
BUSINESS FACULTY NOTES



Professor Iris J. Goodwin's article, "Why Civil Law Countries Might Forego the Individual Trustee: Provocative Insights from the New-to-the-Fold," was recently noted on the "Wills, Trusts & Estates Prof Blog." Professor Goodwin attended the 2012 Critical Tax Conference hosted by Seton Hall Law School, where she moderated a panel on the Wealth Transfer Tax. She also served as a commentator at the symposium on "Animals, Ethics, and Law," co-sponsored by the College of Law. Additionally, Professor Goodwin has been named 2012 Newsletter Editor for the Trusts and Estates Section of the Association of American Law Schools and will serve as Section Chair in 2014.



Professor Joan M. Heminway's article, "Reframing and Reforming the Securities and Exchange Commission: Lessons from Literature on Change Leadership," was selected as one of the best securities law articles of the year. As a result of this honor, the article, which originally appeared in the *Villanova Law Review*, will be reprinted in the *Securities Law Review*. Her article, "Federal Interventions in Private Enterprise in the United States: Their Genesis in and Effects on Corporate Finance Instruments and Transactions," which originally appeared in the *Seton Hall Law Review*, has been quoted and referenced in the forthcoming casebook, *Legal Aspects of Corporate Finance* (5th ed.). At this year's annual meeting of the Association of American Law Schools, Professor Heminway became chair of the new Section on Transactional Law and Skills and moderated its program, "Transactional Law and Skills: Moving Forward."

Additionally, Professor Heminway presented a paper at the 25th Annual Corporate Law Symposium at the University of Cincinnati College of Law. The paper, "Desire, Conservatism, Underfunding, Congressional Meddling, and Study Fatigue: Ingredients for Ongoing Reform at the Securities and Exchange Commission?"

evaluates the congressional mandate for reform of the Securities and Exchange Commission in the Dodd-Frank Wall Street Reform and Consumer Protection Act and will be published in a future issue of the *University of Cincinnati Law Review*. Professor Heminway also gave a keynote presentation for the Corporate Finance and Law Alliance at Case Western University, entitled “Crowdfunding: Revolutionizing Small Business Financing or Creating the Next Securities Blooper of the 21st Century?.” Heminway also presented a paper at The Ohio State University-Moritz College of Law in Columbus, OH as part of a symposium entitled “Repair or Replace: Lifting SEC Regulation from Patchwork to Permanence.” Her associated paper, “What is a Security in the Crowdfunding Era?” will be published in a forthcoming issue of *The Ohio State Entrepreneurial Business Law Journal*.

Closer to home, Professor Heminway was quoted in a recent article in the Knoxville News-Sentinel addressing the proper role of the Board of Directors of the Knoxville Tourism & Sports Corporation in setting the salary of Gloria Ray, its president and CEO. Professor Heminway also served as a commentator at the recent symposium on “Animals, Ethics, and Law” co-sponsored by the College of Law and coached the UT Law Animal Law Competition Team in its first competition.



Professor Amy Hess spoke to a meeting of the Southern Region of the American College of Trust and Estate Counsel in April 2012. Her paper was entitled “Estate Planning for the Baby Boomers: Will They Have Estates to Plan?” The paper was an updated version of her continuing research on the social, economic, and demographic factors that change trends in estate planning for each generation of the American population. Professor Hess also continued her role as ABA advisor to the drafting committee of the Uniform Laws Commission (formerly “NCCUSL”), charged with writing a uniform powers of appointment act. The first reading of the draft is scheduled for the annual meeting of the Uniform Laws Commission in Nashville, TN in July. Her 2012 supplements to the multi-volume treatise, BOGERT & HESS, *THE LAW OF TRUSTS AND TRUSTEES*, will go to the publisher at the end of May. They include substantial commentary on volume 3 of the Restatement (Third) of Trusts and volume 3 of the Restatement (Third) of Property: Wills and Other Donative Transfers, published recently by the American Law Institute.



Professor Becky Jacobs was recently honored at the 2012 Chancellor's Honors Banquet, where she received an Excellence in Academic Outreach Award, as well as the 2012 College of Law Honors Banquet, where she received the Carden Outstanding Faculty Award for Service. Professor Jacobs joined the faculty in 2002 and has taught a wide variety of courses and made significant contributions to the academic field. Her commitment to service is demonstrated in her work as an experienced mediator of civil cases in the Tennessee judicial system — work she does to help alleviate the overburdened court system. She works closely with the Knox County Mediation Center to organize and facilitate training for attorneys pursuing Rule 31 mediator certification. As director of the college's Mediation Clinic, she also helps students receive the same intensive mediation training. This spring the law faculty voted unanimously to recommend that Professor Jacobs be promoted to full professor.



Professor George Kuney's most recent article, "*Stern v. Marshall: A Likely Return to the Bankruptcy Act's Summary/Plenary Distinction in Article III Terms,*" was published as the lead article in Volume 21, Issue 1, of the *Norton Journal of Bankruptcy Law and Practice* (West, February 2012). The article analyzes the U.S. Supreme Court's Article III decision in the *Stern* case as applied to the bankruptcy court system and suggests that it portends a likely contraction in the power of bankruptcy judges to adjudicate a variety of matters, possibly including preferences and fraudulent conveyances. It also suggests congressional changes that may be necessary in order to accommodate the Court's ruling and keep the bankruptcy and district court systems running nearly as they ran before. Additionally, Professor Kuney organized and supported the conference, "Metamorphosis: How Technology is Reshaping Entertainment," which was held on March 31, 2012 at the College of Law. The conference, co-presented by the Clayton Center for Entrepreneurial Law and the Sports and Entertainment Law Society, featured numerous nationally recognized judges and lawyers in the field, including

UT alumnus Joel Katz and Ninth Circuit Judge Alex Kozinski. Professor Kuney has also accepted an invitation to participate on the American Bankruptcy Institute Commission to Study the Reform of Chapter 11. Professor Kuney will serve on the commission's Advisory Committee on Plan of Reorganization — Process Issues. The commission's purpose is to study and make recommendations for Chapter 11 reform that will be presented to the United States Congress.



Professor Michelle Kwon participated in a recent symposium on “Animals, Ethics, and Law,” where she moderated one of the paper panels. The symposium, co-sponsored by the College of Law, featured a keynote lecture and six paper presentations by nationally recognized scholars on legal and ethical issues affecting non-humans from the vantage point of moral philosophy and law.



Professor Don Leatherman spoke at a recent meeting of the Tax Section of the American Bar Association, where he moderated and presented on a panel entitled “A Survey of § 351” and also presented as part of a panel entitled “Sections 351(e) and 368(a)(2)(F).” Professor Leatherman also spoke to the ABA Tax Section about whether and to what extent the separate return limitation rules should be modified and about tax and due diligence issues for financially troubled corporations. In addition, Leatherman participated in a recent ABA teleconference on “Consolidated Tax Return Basics” and spoke at the May meeting of the ABA Tax Section on several interrelated corporate and partnership tax issues. Professor Leatherman also recently led an eight-hour continuing legal education program on S corporation taxation for the accounting firm Dixon Hughes Goodman and has been invited to speak on the subject of tax and due diligence issues for financially troubled corporations at the Tulane Tax Institute this coming November.



Professor Robert M. Lloyd, Faculty Emeritus and Lindsay Young Distinguished Professor of Law, was appointed by Tennessee Governor Bill Haslam to the Commission on Uniform Legislation. By virtue of this appointment, Professor Lloyd becomes a member of the National Conference of Commissioners on Uniform State Laws, the body which sponsors, among other things, the Uniform Commercial Code.



Professor Alex Long was recognized at the 2012 College of Law Honors Banquet, where he received the Harold Warner Outstanding Teacher Award. He was also recognized in the most recent edition of UT's "Quest: Research, Scholarship, Creative Activity," in which an article, entitled "Rocking Out at the Bar (or, Lyrics and the Lawyers Who Love Them)," discusses Long's research into judicial citation of popular song lyrics. Additionally, Professor Long recently published two articles. "The Freewheelin' Judiciary: A Bob Dylan Anthology" appeared at 38 *FORDHAM URB. L.J.* 1363 (2012) and resulted from a recent conference on "Bob Dylan and the Law." "Employment Retaliation and the Accident of Text" was published at 90 *OR. L. REV.* 525 (2011). Locally, Professor Long participated in "Ethics Bowl V," serving as moderator for the competition sponsored by the Knoxville Bar Association. The law faculty recently voted unanimously to recommend that Professor Long be promoted to full professor.



Professor Paula Schaefer was recognized at the 2012 College of Law Honors Banquet, where she received the Bass, Berry & Sims Faculty Award. Her latest article, “Injecting Law Student Drama into the Classroom: Transforming an E-Discovery Class (or Any Law School Class) with a Complex, Student-Generated Simulation,” was noted favorably on the “Legal Skills Prof Blog.” In January, Professor Schaefer participated in the Association of American Law Schools Workshop on the Future of the Legal Profession and Legal Education – Changes in Law Practice: Implications for Legal Education. During the day-long workshop, Professor Schaefer participated in a concurrent session on Technological Innovation in Practice and Education. Her presentation was entitled, “Teaching E-Discovery with Technology (On a Professor’s Budget).” Locally, Professor Schaefer participated in “Ethics Bowl V,” serving as the “Ask the Professor” lifeline for the competition sponsored by the Knoxville Bar Association. The law faculty unanimously voted to grant Professor Schaefer tenure.



Professor Jennifer Lynn Sheridan, the Spring 2012 Clayton Center for Entrepreneurial Law Visiting Professor of Law, taught Secured Transactions as well as a seminar on High Tech Deals this semester. Professor Sheridan also participated in a conference, “Metamorphosis: How Technology is Reshaping Entertainment,” where she spoke on a panel entitled “When the Old Becomes New Again: Film Libraries, Terminations, and Characters Take on Added Importance.”



Associate Dean Gregory M. Stein spoke recently to the law faculty at the University of Florida College of Law. His talk, entitled “*Palazzolo* Ten Years Later,” examined the ways in which state and lower federal courts have interpreted a 2001 United States Supreme Court decision on regulatory takings. Professor Stein also spoke recently at the Georgetown University Law Center, where he served on a panel entitled “Penn Central Issues,” which addressed the topic, “*Palazzolo* and Reasonable Investment-Backed Expectations.” His article from the symposium, “The Modest Impact of *Palazzolo v. Rhode Island*,” will appear in an issue of the *Vermont Law Review* later this year. Additionally, Professor Stein participated in a recent meeting of the Board of Governors of the American College of Real Estate Lawyers, held in Philadelphia, as well as a recent meeting of the Member Selection Committee of the American College of Real Estate Lawyers, held in Washington, D.C. Professor Stein also served as a facilitator for a discussion session at the recent mid-year meeting of the American College of Real Estate Lawyers, held in Las Vegas. The session was entitled “I Fought the Law and the Law Won: Opportunities for Applying Your Skills Outside the Practice.” Professor Stein serves as a member of the ACREL Board of Governors and participated in its board meeting at the conference. He also joined a group from ACREL that spent one afternoon helping to build a Habitat for Humanity house.



Professor Maurice Stucke has recently published a number of articles, with several more accepted for publication. “Reconsidering Competition” was published at 81 *MISS. L.J.* 107 (2011). “Antitrust Review of the AT&T/T-Mobile Transaction,” co-authored with Allen P. Grunes, appears at 64 *FED. COMM. L.J.* 47 (2011). “The AT&T/T-Mobile Merger: What Might Have Been?” also co-authored by Grunes, was published in Oxford University Press’s *Journal of European Competition Law & Practice*. “Reconsidering Antitrust’s Goals” was published at 53 *B.C. L. REV.* 551 (2012) and was placed on the shortlist for the 2012 Antitrust Writing Awards in the General Antitrust category. “Behavioral

Antitrust and Monopolization” will appear in Oxford University Press’s *Journal of Competition Law and Economics* in 2012, and “Occupy Wall Street and Antitrust” will appear in *Postscript* (the online companion to the *Southern California Law Review*) as part of a symposium on the Supreme Court’s 1911 *Standard Oil* decision. Professor Stucke’s most recent article, “Is Intent Relevant?” will be published later this year in *The Journal of Law, Economics & Policy*, and he will also present the article as part of a symposium on behavioral antitrust at the American Bar Association’s Antitrust Law Spring Meeting in Washington, D.C. In addition, the upcoming 105th volume of the *Northwestern University Law Review* will reprint the article, “Why More Antitrust Immunity for the Media is a Bad Idea,” coauthored by Stucke and Grunes, which originally appeared in *Colloquy*, Northwestern’s online supplement.

Professor Stucke also recently contributed chapters to several books. His chapter, “Discovery in a Global Economy,” was recently published in the book, *International Antitrust Litigation: Conflict of Laws and Coordination* (Jürgen Basedow, Stéphanie Francq & Laurence Idot eds., Hart Publishing Oxford 2012), and his chapter, “What is Competition?” was recently published in the book, *The Goals of Competition Law* (Daniel Zimmer ed., Edward Elgar Publishing 2012). Along with co-author Allen P. Grunes, he also published the chapter, “Plurality of Political Opinion and the Concentration of the Media,” in *General Reports of the XVIIIth Congress of the International Academy of Comparative Law* (Karen B. Brown & David V. Snyder eds., Springer 2012).

Additionally, Professor Stucke spoke recently at the meeting of the Competition and Market Law Association in Stockholm, Sweden, where his topic was “Reconsidering Antitrust’s Goals—From a U.S. Perspective.” The University of Amsterdam’s Center for Law and Economics also invited Professor Stucke to be the keynote speaker at its annual competition conference in April, where he will discuss how behavioral economics can inform competition law to an audience of about 100 invited participants from academia, government antitrust agencies, and law and consulting firms.



Professor Kris Anne Tobin was elected to the Executive Committee of the Section on Admiralty and Maritime Law at the January meeting of the Association of American Law Schools. Professor Tobin will serve as Section Chair in 2014.
