
BUSINESS FACULTY NOTES



Professor Eric Franklin Amarante joined the UT College of Law in 2017 after teaching at the University of Nevada Las Vegas William S. Boyd School of Law for four years. Prior to his stint at UNLV, Amarante was the inaugural Whiting Fellow at the University of Denver Sturm College of Law. **Professor Amarante** received his J.D. from Cornell Law School and his B.A. from the University of Texas. After law school, he joined Sullivan & Cromwell’s corporate group in Palo Alto, where his practice primarily focused on mergers and acquisitions, corporate finance, and securities offerings. After several years at Sullivan, he moved to Seattle to join the business transaction group of Davis Wright Tremaine.



Professor Brad Areheart’s article, *Organizational Justice and Antidiscrimination*, was recently published in Volume 104 of the *Minnesota Law Review*, 104 MINN. L. REV. 1921 (2020). Following the article’s publication, it received positive reviews from Workplace Prof. Blog and Legal Theory Blog. Additionally, **Professor Areheart** provided his input through an interview in June regarding a recent Supreme Court decision, *Bostock v. Clayton County*. The story is titled “Tennessee LGBTQ Leaders See Landmark in Ruling.”

Professor Areheart was also selected, along with Professor Alex Long, to serve on behalf of the College of Law as a Faculty Fellow for a new Technology-Enhanced Teaching Program. The program was created to help faculty enhance online teaching in the fall semester as well as help campus engagement in an online environment. **Professor Areheart**, as a fellow, coordinates with staff from Teaching and Learning Innovation, the Office of Information Technology, and the Office of the Provost, along with college and departmental leaders, Faculty Senate, and others, to provide the most meaningful and effective assistance possible to the faculty.



Professor Teri Baxter's book *Torts: A Modern Approach*, co-authored with Professor Alex Long, was published in March 2020 by the Carolina Academic Press. Her article, *Dying for Equal Protection*, has been published the *Hastings's Law Journal* at 71 HASTINGS L.J. 535 (2020). In addition, the *Northwestern Law Review Online Blog*, "Of Note," published **Professor Baxter's** post titled "True Causes of Racial Disparities in the COVID-19 Pandemic."

On June 15, 2020, **Professor Baxter** presented her work-in-progress "State Sanctioned Discrimination in Adoptions" at the Family Law Scholars and Teachers Conference Online Conference. **Professor Baxter** also virtually co-hosted a discussion of the effect of the Equal Rights Amendment on Constitutional Law as part of the Two Centuries of the Equal Rights Amendment Symposium, hosted by the University of Florida Levin College of Law. Most recently, on October 27, 2020 **Professor Baxter** answered student questions about the Electoral College as part of the Town Hall: Issues Surrounding the 2020 Election and Moving Forward. **Professor Baxter** was one of several faculty members who participated in the event, which was co-sponsored by the University of Tennessee chapters of the Federalist Society, the American Constitution Society, and the Student Bar Association.



Professor Zack Buck's article, *Affording Obamacare*, was published in the *Hastings Law Journal*, 71 HASTINGS L.J. 261 (2020). His article, *The Drug (Pricing) Wars: States, Preemption, and Unsustainable Prices*, has been accepted for publication in the 99th volume of the *North Carolina Law Review*. In addition, **Professor Buck's** article, co-authored with Professor Sharona Hoffman of Case Western, entitled *Specialty Drugs and the Health Care Cost Crisis* was published in Issue 1 of Volume 55 of the *Wake Forest Law Review*, 55 WAKE FOREST L. REV. 55 (2020).

Professor Buck also published two separate pieces, titled *Introduction to Regulation of Professionals in Facilities*, with Deirdre Madden at the University College Cork, Ireland, and *Regulation of Professionals and Facilities in the United States* in the OXFORD HANDBOOK OF COMPARATIVE HEALTH LAW, David Orentlicher and Tamara Hervey, eds., 2020. In addition, **Professor Buck** was interviewed and quoted in a Chattanooga

Times Free Press Article entitled, “In Your Face: Can the Government Make You Wear a Mask?”

Professor Buck serves as a member of the Coronavirus-19 Outbreak Response Experts (CORE-19) team which aims “to provide timely and evidence-based information for policymakers, industry, and the public on pressing questions regarding the global pandemic.” He also served as a Plenary Panelist and Discussion Leader at the “Health Law Professors 2020: Jay Healey Teaching Sessions Goes Virtual.”



Professor Iris Goodwin presented “Dating in Tennessee: Taking a Break from Strict Compliance Under Wills Act TCA 32-1-104(b),” at the Law & Society forum entitled, “I Hear Dead People: New Perspectives on a Venerable Metaphor,” on May, 29, 2020.



Professor Joan Macleod Heminway became Interim Director of the College of Law’s Institute for Professional Leadership effective August 1. She also is serving her first year of a two-year term as co-chair of the Chancellor’s Commission for Women. In addition, she recently accepted an invitation to be an inaugural fellow of the Quality Shareholders Initiative, a research arm of The George Washington University Law School Center for Law, Economics & Finance focusing on shareholder attributes and composition in corporate America.

Professor Heminway’s article, *Women Should Not Need to Watch Their Husbands Like [a] Hawk: Misappropriation Insider Trading in Spousal Relationships*, was published in Volume 15 of the TENNESSEE JOURNAL OF LAW & POLICY. This work contributed to her quoted commentary in a MONEY.COM’s article, *Accidental Insider Trading is a Very Real, Very Expensive Mistake*. In addition, her book chapter, *Ethical Considerations: Corporate Social Responsibility and the 21st Century Lawyer* (with Irma S. Russell), was published in a Wolters Kluwer book entitled CORPORATE SOCIAL RESPONSIBILITY – THE CORPORATE GOVERNANCE OF THE 21ST CENTURY (Rae Lindsay & Roger Martella, eds.), and her essay, *Me, Too and #MeToo: Women in Congress and the Boardroom*, was published in Volume 87 of the

GEORGE WASHINGTON LAW REVIEW. Also, her article *Lawyering for Social Enterprise*, 20 TRANSACTIONS: TENN. J. BUS. L. 797 (2019), is being reprinted in a textbook coauthored by Stephen F. Reed and Esther Barron entitled ENTREPRENEURSHIP LAW, forthcoming from Wolters Kluwer.

At the 2020 LLC Institute, an annual American Bar Association program focusing on issues relating to limited liability companies and other unincorporated business entities, **Professor Heminway** participated, via Zoom, on a panel on drafting indemnification and advancement provisions in limited liability company operating agreements. She reviewed applicable decisional law and provided additional commentary.

Professor Heminway presented, with her two student coauthors, Anne Crisp and Gray Martin, their article entitled *Business Law and Lawyering in the Wake of COVID-19* at the fourth annual “Connecting the Threads” symposium, hosted on Zoom by the College of Law in October. The article will be published with others from the symposium in the spring 2021 issue of *Transactions: The Tennessee Journal of Business Law*.

In September, **Professor Heminway** presented her book chapter, *U.S. Securities Crowdfunding: A Way to Economic Inclusion for Low-Income Entrepreneurs?*, at the Rutgers Law School faculty colloquium. The chapter is forthcoming in an international book project entitled DIGITAL ENTREPRENEURSHIP AND THE SHARING ECONOMY. The book is being published by Routledge and is scheduled for publication in 2021.

Professor Heminway was a participant in a number of programs at the SEALS 2020 annual conference at the end of the summer. She presented working papers in sessions involving corporate board diversity and insider trading regulation (“Perspectives on Board Diversity and California’s New Law” and “Insider Trading: Is It All about the Money?”), also serving as co-moderator of the latter session. In addition, she contributed as a discussant in a group focusing on interdisciplinary engagement within the law academy (“Inter-Topical Problem-Solving: The Curious Case of the Estate of Jeffrey Epstein”).

As Chair of the Business Law Section of the Tennessee Bar Association, **Professor Heminway** was the producer of the 2020 Business Law Forum on business taxation. She also participated as a discussant at two additional programs over the summer, “Effective Use of Research Assistants,” hosted by the Association of American Law Schools, and “Feminism and the Corporate Law: Reforming Corporate Governance,” hosted by the *Law & Inequity Journal* at the University of Minnesota Law School. The *Law & Equity Journal* will be publishing an essay by **Professor Heminway** in a forthcoming issue.

In June, **Professor Heminway** led a team of organizers in hosting the 11th annual National Business Law Scholars Conference. The conference,

originally scheduled to be held in person at the College of Law, was hosted on Zoom due to the pandemic. At the conference, she participated in a panel discussion on business law in the pandemic era, presented her insider trading research, and moderated a panel on teaching business law during the pandemic.

And in May, **Professor Heminway** attended the Law and Society Association annual meeting, which was hosted virtually. She moderated and offered commentary in an author-meets-reader program on the book *Citizen Capitalism: How a Universal Fund Can Provide Influence and Income to All*. She also participated in a discussion session entitled “Evaluating Cryptocurrencies & Other Market Developments.”



Professor Emeritus Amy Hess presented twice on the Model Rule of Professional Conduct 1.14, “Dealing with Clients with Diminished Capacity,” in June 2020. One of her presentations was for the Knoxville Estate Study Group, and the other presentation was for a national virtual meeting of the Professional Responsibility Committee of the American College of Trust and Estate Counsel (“ACTEC”). Her presentation focused on whether a lawyer may represent a person who seeks to be appointed conservator for the lawyer’s client or former client. As a result of her presentation, **Professor Hess** was asked to join a subcommittee that will revise the ACTEC Commentaries on Model Rule of Professional Conduct 1.14.

In addition, **Professor Hess** spoke at a national virtual meeting of the State Laws Committee of ACTEC. **Professor Hess** served as a panel member that discussed the 2019 amendments to the Uniform Probate Code that dealt with the rules defining family relationships for inheritance rights.

Professor Hess’s 2020 supplements to the multi-volume treatise BOGERT & HESS, THE LAW OF TRUSTS AND TRUSTEES were published in July 2020.

In September 2020, **Professor Hess** was appointed to a Diversity & Inclusion Advisory Group of the ABA’s Real Property, Trust & Estate Law Section. The Group is charged with recommending actions that will improve the diversity among lawyers in the areas of real estate and estates and trusts law as well as changes to the law that will improve equity among diverse citizens.



Professor Becky Jacobs has several publications that soon will be in print. She has a chapter that will appear in forthcoming book, *Discussions in Dispute Resolution: The Formative Articles*, which will be published by Oxford University Press and is due out in early 2021. Her article, *Julian Conrad Juergensmeyer's "Impact": Development Finance and Beyond*, will appear in late 2020 in the *Journal for Comparative Urban Law and Policy*. The piece that she co-authored with her daughter, Chelsea, *A Quixotic Quest for Definition: Perceptions of "Organic and Implications for the Environment and Market Participants*, is scheduled for publication this Fall in the *Kentucky Journal of Equine, Agriculture, and Natural Resources Law*.

Professor Jacobs presented virtually at the 22nd Annual ABA Section of Dispute Resolution Spring Conference on May 29, 2020. **Professor Jacobs** served as the co-organizer and presenter on a panel entitled "Decoding Ethical Design and Practice in Resolving Smart Contract & Blockchain-Related Disputes." In addition, **Professor Jacobs** participated in a video that was produced for and shown at the Tennessee Administrative Office of the Court's Alternative Dispute Resolution Commission Annual Conference on October 16, 2020. The video focused on maximizing engagement and rapport in online mediation. She also served as a CV/FAR reviewer as a part of SEAL's Prospective Law Teachers Workshop during SEALS 2020.



Professor Brian Krumm is the Director of the University of Tennessee College of Law's Business Clinic, where he and his students work with entrepreneurs and inventors hoping to commercialize their intellectual property. He is the coauthor of *Entrepreneurial Law* and *A Transactional Matter: A Guide to Business Lawyering*, published by West Academic. He most recently published *Regulatory Policy in the Trump Era and its Impact on Innovation* in the *Mercer Law Review*.

Professor Krumm recently participated on two panel sponsored by the University of Indiana, Bloomington, Maurer School of Law's Center for Intellectual Property Research Workshop. The panels discussed

the topics “Software & Technology in the IP Clinics.” and “*Best Practices in Trademark Filing*”.

Professor Krumm, along with Professor Jiang dong from Renmin University College of Law in Beijing, presented at Southern Association of Law School’s Annual Conference entitled “International Collaborative Teaching.” The two professors discussed the value of the joint class they have conducted remotely for the past seven years. Their class teaches American transactional interviewing, drafting, and negotiating skills to Chinese law students. At the same conference, he also participated on a panel which discussed “Political Polarization in the Classroom.”

Professor Krumm participated in the fourth annual “Connecting the Threads” symposium. He commented on University of Houston Law Center’s Professor Douglas Moll’s paper, “Contracting Out of Partnerships.”

Professor Krumm was interviewed by News Channel 11 in Kingsport concerning matters of Corporate Governance involving a pharmaceutical company that committed fraud in which a Congressional candidate was a corporate secretary. In addition, he was interviewed by the Knoxville News Sentinel regarding President Trump’s firing of two of the Tennessee Valley Authority’s Board Members. Most recently, **Professor Krumm** was quoted in the Tennessean in two separate articles concerning the evictions moratorium under the Cares Act and also the subsequent extension by Order of the Centers for Disease Control.



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 is publishing **Professor Kuney’s** 5th edition of “The Elements of Contract Drafting” and “Legal Drafting in a Nutshell” as well.

Professor Kuney’s article, “Life Insurance and Bankruptcy,” has been published in the Norton Annual Survey of Bankruptcy Law. In addition, **Professor Kuney** and Adjunct Professor Donna Looper’s updated single volume treatise, California Law of Contracts, has been

published by California's Continuing Education of the Bar or CEB, as it is better known.



Professor Michelle Kwon's article, *Pulling the Wrong Lever Opens a Trap Door: Using Taxes to Fight the Opioid War*, will be published in Volume 93 of the Temple Law Review. In addition, **Professor Kwon** was appointed by the Chancellor of the University of Tennessee to the campus's Commission for Women ("CFW") and serves as the CFW designee for the Council on Diversity and Interculturism.

On July 29, 2020, **Professor Kwon**, along with Professor Don Leatherman, participated in the panel, "COVID-19 and Transaction Tax Planning," which was a part of the Tennessee Bar Association's Business Law Forum. Additionally, as a part of SEALS 2020, **Professor Kwon** moderated the panel entitled "Supreme Court and Legislative Update (Corporate, Administrative, Labor, and Tax Law)." The panel examined the United States Supreme Court's decisions and legislative actions dealing with corporate, administrative, labor, and tax law.

Professor Kwon presented her work-in progress, *Up in Smoke: Using Taxes to Vaporize E-Cigarette Consumption Among Youth*, to the University of Tennessee-Knoxville Arts & Science College Scholars Program in October 2020. **Professor Kwon** also presented *Up in Smoke: Using Taxes to Vaporize E-Cigarette Consumption Among Youth* to Louisiana State University Paul M. Herbert Law Center in October 2020.



Professor Don Leatherman presented, along with Professor Michelle Kwon, as a member of a panel entitled "COVID-19 and Transactional Tax Planning" on July 29, 2020. The panel was a part of the Tennessee Bar Association's Business Law Forum. In addition, **Professor Leatherman** participated as a panel member for the American Bar Association's Tax Section meeting entitled "Consolidated Groups in Distress: Restructuring

Tax Issues" on October 2, 2020.

Professor Leatherman is also currently working on two comment letters for the American Bar Association. One comment pertains to consolidated issues related to tax legislation responding to the COVID-19 crisis. The second comment considers corporate and consolidated issues on aspects of Section 163(j).



Professor Alex Long's book, co-authored with Professor Teri Dobbins Baxter, titled *Torts: A Modern Approach*, was published by the Carolina Academic Press in March 2020. In addition, **Professor Long's** book, with Meredith Duncan, entitled *Advanced Torts: A Context and Practice Casebook* was published by Carolina Academic Press during the summer of 2020. **Professor Long's** article, *Cotten v. Wilson: Toward a New Approach in Negligence Cases involving Suicide*, was also published by the Tennessee Law Review, 86 TENN. L. REV. 795 (2019).

Professor Long was quoted in an article by the Tennessee Ledger regarding the implications of COVID-19 in the workplace. In addition, **Professor Long** was quoted by Compass in an article regarding the risks employers faced as the economy began to reopen following the stay at home orders associated with COVID-19. **Professor Long** also moderated a discussion group, entitled "Teaching Torts," at SEALS 2020 on July 31, 2020. The participants in the discussion group discussed various teaching strategies.

Professor Long, along with Professor Brad Areheart, was selected to represent and serve the College of Law as a Faculty Fellow for a new Technology-Enhanced Teaching Program. The program was created to help faculty enhance online teaching in the fall semester as well as help campus engagement in an online environment. **Professor Long**, as a fellow, coordinates with staff from Teaching and Learning Innovation, the Office of Information Technology, and the Office of the Provost, along with college and departmental leaders, Faculty Senate, and others, to provide the most meaningful and effective assistance possible to the faculty.



Professor Thomas Plank is a member of the American Law Institute's Members Consultative Group for the UCC and an observer for the Uniform Law Commission 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** has commented on drafts of amendments to the relevant provisions of the UCC and attended a Zoom meeting on July 31, 2020, dealing with electronic negotiable instruments, the definition of digital assets, and rules, including a definition of control digital assets, that would reliably establish the transfer of digital assets to a purchaser.

Professor Plank is one of four law professors who filed a Brief for Amici Curiae in the case of City of Chicago, *Illinois v. Robbin L. Fulton*, United States Supreme Court, No. 19-357, in support of petitioner on the interpretation of the Bankruptcy Code's automatic stay and turnover provisions. The amici brief relies in part on **Professor Plank's** law review article, *The Creditor in Possession Under the Bankruptcy Code: History, Text, and Policy*, 59 MD. L. REV. 253-351 (2000) and also cites his article, *The Outer Boundaries of the Bankruptcy Estate*, 47 EMORY L. J. 1193-1287 (1998).

As part of the 2020 CLE/Symposium on Business Law: Connecting the Threads IV, University of Tennessee College of Law Clayton Center, on October 16, 2020, **Professor Plank** commented on the presentation by Professor Colleen M. Baker of the University of Oklahoma College of Business and College of Law, entitled Clearinghouse Shareholders and “No Creditor Worse Off Than in Liquidation” Claims. Professor Baker's article and **Professor Plank's** commentary will be published in the spring 2021 issue of *Transactions: The Tennessee Journal of Business Law*.



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*, was published by the BROOKLYN LAW REVIEW, at 85 BROOK. L. REV. 787 (2020). His article, *The Impact of Autonomous Vehicles on Urban Land Use Patterns*, has been accepted for publication in the FLORIDA STATE UNIVERSITY LAW REVIEW and will appear in 2021. **Professor Stein's** article, *Externalities Are Not Illusory*, was published in this journal's Spring 2020 edition, at 21 TENN. J. BUS. L. 287 (2020). In addition, **Professor Stein** published *Uneasy Lies the Head that Owns Property* in JOTWELL, reviewing the article, *Private Property Suffuses Life*, written by Professor Paul Babie of Adelaide Law School.

Professor Stein gave an online presentation at the Annual Meeting of the American College of Real Estate Lawyers, to its Land Use and Environmental Committee. He spoke on "The Impact of Autonomous Vehicles on Urban Land Use Patterns."

Once again, **Professor Stein** served as a member of the East Tennessee Foundation's Spenser F. Powell Memorial Law Scholarship selection committee, which chose the recipient for the law school class entering in 2020.



Professor Maurice Stucke's article with Professor Ariel Ezrachi, titled "Sustainable and Unchallenged Algorithmic Tacit Collusion," was published in the 2020 edition of the Northwestern Journal of Technology & Intellectual Property, 17 NW. J. OF TECH. & INTELL. PROP. 217 (2020). In addition, **Professor Stucke's** article entitled "The Effective Competition Standard: A new Standard for Antitrust," co-authored by Professor Marshall Steinbaum, has been published in Volume 86 of the University of Chicago Law Review.

Professor Stucke and Professor Ezrachi' presented their new book, *Competition Overdose: How Free Market Mythology Transformed Us from Citizen Kings to Market Servants*, at an online event, entitled "Can Competition Hurt Consumers? A Discussion about 'Competition Overdose,'" hosted by the College of Europe, Global Competition Law Center. The two also presented their book to the Information Society Project and Yale Law School as part of their Virtual Cyberlaw Speaker Series on April 3, 2020. **Professor Stucke** also presented *Competition Overdose* at Cambridge

University Center for European Legal Studies & The Competition Law Scholars Forum in May 2020, at the 15th Annual ASCOLA Conference in June 2020, and at the University of Trento in September of 2020. In addition, **Professor Stucke** and Professor Ezrachi were interviewed about their book, *Competition Overdose*, by a local NPR station in Sharon, CT.

Professor Stucke, along with Professor Ezrachi, also wrote a post for the Oxford Business Law Blog entitled “Contemplating COVID-19 and Competition—Returning to the Rat Race or Aspiring for Something Nobler?”

Professor Stucke was also quoted and/or interviewed by various sources such as Bloomberg TV, CNBC, Business Insider, The Telegraph, Roll Call, FR24 News, Sinclair Broadcast Group, CNN.com, Politico, and more.

At the University of California, Berkeley, Center for Long-Term Cybersecurity’s Research Symposium: “Data Rights, Shared Value, and Redefining ‘Privacy’ and ‘Security’ with AI/ML and emerging technologies” in September 2020, **Professor Stucke** presented *A New Conceptual Legal Framework for Dataopolies*.

Professor Stucke presented in October 2020 at the Economist Corporate Network’s Online Session, entitled *Data is the new oil: Unpacking risks and opportunities in a data-fueled marketplace*.

In addition, he also presented at Yale Law School’s Information Society Project and Yale School of Management’s Thurman Arnold Project, “Big Tech & Antitrust—Competition Policy in the Digital Age” in October of 2020. At this event, **Professor Stucke** presented the Gamemakers chapter of *Competition Overdose* in the plenary session and also served as a commentator and moderator of the break-out session, “Essential Platforms.”

