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## BUSINESS FACULTY NOTES

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**Professor Eric Franklin Amarante** was featured in the NPR/WUOT piece entitled “Reckoning With the Past as the Knoxville Science Museum Proposal Moves Forward.” Professor Amarante discussed the potential for a community benefit agreement to govern the planned construction of a new science museum in Knoxville. In addition, Professor Amarante’s article *Unregulated Charity* was published in December 2019 and a forthcoming article, entitled *Criminalizing Immigrant Entrepreneurs (And Their Lawyers)*, will be published by the BOSTON COLLEGE LAW REVIEW later this spring. This article was the Immigration Article of the Day at the Immigration Prof Blog, and it was featured on the Crim Prof Blog as well.

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**Professor Teri Baxter’s** book “Torts: A Modern Approach”, co-authored with Professor Alex Long was just recently published in March 2020 by the Carolina Academic Press. She also presented at the 10th annual Constitutional Law Colloquium at Loyola University Chicago. Her topic was “The Private Cost of Public Investigations.”

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**Professor Zack Buck** presented at the Poucher Lecture, an annual event organized and hosted by the Florida Law Review. His topic was “Beyond the Campaign Slogans: Exploring the Legal and Policy Implications of Health Care Reform.”

On December 5, 2019, Professor Zack Buck attended a day-long brainstorming meeting at the National Academy of State Health Policy in Washington, DC to help develop strategies for states to effectively bring down the costs of prescription drugs. Professor Buck was recently invited to participate in episode 172 of the podcast, *This Week in Health Law*, entitled “Who’s Been Naughty or Nice?” (hosted by Professor Nic Terry).



**Professor Joan Macleod Heminway's** coauthored symposium article (with Adam Sulkowski), "Blockchains, Corporate Governance, and the Lawyer's Role," was published in the *Wayne Law Review* last fall. In addition, her essay, "Me, Too and #MeToo: Women in Congress and the Boardroom," was recently published in Volume 87 of the *George Washington Law Review*.

Professor Heminway commented on fairness and U.S. insider trading regulation as part of a panel at an annual conference on "Investors and the Rule of Law," hosted by the Institute for Investor Protection at Loyola University Chicago School of Law in October 2019. The topic for the panel was "In Search of a Level Playing Field: Insider Trading." Also, as part of a panel at the *Tennessee Journal of Law & Policy's* fall symposium, "Insider Trading: Stories from the Attorneys," Professor Heminway presented her essay, *Women Should Not Need to Watch Their Husbands Like [a] Hawk: Misappropriation Insider Trading in Spousal Relationships*.

At the Association of American Law Schools annual meeting in January 2020, Professor Heminway was one of three invited panelists who spoke on "Markets and Regulation: The Shifting Context of Transactional Practice" for a program sponsored by the Section on Transactional Law & Skills (co-sponsored by the Sections on Business Associations and Securities Regulation). She also presented her research on insider trading cases at a session on "Empirical Research in Business Law Works-in-Progress" sponsored by the Section on Law & the Social Sciences and was a commentator at the Section on Securities Regulation's forum for "Emerging Voices in Securities Regulation."

Professor Heminway also has been featured in the media in recent months. She was quoted in a November 2019 article in *Women's Wear Daily* entitled "What Under Armour's Accounting Inquiry Means for Apparel Brands." Her commentary also was featured in a February 2020 WBIR newscast and online article about a publicly traded healthcare firm that, among other things, was being financed by large loans made by a member of the board of directors.



**Professor Becky Jacobs** was part of a team that applied for a grant for a project entitled, “Integrating Climate Change and Hydrological Modeling in Efforts to Enhance the Sustainability of Agricultural Production and Watershed Management in Guatemala.” The grant was approved to receive up to \$10,000 for 2019-2020 from the Center for Global Engagement (CGE) in collaboration with UT’s Office of Research and Engagement and the Smith Center. Professor Jacobs’ particular

role was to collaborate with local institutional partners in Guatemala on the development and implementation of policy for water resource management. In February, the Professor also gave a presentation at a symposium organized by The Kentucky Journal of Equine, Agriculture, & Natural Resource Law entitled *Consumer Perceptions and the (Ir-)Regulation of Organic and GMO Foods*.

Professor Jacobs also continues to serve as a member of the ABA Dispute Resolution Section’s Ethics Committee and of the Board of Directors of the Knox County Community Mediation Center. She was a reviewer for the ABA Dispute Resolution Section’s 2019 and 2020 Spring Conferences and for the International Academic Forum’s International Conferences on Sustainability, Energy & the Environment 2019 conferences. She also judges the ABA’s annual James B. Boskey Law Student Essay Contest on Dispute Resolution.



**Professor George Kuney** and Professor Bob Lloyd’s 5th edition of “Contracts: Transactions and Litigation” has been published by West Academic. Notably it includes a new chapter covering the parol evidence rule from a textualist and contextualist perspective following the Tennessee Supreme Court’s decision in *Individual Healthcare Specialists v. Blue Cross Blue Shield*, for which he submitted one of two amicus curiae briefs cited by the

Court. West Academic will soon be publishing Professor Kuney’s 5th edition of “The Elements of Contract Drafting” and “Legal Drafting in a Nutshell” as well. He has been busy teaching a record (for him) load of classes this spring: Contracts II, Business Associations, Consumer Bankruptcy and Finance Seminar, Reorganizations and Workouts, and

International Bankruptcy, as well as supervising Contract Drafting and Representing Enterprises and a number of field placements.

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**Professor Michelle Kwon's** fourth edition of *Understanding Corporate Taxation* (co-authored with Leandra Lederman of Indiana University Mauer School of Law in Bloomington) was recently updated to reflect changes Congress made in 2017 to the Internal Revenue Code. The revised edition will be published in the fall. She is also featured in episode 3 of the podcast series *War Stories*, a project of the Tennessee Bar Association's Young Lawyers' Division.

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**Professor Alex Long's** new book, co-authored with Professor Teri Dobbins Baxter, titled *Torts: A Modern Approach*, was just recently published by the Carolina Academic Press in March 2020.

Professor Long's article titled, *Abolishing the Suicide Rule*, 113 Nw. U.L. Rev. 767 (2019), was recently cited by the Arizona Court of Appeals in *Parton v. Jeans*, 2019.

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**Professor Thomas Plank** taught a 2 credit course, Comparative Structured Finance: Financing Credit for Businesses and Consumers in the Cambridge Summer Program last summer. This was an introductory course to secured transactions and bankruptcy law that analyzed and compared the laws governing structured finance transactions in the United States and the United Kingdom, primarily Articles 2, 3, and 9 of the U.S. Uniform Commercial

Code, the U.S. Bankruptcy Code, and the UK counterparts. Structured finance is a major source of financing for businesses that lend money and sell goods on credit to customers.

Professor Plank published *A New System of Control of Electronic Chattel Paper*, 71 So. Car. L. Rev. 77 (2019). The 2001 revision of Article 9 of the UCC permitted the creations of chattel paper, which is the standard for automobile loans, in an electronic form and introduced the concept of “control” of the electronic chattel paper to mirror the possession of written chattel paper. This article offers a means of establishing control—notification to the obligor of the assignment of the chattel paper—that is simpler than the current complicated computer processes for establishing control.

Professor Plank published *Valuing the Duty of Loyalty in a Limited Liability Company* 20 TRANSACTIONS: THE TENNESSEE JOURNAL OF BUSINESS LAW (2019). This article arose out of CLE/Symposium, sponsored by the Clayton Center on September 14, 2018, *Business Law: Connecting the Threads II*, as a comment on a presentation by Joshua Fershée, *An Overt Disclosure Requirement for Eliminating the Duty of Loyalty*.

Professor Plank participated in the 2019 CLE/Symposium, sponsored by the Clayton Center on September 27, 2019 *Business Law: Connecting the Threads III*, a panel discussion with Professors Joan Hemingway and Don Leatherman, “What is a Merger Anyway?”. This discussion is published in this edition of TRANSACTIONS: THE TENNESSEE JOURNAL OF BUSINESS LAW.

Professor Plank is a member of the American Law Institute's Members Consultative Group for the UCC, an observer for the Uniform Law Commission, and a member of the Subcommittee on Electronic Chattel Paper on the Joint Study Committee on the Uniform Commercial Code and Emerging Technologies, formed in 2019 by the American Law Institute and the Uniform Law Commission formed to review the Uniform Commercial Code with a view to recommending amendments or revisions to accommodate emerged and emerging technological developments. Professor Plank attended the meeting of the Joint Study Committee in Washington DC on January 31 through February 1, as well as participated in the meetings of the Subcommittee on Electronic Chattel Paper.



**Dean Paula Schaefer** was selected to be a fellow in the 2019–2020 SEC Academic Leadership Development Program. Each SEC school selects four fellows who receive leadership training, complete a service project, and gather at other SEC schools to participate in programming.



**Professor Greg Stein's** article, *Inequality in the Sharing Economy*, is currently being edited by the BROOKLYN LAW REVIEW and is scheduled to appear in its May 2020 issue. His article, *The Impact of Autonomous Vehicles on Urban Land Use Patterns*, has been accepted for publication in the FLORIDA STATE LAW REVIEW and will appear early in 2021. Prof. Stein's article, *Where Will the Next Generation of Lawyers Come From?*, was published in THE ACREL PAPERS — FALL 2019. And his article entitled *Externalities Are Not Illusory* appears in this issue of TRANSACTIONS: THE TENNESSEE JOURNAL OF BUSINESS LAW.

Prof. Stein gave a presentation in December 2019 at the Korea University Law School in Seoul, South Korea, at a conference entitled “Can the Sharing Economy Help Reduce Economic Inequality?” He gave a presentation as part of a plenary panel at the annual meeting of the American College of Real Estate Lawyers, held in Montreal, Canada, in October 2019. That panel, entitled “Where Will They Come From? Challenges and Opportunities in Training Tomorrow's Real Estate Attorneys,” examined how law schools are training future real estate lawyers. Prof. Stein was also one of several College of Law faculty members who served as a commentator at the College of Law's *Business Transactions: Connecting the Threads III* conference, responding to a paper by Prof. Stefan Padfield.

Prof. Stein remains active in the American College of Real Estate Lawyers, where he serves on a number of committees and task forces, including the Law Professors' Committee, the Land Use and Environmental Committee, the Member Development Committee, and the Homelessness Task Force. He served as an external peer reviewer for LAND USE & ENVIRONMENT LAW REVIEW (2019–20), helping to select

the top land use and environmental law articles published during the 2018-19 academic year. Prof. Stein also will serve for the second time as a member of the East Tennessee Foundation's Spenser F. Powell Memorial Law Scholarship selection committee.



**Professor Maurice Stucke** was recently requested by the U.S. House Judiciary Subcommittee on Antitrust, Commercial, and Administrative law to submit a report on potential areas of antitrust reform.

Publishers Weekly has identified Professor Stucke's book "Competition Overdose: How Free Market Mythology Transformed Us from Citizen Kings to Market Servants," among its top 10 forthcoming business and economics books, and Inc. magazine has listed the book as one of its 16 New Business

Books You Need to Read in 2020.

Professor Stucke was recently appointed to serve on the Academic Advisory Board for the Open Markets Institute in Washington D.C.

The Harvard Business Review Press recently published Professor Stucke's chapter titled "*Here Are All the Reasons It's a Bad Idea to Let a Few Tech Companies Monopolize Our Data*", in its latest edition titled *MONOPOLIES AND TECH GIANTS: THE INSIGHTS YOU NEED FROM HARVARD BUSINESS REVIEW*.

Professor Stucke's article with Ariel Ezrachi, titled "*Sustainable and Unchallenged Algorithmic Tacit Collusion*", was published in the 2020 edition of the *Northwestern Journal of Technology & Intellectual Property*.

Professor Stucke was also a presenter at the 2020 Annual Antitrust Symposium for the New York State Bar Association. He presented in March on topics related to Reassessing the Consumer Welfare Model in the Age of Technology.

The University of Tennessee College of Law also recently awarded Professor Stucke the 2020 Carden Award for Outstanding Scholarship. Now a two-time recipient, the award recognizes a UT law faculty member for a distinguished record of scholarship developed over a period of years.