

August 2006

Front Matter

Follow this and additional works at: <https://trace.tennessee.edu/tjlp>



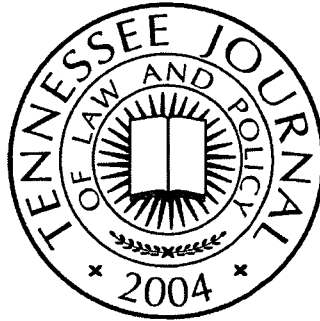
Part of the [Law Commons](#)

Recommended Citation

(2006) "Front Matter," *Tennessee Journal of Law and Policy*. Vol. 3 : Iss. 1 , Article 2.

Available at: <https://trace.tennessee.edu/tjlp/vol3/iss1/2>

This Front Matter is brought to you for free and open access by Volunteer, Open Access, Library Journals (VOL Journals), published in partnership with The University of Tennessee (UT) University Libraries. This article has been accepted for inclusion in *Tennessee Journal of Law and Policy* by an authorized editor. For more information, please visit <https://trace.tennessee.edu/tjlp>.



The TENNESSEE JOURNAL OF LAW AND POLICY is published semi-annually and edited by students of the University of Tennessee College of Law. The publisher is the TENNESSEE JOURNAL OF LAW AND POLICY, 1505 W. Cumberland Ave., Knoxville, Tennessee 37996-1810. The domestic subscription rate is \$20.00 per volume, and the foreign subscription rate is \$25.00 per volume. Unless notice to the contrary is received, the TENNESSEE JOURNAL OF LAW AND POLICY assumes that a renewal of the subscription is desired. All claims of non-receipt of an issue should be made within six months of date of publication if claimant wishes to avoid paying for the missing issue. To order back issues, contact William S. Hein & Co., Inc. at 1285 Main Street, Buffalo NY 14209-1987, or call toll free at (800) 828-7571. POSTMASTER: Send address changes to: TENNESSEE JOURNAL OF LAW AND POLICY, 1505 W. Cumberland Ave., Knoxville, Tennessee 37996-1810.

Copyright © 2006, TENNESSEE JOURNAL OF LAW AND POLICY, University of Tennessee College of Law. All Rights Reserved.

<http://www.law.utk.edu/students/tjlp/tjlp/home.htm>

**TENNESSEE JOURNAL OF LAW AND POLICY
SECOND ANNUAL SYMPOSIUM**

**THE TENNESSEE SUPREME COURT'S
IMPACT ON LAW AND POLICY:
CELEBRATING THE LEGACIES OF
JUSTICES ANDERSON, BIRCH, AND DROWOTA**

WELCOME AND INTRODUCTION

*Thomas C. Galligan, Jr., Dean, University of Tennessee
College of Law*

INTRODUCTION TO SYMPOSIUM

Joseph Hyder, 2005-06 Editor-in-Chief

THE COURT'S CONTRIBUTIONS TO PROFESSIONAL ETHICS,
PUBLIC CONFIDENCE IN THE JUDICIARY, AND PUBLIC
ACCESS TO THE COURTS

Kelly Randall, 2006-07 Editor-in-Chief, Moderator

PROFESSIONALISM

*Lance Bracy, Chief Disciplinary Counsel, Tennessee Board
of Professional Responsibility*

SCALES- SUPREME COURT ADVANCING LEGAL
EDUCATION FOR STUDENTS

*Sue Allison, Public Information Officer, Tennessee
Supreme Court*

CAMERAS IN THE COURTROOM

Judge Richard Baumgartner, Knox County Criminal Court

COMPARATIVE FAULT: HOW THE COURT CHANGED TORT
LAW IN TENNESSEE

*Dr. Otis H. Stephens, Alumni Distinguished Service
Professor of Political Science and Resident Scholar of
Constitutional Law, University of Tennessee College of
Law*

THE JUDICIAL PERSPECTIVE

*Marshall Davidson, Staff Attorney, Tennessee Supreme
Court*

THE PLAINTIFF'S PERSPECTIVE

*John Day, Attorney, Branham & Day, P.C., Brentwood,
Tennessee*

THE DEFENDANT'S PERSPECTIVE

*Andrew Tillman, Attorney, Paine, Tarwater, Bickers &
Tillman, Knoxville, Tennessee*

TRIBUTE TO JUSTICE ANDERSON

Rodd Barckhoff, Judicial Clerk, Tennessee Supreme Court

RESPONSE OF JUSTICE ANDERSON

E. Riley Anderson, Justice, Tennessee Supreme Court

TRIBUTE TO JUSTICE BIRCH

*Raney Irwin, Assistant General Counsel, Tennessee
Department of Health*

RESPONSE OF JUSTICE BIRCH

Adolpho A. Birch, Jr., Justice, Tennessee Supreme Court

TRIBUTE TO JUSTICE DROWOTA

Lisa Rippey, Judicial Clerk, Tennessee Supreme Court

RESPONSE OF JUSTICE DROWOTA

Frank F. Drowota, III, Justice, Tennessee Supreme Court

CONCLUDING REMARKS

*Penny J. White, Associate Professor, University of
Tennessee College of Law*

ARTICLE

THE RETIREMENT OF CHIEF JUSTICE FRANK F. DROWOTA,
III: A TRIBUTE TO A LEGAL LEGEND AND ALL AROUND
NICE GUY

Lisa Rippy and Marshall Davidson

TENNESSEE JOURNAL OF LAW AND POLICY

2006-07 Editorial Board

KELLY RANDALL
Editor-In-Chief

CHASITY SHARP
Managing Editor

IAN HENNESSY
Publication Editor

ASHLEY SMITH
Articles Editor

LISA WHITE
Research Editor

STEVIE N. PHILLIPS
Deputy Publication Editor

JILL SHOTZBERGER
Deputy Research Editor

JEREMY COTHERN
Deputy Research Editor

JOSEPH VIGLIONE
Deputy Editor of Administration

Editors

JON T. MEAGHER
CHARLES TRAUGHBER
ELLEN SCHOOLAR

TENNESSEE JOURNAL OF LAW AND POLICY

Faculty Advisors

PENNY J. WHITE
Associate Professor of Law

OTIS H. STEPHENS, PH.D.
*Alumni Distinguished Service Professor of Political Science
and Resident Scholar of Constitutional Law*

University of Tennessee College of Law Administration

JOHN L. SOBIESKI, JR.
*Lindsay Young Distinguished Professor of Law
and Associate Dean for Academic Affairs*

Douglas A. Blaze
*Interim Associate Dean for Academic Affairs and Art Stolnitz and Evlin
E. Overton Distinguished Professor of Law*

DOLORES J. WHITERS
Assistant Dean for Student Affairs

INTRODUCTION

*Penny White*¹

When the staff of the *Tennessee Journal of Law and Policy* began to discuss a topic for their Spring 2006 Symposium, their focus quickly became the Tennessee Supreme Court. For the first time in history, three outstanding justices of longstanding tenure were announcing their upcoming retirements. As we considered the many contributions that Justices Anderson, Birch, and Drowota had made to the Court, to the profession, and to the state, the Symposium topic became obvious. What was much more difficult was trying to narrow the particular subject matters for discussion. After consulting with lawyers, judges, and law professors, the Journal staff decided on a format that would allow discussion not only of the justices' contributions but of the justices themselves. In this way, we would honor the individuals' personal and professional legacies.

Two substantive topics emerged among the many considered as symbolic of the justices lasting impact on the profession. The first was comparative fault, which we believed would generate a lively discussion of how the Court's decision in *McIntyre v. Balentine*² and its progeny had changed tort law in Tennessee. The second topic was professionalism. Specifically, the Journal wanted to highlight the leadership role the Court had played in promoting public confidence in the profession and public access to the courts through programs like SCALES (Supreme Court Advancing Legal Education for Students)

¹ Penny White is an Associate Professor at the University of Tennessee College of Law.

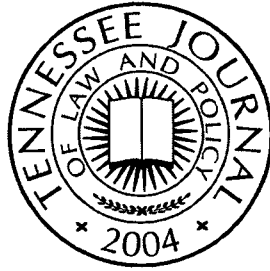
² *McIntyre v. Balentine*, 833 S.W.2d 52 (Tenn. 1992).

and Tennessee Supreme Court Rule 30, commonly known as the “Cameras in the Courtroom” rule.³

The Journal staff selected excellent representatives among the Bench and the Bar to address the two topics from a variety of perspectives. In addition, the staff invited former and current judicial clerks for each of the justices to bring a personal message about each of the honorees. The participants engaged the audience with wonderful stories, memories, and highlights of the combined eighty years of judicial service. The reactions of the in-person audience of federal and state judges, lawyers, law professors, law students, and citizens proved that the Journal staff’s intuition was right – “The Tennessee Supreme Court’s Impact on Law and Policy: Celebrating the Legacies of Justices Anderson, Birch, and Drowota” was an ideal Symposium topic.

The Journal staff brings you this Symposium edition, a near transcript of that memorable event, in the hope that you, like those present at the event, will have the opportunity to reflect upon the remarkable contributions of these three legal giants. As one of two faculty advisors to the *Tennessee Journal of Law and Policy*, I am as proud of the staff’s accomplishments with this Symposium as I was to be the former colleague of our retiring justices.

³ TENN. SUP. CT. R. 30.



CONTENTS

WELCOME AND INTRODUCTION
*Thomas C. Galligan, Jr., Dean, University of Tennessee
College of Law*.....14

INTRODUCTION TO SYMPOSIUM
Joseph Hyder, 2005-06 Editor-in-Chief.....14

THE COURT’S CONTRIBUTIONS TO PROFESSIONAL ETHICS,
PUBLIC CONFIDENCE IN THE JUDICIARY, AND PUBLIC
ACCESS TO THE COURTS
Kelly Randall, 2006-07 Editor-in-Chief, Moderator.....16

PROFESSIONALISM
*Lance Bracy, Chief Disciplinary Counsel, Tennessee Board
of Professional Responsibility*.....17

SCALES- SUPREME COURT ADVANCING LEGAL
EDUCATION FOR STUDENTS
*Sue Allison, Public Information Officer, Tennessee
Supreme Court*.....23

CAMERAS IN THE COURTROOM
*Richard Baumgartner, Judge, Knox County Criminal
Court*.....29

COMPARATIVE FAULT: HOW THE COURT CHANGED TORT LAW IN TENNESSEE <i>Dr. Otis H. Stephens, Alumni Distinguished Service Professor of Political Science and Resident Scholar of Constitutional Law, University of Tennessee College of Law.....</i>	44
THE JUDICIAL PERSPECTIVE <i>Marshall Davidson, Staff Attorney, Tennessee Supreme Court.....</i>	45
THE PLAINTIFF’S PERSPECTIVE <i>John Day, Attorney, Branham & Day, P.C., Brentwood, Tennessee.....</i>	53
THE DEFENDANT’S PERSPECTIVE <i>Andrew Tillman, Attorney, Paine, Tarwater, Bickers & Tillman, Knoxville, Tennessee.....</i>	61
TRIBUTE TO JUSTICE ANDERSON <i>Rodd Barckhoff, Judicial Clerk, Tennessee Supreme Court.....</i>	67
RESPONSE OF JUSTICE ANDERSON <i>E. Riley Anderson, Justice, Tennessee Supreme Court.....</i>	70
TRIBUTE TO JUSTICE BIRCH <i>Raney Irwin, Assistant General Counsel, Tennessee Department of Health.....</i>	74
RESPONSE OF JUSTICE BIRCH <i>Adolpho A. Birch, Jr., Justice, Tennessee Supreme Court.....</i>	78

TRIBUTE TO JUSTICE DROWOTA
Lisa Rippy, Judicial Clerk, Tennessee Supreme Court.....80

RESPONSE OF JUSTICE DROWOTA
Frank F. Drowota, III, Justice, Tennessee Supreme Court.....84

COMMENTS OF CHIEF JUSTICE BARKER
William M. Barker, Chief Justice, Tennessee Supreme Court.....91

CONCLUDING REMARKS
Penny J. White, Associate Professor, University of Tennessee College of Law.....92

ARTICLE

THE RETIREMENT OF CHIEF JUSTICE FRANK F. DROWOTA,
III: A TRIBUTE TO A LEGAL LEGEND AND ALL AROUND
NICE GUY
Lisa Rippy and Marshall Davidson.....95