



Summer 2011

Between the Lines Summer 2011

University of Tennessee College of Law

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TennesseeLaw Between the Lines

The Semi-Annual Online Companion to the Tennessee Law Magazine

Faculty Matters

Professor Joan Heminway recently completed a year of service to the university as president of the university's Faculty Senate. [Read More](#)



10 Alumni, 10 Years Out

Do you know a graduate under the age of 40 who should be part of our inaugural "10 Alumni, 10 Years Out,"



awards? The deadline for nominations has been extended to Sept. 5, 2011. [Read More](#)

[BACK TO TOP](#)

Fulbright Scholar Heads to Morocco

Professor Karla McKanders will fulfill a lifelong dream of helping others as she travels to Morocco this fall on a Fulbright Scholarship to explore refugee and immigration issues. [Read More](#)



[BACK TO TOP](#)

Writing the Book on Law School

Professor George Kuney recently published three books and has several more in the works. Kuney, who leads the Clayton

MAKE YOUR VOICE HEARD

Did you love a story that appeared in Tennessee Law or Between the Lines lately? Did you disagree with one? Would you like to suggest alumni, professors, or staff we should profile? Now you can share your thoughts on our content, as well as give suggestions for future content, through our new Letters to the Editor section. Simply send an e-mail to managing editor, Tanya Brown, at tgbrown@utk.edu, or remit to:

Tanya G. Brown
College of Law
1505 W. Cumberland Ave.
Suite 394
Knoxville, TN 37996-1810

Any letters received may be edited for length and clarity and could appear in print. Go ahead —make your voice heard!

COMING EVENTS

[View our calendar](#) on the alumni website to see our upcoming fall events.

Center for Entrepreneurial Law, explains why teaching from his own books improves learning in the long run. [Read More](#)



[BACK TO TOP](#)



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[For Prospective Students](#)

[For Current Students](#)

[For Alumni and Friends](#)

[Academic Policies & Curriculum](#)

[Administration](#)

[Career Center](#)

[Center for Advocacy & Dispute Resolution](#)

[Center for Entrepreneurial Law](#)

[Clinical Programs](#)

[Faculty Information](#)

[CLE Programs](#)

[Law Library](#)

[Mentoring Program](#)

[Moot Court](#)

[Publications](#)

[Directory](#)

News & Events

Heminway finishes term as Faculty Senate president

By R.G. Smithson

Looking back at her time as president of the University of Tennessee's Faculty Senate, Joan Heminway described the one-year term as a "rich, rewarding and tiring" experience.

"It was a great experience, although I probably wouldn't do it again," said Heminway, a UT College of Law professor. "It is a hard job. I learned a lot about myself and about how UT works—and how the UT College of Law fits into the University of Tennessee, Knoxville. At the same time we were able to achieve some good things for the university."



Heminway's term started July 1, 2010, and ended on June 30, 2011. During that period, the university selected a new president and dealt with a multitude of issues, the most noteworthy being the hotly debated guns on campus legislation proposed in Nashville this last winter.

"It was a challenge rallying the troops and getting everyone on board last summer," she said. "During the fall we had to make sure we had the right presidential candidates and then (spend time) getting them properly vetted. In the spring, the big issue was guns on campus. The challenge there was getting the faculty involved with legislative issues. At the same time we had to make sure our day-to-day business on campus was taken care of."

Heminway believes that the faculty senate, as well as university administrators, students and law enforcement, was instrumental in the legislature's eventual decision to commit the bill to further study.

"I am proud of what we did," she said. "If you go to the senate website and look at our agendas you can see it was really a rich year."

Heminway came away with "a high degree of respect" for the Knoxville faculty and administration. "They did what I asked them to do—and it was a collaborative effort—even if it was an adventure at times."

"It was an immersion in higher education leadership and an incredibly valuable experience," she said. "Faculty are a diverse group. You make friends and you make enemies, but the experience is worthwhile."

Her one regret was the time taken away from her work at the College of Law. "I love what I do here (at the law school), and I had to cut back, particularly with my service responsibilities," Heminway said. "I wasn't able to make as many functions as I usually do. I had trouble balancing my teaching and scholarship."

Heminway's area of scholarly interest is corporate governance, and her term as president was enlightening in that regard.

"We have rules, and the ways rules are made and how they are interpreted is very



much a part of what I do in the classroom. I try to help students understand how rules are important."

As much as she enjoyed representing the university at large, Heminway said she realized how important her home at the law school is to her personally.

"I discovered I am more directed to the mission of the law school than the mission of an entire campus or university," she said. "I am glad to be back here full time."

College of Law »

[For Prospective Students](#)

[For Current Students](#)

[For Alumni and Friends](#)

[Academic Policies & Curriculum](#)

[Administration](#)

[Career Center](#)

[Center for Advocacy & Dispute Resolution](#)

[Center for Entrepreneurial Law](#)

[Clinical Programs](#)

[Faculty Information](#)

[CLE Programs](#)

[Law Library](#)

[Mentoring Program](#)

[Moot Court](#)

[Publications](#)

[Directory](#)

Nominate the Best of the Best



At the University of Tennessee College of Law, we believe our alumni are the best of the best. Our young alumni, who have graduated within the last ten years, are thriving in the modern legal scene and enriching lives through their service to justice and the public good.

We're asking you for your help in choosing the best of the best for a special feature in a forthcoming issue of *Tennessee Law* magazine. Do you know a graduate under the age of 40 who should be part of our inaugural "10 Alumni, 10 Years Out," awards? You may nominate yourself or someone you know. Please fill out the web form below in its entirety. If you would like to submit a supporting document, such as a résumé or curriculum vitae, please e-mail it to tgbrown@utk.edu with the subject line "10 Alumni, 10 Years Out."

Successful nominees must be between the ages of 22 and 39 years of age and demonstrate excellent and ethical professional service. Nominees must display strong leadership skills, both professionally and philanthropically.

The final ten will be profiled online and in the *Tennessee Law* magazine. They also will be invited back to campus for a panel discussion with students, faculty, and staff at the College of Law. In addition, winners will have the chance to meet with students and other alumni at a reception during a Homecoming event hosted in their honor.

Nomination forms are due by September 5, 2011. If you would like a paper copy of the nomination form mailed to you, please call Tanya Brown at 865-974-6788.

All fields are required.

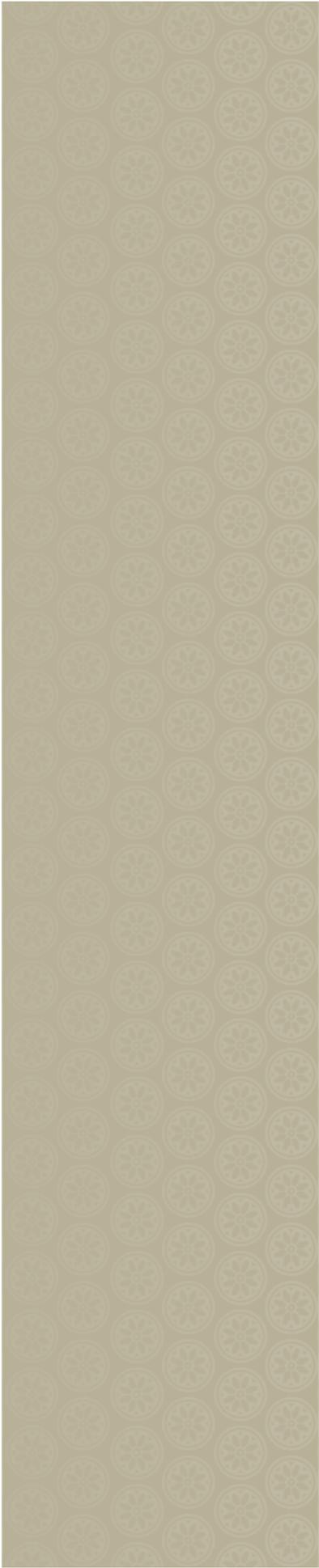
Nominee name:

Graduation year of nominee:

Age of Nominee:

Area of legal practice or business:

Address:



Nominee phone:

Nominee email:

Nominated by (Your Name):

Nominator's phone:

Nominator's email:

Nominee's contributions to the profession and leadership qualities:

Nominee's pro bono or philanthropic work and/or contributions to his/her community:

Supporting statement: (Briefly explain why the nominee should be considered one of UT Law's best 10 Alumni 10 Years Out.)

[For Prospective Students](#)

[For Current Students](#)

[For Alumni and Friends](#)

[Academic Policies & Curriculum](#)

[Administration](#)

[Career Center](#)

[Center for Advocacy & Dispute Resolution](#)

[Center for Entrepreneurial Law](#)

[Clinical Programs](#)

[Faculty Information](#)

[CLE Programs](#)

[Law Library](#)

[Mentoring Program](#)

[Moot Court](#)

[Publications](#)

[Directory](#)

News & Events

UT Law professor to study migration and refugee rights

By R.G. Smithson

While growing up in Michigan, Karla McKanders listened intently to stories told by her grandparents, who lived through the turbulent civil rights movement in the 1950s and '60s.

"I listened to their stories of discrimination when they were growing up in Mississippi and Louisiana," McKanders said. "That definitely impacted what I wanted to do with my life. I decided early that I wanted to advocate for peoples' rights."

In the three years she has been a member of the College of Law faculty, McKanders has quickly developed a national reputation for her research about issues affecting the growing immigrant populations of the United States and the world at large. She has become a champion for the rights of immigrants, refugees and those seeking asylum, and her work inside and outside the law school has reached as far as the Middle East, Central America and Africa.

McKanders will broaden her knowledge and experience even more when she spends the 2011-12 academic year at University of Mohammed Souissi-V, a Moroccan university, on a Fulbright Fellowship. She will teach courses in Comparative International Refugee Law and Forced Migration of Africans in the Diaspora at the University of Mohammed Souissi-V in the capital city of Rabat. She also will make a presentation at the university in December on the forced migration of females at a conference that will include representatives from the European Union.

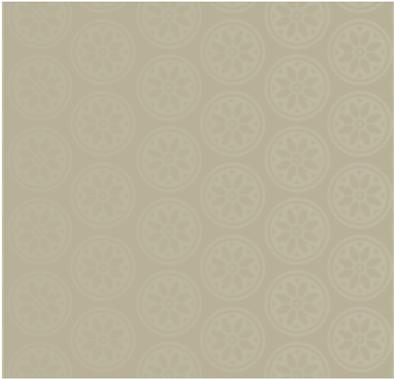
Located on the northwest corner of Africa, Morocco is just a short ferry ride from Spain. "A lot of immigrants and refugees try to cross over into Spain from there," McKanders said, "so it is a good place to teach and study about migration and refugee issues."

Through extensive research in conjunction with the American Bar Association last year, McKanders learned of the need to train Moroccan lawyers and law students in refugee issues, and she embraced the opportunity to enhance her interest in human rights.

"I can remember as early as 8 years old wanting to advocate for other peoples' rights," she said. "I watched movies like 'Eye on the Prize' and read books on the civil rights movement and different civil rights leaders."

It all came together in the fall of 1998 during a study abroad program in Strasbourg, France, when McKanders worked with refugees from Afghanistan, Kashmir and Mauritania as well as a number of Africans who had migrated to France. "I was able to make the connect between what I had learned growing up on civil rights to a much larger human rights context," she said.





In 2006, McKanders became a Reuschlein Clinical Teaching Fellow at Villanova University where she worked with Asylum, Refugee and Emigrant Services, which handles asylum cases before immigration judges, asylum officers and the Board of Immigration Appeals. She joined the UT clinical faculty in 2008.

At UT, McKanders' students have helped Knoxville-area immigrants with issues such as how to deal with the police, landlords and leases, and domestic violence for women. Law students have conducted "Know Your Rights" seminars for immigrants and refugees. Third-year students have traveled to Memphis to advocate for clients, and during the fall of 2010, McKanders and a 2L student spent several weeks in Swaziland, Africa, as part of an international leadership exchange.

[For Prospective Students](#)

[For Current Students](#)

[For Alumni and Friends](#)

[Academic Policies & Curriculum](#)

[Administration](#)

[Career Center](#)

[Center for Advocacy & Dispute Resolution](#)

[Center for Entrepreneurial Law](#)

[Clinical Programs](#)

[Faculty Information](#)

[CLE Programs](#)

[Law Library](#)

[Mentoring Program](#)

[Moot Court](#)

[Publications](#)

[Directory](#)

News & Events

The Letter of the Law



By Tanya G. Brown

When students walk into many of the transactions and business law courses taught at the University of Tennessee College of Law, the reading they've done to prepare will all pay off.

It will also have been written by one of their professors.

Professor George Kuney recently published three books and has several more in the works. Kuney, who leads the Clayton Center for Entrepreneurial Law, said writing the text books for his courses spares students extra work in the long run and makes for a richer learning environment.

"Have you ever had a professor assign a book, and then you do the reading and realize that 20 percent of it they never touch on or pay attention to?" Kuney said. "I'm writing the book for the teaching, so there's no wasted time and no wasted effort. All the material is fair game and it all makes sense."

Kuney, who published the third edition of "The Elements of Contract Drafting, with Questions and Clauses for Consideration," from West Publishing recently, focuses on the mechanics of how contract law, a basic 1L course, is applied and functions in real contracts used in commercial transactions nationwide as well as legislation. Students learn the law from examples of real commercial leases, sale agreements, intellectual property licenses, security documents, and settlement agreements.

The book forms the core of the 2L and 3L contract drafting course at UT Law. Approximately 12 sections of the class are taught to small groups of students, normally no more than 12, annually.

"About 50 to 65 percent of the material for the Contract Drafting course comes from the book," Kuney said. "The rest comes from the biggest asset we have in our pursuit of teaching law as a blend of substance and skills, ethics and professionalism—our adjunct professors, who draw on their practice experience and put in countless

hours teaching and then reviewing and commenting on student work product.”

In “Contracts: Transactions and Litigation,” a case book, also in its third edition from West, which Kuney published this year with Professor Robert Lloyd, the men take a different approach to teaching the subject matter than can be found in most other case books already on the market.

Many case books are designed to have students theorize about what rules apply to each particular case. Kuney prefers to spend more time in the application of law, rather than theory, teaching students the rule of law so that they may apply it not only to current cases, but understand how it might apply to new scenarios in which no decision has yet been rendered.

Many contracts case books are designed to foster deductive reasoning—deriving legal rules from a selection of cases about an issue—and to have students theorize about what rules apply in a given situation. Kuney prefers to spend more time in studying the application of law, teaching students the rule of law so that they may see it applied in the book’s cases and then work on applying it themselves in a series of problems that follow.

“We don’t engage in hide-the-ball techniques in our book,” he said. “It starts out with a discussion of applicable rules, and the cases are used to illustrate those rules in application. Then we focus on the problems, and relating the law and the facts in those problems to determine what is the correct result, why, and what facts would change that result. The book also has practical tips and focuses on contract principles, both from a litigation perspective as well as from a transactional, preventative perspective.” The approach works not only for UT Law, but for the other law schools that have adopted the text thus far.

In addition to books written directly for the law curriculum, Kuney also published “Mastering Bankruptcy” and, with his wife, Donna Looper, an adjunct faculty member and an attorney, “Mastering Intellectual Property,” “Mastering Legal Analysis and Drafting,” and “Mastering Appellate Advocacy and Process,” secondary source books previously published by Carolina Academic Press.

Later this year and next year, students and practitioners will find more books authored and co-authored by Kuney on the shelf. He has five other books in various stages of development, including: an e-book and case file involving the overlap between copyright and contract law; a co-authored text on corporate reorganizations; a contribution to a casebook on corporate finance; an introductory e-book on the civil and criminal justice system; and, with long-time Adjunct Professor and recent Visiting Professor Brian Krumm, a primer on clinical representation of business enterprises that builds upon the successes of the college’s Representing Enterprises course and the business law clinic at UT Law.