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Taylor Times (October 1990)

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Taylor Times

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

OCTOBER, 1990

OCTOBER, 1990						
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Calendar

October 3

"The Relationship Between Class Rank and Ultimate Success in the Profession" - Judge William C. Koch, Jr., Tennessee Court of Appeals, Middle Division, Nashville - 11:00 a.m. - Moot Court Room. Sponsored by Career Services.

October 4-6

Southeastern Law Placement Consortium in Atlanta. See Career Services for further information.

October 5

Fall Break! No classes!

October 6

Symposium on "Reproductive Technology: Ethical Concerns, Ethical Alternatives" - 9:00 a.m. to 4:00 p.m. - Fine Arts Center, Maryville College, Maryville, Tennessee. Promoted by Law Women.

October 6

LSAT

October 8

Columbus Day Observance

October 10

Docket Day - Court of Appeals, Western Division

October 12

Classes of '50, '60, '70 & '80 Reunions - 6:30 p.m. at the Hyatt Hotel, 500 East Hill Avenue. For further information, stop by Suite 14.

October 13

Homecoming '90 Open House - 11:00 a.m. or 2 hours before kickoff - Front lawn of GCT - Music, food, and fun!

UT v. Florida - Homecoming game

October 16

Boss's Day

October 17

"Solo Practice: You Can Do It To!" - Jeff Hagood, Class of '86 - 11:00 a.m. - Moot Court Room. Sponsored by Career Services.

October 19

National Public Interest Career Fair - Washington, DC - For information exchange and interviews. See Career Services for further information.

October 20

CLE program: "Recent Developments in Tort and Insurance Law" - 8:30 a.m. - Room 118 - For further information, stop by the External Affairs Office, Suite 14.

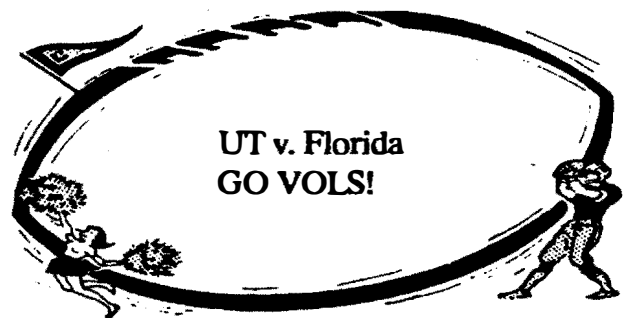
UT v. Alabama at home

October 31

Halloween

*Homecoming '90
Our Second Century*

Homecoming/Open House '90
Front Lawn of the College of Law Building
(Inside if it is raining)
11:00 a.m. or 2 hours before the football game
Music: provided by guitarist Welson Tremura.
Food: from the traditional fare of Buddy's or a Ruffles & Truffles chicken box - each \$6 including drink.
Fun: provided by law faculty, alumni, and friends.



Faculty Activities

Neil Cohen ...

... spoke to the Tennessee General Sessions Judges Conference, September 27 in Memphis, on evidence.

Tom Eisele ...

... had an article "Wittgenstein's Instructive Narrative," published in the *Journal of Legal Education*.

Amy Hess ...

... had an article, "The Federal Transfer Tax Consequences of Joint and Mutual Wills," appear in the Winter 1990 issue of the *Real Property, Probate and Trust Journal*.

Bob Lloyd ...

... has been invited to speak at the Mid-South Commercial Law Institute in Nashville on October 4-5. His topics will be "The Uses and Abuses of Financial Covenants in Commercial Loan Documentation," and "The Effect of UCC Article 2A on Equipment Leasing Practice."

Carol Mutter ...

... had an article, "Moving to Comparative Negligence in an Era of Tort Reform: Decisions for Tennessee," cited in the *Worth Reading* section of the September 14, 1990 issue of *National Law Journal*.

... will serve as a member of Tennessee Leadership '90. The purpose of Tennessee Leadership is to increase the personal, professional, economic, and political status of women in Tennessee.

Glenn Reynolds ...

... had an article, "The True Cost of Dumping: Why China's Cheap Launches Must Be Stopped," appear in the August 13-19 issue of *Space News*.

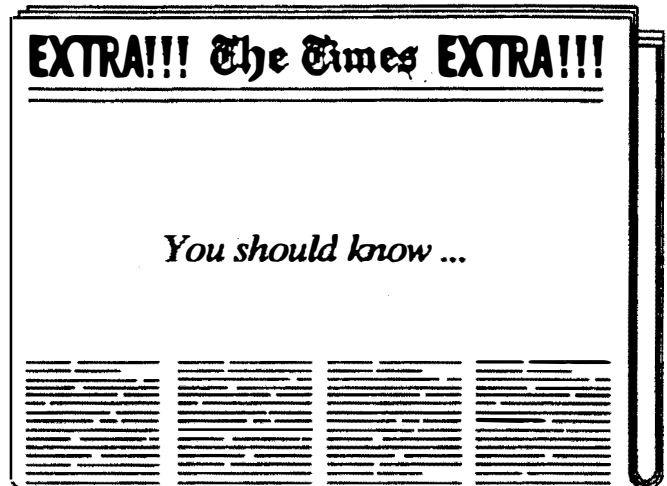
... did some *pro bono* work this summer for the National Space Society regarding a petition before the U.S. Trade Representative in Washington in the matter of Expendable Launch Vehicles and Launch Services from the People's Republic of China. Also, on behalf of NSS, he filed formal comments with NASA on NASA's Environmental Impact Statement regarding the proposed Ulysses Mission in space.

... was cited in an article on the U.S. Supreme Court entitled "Where the New Court is Heading," published in the August 6 issue of *U.S. News & World Report*.

... received a very favorable review from Carl Q. Christol of USC in the July 1990 issue of the *American Journal of International Law* on his book *Outer Space: Problems of Law and Policy* (co-authored by Robert P. Merges).

Marilyn Yarbrough ...

... will speak on October 11 to the Roane County Bar Association.



Our condolences and deepest sympathy go to ...

Anita Ealy, Development Secretary, on the death of her father last month.

Jackie Scruggs, Law Library Assistant, on the death of her oldest son last month.

The family and friends of **Evan D. Brody**, a former law student, who passed away last month.

Our congratulations go to ...

Carolyn Dossett, Admissions Secretary, on the birth of her fourth son, Kevin Matthew, on Wednesday, September 19. Kevin was born at UT Hospital at 5:12 a.m., weighed 8 lbs., 3 ozs., and measured 20 inches.

Our welcome mat goes out to ...

Jennifer Crisp, Records Office. Jennifer was a secretary at First American National Bank for two years before coming to work at the College of Law last month. She enjoys photography and all sports because "she's the only son her father had." Jennifer plans to take classes at UT in the future. Please stop by the Records Office and say "Hello" to her if you haven't already.

Our best wishes, good luck, keep in touch, come back to check on us (and your staff) often, and gone, but not forgotten, go to ...

Julie Hardin, Associate Dean for External Affairs, as she heads to Wake Forest University Law School to be the Executive Director of the Center for Research and Development in Law-Related Education. C.R.A.D.L.E. is a leading research center, clearinghouse, and provider of materials for law-related education programs in this country. Dean Hardin had been granted a year's leave of absence from UT.

VOICES FROM THE LEGAL CLINIC

Gary Anderson, Associate Professor

Prospective Criminal Advocacy students often ask me whether we represent many clients who have mental problems and are charged with crimes. When I answer yes, the student usually asks me to estimate what percentage of our "criminal clients" have mental problems. I respond that this varies from term to term, but that ordinarily 20% or more of our clients suffer from mental or emotional disorders related to the charges against them. At this point the student usually asks for examples of the types of mental disorders we encounter. Finally, the student may ask what percentage of our clients benefit from the insanity defense. I have no problem thinking of interesting cases in which we have successfully defended mentally- or emotionally-disturbed clients by diverting their cases from the criminal process, usually by obtaining treatment for a mental or emotional disorder; but I have difficulty thinking of many cases in which our clients have successfully "pled insanity." More often, we represent clients who are found to be incompetent to stand trial, or whose mental disorder results in diversion and dismissal of the case at a very early stage of the prosecution.

Attorneys constantly encounter clients who are emotionally upset over their legal problem -- whether the problem is a criminal charge, divorce, debt, personal injury, etc. In the Clinic, students learn how to distinguish these persons from clients who are suffering from some form of mental illness. A lawyer cannot be expected to make a psychiatric diagnosis of a client, but careful observation of every client for certain signs and symptoms of psychological problems permits discovery of mental and emotional disorders at an early stage, often during the initial interview. Clinic students learn to recognize when a client should be referred for further evaluation by a mental health professional. They discover that many clients suffering from mental disorders already have been evaluated and treated by mental health professionals. Learning how to detect and when to refer mentally-disturbed clients maximizes the chances that the mental or emotional disorder can be effectively used in, or at least will not interfere with, proper representation of the client.

In the criminal context, early detection of mental or emotional disorders creates additional avenues for the client to avoid prosecution and/or severe punishment for an alleged criminal act. We successfully "divert" many cases in which our clients are charged with misdemeanors, and even some felony cases. In some misdemeanor cases, e.g., if a client is charged with indecent exposure, the need for mental help is obvious. In defending against other misdemeanors, including

assault and shoplifting, we often discover that the client has a mental or emotional disorder that calls for treatment, not punishment, in order to avoid recidivism. If the client will agree to seek treatment, usually on an outpatient basis at a community mental health center, very often the prosecuting attorney will agree to dismiss the case upon successful completion of the treatment program. In addition to obtaining treatment, a client who is mentally-disturbed but able to work may be required to perform several days of community service before the case is dismissed. In cases where the prosecuting attorney will not agree to divert the case, followed by dismissal of the charge, e.g., when the client has a substantial prior criminal record, the identification and verification of a psychological problem still provides the attorney with a potent defense weapon. For instance, during the process of plea negotiation the prosecuting attorney may approve a probation agreement instead of imprisonment if the defendant agrees to plead guilty and to seek needed treatment. Even if the client is convicted after trial, evidence of a relevant psychological problem may be presented as an important mitigating factor in any pre-sentence report and at any sentencing hearing.

These are just a few of the ways in which development of expertise in detecting mental problems, accompanied by professional authentication, provide a defense attorney with an arsenal of weapons for challenging criminal charges. Students taking Criminal Advocacy learn that in most cases there is no clear psychological disturbance that, by itself, will cause the client to be found incompetent or insane. More importantly, however, they learn that in many cases the early detection and evaluation of psychological problems proves invaluable to the defense.



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**THE
"LET'S GO FOR IT"
SECTION FOR LAW STUDENTS**

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1) The Catholic University of America's Institute for Communications Law announces its fourth annual Stephen G. Thompson Writing Competition. Cash prizes will be awarded to the best papers on communication law. Deadline: February 15, 1991.

2) The American College of Tax Counsel announces the Tenth Annual Student Writing Contest. A cash prize and the opportunity to be published in the *American Journal of Tax Policy* goes to the winning paper on tax policy. Deadline: December 31, 1990.

3) Georgetown University Law Center offers fellowships leading to an LL.M. in Advocacy. The program is two years in length and is open to recent graduates.

4) The National Association of College & University Attorneys presents its National Legal Writing Competition for the best article on a topic relating to legal issues in higher education. The winning paper receives \$1000 and publication in *The Journal of College and University Law*. Deadline: May 31, 1991.

5) The John Marshall Law School Center for Intellectual Property Law announces The Eighth Annual Gerald Rose Memorial Competition for the best paper on intellectual property law. A cash prize of \$1000 will go to the best paper. Deadline: January 1, 1991.

6) The *Transnational Law & Contemporary Problems* law journal announces its first annual legal writing competition. The winning paper will receive \$500 and publication in the journal. The theme is "The Global Food Regime in the 1990s: Efficiency, Stability and Equity." Deadline: April 1, 1991.

7) The National Energy Law and Policy Institute of The University of Tulsa's College of Law announces its 1990-91 Energy Law Essay Competition. The prize for the best essay is \$300 for the author and \$200 for the school the student represents. The topic may be on any legal subject related to energy. Deadline: April 1, 1991.

8) The Federation of Insurance and Corporate Counsel announces its seventeenth Annual Student Essay Contest. Cash prizes and publication will go to several top papers. The paper should address any insurance related subject, including trial practice of liability litigation. Deadline: May 1, 1991.

9) Georgetown University Law Center invites applications for its Women's Law and Public Policy Fellowship Program. The program will focus on women's rights and is located in Washington, DC. Deadline: November 30, 1990.

10) The American Association of Nurse Attorneys Foundation announces its first annual Cynthia E. Northrop Memorial Writing Competition in nursing law. Papers should address an issue of concern to nurses that is or could be addressed by the legal system. A cash prize goes to the winning paper. Deadline: April 15, 1991.

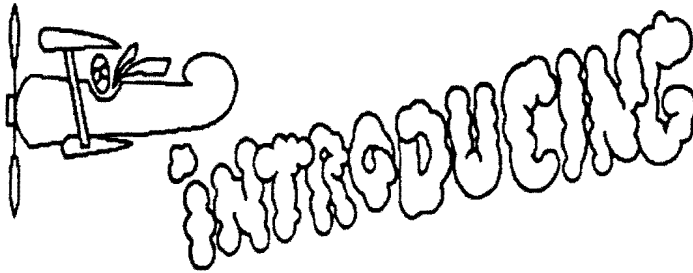
11) The Pacific Legal Foundation's College of Public Interest Law offers fellowships for law graduates interested in litigation. Each individual participating in the program is assigned to a trial team with the Sacramento, California, office of Pacific Legal Foundation, the largest and oldest national public interest law foundation litigating in support of private property rights, individual freedoms, limited government, and the free enterprise system. Deadline: October 5, 1990.

12) The Food and Drug Law Institute announces its 1990-91 writing scholarship competitions. Papers may be on any area of law that affect foods, drugs, cosmetics, and medical devices.

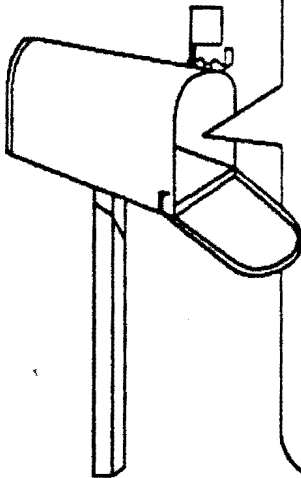
For further information, see the Contest Bulletin Board or Dean Mary Jo Hoover in the Records Office.



Have a safe and "scary" Halloween!



The *Tennessee Law Review* announces its new staff members and assistant editors. They are: Martin Bailey, Jill Bohannon, Angela Bowers, John Bryant, Scott Carey, Karyn Crigler, Elisabeth Donnovin, Linda Elam, Davidson French, Richard Gaines, Angela Gibson, Christi Gray, Alston Hamilton, Sherrard Hayes, Mandy Haynes, Stephanie Jennings, James Johnson, Tammy Kaousias, Mike Keeney, Kurt Klaus, George Lampl, Andy Logan, Richard Matlock, Tom McAllister, Holland McKinnie, Tim McLaughlin, Janet Metz, Jennifer Morton, Ann Marie Painter, Laura Richardson, Laurenn Sharp, Tim Taylor, Carlyle Urello, Pat Vital, Tim Wehner, and Tony Winchester.

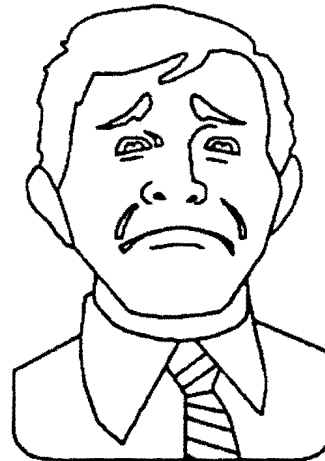


Reader's Digest is looking for funny stories about college life and they are willing to pay \$400 for each one published. Submissions should be typewritten and no more than 300 words. Include name, address, telephone number, and the mailing date on each item sent. Contributions cannot be acknowledged or returned and become the property of *Reader's Digest* on payment. Send your "Campus Comedy" story to: *Reader's Digest*, Box 200, Pleasantville, NY 10570.

TAYLOR TRIVIA: Who is known as the "snowflake lady"? Answer to last month's Taylor Trivia: Peggy Goodman, Assistant to the Dean, operated a golf pro shop in Lake Junaluska, North Carolina. Her former husband was a golf professional at the Waynesville Country Club.

NEWS

Have you written too many briefs, casenotes, exams, etc.? Well, if you have, take a break from the stress and write an article for the *FORUM*. The *FORUM*, the student publication of the George C. Taylor Law Center, is currently seeking articles for its upcoming issue. Get involved, voice an opinion, and learn to use common words again! Put articles in Wes Hatmaker's mail folder.



We goofed!

NOTE: The August/September issue of *Taylor Times* erred in its welcome of Professor Lenny Croce as an Adjunct Faculty. Professor Croce will not be on the College of Law faculty this fall.

The University of Tennessee, Knoxville, does not discriminate on the basis of race, sex, religion, national origin, age, handicap, or veteran status in provision of educational opportunities or employment opportunities and benefits. UT does not discriminate on the basis of sex or handicap in the education programs and activities which it operates, pursuant to Title IX of the Education Amendments of 1972, Public Law 92-318, and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, respectively. This policy extends to both employment by and admission to the University. Inquiries concerning Title IX and Section 504 should be directed to the Director of Affirmative Action, 403B Andy Holt Tower, University of Tennessee, Knoxville, TN 37996-0144, telephone 615/974-2498. Charges of violation of the above policy should also be directed to the office of the Director of Affirmative Action.

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