Copyright versus creativity? UT professors discuss the law and art behind the pop song’s court battle
Patrick Morrison (’16) took a bit of UT Law with him to Machu Picchu during his recent volunteer trip to Peru. (And don’t miss the marriage proposal he inadvertently captured during this snapshot.) Read more about his experience on page 22.

PHOTO BY PATRICK MORRISON (’16)
I remain incredibly proud to serve as your dean, and this semester, I am back in the classroom, teaching my first class since arriving here in July. Teaching our talented students is not only energizing, but it also informs my work as dean of a college that celebrates academic excellence in the Volunteer spirit.

Our faculty and students continue to innovate in the classroom. For example, Joy Radlice’s criminal law class brings in UT theater students to play the role of clients, creating realistic trial scenarios (p. 7), and Kris Tobin and Brad Morgan’s legal research class partners 1L students with Mark Stephens (’79) and his Community Law Office to give our students practical lawyering skills from year one of their legal studies (p. 22). Our faculty are producing impressive scholarship, too, with recent articles published in such journals as the Michigan Law Review, the UC Davis Law Review, and the George Washington Law Review, as well as books published by prestigious presses, such as Oxford University Press.

Achieving all of this excellence requires Volunteers of many kinds: talented students, superb faculty, dedicated staff, and loyal alumni and friends. In November, we launched our ambitious campaign to raise $45 million by 2020. And thanks to alumni and friends like you with the “soul of a Volunteer,” to quote Buck Lewis (’80), we are well on our way to that goal, with more than $40 million already pledged. Due to the decrease in state funding, your financial support is more important than ever in helping us fulfill our core mission of educating and producing some of the best lawyers and leaders in the country.

You hear it often: Every gift of any size matters. Believe it or not, that’s absolutely true. We have more than 7,500 alumni, and if everyone gives a little, we can achieve great things. Did you know, for example, that you can endow a scholarship for our accomplished graduates. Thanks to your investment, all of these successes will ultimately strengthen the college’s reputation and increase the value of every diploma we grant—past, present, and future.

Thank you for your support and for living the Volunteer spirit. Go Vols!

MELANIE D. WILSON, DEAN

College launches $45M campaign

Celebrating its transformative 125-year history during an anniversary gala in November, UT Law announced its campaign to raise $45 million by 2020. The College of Law has already raised more than $40 million toward its goal during the four-year quiet phase of the campaign.

Co-chaired by George T. “Buck” Lewis (’80) and Richard L. “Rick” Rose (’74), the campaign is part of an overall push by UT toward becoming a top 25 public research university.

CAMPAIGN PRIORITIES

SCHOLARSHIPS. Support for student scholarships and loan forgiveness programs will help UT Law recruit a diverse and talented student body and ease graduates’ debt load as they begin their careers.

PROGRAMS. UT Law’s programs, centers, journals, and clinics offer students real-world experiential learning opportunities to prepare them for legal practice. Support for these programs will help UT Law expand its reach, improve its educational offerings, and encourage outstanding scholarship and service.

FACULTY. The college needs support for its talented faculty, including endowed chairs, professorships, and research support, all of which helps UT Law recruit and retain the best faculty in the nation.

Learn more: law.utk.edu/journey
UT Law among top 10 low-debt law schools

The College of Law places seventh in the U.S. News Short List for “10 Law Schools that Leave Grads with the Least Debt.” Members of UT Law’s Class of 2014 completed law school with an average debt load of $66,201, compared to a nationwide average debt load of $111,899 for all 2014 law school graduates in the United States.

College of Law ranks 15th on Super Lawyers list

UT Law is one of the top fifteen law schools producing the most “Super Lawyers,” according to a 2015 ranking released by The National Jurist. UT Law ranks 15th among all law schools in the nation, with 14.9 percent of the college’s alumni named Super Lawyers. Among the public law schools on the list, UT Law ranks seventh.

UT Law launches LLM program in business law

UT Law is accepting applications for its first advanced law degree, the Master of Laws (LLM) in US business law. International lawyers with a JD or its foreign equivalent will be able to complete the 24-credit program in one academic year. Graduates will be eligible to sit for the Tennessee and New York bar exams.

Program allows UT students to earn law, bachelor’s degrees in 6 years

Undergraduate students of the University of Tennessee can now earn both a bachelor’s degree and law degree in six years, one year less than what is normally required.

UT 3+3 is a new accelerated degree program offered by UT’s College of Law and College of Arts and Sciences. In the program, students complete three years of approved undergraduate coursework in the College of Arts and Sciences. Following their third year, participating students admitted to the College of Law become full-time, first-year law students.

The first year of law study will count toward a student’s law degree and also toward the completion of his or her bachelor’s degree. Two additional years of law study follow, after which a student earns a juris doctor degree.

In addition, during their first year of law school, UT 3+3 students will be eligible for undergraduate financial awards, including the Tennessee HOPE Scholarship or a Federal Pell Grant.

law.utk.edu/LLM

law.utk.edu/3plus3
here, we present selected faculty publications, scholarly presentations, and other updates from 2015. for more Here, we present selected faculty publications, scholarly presentations, and other updates from 2015. For more...
To whom much is given, much will be required

BY CASEY DUHART (’16)

To whom much is given, much will be required (Luke 12:48). If you have heard that line of wisdom, you know it means we are held responsible for what we have. If we have been blessed with talents, wealth, knowledge, time, and the like, it is expected that we benefit others.

As a law student at UT, much has been given to me, so in turn, I am required to give back, and there are some extraordinary people who have given much to me. Maude Riseden Hughett (1909) was the first female graduate of UT Law and the first female law school graduate in the South. Can you imagine the courage that it took for Ms. Hughett to do what seemed impossible during that time? Because of her sacrifice, today as a female, I can learn, be challenged, and compete with my male peers in the law school environment. Lincoln Blakeney was the first black student to enroll at UT Law. I have heard stories about how he had to study in a separate section of the library and how he had to sit apart from his peers in his classes. Although he did not graduate from UT Law, because of his sacrifice, today I can learn, be challenged, and compete with my white peers in the law school environment. Finally, I want to acknowledge RBJ Campbelle Jr. (’56), the first black student to graduate from UT Law. These extraordinary people—and there are more that I could mention—have given much to me, so it is required of me to give to those who will follow me.

In the present, much has been given to me by UT Law, and my time here has been a dream come true. So many professors have made a lasting impact on my life. Dwight Aarons taught me how to diligently prepare for class. He taught me how to dissect a case—word by word. And I will never forget how Ben Barton gave our class a “football locker speech” before we took our Torts I final. He literally acted like he was our coach in the locker room. He did not know that at the very same time he was giving his speech, my husband was having back surgery. My children were three and four years old, so needless to say, trying to get them to day care and worrying about my husband’s surgery, I needed to hear that speech. I felt like Superwoman when I got that exam in front of me! Then, you have Regina Lambert (’01), who has encouraged me to excel in everything I have attempted at UT Law. In my opinion, she is the biggest cheerleader for student success. I could go on and on about how much has been given to me by faculty and staff. I tell you: I am required to give back to UT Law because so much has been given to me!

The Knoxville legal community has also been beyond sacrificial in giving much to me. I have learned “the practice of law” from the Federal Defenders Services of East Tennessee under the leadership of Beth Ford (’77); the attorneys at Egerton, McAfee, Armistead, and Davis; the Knox County District Attorney’s office; the Tennessee Valley Authority; the attorneys at Kennerly, Montgomery, and Finley; and Judge Deborah Stevens (’88). Many of these attorneys have taken me under their wings, and much has been given to me through their patience and willingness to see me excel in my understanding of the legal system. Therefore, it is required of me to give back to my legal community.

If you have walked through the doors at UT Law, much has been given to you. Although you might complain about professors you had or the student loans you are possibly still paying back, one thing is for sure: much has been given to you. Because much has been given to you, much will be required of you. There are a variety of ways in which you can fulfill that requirement. Whether you choose to use your talents, wealth, knowledge, time, and the like, I urge you to give, so that students like me can blaze trails for the next group of talented lawyers who will follow us.

Duhart is a UT Law student. She presented a version of this essay at the 125th Anniversary Gala in November.
It was my first mock trial competition, and I was receiving a crash course on how to prepare a closing argument. "Connect the dots," my coach said. "Apply the law. Draw the inferences." I listened dutifully, but in the end, my closing argument was nothing more than a lackluster recitation. I created a closing argument that connected the dots, but the result was murky and analytical. I applied the law, and the jury yawned.

Until I thought about Mozart. What would Wolfgang Mozart do with a closing argument? If the great composer had to construct an argument for a jury, what would it sound like? Often, trial lawyers must reinvent their closing arguments during the course of a trial, depending on what evidence is admitted and excluded. Mozart, the boy genius who wrote the overtures to operas on the mornings of their premieres, was no stranger to this blend of procrastination and forced improvisation. Yet, the structure of his work was always stable. The Mozartian framework is emotionally appealing, no stranger to this blend of procrastination and forced improvisation. Yet, the structure of his work was always stable. The Mozartian framework is emotionally appealing, consistent in structure, and brilliantly simple—everything a closing argument should be.

As a classically trained pianist, I entered law school understanding the fundamental principles of an artistic performance. The application of these principles to trial advocacy became my strength. After placing as a finalist in a mock trial competition my first year, I earned a spot on the National Trial Team and aced my closing arguments in class because of a simple mantra: "What would Mozart do?"

To explain how I applied principles of artistic performance to trial advocacy requires a primer on sonata-allegro form (which most lawyers know nothing about unless they took Advanced Music Theory in college). Sonata-allegro form, a framework for musical composition that was the dominant structure of the classical period from 1750 until 1820, is still in use today. The structure consists of musical ideas that are presented simply in a musical space, referred to as an exposition. The composer then adds development of the musical ideas by elaborating on them, and expanding and juxtaposing them against each other in a section referred to as the development. Finally, these musical ideas are resolved harmoniously (and often with a splash of flair) in a musical section known as a recapitulation. This may be followed by an ambitious, artistically challenging coda, and the entire work is sometimes preceded by an introduction.

This result is what every composer—sorry, trial lawyer—longs for: a complete, harmonious entrancement of the audience (jury). These principles can be applied to every aspect of a closing argument. This structure can be reflected not only in the content of the closing argument, through the lawyer's structure and application of the law and facts, use of exhibits and demonstrations, sentence structure, and word choices, but also in the delivery, through the lawyer's presence, tone, inflection, vocal dynamics, gestures, and eye contact with the jury.

For example, a closing argument by Mozart might look like this:

**Introduction:** A passionate statement that previews the single most important fact of the case.

**Exposition:** An "announcement" of each idea. This is not a comprehensive listing of facts, but a simple statement of each general idea that you wish to plant in a juror's mind. To prepare this section, you should answer this simple question: What are the one to five statements with which each juror should be armed during deliberations? The statements should be stated simply. This is not the time to elaborate or confuse. This is the time to introduce the inferences and overarching concepts behind the case theory.

**Development:** These are the most complex and tense moments of the closing argument. If you have succeeded in the first two sections, the audience—your jurors—will be ready for it. Now you have their attention. It's time for you to contrast, compare, and elaborate upon the details, but be careful to not overdo it. The development section should not comprise more than 50 percent of your "musical"—legal—composition. It should be a fascinating exploration of the initial themes that have already been introduced. If you are ever going to present a "what if?" argument to your audience, this is your moment.

**Recapitulation:** Harmony, harmony, harmony. There can be no dissonance. This is the resolution, the "why I should win" moment. This is where each musical idea blends and ultimately ends. If this section doesn't have an element of peacefulness to it, the audience will be left feeling bereft and disappointed.

**Coda:** This is the flashiest part of the statement. You've heard of this concept before as "primacy" and "recency," and Mozart employed it long before it was written in the Mozart trial text. By the end of this section, your audience should be humming your catchy, beautiful composition in their heads as they leave the courtroom.

You may think my comparison is an exaggeration, but it's worked thus far. Einstein reportedly said Mozart's music was "a reflection of the inner beauty of the universe." I don't know a single trial lawyer who wouldn't have the same aspirations for a closing argument. And by the way, this post was written in sonata-allegro form.

If Mozart were a trial lawyer

BY MELISSA JOY BAXTER (’17)
Where does creativity end and copyright begin? Two UT Law professors join two UT School of Music professors to discuss the Marvin Gaye-versus-Robin Thicke copyright trial and the implications it may hold for the entertainment industry.

“NO MORE PRETENDIN’. ‘CAUSE NOW YOU’RE WINNIN’…”

Or...not. (“Hey hey hey.”)

“I hate these blurred lines!” sings pop star Robin Thicke. And now he may truly hate them, or rather his 2013 hit song “Blurred Lines,” which put him at the center of a bitter copyright dispute in 2015.

The “Blurred Lines” battle pits Thicke and his co-writers—producer Pharrell Williams and rapper Clifford “T.I.” Harris—against the family of the late Marvin Gaye, the celebrated soul singer who left a lasting musical catalog following his death in 1984.

The Gaye family claims “Blurred Lines” infringes on the copyright of Gaye’s 1977 disco-funk hit, “Got to Give It Up.” Following buzz that their song sounded remarkably similar to Gaye’s song, the “Blurred Lines” artists filed a lawsuit to proactively determine that there was no copyright infringement. Gaye’s family countersued, represented by a legal team that was led by attorney Richard Busch and included UT Law alumna Sara Ellis (’11).

So far the legal battle has tilted in favor of Gaye’s family, with the latest court ruling awarding $5.3 million and 50 percent of future royalties to the soul singer’s survivors. Unsurprisingly, counsel for Thicke and his co-writers appealed the decision in December 2015.

The case is complex and raises many issues about songwriting, copyright infringement, creativity, and the impact of a public persona in a legal dispute. Two UT Law professors and two UT music professors recently discussed the case and what it means for music and copyright law.

Can you copyright cowbell?

“From me, the fascinating thing is the way the lawyers for the Gaye estate presented these two catchy pop songs to the jury, using a very logical and analytical framework,” says Associate Professor of Law Lucy Jewel, referring to the fact that the case was based not on the actual performance of the songs but only on the musical composition—the sheet music.

A musicologist for the Gaye family pointed out at least five alleged similarities between the sheet music for the two songs, including the recurrence of an A7 chord, similar successions of notes, similar beginning tones in phrasing, and similar melodic contours.

But what about the performance elements that make these songs sound similar? It was, after all, the similarity in the sound of the two songs that first got people discussing the possibility of copyright infringement.

“Can you copyright cowbell?” asks Associate Professor of Music Theory and Composition Brendan McConville, citing the percussive sound found on both tracks.

In this case, the short answer is no.

A performer’s voice (a high male falsetto), the percussion (a similar beat and cowbell sound), and backing vocals are not considered part of the copyright for a piece of sheet music. Though the two songs may have a similar sound due to some of these elements, they are not protected in copyright law.

“I think it’s also interesting to note that [the Gaye family] didn’t have a digital recording protected under copyright law,” says Brian Krumm, associate professor of law and director of the Business Law and Trademark Clinic. “That might have made a difference as well. If you copyrighted both the sheet music and the digital recording, you probably have greater rights than just the sheet music itself.”

Basing the lawsuit on just the sheet music may have also put an unusual burden on the jury, according to Andrew Sigler, lecturer of music composition. “They’re trying to analyze and have a sense of something they can only get through the musicologist. So it really comes down to how well that expert witness can argue.”

McConville points to his music analysis classes and the subjectivity involved. “Analysis is interpretation, so the jury had to follow the...
analytical position of this person and that person, and they’re not able to make that determination themselves. Whereas in our classes, we may have twenty different perspectives on a piece. But the interpretation of the piece is subjective, and [in the trial] that was isolated to a few people’s opinions.

Krumm and Jewel agree that in cases such as these, jurors are going to be heavily influenced by the advocacy of the attorneys and what they do with the evidence presented. However, they both argue that one major factor in the case had nothing to do with the songs themselves, but instead came from how the jury felt about Thicke’s bad-boy behavior and erratic testimony.

**FALSUS IN UNO, FALSUS IN OMNIBUS**

During the trial, jurors were shown footage of Thicke’s and Pharrell’s depositions. The footage, which was released to the public in October 2015, conflicted at times with their courtroom testimony.

Just as damaging, though, was how the video reflected on Thicke personally. During the deposition he admitted that he was high or drunk every time he did an interview to promote “Blurred Lines.” Thicke also made the startling claim he was high or drunk during the song’s creation.

“This really is a cautionary tale for entertainers,” says Jewel. “Entertainers can be narcissistic; they can get into all kinds of nasty things like crime and drugs.”

Perhaps the most damning testimony was Thicke’s response when asked, “Do you consider yourself an honest man?” He simply responded, “No.”

In legal advocacy we actually call this falsus in uno, falsus in omnibus, meaning that if you lie once, we can’t believe you for anything,” Jewel says. “I think that was fatal to their side of the case.”

**STANDING ON THE SHOULDERS OF GIANTS**

Recently, several other cases of copyright infringement in the music industry have been settled out of court. In January 2015 it was reported that UK crooner Sam Smith had given 12.5 percent songwriting credit on his hit song “Stay With Me” to American rocker Tom Petty, after publishers for Petty’s 1989 song “I Won’t Back Down” noticed similarities in the melodies of the choruses. Songwriters for “Stay With Me” said they were not familiar with the Petty song but acknowledged the similarities.

“That’s the interesting thing about copyright law,” Jewel says. “You can commit infringement by mistake or subconsciously. You don’t actually have to intentionally copy or plagiarize the song.”

Petty said in a statement on his website, “All my years of songwriting have shown me these things can happen. Most times you catch it before it gets out the studio door, but in this case it got by.”

“Tom Petty, as a composer, knows that we’re all standing on the shoulders of giants. It’s all an aggregate,” says Sigler, who points out that Igor Stravinsky, one of the most influential composers of the twentieth century, was once quoted as saying, “A good composer does not imitate; he steals.”

“He knew very well the art, or rather the nature of his art, which is building upon previous epochs,” says Sigler.

It’s well documented that Gaye himself wrote “Got to Give It Up” after being inspired by the Johnnie Taylor hit “Disco Lady.” Gaye’s song was even originally titled “Dancing Lady.”

**PURE, BRIGHT LINE?**

So legally, where does inspiration end and copyright begin? McConville asks if there can ever be a “pure, bright line” in these cases.

“Since music electronics and recording mechanisms come into play, it’s making it much more complicated,” says Krumm.

According to Sigler, up until about fifty years ago, music was a “fixed sheet of music, open to interpretation.” Now, sheet music is usually written after the fact, and the performance of the song—the recorded artifact—has become more important, making lawsuits like this one tricky.

Though there may never be a “pure, bright line” legally, the music professors agree that these types of cases shouldn’t stifle the creativity of artists.

“We’re continuing to evolve in how music is produced,” McConville says. “Musicians today just have to work hard to come up with creative, unique ideas.”

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**ON THE RECORD**

ON THE RECORD

WITH JOEL KATZ (‘69)

BY LUIS RUUSKA

Stars adorn the walls of the College of Law. No, not the kind that fill the night sky, but the framed records of musicians whose songs have filled the airwaves and contributed to American pop culture. These silver, gold, and platinum records serve as a permanent testament to some of music’s greatest hits, and despite the differences in genre and even era between the artists, they all share one thing in common: the attorney behind the musicians. That attorney, JOEL A. KATZ (‘69)—who gave those framed records to the college from his collection and for whom the college’s law library is named—is Billboard’s top-ranked entertainment attorney and one of UT Law’s most prominent alumni.
THE CAREER OF JOEL KATZ IS A FAITHFUL TESTAMENT TO THE AMERICAN DREAM. During law school, Katz faced hardships and nearly flunked out. At the beginning of his career, he found himself with no clients in an Atlanta office “the size of a restroom stall,” barely living off his savings. However, it was his resilience and entrepreneurial spirit—not to mention a bit of luck—that transformed him into an entertainment mogul with unparalleled experience in the world’s “most fickle business.”

TOUGH WITH A HEART OF GOLD
A Queens native, Katz attended Hunter College in New York City and graduated with an economics degree in 1966. Like his father, Katz aspired to become a lawyer, and that summer he arrived in Knoxville in pursuit of a law degree. To finance his legal education at UT, he took on two jobs: a part-time position at the college’s library and a full-time, six-days-a-week position from 6:00 p.m. to 6:00 a.m. as a hotel night clerk. Though Katz was able to keep up with his studies, his punctuality suffered, leading to a confrontation with his contracts professor, Colonel R. McDonald Gray.

“He was a very prim and proper military guy, and he had a rule that if you were late three times, you got an automatic ‘F,’” explains Katz. “I was early in the semester when Katz reached his third tardy, a fact the colonel announced to the entire class. ‘This was so embarrassing,’” Katz says. Still, he asked Gray for permission to sit in the class and listen for the rest of the semester so that he would be better prepared to retake the class. The colonel obliged. After class, Gray privately interrogated Katz about his frequent tardiness. Once Katz explained his night clerk position, which only allowed him an hour or two of sleep at dawn, he saw an astounded look on the colonel’s face.

“He said he wanted a $5 million advance against royalties, he wanted a jet plane, and he wanted to own the master recordings and the publishing rights,” says Katz. “I went through the list with the [PolyGram lawyer], and he looks at me and says, ‘Are you completely out of your mind? This is the stupidest, craziest, most egregious list of things I’ve ever heard in my career.’”

Katz’s from Georgia State—where Katz had been a lecturer on urban law—told him about a client who was looking for a lawyer who had never practiced entertainment law.

“[He told me]: ‘We represent an entertainment superstar, and he’s been burned by the people in New York and the people in California. He’s from Augusta, Georgia, and only wants a lawyer from the South,’” recalls Katz. Upon learning that the client was the legendary James Brown, Katz found it hard to conceal his amazement.

“...All I knew was that this was the godfather of modern soul music...”

“...I knew at that moment why James Brown had hired me: because no lawyer who knew anything about this business would ever go in and ask for the things he wanted.”

Nevertheless, Katz was invited to dinner with the PolyGram lawyer later that evening, where, with a fair amount of negotiating, most of Brown’s demands were met with small modifications. Soon, Brown became PolyGram’s first recording artist. At the press conference announcing the deal, Brown profusely thanked Katz, telling the press that Katz had “just made the biggest deal for an artist in the history of the music business.”

THE MAN WHO WOULD BE COUNSEL
A few years after graduation, Katz was a small-time attorney in Atlanta sharing a secretary with three other lawyers in a cramped office with no clients. A former student of Katz’s from Georgia State—where Katz had been a lecturer on urban law—told him about a client who was looking for a lawyer who had never practiced entertainment law.

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THE ART OF LAW
Upon his return to Atlanta, word of Katz’s unbelievable deal began to spread through the entertainment industry. Only a few days later, Katz found himself in Austin, Texas, with Willie Nelson, who wanted to utilize the skill of “the Godfather’s lawyer,” to sell his album, Red Headed Stranger, to Columbia Records. Through Nelson, Katz was introduced to George Jones, Tammy Wynette, Waylon Jennings, and Kris Kristofferson.

“I put them all on retainer for $2,000 a month, every one of them,” he says. “And Willie said to them all, ‘This is our lawyer, this is our guy. He’s going to look after us. And they became lifetime clients.’”

Katz’s client base continued to grow in size and prestige. He has represented Michael Jackson, Justin Timberlake, Mary J. Blige, Jamie Foxx, George Strait, Kenny Chesney, Ludacris, Jimmy Buffett, Julio Iglesias, TLC...and the list goes on and on.

In time, Katz realized the amount of work on his plate was too much for one attorney. In 1981 Katz founded his own firm, Katz, Smith & Cohen, which he ran until 1998, when the firm joined Greenberg Traurig.

“My theory about practicing law is that it’s an art form, and it’s also a business. But without clients, you don’t have a business. So the most important thing in the world are clients and treating them well, treating them like family, and making sure that they understand everything you are doing,” Katz says.

“I never tell people I’m a lawyer. People ask, ‘What do you do?’ and I say, ‘I’m an architect surrounded by lawyers. I create things, build them, and then my lawyers close them up.’ That’s the way I look at my job.”

In recent decades, Katz has expanded his areas of practice to international issues.

“The great thing about my life is I’m a very inquisitive person, and I got blessed with the ability to see the world and meet people from all sorts of different places, all sorts of different cultures...whose lives have affected so many other people,” he says. “I feel very blessed with this ride that I’ve had.”

A lawyer now for more than forty years, Katz says he’s mindful about taking care of himself and choosing how busy his schedule is.

“As you get older, you just learn things. You can’t just sit on the sidelines and watch life go by. You’ve got to get out and do everything that you can do based on your education, the experience that you have, and based on what you think you can do well,” Katz says. “I’ve also learned that you treat everybody the same in life. You treat the waiter the same way you treat the president of the United States. And you know what? That works.”
Pat Snyder (’98) on her journey to legal practice, fighting for those in need, and her marriage to Grammy-winning singer/songwriter Janis Ian

BY WHITNEY HEINS

Playing on Uneven Ground

Nashville criminal defense attorney Pat Snyder (’98) was in a rural county courtroom in 2003. She, along with her client, about a dozen state attorneys, a number of case workers, and a judge were furiously trying to schedule the case. With all those parties involved, it wasn’t going the way Pat had hoped.

As usual, Pat wasn’t playing on a level field. The state had a team of people and a bevy of resources to fight the case. She had herself and a client with little money.

Then, in front of everyone, the judge paused, looked up, and caught Pat’s eye. “Congratulations,” he said.

The judge had read that Sunday’s New York Times, in which Pat was the subject of a trailblazing article. Her marriage to famous folk singer/songwriter Janis Ian was the first same-sex wedding to be featured in the newspaper’s wedding announcement pages. Because same-sex couples weren’t yet on equal footing with heterosexual couples in US courts, the two said their vows in Canada. It would be another twelve years before their marriage would be recognized in their home country and they would have the same rights as heterosexual married couples.

Pat and Janis met fourteen years earlier when friends in common matched them up. While the two had mutual friends, they didn’t seem to share much else. At the time, Pat (not yet a lawyer) was a single parent working two jobs to support herself and her daughter, Pier. Janis was a touring musician trotting all over the globe. Pat was an introvert and Janis never met a stranger. Janis loved to cook, while Pat’s idea of a home-cooked meal involved unwrapping something and popping it in the microwave.

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Still, their lunch at a local Nashville restaurant lasted eight hours and turned into dinner. The next two weeks turned into an intense courtship. The pair spent every hour together, much of the time stretched out on the couch coming up with a list of relationship deal-breakers.

“We had been in a lot of relationships and knew what was important to us,” says Pat. “Pat turned out the two had a lot in common, and their differences only made each other stronger. They learned from one another and encouraged each other to go after their dreams. One night after a long day at work, Pat was lamenting her frustration with her current position in the television news archives at Vanderbilt University. Janis listened carefully and gave her a simple response: “You should go to law school like you always wanted.”

“I can’t go to college. I have to put Pier through college,” Pat said.

“Pier graduated two years ago,” Janis reminded her. And so, that was that.

Pat chose UT Law and enrolled at the age of forty-seven. Later, she would establish the LAMBDA Legal Society Scholarship for returning students like herself. Janis toured more than usual to help pay for Pat’s education. Despite one-half of the couple being on the road and the other living away from home, the pair managed to see each other often. “We have a house in Nashville and an apartment in Knoxville,” Pat explains. “Janis would come up to Knoxville on the weekends, or I would go to Nashville.”

When Pat entered the College of Law, she knew she wanted to be a lawyer but had no idea what kind. It was her criminal justice and ethics classes that sparked her interest in helping those on uneven ground get a leg up. “A federal public defender came to one of our classes and told us ‘no one should face the power of the state alone.’ That got me thinking.”

Indeed, Pat has come to learn just how powerful the state is in terms of resources. “As a sole practitioner with 99.9 percent of clients who are indigent, you can’t pay to get the same investigative work and the same quality of background work that the state has at its fingertips,” she says. “You can’t do it all by yourself.”

That’s why after graduation Pat opened her own criminal law firm where she can practice law the way she wants and for whom she wants, often taking pro bono cases. “I hope I’m a voice for the voiceless because otherwise, why else be a lawyer?” she says.

Although Pat and Janis had been together for a quarter-century, they had few rights as a couple in the United States. They lacked rights for hospital visitation, the ability to obtain family health insurance coverage, inheritance rights, parental roles of each other’s children, and protection in case the relationship ends.

“When reaching our age, you start planning things like retirement, putting together a will. It makes a world of difference to know that your partner is there if something happens to you,” says Pat. “That’s something heterosexual couples have taken for granted.”

Pat and Janis went to extraordinary lengths to try to make sure they were covered in each other’s wills. “But there was no way we could take care of each other if something happened to us,” Pat says. “Our marriage was never accepted in Tennessee.”

But on June 26, 2015, that changed when the US Supreme Court legalized gay marriage nationwide. Tears erupted from Pat’s and Janis’s eyes when they heard the news. They could now be sure the other would be taken care of if their time together was cut short. They now knew if the other was severely harmed, they could see each other in the hospital without the law standing in the way. Finally, nothing could keep them apart.

“It was such a relief,” Pat says. “Legally, we can finally be normal people.”

I hope I’m a voice for the voiceless because otherwise, why else be a lawyer?

PAT SNYDER (’98)

Music ISSUE
Y • U • K N • W • H • W • I • T • I • S. 

Every law student—past and present—can talk about those times when they feel stressed, overwhelmed, and overworked. But underneath the thousands of pages of reading and dozens of assignments on their plates lies the real reason why most students enter law school in the first place: to help people.

Kris Tobin’s Legal Research II class uncovers this reason early at UT Law by giving first-year students the chance to help real people in the real world with their work. Through a partnership with the Knox County Public Defender’s Community Law Office (CLO), Tobin’s students research dozens of issues that are then applied to real cases that ultimately improve peoples’ lives.

“I want my students to have the experience where they can figure out what the practice of law really is,” says Tobin, assistant professor and reference/faculty services librarian of the college’s Law Library. “I feel really blessed to be able to help students grapple with a real-life project.”

Most law students don’t encounter real-world experience in the first year of school, if at all.

“This kind of exposure (to real problems) is rare and unheard of,” says Tobin. Tobin got the idea for a first-year experiential learning class nearly five years ago. When she approached Brad Morgan (’05), UT’s pro bono coordinator, for help, he was immediately excited.

It was Morgan’s strong belief in the power lawyers have to influence people’s lives that drew him away from a large firm to academia so he could instill this importance in the next generation of lawyers.

“Often as a law student or lawyer, we get caught up with going through the motions—billing hours, moving from one file to the next—but at the end of the day, behind every file and every task in the file, even if it is as small a piece as a research memo, is a person,” Morgan says. “And the work that is being done on that file is being done in furtherance of helping that person.”

Morgan worked to connect Tobin’s students with community partners in need. After hearing a WUOT-FM interview with Mark Stephens (’99), the public defender for the Sixth Judicial District of Tennessee, the two knew they had found the perfect partner. Stephens, who admits to stacks of issues needing research on his shelf dating back twenty-five years, was happy to have his load lightened and more of his clients helped while exposing students to legal experience and “what it’s like for a client to have access to justice, or the lack thereof.”

“This class is, in a way, a reality test for students. It can really shape their learning experiences over the next three years,” says Stephens, who can’t help but compare the class to his own experience as a law student. “I wasted two-and-a-half years of law school because I didn’t get the point of the theory. It wasn’t until I took the clinic in my ninth quarter and a real, live, breathing person was sitting before me that I connected the dots.”

The students have helped countless clients by researching more than forty-five legal issues for Stephens and his fellow CLO attorneys’ cases, dealing with topics like espionage, gang and school zone enhancements, and pro se divorce.

In one case, an attorney requested research to help a client who blacked out and potentially caused a car accident. “He is diabetic and hadn’t eaten anything that day, and I believe that he had a hypoglycemic shock/coma,” reads the request. “Some research suggests that Prozac (which was in his system) can cause/harm hypoglycemia in diabetics... What I need to know is if someone is under the influence of a substance that wouldn’t affect the ability of an ordinary/poisoned person to drive, but it affects this individual’s ability to drive because of their known medical condition, is that sufficient for a DUI conviction?”

After the students research such topics, they present a draft of the legal memo to the CLO attorneys, who challenge and question them and offer feedback. The students then bolster and revise the memos for their final draft. The students’ legal memos are then added to a Community Law Office database so that the information is at attorneys’ fingertips.

“They really get a taste of what it’s like working with legal colleagues,” says Tobin. “This class helps them think about things earlier. Legal research can be very esoteric. It’s not until they apply their legal research to real issues that it all comes together intuitively.”

Tobin and Morgan remember one class specifically when a student’s eyes widened and he asked, “You mean, this isn’t a hypothetical? This is real?” The ability to do work for more than a grade emboldens the students’ initial motivation to be lawyers and instills an early appreciation of the importance of pro bono service.

“Professor Tobin’s project found a way to get first-year students involved in ‘real’ legal work that not only benefited us as students, but made a significant impact in an individual’s life,” said Shelisha Steele (’15), who now works as a law clerk in Atlanta. “My experience overall has not only helped me develop as an attorney, but also as a person. I intend to provide pro bono services throughout my legal career.”

Tennessee alone has one million residents each year who aren’t be able to afford meaningful access to a lawyer. For this reason, the Tennessee Supreme Court has an aspirational goal for each lawyer in the state to provide fifty hours of pro bono service per year, an expectation imprinted on UT’s aspiring lawyers.

“Students walk away with an appreciation of the service they have done for the Community Law Office and the clients,” says Tobin. “And they learn that when they become practicing lawyers, they’re expected to help less fortunate and marginalized clients.”

Tobin and Morgan say UT is the only law school they know to include experiential learning in the first year, but the idea is catching on. They have presented the curriculum at several conferences and workshops and wrote a chapter for a forthcoming book on experiential learning in the law school curriculum.

And no doubt, they’re helping shape the next generation of lawyers who will speak of law school as well worth their time.

“I really want our students to appreciate where they are and what they can give to others,” says Tobin. 
I WAS SEVENTEEN when I traveled to Stockholm, Sweden, to serve as a junior village counselor with CISV International, a nonprofit organization that promotes peace education for children throughout the world.

While in Stockholm, I helped plan an activity where the children work together to build a city. The kids poured their hearts and souls into it. They then walked around to see what everyone else had created, but the activity also involved someone feeding a lie to each group: another group had damaged their city. The kids then discussed whether they wanted to get revenge by damaging the other cities—and some did. The activity simulated how easily conflict can be created and the difficulty of reaching peace after a conflict. After the activity, the kids discussed the exercise, and one boy in particular just “got it”—the whole purpose of CISV clicked with him. He recognized that bad things happen in the world, but there is room for people to do good and make a positive impact. It was at that moment that I knew I wanted to go to law school so I could advocate for others and make a difference in the world.

Fast-forward almost a decade later, to my last semester at UT Law. This winter, I worked for several weeks as one of five individuals in charge of a CISV village program in Lima, Peru. Instead of museums and typical tourist activities, our camp featured cultural presentations from the different countries represented and activities that introduced the children to topics like stereotypes, race, gender, disability, trust, peace, war, and diversity. And any time you have seventy-two people living together in close quarters, conflict is bound to happen. However, it was exciting to help the kids learn to work together, learn from each other, build trust, and enable them to become active members of society.

Little did I know that I would connect my legal knowledge and experience to a camp focused on the educational development of eleven-year-olds. At one point during the camp, two participants got into a physical altercation, and I was tasked as the investigator to get to the bottom of the conflict. I treated it as a legal proceeding: I interviewed the parties, talked to witnesses, and gathered evidence. I also faced cultural and language barriers throughout the program and used the negotiation and communication skills I’ve learned to overcome these obstacles. Because of both UT Law and CISV, I know I’m now prepared to successfully overcome similar challenges during my legal career.

The world needs our help, abroad and in our local communities. As an aspiring lawyer and a Tennessee Volunteer, I seek to make the world a better place as I advocate for those who need a helping voice, and I plan to commit my life to pro bono service and the educational development of children—our future leaders.
Please be assured that every effort was made to ensure the accuracy of this report. For couples with only one UT Law alumnus, the alumnus is listed first.

Thank you to all UT Law alumni and friends who made philanthropic gifts to the college in 2015. Donor support is critical to the success of our law school. It allows us to strive for excellence in everything we do and to provide the best legal education possible for our students. Again, thank you for all your support!
The Freeman Society, named for our first dean, recognizes individuals and families who, through their generous planned giving, have established a planned gift of any size benefiting the college. These future gifts can be a bequest through a will or personal trust or one of several charitable life-income plans.

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Report on Giving

Harold C. Warner Society

As dean, Harold C. Warner brought the college into our modern history. To recognize his work, this society recognizes individuals and businesses that have established a planned gift of any size benefiting the college. These future gifts can be a bequest through a will or personal trust or one of several charitable life-income plans.
In Memoriam

Each year, the College of Law remembers its alumni who have passed away. They have paved the way for today’s students.

In 1890, UT Law opened with only nine students and one faculty member, but from those humble beginnings an institution known for excellent legal education has flourished. UT Law relies on the continued support of donors who give to the College Fund for Law. Alumni and friends who give $2,500 or more in the calendar year to the College Fund will be members of this esteemed group of the following calendar year.

In 2011, the College of Law published its first Report on Giving. In subsequent years, the Report has expanded to recognize donors who give significant amounts in the calendar year.

Since the Report’s inception, we have published the names of donors who give $10,000 or more in any one calendar year. We are also pleased to recognize donors who give $2,500 or more in the calendar year to the College Fund.

We are excited to announce the 2016 Report on Giving and to recognize our donors who have given generously to the College of Law. We are deeply grateful for your support of the College and the legal profession.

The Report on Giving will be available online at www.utlaw.utexas.edu/reportsgiving. We encourage you to access the Report and to share it with others who support the College of Law.

Thank you for your support.

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Maudine Riseden Hughe & RBJ Campbelle Jr. Society

Maudine Riseden Hughe (1905) and RBJ Campbelle Jr. (’56) were pioneers at UT Law as the first female and the first black graduate, respectively. They helped establish the College as a diverse and inclusive law school community. Alumni and friends who give $10,000 or more to the College Fund during the current calendar year will be members of this group for the following calendar year.

In 2011, the College of Law published its first Report on Giving. In subsequent years, the Report has expanded to recognize donors who give significant amounts in the calendar year.

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The Report on Giving will be available online at www.utlaw.utexas.edu/reportsgiving. We encourage you to access the Report and to share it with others who support the College of Law.

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TENNESSEE LAW
The puzzle solver

Janet Hatcher, interim director of admissions and financial aid, has been with UT Law for thirty-six years, making her one of the college’s most familiar faces.

A Knoxville native who grew up in Alcoa, Hatcher began working at the college in 1979 as a temp and was later hired full-time as a receptionist. A few months later she was moved to the Office of Admissions, which later became the Office of Admissions and Financial Aid, where she has spent the bulk of her career as the financial aid coordinator. In 2015, Hatcher was promoted to her current position, where she aids in recruiting qualified students to join UT Law’s ranks.

In her more than three decades of service, Hatcher says the college’s atmosphere has transformed in a variety of ways. “It’s warmer, friendlier, and more community-oriented than it was when I first began working,” says Hatcher. “The students are happier, and the faculty and the students are more open and receptive with each other, too.”

Throughout her time at the college, Hatcher says the lifetime connections she has made with students have resulted in some of her fondest memories. “The connections that I’ve made have been nice and now you see the kids of some of the alumni coming through law school, which is rewarding because you see the learning continuing on,” she says.

Students have also remembered Hatcher fondly since graduating from the college. Ronald Attanasio (’85) recalls that Hatcher’s support was critical during his time in law school. “For the two-and-a-half years I was in law school, and to this day, Janet has been a friend, a counselor, and a staunch supporter,” says Attanasio. “Now, thirty years later, I still enjoy the practice of law and verily believe that I have made a difference for at least one particular non-profit and in the lives of many others—and without Janet, I simply would not have been in a position to have done so.”

Stephanie L. Slater (’90) says she will never forget when Hatcher came to her aid in the weeks leading up to her second-year of law school. A system error had caused Slater to be incorrectly labeled as an undocumented student and also listed a missing transcript from a university she had not attended, which caused her financial aid package to be rescinded. “[I was] distraught and dazed…Fortunately I ran into Janet Hatcher,” Slater says. “She calmed me down, sat me in a chair, and in one phone call cleared up the whole mess. All those years later, I have not forgotten what she did for me that day. The college is very fortunate to have her.”

Hatcher says the highlight of her career has been developing relationships with students past and present, like Attanasio and Slater. “I’m not in it for myself; I like helping the students. Financial aid can be hard, but the challenges have been fun and rewarding,” she says. “I like puzzles, and getting all of this stuff to work together is like fitting the pieces of a puzzle together. When I can see the kids walk across the stage at graduation, that makes it all worthwhile. That’s what it’s all about.”

Joy Radice, Associate Professor of Law

What do you get when you combine a classroom, courtroom, and theater stage? Associate Professor Joy Radice’s criminal law class.

Radice, who came to UT in 2012, is using a new approach to teach criminal law. In 2013, she began recruiting actors from UT’s Department of Theatre to make a criminal case—the fictitious State v. Jones—come to life for her first-year students. They get to see what it’s like to interview and assess the statements of a defendant (“Calvin Jones,” charged with burglary) and prosecution witness (police officer “George Hitchens”), apply those facts to Tennessee cases, and then negotiate with opposing counsel to try to resolve the case.

Although actors have been used in some upper-level law courses, Radice’s interactive, experiential approach is new for first-year students. The actors were so effective that she also uses them at the start of each semester for a five-day “Advocacy Clinic Boot Camp” that prepares students for representing actual clients.

“My hope in using the actors is that students would get a real feel for what it’s like to be a lawyer and, more importantly, how they can learn on their own through experience and reflection,” Radice says. “I want students to see that they are their own teachers. The combination of legal knowledge, lawyering skills, and self-awareness is what will make them excellent lawyers.”
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PHOTO BY PATRICK MORRISON ('16)