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Winter 1995

### Alumni Headnotes (Winter 1995)

University of Tennessee College of Law

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Winter 1995

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University of Tennessee College of Law

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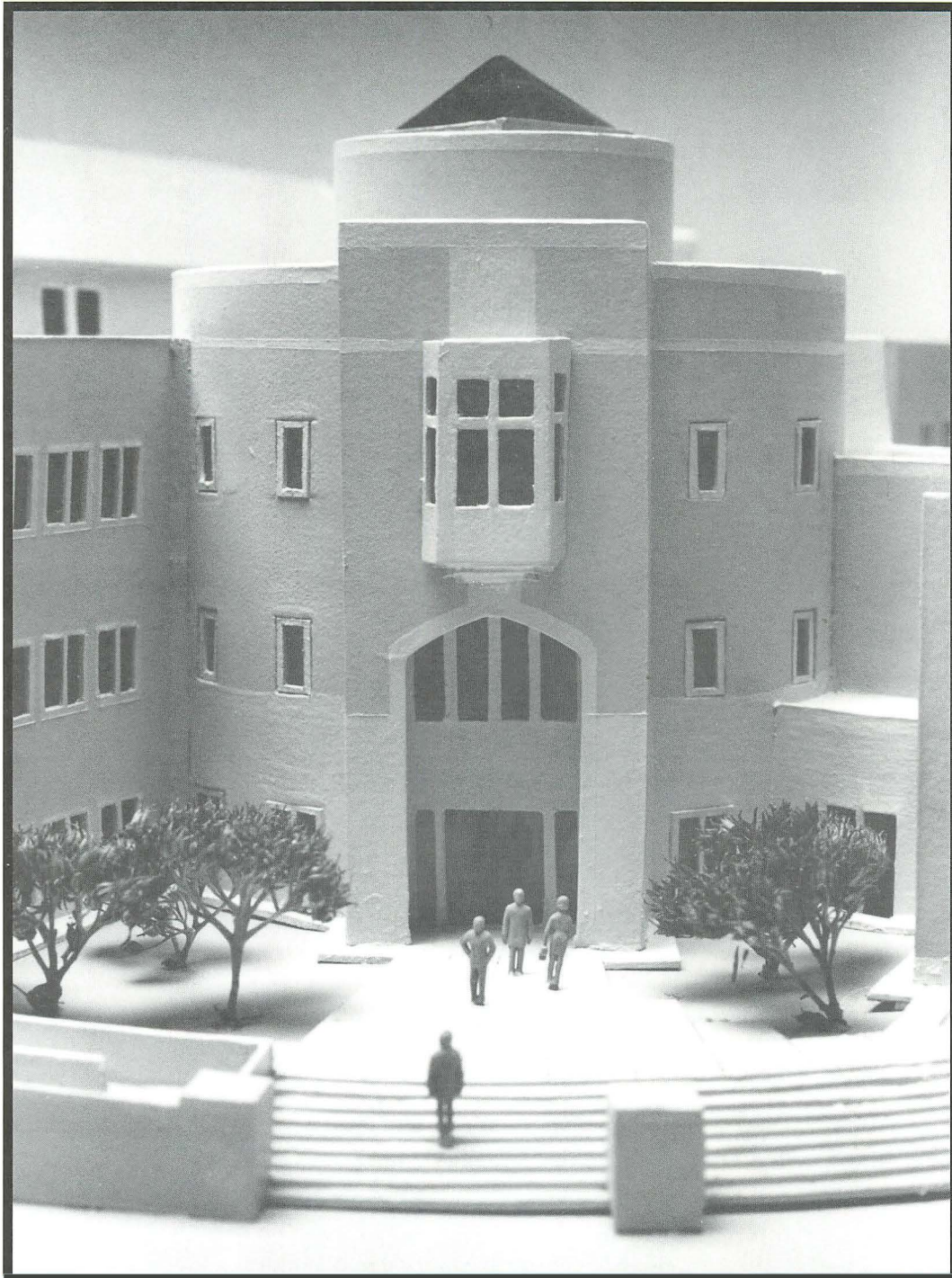
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# THE COLLEGE OF LAW

W I N T E R 1 9 9 5



THE UNIVERSITY OF TENNESSEE  
ALUMNI HEADNOTES

# Alumni Headnotes

THE UNIVERSITY OF TENNESSEE COLLEGE OF LAW

Winter 1995

Volume 21, Number 1



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## Administration

Dean: Richard S. Wirtz
Associate Dean for Academic Affairs: R. Lawrence Dessem
Associate Dean for Student Affairs: Mary Jo Hoover
Director of Admissions and Financial Aid: Karen Reagan Britton
Director of Career Services: Joann Rothery
Director of Clinical Programs: Douglas A. Blaze
Director of Development and Alumni Affairs: Suzanne Livingood
Director of the Law Library: Bill Beintema
Director of Public Affairs: R.G. Smithson
Assistant to the Dean: Peggy Goodman

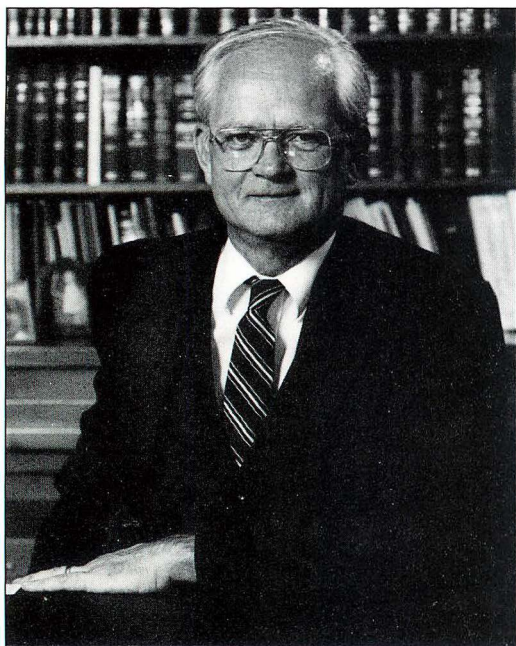
The cover design is by Greta Eichel, University Publications. The design is taken from a photograph of the model of the new College of Law building. Groundbreaking for the new building was held September 17, 1994, and construction is underway.

*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



At the groundbreaking ceremony for the law school building in September, Justice Lyle Reid reminded those assembled from the university, the law school, the bar and the judiciary that "we are responsible for the development of skills, the nurture of intellect, and the molding of character."

Our solemn duty is to ensure that those men and women who are granted the high privilege of practicing law recognize a profound obligation to their clients, their profession, and the law; possess high standards of ethics and morality; expect no special credit for integrity, competence and diligence; will not accept mediocrity or mendacity in themselves or others; realize that special privileges carry special responsibilities; and will provide leadership at all levels of community.

A law school moving forward into the new century could ask for no higher charge.

In this issue of *Alumni Headnotes* Professor Patrick Hardin, the chair of the College of Law Building Committee, reports on the contribution the building will make to the execution of that charge. Over the past decade, what began for the Building Committee as a task with no clear hope in view has evolved into a marvelous opportunity. Working with UT personnel and two Knoxville architectural firms, Pat Hardin and his committee have done an outstanding job.

With this new facility come new opportunities and

responsibilities. In the years immediately ahead, our intention, building on the law school's strong traditions, is to move forward decisively on every aspect of the law school's mission.

The cornerstone of this effort will be the Campaign for the 21st Century. As noted in the *1994 Annual Report*, the principal campaign priorities will be:

- The Center for Advocacy, dedicated to providing law graduates with the skills and knowledge required to function as effective advocates, well versed in the full range of techniques for dispute resolution and schooled in the exercise of judgment in their use.
- The Center for Entrepreneurial Law, built around a core curriculum in business transactions that orients lawyers to the way successful entrepreneurs think, and the use of their skills to promote good business relationships and facilitate economic growth.
- Chaired professorships and other support for teaching and scholarship required for the recruitment and retention of a top-flight faculty.
- Scholarships to help students meet the rising costs of education, and scholarships to attract students with exceptional professional promise to the school.
- The expansion of the library's collection, and the introduction of new services and new ways of making the resources of the library accessible to lawyers and judges across the state.
- Enhancements to the building to bring it to the peak of functionality and quiet distinction.

As you will see after reading the next few pages of this issue of *Headnotes*, the Cornerstone Campaign is well under way. Alumni and others have stepped forward to accept the mantle of leadership and inspire by example.

These are exciting times. We are, truly, building more than a building.

Richard S. Wirtz  
Dean

# Cornerstone Campaign under way

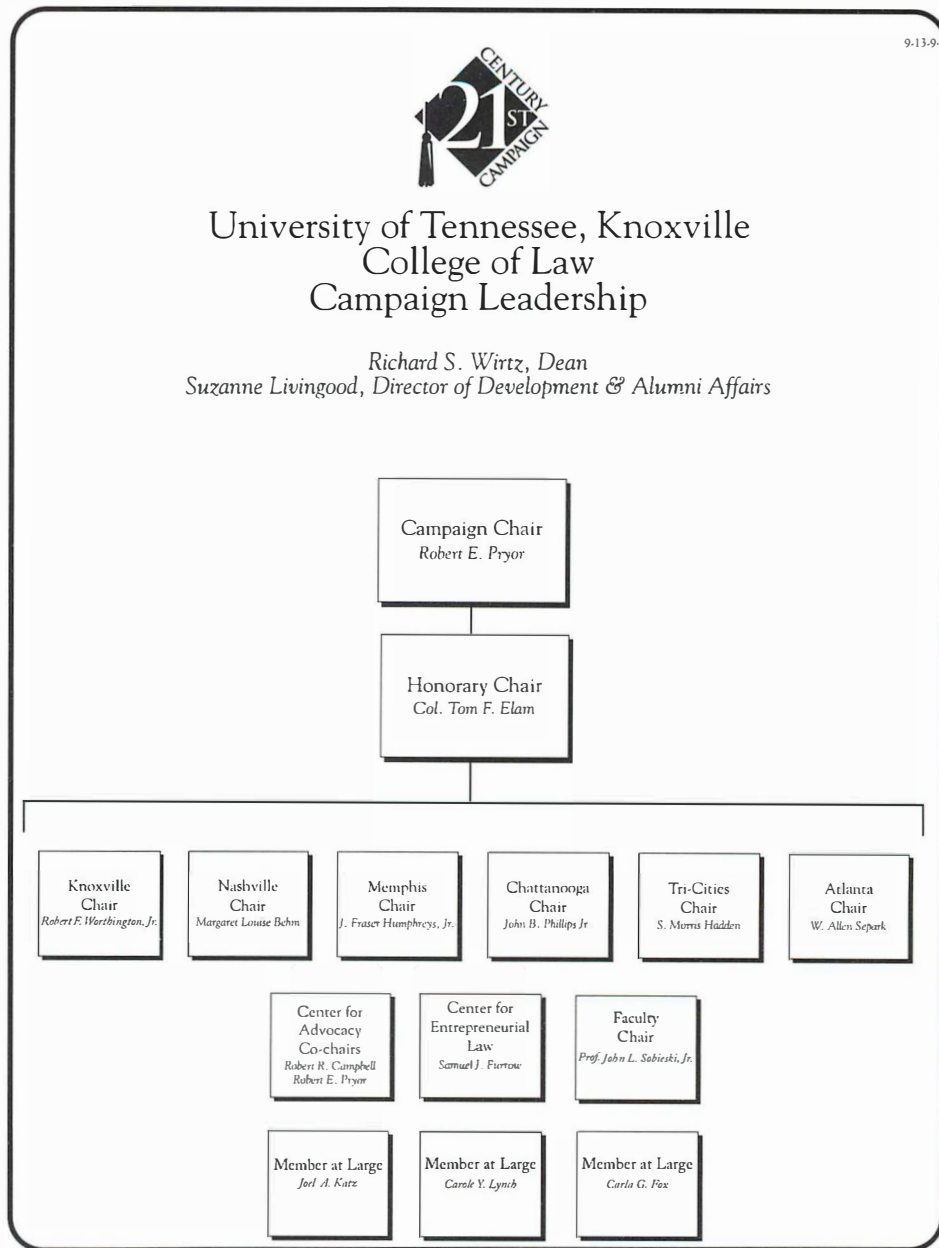
The University of Tennessee College of Law has embarked a five-year, \$6 million campaign that will lift the College to new heights of excellence as it prepares to enter the 21st Century.

The College of Law's "Cornerstone Campaign" is part of the University of Tennessee's \$250 million "Campaign for the 21st Century" that was launched in October 1994 on all campuses of the UT system. The campaign began less than one month after ground was broken on the Knoxville campus for a new \$19 million law building that will be the center of legal education in Tennessee for years to come.

Funds raised through the Cornerstone Campaign will be used for new initiatives in teaching, research and service, student scholarships, faculty and staff support and development, expansion of the Law Library, and furnishing the new law building with state-of-the-art classrooms, courtrooms and educational technology.

Robert E. Pryor '69, partner in the Knoxville firm of Pryor, Flynn, Priest & Harber, is chairman of the Cornerstone Campaign and is also serving as co-chairman for the Center for Advocacy campaign. Longtime UT supporter Col. Tom F. Elam '34 of Union City is honorary chairman.

Pryor made a lead gift of \$150,000 to the campaign, which distinguishes him as the first founder for the Center for Advocacy. Pryor and his wife, Norma, have two sons who are currently law students at UT. Robbie is a



third-year student and John is a first-year student.

The College has already received gifts and pledges totaling \$3.2 million.

"This is an exciting time for the University of Tennessee College of Law and its alumni," Pryor said. "The Cornerstone Campaign is off to a tremendous start, and our goals have been well received."

The campaign leadership team includes dedicated and energetic alumni from each of the state's geographical regions and popula-

tion centers (see page 4). They have already begun calling upon UT alumni and friends across Tennessee and throughout the Southeast and the nation to ask for help in achieving the goal.

"The Cornerstone Campaign has the potential to raise the overall quality of everything we do," said Richard S. Wirtz, dean of the UT College of Law. "We have the potential to make a very good law school great, and win for it the respect it has long deserved. It will take some doing, but I really believe that, with your help, we can do it."



# Campaign Leadership



**ROBERT E. PRYOR '69.** Campaign Chairman and Center for Advocacy Co-Chairman. Partner in Knoxville firm of Pryor, Flynn, Priest & Harber. Member of UT College of Law Dean's Circle and adjunct professor of trial practice at UT. Listed in 1993-96 editions of *The Best Lawyers in America*.



**COL. THOMAS F. ELAM '34.** Honorary Chairman. Partner in the Union City, Tenn., firm of Elam, Glasgow & Acree. Member of the University of Tennessee Board of Trustees and Athletics Board. Member of the UT College of Law Dean's Circle.



**ROBERT F. WORTHINGTON Jr. '57.** Knoxville Chairman. Partner in the Knoxville office of Baker, Donelson, Bearman & Caldwell. Member of UT College of Law Dean's Circle. Listed in *The Best Lawyers in America*. Has been a member of the UT Development Council and is currently a member of the Tennessee Higher Education Commission.



**MARGARET LOUISE BEHM '76.** Nashville Chairman. Partner in Nashville firm of Dodson, Parker & Behm. Member of the UT College of Law Alumni Advisory Council. Adjunct professor at the Vanderbilt School of Law; Chair, Tennessee Judicial Selection Commission.



**J. FRASER HUMPHREYS Jr. '50.** Memphis Chairman. Partner in Memphis firm of Humphreys Dunlap Wellford Acuff & Stanton. Member of UT College of Law Dean's Circle. Former president of the Tennessee and Memphis Bar Associations.



**JOHN B. PHILLIPS Jr. '74.** Chattanooga Chairman. Partner in the Chattanooga firm of Miller & Martin. Fellow, Tennessee Bar Foundation. Author of several books on Tennessee employment law and editor of a monthly newsletter, *The Tennessee Employment Law Update*.



**S. MORRIS HADDEN '64.** Tri-Cities Chairman. Since 1968 with Kingsport/Johnson City firm of Hunter, Smith & Davis. Member of UT College of Law Dean's Circle and Alumni Advisory Council. Former FBI agent. Member, International Association of Insurance Counsel; Tennessee Bar Association House of Delegates; Fellow, Tennessee Bar Foundation.



**W. ALLEN SEPAK '69.** Atlanta Chairman. Has his own practice in Marietta, Ga. Current chair of the UT College of Law Dean's Circle and member of the Alumni Advisory Council. UT College of Law Alumni Leadership Award recipient for 1985. Cobb County Bar Association Board of Trustees, recipient of President's Award of Merit for Outstanding Service; Member, Board of Trustees, Kennestone Hospital.



**ROBERT R. CAMPBELL '56.** Center for Advocacy Co-Chairman. Partner in Knoxville firm of Hodges, Doughty and Carson. Member of UT College of Law Dean's Circle. Former president of Knoxville Bar Association and recipient of the Board of Governors Award. Fellow and member of the Board of Regents, American College of Trial Lawyers.



**SAMUEL J. FURROW '69.** Center for Entrepreneurial Law Chairman. Owner of Furrow Auction Company and Knoxville Motor Company. Entrepreneur in heavy construction equipment sales and real estate development. Board of Directors, First American Bank, Valley Fidelity Bank, Knoxville Chamber of Commerce; Chairman, 1990 Greater Knoxville United Way Campaign.



**JOHN L. SOBIESKI Jr.** Faculty Chairman. Lindsay Young Professor of Law at UT. Member of the UT faculty since 1972 and was named the Tennessee Bar Association's Outstanding Law Professor in 1991. Received Harold C. Warner Outstanding Teacher Awards from the UT College of Law in 1977 and 1981.



**JOEL A. KATZ '69.** Member at Large. Founding partner in firm of Katz, Smith & Cohen in Atlanta. Member of the UT College of Law Dean's Circle. Member of the Advisory Board for the Atlanta Committee for the Olympic Games. Listed in *Who's Who in Entertainment* and *The Best Lawyers in America*.



**CAROLE Y. LYNCH '77.** Member at Large. Partner in Chattanooga firm of Grant, Konvalinka & Harrison. Member of UT College of Law Dean's Circle. Former chairman of the College of Law Alumni Advisory Council. Former president of the Chattanooga Bar Association. Board of Governors of Tennessee Bar Association. President-elect, National Conference of Bar Presidents. Assembly delegate, ABA House of Delegates.



**CARLA G. FOX '91.** Member at Large. Member of firm of Booker & Associates in Nashville. Member of UT College of Law Alumni Advisory Council. Co-founder of the Tennessee Association for Public Interest Law. Former clerk, NAACP Legal Defense and Educational Fund.





## Groundbreaking ceremony

*Former Gov. Ned R. McWherter (left) is greeted by Richard S. Wirtz, dean of the UT College of Law, prior to the governor's remarks at the groundbreaking ceremony Sept. 17, 1994, for the new law building and renovation of the George C. Taylor Law Center.*

## Groundbreaking remarks...

**NED R. McWHERTER**  
Former Governor of Tennessee

I first want to express my gratitude for including me in this landmark occasion for the University and for the College of Law. It would be difficult for me to expand on the remarks of the distinguished group on this platform. With your indulgence, I would like to use this historic occasion to make two brief statements to those of you in the family of the UT College of Law.

First, I want to simply thank you for the contribution you have made to the enormous progress we are experiencing in Tennessee. A state which for more than a century was at the back of the line is now among the nation's leaders in education reform, health care reform and economic growth.

It might surprise many Tennesseans to know that over the last eight years some of the most influential members of my Administration were graduates of the UT College of Law. In a dozen subtle ways, the knowledge and the values that come from this institution have shaped the future of Tennessee to an extent you may never fully realize.

When a Law School produces the Chief Justice of the Supreme Court, the Speaker of the Senate, the Governor's Legal Counsel, the Director of State Planning, and dozens of other men and women in

Continued on Page 7

**LYLE REID '56**  
Tennessee Supreme Court

After half a century in a building which, upon its construction, was equal to the needs of that time, the college will be moving into a structure specially designed to facilitate the teaching of law under modern conditions. On behalf of the profession and on behalf of the judiciary, and also as a proud graduate of the college, I express appreciation and gratitude to those responsible for this great asset. I think it is appropriate to specifically mention Governor Ned McWherter, the Tennessee General Assembly, President Joe Johnson, and Dean Dick Wirtz.

As we break ground for a new structure to house the College of Law, we symbolically break ground for a new vision of the administration of justice in Tennessee. In the same way that buildings which house the institutions of the law become obsolete and inadequate, the process for administering the law becomes antiquated and ineffective, irrelevant to new and changing conditions.

That experience said by Holmes to be the life of the law is, in our time, the experience of a society in motion, a society that is constantly revising its mores, a society that is increasingly complex, increasingly diverse, increasingly litigious, a society which is facing vast social, economic and technological changes.

Continued on Page 6



# Reid remarks

Continued from Page 5

As this building is made ready for those men and women who will become lawyers, teachers, and judges, and thus responsible for the administration of justice into the 21st century, perhaps the articulation of some major challenges and opportunities is appropriate.

Let us start with the present status of the administration of justice in Tennessee, and across the country.

We are experiencing a sea-change in social and economic values, which our present system will not accommodate. The public is angry and frightened. It is angry because the judicial system, which is perceived as ineffective, self-serving, and unaffordable, does not provide the peace and security of a time past. The public is frightened because it fears that the noble experiment in freedom and democracy, in equality and justice, in the sanctity of the individual personality was only a transient vision. The public sees a regression to a time when a person possessed no identity or worth except as measured by his relationship to those in authority. The consequences of greed, crime, poverty, unemployment, and ignorance, the deterioration of ethical values and the lack of discipline and self-restraint, the problems of a society in downward transition, have been laid at the feet of the judiciary.

Recognizing these unhappy circumstances, let us look to the future. During the life of this building, the law must accommodate advances in science and technology such as Apple Computer's Knowledge Navigator, electronic virtual realities, robots capable of human emotions, genetic engineering, and bioelectric models of health. It must adjust to a global economy transcending nations but concentrated, for purposes of governance, into smaller political and economic units. The relevance of the present organization of state and local governments will be questioned and the resolution will profoundly affect how and by whom the law will be administered. And by the time this building becomes obsolete the demographics of the United States, and even Tennessee, will have changed drastically. Americans of Western European lineage will be a minority along with Americans of African, Hispanic and Asian heritages.

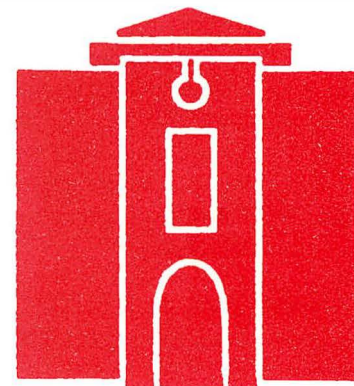
Even though, during the useful life of this new structure, the means and process whereby justice is administered will change in ways we are unable to imagine, the circumstances which necessitate a system of justice will certainly continue. The strong will still oppress the weak, some will intentionally or negligently injure others, defective products will be made and sold, there will be disputes about inherit-

ances, business relationships, agreements and property. Families will break up. Many will transgress accepted standards of conduct reflected in criminal statutes. The regulation of intellectual property and protection of the environment will become major areas of litigation. Some citizens will be denied equal treatment by private and public institutions.

Regardless of what remains and what changes, the judicial system will continue to be the defender of those self-evident truths that all men are created equal and those inalienable rights of life, liberty, and the pursuit of happiness and the guarantor of equal justice under the law. In the 21st century that judicial system and those rights entrusted to its care will become the responsibility of the lawyers who will study in this facility. How well they perform in the future is our responsibility today.

We who have come together on this symbolic occasion represent those charged with the selection, education, training, supervision, and discipline of those young people upon whom the future depends. The University, the College of Law, the bar and judiciary are responsible for the development of skills, the nurture of intellect and the molding of character. Our solemn duty is to insure that those men and women who are granted the high privilege of practicing law recognize a profound obligation to their clients, their profession, and the law; possess high standards of ethics and morality; expect no special credit for their integrity, competence and diligence; will not accept mediocrity or mendacity in themselves or others; realize that special privileges carry special responsibilities; and will provide leadership at all levels of community.

Today, as we celebrate a significant event in the life of the University of Tennessee College of Law, an event which insures that the college will continue its role as a major institution in the development of the law, we separately and together dedicate our hearts, minds, and spirits to that elusive and fragile aspiration we call justice.







*Participating in the groundbreaking ceremony Sept. 17 are (left to right): George T. Lewis III '80, chairman of the Alumni Advisory Council; Julie Jones '77, outgoing chair of the Dean's Circle; Carole Lynch '77, past chair of the Alumni Advisory Council; Lyle Reid '56, justice, Tennessee Supreme Court; J. Payson Matthews '59, outgoing chair of the Alumni Advisory Council; Robert Pryor '69, Cornerstone Campaign chairman; Col. Tom Elam '34, UT Board of*

*Trustees; Gov. Ned McWherter; Victor Ashe '74, mayor of Knoxville; Richard Wirtz, dean of the College of Law; Joe Johnson, UT president; E. Riley Anderson '57, chief justice, Tennessee Supreme Court; Patrick Hardin, chairman of the Building Committee and UT professor of law; William Snyder, UT-Knoxville chancellor; and James H. Jarvis '60, chief judge, U.S. District Court, Eastern Division.*

## McWherter remarks

Continued from Page 5

positions of influence, it is important that from time to time the faculty and students stop to think about what this means.

The UT College of Law is worthy of the prestige that comes with this history of academic excellence. But with this prestige also comes a responsibility that is unique to this college and this profession.

Over the years, most of you know that a number of comments about the legal profession have been attributed to me. Most of these comments came from my inability to speak clearly about the issue of responsibility.

Whether it's the Governor of Tennessee, or the Mayor of Knoxville, or a third-year law student, it is absolutely critical that we remain focused on the values and the purpose that define us as a community. What I refer to is the basic notion that in every part of our lives -- politics, business and especially

the legal profession -- there is a human element. If together we remain focused on the values of the community and the common good, the potential for progress is without limits. But if the day ever comes when we lose sight of those values, we will no longer be worthy of the responsibility with which we have been blessed.

You are breaking ground today on a building that for most Tennesseans will symbolize the UT College of Law for the University's third century. It is a day to celebrate, but it is also a day to reflect on the enormous responsibility that comes with being a part of the legal profession.

I close with the hope that this building will continue to house the same energy and creativity that have contributed to my Administration. And I close with the hope that as long as this building stands, it will also serve as a symbol of commitment to a place, and to a people, we call Tennessee.



# The journey begins

## Ground broken, construction well under way

The annual turning of the academic calendar at the College of Law is filled with rituals which are (for all but the entering first-year class) familiar and comforting. This year, however, the turning of that calendar is proving to be very different. "The New Building Project," as we have called it for nearly 10 years, is finally upon us. The formal ground-breaking took place last September, and since then the construction work has proceeded at a gratifying, steady pace. With the work has come disruption of the settled -- verily, the once immutable -- order at the College.

Last August as we reconvened for the year's work, the front lawn was a mud bog from on-going utilities work.

Over the summer, a dozen members of the faculty had been evicted from their offices in the College, I among them, to make way for some interim modifications. We have resettled, far more comfortably than we expected, in Dunford Hall. Next summer the entire faculty and administration will move to Dunford, or to Aconda Court where the Legal Clinic will take temporary quarters.

We decided to abandon our classrooms in the College building, certain that the construction noise would make them unusable. We were right, but students and faculty now roam the campus, searching for law classes in rooms where law classes never were: Civil Procedure at the College of Nursing, Land Finance at Glocker Business.

All of us, faculty, staff, and students alike, are more or less beset by this diaspora. We are bearing our burdens in good humor, however, for we have been to the top of our own metaphorical Mt. Pisgah and we know what lies ahead. The new Law College building will no doubt fall short of the biblical Promised Land, but it will be a truly wonderful facility. When we move into it in December 1996, we will enjoy one of the finest law school facilities in the country.

The numbers tell an important part of the story. The total construction budget is \$19.55 million. An added \$4 million will be required for furniture, fixtures, and movable equipment. The new facility will include 110,000 net square feet of space. In contrast, the entire existing College facility contains only about 63,000. Our new Law Library will, alone, be almost that size.

In essence, we are building a new four-story building to adjoin the original Law College building on its west end. This new building will provide 80,000 square feet

of new space. It will provide our new Law Library with space for facilities ranging from a beautiful Rare Book Room and graceful reading rooms to state-of-the-art electronic data storage and retrieval systems.

The new building will also contain a mix of 11 new classrooms, courtrooms, and seminar rooms. These will include a large appellate courtroom, a second large courtroom for appellate or trial proceedings, and a small

trial courtroom. For maximum utility, all three courtrooms are designed as exemplary classrooms. Two of the other small classrooms will be suitable for trial

practice classes, yielding four rooms available for that purpose. The largest classroom will seat up to 120 for a law class. As an assembly room or lecture hall, it will have an audience capacity of 180. Every seat in every classroom is designed to offer computer access.

The original Law College building on Cumberland Avenue will be separated from the 1970's addition on White Avenue. During the coming summer the two-story "bridge" which now joins them will be removed, leaving both buildings free-standing. During construction, the Law Library will occupy all four floors of the 1970's addition. Thereafter, that building will house another campus unit, perhaps certain programs of the University Library. The original Law College building on Cumberland Avenue will be gutted. Only its structural members, some floors, and the exterior walls and roof will be retained. Once the interior is rebuilt to harmonize with the new construction, that grand old building will add about 30,000 square feet of well-designed, modern space to the 80,000 newly built. The first floor will house student organizations and a Commons for casual use by students, staff, and faculty. An adjoining courtyard fronting Cumberland Avenue is designed for casual use in fair weather. The renovated building will also house the Legal Clinic and the offices of the faculty and administration of the College. The entire complex, old and new, will be accessible and welcoming to users with disabilities.

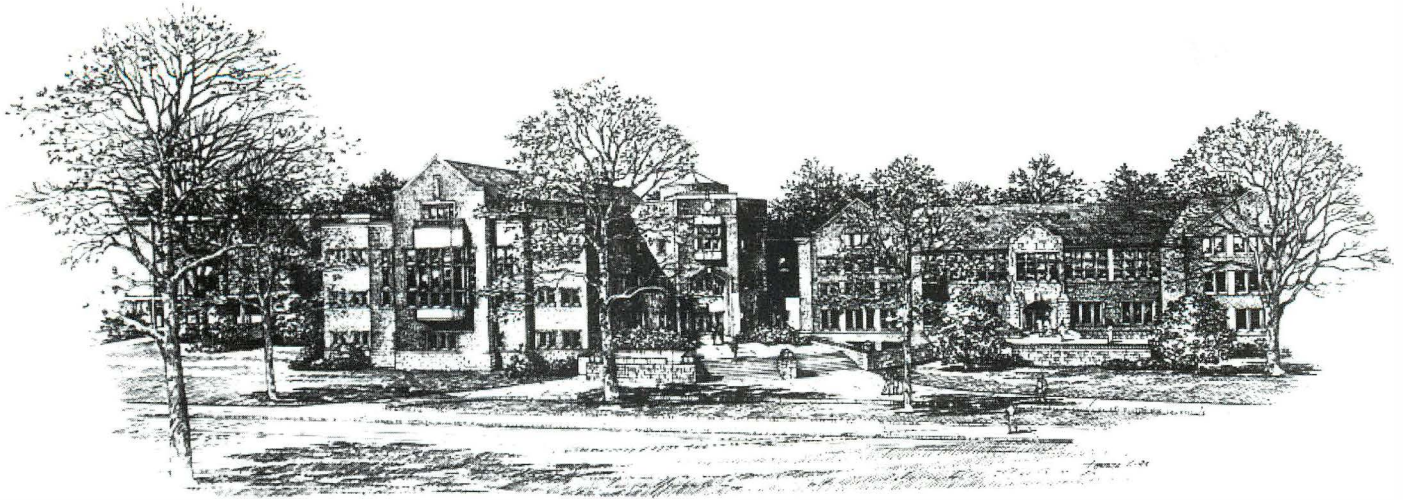
In a separate \$6 million project, the University is building a large parking garage a half block west on White Avenue. That will greatly relieve the parking shortage that has plagued an entire generation of law students.

What the numbers fail to convey is the excitement being generated in the College by our confidence that the new

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*'All of us, faculty, staff, and students alike, are more or less beset by this diaspora. We are bearing our burdens in good humor, however, for we have been to the top of our own metaphorical Mt. Pisgah and we know what lies ahead.'*

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facility will fit our needs extremely well and our expectation that the physical and aesthetic qualities of the building will be exemplary. We can now see that the finished work will satisfy the very high standards which the Building Committee set back in 1989-90 as we began our detailed planning. We wrote then, in a building program document addressed to a team of architects whose identities had not yet even been imagined:

The study of law at the University of Tennessee College of Law is, in essence, an extended discourse concerning the history of and prospects for regulating human conduct. The discourse encompasses all that law governs, and that is the full range of human conduct in society. . .

The facility for the College of Law must do more than contain this discourse. It must engage, nurture, and sustain the discourse, and help those engaged in it to achieve all that the discourse aims at. Specifically, the facility for the University of Tennessee College of Law will have four cardinal attributes:

1. It will be warmly inviting, habitable, and nurturing. The study of law is intellectually and physically demanding. The building must meet the human needs of the occupants, physical and psychological, for a secure and comfortable environment in which to attempt important work that is complex and difficult.
2. It will foster and sustain the discourse. The building will provide amply the spaces in which the discourse proceeds and places for the solitary research, writing, and study that inform the discourse.
3. It will be adaptable. Changes in society, law, and the legal profession command changes in legal education. The building will be adaptable to uses not yet foreseen. The design will anticipate and allow for an efficient and harmonious expansion.
4. It will exhibit benchmark quality, as a tangible

expression of respect for the subject matter of the discipline and aspirations for the discourse. The building will be regarded as front-rank in the professions of law and architecture in design, in space planning for efficiency and effectiveness, and in the harmony of relations to nearby buildings.

Those were noble aspirations. Our architects, a joint venture of two Knoxville firms, McCarty Holsaple McCarty and Lindsay & Maples, aided by the University's architects, pursued those aspirations with skill, perseverance, and great imagination. My growing confidence that the building will possess our four cardinal attributes, and generously so, is a source of great satisfaction and no small amount of simple awe.

I owe personal thanks to the members of the Building Committee: Bill Beintema, Neil Cohen, Mary Jo Hoover, Dick Wirtz, a succession of hard-working student members, and, in the early years, former Associate Dean Julia P. Hardin. Their work was prodigious, inspiring, and inspired.

All of us associated with the College owe thanks to former Governor McWherter, the members of the General Assembly, and a sizable group of dedicated alumnae and alumni. They gave us their sympathetic understanding of our exigent need for more and better space, and their generous help in meeting that need. Finally, we owe lasting gratitude to Deans John Sebert and Marilyn Yarbrough, and especially to Dean Dick Wirtz and UT President Joe Johnson for their leadership of and dedication to "The New Building Project." Without them, it would not be.

**Patrick Hardin**

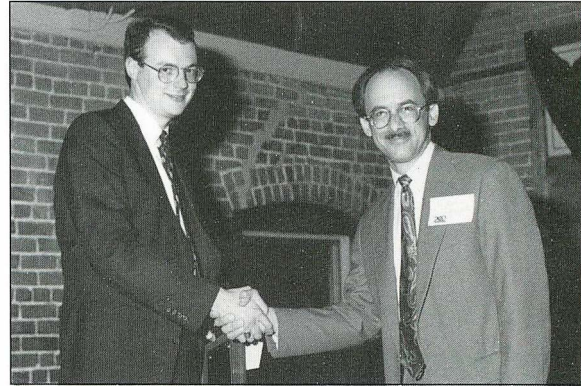
Professor of Law and Chair, *in perpetuum*,  
Law College Building Committee



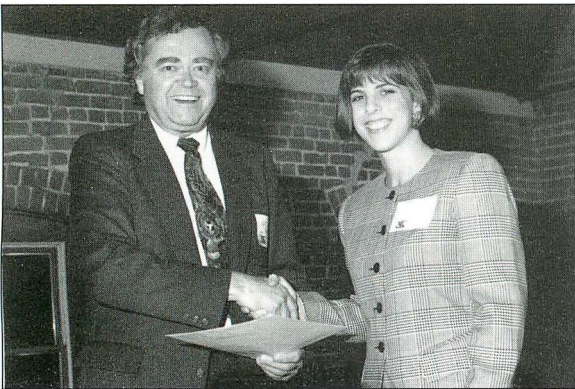
# Honors Banquet & Awards Program November 4, 1994



Suzanne Sweet (left), a third-year student from Knoxville, receives the Tennessee Attorney General's Award for Excellence in Trial Advocacy from Associate Solicitor General Michael W. Catalano.



Nathan D. Rowell (left), a third-year student from Knoxville, receives the Tennessee Attorney General's Award for Excellence in Trial Advocacy from Associate Solicitor General Michael W. Catalano.



Myrlene Marsa of Knoxville (right), a May 1994 graduate, receives the James L. Powers III Excellence in Criminal Advocacy Award from Prof. Gary Anderson.



Angela Kay Humphreys (left), a second-year student from Limestone, receives the Knoxville Auxiliary to the Tennessee Bar Association Award from Janis Trant, president of the Knoxville Auxiliary. Angela also received the first-year award from West Publishing Company for outstanding scholarship during 1993-94.



Elena J. Xoinis (left), a third-year student from Chattanooga, receives the Heiskell, Donelson, Bearman, Adams, Williams & Caldwell Student Leadership Award from Dean Richard S. Wirtz. Elena was instrumental in redesigning and implementing the Student Pro Bono Project.

## Faculty Awards

- Larry Dessem received the 1994 Harold C. Warner Outstanding Teacher Award for classroom teaching.
- Carden Outstanding Faculty Awards went to Bill Beintema and Pat Hardin for institutional service and Bob Lloyd for scholarship.
- Amy Hess received the Bass, Berry & Sims Faculty Award for outstanding service to the bench and bar.
- Fran Ansley received the Marilyn V. Yarbrough Faculty Award for Writing Excellence.





Theresa Collins Willocks (left) receives the Susan B. Anthony Award from Wanda Sobieski of the East Tennessee Lawyers Association for Women. Theresa is a third-year student.



Venita Marie Martin (left) of Memphis receives the Susan B. Anthony Award from Wanda Sobieski of the East Tennessee Lawyers Association for Women. Venita is a third-year student.



Michael J. Carmody (left) receives the ABA-BNA Award for Excellence in Labor and Employment Law from Prof. Patrick Hardin. Michael is a third-year student.



Winston N. Harless (right), a third-year student from Brentwood, receives the Frank Benson Creekmore Memorial Award from David Creekmore. The Creekmore Award recognizes students for their future professional promise as practitioners of law in Tennessee.

## Other Student Awards

- Charles H. Miller Excellence in Civil Advocacy Award -- John Enkema.
- West Publishing Award -- Scott Noonan.
- Michie Company Award -- Elizabeth Price.
- United States Law Week Award -- Father Bernard J. O'Connor.
- Hunton & Williams Awards -- Kimberly Riddle Taylor and Elizabeth Price.
- National Association of Women Lawyers Award -- Yvette Sebelist.



Micki Fox (left), business manager of *The Tennessee Law Review* and a member of the College of Law staff for 23 years, is the 1994 winner of the Support Staff Award for Extraordinary Service. Dean Richard S. Wirtz makes the presentation.



## In Memoriam

David Royer Barham '75,  
Memphis

John C. Baugh '37, Knoxville

John Bate Bond '74, Brownsville

James L. Clarke Jr. '32, Knoxville

James Harrison Eldridge '34,  
Knoxville

Edwin F. Dalstrom '33,  
Town Creek, Ala.

James E. Elkins '65, Knoxville

Montraville W. Egerton '56,  
Knoxville

Joseph Stephen Fanduzz '77,  
Johnson City

Daniel Joseph Goodman '78,  
Knoxville

Phillip Garry Harper, '69,  
Washington, D.C.

James Hunter Lane Sr. '23,  
Memphis

Coy C. Mays '49, Gray

Jerry F. Laughlin '49, Pinehurst,  
N.C.

Fred M. Milligan '49, Chattanooga

Wayne Arthur Parkey '22,  
Knoxville

Cayce L. Pentecost '47, Dresden

Gary A. Redderson '93, Knoxville

Karl D. Saulpaw Jr. '49, Knoxville

John F. Schrankel '54,  
Barnesboro, Pa.

Robert G. Steward '55,  
Hernando, Miss.

Mahlon Lynn Townsend '60,  
Knoxville

Homer H. Wallace '25, Clinton

Warren Raymond Webster '49,  
Knoxville

Norman Henry Williams '66,  
Knoxville

John Q. Wisecarver '65, Norcross, Ga.

# Alumni News

## Class of '30

EARL HOLMAN MARSH Sr. is counsel of the Knoxville firm of Croley, Davidson & Huie. He spent more than 38 years of active and reserve duty with the U.S. military before retiring in 1967.

EUGENE F. MILLER recently retired as an executive with Aetna Casualty & Surety after 38 years of service.

## Class of '34

Col. TOM ELAM was honored on his 85th birthday last May with a ceremony at UT-Martin. More than 500 people greeted Col. Elam and his wife, Kathleen, with a standing ovation when they entered the UTM P.E. Complex and Convocation Center. JOHN WARD '53, the "Voice of the Vols," emceed the ceremony. In September 1994 it was announced the UTM P.E. complex would be named for Col. Elam. The Elams later pledged \$700,000 to UTM's \$11 million capital campaign.

## Class of '39

CHARLES LOCKETT was honored by the Knoxville chapter of the American Red Cross in December 1994 for 50 years of service to the organization. He was named a lifetime member of the Knoxville chapter.

## Class of '48

SHIRLEY B. UNDERWOOD of Johnson City was chosen as the 1994 Outstanding Juvenile Court Judge in the United States by the National Council of Juvenile and Family Court Judges.

## Class of '57

RILEY ANDERSON was sworn in as chief justice of the Tennessee Supreme Court in Nashville on Nov. 1, 1994. He has been a Supreme Court justice since 1990.

## Class of '59

FRANK SLAUGHTER of Bristol was appointed to succeed EDGAR CALHOUN '61 as Sullivan (Tenn.) County Criminal Court judge.

## Class of '61

JOHN McCLELLAN of Kingsport was appointed by Gov. Ned McWherter as Circuit Court judge in Sullivan (Tenn.) County. He replaces ROGER THAYER '58.

## Class of '62

SIDNEY GILREATH of Knoxville has become one of the first attorneys in Tennessee to be certified as a civil trial specialist under a new program established by the Tennessee Supreme Court.

ROBERT RITCHIE of Knoxville was hailed by *The Champion* magazine in December 1994 as a gentleman attorney whose courtroom grace is matched only by his untiring dedication to his job. He is senior attorney in the firm of Ritchie, Fels & Dillard.

## REUNION CLASS

### Class of '65

WILLIAM SKELTON has become a partner in the Knoxville firm of Bass, Berry and Sims.

### Class of '66

THOMAS B. CLARK has moved from Boulton Cummings Connors & Berry to Genesco Inc. and his new address is P.O. Box 731, Nashville, TN 37202-0731.

WILLIAM M. LEECH Jr. of Nashville has received the Bruce Kramer Award for defending the organization in the *Oldham* lawsuit which challenges the ACLU's free speech rights.

HIRAM G. TIPTON of Kingsport is president of the Kingsport Bar Association. He is assistant chief

counsel for Tennessee Eastman Company.

#### Class of '68

JERRY BECK was elected last August to the office of Circuit Court Judge, Part II, by the voters of Sullivan (Tenn.) County. He was originally appointed to the bench in July 1993 to fill a vacancy left by the death of the Honorable George H. Garrett.

#### Class of '69

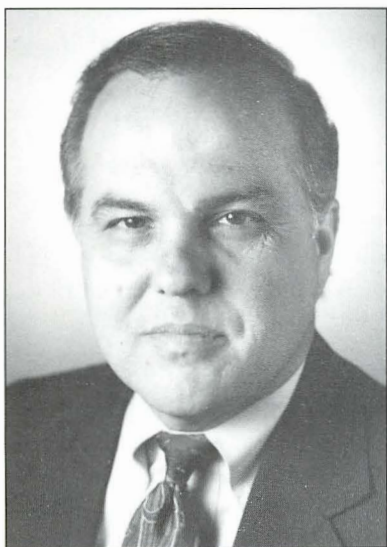
EDWARD W. ARNN retired after 34 years of working as a trial attorney with the Interstate Commerce Commission in Atlanta. He has started Arnn, Inc., a transportation consulting service in Stone Mountain, Ga.

JOHN COPE recently completed 25 years with Merrill Lynch. He is a vice president.

#### REUNION CLASS

##### Class of '70

SAM L. COLVILLE joined the firm of Holman, McCollum & Hansen, P.C., and helped open its Missouri office in Kansas City.



JAMES L. FOUTCH has been named Deputy Chief Counsel for Litigation and Programs at the Department of Energy's Oak Ridge Operations. Foutch was editor-in-chief of the *Tennessee Law Review* in 1970.

## Baker, Donelson, Bearman & Caldwell is result of two-firm merger

Last fall, the firm of Heiskell, Donelson, Bearman, Adams, Williams and Caldwell and the firm of Baker, Worthington, Crossley & Stansberry were combined, with the result being the formation of the new firm Baker, Donelson, Bearman & Caldwell.

The new firm includes approximately 200 lawyers and has offices in Chattanooga, Huntsville, Johnson City, Knoxville, Memphis, Nashville and Washington, D.C.

#### Class of '71

ROGER W. DICKSON of Chattanooga has been reappointed to the 19-member UT Board of Trustees. He is with the firm of Miller & Martin.

J. RANDOLPH HUMBLE is vice president from East Tennessee of the Tennessee Trial Lawyers Association. He practices in Knoxville.

#### Class of '73

JAMES A.H. BELL has been elected to a second three-year term on the board of directors of the National Association of Criminal Defense Lawyers. He was also chosen for a one-year term on the executive committee of NACDL.

GARY R. WADE was elected president-elect of the Tennessee Judicial Conference in July 1994.

STEVAN L. BLACK has formed a new firm, Black, Bobango & Morgan, in Memphis.

#### Class of '74

H. WYNNE JAMES III has become managing partner with Baker, Donelson, Bearman & Caldwell in Nashville.

PHILLIP M. KANNAN, assistant general counsel at Martin Marietta Energy Systems in Oak Ridge and Practicing Fellow at the UT College of Law, had an article titled "A New Approach to Computing Joint and Several Damages" published in the Spring 1994 issue of the *Southern Illinois University Law Journal*.

#### REUNION CLASS

##### Class of '75

JOHN D. McMAHAN of Chattanooga has become board certified as a civil trial specialist by the National Board of Trial Advocacy. He is a partner in the firm of Clements, Schulman & McMahan.

JOHN R. ROSSON Jr., the City of Knoxville's Municipal judge, has been appointed chair of the subcommittee for part-time judges within the National Conference of Special Court Judges of the American Bar Association. He was also program moderator for the ABA meeting in New Orleans in July 1994.

##### Class of '76

DENNIS R. McCLANE of Knoxville has been named a Chancellor's Associate at UT-Knoxville for 1994-95. Dennis is with Wolf, McClane, Bright, Allen & Carpenter.

##### Class of '77

WILLARD ROOKS HELANDER of Libertyville, Ill., was elected as Lake County Clerk in 1994, making her the county's first Republican clerk in 24 years.

CAROL L. MITTLESTEADT of Redwood City, Calif., will be president of the San Mateo County Bar Association during 1995. In 1994 she became a director of Borel Bank and Trust Company. She is a practicing partner with Jackson, Bolgard, Mittlesteadt, Voisin, Miller & Dugoni in Redwood City.



# Alumni News

Continued from Page 13

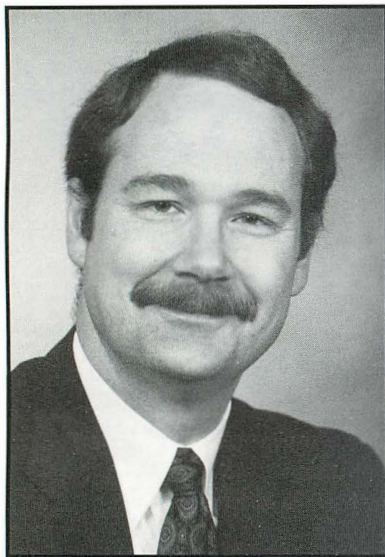
## Class of '78

GLORIA BEAUCHENE has moved from Orlando to Atlanta. Her new address with the FDIC is 1201 W. Peachtree St. NE, Suite 1800, Atlanta, GA 30309-3145.

JULIET E. GRIFFIN has been selected as United States Magistrate Judge in Nashville.

E. JERALD OGG earned a doctorate in journalism from Southern Illinois University in May 1994. He teaches communications law and ethics at UT-Martin.

## Class of '79



GEORGE WILLIAM JENKINS III has been selected as United States Administrative Law Judge in Memphis. He is assigned with the Social Security Administration.

MARK STEPHENS of Knoxville has been elected 1994-95 secretary/treasurer of the Tennessee Public Defenders Conference. Stephens is a Knox County public defender.

## REUNION CLASS

### Class of '80

GEORGE T. LEWIS III of Memphis has been appointed to the Judicial

## Penny White named to Supreme Court

Penny J. White '81 of Johnson City was sworn in as a Tennessee Supreme Court Justice Jan. 1 in Nashville. The Sullivan County native was appointed by former Gov. Ned McWherter last fall and becomes the only woman currently among the five judges on Tennessee's highest court.

McWherter appointed White as an Appeals Court judge in 1992 and prior to that she was a Circuit Court judge.

"A female perspective and a male perspective equals a human perspective," said White, attributing the remark to a woman jurist in another state. "We now have a human perspective on the bench."

Nominating Commission. He is also serving as a member of the Leadership Memphis Class of 1995.

MARGARET PATTERSON SIMMONS married her high school sweetheart in 1993 and is now working in the Office of Counsel for the U.S. Army Corps of Engineers in Huntsville, Ala.

### Class of '81

ROBYN JARVIS ASKEW was among 18 finalists in the Knoxville YWCA's 10th Annual Tribute to Women in October 1994. She is the volunteer president of the Children's Center of Knoxville and is a member of the boards of Planned Parenthood of East Tennessee and the Williams-Henson Lutheran Home for Children.

BRENDA J. MORGAN is teaching English to Parisian executives at a language school in Paris, France.

JERRY W. TAYLOR has joined the Nashville firm of Manier, Herod, Hollabaugh & Smith. Prior to that he was general counsel for the Tennessee Health Facilities Commission.

JANE W. YOUNG co-authored an article for the symposium issue of the *Tennessee Law Review*. The article was titled "School Financed Litigation: The State's Perspective." Jane is a staff attorney with the Tennessee Supreme Court.

### Class of '82

TODD CAMPBELL and his wife, Margaret Akers, announce the birth of Holt Akers-Campbell on Aug. 25, 1994. Todd is counsel to Vice President Albert Gore.

H. STANLEY HARRIS opened his own general practice office in Charlotte, N.C., in June 1994.

WANDA SOBIESKI of Knoxville was elected a Fellow of the Tennessee Bar Foundation in January.

ROGER YOUNG has received the title "Board Certified Civil Trial Lawyer" from the Florida Bar Association. Less than 1,000 of the 48,000 members of the FBA have earned this title.

### Class of '83

CAROLYN FOREHAND is vice president and general counsel with PhyCor Inc., a publicly-traded healthcare company in Nashville.

TERRY D. GOLDBERG, a partner in the firm of Datz & Goldberg in Philadelphia, Pa., was selected for the third time as a member of the U.S. fastpitch softball team which participated in the Macabiah Games last year. He also married Cindee Beth Goldberg last May.

TOM JURKOVICH was married to the former Tracy Purcell of Paris and Nashville, Tenn., in June 1993. Tom and Tracy work in Washington, D.C., where Tom is the National Field Director for the Democratic Congressional Campaign

and Tracy is a registered nurse specializing in intensive cardiac care.

THOMAS J. WRIGHT of Greeneville, Tenn., had an article on appellate oral argument published in the *Tennessee Bar Journal*. The article was co-authored by PERRY PIPER '88. Thomas is an adjunct faculty member at Walters State Community College teaching in the paralegal program.

#### Class of '84

DAVID L. LEWIS has joined the Knoxville firm of Woolf, McClane, Bright, Allen & Carpenter. He was previously general counsel for Ashland (Ky.) Hospital Corp.

#### REUNION CLASS

##### Class of '85

PATTI COTTEN, formerly a practicing partner with Baker, Donelson, Bearman & Caldwell, has joined the Knoxville firm of London & Amburn P.C. Her practice is primarily in the area of health-care law.

JENNIFER P. CRAIG is secretary-treasurer of the Knoxville Barristers and was recently appointed to the board of the Volunteer Legal Assistance Program.

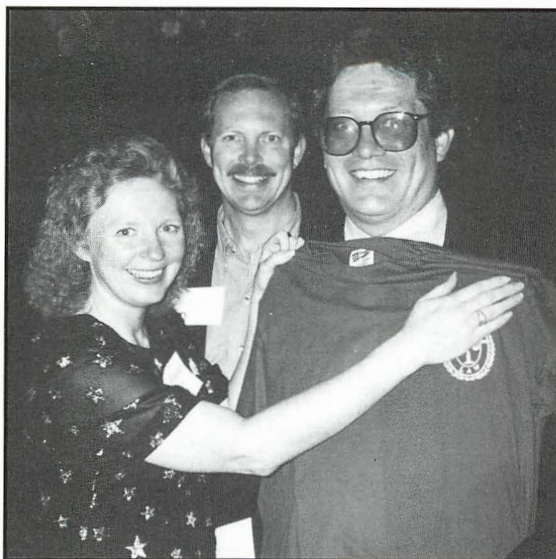
N. COURTNEY HOLLINS opened a solo office in Nashville in October 1992 and practices in the areas of real estate, banking, and corporate and commercial law.

JOHN MARK TIPPS has left the Nashville firm of Bass, Berry & Sims to help with new U.S. senator Bill Frist's transition to Washington.

TOM WILSON authored a book titled *OSHA Guide for Health Care Facilities* which was published in September 1994. He is with the firm of Vinson & Elkins in Houston, Texas.

##### Class of '86

TODD B. BREWER is the head of the Public Finance Practice Group with Winstead Seckrest & Minick, P.C., a 175-lawyer firm with offices



## Homecoming '95

*Pam Reeves '79 of Knoxville (left) presents John Whitworth '79 of Camden, Tenn., with a College of Law T-shirt during the Homecoming '95 party Sept. 30 in Knoxville. Charles Swanson '79 stands behind wife Pam and John, who earned the T-shirt by being the member of the Class of '79 who traveled the farthest to attend the Homecoming festivities.*

in Houston, Dallas, Austin and Mexico City.

JACQUELINE B. DIXON has been appointed to a seat with the American Bar Association House of Delegates in Nashville. She is a former president of the Nashville Bar Association and practices with the firm of Madden, Miller & McCune.

##### Class of '87

MARK A. BROWN of Knoxville has been named a Chancellor's Associate at UT-Knoxville for 1994-95. Mark is an attorney with Campbell & Dawson.

DANIEL L. CLAYTON was elected to the Franklin (Tenn.) Special School District Board of Education. He was also named treasurer of the Board of Education. Daniel practices with the Nashville firm of Kinnard & Clayton.

PHILLIP DEL GRISSON, a captain in the U.S. Air Force at Andrews AFB, Md., and his wife, Ellen, announce the birth of their first child, Claire Priestly, on Oct. 24, 1994.

ANDY MARKELONIS of Louisville, Ky., has been reappointed to the Kentucky Bar Association's Lawyers Helping Lawyers Committee. LHL is devoted to assisting attorneys whose professional

judgment may be impaired by alcohol or some other emotional or behavioral impairment.

KIM A. McMILLAN was elected to the 67th District Tennessee House of Representatives in November 1994. She is married to LARRY McMILLAN and both are partners in the Clarksville, Tenn., firm of Cunningham, Mitchell, Hicks, Broliier & McMillan.

DENNA F. MIDDLETON has become a member of the Knoxville firm of Waters, Reagan & Creekmore.

BARBARA MUHLBEIER NORWOOD of Knoxville has been named a Chancellor's Associate at UT-Knoxville for 1994-95. She is vice president and legal counsel for First American Bank.

DANA RINEHART RINKER and her husband, Kenneth, announce the birth of Madeleine Elise on June 30, 1994. The Rinkers live in Orlando, Fla.

MICHAEL W. SHERIDAN of Nashville and his wife, Pamela, welcomed new addition John Winston on Nov. 22, 1994.

JOSEPH R. WHEELER became a partner in the Nashville firm of Cornelius & Collins in January 1994.



# Alumni News

Continued from Page 15

## Class of '88

FRANK CALLAWAY has returned to Knoxville to work with the Baron Corporation developing real estate. Previously he was the assistant general counsel of IRT Property Company in Atlanta.

JAY CLEMENTS and his wife, Lisa, announce the birth of Jacob Reid Clements on July 21, 1994. Jay is a partner in the Chattanooga firm of Kennedy, Fulton & Koontz.

ROBERT H. KOSKY Jr. and his wife, Mary Sue, announce the birth of Robert H. Kosky III in February 1994. Dad is a special agent, legal advisor and EEO investigator with the FBI in Tampa, Fla.

TERESA C. MAHAN and her husband, Thomas Lesnak, announce the birth of Nicholas Andrew on Nov. 20, 1994. Nicholas joins older sister Katherine. The family lives in Germantown, Tenn.

J. PATRICK MURPHY has moved from Nashville to Chattanooga and now works for Chambliss & Bahner. His new address is Chambliss & Bahner, 1000 Tallan Building, Two Union Square, Chattanooga, TN 37402.

RICHARD T. SAAS is now associated with the Washington office of Hogan & Hartson.

GERALD C. WIGGER of Nashville has been named a partner in the firm of Ortale, Kelley, Herbert & Crawford.

## Class of '89

PATRICIA A. KRİKORIAN of Charlotte, N.C., is executive director of Another Choice for African-American Children, an adoption agency which is the first of its kind in North America.

RICHARD D. UNDERWOOD was named a partner in the Vicksburg, Miss., firm of Varner, Parker, Sessums & Akin. He and his wife, Kimberly, announce the birth of Alexander Pope on July 14, 1994.

## REUNION CLASS

### Class of '90

MARK K. BRASWELL has accepted a position with the Enforcement Division of the U.S. Securities & Exchange Commission in Washington, D.C.

FRED S. CLELLAND has become a partner in the firm of Weill & Weill in Chattanooga.

RICHARD M. KESSLER has opened his own practice, specializing in patent, trademark and general law, at 123 West Jackson Ave. in Knoxville. He was formerly with Baker, Donelson, Bearman & Caldwell in Nashville.

VALERIE MAGUIRE and CHRIS CANTRELL '91 of Smithville, Tenn., announce the birth of Alexander Lee in March 1993.

### Class of '91

WILLIAM C. DAVIS, director of pharmacy with American HomePatient of Chattanooga, and his wife, Kimber, announce the birth of their son, Thomas Beckham, on April 21, 1994.

CATHRYN JOHNSON ROLFE was installed as president of the Nashville Bar Association/Young Lawyers Division in November 1994. She has been a board member for the past three years.

JEFF YATES has entered the doctoral program in political science at Florida State University.

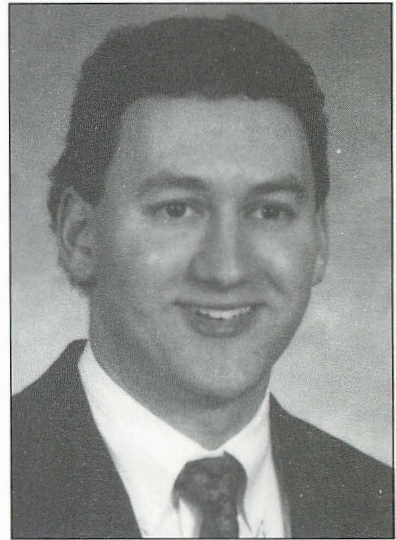
### Class of '92

KYLE MICHEL has joined the Washington, D.C., firm of Long Aldridge & Norman as an associate. He was formerly with the staff of Vice President Albert Gore.

AMANDA HAYNES YOUNG has moved from Memphis to Nash-

ville and is an associate with Trabue, Sturdivant & DeWitt. Her new address is 511 Union Street, 25th Floor, Nashville, TN 37219.

## Class of '93



ADAM EPSTEIN is an adjunct professor at Pellissippi State Technical Community College in Knoxville where he teaches business law, contracts, and real estate law. He is also a substitute professor of Latin at UT.

JACK L. GARTON has joined the firm of White, Regen & Stuart in Dickson, Tenn.

MARGARET L. GRAY is the disability program manager with the State of Indiana Personnel Department in Indianapolis.

DEBRA POOLE of Knoxville won third place in the annual writing competition sponsored by Roane State Community College for her first work of fiction.

## Class of '94

DAVID S. FENKEL works for the New Jersey judiciary as a law clerk to the Hon. Richard S. Robeck, J.S.C., and the Hon. Joyce C. Munkasi in the Middlesex County Court House in New Brunswick, N.J.

DAVID L. LEONARD and EDWARD L. KERSHAW have opened a law office -- Leonard & Kershaw -- in Greeneville, Tenn.

# UT honors outstanding Alumni

*Four are chosen for public service, alumni service*

The University of Tennessee College of Law has honored four alumni for distinguished service during 1994.

Knoxville attorneys Robert E. Pryor and Thomas S. Scott Jr. and The Honorable Joseph M. Tipton of the State Court of Criminal Appeals received Alumni Service Awards at a combined meeting of the College of Law Dean's Circle and Alumni Advisory Council Sept. 17 at the University Center.

In addition, The Honorable Penny J. White of Johnson City, who was appointed to the Tennessee Supreme Court last December after serving two years as a judge on the Tennessee Court of Criminal Appeals, received the Outstanding Public Service Award.

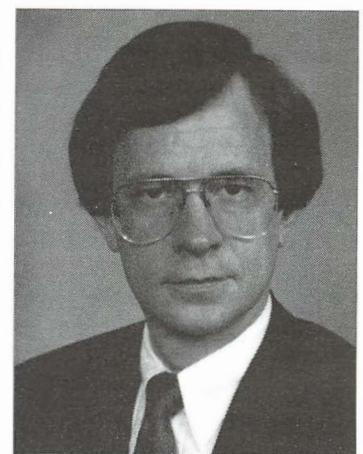
**Pryor is a 1970 graduate** of the UT College of Law and a partner in the Knoxville firm of Pryor, Flynn, Priest & Harber. He is an adjunct professor at the UT College of Law and a charter instructor of the College of Trial Advocacy and the National Institute for Trial Advocacy. He is a member of the Knoxville (KBA) and American Bar Associations (ABA) and is listed in the 1993-94 edition of Naifeh and Smith's "The Best Lawyers in America" under Personal Injury Litigation.

**Scott graduated from the UT College of Law in 1967** and upon graduation was invited to become a member of the Order of the Coif. He is a partner in the Knoxville firm of Arnett, Draper & Hagood and is an active member of the KBA and ABA. He is a past president of the Knoxville Bar Association and is a fellow of the American College of Trial Lawyers and the Tennessee Bar Foundation. He has been an adjunct professor at the UT College of Law since 1982.

**Tipton received the J.D. degree** from UT in 1971 and was invited to become a member of the Order of the Coif upon graduation. He was an associate with the Knoxville firm of Ritchie & Tipton from 1971-74 and a partner from 1975-81. In 1981 he formed Tipton & Bell and was with

Lockridge & Becker when Gov. Ned McWherter appointed him to the state Court of Criminal Appeals in 1990. He is a member of the KBA and ABA and was the first recipient of the Tennessee Association of Criminal Defense Lawyers Outstanding Service Award. He was also an adjunct professor at the UT College of Law from 1983-92.

**White graduated from the UT College of Law in 1981.** Prior to being selected for the Court of Criminal Appeals in 1992, she was elected as the first female circuit court judge for the First Judicial District in Tennessee in 1990. In addition to her duties on the bench, she has been an adjunct faculty member at the UT College of Law since 1988, at East Tennessee State University since 1981, and at the National Judicial College since 1993. She has been an advocate for the civil rights of inmates incarcerated in Tennessee county jails. When she was sworn in as a justice of the Tennessee Supreme Court Jan. 1, White became the only woman among the five judges who currently sit on the state's highest court.



*Thomas S. Scott Jr. and Robert E. Pryor (left and center, top photo) receive Alumni Service Awards from Dean Richard S. Wirtz. The Hon. Joseph M. Tipton (below right photo) is also the recipient of an Alumni Service Award. The Hon. Penny J. White (left, bottom left photo) receives the Outstanding Public Service Award from George T. Lewis III.*



# Career Services

## Alumni Networkers

Almost 100 UT College of Law graduates from across the country have signed on as Alumni Networkers since the program began in the summer of 1993. Sponsored by the Career Services Committee of the Alumni Advisory Council and the Career Services office, the program assists students in their transition from law student to practicing attorney.

Students who've contacted a networker have expressed their appreciation for the program and recommend it highly to other students.

As a graduate of the College of Law, you too can be of tremendous assistance to a student by agreeing to spend a few hours a year giving advice on building a career in your practice area and/or on employment opportunities in your city or state. For a full description of the program and an enrollment form, see the centerfold of this edition of *Alumni Headnotes*.

Expansion plans for the program include asking Alumni Networkers to assist the Office of Admissions. Networkers would act as liaisons by encouraging students in their locations to accept an offer of admission to the UT College of Law, or as contacts for undergraduate institutions.

## Lawyers of the Present, Vol. II

The careers of some 50 alumni in various private practices and in-house counsel positions will be the highlight of *Lawyers of the Present, Volume II*, scheduled for publication this spring. This is the second edition in a series of booklets designed for students to demonstrate the versatility of the law degree and the variety of careers College of Law graduates have pursued.

The first edition of *Lawyers of the Present*, published in early 1994, highlighted 41 alumni with non-traditional or law-related careers. Participants included entrepreneurs, corporate managers, medical personnel, environmental analysts, law enforcement agents, government officials, teachers, and bar association directors. They described their legal career paths since graduation, the satisfactions and frustrations of their work, and gave advice for students who might be considering the same type of practice.

*Lawyers of the Present, Volume III*, is scheduled for publication in late 1995 and will focus on alumni pursuing public service careers, including government and public interest organizations.

## Southeastern Law Placement Consortium

Career Services Director Joann Gillespie Rothery is chair for the 1995 Southeastern Law Placement Consortium (SELPC), scheduled for Friday and Saturday, October 6-7, at the Mariott Suites Midtown in Atlanta.

The only legal recruiting conference providing 20 years of experience and success, SELPC continues to offer employers nationwide the opportunity to conveniently recruit summer associates and entry-level attorneys from 12 Southeastern law schools at the same time, in the same location. Since 1975, more than 400 employers nationwide have participated.

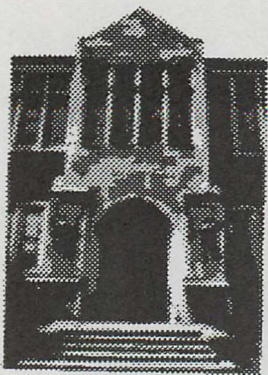
Conference features include total prescreening, scheduling flexibility, and interviewing suites in midtown Atlanta.

SELPC schools include: the University of Tennessee College of Law, the University of Alabama School of Law, Cumberland School of Law Samford University, Emory University School of Law, the University of Florida School of Law, the University of Georgia School of Law, the University of Kentucky College of Law, the University of Miami School of Law, the University of South Carolina School of Law, Washington & Lee University School of Law, and William & Mary Law School.

For a brochure and registration form, contact Career Services.

## On-Campus Interviewing

Spring on-campus interviewing continues in Career Services through Friday, April 28, then resumes for the fall semester on Friday, September 22. For reservations, please contact the Career Services office by phone at 615/974-4348, or by fax 615/974-0681.



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.

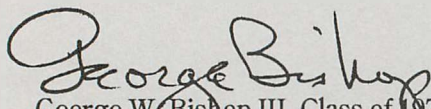


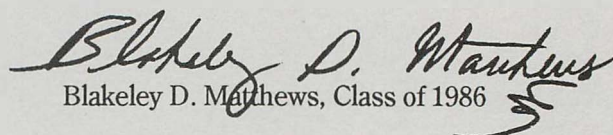
If you would like to become a part of this program, simply complete and return the attached profile sheet. Students, who will be given a list of several alumni based on their particular interests and needs, will be instructed to write or call you to schedule a convenient meeting time. Consultations will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

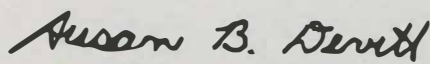
We would also like to remind you that we have a very active Career Services staff which is eager to assist you with your employment needs. Requests for year-round, summer, and single project clerks, as well as entry-level and experienced attorneys will be processed promptly. A staff member will be happy 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.

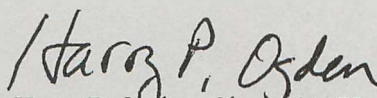
Our graduates need your help, and with your support we can give them an edge over the many graduates competing for jobs.

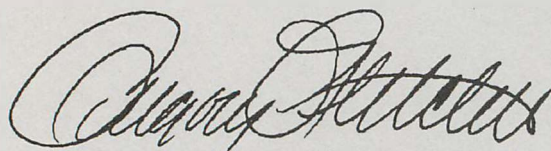
Sincerely yours,

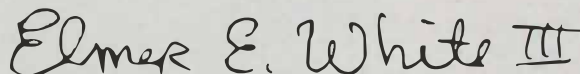
  
George W. Bishop III, Class of 1975

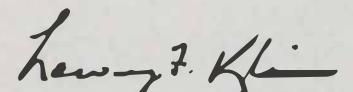
  
Blakeley D. Matthews, Class of 1986

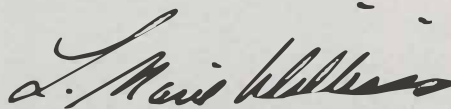
  
Susan B. Devitt, Class of 1987

  
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
- 2-10
- 11-25
- 26-50
- 51-100
- 101-250
- 251-500
- 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 \_\_\_\_\_

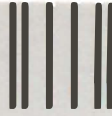
City, state, zip \_\_\_\_\_ Phone number \_\_\_\_\_

## Availability as Alumnus/a Networker

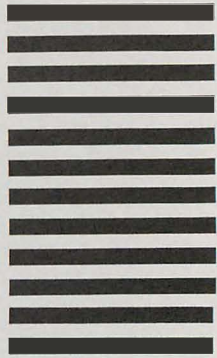
I am available to advise students as follows:

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





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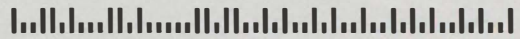


**BUSINESS REPLY MAIL**

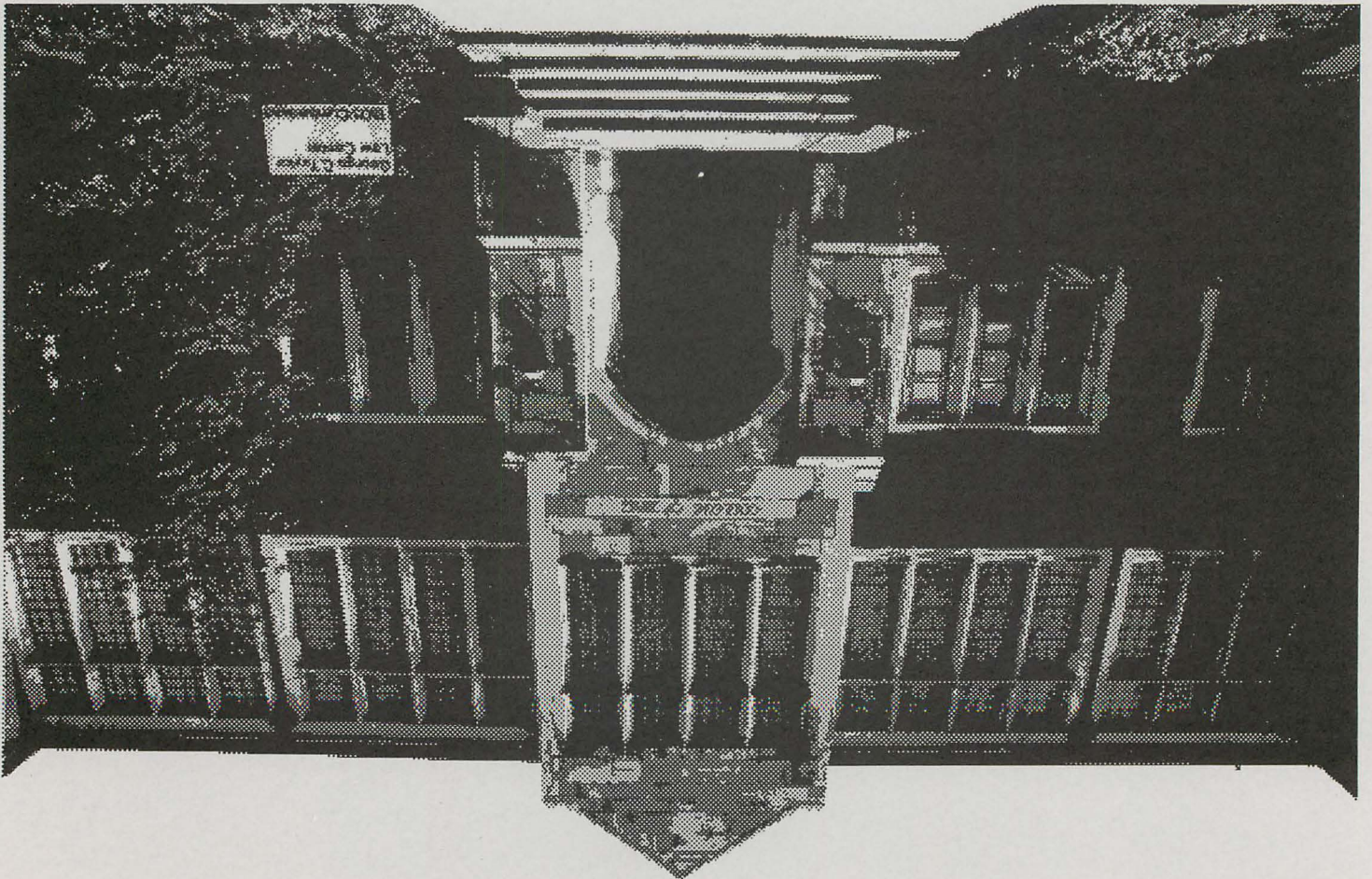
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## We're looking for you! New directory in works

Have you ever tried to get in touch with an old classmate, only to find that the last address you have in your telephone directory is 8 years old? Well, your troubles are over.



Well, your troubles are over.

Soon an impressive directory of UT College of Law alumni/ae will be available to help you locate those old friends.

The newest UT law directory, scheduled for release in November/December of

1995, will be the most up-to-date and complete reference of over 5,000 College of Law graduates ever compiled. This comprehensive volume will include current name, address and phone number, academic data, and business information (if applicable), bound in a classic, library-quality edition.

The College of Law's Office of Development and Alumni Affairs has contracted the Bernard C. Harris Publishing Company to produce the directory. Harris will soon begin researching and compiling the information to be printed in the directory by mailing a questionnaire to each alumna/us. Please complete and return your questionnaire as soon as possible.

If you prefer not to be listed in the directory, please contact the Development and Alumni Affairs Office as soon as possible.

Look for more details on the directory project in future issues of *Alumni Headnotes*.

## Corporate Counsel Institute May 19-20

The University of Tennessee College of Law and the American Corporate Counsel Association, Tennessee Chapter, will present the Third Annual Tennessee Corporate Counsel Institute May 19-20, 1995, in Nashville at the Holiday Inn Crowne Plaza. The Institute has been certified for 11.5 hours (8.5 General and 3.0 Dual) of Tennessee Continuing Legal Education credit.

The program includes lectures on "The Implications for Tennessee Business (Good and Bad) of The Clean Air Act Amendments of 1990," by Robert J. Martineau, Jr. (Waller Lansden Dortch & Davis--Nashville); "Changes in the Rules of Discovery and the Obligations of Corporate Counsel," by R. Dale Grimes (Bass, Berry & Sims--Nashville); "Threading the Needle in a Haystack: The Intersection of the ADA, FMLA and Workers' Compensation," by William A. Blue, Jr. (Constangy, Brooks & Smith--Nashville); "Information Gathering on the Internet: How Easy Can It Be?" by W. Lee Corbett (Corbett, Crockett & Van Slyke--Nashville); "Comparative Fault in Tennessee since *McIntyre v. Balentine*," by Ward DeWitt, Jr. (Trabue, Sturdivant & DeWitt--Nashville); "Cases and Laws Passed by the Legislature Concerning Corporate Counsel," by Terry Hill (Manier, Herod, Hollabaugh & Smith--Nashville); and "Tennessee Legislative Highlights, 1995," by William R. Bruce (Stokes & Bartholomew--Nashville). Professor Carl Pierce, UT College of Law faculty member, will teach the 3-hour Ethics portion of the program. His topics are transactional ethics and litigation ethics for corporate counsel.

Fees are \$295 for non-American Corporate Counsel Association (ACCA) members and \$250 for ACCA members. The deadline for registration is April 28, 1995. For more information and a registration form, call Micki Fox at (615) 974-4464.

## Tennessee Law Review Cumulative Index available

The *Tennessee Law Review Cumulative Index* to volumes 31-60 (1963-1993) is now available! You can order a copy by calling Micki Fox at (615) 974-4464, or by sending in the coupon to the right. The 459-page book, indexed by author, case name, and subject, is available in soft cover for \$25 to non-subscribers to the *Tennessee Law Review* and \$20 to subscribers. The hard cover edition is \$30 for non-subscribers and \$25 for subscribers.

Mail to Tennessee Law Review, UT College of Law, 1505 W. Cumberland Avenue, Knoxville, TN 37996-1800.

Please send me \_\_\_\_\_ copies of the Cumulative Index to 31-60 in \_\_\_\_\_ soft cover or \_\_\_\_\_ hardbound. I enclose \$20 \_\_\_\_\_ (soft cover, subscriber) \$25 \_\_\_\_\_ (soft cover, non-subscriber; hardbound, subscriber) \$30 \_\_\_\_\_ (hardbound, non-subscriber).

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Address \_\_\_\_\_

\_\_\_\_\_

Telephone: (     ) \_\_\_\_\_



# Development News

## Over \$13,000 pledged during fall Phone-A-Thon

Phi Delta Phi led the way during the annual College of Law Phone-A-Thon by receiving \$9,305 in pledges during the three-day event Oct. 17-19.

Six student groups participated in the annual event, which resulted in a grand total of \$13,215 in pledges from 206 donors.

In addition to Phi Delta Phi, the Law Women received pledges of \$1,250, TAPIL \$1,150, ATLA \$875, BLSA \$435, and NACDL \$200.

Eleven students from three organizations -- Phi Delta Phi, BLSA and TAPIL -- participated in the opening night of the phon-a-thon. The callers received 106 pledges totaling \$5,490. Rebecca Cothran of Phi Delta Phi received the most pledges (16) and also the largest amount pledged (\$800). The largest single pledge (\$200) was posted by Robin Dean, also of PDP.

Others working opening night were Rob Asbury, Melanie Davis, Stacy Ellison, Edwin Green, David Hatfield, Nikki Pierce and Alice Pinckney of PDP, Elena Xoinis of TAPIL, and Jerry Jones of BLSA.

The second night, 11 callers representing five organizations received pledges of \$5,125 from 66 donors. Melanie Davis of PDP received the largest amount pledged (\$1,350) and the largest single pledge (\$1,000). Yvette Sebelist of the Law Women had the most individual pledges (15).

Other students who worked were Rob Asbury, Kelly Bradley, Jenny Rogers, John Steakley, and Charlie Williamson of PDP, Billy Eiselstein and Lane Simpson of TAPIL, Tony Roberts of NACDL, and Harry Weddle of ATLA.

On the final night, 12 students from four organizations received 34 pledges totaling \$2,600. Charmaine Nichols of the Law Women received the most pledges (8) and the largest amount raised (\$550). Eric Ebbert of PDP recorded the largest single pledge (\$250).

Other student workers were Rob Asbury, Lauren Bornemann, Greg Bowman, Melanie Davis, Ruby Dhaliwal, Linda Szugyi, Katy Turshen and Chad Vanderwert of PDP, Laninya Cason of BLSA, and Carolyn Moore of TAPIL.

Two students -- Rob Asbury and Melanie Davis -- participated all three nights.

Thanks to those of you who made a gift or pledge to a caller during the Phone-A-Thon.

## Betty Stuart leaves UT Law

Betty Stuart, alumni affairs and annual giving specialist at the UT College of Law, resigned in January to become office manager for her brother's medical practice in Rockwood, Tenn.

Betty came to the College of Law in 1984 as recorder and assistant to the associate dean for student affairs. She was promoted to senior editorial assistant in the Office of External Affairs in 1986, administrative services assistant in 1992, and alumni affairs and annual giving specialist in 1994.

Betty said she enjoyed her 10-plus years at UT and will especially miss working with alumni.



In some issues of the 1993-94 Annual Report, giving figures for 1993-94 were omitted from the chart comparing giving for the past five years. The five-year totals are printed to the right.

	1989-90	1990-91	1991-92	1992-93	1993-94
Gifts	\$290,513	\$334,502	\$243,812	\$380,718	\$745,787
Pledges*	\$544,613	\$701,416	\$196,915	\$437,023	\$559,038
Donors**	878	1023	940	1252	1274

\*Pledges are not necessarily payable during the same fiscal year in which they are made. Pledges include cash as well as bequests which are property documented with specific dollar amounts.

\*\*Beginning in 1987-88, the College of Law changed the way it calculates the number of gifts/donors slightly. Prior to 1987-88, figures represented the number of gifts, which may have included more than one gift from the same donor or donors. For the later years, the figures represent the number of donors, regardless of how many gifts they may have made during each year. Married donors are counted as one, except when each spouse is a UT law graduate. Totals include gift donors; pledges only are not included.

***The UT College of Law is pleased to acknowledge the following patrons:***

**New Benefactor Society Members**

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T. Robert Hill and Frankie Wade  
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Mrs. Augusta R. Kolwyck\*  
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**New Heritage Society Members**

Thanks to:

E.H. Avery  
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Elizabeth and Thomas E. Fox  
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**New Tennessee Society Members**

Thanks to:

Donna B. and Robert L. Crossley  
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Johnson City

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**New President's Club Members**

Thanks to:

Robyn and Jerry W. Askew  
Knoxville

Jerri S. and D. Mitchell Bryant  
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J. Scott Rose  
Dallas, Texas

Cheryl and William R. Seale  
Morristown

*We thank the individuals and groups listed above for their generous support of the University of Tennessee College of Law, and we are also grateful to everyone who has made a gift or pledge to the College.*

*If we have overlooked anyone, please forgive us and give us a chance to correct our records by letting us know. Write or call the Office of Development and Alumni Affairs, Suite 14, 1505 West Cumberland Avenue, Knoxville, TN 37996-1800, 615/974-6691.*

\*--deceased



# Faculty News

**Dwight Aarons** gave a presentation titled "AIDS and the Criminal Law" in November as part of the AIDS and Society class. Also in November, Prof. Aarons gave a presentation titled "Some Issues Facing HIV-Infected Health Care Workers" as part of the College Scholars program.

**Gary Anderson** received the Lionel R. Barrett Jr. Award from The Tennessee Association of Criminal Defense Lawyers for his work on the Indigent Defense Funding Crisis Board, which resulted in the August 17 Supreme Court order establishing an Indigent Defense Commission and the doubling of attorney fees in indigent cases. He was also appointed as reporter for the Indigent Defense Commission.

**Fran Ansley** submitted a proposal for a forum entitled "From Classroom to Class Conflict: Scholarship and Teaching in the Service of Redistribution" to be held at the 1995 AALS annual meeting. She will serve a three-year term on the editorial board of the *Journal of Legal Education*. She is co-director of the new UT Community Partnership Center, which will match the expertise of UT faculty with the needs of community groups in Tennessee, Kentucky and Virginia. The goal of the center is to promote and improve economic conditions in the area.

**Bill Beintema, Reba Best, Steve Thorpe** and **Kelly Browne** attended the American Association of Law Libraries annual meeting July 9-13 in Seattle. Kelly was on the staff of the convention's daily newspaper and contributed an article on the 1994 AALL Summer Institute on Basic Legal Reference

Services. Kelly attended the institute last July in Portland, Ore.

**Reba Best** and **Cheryn Picquet**, who compiled *Computer Law and Software Protection: A Bibliography of Crime, Liability and Security, 1984-1992*, had their work featured in the *Reference Book Review* (vol. 16, no. 1).

**Doug Blaze** co-authored the 1994-95 supplement to the book *Law of Negligence in Arizona*, which has been published by Michie Company. Prof. Blaze and **Pam Wolf** presented a workshop, "Social Work and the Law: An Interdisciplinary Approach to Poverty Law," at the Fall Tennessee Conference on Social Welfare at the UT University Center.

**Neil Cohen** was the guest on a call-in show on WIVK radio in Knoxville on the role of excuses in criminal trials. Prof. Cohen also sent the publisher the 1994 supplement to his book, *The Tennessee Law of Evidence* (2nd ed.). The book was written with adjunct UT law professor **Don Paine** and UT law alumna **Sarah Sheppard**. Prof. Cohen conducted a CLE program in Nashville for state-employed lawyers on differences between the federal and Tennessee evidence rules. Prof. Cohen also participated in a panel discussion for the UT Philosophy Club on the O.J. Simpson case. He spoke to the UT Chancellor's Associates Jan. 17 about a "Viewers (or Voyeur's) Guide to the O.J. Simpson Case." The Chancellor's Associates are Knoxvilleans who assist in generating support and understanding of UTK. Prof. Cohen has signed a contract to co-author the second edition of his 1983 book, *The Law of Probation and Parole*.

**Judy Cornett** will participate in a Women's Law symposium at the Cornell Law School April 7-8. The title of the symposium is "'Humor Saves a Few Steps': Women, Humor and the Practice of Law." Prof. Cornett will present a paper as a member of the panel on "The Legal Ethics of Positive and Negative Uses of Humor in Professional Relations." She has been appointed by the Tennessee Supreme Court to serve on its Commission on Gender Fairness. The commission is charged with examining the components of the Tennessee judicial system and recommending revisions in rules, procedures, and administration to ensure equal treatment for all persons free from gender bias.

**Larry Dessem** was recently elected a Fellow of the Tennessee Bar Foundation in January. On Dec. 6, Prof. Dessem spoke at a Tennessee Bar Association CLE program on "Federal Discovery Changes."

**Grayfred Gray** co-authored an article titled "Legal Expert System Building: A Semi-Intelligent Computer Program Makes It Easier," which was published in the Spring 1994 issue of *The John Marshall Journal of Computer & Information Law*. The other co-author was UTK computer science faculty member Bruce J. MacLennan. Prof. Gray made a presentation on mediation and performed a mock mediation involving deaf people and interpreters for the deaf to the Knoxville chapter of the Tennessee Registry for Interpreters for the Deaf Oct. 11. **Sharon Murphree**, who assists with the UT Mediation Clinic and is chair of the Community Mediation Center, was a co-presenter and co-mediator. Prof. Gray also presented a workshop on how to mediate at the East Tennessee Education Association Annual Meeting Oct. 28. **Elaine Wynn**, who assists with the UT Mediation Clinic and is a member of the board of directors of the

Community Mediation Center, was a co-presenter.

**Amy Hess** has become the successor author of the multi-volume treatise *Bogert on Trusts and Trustees*, published by West. Her first contribution will be the 1995 pocket parts.

**Robert Lloyd** spoke to the East Tennessee bankruptcy trustees Oct. 20 on how to distinguish a true lease under amendments to the Uniform Commercial Code.

Adjunct professor **Don Paine** serves as chair of the Tennessee Supreme Court Advisory Committee on Civil Procedure. Profs. **Neil Cohen** and **Larry Dessem** are consultants to the Commission, which meets regularly to review and recommend changes in the Tennessee Rules of Juvenile, Appellate and Civil Procedure and Evidence.

**Carol Parker** and **Judy Cornett** participated in a faculty workshop entitled "Responding to Student Writing" at Duke University Dec. 9-10.

**Cheryn Picquet** serves on the Faculty Senate Library Committee and is editor of the newsletter of the East Tennessee Lawyers' Association for Women.

**Jerry Phillips** had a note on recent decisions on the constitutionality of very large punitive damage awards accompanying small awards of compensatory damages published in the 1994 Current Survey of the *Consumer Law Journal*.

**Tom Plank** had an article entitled "Sacred Cows and Workhorses: The Sale of Accounts and Chattel Paper Under the U.C.C. and the Effects of Violating a Fundamental Drafting Principle," published in the *Connecticut Law Review*. He had an article titled "When a Sale of Accounts is not a Sale: A Critique of Octagon Gas" published in the Winter 1994 issue of *Consumer Finance Quarterly Report*.

**Glenn Reynolds** had an article, "Legislative Comment: The Omnibus Space Commercialization Act of 1983," published in the *Rutgers Computer Technology Law Journal*. He had a review of Joyce Malcolm's book, "To Keep and Bear Arms: The Origins of an

Anglo-American Right," published in the August issue of the *American Bar Association Journal*. He had an op-ed piece, "2nd Amendment: Something for Everyone," published in the Dec. 5 issue of the *Los Angeles Times*. He also wrote an article, "Congress: The Next Generation," which was published in the Dec. 5-11 issue of *Space News*. Prof. Reynolds is executive chairman of the National Space Society. He had an article, "International Trade Conflict in High Technology Sectors: The Japanese Satellite Example," published in the Spring 1994 issue of the *UCLA Pacific Basin Law Journal*. He made a presentation on "Trends in Space Policy" at the Australian Space Development Conference in Sydney, Australia, Sept. 10. Prof. Reynolds was a guest of the National Space Society of Australia.

**Dean Rivkin** appeared in January on a televised panel sponsored by the National Congress of Men and Children on the issue of joint custody. In February he spoke on the topics of school discipline, students with disabilities, and the juvenile court at a CLE program sponsored by the Tennessee



## Charlie Miller celebrates 89th birthday at Legal Clinic

Faculty, staff, and old friends and co-workers helped professor emeritus Charles H. Miller (center seated) celebrate his 89th birthday last October with a party in the UT Legal Clinic, which Mr. Miller founded in 1947. In the photo, professor emeritus Forrest Lacey (left) chats with Mr. Miller. Seated to Mr. Miller's left is Legal Clinic Director Doug Blaze and to his right is professor emeritus E.E. Overton.



## Faculty News

Continued from Page 23

Council on Juvenile and Family Court Judges. Prof. Rivkin's essay, "Doing Environmental Justice in Appalachia: Lawyers at the Grassroots and the Aspiration of Social Change," was published in the Summer 1994 issue of the *West Virginia Law Review*, as part of a symposium of essays on environmental justice.

**Barbara Stark** edited a book, *Family Law and Gender Bias: Comparative Perspectives, Volume 4 of International Review of Comparative Public Policy*, which received a laudatory review from Nancy E. Dowd in the *Family Law Quarterly* (1994). Her article, "Urban Despair and Nietzsche's 'Eternal Return': From the Municipal Rhetoric of Economic Justice to the International Law of Economic Rights," will appear in the March '95 issue of the *Vanderbilt Journal of Transnational Law*. In February, Prof. Stark presented a paper, "Feminism, International Law and the 'Eternal Return': Turning the Wheel," at the meeting of the International Studies Association in Chicago.

**Greg Stein** participated in a panel discussion on the "Impact of the MacCrate Report on the Property Curriculum" at the ABA annual meeting in New Orleans in early August. The panel was put together by the Legal Education Committee of the ABA Real Property Section, of which Stein is the vice-chairman.

**Dick Wirtz** was appointed by Justice Lyle Reid of the Tennessee Supreme Court to chair a task force of the Commission on the Future of the Tennessee Judicial System. The task force will deal with legal education and admission to the bar. The members of the task force are the deans of the state's four law schools and the



### Alumni Jurisprudence Lecturer

*Alex Kozinski (right, standing), a federal judge who sits on the 9th Circuit Court of Appeals, delivered the 1994 Alumni Distinguished Lecture in Jurisprudence last November. Judge Kozinski is shown here meeting with UT law students during his visit to campus. His lecture topic was "The Toyota Principle." The judge said juries shouldn't award excessive punitive damages to individuals who harm themselves while engaging in irresponsible behavior.*

members of the Tennessee Board of Legal Examiners. The Dean represented the American Bar Association on an accreditation visit to the Regent University Law School in Virginia Beach, Va., Nov. 2-4. The Dean has been appointed to the Curriculum Committee of the ABA Section of Legal Education and Admissions to the Bar. In January, the Dean was elected a

Fellow of the Tennessee Bar Foundation.

**Dick Wirtz** and **Bob Lloyd** presented a program in January about copyright law and contract law as they relate to the field of graphic arts. The program was sponsored by the UTK Art Department in cooperation with the UT College of Law.

## We're having a party!

Attention, alums! The College of Law will host a "Goodbye George C. Taylor, We'll Be Back" party Friday, April 28 -- and you're invited. The event will be held on the last day of classes for the spring semester and will coincide with the annual Alan Novak Auction.

The purpose of the party is to say goodbye to the Taylor Law Center as we know it. Sometime in June the law building will be vacated so that a construction crew can move in and completely redesign and renovate the inside of the building. The renovation will coincide with the construction of the new building along the west end of the Taylor Law Center. Sometime in late 1996 or early 1997, faculty, staff and students will return to a state-of-the-art law facility.

The party is still in the planning stages -- you'll be hearing more soon. Make plans now to attend this grand bon voyage party!



## New Faculty for 1994-95



**MELINDA DEMPSTER DAVIS** has joined the Law Library faculty in the new position of cataloger. She comes to UT from the firm of Lewis, King, Krieg & Waldrop, P.C., where she was the librarian. Davis was a member of the UT Library faculty from 1973 through 1978, serving as reference librarian and cataloger. Also, from February 1993 until July 1994 she worked part-time in the Law Library on a special project to convert our catalog records to machine readable format. She earned an A.B. degree from Duke University and an M.S.L.S. from the University of North Carolina at Chapel Hill.



**DONALD A. LEATHERMAN** comes to the UT College of Law from the Internal Revenue Service, where he had worked since 1989. Prior to joining the IRS, Leatherman worked for five years for Arnold & Porter in Washington, D.C., and for three years for Skarlatos & Zonarich in Harrisburg, Pa. He is a graduate of Goshen College, the Dickinson School of Law, and has an L.L.M. in taxation from New York University.



**JANICE E. McALPINE** comes to GCT from Wisconsin, where she was executive director of Western Wisconsin Legal Services, a 13-county legal services program providing civil legal assistance. McAlpine received both B.A. and J.D. degrees from the University of Michigan. During 1994-95, she will teach Civil Advocacy and serve as a staff attorney with the Legal Clinic's Homeless Person Representation Project.



**CAROL McCREHAN PARKER** joins the law faculty as director of legal writing and will teach Legal Process I. She holds both B.S. and M.A. degrees from Northwestern University and received a law degree from the University of Illinois College of Law. After graduation from law school, Parker was a litigation associate at the Chicago law firm of Sonnenchein, Carlin, Nath & Rosenthal for two years. She then served as a teaching fellow at the DePaul University of Illinois College of Law, as a visiting instructor at the University of Illinois College of Law, and as Writing Program coordinator at the Indiana University School of Law.



**THOMAS E. PLANK** comes to Knoxville from the Washington, D.C., office of Kutak Rock, where he was a partner specializing in real estate, commercial finance, and securities. Plank is a graduate of the University of Maryland School of Law and Princeton University. He was editor-in-chief of the *Maryland Law Review* in 1973-74. His practice experience includes service as a law clerk to the chief judge of the Maryland Court of Appeals, work as a litigation associate with the Baltimore firm of Piper & Marbury, and serving as assistant attorney general and counsel to the Maryland Department of Budget and Fiscal Planning and Maryland Department of Economic and Community Development.

## Livingood earns CFRE certification

Suzanne Livingood, director of development and alumni affairs for the College of Law, has earned the designation of Certified Fund Raising Executive (CFRE) from the National Society of Fund Raising Executives (NSFRE).



There are 3,398 CFREs nationwide.

Suzanne, who has been with the College of Law since 1991, was the founding president of the Smoky Mountain Chapter of NFSRE in 1988 and has been a member of the organization since 1985. Prior to coming to UT she was director of annual giving for the Fort Sanders Foundation in Knoxville.

To become certified by NSFRE a candidate must have at least five years of full-time fund-raising experience, be successful in helping to raise a significant amount of money for not-for-profit organizations, and contribute to the advancement of fund raising and philanthropic management. In addition, each candidate must pass an examination which tests fund-raising skills and knowledge of all aspects of the field.

During the 1993-94 fiscal year, the College of Law raised \$1.3 million in gifts and pledges, an increase of nearly 60 percent over the 1992-93 total.

Suzanne, who received a B.S. degree from the University of Louisville, is currently spearheading the College of Law's \$6 million Cornerstone Campaign.



# Students

## Class of '97 brings variety of backgrounds

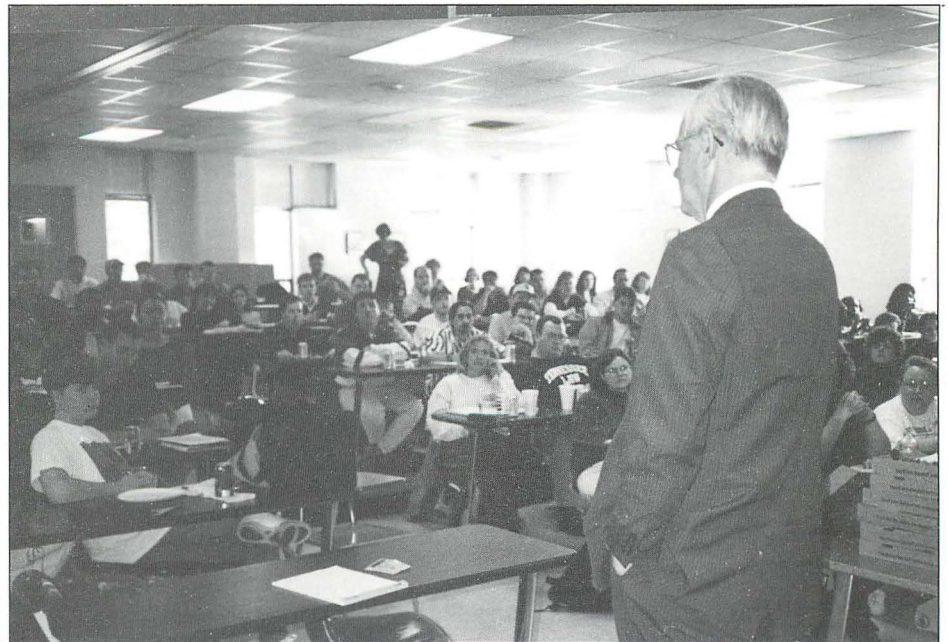
Members of the Class of '97 which enrolled at the University of Tennessee College of Law last Fall hail from 18 states and represent 73 undergraduate colleges and universities nationwide, according to data compiled by the College of Law Admissions Office.

And if the 159 students in the Class of '97 follow the pattern of incoming classes since 1986, about 91 percent of them will receive Doctor of Jurisprudence degrees in 1997, said Director of Admissions Karen Britton. This projection is consistent with the College of Law's graduation percentage over the past five years.

The Class of '97 includes 80 males, 79 females, and 132 Tennessee residents. Undergraduate fields are varied. In addition to the traditional history and political science majors, the members of the Class of '97 studied as undergraduates in such fields as chemical engineering, creative writing, film, music composition, nutrition, Russian, and telecommunications.

First-year students began their legal journey Monday and Tuesday, Aug. 22 and 23, with orientation and registration. From Tuesday afternoon until Friday afternoon, the students participated in The Introductory Period, a series of sessions to ease the students into such topics as the civil litigation process; court, facts and the law; case analysis and briefing; the lawyer and the client; and the roles of a lawyer.

Each first-year student follows a



*Dean Richard S. Wirtz addresses members of the Class of '97 during a class meeting held in early January.*

prescribed course of study for the initial year of the three-year course of study, Britton said. Required courses for first-year students include Civil Procedure, Contracts, Criminal Law, Legal Process, Torts and Property. In the second and third years of study, law students can choose from over 74 elective courses to supplement the required courses of Constitutional Law, Evidence, Legal Profession, and Income Tax.

First-year students will spend 15 hours in class each week. Estimates of the time spent studying and preparing for class range from 30 to 45 hours per week, with the ratio of two hours preparation to each hour in class being an often-quoted standard, Britton said.

What is the mood of the first-year students? Many students drop by the Admissions and Financial Aid Office during orientation and the introductory period just to chat with the staff members with whom they became familiar during the admissions process.

"We always ask, 'How's it going?' and we get varied responses as the weeks progress,"

Britton said. "Students become less nervous after the fear of the unknown eases, and that gives way to excitement about the challenges ahead.

"I think they all respect the rigors of the program but feel qualified and capable of meeting those challenges."

Construction of a new law building and renovation of the existing building over the next two years will also pose challenges for the Class of '97.

Law classes are being taught at different locations across campus. While this presents some logistical problems, it does bring law students more into line with the university population at large. Especially for first-year students, the law school experience may be very much like their undergraduate experience.

Plans call for members of the Class of '97 to complete their law studies in the new law center just prior to receiving their degrees during the spring of 1997.

## Welcome UT's newest Legal Eagles

Two of this year's Civil Clinic students -- 3Ls Kevin Allen and Alice Briese -- benefitted from a "real world" experience during the fall of 1994.

The two battled a landlord in Knox County General Sessions Court -- and WON!

The students represented the tenant before The Honorable Geoff Emory after the landlord had previously filed a detainer warrant -- a legal action to evict the tenant -- against their client. On behalf of the tenant, Kevin and Alice filed a counterclaim alleging that the landlord breached specific duties required by the Uniform Residential Landlord Tenant Act. Specifically, the landlord was renting a unit that was unfit for human habitation.

After a four-hour trial that included six lay witnesses, two expert witnesses, and exhibits



**Kevin Allen and Alice Briese**

including videotape and photographs, the judge dismissed the landlord's detainer warrant action and awarded the tenant rent previously paid, security deposit, and compensation for a prorated water bill.

The judge also awarded attorney fees of \$400 to be paid to the Legal Clinic. Collectively, Kevin and Alice had nearly 40 hours in the case.

Alice is from Knoxville and Kevin from Oak Ridge, Tenn.

## Moot Court team reaches quarterfinals

The University of Tennessee College of Law's moot court team advanced to the quarterfinals of the national tournament Jan. 23-25 in New York City.

The team of Michelle Gensheimer of Kingsport, Bryan Larson of Dyersburg, and Jason Long of Knoxville defeated Boston University and Georgetown University and lost to Hastings College and the College of William & Mary, the latter coming in the quarterfinals. UT won the oral competition against William & Mary.

Gensheimer and Larson are third-year law students and Long is a second-year student.

Twenty-eight teams competed in the national tournament.

Professors Joseph G. Cook and John L. Sobieski Jr. are the UT coaches.

At the regional moot court tournament in November, UT won Best Brief and finished second in the team competition. Gensheimer was honored as the Outstanding Oralist.

## UT hosts program designed to increase minority lawyers

The Tennessee Bar Association Young Lawyers Division recently teamed with the UT College of Law to offer an opportunity for minority undergraduates to learn more about law school and the admissions process with the goal of increasing the number of minority lawyers practicing in Tennessee.

Undergraduates from as far south and west as Mississippi State University attended the program at the University Center in Knoxville on Saturday, Oct. 29.

Prof. Greg Stein discussed the admissions process and Prof. Carl Pierce outlined "A Day In the Life..." of a law student and

demonstrated the Socratic method to the audience.

Participants were treated to a practice round by UT National Moot Court team and a student panel discussed student life in Knoxville and at the College of Law.

The program concluded with a discussion of legal career opportunities by College of Law alumni Andre Couré '90, Irma Freestate, '93, and Wilfred Nwauwa '93. The panel presentation was organized by alumnus Rachel Inman Carpenter '93.

Plans call for the gathering to become an annual statewide event.

### UT grads fare well on state bar exam

An impressive 91 percent of UT law graduates who took the Tennessee bar examination for the first time last July passed. This compares with 81.6 percent statewide. Also, better than 88 percent of all the UT alums who took the test passed. The statewide average was 75.6 percent.



# 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 place 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, attorneys are needed to assist in the development of the next generation of courtroom advocates. Judges are needed especially 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. If you cannot be involved this year, please send the form 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.

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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: \_\_\_\_\_

Mail to: Moot Court Board  
UT College of Law  
1505 West Cumberland Avenue  
Knoxville, TN 37996-1800

Telephone: (615) 974-4241



# New program provides loan payment options

Law school alumni, regardless of the year of their graduation, may now take advantage of a new federal program that can significantly reduce monthly loan repayments and extend the period of the repayment. The new program also includes a plan for tying repayments to a percentage of the borrower's income and a provision for partial debt forgiveness at the end of 25 years. This plan may be of particular interest to law graduates who are considering public service careers.

In 1993, Congress passed a law requiring the government to begin making direct loans to students and to provide an income-contingent repayment option. The regulations under this law became effective in 1994, and they are retroactive to past graduates who are still paying on government-guaranteed loans.

## Who is Eligible?

The new regulations provide that a graduate with one or more of 21 types of government or government-guaranteed loans (including virtually all government-guaranteed loans that law students may have obtained during college or law study) may consolidate them into a federal direct consolidation loan. In consolidating, the borrower may elect one of four repayment options or may negotiate with the Department of Education for an "alternative repayment" plan uniquely suited to the borrower's situation.

The four standard choices include:

- standard repayment (repayment over 10 years)
- extended repayment (repayment over 12-30 years, 30 for large debts)
- graduated repayment (repayment over 12-30 years, but at increasing levels as the loan total diminishes)
- income-contingent repayment

## What is the Income Contingent Repayment Option?

The income contingent repayment option is the most novel and most complex. Repayment is capped

at a percentage of the borrower's salary (plus any other income). The percentage varies with the size of the original loan balance and varies from 4 percent to 15 percent of the borrower's income. For large debts, typical of law student borrowers, the cap will be 15 percent of income. However, a borrower may repay less than this amount because a borrower never pays more than 20 percent of his or her discretionary income, defined as adjusted gross income minus the poverty level for a family of the size of the borrower's family, as published by the Department of Health and Human Services. (Example: a single person with \$100,000 of debt and adjusted gross income of \$25,000 will repay \$294 per month; such a borrower with a dependent will repay \$253).

The difference between the interest rate on the loan (at present, 7.43 percent, limited by law to a maximum of 8.25 percent) and the amount repaid under the cap (determined by the borrower's income) will be added to the borrower's principal.

## But Remember:

- 1) no matter how high this principal balance climbs, annual repayment will not exceed 15 percent of annual income, or 20 percent of discretionary income;
- 2) if the principal balance climbs to more than 10 percent of the original balance, the government will stop compounding interest, and will thereafter accrue simple interest only, and
- 3) at the end of 25 years in this repayment program, any principal balance then remaining will be forgiven.

This income contingent repayment option may be of particular interest to law school graduates interested in public interest careers. While the program will enable more graduates to enter public service positions, any borrower should weigh fully the benefits and flaws in the program. In some cases it may reduce current loan repayments by as much as 75 percent (compared with standard 10-year repayment) or 40 percent (compared with extended repayment without income-contingent limits). But under ICL, a borrower's total debt actually will increase, and forgiveness will not occur for 25 years.

## How do I apply?

To seek such a loan, a person who has federally-guaranteed loans should apply for a federal direct consolidation loan with income contingent repayment.

Application forms and more information may be obtained by calling 1-800-4FEDAID, a hotline established by the U.S. Department of Education.



## CURRENT DEVELOPMENTS IN COMPARATIVE FAULT AND INSURANCE LAW

An outline accompanying the remarks of  
Carol A. Mutter, Adjunct Professor of Law,  
The University of Tennessee College of Law,  
Continuing Legal Education Program,  
Knoxville, Tennessee, November 10, 1994.

### COMPARATIVE FAULT

#### I. Premises Liability

1. *Eaton v. McLain*  
1994 WL 590647 (Tenn. Sup. Ct. Oct. 31, 1994)

Plaintiff Eaton was injured in her daughter's home when she attempted to make her way to the bathroom in the dark and fell down the basement stairs. Jury allocated 40% negligence to Eaton and 60% to the defendant McLains. The Court of Appeals for the Eastern Section reversed. (1993 WL 286071) The Supreme Court granted Ms. Eaton's appeal "in order to clarify the circumstances in which a trial or appellate court may hold, as a matter of law, that the plaintiff's degree of fault is equal to or greater than the defendant's" and "to address the duty aspect" of plaintiff's claims. In affirming the Court of Appeals, the Supreme Court provided guidance for future comparative fault litigation. The court stated that *principles* undergirding doctrines such as implied assumption of risk, last clear chance, and remote contributory negligence are still potentially relevant and may be considered by the jury in apportioning fault. The court listed six factors which, if applicable, should be included in jury instructions and should be considered by the court in ruling on motions for directed verdict or JNOV: 1) the relative closeness of the causal relationship between the conduct of the defendant and the injury to the plaintiff; 2) the reasonableness of the party's conduct in confronting a risk, such as whether the party knew of the risk, or should have known of it; 3) the extent to which the defendant failed to reasonably utilize an existing opportunity to avoid the injury to the plaintiff; 4) the existence of a sudden emergency requiring a hasty decision; 5) the significance of what the party was attempting to accomplish by the conduct, such as an attempt to save another's life; and 6) the party's particular capacities, such as age, maturity, training, education, etc. Unlike the Court of Appeals, which had decided that there was overwhelming evidence that plaintiff's fault was equal to or greater than that of the defendant's, the Supreme Court found it unnecessary to make that determination, ruling instead that the plaintiff had failed to establish that defendants had violated their duty of care to her. Citing several cases from other jurisdictions presenting similar facts, the Court held that the injury to Eaton was not reasonably foreseeable and thus the McLains was not charged with a duty to leave the light on in the hall or to lock the basement door. Further, there was no duty to warn Eaton of the location of the stairs, an "open and obvious" danger common in many homes.

2. *Bobo v. Harris*  
1994 WL 71531 (Tenn. Ct. App. Feb. 28, 1994). Permission to Appeal Denied, Concurring in Results Only, by Supreme Court July 11, 1994.

Suit by tenant against landlord for damages resulting from fire in rented premises. Tenant testified insulated wire was protruding from various conduit pipes at inception of tenancy, three years prior to fire. Electrical inspector testified that fire originated in panel box from overload and that defect would not be detectable by lay person. Court of Appeals affirmed trial court's grant of summary judgment for landlord. *Dictum* that obviousness of the condition of rented premises would warrant at least an equal degree of negligence on the part of the plaintiff.

3. *Pike v. Shadden*  
845 F. Supp. 528 (E.D. Tenn. 1994)

Plaintiff, nine years old at the time of the accident, was living with relatives in tenant house on defendants' farm. Plaintiff turned on auger in barn to start to feed cattle prior to arrival of relative, a farm employee. While auger was running plaintiff attempted to step across it; a traumatic amputation of his leg resulted. Defendants' motion for summary judgment was denied. Judge Edgar found that landlord/tenant law was inapplicable and that plaintiff was an invitee. The court held that the "obvious danger" rule was tantamount to contributory negligence and had been subsumed by comparative fault.

4. See also Mutter, "Rethinking Assumption of Risk after the Adoption of Comparative Fault," 23 *Mem. St. L. Rev.* 85 (1992), at 90-92 (obvious dangers on premises).

## II. *Assumption of Risk*

1. *Perez v. McConkey*  
872 S.W.2d 897 (Tenn. 1994)

Traditional defense of implied assumption of risk abolished by Supreme Court. Common law concept of duty will preclude recovery in some situations. Reasonableness of party's conduct in confronting risk should be determined under principles of comparative fault.

2. *Smid v. St. Thomas Hospital*  
883 S.W.2d 632 (Tenn. Ct. App. 1994).

Plaintiff, who had serious cardiovascular problems, was a participant in defendant hospital's cardiac rehabilitation program. While waiting for his exercise class to begin, plaintiff stepped backwards into a set of moveable stairs, which shifted, causing him to fall. The trial court, pre-*Perez*, granted summary judgment to the hospital based on assumption of risk. The Court of Appeals affirmed under the duty analysis of *Perez*, holding that defendant's duty did not extend to protecting plaintiff from stepping backwards without looking.

3. *Carson v. Headrick*  
1994 WL 13379 (Tenn. Ct. App. Jan. 21, 1994). Permission to Appeal *Granted* by Supreme Court June 6, 1994.

Plaintiffs, deputy sheriffs and active duty patrol officers, accompanied defendant to her home to get personal belongings after she called 911 to obtain police protection from her husband. The 911 dispatcher told the officers that the husband was known to be violent and that there were weapons in the house. The husband fired on the officers with a rifle from a concealed position, wounding them, and then killed himself. Plaintiffs alleged that defendant failed to inform them fully about husband's violent tendencies and threats, as well as his possession of high-powered rifle with scope sight. Court of appeals affirmed summary judgment for defendant, holding that the case was controlled by *Harvey v. Dominguez* (appended to *Carson*, decided before comparative fault and *Perez*). In *Harvey* the Court of Appeals had adopted the fireman's rule on similar facts. The Supreme Court concurred in the result only, noting that the action was barred by assumption of risk and that it was unnecessary to adopt any special rule for public officers.

See also "Rethinking Assumption of Risk," *supra*, at 95-97 (fireman's rule discussion).

4. *Spurling v. Evans*  
1994 WL 481170 (Tenn. Ct. App. Sept. 2, 1994)

Plaintiff employee sought damages from defendant employers as a result of being trampled by a "wild cow" during his employment on defendants' dairy farm. The trial court granted summary judgment to defendants, finding that plaintiff had "assumed the risk of the inherent dangers of his employ-



ment." Subsequently *Perez* was decided, and the Court of Appeals reversed and remanded for further proceedings.

See also "Rethinking Assumption of Risk," *supra*, at 93-95 (inherent risks in employment).

5. *Silcox v. Coffee*  
1993 WL 350134 (Tenn. Ct. App. Sept. 15, 1993). Permission to Appeal Denied, Concurring in Results Only, by Supreme Court March 7, 1994.

Decision made by Court of Appeals before the *Perez* decision in the Supreme Court, but relying in part on *Perez* in the Court of Appeals. Decision to ride with intoxicated driver involves secondary assumption of risk which may reduce, but does not preclude, recovery. Jury finding that intoxicated passenger's decision to ride with intoxicated driver accounted for 40% of the total negligence was affirmed.

6. *Robinson v. Cotner*  
1994 WL 162766 (6th Cir. April 28, 1994), 23 F.3d 408 (unpublished disposition)

Plaintiff brought negligence action against estate of driver. Both plaintiff's son and driver were killed when vehicle went off road and struck a tree. Evidence at trial indicated both men had been drinking prior to the incident. Judge Hull instructed the jury on assumption of risk (prior to *Perez*) and the jury found that although the driver had been negligent, his passenger had assumed the risk. Reversed and remanded for a new trial on the authority of *Perez*.

### III. *Products Liability*

1. *McKinnie v. Lundell Manuf. Co., Inc.*  
825 F. Supp. 834 (W.D. Tenn. 1993)

Judge Todd made an "educated guess" that the Tennessee Supreme Court would apply comparative fault in strict products liability actions, in light of the trend in other jurisdictions.

2. *Roberts v. Sears, Roebuck, and Co.*  
834 F. Supp. 987 (E.D. Tenn. 1993)

Judge Hull refused to apply comparative fault in strict liability products suit, due to the "theoretical incompatibility" of strict liability and contributory negligence and the limited language of *McIntyre*.

3. *Whitehead v. Toyota Motor Corp.*  
No. 3: 93-CV-319, E.D. Tenn. On Certification Pursuant to Rule 23 of the Tenn. Supreme Court, No. 01501-9408-OT-00089

Mark Whitehead was injured in a head-on collision when his pick-up truck crossed the center line. Mark and his parents sued Toyota, alleging that his injuries were enhanced beyond those he might reasonably have expected to receive because of defects in the driver's restraint system and driver's seat. Judge Hull initially ruled that comparative fault is not a valid defense to a strict liability action. On August 15, 1994, however, Judge Hull amended his order to certify to the Supreme Court of Tennessee the question whether the affirmative defense of comparative fault can be raised in a products action based on strict liability. On August 19 the Court accepted certification. On September 18 Judge Hull amended his order to certify the question whether if comparative fault is held to be a valid defense to a strict liability products action, the defense is also applicable to "an enhanced injury case where it is undisputed that the alleged defect in the defendant's product did not cause or contribute to the underlying accident." On September 22 the Tennessee Supreme Court accepted certification of the second question. Oral argument was held on February 6, 1995.

#### IV. *Non-Parties*

*Ridings v. Ralph M. Parsons Co.*

1994 WL 114598 (Tenn. Ct. App. April 4, 1994). Permission to Appeal *Granted* by Supreme Court June 27, 1994.

Court of Appeals permitted defendants in third party suit arising from compensated injury to name plaintiff's employer as a non-party pursuant to *McIntyre*. Court found that exclusive remedy statute does not conflict with fault allocation because employer retains immunity from tort liability. Failure to include employer would improperly subject defendants to liability in excess of their share of fault.

See also *Allied-Signal, Inc. v. Fox*, 623 So. 2d 1180 (Fla. 1993); "*Sullivan v. Scoular Grain Co.: Apportioning the Fault of Immune Employers*," 1994 *Brig. Young L. Rev.* 187.

#### V. *Contribution and Indemnity*

1. *Bervoets v. Harde Ralls Pontiac-Olds, Inc.*  
1994 WL 523436 (Tenn. Sup. Ct. Sept. 26, 1994)

On July 5, 1980 Jackson, after consuming alcoholic beverages at Cactus Jack's restaurant, wrecked his car. Bervoets, a passenger, sued Jackson and his parents; the Jacksons and their insurer, Safeco, filed a third party complaint against Adanac, Inc. (d/b/a Cactus Jack's), alleging that Jackson was a minor, that Adanac was guilty of negligence per se for serving him, and that Adanac's negligence proximately caused Bervoets' injuries. On May 11, 1983, Jackson and Safeco settled with Bervoets for \$1,250,000, releasing all claims against all defendants. Safeco then sought contribution under the Uniform Contribution Among Tortfeasors Act against Adanac. First trial resulted in verdict for Adanac, but verdict was set aside by trial court. Second trial resulted in verdict for Safeco, but judgment was reversed by the Court of Appeals. After several continuances, *McIntyre* was decided, and Safeco filed an amended third party complaint, alleging that Adanac was liable to it on theories of contribution and common law indemnity. Adanac filed a motion to dismiss; the trial court granted the motion as to indemnity but denied it as to contribution. On interlocutory appeal by Adanac, the Court of Appeals affirmed, holding that the contribution claim was to be determined under the UCATA. The Supreme Court modified the ruling of the Court of Appeals, holding that contribution actions tried or retried after 5/4/92 are to utilize comparative fault. The Supreme Court rejected Adanac's argument that *McIntyre* abolished the right of contribution; rather, the court "did not intend to deprive litigants of the right to pursue contribution in an appropriate case." The pro rata approach of the UCATA is in direct conflict with fault apportionment, however, and may not be utilized.

On rehearing, the court addressed several procedural issues. See 1995 WL 34856 (Tenn. Sup. Ct. Jan. 30, 1995).

2. *Owens v. Truckstops of America* 1994 WL 115878 (Tenn. Ct. App. April 6, 1994). Permission to Appeal *Granted* by Supreme Court Aug. 1, 1994.

On a complicated set of facts, the Court of Appeals held, *inter alia*, that *pro-rata* contribution under the UCATA is no longer permissible, that determination of claimed right to indemnity was not yet feasible in light of preliminary facts, and that plaintiff's right to add as defendants impleaded parties was barred by the statute of limitation, despite plaintiff's original reliance on the principle of joint and several liability in seeking relief.



## INSURANCE LAW

- I. *Spence v. Allstate Insurance Co.*  
883 S.W.2d 586 (Tenn. 1994).

James and Pamela Spence separated and Pamela filed for divorce in February 1990. On March 12, 1990, the Spences executed a marital dissolution agreement providing for division of their property; the agreement was not to become effective until it was incorporated into a final decree of divorce, which occurred on August 22. James continued living in the home with the children. While James was out of town Pamela took care of the home and fed the dogs. A fire occurred on June 10; the insurer asserted that Pamela was responsible, and the jury so found. Allstate took the position that the innocent co-insured doctrine, as set forth in *Ryan v. MFA Mutual Ins. Co.*, 610 S.W.2d 428 (Tenn. App. 1980), did not apply; the Court of Appeals agreed. The Supreme Court reversed on this issue, holding that the policy was ambiguous and "fundamentally contradictory" as to rights of innocent co-insureds, and that material evidence supported the jury's finding that James had sole or separable interest in property claimed on proof of loss.

- II. *Moore v. State Farm Life Insurance Co.*  
878 S.W.2d 946 (Tenn. 1994)

Jack Jordan was primary beneficiary of life insurance policy on wife Lisa. Lisa died as result of auto accident caused by Jack's losing control of vehicle. State Farm paid policy proceeds to Jack. Jack was charged with vehicular homicide and pled guilty. Guardian of minor children sued Jordan and State Farm seeking recovery of the proceeds, claiming that TCA § 31-1-106 effected a forfeiture of Jack's right to proceeds. Trial court granted summary judgment to plaintiff and Court of Appeals affirmed. State Farm appealed. The Supreme Court held that language and purpose of statute requires that beneficiary must have intended to kill insured before being barred from taking proceeds.

- III. *St. Paul Fire & Marine Insurance Co. v. Torpoco*  
879 S.W.2d 831 (Tenn. 1994)

Patient brought medical malpractice action against her doctor for molesting her during examination. St. Paul filed declaratory judgment action seeking determination that professional liability policy issued to doctor did not cover acts alleged. The policy contained no intentional injury exclusion. The Supreme Court found alleged tortious conduct took place as part of provision of professional services and thus there was a duty to defend the case. Insurer's obligation to indemnify depends on "true facts" and is a jury question. Public policy of Tennessee does not forbid insurance coverage in this case.

- IV. *Huskey v. Crisp*  
865 S.W. 2d 451 (Tenn. 1993)

In a case involving interpretation of exclusion in uninsured motorist policy, Supreme Court found that plaintiffs presented sufficient evidence on issue of meaning of "resident of your household" to submit issue to jury. Word "residence" was not defined and is not necessarily synonymous with domicile; ambiguity must be liberally construed in favor of insured.

- V. *West v. Pratt*  
871 S. W. 2d 477 (Tenn. 1994)

Action involving allocation of compensatory and punitive damages between liability insurance carrier and underinsured motorist carrier. The Supreme Court held that in absence of provision in policy requiring liability carrier to pay punitives before compensatory damages, and in absence of legislative guidance on issue, liability carrier must satisfy compensatory award, to extent of its limits, before paying any of punitive award. Clear public policy exists in Tennessee disfavoring payment of punitive damages by uninsured motorist carriers to their insureds.

- VI. *Woodmen of the World Life Insurance Society v. Kinnaird*  
874 S.W. 2d 47 (Tenn. App. 1993)]

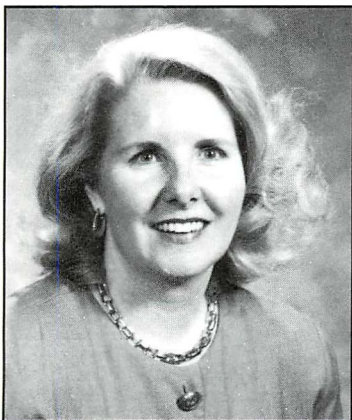
Court of Appeals held that life insurance policy was void *ab initio* since husband beneficiary helped secure policy on insured, wrote first premium check on own account, and had already made firm plan to kill insured prior to issuance of policy. Wife's children not entitled to proceeds despite innocence in fraudulent conspiracy of husband.

- VII. *Horace Mann Insurance Co. v. Tennessee Municipal League*  
1994 WL 108921 (Tenn. Ct. App. March 31, 1994), Appeal Denied by Supreme Court July 25, 1994.

City of Chattanooga sued McCullough and several other city employees alleging misappropriation of funds and knowledge of other abuses, fraud, breach of fiduciary duty, failure to supervise, etc. Summary judgment was erroneously granted on duty to defend since allegations sound in negligence as well as intentional conduct; if any one allegation is covered, there is a duty to defend; and doubt is to be resolved in favor of insured.

- VIII. *Rader v. Traylor*  
1994 WL 413822 (Tenn. Ct. App. Aug. 1, 1994)

Plaintiffs filed suit against physician on 08/18/94 alleging malpractice during abdominal surgery on 08/20/86. On 08/13/92, insurer Blue Cross filed motion to intervene to assert subrogation interest; motion was granted on 11/20/92. Settlement was entered into on 12/08/92 with stipulation that settlement did not make plaintiffs whole. Order of compromise and dismissal provided that any subrogation rights of insurer were unaffected. Trial judge then granted insurer summary judgment for reimbursement of plaintiff's medical expenses. Court of Appeals held that neither statute of limitation nor laches barred insurer's action and that insurance contract subrogation provision covered plaintiff, but that fact issue remained as to extent of subrogation, requiring remand.



Carol Anne Mutter is an adjunct professor of law and teaches business torts, civil procedure, contracts, insurance law, and torts. She was a visiting professor of law at UT from 1982 through 1989 and was an associate professor of law from 1989 through 1994. She earned a B.A. degree from the University of Tennessee in 1968 and a J.D. from Georgetown University Law Center in 1975. Professor Mutter worked as a clerk for the U.S. Court of Appeals for the District of Columbia and as an attorney with Hogan & Hartson in Washington, D.C. and Hull, Towill, Norman & Barrett in Augusta, Ga. She received a UT-Knoxville Chancellor's Citation for Extraordinary Community Service in 1987 and was a member of the 1990 Tennessee Leadership Class.





## ***College of Law 1995 Homecoming Celebration and Class Reunions***

### **Friday, September 29**

Reunions for the Classes of '35, '40, '45, '50, '55, '60, '65, '70, '75, '80, '85, '90 at The Foundry on The World's Fair site.

### **Saturday, September 30**

Traditional barbeque lunch in front of the University Center (note change of location due to construction) two (2) hours prior to kickoff of the Oklahoma State game.

**ALL alumni and their families and friends are invited to join in the festivities!**

**Mark your calendars now and plan to attend!**

- A block of rooms has been reserved at the Hyatt Regency in Knoxville with a rate of \$115 single/double. Call 615/637-1234 and say "Homecoming UTK '95" to reserve a room at the Homecoming rate. Deadline for room reservations is September 18, 1995.
- Delta Airlines is offering a 5% discount on any Delta domestic fare made 14 days in advance or a last-minute 10% discount off full fare. Call the University Travel Center at 1-800-522-5611 and ask for Yvonne to make a reservation.
- Order UT-Oklahoma State football tickets by using the form in The University of Tennessee Homecoming brochure, which will be mailed in May. Order tickets early -- last year's supply was quickly exhausted. Plan to enjoy all the University's Homecoming activities.
- The Office of Development and Alumni Affairs is coordinating the College of Law's 1995 Homecoming events. The College's Homecoming brochure will be mailed in May. Call 615/974-6691 for more information.

## Alumni Address Change and News

3/95

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

### News/Awards/Honors

Name: \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

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

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

\_\_\_\_\_

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

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

## Calendar

**April 14**  
Spring Recess

**April 21**  
Jenkins Competition Final Round\*

Moot Court Banquet  
6:30 p.m. - The Foundry

**April 26**  
Robert Taylor Lecture\*, Ambassador Sol Linowitz, noon,  
Holiday Inn Worlds Fair, Knoxville

**April 28**  
Spring Semester Classes End

**May 2-11**  
Examination Period

**May 11**  
Hooping\*, Principal speaker the Hon. Gilbert S. Merritt,  
U.S. Court of Appeals, 6th District.

**May 12**  
Commencement\*

**May 29**  
Open House for entering class -- Fall 1995.

**August 21-22**  
Registration & orientation for first-year students

**August 23**  
Fall semester classes begin

**September 29-30**  
Homecoming\* (Oklahoma State football game)

\* Alumni invited and encouraged 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 1973, Public Law 93-112, and 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 104, and the Americans With Disabilities Act of 1990 should be directed to Diversity Resources and Educational Services (DRES); 1818 Lake Avenue; Knoxville, Tennessee 37996-3560; or telephone (615) 974-2498. Charges of violations of the above policy should also be directed to DRES.



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

ADDRESS CORRECTION REQUESTED

**Non-Profit Org.**  
**U.S. Postage**  
**PAID**  
**The University**  
**of Tennessee,**  
**Knoxville**

***Alumni Headnotes/Winter 1995***