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Tribute to Spenser F. Powell

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TRIBUTE TO SPENSER F. POWELL

Spenser Powell was remarkable. He was a remarkable law student. But, more than that, he was a remarkable person. Why else would the *Tennessee Law Review* dedicate this issue to his memory?

No superlatives can capture fully Spenser's astounding academic performance. Spenser graduated with the highest grade point average ever recorded under the College's current grading system. That is not the half of it. Spenser not only routinely received the highest grade in his class (that happened an unprecedented twenty-five times), but he also typically received the highest possible grade on the law school's grading scale—a 4.3 or A+. Indeed, his grade point average upon graduation was a mere fraction of a point away from perfection.

Spenser was much more than just an outstanding student. He shared his talents generously. He was the Executive Editor of the *Tennessee Law Review*; president of two student organizations (the American Constitutional Society and the Student Animal Legal Defense Fund); co-founder of the Community, Diversity, & Inclusion Council; Vice-Chair of the Moot Court Board, Advocates' Prize; and a member of the Dean's Student Advisory Council as well as the Hooding Committee for the classes of 2016 and 2017.

He showed his concern for those in need. He donated over 100 hours of his time to pro bono service including Alternative Spring Break (2015 and 2017), the Legal Aid of East Tennessee's Saturday Bar, and Tennessee Free Legal Answers.

Whatever Spenser did, he did with distinction. Among his numerous awards were the Silver Pen Award from *Tennessee Law Review* for an exemplary case note, the Cunningham Award for Excellence in Legal Research and the Cunningham Excellence in Legal Writing Award. In addition, he placed second in the H. Thomas Austern Writing Competition, a prestigious national competition.

Spenser also received the McClung Medal, an honor conferred on the student who has made the most significant contribution to the law school's moot court programs. My colleague Penny White attests to the fact that the legal problem Spenser drafted for the intramural Advocates' Prize Competition was so sophisticated and brilliantly crafted that the distinguished panel of three United States Circuit Court of Appeals judges thought it had been purchased from a legal research company. They were "dumbfounded" to learn that the problem was drafted by a law student.

On a more personal note: Although Spenser was a student in my Civil Procedure class (and yes, of course, he received the highest possible grade), I got to know Spenser much better as a member of the

National Moot Court team. He was on the team in both his second and third years of law school. He was selected not only because of his stellar academic record, but also because of his ability to write clearly and persuasively and to present an appealing and effective oral argument. In my over 30 years as a faculty advisor to the National Moot Court team, I would be hard pressed to name anyone who could match Spenser's academic record, writing ability, and oral advocacy skills.

Spenser lived up to everyone's highest expectations. At the regional competition his third year, Spenser and his teammates, Erin Phillips and Alex Thomason, learned that they had the best brief among the eleven competing schools. They defeated teams with the second, third, fourth, and fifth best brief scores and then went on to win the regional championship round. To no one's surprise, Spenser was named the best advocate.

By winning the regional competition, the team qualified for the final rounds New York City. The team's brief was judged to be one of the very best, ranking fourth among the twenty-eight teams competing in the final rounds. Of the sixteen teams qualifying for the elimination rounds, the team was ranked number one—an all time first for the University of Tennessee. The team won every one of its oral arguments in New York. That includes their argument in the semi-final round against the eventual national championship team, whose members were judged the best oral advocates in the championship round. Spenser, Erin and Alex were one of the very best teams from Tennessee not to win the national championship.

In recognition of his contributions to the National Moot Court program, Spenser received the Susan B. Devitt Award. Like Spenser, Susan was a member of the National Moot Court team for two years and was named the outstanding advocate at her regional competition. And like Spenser, Susan died unexpectedly at an all too early age. The Award given in Susan's name is for the outstanding member of the National Moot Court team. When he received the Devitt Award at the law school's moot court banquet, I described Spenser as, "an individual of extraordinary intellect and advocacy skills. So much so, that several professors have expressed the opinion that he is the most gifted and effective advocate they have ever judged."

The awards Spenser so well-deserved and that have been recounted here say something about who Spenser was as a person. They hardly tell the whole story. Despite all his awards and accomplishments, he was unassuming and supportive of everyone,

especially his teammates on the National Moot Court team. He invited criticism; he knew that was the only way he could improve.

Spenser was gracious, caring, kind, and generous. He always said “yes,” no matter what was asked of him.

Everyone loved Spenser.

Some of my faculty colleagues believe that students like Spenser come along once in a decade. But no, students like Spenser come along once in a lifetime.

Thank you Spenser for being a part of my life. Thank you for being a part of the life of the larger law school family.

We miss you terribly.

We will never forget you.

PROFESSOR JOHN L. SOBIESKI, JR.
Lindsay Young Distinguished Professor of Law

Spenser Powell was among the most gifted people I have ever met. From our first day of law school, everyone could recognize his superior intellect. While his academic and professional accomplishments are too numerous to name here, I wish to highlight the fact that he was a vital contributor to the *Tennessee Law Review* as an executive editor and through his own work published in this journal.

Although Spenser's achievements are impressive in their own right, what really distinguished him was his character and generosity. He was always ready to help a classmate to understand a difficult case with gentleness and patience, and without condescension. I recall one day as a 1L where Spenser explained the *Erie* doctrine to a number of us with such ease and clarity that I thought for a brief moment that I actually understood it. Even though he was the smartest person in the room, he brought kindness and solidarity to law school, an environment not always characterized by those traits.

We lost one of the best. His mark on the profession and his colleagues was already evident. The world was a better place with Spenser in it.

MARSHALL JENSEN
Editor-in-Chief, 2016–2017
Tennessee Law Review