, Crews, Brandon & Puterbaugh, P.A. in Lake Wales, Florida. Her practice is concentrated in eminent domain litigation. Deborah and husband, Gregory, who is also an attorney, have two children: Alyss, 7, and Devin, 3.

Class of '82

STEVEN L. GILL is happy to be back in Tennessee after completing a one-year White House Fellowship in Washington, D.C. He has rejoined Boulton, Cummings, Conners & Berry in Nashville as a partner in the Litigation Practice Group. Steve will concentrate his practice in the areas of business litigation, international trade, and environmental law. As a most gracious representative of the Volunteer State, Steve often mentioned grits and shoes as part of his Tennessean-style during speeches. During his fellowship in Washington, he served in part of the Executive Office of the President as Director of Intergovernmental Affairs for the U.S. Trade Representative. Steve also plans to run for Congress in the 6th district this year.

STEPHEN J. GRABENSTEIN and his wife, Sarah, proudly announce the birth of their first child, Rachel Kathleen, on December 1, 1993. At birth, Rachel weighed 6 lb., 12 oz., and was 19 1/2" long. Steve practices law in Asheville, North Carolina with the firm of Van Winkle, Buck, Wall, Starnes & Davis.

Class of '83

WAYNE E. DILLINGHAM was promoted to Lieutenant Colonel in the Air Force, July 1993. He is now serving as the Staff Judge Advocate for the 401st Fighter Wing at Aviano Air Base in Italy.

PAUL F. McQUADE was elected partner in the 600-attorney law firm of Pillsbury Madison & Sutro effective

January 1, 1994. He is a member of the Environment, Health and Safety Group and practices in the Washington, D.C. office. Paul concentrates his practice on environmental health and safety litigation, and crisis-management counseling. Prior to joining the firm in 1988, he served as a law clerk to federal trial and appeals court judges and as a trial attorney for the U.S. Department of Justice.

OLIVER S. THOMAS returned to Tennessee in November 1993 from Washington, D.C. to become Special Counsel for the National Council of Churches. He began his new job in January 1994. Oliver lives in Maryville with his wife, Lisa.

DONALD F. THRESS has been promoted to Assistant Chief Counsel for Litigation and Claims at the Oak Ridge Operations Office of the Department of Energy. He has been with DOE for five years. Don and his wife, Margaret, have one child and live in Knoxville.

REUNION YEAR

Class of '84

TERESA D. DAVIDSON has opened her own law practice in Phoenix, Arizona. Her new address is The Esplanade, Suite 230, 2525 East Camelback Road, 85016.

MARK E. HARRIS was made a partner in the Kansas City, Missouri, law firm of Morrison & Hecker on May 1, 1993.

Class of '85

JESS O. HALE, JR., was appointed by Senator Harlan Mathews in his Washington, D.C. office as Federal/State Relations Liaison. Jess will merge federal initiatives with state needs, programs, and special projects. Before joining Mathews' staff last fall, he served as a legislative attorney and policy analyst for the Tennessee State Planning Office in Nashville.

DANIEL J. MOORE and his wife, Mary, proudly announce the birth of their daughter, Abigail Leah, on October 28, 1993. He is associated with Baker, Worthington, Crossley, Stansberry & Woolf in their Knoxville office.

KARIN LEE WATERMAN was promoted to First Vice President and Associate General Counsel of the Third National Bank in Nashville on September 1, 1993.

THOMAS H. WILSON has been named as a partner, effective January 1, 1994, in the law firm of Vinson & Elkins, L.L.P. in their Houston, Texas office.

Class of '86

BEN A. BURNS has been made a partner with the law firm of Baker, Worthington, Crossley, Stansberry & Woolf in their Nashville office. He has also been elected president of the Young Lawyers Division of the Nashville Bar Association.

NORA T. CANNON has been made a partner in the Nashville law firm of King & Ballow.

ERIK S. QUIST became the general manager for CyberFlix, an entertainment software company in Knoxville, in September 1993. He will handle the company's business interests and supervise the distribution of their CD-ROM products. Erik was a partner with the Knoxville law firm of Levy, Taylor & Quist.

GARY W. STARNES opened his own law practice in Chattanooga on August 2, 1993. His address is 404 Dome Building, 736 Georgia Avenue, 37402. He will concentrate his practice in personal injury, workers' compensation, divorce, commercial, construction, and insurance law. Gary was formerly associated with Spears, Moore, Rebman & Williams in Chattanooga.

Class of '87

LYNN BERGWERK was elected secretary of the Tennessee Trial Lawyers Association at their annual convention in June 1993. She is a partner with J. Anthony Farmer in the Knoxville law firm of Farmer & Bergwerk.

KENNETH M. BRYANT and HOLLY H. BRYANT, Class of '88, proudly announce the birth of Kenneth Mark Bryant, Jr., on December 30, 1993. Sister Betsy is delighted. Ken is in private practice in Nashville.

P. DEL GRISSOM is stationed at Andrews Air Force Base, Maryland, where he is one of the ten appellate defense attorneys at the Legal Services Agency. All Air Force court-martial appeals go through the Agency on their way to the Court of Military Review or the United States Court of Military Appeals. Captain Grissom has also been selected to be the current lead counsel for the Air Force's first death penalty case that has been on appeal since the 1970's. "I am synthesizing all the issues that are required to zealously appeal a capital case in our military system," he said. Del and his wife, Ellen, are happy to be back "south" and are looking forward to staying south once their military career is over.

Class of '88

TERESA C. MAHAN and her husband, Thomas P. Lesnak, proudly announce the birth of their daughter, Katherine Philomena, on April 24, 1993. Teresa was most recently with Kate & Stone in Vienna, Virginia before moving to Germantown, Tennessee.

EDWARD C. MILLER was appointed Public Defender for the 4th Judicial District in Tennessee by Governor Ned McWherter in 1989. He was elected to that position in 1990 and continues to serve in that capacity. Edward, his wife, and three children live in Dandridge.

BENJAMIN Y. PITTS successfully completed the CPA examination. He plans to do some work in accounting malpractice defense. Ben is associated with the law firm of Chambliss & Bahner in Chattanooga. His term as president of the Chattanooga Bar Association Young Lawyers Division began in January 1994.

REUNION YEAR

Class of '89

LISA K. ATKINS works in the Civil Rights Division of the Attorney General's Office in Nashville. She is also an adjunct professor at Vanderbilt.

Class of '90

Class Gift
Current total = \$4,500
Total pledged = \$10,000

TERRY BRADSHAW BASS has become associated with Troutman Sanders in Atlanta, Georgia. She was formerly with Kilpatrick & Cody in Atlanta.

SUSAN D. BURRALL WILLS is a Judicial Attorney for U.S. Magistrate Judge W. David King of the Western District of Kentucky in Paducah. She is also an Adjunct Professor of Law at Murray State University in Murray, Kentucky. Susan and husband, David, are anxiously awaiting the birth of their first child in March 1994.

KEITH H. BURROUGHS has become associated with the Knoxville law firm of Anne M. McKinney, P.C. and is focusing his practice on estate planning, probate, taxation, and corporate law. He was formerly with Arnett, Draper & Hagood in Knoxville.

Class of '91

Class Gift
Current total = \$2,700
Total pledged = \$10,000

SCOTT D. HALL opened a solo civil law practice in August, 1993 in Sevierville. His office is located at 105 Bruce Street. He and wife, WYNNE, Class of '91, live in Seymour to accommodate their commutes to work. Wynne is associated with the Knoxville law firm of Paine, Swiney & Tarwater.

JACK H. McCALL, JR. had his article, "The Emperor's New Clothes: Due Process Considerations Under the Federal Sentencing Guidelines," published in the Spring 1993 issue of the *Tennessee Law Review*. He is

associated with the Nashville law firm of Farris, Warfield & Kanaday.

Class of '92

Class Gift
Current total = \$4,000
Total pledged = \$30,550

HAL ANDREWS has become associated with Waller Lansden Dortch & Davis in Nashville.

J. CHRISTOPHER CLEM has become an associate with the Chattanooga law firm of Weill & Weill.

ANGIE EATON has been promoted to Section Head of the Regulatory Integration Section of the Science Applications International Corporation in Paducah, Kentucky. She works in the area of environmental regulations and laws.

CHRISTINA C. GREY has joined the Knoxville law firm of Long, Ragsdale & Waters, P.C. as an associate. She will be engaged in a general civil practice.

M. JOHN JOHNSON has been promoted to Captain in the United States Army and is serving with the Judge Advocate General's Corps at Fort McClellan, Alabama.

LAURA BETH RUFULO has become associated with the Chattanooga law firm of Robinson, Smith & Wells.

CARLYLE M. URELLO has become associated with the Nashville law firm of Waller Lansden Dortch & Davis.

PATRICIA BEST VITAL announces the opening of her private law practice in Chattanooga. She will practice general civil and health law. With an interest in health law, Pat has recently given presentations to the Northwest Georgia Dental Study Club and to an annual convention of home health care providers. She was previously associated with the law firm of Lusk, Carter & McGhehey in Chattanooga. Pat lives in Ooltewah with her husband, Leo.

ANGELA K. WASHINGTON has become associated with the Knoxville

law firm of Mason, Peterson & Smith. She was formerly a law clerk for the Honorable B. Waugh Crigler, United States Magistrate, Western District of Virginia.

Class of '93

Class Gift
Current total = \$840
Total pledged = \$28,640

JOHN B. BENNETT has become associated with the Chattanooga law firm of Spears, Moore, Rebman & Williams.

ROBERT J. DePRIORE has joined the Corporate/Securities Group of Heiskell, Donelson, Bearman, Adams, Williams & Caldwell in their Memphis office.

JOHN H. MACRAE, JR. has become associated with the Cleveland, Ohio law firm of Baker & Hostetler. He passed the Ohio Bar Examination in September 1993.

GREGORY D. MEADOWS has become associated with the Knoxville law firm of Long, Ragsdale & Waters, P.C. He will be engaged in a general civil practice. While in law school, Greg was Executive/Research Editor of the *Tennessee Law Review*, and upon graduation, he was elected to the Order of the Coif.

AMYE C. TANKERSLEY-KING had her comment, "Tennessee's Adoption of the Planning-Operational Test for Determining Discretionary Function Immunity Under the Governmental Tort Liability Act," published in the Spring 1993 issue of the *Tennessee Law Review*.

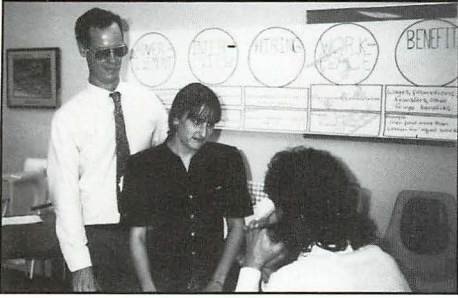
DONNA R. TATE-HACKETT had her comment, "Survey of the New Tennessee Guardianship and Conservatorship Act," published in the Spring 1993 issue of the *Tennessee Law Review*.

JAMES T. WILLIAMS IV had his comment, "Tennessee's Rejection of Lex Loci Delicti: *Hataway v. McKinley*," published in the Spring 1993 issue of the *Tennessee Law Review*.

He is associated with the law firm of Miller & Martin in Chattanooga.

Class of '94

LESA A. FUGATE had her note, "Recent Developments - Tennessee Homicide Law," published in the Spring 1993 issue of the *Tennessee Law Review*. She is from Rogersville.



(From left) George Waters and Kelly Parkhurst

KELLY PARKHURST and GEORGE H. WATERS participated in the Homeless Persons Representation Project. As part of their clinic experience, they conducted an intake session on employment discrimination and unemployment on October 20, 1993 at the Volunteers of America shelter in Knoxville. Kelly and George are both from Knoxville.

Class of '96

The College of Law hosted two events to welcome the entering class and new students. On May 31, 1993, the annual Open House allowed students and their parents the opportunity to tour the building and visit with staff and faculty. On August 27, 1993, a reception was held at the Faculty Club to again welcome the Class of '96.



(From left) Trace C. Blankenship from Nashville, Jennifer E. Clower from Signal Mountain, Albert J. Bart from Manchester, and Ken Marlow, Jr., from Nashville enjoyed the reception for new law students at the Faculty Club.

TAPIL Supports Summer Internships

On September 15, the Tennessee Association for Public Interest Law took its usual meeting time to present information about its summer scholarship program to interested law students. Elena Xoinis, co-president, spoke briefly about the program and how it is funded and administered. TAPIL supported five scholarships for the Summer of 1993. The stipends allowed each recipient to work in the public sector for the public good.

The program then featured the five 1993 summer scholarship recipients. Margaret Held, Suzanne Queen, Tammi Simpson, Richard Thornburgh, and Elena Xoinis spoke about their experiences.

Margaret E. Beebe-Held, a third-year student from Knoxville, spent the summer of 1993 working for Knoxville Legal Aid. She felt her summer was full of purpose because she worked as a liaison between people and the law. Margaret developed two programs: a street law project that taught housing law to soon-to-be-released prisoners, and an economic development issues project that helped people with research on borrowing money to start a business. Margaret was very excited about her involvement in these programs.

Suzanne S. Queen, a third-year law student from Bristol, worked for the Public Defenders Office in Knoxville. She established a memo/brief reference system for the office, worked as a clerk, and did research in the library for the other attorneys. "A Public Defenders Office is a good place for experience," said Suzanne, "and I am glad I had the opportunity to do it."

Tammi R. Simpson, a third-year law student from Nashville, worked in a Public Defenders Office in Washington, D.C.. Her job responsibility was mostly investigative work. "I enjoyed seeing and working with dedicated people who would take their issues to court to be heard," said Tammi. Her long hours of work with people who felt they were making a difference filled her summer with a life-long learning experience and was very rewarding.

Richard M. Thornburgh, a second-year law student from Chattanooga, worked with the Tennessee Environmental Council in Nashville. He spent the summer researching ground water issues. This research led to drafted comments for regulations and proposed language for new regulations. "I gained confidence in handling environmental issues," Richard said. After law school graduation, he wants to work in the environmental law field.

Elena J. Xoinis, a second-year law student from Chattanooga, worked at the Neighborhood Legal Aid Association in Charleston, South Carolina. The eye-opening experience included handling domestic problems from interview to court. Elena said the work reaffirmed her belief that there is a way to make a difference.

TAPIL will organize several fund raising events this year. Officers for the 1993-94 academic year are: Co-presidents: Elena Xoinis and Linda McCain-Parson; Vice president: Michele Johnson; Secretary: Robert Rollins; and Treasurer: Vanessa Honicker.



(From left) Margaret Beebe-Held, Tammi Simpson, Elena Xoinis, Suzanne Queen, and Richard Thornburgh

THE NLRB AWAKENS?

An outline to accompany the remarks of
Patrick Hardin, Professor of Law
The University of Tennessee College of Law
30th Annual Midwest Labor Law Conference in Columbus, Ohio
November 12, 1993

I. **Electromation** and the supposed conflict of Section 8(a)(2) with participatory management initiatives.

A. Background: The Wagner Act decision to outlaw employer assistance to "shop committees" and "company unions."

1. Section 2(5) of the Wagner Act, reenacted without change in the Taft-Hartley Amendments, provides: The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

2. **Penn. Greyhound Lines**, 1 NLRB 1, 1 LRRM 303 (1935), enforcement denied in part, 91 F.2d 178, 1 LRRM 629 (3rd Cir. 1937), reversed, 303 U.S. 261, 2 LRRM 599 (1938) (employer violated Section 8(a)(2) by suggesting, encouraging, supporting, and controlling an employee association which was to represent the employees in dealings with management respecting wages and grievances, among other matters).

3. *NLRB v. Newport News Shipbuilding Co.*, 308 U.S. 241, 5 LRRM 665 (1939) (disestablishment proper remedy for employer violation of 8(a)(2) by dominating an employee association even though employer demonstrated no anti-union animus and a large majority of employees indicated preference for continued representation by association in secret ballot poll taken after issuance of Board's order).

4. *NLRB v. Cabot Carbon Co.*, 360 U.S. 203, 44 LRRM 2204 (1959) (employee association existed for purpose of "dealing with" employer, even though it eschewed traditional collective bargaining, as shown by discussions with employer of grievances and other matters concerning conditions of work).

B. The recent cases suggest that there is serious problem.

1. *NLRB v. Scott & Fetzer Co.*, 691 F.2d 288, 111 LRRM 2673 (6th Cir. 1982) (decrying what it called "adversarial model labor relations," court refused to enforce Board 8(a)(2) order, noting absence of anti-union animus and employees' perception that the employee committee was simply a communications channel).

2. **Electromation, Inc.**, 309 NLRB No. 163, 142 LRRM 1001 (December 16, 1992) (15 months after hearing oral argument, unanimous 4-Member Board finds violation where employer created and dominated "action committees" which were to deal with attendance, pay, promotions, and a no-smoking rule; separate opinions by various Members feature much breast-beating and garment-rending).

3. **E.I. DuPont de Nemours & Co.**, 311 NLRB No. 88, 143 LRRM 1121 (1993) (Unanimous 3-member panel holds that employer violated Secs. 8(a)(2) & (5) by forming and dominating employee safety and fitness committees and by "dealing with" those committees in manner which bypassed incumbent union; panel distinguishes "brainstorming" safety sessions in which there was no "dealing" between employer and committee; more breast-beating).

C. Why there is not a problem or, at the least not a serious problem, under Section 8(a)(2).

1. The volume of cases is minuscule. Buried deep within one of the footnotes to Member Devaney's concurring opinion in **DuPont** is this informational gem:
"8(a)(2) complaints constitute a very small percentage of the General Counsel' caseload. [During] fiscal year[s] 1990 [through] 1992 . . . , complaints alleging violations of Sec. 8(a)(2) constituted approximately 0.21 percent of the total number of complaints issued [O]f over 9300 complaints issued . . . , only 20 involved allegations of Sec. 8(a)(2) [violations]." *Id.*, 143 LRRM at 1127, n. 4.

2. Although the Board can neither amend the Act nor ignore the Supreme Court's construction of it, the General Counsel's nonreviewable discretion includes the discretion not to issue dumb complaints. Such a category would surely include complaints which would penalize management initiatives that promote efficient and collaborative work practices but do not jeopardize the purposes and policies of the Act.

II. Organizing rights **versus** property rights: the aftermath of **Lechmere**.

A. In *Lechmere, Inc., v. NLRB*, 112 S. Ct. 841, 139 LRRM 2225 (1992), the Supreme Court struck a sharp blow against the Board's decision in **Jean Country**, 291 NLRB 11, 129 LRRM 1201 (1988) which had required employers to allow non-employee union organizers onto the employers' property when justified by considerations that included the employee right being asserted and the nature of the employer's other restrictions on access to the property. Thus, under **Jean Country**, the Board sometimes required the employer to tolerate the presence of the Union representatives on premises, such as shopping mall parking lots, that were broadly open to the public at large.

Rejecting the **Jean Country** approach, the Court announced that its 1956 decision in *NLRB v. Babcock & Wilcox*, 351 U.S. 105, 38 LRRM 2001, requires as a matter of law that the employer's property interest, whatever its nature, can not be made to yield unless the Board determines that the Union can not disseminate its message to the employees through other reasonably available means. Absent such a determination, the Board could not find that the employer had violated Section 8(a)(1) by excluding nonemployee organizers from the customer parking lot of its retail store.

B. Cases following and applying **Lechmere**.

1. **Lechmere, Inc.**, 308 NLRB No. 157, 141 LRRM 1159 (1992). On remand from the Supreme Court, the Board reconsidered and affirmed its earlier decision that the employer had also violated Section 8(a)(1) by attempting to exclude the union organizers from a strip of public road right of way that abutted its parking lot. Said the Board: "The Supreme Court's vindication of the [employer's] private-property rights, if anything, elevates the gravity of its attempts to bar union access to public property." *Id.* at n. 4.

2. **Susquehanna United Super, Inc.**, 308 NLRB No. 43, 141 LRRM 1005 (1992). The Board found a violation of Section 8(a)(1) where the owner of a strip mall shopping center allowed other organizations unrestricted access to its parking lot, but excluded union members picketing a store with which the union had a dispute.

3. *Oakwood Hosp. v. NLRB*, 983 F.2d 698, 142 LRRM 4221 (6th Cir. 1993), the hospital ejected a union organizer from the hospital cafeteria, which was open to the public. Relying on the decision of the Supreme Court in **Lechmere**, the Sixth Circuit denied enforcement of the Board's order finding a violation of Sec. 8(a)(1). Judge Keith dissented, noting that the organizer had been welcome in the cafeteria until he revealed that he was organizing the previously unorganized registered nurses, so that the exclusion was discriminatory.

4. **Bristol Farms, Inc.**, 311 NLRB No. 46, 143 LRRM 1217 (1993). California law does not allow a shopping center owner to exclude from the common areas of the center persons who are engaged in peaceful speech activity that is protected by the California constitution. See *Robbins v. Pruneyard Shopping Center*, 153 Cal. Rptr. 854, 592 P.2d 341 (Cal. 1979), affirmed, 447 U.S. 74 (1980). For that reason, the Board held, the employer, Bristol Farms, had no cognizable property right to exclude, and violated Section 8(a)(1) by excluding Union pickets from the walkway outside the door to its retail establishment.

III. **Sunland, Hormel**, and the myth of the “Loyal Employee.”

A. Background:

1. *NLRB v. Local 1229, IBEW (Jefferson Standard Broadcasting Co.)*, 346 U.S. 464, 33 LRRM 2183 (1953). During negotiations which continued after the prior contract expired, the employees remained at work but distribute handbills during their off-duty hours. The handbills disparaged the employers product, television programming, and did not disclose that a labor dispute existed. Affirming the Board, the Supreme Court held that the handbilling was unprotected because, apart from the context of a labor dispute the conduct would have supplied cause for discharge within the meaning of Section 10(c) of the Act, and the employees had not sufficiently linked the conduct to the dispute, as the Board had found. The Court remarked that in enacting Section 7, the Congress had not weakened “the underlying contractual bonds and loyalties of employer and employee.” *Id.* at 473.

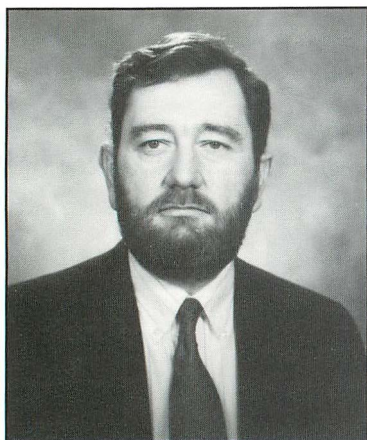
2. *Emporium Capwell Co. v. Western Addition Community Organization*, 420 U.S. 50, 88 LRRM 2660 (1975). Employees who, during their off-duty hours, distributed at customer entrances of their employer's store handbills calling for a consumer boycott to protest alleged race discrimination in employment at the store lost the protection of the act because an object of the handbillers was to supplant the existing lawfully recognized union and to function as representatives of the minority employees.

B. Recent cases.

1. **Sunland Constr. Co.**, 309 NLRB No. 180, 142 LRRM 1025 (1992). After hearing oral argument, the Board held that the employer violated Section 8(a)(3) by refusing to hire otherwise qualified and available applicants for employment because they were paid union organizers. The holding reaffirms **Oak Apparel**, 218 NLRB 1701, 89 LRRM 1381 (1975), and rejects the contrary reasoning of the 4th Circuit in *H.B. Zachry Co. v. NLRB*, 886 F.2d 70, 132 LRRM 2377 (1989). A companion case, **Town & Country Elec., Inc.**, 309 NLRB No. 181, 142 LRRM 1036 (1992), is to the same effect.

2. *George A. Hormel & Co. v. NLRB*, 962 F.2d 1061, 140 LRRM 2324 (DC Cir. 1992). Employee whose off-duty conduct supported call for consumer boycott of employers' product in connection with a labor dispute was not engaged in protected activity because he “violated his duty of loyalty to Hormel.” *Id.* at 1066.

3. For a comprehensive and thoughtful exploration of these issues, see M. Branscomb, *Labor, Loyalty, and the Corporate Campaign*, 73 B.U.L. Rev. 291 (1993)



Professor Hardin teaches Discrimination Law, Employment Law, Labor Arbitration, Labor Relations Law, and Legal Process at the College of Law. He is the editor-in-chief of *The Developing Labor Law* (Bureau of National Affairs, 3rd ed. 1992) and is the author of articles on labor and employment law as well as articles on the Supreme Court and the National Labor Relations Board. He earned a B.A. in 1962 from the University of Alabama and a J.D. in 1965 from the University of Chicago. Before joining the faculty at the College of Law in 1975, he served as Chief Counsel to the Chairman and Associate General Counsel at the NLRB in the Division of Enforcement. Professor Hardin is a member of the Federal Mediation and Conciliation Service, the American Arbitration Association, and the Society of Professionals in Dispute Resolution.

Career Services

Volunteer Summer Clerkship Program

Twenty-six students participated this summer in the College of Law's first Volunteer Summer Clerkship Program, lending their time and legal talents to offices that are not typically funded for summer clerkships.

Career Services resource specialist Kay Brown contacted more than 60 government agencies, public interest organizations, and federal and state judges about participating in the program; their responses were an enthusiastic "yes!"

Students were then given a list of participants and asked to contact the office of their choice with a cover letter and resume, and arrange their own interviews if needed. Students were also encouraged to seek out their own volunteer clerkships with any offices/agencies not included on the participant list.

Feedback received on the first volunteer summer program was very positive -- from both students and participants. A few of their comments: "Our summer clerk did excellent work, but more importantly he learned what lawyers and judges do everyday." "We had excellent experiences with all our volunteer clerks this summer -- send more!" "We would like to have another clerk just like her next summer!"

Students have commented that the volunteer clerkships provided them with many varied experiences, from typical clerking duties to participating in important meetings to helping plan for the future. "I felt like my contributions really did make a difference," said one volunteer clerk.

The following list shows where UT law students clerked in the summer of 1993: Chief Judge James Jarvis, U.S. District Court, Eastern District of Tennessee, Knoxville; Associate Justice Riley Anderson, Tennessee Supreme Court, Knoxville; Judge Penny White, Tennessee Court of Criminal Appeals, Johnson City; Judge Joseph Tipton, Tennessee Court of Criminal Appeals, Knoxville; Judge Kelly Thomas, Circuit Court, Maryville; District Attorney Generals' offices, Nashville, Knoxville, Maryville and Athens; Tennessee Department of Commerce and Insurance, Securities Division, Nashville; Tennessee Department of Mental Health and Mental Retardation, Nashville; Tennessee Environmental Council, Nashville; Knox County Law Department; Knoxville Legal Aid Society; Rural Legal Services of East Tennessee, Oak Ridge; and Neighborhood Legal Association, Charleston, South Carolina.

If your office would like to participate in the 1994 Volunteer Summer Clerkship Program, contact Kay Brown at 615/974-4348 for more information.



Some of the 1993 Summer Volunteer Clerks (from left, front row) Melanie E. Flickinger, Irene B. Joseph, Anna L. Friedberg, Betsy Davies, Elena J. Xoinis. (Back row) Lori L. Williams, Stephen H. Byrd, Charles W. Martin, Jonathan J. Cole, Jennifer L. Tallent.



Forums Feature Inside Information

Jennifer L. Rawls, Class of '88, spearheaded a program through the Knoxville Barristers to introduce law students to the practical aspects of law. Working with the Career Services Office, she helped organize six "Fall Forums on Law Practice." The seminars were co-sponsored by the Student Bar Association.

The September and October programs featured topics on bankruptcy, criminal defense, discrimination, estate planning, mediation, medical malpractice, professional liability, and workers' compensation, among others. Members of the Knoxville Bar Association spoke to groups of law students in informal settings at the College of Law.

"I wanted to give something back to the law school," said Jennifer. "And maybe through these programs law students can get some much needed, early inside information on lawyering." She is associated with the Knoxville law firm of Lewis, King, Krieg & Waldrop, P.C.



Jennifer (left) and Angie Womack, Class of '89. Angie spoke on October 20 about subrogation and is associated with the Knoxville law firm of Watson, Hollow & Reeves.



College of Law 1994 Homecoming and Class Reunions

Friday, September 30, 1994

Reunions for the Classes of
'34, '39, '44, '49, '54, '59,
'64, '69, '74, '79, '84, '89

Saturday, October 1, 1994

Traditional Barbecue on
the front lawn two (2) hours
before UT v. Washington
State kick-off



*See a model
of the new
building!*

All alumni and their families and friends are invited to join in the celebration!

Mark your calendar now and plan to attend!



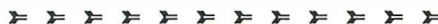
Delta Air Lines, Inc. is offering 1994 Homecoming Law Alumni a 5% discount off any Delta domestic published fare made 14 days in advance or a last minute 10% discount off full fare. Call 1-800-289-3030 to make reservations. Ask for Yvonne or Vicki at the University Travel Center.



The Hyatt Regency, 500 Hill Avenue SE, is the official 1994 Homecoming Hotel. A block of rooms has been reserved at the rate of \$110 single/double. Call 615/637-1234 and say "Homecoming UTK" to reserve a room at the Homecoming rate. Room reservation deadline is August 30, 1994.



Order UT v. Washington State football tickets by using the form in The University of Tennessee Homecoming Bicentennial Brochure. It will be mailed in May. Also plan to enjoy all the Bicentennial Homecoming events.



The Office of Development and Alumni Affairs (615/974-6691) is coordinating the College of Law's 1994 Homecoming Events. The 1994 College of Law Homecoming brochure will be mailed in May.

Alumni Address Change and News

3/94

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

Name: _____ Class: _____

Firm Name/Organization: _____

Address: _____

City/State/Zip: _____

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 your information to: Office of Development and Alumni Affairs
The University of Tennessee College of Law
Suite 14
1505 West Cumberland Avenue
Knoxville, Tennessee 37996-1800

Our telephone number is 615/974-6691. Please call if you have any questions.

News/Awards/Honors

Calendar



March 12

Law Review Banquet

March 16-20

Evidence Moot Court Competition in New York*

March 16-21

Labor Law Moot Court Competition in New York*

March 17

Advocates' Prize Competition Final Round*

Noon - Moot Court Room

March 21-25

Spring Break

April 1

Spring Recess

April 4

The 1994 Charles H. Miller Lecture in

Professional Responsibility*

Noon - Moot Court Room

"A Right to Health Care That Cannot Be Taken
Away: The Lessons of Twenty Years of Health Care
Advocacy" by Sylvia A. Law, Professor of Law, New
York University, and Director, Arthur Garfield
Hays Civil Liberties Memorial Program

April 15

Jenkins Trial Competition Final Round*

1:00 p.m. - Moot Court Room

Moot Court Banquet*

April 28-29

The Second Annual Tennessee Corporate Counsel
Institute (CLE program) in Memphis*

April 29

Spring 1994 Semester Classes End

May 3-12

Examination Period

May 12

Hooding*

May 13

Commencement*

May 18-22

The College of Trial Advocacy*
(CLE Program)

May 24

Registration for Summer 1994 Term

May 25

Summer Term Classes Begin

May 30

Open House for the Class of '97*

*Alumni cordially invited to attend.

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 Knoxville does not discriminate on the basis of sex or handicap in its educational programs or activities, pursuant to requirements of Title IX of the Educational Amendments of 1972, Public Law 92-318, and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, and the Americans With Disabilities Act of 1990, Public Law 101-336, respectively. This policy extends to both employment by and admission to the University. Inquiries concerning Title IX, Section 504, and the Americans With Disabilities Act of 1990 should be directed to the Office of Affirmative Action, The University of Tennessee, 403-C Andy Holt Tower, Knoxville, Tennessee 37996-0144; or telephone (615)974-2498. Charges of violation of the above policy should also be directed to the Office of Affirmative Action.

E01-1610-008-94

Alumni Headnotes
The University of Tennessee College of Law
1505 West Cumberland Avenue
Knoxville, Tennessee 37996-1800

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