

TRANSACTIONS

THE TENNESSEE JOURNAL OF BUSINESS LAW

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PROPERTY, SECURITIES & TAX



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BUSINESS FACULTY NOTES

Professor Joan Heminway presented a working paper on Nov. 12 at a forum sponsored by UT's Corporate Governance Center. The paper, tentatively entitled "Just Do It!: Specific Rulemaking Proposals for Materiality Guidance in the Insider Trading Context," represents an extension of Professor Heminway's earlier work on the role of materiality in insider trading regulation. Professor Heminway was a "guest blogger" in January on The Conglomerate (<http://www.theconglomerate.org>), a Weblog hosted by Gordon Smith and Christine Hurt (law professors from the University of Wisconsin and Marquette University, respectively). More recently, she presented a paper focusing on the criminal securities fraud charges brought against Martha Stewart (on which she later was acquitted) at an April corporate governance conference at The University of Maryland School of Law. She also gave a presentation entitled "Pitfalls and Problems in State Limited Liability Company Statutes: Underlying Conflicts and Teambuilding . . . and the Resulting Statutory Frameworks" as part of her participation in a panel discussion at the American Bar Association Section of Business Law's Spring Meeting in Nashville. Professor Heminway currently is working on a variety of other research projects in the area of insider trading regulation and law teaching. She recently was awarded the Harold C. Warner Outstanding Teacher Award for 2004. Professor Heminway will be a Visiting Professor at Boston College Law School for the Fall 2005 semester.



Professor Amy Morris Hess has just completed the 2005 supplements to the treatise BOGERT AND HESS, THE LAW OF TRUSTS AND TRUSTEES, and has begun work on the replacement of the first volume of the treatise. In late April 2005, she will be the keynote speaker at the Kasner Symposium on Estate Planning at the University of Santa Clara Law School in California.



Professor Jeffrey Hirsch is currently preparing a paper entitled "Taking Property Rights Out of Labor Law: A New Paradigm for Union Right-to-Access Cases" for presentation at the Southeastern Association of Law Schools. Professor Hirsch continues to focus on his teaching; now in his first year at the College of Law, he teaches Labor Law, Law of the Workplace, Employment Discrimination, and Federal Courts.



An article by **Professors George Kuney** and Donna Looper, *Successor Liability in California*, is to be published in the Spring issue of THE CALIFORNIA BUSINESS LAW PRACTITIONER, a quarterly published by The University of California's Continuing Education of the Bar. Another article by Prof. Kuney, "Product Line Continuity and Successor Corporation Liability: Where are We Twenty Years Later?" dealing with Successor Liability, the late Professor Jerry Phillips' work on that subject, and the state of the law in California, Michigan, and New Hampshire will be forthcoming in an issue of THE TENNESSEE LAW REVIEW this summer. He is also preparing a comprehensive overview of the state of the law of successor liability in the United States, detailing the specific doctrines in force in particular jurisdictions which are too often generalized and described inaccurately by commentators, the Restatement (Second) of Torts, and the courts themselves. Finally, Professor Kuney's article, *Hijacking Chapter 11*, has been published by the EMORY BANKR. DEV. J. as the lead article in Volume 21.



Professor Becky Jacobs made a presentation at the Rulci Colloquium on Constitutional Law and Theory at the University of the Western Cape in Cape Town, South Africa, Aug. 9-10. Her topic was "The Post-Apartheid City in the New South Africa: Constitutional Triumph?" She attended the Annual South-North Exchange on Theory, Culture and Law at the IAUPR School of Law in San Juan, Puerto Rico, where she participated on a panel that discussed NAFTA. Her most recent publications include *Brazil's Agricultural Trade War: Success and Failure on the Southern Route to Antarctica*, U. MIAMI INTER-AM. L. REV. (forthcoming); *Policy and Praxis: A Role for LatCrit Institutional-Class Analysis in Latin American Judicial Reform*, 16 FLA. J. INT. L. 601 (2004); and *PMS HAH Acronym: Perpetuating Male Superiority*, 14 TEX. J. WOMEN & L. 101 (2004). Professor Jacobs also serves as the coach for the University's Philip C. Jessup International Law Moot Court Competition team.



Professor Don Leatherman spoke on current developments for consolidated groups in January at the ABA tax section meeting in San Diego and will speak on the same subject at the May ABA tax section meeting in Washington DC. Professor Leatherman recently completed a short article on current developments for consolidated groups for TAX LAWYER. He is currently writing a book review of David Cay Johnston's book PERFECTLY LEGAL, as well as an analysis of proposed regulations recently issued by Treasury on liquidations of a consolidated subsidiary into multiple

consolidated members. He is also working on an article on the history of the consolidated return regulations.



Professor Robert Lloyd's article *Hard Law Firms and Soft Law Schools* was published in the NORTH CAROLINA LAW REVIEW [83 N.C. L. REV. 101 (2005)]. He is currently working on a series of articles on contract damages. The first, tentatively entitled *Proving Lost Profits After Daubert*, should be finished soon.



Law.

Professor Carl Pierce will be teaching a course on Comparative Regulation of the Legal Profession during the 2005 Cambridge Summer Program, a fully ABA-accredited program organized in association with Downing College of Cambridge University and a consortium of law schools including the University of Mississippi School of Law, the University of Arkansas-Fayetteville School of Law, the University of Tennessee College of Law, and the University of Nebraska College of



Professor Thomas Plank spent the last week in January 2005 as the 2005 Southeastern Bankruptcy Law Institute Distinguished Visiting Professor at Georgia State University College of Law. He participated in classes, consulted with faculty, and made a presentation on why as a matter of constitutional law insolvency of a debtor should be a jurisdictional requirement for seeking relief under the Bankruptcy Code. Professor Plank won the 2004 Marilyn V. Yarbrough Faculty Award at the UT Honors Banquet in February for his article, *The Erie Doctrine and Bankruptcy*, published in 79 NOTRE DAME L. REV. 633-92 (2004), and reprinted in 13 J. BANKR. L. & PRAC. 55-113 (2004). The Marilyn V. Yarbrough Faculty Award is given for Writing Excellence for the best law review article published in 2004 by a member of the UT faculty.



Professor Gary Pulsinelli continues to concentrate on research and teaching. Professor Pulsinelli was also a coach for the College of Law's Trademark Moot Court Team, which competed on Feb 20.



Professor Greg Stein will serve as Visiting Professor of Law at Shanghai Jiaotong University Law School in Shanghai, People's Republic of China, during the summer semester of 2005. Professor Stein will teach Chinese law students (in English) about American property law and real estate finance law. He also will undertake academic research into Chinese real estate finance. Professor Stein previously served at the university as a Fulbright Lecturer for the 2003 spring semester. Professor Stein spoke at a conference presented by the William and Mary Bill of Rights Institute honoring Frank Michelman, a professor at Harvard Law School, held in Williamsburg, Virginia, in November 2004. He will speak at the ABA Real Property, Probate and Trust Law Section's Spring Continuing Legal Education Meeting in Washington, DC, in April 2005. Professor Stein's article, *Early Land Use Cases, Continued Uncertainty: The Religious Land Use and Institutionalized Persons Act*, was published in PROBATE & PROPERTY in early 2005.



Professor Paulette J. Williams taught the Business Law Clinic in both the fall and spring semesters of the 2004 - 2005 academic year. She and her students are working on several projects for new businesses, non-profits and community organizations. Her article, *The Continuing Crisis in Affordable Housing: Systemic Issues Requiring Systemic Solutions*, 31 FORDHAM URB. L. J. 413 (2004), was published last year, and she is currently working on a chapter on Preservation of Affordable Housing for an American Bar Association book to be published later in 2005. Her next two projects will concern affordable housing development in Knoxville and community economic development in clinical legal education.