legacy
something transmitted by or received from an ancestor or predecessor or from the past

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As a national leader in clinical education, the UT Legal Clinic ranks in U.S. News and World Report’s top 10 legal clinical programs among public universities and is 20th among all U.S. law schools. With clinical offerings in eight concentrations, students can receive training in the specialization that most interests them and aligns with their career goals.

Advocacy Clinic | Appellate Litigation Clinic | Business Law and Trademarks Clinic | Community Economic Development Clinic | Domestic Violence Clinic | Innocence and Wrongful Convictions Clinic | Mediation and Family Mediation Clinic | Mini-Clinics | Wills Clinic
from the

DEAN’S DESK

Serving as dean of this outstanding public law school is an incredible honor.

WHAT MAKES THE privilege so special is the quality of our faculty, staff, and alumni, and the education we join together to offer our talented students. The effort and energy we bring to the classroom has been part of the core of UT Law for well over a century. Our law school is built on the legacy of preparing excellent lawyers to represent real people with difficult problems. And we all know that we stand on the shoulders of those who came before us, those who established that tradition of excellence.

In this issue of Tennessee Law Magazine, we pay homage to some of the courageous professors and students who are part of the UT Law legacy, and in particular, those who launched and nurtured our nationally acclaimed Legal Clinic. Last November, we formally celebrated the Legal Clinic's 70th birthday with more than 400 of the law school’s closest friends and staunchest supporters. It was a night to remember. You will see some of the photographs from that evening in this issue. You will also read about how the clinic has evolved over time to provide legal representation and advice in the areas of business law, non-profit and economic development, appellate litigation, the expungement of criminal histories, and other areas. I hope that Charles Miller, the visionary for the Legal Clinic and its very first director, would be proud of these developments. After all, these opportunities serve the community in much needed ways, while providing additional experiences for students who want to graduate with the knowledge and skills necessary to practice law ethically and competently.

I wish I could talk with Professor Miller. Although I did not know him, I feel like I did. I admire his vision, his courage, and his willingness to take a calculated risk for the good of the students and the community. I believe he would appreciate this issue of the magazine. It reminds me that we must not rest on the successes of those great minds, like Miller’s, who preceded us.

I hope you enjoy the magazine. Please let us know what you think about what’s happening at the College of Law.

MELANIE D. WILSON, DEAN
Forging a framework of knowledge in the pursuit of legal justice.

The Joel A. Katz Law Library offers several services for our alumni, including access to law journals in HeinOnline, document delivery, and circulation privileges. For more information on alumni services, please visit http://guides.lawlib.utk.edu/alumni.

REGULAR LIBRARY HOURS

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CONTACT US

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Leading the UT Legal Clinic in its 70th year has been an honor of the highest order.

AS AN ALUM, I knew first-hand the impact the Legal Clinic had on preparing me for my small-town law practice. As a faculty member, I had a good sense of the vital role the Clinic plays in the College of Law’s unique legal education program. But it was not until I interviewed clinic faculty and alumni from every decade that I understood the remarkable imprint that the Legal Clinic has left on the legal profession in Tennessee and beyond.

Armed with the lawyering skills they began to practice in the Legal Clinic, clinic alumni serve as federal and state court judges, manage large corporations, direct non-profit agencies, and consistently rank as the top trial lawyers in the country. As a result of their work in the Legal Clinic, Tennessee lawyers prompted the state to develop means of assuring that the poor had access to legal services and that the accused had a meaningful right to counsel. Other clinic alumni introduced our Legal Clinic model in other law schools where they served as faculty and deans. In these and so many other ways, Charlie Miller’s vision, which he fortunately chose to implement at UT, has elevated and improved the legal profession and the legal academy.

I know that many of you share my enchantment with the Legal Clinic’s past and my optimism about its future. You have demonstrated that by sharing your clinic stories, providing us with the advantage of your advice, and giving to our efforts to create an endowment to perpetuate the Legal Clinic. We are so grateful to each of you for your unwavering belief in our program and your continued support. Thank you.

My knowledge of your commitment and dedication to the Legal Clinic coupled with the opportunity I have had to work with the clinic faculty, staff, and students assures me that the Legal Clinic’s future will be as remarkable as its past. When another lucky soul has the privilege of serving the UT Legal Clinic on the occasion of its 100th or 200th anniversary, I am confident that the message will be quite similar to this one. The UT Legal Clinic will continue to lead in innovative clinical education and will continue to produce practice-ready lawyers who will distinguish themselves in the legal profession.

On behalf of the faculty, staff, and students of the UT Legal Clinic,

PENNY WHITE, LEGAL CLINIC DIRECTOR
As the son of divorced parents, he spent much of his childhood divided between two states—Tennessee, where his father was a farmer; and Texas, where his mother worked in corporate communications with American Airlines.

Campbell, who will graduated in December with a law degree from UT’s College of Law, describes his mother as the more practical, business-minded parent, while his father possesses an undeniable sense of adventure. Neither of his parents completed college degrees, but his mother was committed to seeing her son excel with his education.

“My mom has always told me, ‘you need to go get your education first and then you can do whatever you want,’” he said. During his undergraduate days, he remembers “she’d always escort me to the gate at the airport because she was always afraid I was going to run and go do something fun.”
It is because of his mother’s commitment and encouragement that Campbell says he has persevered. During the past four years, he’s endured two torn ACLs, surgery to repair them, and complications with the second surgery. But the most overwhelming challenge Campbell has faced has been the death of his mother who in February unexpectedly passed away while she slept. She died on the weekend of her son’s 25th birthday.

“People have been far kinder to me about it than I deserve,” he said. “It’s such a horrible experience, but you have to try to learn something from it. I just can’t be debilitated with it.”

Following his mother’s death, Campbell took a week off of school but then quickly jumped back into his study routines. He’s worked with the college’s Legal Clinic and assisted with preparations for the fall expungement clinic, where in one day UT faculty and students offered legal counsel to more than 500 members of the Knoxville community.

“Zach is a student who has risen to the occasion,” Legal Clinic Professor Joy Radice said. “He has a real commitment to being here and serving people, and he’s really touched me with his dedication.”

Campbell says it’s because of his mother’s influence that he strives, like her, to appreciate people’s differences and to work with “streamlined precision and a minimalist approach to resources.” That philosophy, and the misfortune of his cousin, who suffered a debilitating injury in a traffic accident, influenced him and classmate Jessica Baker to create a handbook for individuals confronting the Social Security disability system. Professor Becky Jacobs oversaw their work in her Community Lawyering course.

“The handbook has been disseminated widely,” Jacobs said. “Their work has had an impact.”

Both the Tennessee Bar Association and the Tennessee Alliance for Legal Services praised the handbook as a public education resource, Jacobs said. It has been provided to a number of Tennessee legal organizations including the Legal Aid Society of Middle Tennessee and the Cumberlands, West Tennessee Legal Services, and the Legal Aid Society of East Tennessee.

“Zach is just remarkable,” Jacobs said.

Now that Campbell has graduated, he’s giving careful thought to his next steps.

“I have always been torn between the world of global commerce and community service—one stimulated my mind and the other touched my heart,” he said. “My goal in life is to serve both.”

For now, he has accepted a position with KPMG in its Washington, D.C. metro office and will begin working as an associate in mergers and acquisitions tax practice. While he’s already traveled abroad extensively with trips to India, France, England, South America, China, Australia, Indonesia, and Africa, he said hiking the entire Appalachian Trail and visiting Antarctica are on his bucket list.

But perhaps more importantly, he’ll now have the time he needs to come to terms with his mother’s death, having completed the education she insisted he attain.

“I’ve never been in the real world, and now I’m starting my life without my mom—my biggest support squad,” he said. “These past few months have been the toughest, but I think with all I’ve been through, Tennessee is the only place I could have gone that would have supported me through this.

“UT has been a great place for me to be.”

“THESE PAST FEW MONTHS HAVE BEEN THE TOUGHEST, BUT I THINK WITH ALL I’VE BEEN THROUGH, TENNESSEE IS THE ONLY PLACE I COULD HAVE GONE THAT WOULD HAVE SUPPORTED ME THROUGH THIS.”
STUDENT SPOTLIGHT
VETS FOCUS ON FUNDRAISING

What began at the University of Tennessee College of Law as a desire to better assist veterans in the Knoxville community has grown into a scholarship honoring a UT graduate and a goal to fund law students’ education for years to come.

Chris Davis, a U.S. Naval Academy graduate who was commissioned in the U.S. Marine Corps as a second lieutenant, has served overseas, been deployed multiple times and remains on active duty as a captain while attending law school.

When he arrived at UT in 2016, he had a strong desire to assist service men and women and their families. He immediately began working with UT Pro Bono to provide legal counsel to veterans in the community during Saturday clinics.

“At every one of those events we realized that there was a tremendous need,” he said. “There were always plenty of veterans who needed some kind of legal assistance.”

Davis and several of his classmates, who were motived by the need, began identifying other student veterans, exploring possibilities to grow existing veterans groups at UT, and sharing their vision for Vols for Vets to have a strong impact in East Tennessee. In March 2017, eight UT Law students traveled together to Fort Campbell, Ky. to visit the Office of the Staff Judge Advocate for the 101st Airborne Division during an Alternative Spring Break.

They returned to Knoxville to draft a new constitution for the group founded on the ideas of: offering legal assistance to veterans in the Knoxville community; providing support for students who want to serve in the military or U.S. government roles; and fostering leadership development among UT students and members of the organization. And in April 2018, UT’s student government association recognized Vols for Vets as a student organization.

The group first focused on short-term projects - collecting toys for the Marine Corps’ annual Toys for Tots drive, and supporting deployed service members with care packages full of necessities and letters from organization members. The students also began collecting money for a scholarship they committed to establish in the name of Gen. Clifton Cates - a 1916 graduate of the UT College of Law who had been a lineman for Tennessee Vols football and eventually became the 19th Commandant of the U.S. Marine Corps.

In January, law students Jenna McNair, the wife of U.S. Navy Lt. Andrew Aaron; and U.S. Army veteran Sean Roberts each were awarded $500 from the Cates Leadership Scholarship fund.

“This was very rewarding, but it’s just the tip of the iceberg,” Davis said. “We want this organization to continue to grow and serve our community.”

Campbell Cox, also a second-year law student who serves as the Vols for Vets communications director, said the organization is now working to connect with attorneys in the Knoxville area who are willing to offer pro bono assistance to veterans.

The group will also continue working to grow the Cates scholarship endowment that will fund military-affiliated students well into the future. Faculty advisor Briana Rosenbaum said she has been impressed by the Vols for Vets students and what they’ve accomplished in less than two years.

“Although not all—or even most—of the students involved are military veterans or service members themselves, they all tackle goals with the same set of values that guide many military men and women,” Rosenbaum said.

“I have been particularly impressed by the shared sense of duty, maturity, honor, commitment, efficiency, and integrity that has infused this group from the start.”
A winter trip to Australia helped a group of University of Tennessee College of Law students learn more about themselves and their leadership potential than they believed was possible in a two-week period of time. Ten second- and third-year law students boarded planes for the 24-hour flight to Brisbane in late December as part of “Leading as Lawyers: Transpacific Perspectives.”

The program, hosted by the College of Law Institute for Professional Leadership in partnership with the University of Queensland TC Bierne School of Law, was led by Queensland’s Dean Sarah Derrington, UT Professor and Institute Director Doug Blaze, and UT Bettye B. Lewis Career Center Director Brad Morgan.

The program enables American and Australian law students to gain a cross-cultural perspective and explore the approaches within the two legal systems on either side of the Pacific. Blaze said the circumstances for learning are excellent when students travel abroad and are exposed to an unfamiliar culture.

“There’s real value in having a diverse group of students living together and studying together,” he said.

During the two weeks, as much learning takes place outside the classroom as inside it.

“The students develop a level of trust and honesty with each other, and that influences their willingness to disclose and learn in truly meaningful ways as we’re talking about leadership,” Blaze said. “It’s really difficult to duplicate that in a traditional classroom.”

Student Ali Deatherage said being exposed to a variety of perspectives left a strong impression on her.

“I noticed a difference in the way they carry themselves,” she said of the Australian students. “They possess a quiet humility and are careful to listen before speaking.”

American students didn’t hesitate to voice their opinions and emotions when they were inconvenienced, Deatherage said, but the Australian students kept their observations to themselves and seemed to value others’ opinions more than their own.

“I felt I had learned so much just by way of simple conversation, and I want to remember and emulate their respectful attentiveness,” she said. “I spent so much of the trip in awe of the Australian students’ poise.”

Throughout their time abroad, all of the students were in constant contact with each other. They roomed at Emmanuel College at the University of Queensland and learned from the law school’s dean and faculty as well as political leaders and other professionals. The students explored a variety of concepts including ethical leadership, professional planning, self-awareness, active listening and group dynamics.

Those sessions helped UT student Hayden Short gain better understanding about the similarities between the U.S. and Australian students.

“We all shared a lot of the same pressures and anxieties,” he said. They “stressed over finals and student debt much in the same way all of us Americans did.”

“This showed me that no matter where two people are from, they always have something in common. If eight Australians and ten Americans can find so much in common, why can’t people who live in the exact same communities not find this same common ground?”

One of the goals for both Blaze and Morgan was to lay groundwork for students’ personal and professional success immediately after graduation.

“It’s true with leadership, that we are often providing opportunities for students that prepare them to unlock their potential so that they are more effective leaders five and 10 years down road,” Morgan said. “But they sometimes need to develop more concrete plans for where they go in the next six months to a year.”

Student Grant Williamson describes himself as an introvert who hasn’t formed strong relationships with professors and classmates during law school.

“Taking this class in Australia took me out of my comfort zone and placed me in a setting where I was constantly interacting with my peers,” he said. “Going forward, I want to be more intentional about making time to form a community of peers within the law school and ultimately within the legal profession.”

“I now recognize that I am doing a disservice to the legal profession when I avoid opportunities to learn from and teach other law students,” he said.

The College of Law will offer another opportunity to continue the educational exchange at the end of the fall 2018 semester when a group from the University of Queensland travels to Knoxville.
Five UT College of Law Spring 2017 graduates sat in front of a crowded classroom of nearly 60 students fielding questions. The students, uneasy about the pressure of an exam they’ll soon take that will determine their future, looked to the graduates for guidance about what’s to come. It’s the same position the graduates faced themselves just one year earlier. Students wanted to know where the graduates studied, how they equipped their friends and relatives to deal with the isolation to come, how they scheduled their time, and whether they took vacation days away from bar exam preparation.

For these students and others like them, the bar exam, which is offered only twice per year and determines whether a law school graduate can practice law in a state or jurisdiction, is a dreaded rite of passage. The summary of the successful graduates’ advice: “Just be OK with the fact you won’t know everything, and everyone else doesn’t either,” said Christine Ball-Blakely, who now works in the Tennessee Valley Authority general counsel’s office.

PROGRAMMING SPOTLIGHT

LEARNING FROM THEIR MISTAKES

Recent graduates share their experience with students as part of the Academic Success program.

College of Law alumnus Jordan Houser (left) works with Renee Allen and the Academic Success Program to better prepare students for the bar examination.
As the changing landscape of the legal profession has led to changes in the bar exam, fewer numbers of law school admits, and more competition among law schools to graduate successful students – the University of Tennessee College of Law is working to ensure that students find the support they need.

The course that brought the graduates back to the College of Law to offer their experience in preparing for the bar exam is taught by Academic Success Director Renee Allen who holds a position that didn’t exist at the college two years ago. Allen has developed courses and seminars to reach and support students throughout their law school experience.

Beginning as early as two days prior to the formal orientation, a Voluntary Orientation for Legal Learning and Writing – or VOLLAW – helps jumpstart students’ understanding of the factors that contribute to academic and professional success.

First-year students learn how to better prepare themselves for life during and after law school through a problem-solving seminar that teaches time and stress management skills to promote work and life balance. Students who attend the seminar learn self-assessment and reflection techniques, and problem-solving strategies that help them improve their performance on law school exams. Second-and-third year students attend seminars to learn more about the Multistate Bar Exam, the Multistate Professional Responsibility Exam, and commercial bar preparation programs.

And “Bar Examination: Law, Skills & Strategies,” at which the recent graduates shared their experiences, is the course offered for third-year students who will take the bar exam during the summer months. The course explores strategies for succeeding with the multiple-choice format of the Multistate Bar Exam. The students complete and receive feedback on bar exam essays and the Multistate Performance Test which helps them bolster their analytical skills before the prepare for the summer bar exam.

Allen’s multi-faceted approach to student success is a collaborative effort of faculty, administration, and students, she said, and it cannot be successful without the collective investment of the college. Dean Melanie Wilson said this approach to student success is a worthwhile investment in Tennessee students and their futures. Law schools of the past may have admitted students with the expectation that some would find it too challenging to continue, she said, but that approach serves neither students nor the institution.

“We want to be supportive and equip students to succeed both during school and after they graduate, not just weed out those who struggle for some reason during law school,” Wilson said. “Students come to us with different backgrounds, different interests, different strengths and weaknesses.

“Rather than lose them or exclude them, it’s our job to help them succeed and assist them in finding their professional passion.”

Wilson is encouraged by the work Allen is doing and the courses and programs she has implemented to support students. The July 2017 bar exam pass rate among UT Law’s first-time test takers jumped 12 percentage points from July 2016. Pass rates also improved for all UT College of Law graduates who took the exam in July 2017, increasing three percentage points compared to the year before.

By continuing to help students think about their future, rather than the difficult class or exam of the moment, Allen said she hopes students will graduate better prepared for the challenges of the legal profession.

“What I hope they’re getting is a compass, some guidance that allows them to see the relationship between what they’re doing every day in the classroom, what they do on final exams and how that relates to the bar exam and ultimately to the practice of law,” Allen said. “Ultimately, we want our graduates to be ready for what lies ahead.”
The Legal Clinic has placed the University of Tennessee College of Law at the forefront of clinical education for 70 years, preparing hundreds of students for the practice of law, and serving countless clients, all because of one man’s dream.
It wasn’t out of a desire for notoriety or attention that Charles H. Miller began doing what he did at the University of Tennessee College of Law in 1947. With the exception of one facility Miller helped establish at Duke University, legal clinical education was virtually unheard of. But in Knox County, there was an undeniable need.

There was no public defender’s office or legal services agency in Knox County, and those with limited financial means who found themselves in need of legal representation often couldn’t get it. So with a commitment to serve the community and to offer practical experience to students through hands-on learning, Miller founded the UT Legal Clinic.

In its first year, UT’s clinic received 222 cases, handled by Miller – the first clinic director, 23 students, one part-time attorney, and one secretary. Within a span of 30 years, the clinic had grown to include three offices that annually handled more than 6,000 cases. Fourteen attorneys, nine support staff and 75 students managed the caseload each quarter.

Today, the UT Legal Clinic continues to serve as the bridge between legal practice and the classroom, Interim Legal Clinic Director Penny White said. The Legal Clinic receives referral cases from federal and state appellate courts; juvenile, circuit, and criminal courts; and from the general sessions courts.

Clients who cannot afford legal representation receive assistance from student attorneys who play an important role in offering assistance and improving the legal process.

“Courts function more efficiently when lawyers are representing clients on both sides,” White said. “It is a standing comment among prosecutors and others. They hate to see our legal clinic students coming because they are so well prepared. And so, we raise the bar.”

Between 45 and 60 students work each semester with the Legal Clinic for either one, three, four, or six hours of course credit. In many cases, if the Legal Clinic didn’t provide the assistance, the client would likely fumble their way through the legal system on their own.
“Every time the court has to appoint a lawyer in a criminal or juvenile case, that lawyer gets paid $50 an hour in court, $40 an hour out of court,” White said. “When we represent one of those clients for free, we are saving the state the costs of appointment.”

Benefits for clinic faculty and students are equally far-reaching. Faculty benefit from more satisfying teaching experiences that also allow them to continue to sharpen their lawyering skills. The faculty witness and directly affect the growth in their students as they learn the nuances of counseling a client, relaying difficult information, exercising compassion, and handling sensitive issues with care.

“The students are learning through the clinic the lawyering skills that are almost impossible to teach in a standard classroom setting,” White said, and as a result, “when they graduate and are able to take that first difficult case and confront that ethical issue or personal issue, they are better prepared to enter practice because of those experiences.”

In honor of the Legal Clinic’s 70th anniversary in 2017, the College of Law hosted a number of events designed to raise funds for the clinic and bring attention to its mission. The culminating event in November, “Party With A Purpose,” drew more than 400 people and brought the total of funds raised to almost $600,000.

During the event, Professor Doug Blaze, former UT Legal Clinic director from 1993 until 2007 and dean of the College of Law from 2008 until 2015, praised White’s leadership of what he believes is the cornerstone of the school’s curriculum.

“We don’t realize sometimes the impact that we have on students, that we have on clients, that we have on other lawyers,” Blaze said. “I think this event just reflects how much the clinic meant to them in terms of their education but also their professional development and the impact it had on their careers.”

Jerry Black, who served as the clinic’s director from 1981 through 1986, said the clinic set a standard for legal education.

“You ought to get something more out of law school than just a sheepskin to hang on the wall,” he said. “You ought to get some skills so you can actually help someone.”

The UT Legal Clinic has a long history of offering students those opportunities.

“UT has really carried a candle, a light for legal education. It’s just amazing the effort that the law school has been willing to put into” clinical education, he said.

With the funds raised throughout 2017, the College of Law will establish a permanent endowment for the clinic to support a variety of financial needs including student travel to courts and clients, securing court reporters, obtaining public records, employing translators and experts, and offsetting other court and litigation expenses.

White and the team of College of Law faculty and staff who serve the Legal Clinic are continuing the nearly two-year fundraising task in order to secure the clinic’s future.
“Under the leadership of Dean Rivkin and Jerry Black, I had the opportunity to be a part of one of the best clinical programs in the country. My commitment to experiential education was nurtured and strengthened under their mentorship. My experience at the University of Tennessee provided the strong foundation on which I built my philosophy for legal education and provided the framework for my pedagogy goals.

Although my career placed me on a different path, I remain a clinician, at heart. For example, as a dean, I have supported the expansion of our clinical program. Clinical education is a critical component of the fabric of any legal education program.”

**Phyliss Craig-Taylor**
Former UT Professor of Law, current Dean of North Carolina Central University School of Law

“The UT Legal Clinic has transcended a lot of other law schools in terms of practical legal education for students. [Some law schools] resist clinical education. That tension still exists. At UT, the practical experience the Legal Clinic gave students was invaluable for them. And I would argue that what you are doing in Knoxville right now is more important today than it was when we were there because of the number of law students coming out of law school and hanging a shingle.”

**Robert Delaney**
Former UT Legal Clinic professor, current attorney with Tune, Entrekin and White, Nashville, Tenn.

“It doesn’t matter which side you are on if your goal is to achieve justice. The Legal Clinic set me on that path. It formed the foundation for me and that sense of achieving justice, especially for people who couldn’t afford representation.

I feel I’ve never worked, because I enjoy so much being a trial lawyer, and I don’t think that could have ever happened without my experience in the Legal Clinic.”

**Roger Moore**
Class of 1977, Deputy District Attorney for the 20th Judicial District, Nashville, Tenn.
On a cool fall morning outside the Beck Cultural Exchange Center in East Knoxville, a line of more than 150 people stand in the rain. With nearly 200 additional people already inside the building that commemorates the city’s African-American history, the line moves slowly. Occasionally, a man with a booming voice emerges to instruct those waiting to have their forms completed and ready for review once they step inside. Most of those standing in the line are African-American. Most have faced challenges in dealing with the legal system. None of them can afford to hire a lawyer. But all have the goal of improving their lives by removing, or in legal terms – expunging, minor offenses from their criminal records.

For some, even dismissed charges have interfered with their ability to land a job, secure housing, pursue education, or obtain a professional license. It is for those people that the University of Tennessee Legal Clinic organized this event.

CAUGHT IN THE SYSTEM

Michael Goins has faced a number of challenges in his life, and he doesn’t deny his past. Alcohol, anger mismanagement, and jealousy fueled him to run afoul of the law when he was younger, he says. His frustration with the legal system peaked while he was serving in the military. It’s then that his sister was killed in what was described as an accidental shooting. No arrests were made, but the circumstances left Goins believing there was more to the story. The now 50-year-old man says he didn’t cope well.

“No denying it, I had an anger problem. I ended up with post-traumatic stress,” he said. “When alcohol was involved, it was worse.”

Goins, who accepts responsibility for the crimes he committed and the legal difficulties that ensued, says as an African-American male he was representative of what so many others face.

“I think people get aggravated with the system because they get tired of hearing no,” Goins said. “People don’t know what to do. They don’t want to go to the court house to take care of their problems even when they should.”

Goins says he was the epitome of those who become caught in a legal system.

“I always could find a restaurant job,” he said. “They’re easy to get. And I figured if I worked a night job, I wouldn’t get in to trouble. But I couldn’t ever get to the place I wanted to be.”
During the six years Joy Radice has worked with students at the UT Legal Clinic, the law professor has met hundreds of people with stories similar to Goins’.

In Tennessee, it’s not easy for individuals to overcome their connections to minor criminal activity – even when they’re innocent. Tennessee is one of as many as 40 states that does not automatically remove offenses from the criminal records of individuals who’ve been charged but not convicted of a crime. As a result, those who have been arrested but not convicted face unique and devastating challenges. Their dismissed charges can prevent them from getting a job or renting an apartment because employers and landlords see the initial charges.

“There is no automatic expungement of a record in Tennessee, even for those whose charges are dismissed,” Radice said. “While we are one of a minority of states that actually has a substantive expungement law on the books, it’s a difficult process to navigate.

“The law is detailed, and it’s confusing. People need lawyers to help them figure out what is eligible and what it not. But lawyers can charge over $300 to help people file even the most basic expungement petitions, which many cannot afford,” Radice said.

In order for individuals to clear that criminal record, a petition must be filed with the court requesting that the charges be expunged. The request is then reviewed by the District Attorney’s office and, if successful, ultimately signed by a judge.

Tennessee legislators have amended the expungement law in recent years to broaden its application. The law originally applied only to those with dismissed cases and then to those with a single, non-violent criminal conviction. But now the statute allows for the expungement of two low-level criminal offenses if five years have passed since the sentence was served and other conditions are met.

Even with those changes, the $475 filing costs associated with expunging a diversion and the $280 filing fee for expunging a conviction prevent some Tennesseans from restoring their privileges and quality of life.

Knox County Deputy District Attorney Kyle Hixson (’05, ’08) says he would like to see further revision to the Tennessee law.

“The expungement fee for a diverted case that results in a dismissal is currently almost twice as much as the fee for expunging a criminal conviction,” Hixson said. “If fiscally possible, it seems like these fees should be reversed.”

Since the UT Legal Clinic’s work with expungement clients began three years ago, the process has evolved. Knox County now offers expungement screening at the state courthouse twice a week to help those in need “cut through the red tape of the cumbersome expungement process,” Hixson said, and the faculty and students of the UT Legal clinic are important partners in that work.

“District attorneys are statutorily required to process expungement applications, but we do not receive additional staff allocations to help with this considerable workload. Further, indigent petitioners are not eligible to receive court-appointed lawyers to assist with the expungement process,” he said.

Students and faculty at the College of Law fill “these gaps by providing crucial assistance to those seeking expungement,” he said. “Expungement court has been a great success, due in large part to the hard work of the students and faculty from the College of Law who staff it alongside our prosecutors and clerks.”

The Saturday expungement clinics like that at the Beck Center, which take place once or twice annually, go a step further by conducting hearings with judges on site. The October event at the Beck Center was a collaboration of the UT Legal Clinic, the Beck Cultural Exchange Center, Community-Step Up, and Vet to Vet Tennessee that brought together judges, clerks, and attorneys to assist the community.

Knox County General Sessions Judge Chuck Cerny and City Court Judge John Rosson, Jr. heard the cases. Knox County district attorneys reviewed motions. Knox County clerks processed paperwork, and volunteer lawyers from the Community Law Office and the Knoxville Bar Association worked alongside UT’s student attorneys to present the motions.

In advance of the clinic, UT Legal Clinic students researched clients’ cases to determine eligibility. The students fielded over 500 phone calls on the UT Expungement Hotline from those with questions and prepared files for those who received services. If the students determined a client was eligible for expungement, the students – under the guidance of faculty – counseled the clients and prepared files for the Saturday clinic.

“Our students do some very thorough interviewing and counseling with clients. They learn how to explain the law and how it applies to an individual’s criminal record in a way that’s clear. They learn how to interpret a very dense statute. They learn how to draft motions, make legal arguments, and file petitions to expunge eligible charges,” Radice said. “They work at a very intense level.”

Those in Tennessee’s rural communities have particular need of the UT Legal Clinic’s expungement services because there are often too few attorneys available to address the need, and because those who are eligible for expungement are unaware of the possibilities.
Radice said the UT Legal Clinic is continuing to expand its effort and do more to serve rural populations.

In April 2017, the UT Legal Clinic – in conjunction with the Knoxville Bar Association and the Tennessee Faith and Justice Alliance – held a one-day clinic at the Rutledge Baptist Church in Grainger County to assist nearly 50 people. Later this spring, the UT Legal Clinic will conduct another Saturday morning expungement clinic at the First Baptist Church in Madisonville.

**CHANGING LIVES TOGETHER**

First-year College of Law student Liz Peterson didn’t approach her first experience with the expungement clinic with naïveté.

She’s 50 years old, white, married with children, and a Presbyterian Church pastor to a predominantly African-American congregation in downtown Knoxville. But she was surprised by the extreme level of need she encountered through her day of service at the Beck Center. “Some people there hadn’t had a driver’s license in over 20 years,” she said. “Some of them were looking at $800 to $1,000 fees to get their licenses back.”

“After one woman had seen the judge and had her record expunged, she literally danced out of the building,” Peterson said. “We called it the expungement dance.”

Goins recalls the exhilaration he felt after he met Radice in 2015. “Joy and the legal clinic gave me a sense of hope,” he said. “I didn’t have that before.”

Goins’ life has changed dramatically in the last three years because of his determination and the legal assistance he has received. Instead of working late shifts at restaurants, he now produces video content for a local community access television program. He also assists non-profit groups throughout Knoxville in organizing and promoting their events. “I’m a different person now,” he said.

Peterson said the clinic helped affirm what she already believed, that you have to know a system well in order to help people effectively navigate it. She was also struck by how the College of Law faculty and students, Knoxville and Knox County legal professionals, and community service groups came together to serve the community. “It made me more sure that this is the right thing to do with my life,” she said. “I like being on the right side of change.”
When Laura Woods and Amy Mahone met in the fall of 1996, they didn’t realize they were forging a relationship that would last for more than 21 years.

The two 22-year-olds were just beginning law school at the University of Tennessee when they bumped into each other at Circle Park on the first day of orientation. Mahone, a Chattanooga native who had recently finished her undergraduate degree at Belmont University, was recently engaged and unhappy about being away from her fiancé, she said.

“I roll in and I’ve never really been on campus that much, I don’t know anything about it,” Mahone said.

After a short conversation, Mahone and Woods – who already had obtained her undergraduate degree at UT – realized they were the same age, entering the same field of study and facing similar life circumstances, Mahone said.

First through law school graduation in 1999, then through marriages, births of children and job changes that took Mahone to Seattle, Chicago and back to Chattanooga, the two have developed a friendship as entertaining and as full of give and take as any relationship can be.

That’s particularly evident when they’re offering advice to up and coming law students. During the fall semester, the two got together for the third time in as many semesters to speak with UT Law students about what they’ll face in the profession. Through a presentation that features the theme songs of their careers, Mahone and Woods reveal their idealism, frustrations and failures all in an effort to better prepare students for life after graduation.

“When we were in school, we heard a lot about work-life balance and how you needed to take care of yourself, but we never got anything personal from them about the actual practice of law,” Woods said.

That’s what the two are committed to sharing with students.

“We saw the opportunity to be real and tell students it wasn’t all roses for us and there were certain times in our careers when we thought what in the world are we doing and why are we doing it here,” Woods said.

As the director of the College of Law’s Institute for Professional Leadership, Doug Blaze is committed to creating experiences for students that help them develop as well-rounded lawyers and leaders.

The Institute sent 10 students to Brisbane, Australia over the winter break to help them better understand leadership across international lines. The Institute produces research and scholarship on topics related to leadership and offers student-based leadership opportunities through curricular, extracurricular and co-curricular programming. That’s what brought Mahone and Woods to the College of Law to share their stories.

“The two of them are so energizing. They don’t pull any punches,” Blaze said. “They tell students what they’re going to face, and they do it in a way that is so engaging and informative.”

Third-year law student Claire Tuley said Mahone’s guidance is one of the primary reasons she’s attending law school. Mahone was Tuley’s boss when she worked as a paralegal before law school at the Chattanooga office of Baker Donelson.

“If I hadn’t had Amy’s advice, I wouldn’t be here,” Tuley said. “The two of them have a great way of sharing what they’ve gone through and helping students understand what’s ahead of them. They’re great role models.”

Woods, who sits on the Institute’s advisory board, has also invested with her husband in an endowment to annually fund students in developing their leadership skills. That Hardwick-Woods gift helped fund a fellowship this year for a third-year law student. A priority for Woods and her husband, Chris, is leading by example, and they embrace the motto: “Leave the world better than you found it,” she said.

“There’s so much beyond that textbook,” Woods said. “You have to give back to your communities, and you have to lead because people are going to look to you to be that leader whether you want them to or not.

“We didn’t really have that extra layer when we were in school and the Institute seems to be picking that up,” she said. “We’re thrilled to be able to support it.”
In Pursuit of

CIVIL RIGHTS

During her visit to the College of Law in October, Leadership Conference on Civil and Human Rights President and CEO Vanita Gupta challenged students to involve themselves in the cause of injustice.
In times of challenge, the legal profession often rises to find its strongest voice, and now is the time to rise and make justice real for everyone.

Those were the words of Vanita Gupta, the Obama-era U.S. Department of Justice civil rights chief and Principal Deputy Assistant Attorney General, and now the president and CEO of the Leadership Conference on Civil and Human Rights, who promised no “sugar-coating” in her assessment of the status of our country as she addressed students and the Knoxville community.

She appeared at the UT College of Law as part of the Rose Lecture series and in conjunction with the UT Legal Clinic’s 70th Anniversary celebration. In her lecture, Gupta encouraged the law students to respond to three challenges including “the protection of immigrants,” the “unprecedented attack on voting rights,” and “criminal justice reform.”

Gupta shared the story of a young woman who came to the United States with her parents when she was just 1 year old. The young woman, who never knew Mexico as her home, excelled academically and earned a college degree. She felt a sense of safety and acceptance through the Deferred Action for Childhood Arrivals program, commonly known as DACA, Gupta said.

“She stepped bravely out of the shadows, registered with the U.S. government, and she took that leap of faith,” Gupta said. “And then [in September] the administration pulled the rug out from under her and more than 800,000 young people they rescinded the DACA program.”

In this “time of tremendous nativist fervor when many in the country are seeking to narrow who belongs in America and who America belongs to,” legislation must be enacted to afford protections to those who need it, she said.

At least 10 courts have found that states or localities have enacted laws that discriminate against minority populations of voters, she said, and yet President Donald Trump has created a “sham commission” that’s designed to restrict the right to vote.

This commission “appears to be laying the groundwork to make it easier for states to purge voters off of the rolls,” Gupta said.

Gupta’s battle to protect minority populations facing discrimination also extends to the criminal justice system.

“Our prison population is disproportionately black, it’s disproportionately Latino, and it’s disproportionately poor,” she said. “For too long this country has had 5 percent of the world’s population and yet 25 percent of the world’s prison population. Just think about that and how staggering that is.”

The extent and severity of discrimination against minority populations was brought to light following the shooting of Ferguson, Missouri resident Michael Brown, Gupta said. The incident revealed rampant persecution of African Americans by a police department dominated by white men; issuance of excessive fees for minor violations; and inconsistent access to the municipalities’ officials.

“These practices broke the law, and they degraded residents, and they destroyed trust,” she said. “These practices are not confined to Ferguson alone.”

Since the revelation of the injustices in Ferguson, bi-partisan reform has begun among states leaving many pressing toward smarter and fairer policies, Gupta said.

“Across the country the broad-base movement of people of all backgrounds across the political spectrum … folks are pushing for reform and winning,” she said.

Gupta urged students to understand that the civil rights movement did not end in the 1960s.

“That’s the biggest threat, I think, we face,” she said. But “really the beauty of America’s story and the promise of America’s legal framework is that we as a country and as a people can … evolve imperfectly and yet unyieldingly when individuals stand up and speak out.”

At the forefront of that change are the lawyers who envision a better path, she said. They are the ones who “take risks on behalf of courageous men and women to shape our country into a more just union.”

“More than ever it is clear that it falls to rest of us to uphold America’s most cherished ideals,” she said.
University of Tennessee College of Law Professor Penny White has earned the Governor’s Award from the Knoxville Bar Association.

The award is given annually to a lawyer who has brought distinction and honor to the legal profession and who has consistently and generously served the Knoxville Bar Association and Knoxville community.

Bill Vines, who presented the award on behalf of the association, said White was selected as the award recipient because of her passion for the law and her “outstanding and note-worthy achievements.”

“Penny is truly deserving of our Association’s highest honor,” he said. She is “an exemplary attorney and a paragon of enduring, faithful, and distinguished service.”

White is the Elvin E. Overton Distinguished Professor of Law at the UT College of Law and is director of the Center for Advocacy and Dispute Resolution. She served as a Circuit Judge in Tennessee’s First Judicial Circuit beginning in 1990, was appointed to the Tennessee Court of Criminal Appeals in 1992, and to the Tennessee Supreme Court in 1994.

White earned her J.D. from the University of Tennessee and a masters of law degree from Georgetown University.
HEMINWAY RECOGNIZED AS OUTSTANDING MENTOR

University of Tennessee College of Law Professor Joan Heminway has been recognized by the Association of American Law Schools with the Business Associations Outstanding Mentor Award. According to the nomination materials, Heminway is considered an outstanding mentor and is a standout among the “community of legal scholars.”

Heminway “seems to have dozens of folks that she has mentored in real depth,” her nominator wrote. “Simply put, she is one of our stars, and the standing she has in our community of legal scholars is due in no small part to the time and energy she puts into mentoring others.

“Her ability to push for excellence while communicating that she cares deeply about the success of others is the hallmark of a truly outstanding mentor.”

Heminway, the Rick Rose Distinguished Professor of Law, joined the UT College of Law faculty in 2000 after nearly 15 years of corporate practice in transactional business law in the Boston office of Skadden, Arps, Slate, Meagher & Flom. She is a frequent academic and continuing legal education presenter on business law issues.

Heminway was honored by the Association of American Law Schools at its annual conference in San Diego, Calif. in January.

THE ARTICLE WILL ALSO REMIND LRW TEACHERS THAT THEORY (IN THIS CASE, COGNITIVE THEORY) SHOULD REACH THE CLASSROOM.

DOUG BLAZE
Professor Blaze presented at the Southeastern Clinical Conference on the first plenary panel. The focus was “Back to Our Roots: Renewing the Social Justice Mission of Clinics and Externships.”

ZACK BUCK
In October, Professor Buck participated as part of The Next Steps in Health Reform 2017 Conference at American University Washington College of Law. The event was headlined by former Health and Human Services Secretary Sylvia Burwell and former California congressman Henry Waxman. His presentation was Medicaid Cost Concerns: Managed Care and Challenges at the State Level.

MICHELLE COSBY
Law Library Associate Director and Professor Michelle Cosby has been elected President of the American Association of Law Libraries, the largest and most important professional organization or law libraries. Professor Cosby’s year as Vice-President/President Elect will begin this July 2018 at the AALL Annual Meeting. She will become AALL President at the July 2019 Annual Meeting.

JOAN HEMINWAY & GEORGE KUNEY
Professors Heminway and Kuney provided commentary at an event sponsored by the UT Law chapter of The Federalist Society. The program focused on how colleges and universities have failed students with respect to safe spaces, sexual assault, and student debt.

BECKY JACOBS

WILLIAM MERCER
On September 13, 2017, Professor Mercer gave the Dr. Paul Bergeron Constitution Day lecture at the Blount Mansion.

TOM PLANK
In October, Professor Plank attended and participated in a drafting session of the Drafting Committee of the Uniform Law Commission (ULC) on Revised Articles 1, 3, and 9 of the Uniform Law Commercial Code in Philadelphia.
JEWEL EARNS PRAISE FROM LEGAL WRITING INSTITUTE

Professor Lucy Jewel was awarded the inaugural Teresa Godwin Phelps Award for Scholarship in Legal Communication from the Board of Directors of the Legal Writing Institute. The Phelps Award highlights individual works of outstanding scholarship specific to the legal writing discipline and helps set aspirational standards for other writings.

The Legal Writing Institute selection committee unanimously recommended Jewel for her 2016 article “Old School Rhetoric and New School Cognitive Science: The Enduring Power of Logocentric Categories.” In it, Jewel argues that overuse of boxed-in legal categories can produce distortion and injustice. The organization presented the award to Jewel at a ceremony in January.

AREHEART RECOGNIZED FOR LABOR LAW SCHOLARSHIP

Professor Brad Areheart was awarded the second annual Michael J. Zimmer Memorial Award by the Colloquium on Scholarship in Employment and Labor Law at Texas A&M University School of Law. Areheart was selected for the award, which recognizes a rising scholar who values workplace justice and community, because of his significant contributions to the field of labor and employment law scholarship.


Other Professional Skills Across Learning Experiences.”

GREG STEIN
Professor Stein’s article, Reverse Exactions, which will be published in the William & Mary Bill of Rights Journal, was reviewed favorably in JOTWELL, by Professor Sarah Schindler.

VALORIE VOJDIK
As a member of the Tennessee State Advisory Committee to the U.S. Commission on Civil Rights, Professor Vojdik helped plan the recent public hearing in Nashville examining the civil rights implications of Tennessee’s civil forfeiture law.
Together we were. Together we are again.

REUNION WEEKEND

NOV. 2-3, 2018

’68 ’73 ’78 ’83 ’88
’93 ’98 ’03 ’08 ’13

law.utk.edu/reunion