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11-1991

### Taylor Times (November 1991)

University of Tennessee College of Law

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# Taylor Times

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

NOVEMBER, 1991

November						
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## November 1

Reunions for the Classes of '51, '61, '71 and '81 at the Hyatt Regency beginning at 6:30 p.m.

## November 2

Alumni Advisory Council/Dean's Circle Meeting - 8:00 a.m. - Moot Court Room



Homecoming '91  
Beginning at 11:00 a.m.  
on the front lawn of  
good ole GCT!  
Buddy's Barbecue Buffet  
\$6 per person  
Music - Fun!

"Growing Up Southern" by Dr. Jack Reese, Chancellor Emeritus - Two hours before kickoff in Room 221 of the UC

## November 5

Election Day

## November 7-10

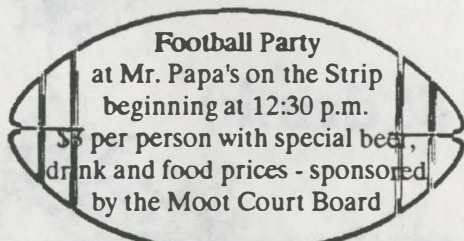
Association of American Law Schools (AALS) Executive Committee Meeting

## November 8-10

American Bar Association Accreditation Committee Meeting, Chapel Hill, North Carolina

## November 9

UT v Notre Dame at South Bend



UT fans will gather three hours before kickoff at the J.A.C.C. Convocation Center on the Notre Dame Campus.

## November 11

Veterans' Day

## November 14-16

AALS Faculty Recruitment Conference, Washington, D.C.

## November 16

UT v Mississippi

Two hours before kickoff - UC Room 221 - "No Bones About It" by Dr.

William Bass, Department of Anthropology

## November 18-22

Volunteer your orange blood! All week from 9:00 a.m. - 5:00 p.m. in Rooms 226-227 of the University Center

## November 23

UT v Kentucky in Lexington. UT fans will gather at the Marriott Griffin Gate Resort beginning at 6:30 p.m. for a "Big Orange" Celebration

## November 26

On-Campus Interviewing Ends

## November 27

Classes End

## November 28

Thanksgiving Day  
Law Library closed.

## November 28-29

Thanksgiving Break! No classes and administrative offices are closed. Law Library hours are 8:00 a.m. - 5:00 p.m.

## November 30

UT v Vanderbilt

Two hours before kickoff in Room 221 of the UC, "Is Communism Dead?" by Dr. Robert Gorman of the Department of Political Science

### Upcoming Events:

December 3-13: Examination Period

December 13: Hooding



## 1991 Trial Team Selected



Congratulations to the six new members of the 1991 National Association of Criminal Defense Lawyers Trial Competition Trial Team. They are: J.B. Bennett, a second-year law student from Chattanooga; Robert M. Burns, a third-year law student from Nashville; Brian E. Delius, a second-year law student from Seymour; G. Frank Lannom, a third-year law student from Lebanon; Kenneth W. Ward, a third-year law student from Maryville; and Anthony L. (Tony) Winchester, a third-year law student from Newbern. Mr. Lannom was a member of the 1990 team. Advisors for the NACDL team are Professor Gary Anderson and Attorney Steve Oberman. Mr. Oberman, Class of '80, is with the Knoxville law firm of Daniel & Oberman.

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 and 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, 403-C Andy Holt Tower, The University of Tennessee, 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.



*College  
of Law*

## **Homecoming '91**

**Saturday, November 2**

**Plan to join alumni, students,  
faculty, staff and friends**

**at the annual gathering**

**on the front lawn of**

**'good ole GCT' for**

**food, music and fun!**

**Beginning at 11:00 a.m.**

**1:00 p.m. - UT v Memphis State**

**\*\* Music \*\***

**Guitarist Welson Tremura**

**\*\* Buddy's Barbecue Buffet \*\***

**\$6 per person**

**(Barbecue, beans, slaw & drink)**

## Faculty Activities

### Gary Anderson ...

... has been appointed to serve on the Committee on Post-Conviction Relief of the Tennessee Supreme Court. The committee will seek solutions to the problems of post-conviction relief laws in Tennessee.

### Ann Barker ...

... was highlighted in the "Portrait" Section of *The Knoxville Journal* on October 14.

### Jerry Black ...

... and two local attorneys are part of an American Bar Association Pro Bono Death Penalty Project in which they represent an indigent person on death row. Their brief will be presented to the Court of Criminal Appeals.

### Grayfred Gray ...

... was a guest lecturer for Professor Jerome Morton's Introduction to Human Services class in October. He spoke about law-making in the human service system.

### Carol Mutter ...

... has been appointed to the Task Force on Legal Education of the Section of Tort and Insurance Practice (TIPS) of the American Bar Association. This Task Force wants to encourage the presence of Insurance Law in law school curricula and seeks cooperation and mutual support between academics and practitioners in expanding legal scholarship on insurance law.

### Glenn Reynolds ...

... has been appointed chair of the American Bar Association's International Aerospace Law Committee.

### Dean Rivkin ...

... will serve on the Environment and Safety Advisory Committee of the Oak Ridge Associated Universities (ORAU). The committee is responsible for keeping ORAU's Board of Directors informed on the environmental and safety activities of ORAU.

### Jim Thompson ...

... has been elected to the Board of Directors of the "Friends of the Earth."

## Personnel Particulars

Elisha Sessions, son of Professor Fran Ansley, was selected "Most Creative" by the Class of '92 at Bearden High School.

Pat Hurd, Dean's Office, is the proud grandmother of Hannah Nicole who was born on September 18. Hannah is Pat's daughter, Lisa's second daughter. Mark DeBord, Class of '87, is the proud uncle.

Jane Eppes, Career Services, recently returned from Washington, D.C. where she attended to her duties as National Treasurer of the National Society Daughters of Colonial Wars. In addition to visiting with Congressman John J. Duncan, Jr. and his staff, Jane toured the Capitol and The Library of Congress (which houses her book, *The History of the Tennessee Society Daughters of Colonel Wars - The First Fifty Years 1937-87*)

Peggy Pierce, Professor Carl Pierce's spouse, has been elected president of the Tennessee Division of the American Cancer Society. Peggy, a registered nurse, works as an oncology clinical nurse specialist at St. Mary's Medical Center.

Sandi Eisele, M.D., wife of Professor Tom Eisele, has been appearing on television lately disclosing the benefits of borrowing from a local bank.

Chad Dossett, son of Carolyn Dossett in the Admissions Office, was a member of the 1991-92 Tri-County Championship Football Team, the Rush Strong Plainsmen.



## Student Staff

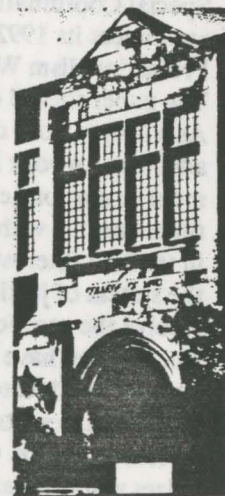
BLSA members participated with the City of Knoxville's Department of Community Development to paint and repair homes of elderly and handi-capped persons in the East Knoxville area. Two weekends were devoted to the project. Congratulations to BLSA for its community spirit.

Bob Booker, a third-year law student from Lyles, has been selected to teach a course on Environmental Laws and Regulations for Business Managers at Pellissippi State. After graduation, he will work for the environmental division of Marin-Marietta Corporation in Oak Ridge. While at the College of Law, Bob was a member of the 1990 Environmental Law Moot Court Team.

Congratulations to Dan Berex and Kristin Ellis on their October 26 marriage. Kristin is a member of the Class of '91 and Dan plans to graduate this December. He is also one of our "Desert Storm" alumni!

The smiling student face in the Dean's Office belongs to Mandy Segars, the College of Law's workstudy student for this semester. Thanks for pitching in, Mandy!

**TAYLOR TRIVIA:** What member of the GCT staff was "almost" cited for reckless driving by two motorcycle police last month?  
**Answer to last month's Taylor Trivia:** Nancy Proctor, Law Library Circulation Desk Supervisor, had overdue library books at the beginning of the Fall '91 semester at UT and was not allowed to register for Public Services Library School until the matter was corrected.



## FYI

William van Zyverden, an attorney who is a UT undergraduate, has pioneered two new organizations for the legal community. The Holistic Justice Center was established to counsel clients toward mediation or arbitration instead of the court remedy. The Alliance of Holistic Lawyers provides a member support network and national referral service and educates attorneys and the public on new legal developments. For further information write either organization at P.O. Box 26, Middlebury, Vermont 05753.

\$

### The "Let's go for it" Section for Law Students

\$

(1) The International Association of Defense Counsel announces its 1992 Legal Writing Contest with cash prizes and plaques to the top three papers. Articles entered in the contest may be written on any subject in the fields of tort law, insurance law, civil procedure, evidence or any other area of the law of concern to lawyers engaged in the management and defense of civil litigation. Deadline: April 24, 1992.

(2) The American Bar Association's Special Coordinating Committee announces its 1992 Robert McKay Professionalism Writing Competition. The paper should discuss the following: As a lawyer, your duty to be an effective advocate for your individual, government or corporate client may sometimes conflict with what you believe is in the best interests of the public and the system of justice. How would you resolve the conflict? Also discuss whether you have a responsibility to counsel or educate your client concerning the interests of the public and the system of justice. Give examples. Cash prizes will be awarded to the top two papers. Deadline: March 1, 1992.

(3) Nominations for the 1992 Elaine Osborne Jacobson Award for Women Working in Health Care Law are being

accepted. The candidate shall be a woman currently enrolled in an accredited American law school on a full-time basis who through her law school academic and clinical work and other related activities demonstrates her aptitude for and a commitment to a legal career of advocacy on behalf of the health care needs of children, women, the elderly or the disabled. The award is \$3000. Deadline: January 17, 1992.

(4) The *Political & Civil Rights Law Review* of Temple University School of Law is seeking student articles for its Spring of 1992 issue.

(5) The Federation of Insurance and Corporate Counsel Foundation announces its 1992 Student Essay Contest on any insurance-related subject, including trial practice of liability litigation. Cash prizes will go to the top three papers. Deadline: May 1, 1992.

(6) The American Law Institute-American Bar Association's *CLE Journal and Register* is sponsoring an essay contest for law students with a first prize of \$1000, round-trip travel and accommodations to San Francisco to receive the prize, and publication of the winning essay in *The CLE Journal and Register*. The essay contest topic is: "To what extent do ethical obligations, including those of client confidentiality, limit a lawyer's use of personal experiences in educating other lawyers?" Deadline: April 1, 1992.

(7) The Roscoe Pound Foundation announces its annual writing contest. This year's topic is: "Public Lands: Use and Abuse. What are the Remedies in Tort?" Cash prizes will be awarded. Deadline: See announcement.

(8) The American Intellectual Property Law Association announces the Robert C. Watson Award for 1992. \$2000 will be awarded to the author of the best article on a subject relating to the protection of intellectual property written or published between August 1, 1991 and July 31, 1992. Deadline: July 31, 1992.

(9) The Brand Names Education Foundation announces the Ladas Memorial Award for the best paper on trademark law or a matter that directly relates to or affects trademarks. The winner receives \$4000, financial support

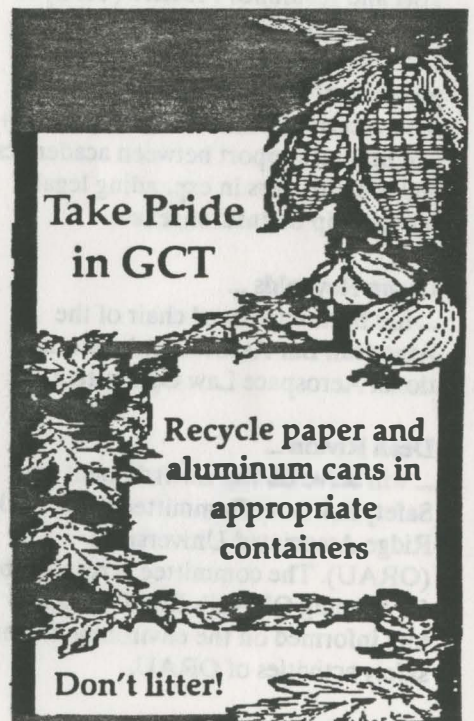
up to \$1000 for attendance at an educational program sponsored by the Brand Names Education Foundation or The United States Trademark Association, a set of *Patents, Trademarks and Related Rights - National - International Protection*, and publication of the winning paper in *The Trademark Reporter*. Deadline: December 31, 1991.

(10) The American College of Legal Medicine announces its Letourneau Award for the best original paper on Legal Medicine. A cash prize goes to the top paper. Deadline: February 1, 1992.

(11) The Family Law Section of the American Bar Association announces the 1992 Howard C. Schwab Memorial Essay Contest. A cash prize will go to the best essay on any aspect of Family Law. Deadline: April 6, 1992.

(12) The *American Indian Law Review*, published by the University of Oklahoma College of Law, announces its annual writing contest devoted to the subject of American Indian Law. The winning paper will be published and the winning author will receive a cash prize. Deadline: January 31, 1992.

For further information, see the Contest Bulletin Board or Mary Jo Hoover.



<b>H</b>	<b>Hispanic</b>	<b>H</b>
<b>L</b>	<b>Law</b>	<b>L</b>
<b>S</b>	<b>Students</b>	<b>S</b>
<b>A</b>	<b>Association</b>	<b>A</b>

A new student organization has begun at the College of Law, relevant to those who are interested in International, Labor, and/or Immigration Law. The Hispanic Law Students Organization (HLSA) has been created to address such issues as recruitment of Hispanic law students, the growing flood of migrant workers in Tennessee, and legal needs of the 32,741 Hispanics who make Tennessee their permanent home (1990 U.S. Census).

HLSA will sponsor programs throughout this school year including the following: - a program by Professor Fran Ansley describing her research on the U.S.-Mexico trade agreement and maquiladoras in Mexico. - a discussion led by Tim Mathieson, attorney with Legal Services of Upper East Tennessee, including representation from the U.S. Department of Labor regarding the migrant situation in East Tennessee. (According to government projections, 15,000-20,000 migrants will work in Tennessee the summer of 1992, bringing specific legal problems with them.) Programs are open to any interested persons.

HLSA has established ties with the University Hispanic Students Association and is attempting to set up a joint Spanish table for those students who would like to practice their Spanish over informal lunch.

HLSA has also contacted the Liaison Office for Hispanic Ministry of the Roman Catholic Diocese of Knoxville. This new organization serves many of the 1000+ Hispanics residing in the city and may be a source for future projects.

Officers for the 1991-92 school year are: President: Irma Gonzalez; Vice-president: David Canas; Secretaries: Chris Fox and Linda Villareal; Treasurers: Shannon Hill and Karen Jernigan. The faculty advisor is Professor Fran Ansley.

HLSA membership is open and offered to any interested law student. For more information, contact any of the officers.

# Comments

## from Career Services

### **DON'T FORGET TO REVIEW JOB BOARDS.**

Though on-campus interviewing for fall is reaching its final phases, non-visiting employers will continue to post position notices. Interested students should continue to review the job boards.

### **NATIONAL ASSOCIATION FOR LAW PLACEMENT (NALP) STANDARDS FOR LAW PLACEMENT AND RECRUITING ACTIVITIES.**

Copies of "Part V: General Standards for the Timing of Offers and Acceptances" are available in Career Services for students who would like to have one. Some students have reported variations in the patterns of callbacks and offers from what they expected. Please review the standards and see Ms. Gillespie if you have questions.

### **SPRING SEMESTER ON-CAMPUS RECRUITING.**

Invitations to recruit on-campus during the spring semester from February 3 through May 1 will be mailed to legal employers of all types. Though spring semester on-campus recruiting is usually less active than fall, more actual hiring occurs during the semester through responses to positions posted on the boards and individual direct contact efforts.

### **MID-SOUTH LAW PLACEMENT CONSORTIUM.**

On February 22, 1992, in Nashville, Tennessee, students will have the opportunity to participate in a job conference for law students sponsored each year by a consortium of eight schools. Sponsors in addition to U.T. are: Alabama, Cumberland, Kentucky, Louisville, Memphis State, Mississippi and Vanderbilt. Eligible participants include first-, second- and third-year students, December graduates, and judicial clerks. Participating employers will be known after their registration deadline on January 24. Student sign-up will be approximately January 30. Watch Career Services message boards and your student folder for more information.

### **JUDICIAL CLERKSHIP OPPORTUNITIES FOR 2L'S.**

December, after exams, should be sufficiently early for second-year students to begin planning their efforts in pursuing federal judicial clerkships for 1993 after graduation. Interested students may pick up a judicial clerkship booklet in Career Services after November 1. A program featuring presentations by former clerks will be planned in January.

### **CAREER SERVICES ORIENTATIONS FOR 1L'S.**

Several orientation sessions will be scheduled immediately after exams for students who may wish to seek clerkships during the holiday break. Other sessions will be held during registration week for second semester. Exact dates and times will be available by early December. First-year students can register with Career Services and pick up handbooks beginning after their final exam. A program featuring presentations by former clerks will be planned in January.

## \*\* VOICES FROM THE LEGAL CLINIC \*\*

Gary L. Anderson, Associate Professor, UT Legal Clinic

### The Criminal Advocacy Course or "A Day in the Life of a Clinic Student in Court"

Have you ever wondered what it would be like to practice criminal law and to defend citizens accused of crime? If so, you can find out by taking Criminal Advocacy. Third-year students taking the six-hour Criminal Advocacy course learn through experience about the legal, practical, and ethical problems of defending criminal cases. At the same time they develop basic skills in interviewing, counseling, investigation, negotiation, and trial advocacy. Criminal Advocacy students are licensed to practice under clinic faculty supervision. They appear frequently in Knox County General Sessions Court, defending clients in felony and misdemeanor preliminary hearings and in trials of misdemeanor cases. Last fall Criminal Advocacy student Bryan Lewis defended a misdemeanor case in Sessions Court; his client was charged with public intoxication and illegal possession of a weapon. Bryan conducted a thorough defense investigation and then developed strategies to create reasonable doubt about public intoxication, and to suppress evidence of a loaded 12-gauge shotgun which was seized by the police from the defendant's truck. Bryan provided excellent representation throughout the trial. He moved to suppress the weapon and the weapons charge was dismissed when he convinced Judge Waggoner that the shotgun was seized during an illegal search of the defendant's truck. He had demonstrated through careful cross-examination and by defense testimony that the shotgun was not in plain view in the truck, contrary to the arresting officer's testimony; then he argued successfully that there was no basis for a search of the truck incident to arrest, because Maynard was arrested for public intoxication after he got out of his truck. Bryan also argued successfully that there was no basis for police impoundment and an incident search of the truck, because Maynard had a friend in the truck who testified that he was able and willing to drive it home.

Maria Cornelius, a reporter for *The Knoxville News-Sentinel*, happened to be present and wrote the following article about the trial.

#### Yelling 'there's the police' gets man \$200 worth of 'here's the bill'

Never yell "there's the police" during an undercover operation. Don't make matters worse by orally sparring with the officers. Don't belatedly discover that the officer you are annoying gave you a speeding ticket the day before.

Melvin Maynard, 42, learned the hard way Friday in City Sessions Court.

It cost him a \$25 fine and court costs of about \$175.

The incident occurred Aug. 11 about 7:15 p.m. at a fast-food restaurant at Magnolia Avenue and Hembree Street. Two undercover Knoxville police officers, Doug Stiles and Ron Wilson, were arresting alleged prostitutes near the intersection.

Maynard of East Knoxville pulled up in a truck beside the plainclothes officers, who were sitting in an unmarked car, and announced loudly that the men were officers, Stiles testified.

"We were trying to observe a prostitute and her pimp," Stiles testified. "Wilson asked him nicely not to interfere with our operation. He said, 'There's the police' again. Everybody turned and looked."

Stiles testified he heard Maynard utter something "unintelligible" and then "lunge" for his door. Stiles got out of his car.

When Maynard saw Stiles, who had stopped him the day before for speeding, Maynard "called me by name and started to apologize," Stiles testified.

Maynard testified that he did not know the men were officers.

"I did say they *looked* like the police," Maynard testified. "We just passed words. He (Wilson) asked me if I wanted to get out and I said, 'Yeah.' I wasn't going to get caught in a fight sitting down.

"If I had known they were police, I never would have said anything."

As Maynard stepped from his truck, Stiles arrested him on a public drunkenness charge. Stiles said he had smelled alcohol. Police also seized a loaded 12-gauge shotgun, which Maynard said he had bought that day for \$27 from a stranger on McCalla Avenue to go bird hunting. Maynard was charged with unlawful possession of a weapon.

Maynard was represented by Bryan Lewis, a third-year law student working at the University of Tennessee Legal Clinic. Lewis was coached throughout the hear-

ing by his professor, Gary Anderson. Lewis argued that "reasonable doubt" as to whether Maynard was intoxicated had been established. Maynard testified he had consumed one beer.

The prosecutor, Sarah Garner, argued, "These gentlemen are trying to show that the officers arrested this man because he was botching up their investigation . . . because of malice."

A somewhat amused judge, Brenda Waggoner, who had sat through a 1/2-hour misdemeanor hearing after regular court hours, split her decision. She found Maynard guilty of public intoxication and dismissed the weapon charge.

"This has been a remarkable case. I sure have enjoyed it," she said.



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