

University of Tennessee Law

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

Taylor Times (1986 - 1994)

Historic Collections

5-1992

Taylor Times (May 1992)

University of Tennessee College of Law

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



5-1992

Taylor Times (May 1992)

University of Tennessee College of Law

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



Part of the [Law Commons](#)

Recommended Citation

University of Tennessee College of Law, "Taylor Times (May 1992)" (1992). *Taylor Times (1986 - 1994)*.
http://trace.tennessee.edu/utk_lawtaylortimes/70

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

Taylor Times

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

MAY 1992

MAY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

May 1

Law Day

Everything you wanted to know about the Legal Clinic, but were afraid to ask! - 8:00 a.m. - 2:30 p.m. in the White Avenue Lobby - students currently taking civil and criminal advocacy will answer questions and provide insight to the Clinic program

Classes end

On-campus Interviewing ends

May 5-14

Examination period

May 14

Hooping - Tennessee Amphitheater - 7:30 p.m. - Speaker: Justice Shirley Abrahamson, Wisconsin Supreme Court

May 15

Commencement - 9:00 a.m. - Thompson/Boling Assembly Center and Arena

May 20-24

The College of Trial Advocacy

May 21-24

Golden Grad Weekend

May 25

Open House for the Class of '95 - see the Admissions Office for further information

May 26

Registration for Summer Term

May 27

Classes begin

Evidence Moot Court Team places Third in the Nation

A team of law students from the University of Tennessee College of Law finished third in the 1992 Jerome Prince Invitational Evidence Moot Court Competition held at Brooklyn Law School in Manhattan, New York, April 2-4. Team members were William Butler, Marian Howard, and Joe Thompson. Professor Neil P. Cohen served as the team's advisor.

The UT students faced teams from the law schools of Brigham Young, Brooklyn, Campbell, and Wake Forest before barely losing to Duke in the semifinal round. Duke defeated Florida to win the national championship. "In several rounds, the Tennessee team was as good as any other team I have ever seen," said team advisor, Neil Cohen. Last year's evidence team also placed third in the nation at the competition. The Tennessee team's written brief was rated the sixth best brief in the competition. The issues involved the attorney-client privilege and the admissibility of hearsay evidence.

William J. Butler, a second-year law student, is the son of Betsy W. Butler of Smithville and is a graduate of

DeKalb County High School. He has been on the Dean's List for two semesters in law school and was the recipient of the 1990 Manier, Herod, Hollabaugh & Smith Scholarship. He earned a B.S. from UT-K in 1989.

Second-year law student, Marian J. Howard, is from Denver, Colorado. She graduated from South High School in Denver. Before entering law school, she earned a B.A. from the University of Denver and a Masters Degree from Western State College in Gunnison. Marian has been on the Dean's List for two semesters and received the 1991 John W. Green Scholarship and the 1992 Harold C. Warner Scholarship. She is currently clerking for the Knoxville law firm of Ritchie, Fels & Dillard.

Joe H. Thompson is the son of Mr. and Mrs. Billy R. Thompson of Gallatin and is a graduate of Gallatin Senior High School. He transferred from Wake Forest Law School in 1991 and is now a second-year law student at UT. He has been on the Dean's List for one semester and received his B.A. from Harvard University in 1987.

Knoxville Mayor Victor Ashe will proclaim May 1 as 'Law Day' at noon, Friday, May 1, on the front lawn of GCT.

'92	L DAY W	'92
Alan Novak Memorial Fund Auction		Dunking Booth - 12:15 - 2:30 p.m. to benefit Novak Fund
Unique items from all over the building and Knoxville will be auctioned off by the ever-popular Carl "I ad lib in class too" Pierce.		12:15 Professor Thorpe
BBQ - \$3.00		12:30 Joann Gillespie
Free ice cream		12:45 Professor Lloyd
SBA Faculty Member of the Year Award		1:00 Professor Stein
		1:15 Professor Reynolds
		1:30 Dean Wirtz
		2:00 Professor Gray

On the front lawn from noon until 2:00 p.m.

First Annual Moot Court Week Has A Very Successful Run!

The University of Tennessee College of Law concluded its "Moot Court Week" with a banquet Friday evening at the Knoxville Holiday Inn-World's Fair. The first annual awards program was held to honor student and faculty participation in the College's Moot Court Program. Awards were given to students and faculty for outstanding achievements during the year.

The Advocates' Prize appellate moot court competition finals were held Friday afternoon. The first place prize was presented to the team of Kevin Townsel, a second-year law student from Brentwood, and Sharon R. Patterson, a second-year law student from Johnson City. Ms. Patterson was also named Best Oralist. The team of John M. Bryant, Jr., a third-year law student from Dickson, and Karyn L. Crigler, a third-year law student from Clarksville, placed second in the competition. The Best Brief award went to the team of Mr. Townsel and Ms. Patterson. Earlier in the week, the team of J.B. Bennett, a second-year law student from Chattanooga, and Bryan E. Delius, a second-year law student from Seymour, won the Eighth Annual Ray H. Jenkins Trial Competition. Mr. Bennett also won the Best Oral Advocate Award in the Jenkins competition. Michael E. Keyton, a third-year law student from Indianola, Mississippi, and Cassandra E. Washington, a third-year law student from Perris, California, placed second.

The Vinson and Elkins Achievement Awards for Moot Court were presented by Robert L. Ivey, who is from the Houston, Texas office of Vinson and Elkins and is a 1988 College of Law graduate, to Lisa L. Ramsey, a second-year law student from McKenzie, for Oral Advocacy and to Elizabeth P. McDonald, a third-year law student from Fayetteville, North Carolina, for Brief Writing. Ms. Ramsey and Ms. McDonald were members of the 1992 Environmental Law Moot Court Team which placed third this year in regional competition.

The Third Annual Chancellor George Lewis Moot Court Board Award was

presented to Matt Ledbetter, a third-year law student from Knoxville, for his leadership and service to the College of Law's Moot Court program as its 1991-92 chairperson. The award was presented by Dr. David T. Lewis, Chancellor Lewis' nephew, who is an Assistant General Counsel at the University of Tennessee and a 1984 graduate of the College of Law. Gregory S. McMillan, the secretary/treasurer of the Moot Court Board, presented Mr. Ledbetter with a gift from the Board to thank him for "outstanding achievement in a tough year and making this year's program excellent." Greg said Matt was the "soul and spirit" of the 1991-92 Board.

C. Mark Pickrell, a third-year law student from Oak Ridge, received the McClung Medal and the Phi Delta Phi Outstanding Moot Court Attorney Award. Both are awarded for outstanding proficiency in moot court. Mr. Pickrell was a member of the 1991 and 1992 National Moot Court teams, vice-chair of the 1992 Moot Court Board, and co-coordinator of the 1992 Jenkins Competition. Judith M. Turcott, a third-year law student from Chattanooga, was recognized for her "extra effort on behalf of the Board this year." "Judy designed the logo for the sweatshirt, said Chairperson Matt Ledbetter, "and was the hardest working Board member." College of Law staff member, Betty Stuart, was also recognized by Mr. Ledbetter on behalf of the Board for her outstanding contribution to the Moot Court program.

Two faculty members were honored by receiving the First Annual Forrest W. Lacey Award for Outstanding Faculty Contribution to the Moot Court Program. The award was presented to Professors Joseph G. Cook and John L. Sobieski, Jr. Professor Sobieski serves as the advisor to the Board and both are advisors to the National and National Constitutional Law Moot Court teams.

Several law students were also elected to the Order of Barristers, a national honorary organization whose primary mission is to encourage oral advocacy and brief-writing skills through effective law school programs. A committee of

Moot Court team faculty advisors selected Bob Booker, Joey Bulter, Frank Lannom, Matt Ledbetter, Lane Matthews, Elizabeth McDonald, Mark Pickrell and Carlyle Urello for membership. All are third-year law students.

Members of all seven teams were honored with certificates. They included: the National team: Lane Matthews, Mark Pickrell, Carlyle Urello; the Environmental Law team: Chris R. Fox, Elizabeth P. McDonald, Lisa L. Ramsey; the Frederick Douglass team: Adrian Britt, Donna Tate-Hackett, Wilfred Nwauwa; the Criminal Trial team: J.B. Bennett, Robert M. Burns, Bryan Delius, George F. Lannom, Kenneth W. Ward, Anthony Lee Winchester; the Evidence team: William Joseph Butler, Marian J. Howard, Joe Thompson; the Constitutional Law team: Gary Marcel Kellar, Matt Ledbetter, Gregory F. Vines; and the National Constitutional Law team: Jackie L. Garton, Kurt Klaus, Jeffrey G. Mitchell. Each was also presented with an American Jurisprudence Book Award.



The University of Tennessee, Knoxville does not discriminate on the basis of race, sex, color, religion, national origin, age, handicap, or veteran status in provision of educational opportunities or employment opportunities and benefits. UT Knoxville does not discriminate on the basis of sex or handicap in its educational programs or activities, pursuant to requirements of Title IX of the Educational Amendments of 1972, Public Law 92-318, and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, and the Americans With Disabilities Act of 1990, Public Law 101-336, respectively. This policy extends to both employment by and admission to the University. Inquiries concerning Title IX, Section 504, and the Americans With Disabilities Act of 1990 should be directed to the Office of Affirmative Action, The University of Tennessee, 403-C Andy Holt Tower, Knoxville, Tennessee 37996-0144; or telephone (615)974-2498. Charges of violation of the above policy should also be directed to the Office of Affirmative Action. E01-1610-006-92

Faculty Facts

Fran Ansley ...

... served as a panelist for a discussion on the North American Free Trade Agreement and on political correctness at the Critical Networks Conference in April in Boston.

... was a panelist on "Affirmative Action in the Workplace" at the 1992 Law & Society Annual Meeting, May 28-31, in Philadelphia, Pennsylvania.

... had two articles published: "Race & the Core Curriculum in Legal Education" in the *California Law Review*, and "U.S.-Mexico Free Trade from the Bottom: A Postcard from the Border" in the *Texas Journal of Women & the Law*.

... participated as a member of a U.S. team that ran workshops in March and April on Voluntary Association Development for groups from Gliwice, Poland and Budapest, Hungary as part of a project developed by the Alliance of Universities for Democracy, of which the University of Tennessee is a part.

... has an article forthcoming entitled, "North American Free Trade Agreement: the Public Debate," in the *Georgia Journal of International & Comparative Law*.

Ann Barker ...

... was appointed in January to the Board of Directors of the Tennessee Protection and Advocacy, Inc., an agency designated by the Governor's office to ensure that services are provided by state and local government to persons with disabilities.

... spoke on April 24 to 120 hospital volunteers at Blount Memorial Hospital in Knoxville as part of a regional in-service training program regarding adult, child and domestic abuse laws.

... will speak on May 11 to 200 participants in the Women's Financial Information Program sponsored by the Knox County Community Action Committee Office on Aging regarding "Hiring and Firing a Lawyer."

Tom Eisele ...

... had an article, "Our Real Need: Not Explanation But Education," in *Wutgenstein and Legal Theory*, ed. Dennis Patterson (Westview, 1992).

... had an article, "The Activity of Being a Lawyer: The Imaginative Pursuit of Implications and Possibilities," in *Law and Aesthetics*, ed. Roberta Kevelson (Peter Lang, forthcoming in 1992).

... wrote a review essay entitled "Avalon Ethics," in *67 Notre Dame Law Review* ... forthcoming in May 1992 the review of Thomas L. Shaffer and Mary M. Shaffer's *American Lawyers and Their Communities* (University of Notre Dame Press, 1991).

Grayfred Gray ...

... presented 12 law students with certificates of service for their participation in the College of Practical Law. They were Adrian Britt, Karin Clough, Bobby Edwards, J.D. Hickman, Pam Jones, Mike Keyton, Stan LaDuke, Melissa Peyton, Camille Spriggs, Stacy Street, Mel Werner, and Jerry Williams. The College is the law course, Teaching Clients the Law. During the class, law students teach area high school students Tennessee Family Law. Law students develop oral and written communication skills in a practical environment with individual coaching and planning skill which are important to negotiation and litigation. The course covers the basics of Tennessee family law and performs an important public service. A second- or third-year student earns 3 credit hours, satisfies the Expository Writing requirement, and does not have an examination when taking this course.

Dean Rivkin ...

... delivered the keynote address at the Friends of the Earth National Citizens Conference, April 10-12, in Memphis.

Steve Thorpe ...

... served on the program committee for the annual meeting of the Southeastern Chapter of the American Association of Law Libraries. The meeting was April 10-11, at Callaway Gardens, Pine Mountain, Georgia. He organized programs entitled, "Current Trends in Teaching Legal Research within a Non-Traditional Skills Curriculum," "Coping with Sophisticated Administrative Law Research," and "Administration of LEXIS and WESTLAW Costs: The Perspective of Firms, Academia, and the Courts."

Personnel Particulars

Carolyn Dossett, Admissions Office, completed a UT class on Advanced WordPerfect last month. She is now our resident "expert." Carolyn's son, Chad, was selected as the Jefferson City Rotary Club's "Good Citizen of the Year."

Linda Huskey, Annex Secretary, has moved to greener and/or glowing pastures at the Department of Energy in Oak Ridge. She will be a secretary.

Jane Eppes, Career Services, has returned from Washington, D.C., where she was installed as the 1992-95 National Organizing Secretary of the National Society Daughters of Colonial Wars (DCW) following the Annual Assembly. She served as National Treasurer from 1989 to 1992, State President from 1986 to 1989, and National Headquarters Chair of the Knoxville Chapter. In addition to the DCW, she is on the National Board of the National Society Daughters of Founders and Patriots of America as the National Supplies Chair; State Board as Chair of the Military Education Committee; and State Chair of Colonial and Genealogical Records of the Tennessee Society Daughters of American Colonists. Jane is also a member of the National Society Daughters of the American Colonists, the Daughters of the American Revolution (DAR), the Lydia Russell Bean DAR Chapter in Knoxville, the Jamestowne Society, the Welch Society, and the East Tennessee Historical Society.

TAYLOR TRIVIA: When does the air conditioning get turned on in the building? **Answer to last month's Taylor Trivia:** The speaker at the Sixth Annual Tennessee Law Review Banquet on Friday, November 6, 1981, was Hillary Rodham, attorney in private practice, Little Rock, Arkansas, and member of the Board and Chair of the Legal Services Corporation. Hillary is now married to Bill Clinton. Her message was to do well by doing good, and said ex-Editor in Chief and new member of the faculty, Judy Cornett, "she was very inspirational."

The "Let's Go For It" Section for Law Students

(1) *Law & Sexuality: A Review of Lesbian and Gay Legal Issues*, an annual journal published since 1989 by law students at Tulane School of Law, New Orleans, Louisiana, seeks submissions for its next issue. Deadline: September 11, 1992.

(2) The American Agricultural Law Association announces its ninth annual writing competition. Papers should address current interests in law, agribusiness, the environment, tax issues, etc. as it relates to agriculture. Deadline: June 30, 1992.

(3) The National Center for Preventive Law presents a \$1,000 award for the best paper on Preventive Law. Deadline: May 31, 1992.

(4) The *Harvard Journal of Law & Public Policy* announces its annual writing competition on a case or legal topic of interest to conservatives or libertarians. The winning author will receive a cash prize and have the article published in the Journal. Deadline: October 15, 1992.

(5) The American Bar Association Forum on the Construction Industry is sponsoring a writing competition on any topic relating to construction industry law. Cash and publication go to the winning author. Deadline: December 31, 1992.

(6) The Computer Law Association announces the 1992 Bigelow-Freed Computer Law Essay Contest. Deadline: August 15, 1992.

(7) The Intellectual Property and Entertainment Law Section of the Los Angeles County Bar Association announces its Sixth Annual Entertainment Law Writing Competition. Cash and gifts will be presented to the authors of the top three papers. Deadline: June 1, 1992.

*** VOICES FROM THE LEGAL CLINIC ***

Civil Clinic Students Change the Face of Landlord/Tenant Practice in Knox County

By: Ann Barker

Ever want to have a direct impact on a corporation that is listed on the New York stock exchange? Wanted always to get the best of the other side by merely arguing one motion?

Civil Clinic students Scott Carey and Karin Clough did just that recently while representing their client in General Sessions Court. The client owns a mobile home that is parked at North Ridge Estates, a mobile home community owned by Clayton Homes. As you may know, Clayton Homes is one of Knoxville's largest corporations and is listed on the New York exchange. The client, a young single parent of two small children, had received a notice to vacate based on the landlord's allegations that she had breached her lease by repairing her automobile in the yard, making loud noise that disturbed the neighbors, and letting the dog run free. The client stated that she had cured each of these problems and therefore should be allowed to keep her trailer in the mobile home park. While preparing the case it became clear to Scott and Karin that a regional manager for Clayton Homes was planning to represent Northside Estates in this case, just as he had in many previous cases. Karin and Scott assumed that the regional manager was not an attorney, but they weren't sure.

Having researched the law in this area, Scott and Karin realized that a corporation cannot proceed pro se in General Sessions Court. A recent Supreme Court ruling is clear that in a landlord tenant case the landlord can represent himself only if he is the actual owner of the premises. A corporate landlord may not proceed without an attorney.

Scott was prepared to argue this issue as a Motion to Dismiss. The only problem was the nagging question about whether the regional manager might by some quirk be an attorney! That fear was relieved at the beginning of the hearing when the judge instructed all witnesses to stand in order to be sworn in and the regional manager stood up to be sworn in

too. At that point Scott knew he had them.

Scott quickly and effectively argued his Motion to Dismiss. Judge Gail Harris agreed that law is clear that corporate landlords may not represent themselves. She did not dismiss the case, but she did continue it for two and a half weeks to allow the landlord to obtain an attorney. The client was thrilled to know that she could stay in her trailer for another two and a half weeks before facing a probable eviction.

The advocacy by Cassandra Washington and Sal Varsalona provide another example of effective representation for a tenant who had received an eviction notice from the public housing authority. In this case the client worked for several years at Hardees. Her rent at the public housing apartment was based on her income and any change in income needed to be reported immediately. The client did report as required, but due to a mix-up about her income she still owed back rent of approximately \$700.

Cassandra and Sal requested an informal hearing with the housing authority to determine what could be done. There was no way to get around the back rent and the tenant wanted to move to a different location anyway. The problem was finding another place for her to live that she could afford.

Sal and Cassandra immediately began looking for other subsidized housing and located a duplex that is part of the modern rehab program, also run by the housing authority. The client was eligible for the new unit, however, she had to pay the \$700 back rent before the housing authority would let her in it. At the informal hearing Sal and Cassandra negotiated with the housing authority and got approval of an affordable monthly payment toward the back rent. But before the housing authority would agree to let the client move she had to come up with a \$100 deposit. As a true advocate, Sal

(Continued on Page 5)

(Continued from Page 4)

approached his church to see if it would contribute that amount to the client. The church did, the client was therefore able to move, and everyone is happy with the result.

The client was so pleased with her new home that she wrote a thank you note to Sal and Cassandra. Following is part of the note:

"There are not enough words to say. I just could thank you over and over again and that still wouldn't be enough. Both of you do a fantastic job of helping people out. You all are two of the most sweetest people that I have ever met. But, I hope that you will make it through law school so that you can help other people out like you all did me."

As these examples illustrate, civil clinic cases can involve everything from court appearances to significant negotiations to resource identification. The bottom line is that Clinic students do everything they can to achieve a successful outcome for their clients. It is a good way to practice law and there is no better place to begin than in the Clinic.

* Ann is a Visiting Associate Professor who is team-teaching the civil clinic this semester with Professor Dean Rivkin.

Fall Pre-registration will probably be the first week in June. If you are not attending summer school or are not working in the Knoxville area during the summer, please fill out a form so that a registration packet can be mailed to you. Forms are located on the table outside the Records Office. If you will be in summer school or in Knoxville during the summer, you can pre-register in person. Call the Records Office after May 27 to get exact dates and times for Fall Pre-registration.

from the Board to all law students!

Moot Court Ends Another Successful Year

As the end of the semester draws near, the members of the Moot Court Board would like to tell you about our accomplishments of the past year and our expectations for the upcoming year. Our environmental law team carried on the achievements initiated by the 1991 team. This 1992 team not only accomplished as a team, but had individual award winners as best oralist and best brief writer. The 1992 evidence team traveled to New York City and came away with a third place finish out of a distinguished field of teams. The Frederick Douglas team also achieved a third place finish in an inspiring competition. And as everyone knows, the National Moot Court team has a long tradition of excellence. For all of the traveling teams this has been a year of hard work and great reward.

The intra-school competitions were likewise very successful. The Jenkins competition was one of the most spirited in years. Both the Jenkins and Advocates' Prize culminated during Moot Court Week. Moot Court Week also brought forth the First Annual Moot Awards Banquet held at the Holiday Inn-World's Fair. It was the first of what we hope will be many successful activities centered around the theme of Moot Court Week.

Our hope for the new year is to expand participation and thus to expand our success. To do this we need to field more teams so that more people will have an opportunity to compete. This year the moot court program struggled to generate enough funds to send the respective teams out to compete. Funding for the program (like for everything else) was cut. Many of the members ended up paying for expenses out of their own pockets. Our goal is to change that and with the help of the student body it can be achieved. The moot court program must remain a strong and viable part of this law school. It not only gives the school notoriety, but it adds to the way in which every graduate is perceived.

We ask for your support and encourage your participation in the upcoming year. Decide now that you want to compete on a moot court team or in the Jenkins or Advocates' Prize competitions. Take the initiative and do it for yourself.

Chris Fox, Lisa Ramsey and Michael Stewart have been chosen as members of next year's National Moot Court team. Congratulations!

● Class of '92 Pledges Over \$30,000

Members of The University of Tennessee College of Law Class of 1992 have pledged over \$30,000.00 for their class gift. Once endowed, the gift will provide the Law Library with continuous funds to purchase reporters, digests, other books and publications, and computer equipment for student use. The Class of '92 gift is the largest endowment specifically designated for the Law Library.

The Memorandum of Agreement will be officially signed by Development Council members Friday, May 1, in the College of Law Office of Development and Alumni Affairs. Members of the Development Council are: Martin Bailey, Bob Booker, Karin Clough, Angie Eaton, Linda Elam, Richard Gaines, Jerry Lang, Gary Kellar, Matt Ledbetter, Andy Logan, Beth McDonald, Kyle Michel, Glenna Overton, Sheryl Rollins, Debbie Thompson, Pat Vital, Vanedda Webb and Wayne Wykoff. Beth and Pat have served as co-chairs of the Development Council.

Suzanne Livingood, Director of Development and Alumni Affairs at the College of Law, praised the leadership and dedication of the class. Class members may continue to make pledges by asking a Council member or stopping by Suite 14.

The Class of '92 will leave a legacy at GCT that will be difficult to follow. Each class member is to be congratulated on this effort and each and every one of them will be greatly missed in the 'hallowed halls.' Thank you Class of '92!