
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 published a chapter in the book, *Feminist Judgments: Rewritten Employment Discrimination Opinions* (Cambridge U. Press, Ann McGinley & Nicole Porter eds., 2020). **Professor Areheart's** chapter provides commentary on *Young v. UPS*, 135 S. Ct. 1338 (2015), a case that discussed denial of pregnancy accommodations.

Professor Areheart's article, *GINA, Big Data, and the Future of Employee Privacy*, 128 YALE L.J. 710 (2019) (with Jessica Roberts) was favorably reviewed on JOTWELL by Professor Matt Bodie of Saint Louis University School of Law who concludes: "Their article is a terrific contribution to our understanding of the future of employment." It was also recently cited in a federal district court case involving indemnification under the Genetic Information Nondiscrimination Act. *Maness v. Village of Pinehurst, NC*, 2021 WL 723350 (M.D. N.C. Feb. 24, 2021).

Professor Areheart's work on organizational justice was recently featured in Forbes. In *Can We Trust Corporate Commitments to Racial Equity*, UNC law professor Ifeoma Ajunwa writes: "The legal scholar, **Brad Areheart**, has argued that organizational justice, which prescribes a moral obligation on the part of employers to create a fair work environment, if properly administered, could minimize discrimination in the workplace, mitigate its effects, and increase internal reporting when instances of discrimination do occur." She is referring to **Professor**

Areheart's article, entitled *Organizational Justice and Antidiscrimination*, which was published in the *Minnesota Law Review* in 2020.



Professor Teri Baxter practiced in the litigation and appellate sections in the Houston office of Locke Liddell & Sapp LLP (now Locke Lord LLP) for five years before joining the faculty at Saint Louis University School of Law in 2002. While there, **Professor Baxter** taught Contracts, Commercial Law, and Secured Transactions as well as seminars focused on the Fourth Amendment, Privacy, and Family Law issues.

In 2013, **Professor Baxter** joined the University of Tennessee College of Law, where she continues to teach Secured Transactions and a Family and Privacy seminar, but has added Constitutional Law and Torts. These new courses provide a great fit with her scholarly focus on family, privacy, and related constitutional issues.



Professor Zack Buck wrote a guest column, with Dr. Carole Myers, titled *Knox County Board of Health Is Needed to Protect Citizens from COVID-19* for the Knoxville News-Sentinel.

Professor Buck also gave a virtual lecture titled “Antitrust Risk in an Era of Healthcare Regulation” at the Haslam College of Business as part of its Physician Executive MBA program, and presented “Understanding Specialty Drugs and the Health Care Cost Crisis” at the Affordable Assisted Living Coalition Annual Conference (and the Southern Illinois University School of Medicine). Additionally, **Professor Buck** spoke as part of a panel for the Law and Economics Center webinar, entitled “The Growing Use of State Government Disclosure and Reporting Requirements for Pharmaceutical Pricing and Costs,” at George Mason University Antonin Scalia Law School on Feb. 12, 2021.

Professor Buck published a book review in the *Journal of Legal Medicine* of the book, *Exposed: Why Our Health Insurance Is Incomplete and What Can Be Done About It* (Harvard Univ. Press 2019), by Boston University law professor Chris Robertso published at 40 J. LEGAL MED. 283 (2020). **Professor Buck** also published a piece on *The Conversation* titled *While the Supreme Court Deliberates on the Affordable Care Act, Congress*

and the *White House May Act*. The piece was subsequently published in the *Houston Chronicle*.

Professor Buck's newest article, *The Drug (Pricing Wars): States, Preemption, and Unsustainable Prices*, has been published in the 99th volume of the *North Carolina Law Review*, 99 N.C. L. REV. 167. Also, **Professor Buck** published a review on JOTWELL: "In Search of Health Law Coherence," reviewing Gabriel Scheffler's, *The Dynamism of Health: Expanded Insurance Coverage As the Engine of Regulatory Reform*.

Professor Buck's piece, *The Meaning of "Medicare-for-All,"* that accompanied a symposium at the University of Houston has been published in the 20th edition in the *Houston Journal of Health Law and Policy*.



Professor Iris Goodwin joined the College of Law faculty in 2005, having been a Faculty Fellow at Seton Hall Law School from 2003-2005. She earned her J.D. at New York University and her Ph.D. in political theory at Columbia University, where she was a Chamberlain Fellow and a member of the Columbia College of Law faculty. She then began her legal career as an associate at Sullivan & Cromwell. Later she was Senior Vice President and Associate Fiduciary Counsel at Bessemer Trust Company.



Professor Joan Macleod Heminway was recently elected to a three-year term on the Board of Directors of the UT Federal Credit Union. She currently also serves as immediate past chair of the Business Law Section of the Tennessee Bar Association and co-chair of The University of Tennessee, Knoxville Chancellor's Commission for Women.

Professor Heminway addressed securities disclosure issues in the pandemic era at "Corporate & Securities Law in the Time of the Coronavirus," the *University of Richmond Law Review's* annual symposium held early in March. She offered an overview of disclosure regulation under the federal securities laws and commented on executive disclosures of COVID-19 diagnoses and illnesses. **Prof. Heminway** also recently co-led a pupillage team that presented on corporate social justice at the March meeting of the Hamilton Burnett Chapter of the American Inns of Court. Her part of

the meeting covered an overview of corporate structure and management duties as they relate to social justice issues.

Together with Interim Dean Doug Blaze **Professor Heminway** presented at *Lawyers, Leadership, and Change: Addressing Challenges and Opportunities in Unprecedented Times*, a symposium hosted by the Santa Clara University School of Law at the end of February. Their commentary, part of a panel on “Leadership, Lawyers and Practice of Law: Pedagogy and Leading Innovation and Change,” focused on the value of teaching change leadership to law students. The *Santa Clara Law Review*, one of the sponsors of the symposium, is publishing **Professor Heminway**’s paper promoting the teaching of change leadership in law schools in a future volume. Later the same day, **Professor Heminway** presented her draft essay, currently entitled *Corporate Management Should All Be Feminists*, at a faculty forum hosted by UT’s Neel Corporate Governance Center.

Professor Heminway participated in three programs at the AALS 2021 Annual Meeting in January. First, she presented her essay, *Legal Education at a Social Justice Tipping Point in a Pandemic Era: Change Leadership and the Law School Curriculum*, as part of a program sponsored by the Section on Leadership, co-sponsored by the Sections on Professional Responsibility and Pro Bono & Public Service Opportunities. Second, **Professor Heminway** presented information on the Zoom version of her oral midterm examinations in Business Associations as part of a panel on “Best Practices for Creating and Administering Mid-term Exams,” sponsored by the Section on Teaching Methods. Finally, **Professor Heminway** commented on the draft paper of a junior securities regulation scholar in the Section on Securities Regulation’s program featuring “Emerging Voices in Securities Regulation.”



Professor Emeritus Amy Hess, who is an Academic Fellow of the American College of Trust and Estate Counsel (“ACTEC”), will be one of the speakers at a webinar sponsored jointly by ACTEC and the American Law Institute in May 2021. The topic is Ethical Challenges for Trust and Estate Lawyers in Dealing with Clients with Diminished Capacity.

Professor Hess serves on a subcommittee that is revising the ACTEC Commentaries on Model Rule of Professional Conduct 1.14, Dealing With Clients With Diminished Capacity. The subcommittee gave presentations on this project to the ACTEC Committees on Elder Law and Professional Responsibility during the ACTEC Annual meeting in March 2021 and

expects to complete the revisions in June. Additionally, **Professor Hess** is serving as co-chair of a subcommittee the Knoxville Bar Association's Access to Justice Committee that is working to establish a special court for homeless people in Knoxville.

In February 2021, **Professor Hess** submitted the manuscript for the 2021 supplements to her treatise, *BOGERT & HESS, THE LAW OF TRUSTS AND TRUSTEES*. The supplements should be published in July. She is currently working on a replacement for the volume of the treatise that deals with trustees' powers.



Professor Becky Jacobs has several publications to report. The book, *DISCUSSIONS IN DISPUTE RESOLUTION: THE FORMATIVE ARTICLES*, to which she contributed a chapter, has been published by Oxford University Press. Her article, *Julian Conrad Juergensmeyer's "Impact": Development Finance and Beyond*, appeared in 2020 in the fourth volume of the *Journal of Comparative Urban Law & Policy*. The article that she co-authored with her daughter Chelsea, *A Quixotic Quest for Definition: Perceptions of "Organic and Implications for the Environment and Market Participants*, was published in volume 12 of the 2020 *Kentucky Journal of Equine, Agriculture, and Natural Resources Law*. She has a publication pending in the *Journal of Comparative Urban Law & Policy*, titled *Lisbon: Pelos Frutos Conhece-Se A Árvore: Food Waste in the Land of Plenty*, due out in 2021.

Professor Jacobs was one of the coaches of the College of Laws' Environmental Law Moot Court Team, which advanced to the quarterfinals of the Jeffrey G. Miller National Environmental Law Moot Court Competition. She also scored briefs in the Fall 2020 Advocates' Prize competition. As part of a pilot program authorized the Tennessee Court's Alternative Dispute Resolution Commission, **Professor Jacobs** is training Rule 31 mediators online in her Spring 2021 Family Mediation Clinic. Additionally, the video that focused on maximizing engagement and rapport in online mediation, in which she is a participant, has been used in state mediator trainings.

Professor Jacobs remains an organizing member of the Baker Center Energy and Environment Forum at the University of Tennessee. The Forum is an opportunity for academics to share their research across with a broad set of academics, researchers, and students from outside their own discipline who have a common interest in environmental- and energy-

related issues. She was instrumental in bringing leading energy law scholar and current Deputy Director for Energy Justice in the Office of Economic Impact and Diversity at the U.S. Department of Energy, Shalanda H. Baker, to UT as part of the Forum in Spring 2021. Deputy Director Baker has written important works on utility sector reform and equitable clean energy policy.

Professor Jacobs will serve as a Moderator and Discussant for a Works-in-Progress session at the Spring 2021 AALS Clinical Conference. She 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.



Professor Brian Krumm participated and provided commentary in the fourth annual “Connecting the Threads” symposium hosted by the Clayton Center for Entrepreneurial Law and Transactions: The Tennessee Journal of Business Law. **Professor Krumm** has agreed to serve on the provost’s faculty review and promotion taskforce and also as a member of the working group that is examining the lasting impact of the COVID pandemic.

On July 21, 2020, **Professor Krumm** was interviewed by News Channel 11 (Kingsport) on matters of Corporate Governance involving a corporation in which Congressional candidate Diana Harshbarger was a corporate secretary.

Additionally, **Professor Krumm** participated in a panel sponsored by the University of Indiana/Bloomington, Maurer School of Law’s Center for Intellectual Property Research Workshop on the topic “Software & Technology in the IP Clinics” on July 28, 2020. In addition, he was a panelist in a workshop sponsored by the University of Indiana/Bloomington, Maurer School of Law’s Center for Intellectual Property Research Workshop on the topic “Best Practices in Trademark Filing” on August 11, 2020.

On July 30, 2020, **Professor Krumm** was a discussant at the Southeastern Association of Law Schools Annual Conference, “Political Polarization in the Classroom.” In addition, **Professor Krumm** and Professor Jiang dong from Renmin University College of Law in Beijing presented at SEALS on “International Collaborative Teaching.” They discussed the value of the joint class they have been conducting remotely for the past 7 years. The class teaches transactional interviewing, drafting and negotiation skills to Chinese law students.

Professor Brian Krumm was also interviewed by the Knoxville News Sentinel on August 4, 2020, concerning President Trump's firing of two of the Tennessee Valley Authority's Board Members. Trump's political insertion worries former TVA board member.



Professor George Kuney participated in the in the fourth annual “Connecting the Threads” symposium hosted by the Clayton Center for Entrepreneurial Law and Transactions: The Tennessee Journal of Business Law. His books “Legal Drafting in a Nutshell (5th edition)” and “Legal Drafting: Techniques, Processes, and Exercises (3d edition)” have been published by West Academic Publishing and he has been selected

by West to produce a series of short audio and video lessons dealing with areas and concepts that students find difficult in the Contracts I and Contracts II curricular space. Topics will include the objective theory of contracts, consideration in all its many forms, the statute of frauds, damage computations, the parol evidence rule and canons of construction, and how the form of the legal standard at play in a contracts problem can guide the student in their analysis of an issue. He is also working this spring to produce an asynchronous class for the College's Masters in Legal Studies program that will cover both Contracts I and II with a Legal Analysis and Drafting overlay.



Professor Michelle Kwon was a co-presenter at the 68th Annual Taxation Conference hosted by the University of Texas. The title of the CLE was “Ethical Issues When Working Remotely (or did Alexa just waive privilege?).”



Professor Don Leatherman has had the privilege of teaching at the University of Tennessee College of Law since 1994 and teaches primarily courses in the federal income tax. He writes and speaks frequently on issues related to federal income tax, particularly those involving corporations and consolidated groups.

Before he worked at the University of Tennessee, **Professor Leatherman** was a branch chief in the corporate tax division of Chief Counsel at the Internal Revenue Service in Washington, D.C., an associate at Arnold & Porter in Washington, D.C., and an associate at Skarlatos & Zonarich in Harrisburg, Pennsylvania. He also taught as an adjunct in the LL.M tax program at the Georgetown University Law Center for seven years.



Professor Alex Long presented his research titled *Suicide, Wrongful Death, and Lawyer Well-Being* at the BLR Medical Malpractice Virtual Conference. He also presented at “What the Americans with Disabilities Act (and Employment Law More Generally) Has to Teach Legal Employers About Lawyer Well-Being” at the Colloquium on Scholarship in Employment and Labor Law at the University of Louisville Brandeis School of Law.

Professor Long’s article *The Statutification of Tort Law in the Workplace* will be published in the Berkeley Journal of Employment and Labor Law. Additionally, **Professor Long’s** article, *Abolishing the Suicide Rule*, 113 NW. U. L.REV. 767 (2019), was cited by the Supreme Court of South Carolina in *Wickersham v. Ford Motor Co.*, 2020 WL 7234505. On certification from the Fourth Circuit Court of Appeals, the court held that traditional principles of proximate cause apply to claims alleging that a defendant negligently caused another’s death from suicide. The court cited Professor Long’s article in support of rejecting any sort of categorical rule.



Professor Thomas Plank participated and provided commentary in the fourth annual “Connecting the Threads” symposium hosted by the Clayton Center for Entrepreneurial Law and Transactions: The Tennessee Journal of Business Law October 16, 2020. He commented on the presentation by Professor Colleen Baker, *Clearinghouse Shareholders and “No Creditor Worse Off Than in Liquidation” Claims*, and his comment, *Clearinghouse Insolvency:*

Caution in Disregarding Contractual Allocation of Losses Between Non-Defaulting Members or Shareholders, is to be published in 22 Transactions: The Tennessee Journal of Business Law (2021).

Professor Plank also received the 2021 Carden Award for Outstanding Achievement in Scholarship from the University of Tennessee College of Law (for distinguished record of scholarship over a period of years). He was also nominated for and was elected to the American College of Commercial Finance Lawyers.



Dean Paula Schaefer agreed to serve another term as a Subject Matter Expert for the National Conference of Bar Examiners. Schaefer presented a CLE on attorney ethics in appellate advocacy as part of the annual Tennessee Supreme Court Boot Camp CLE sponsored by the Tennessee Bar Association’s Appellate Practice Section. Schaefer was part of the Nashville Bar Association’s Government Practice & Professionalism Institute, presenting *Government Attorney Ethics*.

Dean Schaefer was invited to present an attorney ethics update to the Tennessee Office of the Attorney General. In a collaboration between the University of Memphis and University of Tennessee, **Dean Schaefer**, along with Brad Morgan and Jodi Wilson, presented a CLE titled *Ethical and Legal Obligations of Supervising Lawyers Under Tennessee’s “Supervised Practice” Rule*.



Professor Gregory Stein's latest article, *Swallowing its Own Tail: The Circular Grammar of Background Principles Under Lucas*, has been published at 71 *Florida Law Review Forum* 246 (2021). The article, which responds to two other articles, argues that the exception to the rule the Supreme Court established in *Lucas v. South Carolina Coastal Council* is inconsistent with the rule itself and grammatically nonsensical. Thus, the

Court's holding is self-contradictory.

Professor Stein's article, *The Impact of Autonomous Vehicles on Urban Land Use Patterns*, will appear later this spring in the *FLORIDA STATE UNIVERSITY LAW REVIEW*. This article looks at the impact that the autonomous vehicle revolution is likely to have on such urban features as parking, building density, commuting, and mass transit. His review article, *Did You Know that You're Paying Part of the Cost of my Car?*, has been published in *JOTWELL*. He also published an article in *NEWS AND NOTES*, a publication of the American College of Real Estate Lawyers, reviewing the College's first all-online conference.

Professor Stein received the 2021 Marilyn V. Yarbrough Award for Writing Excellence for his article, *Inequality in the Sharing Economy*, which was previously published at 85 *BROOKLYN LAW REVIEW* 787 (2020). That article examines the ways in which the use of dynamic pricing may exacerbate existing economic inequalities.

Professor Stein presented *The Impact of Autonomous Vehicles on Urban Land Use Patterns* to the Austin, Texas, Bar Association's Real Estate section, and also to the Land Use and Environmental Committee at the annual meeting of the American College of Real Estate Lawyers.



Professor Maurice Stucke and his co-author Ariel Ezrachi won an Antitrust Writing Award by George Washington University and Concurrences Review for their article, *Sustainable and Unchallenged Algorithmic Tacit Collusion*, 17 *NW. J. OF TECH. & INTELL. PROP.* 217 (2020).

The American Bar Association Antitrust Law Section's Report Of The Task Force On The Future Of Competition Law Standards interviewed a group of thought leaders in the global antitrust community. The ABA task force interviewed **Professor**

Stucke and extensively cited his work on ways to reform competition law. Additionally, the Japan Fair Trade Commission hosted **Professor Stucke** and his co-author Ariel Ezrachi as the keynote speakers at its 48th Open Seminar, which had a couple of hundred participants, to present on their latest book *Competition Overdose*. **Professors Stucke** and Ezrachi also presented *Competition Overdose* at the Third International Conference on Competition and Innovation, organized by the Brazilian Institute for Competition and Innovation. The two also presented *Competition Overdose* in February for the Institute of New Economic Thinking, Young Scholars Initiative: Monopoly Capital in the Contemporary Global Economy as well for the University of Chicago Stigler Center.

Professor Stucke published an essay titled *Antitrust Spring*, in the Institute of New Economic Thinking. **Professor Stucke's** essay for the University of Chicago Stigler Center, entitled, *Why Isn't the FTC Tackling Facebook's Data-opoly?*, has been posted online.

In an article entitled *Is More Competition the Answer for Audit*, the Institute of Chartered Accountants in England and Wales featured **Professor Stucke's** book, *Competition Overdrive*. Additionally, a recent antitrust report by the House antitrust subcommittee extensively cites a number of **Professor Stucke's** writings, including two reports, articles, and his book, *Big Data and Competition Policy*.

Professor Stucke was also quoted in an article by Quartz concerning the House report. He was recently interviewed by Charleston Hub in a piece entitled "Amazon, Publishers and Antitrust—Part 2: Where Do We Go From Here." He was also interviewed by the Columbia Journalism Review. Professor Stucke was quoted by the AFP wire service, which was picked up by media outlets, including Yahoo. **Professor Stucke** was cited by Bloomberg in the article "How 'Big Is Bad' Has Become a Big, Big Deal." Fox News also interviewed **Professor Stucke** on the FTC's and states' complaints against Facebook. Additionally, **Professor Stucke** was quoted in the New York Times in "10 States Accuse Google of Abusing Monopoly in Online Ads;" and in Protocol's "Which of the Big Tech antitrust lawsuits has the best chance of winning?"

Competition Overdrive was included and reviewed in Lexxion's list of "The Antitrust Books You Should've Read in 2020." Niamh Dunne, associate professor of competition and EU law at the London School of Economics, favorably reviewed **Professor Stucke's** book, *Competition Overdose*, in her article, *The Antitrust Anti-Consensus*. In its 2021 report, the UK competition authority referenced *Competition Overdose*, as well as earlier articles and book, *Virtual Competition*. Additionally, Oxford University Press will publish **Professor Stucke's** forthcoming book, *Breaking Away: How to Regain Our Data, Privacy, and Autonomy*.