Supreme Court Justice Antonin Scalia Visits UT Law

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To paraphrase the Chinese proverb: “May you teach in interesting times.” We do. As Glenn Reynolds so effectively outlines in this issue, these are very challenging times for legal education. The job market remains tight and applications continue to decline. Pundits across the country raise concerns over cost, value, and the relevance of the education law schools provide.

While everyone at the College of Law understands the challenges, we are excited about the future and our ability to meet those challenges. And with good reason: We are a terrific value. We teach and train future lawyers at a very reasonable price. Our education program has been built on a strong foundation of innovative experiential learning. In 1947, Dean William Wicker and the six members of the faculty took the bold step of luring Charlie Miller away from Duke to start the UT Legal Clinic. In the words of Dean Wicker, the faculty were “pioneers in bridging the gap between theory and practice” with creation of the clinic. Standing on their shoulders, we continue to provide students with a wide variety of opportunities to apply what they learn in the classroom in practice. As Charlie once wrote, “To study the phenomena of law without books is to sail in an uncharted sea, while to study law without clients is not to go to sea at all.”

But having a strong foundation is just the start. Our faculty, as this issue illustrates, are working hard to remain at the cutting edge of legal education. We have significantly expanded our clinical program to include clinics focusing on business transactions, estate planning, and immigration. We now offer sophisticated courses in transactional tax planning, e-discovery, and corporate restructuring. We provide our students with a wide range of international opportunities, including the chance to study abroad or an opportunity to negotiate with Chinese law students by Skype and e-mail. To add to learning experience, we continue to attract the leaders of our profession, like Supreme Court Justice Antonin Scalia, to speak to and interact with our students and faculty.

While we continue to move forward, we also say goodbye to faculty members that have helped get us here. In April we celebrated the remarkable careers of professors Jerry Black and Carl Pierce, who retired at the end of this academic year. Jerry and Carl personify the best in our faculty—a faculty committed to improving our profession.

So while the times are indeed interesting, the college is meeting the challenges head on. We are constantly rethinking our curriculum and our teaching methods, researching critical issues, and striving to better serve our students and our profession. But we are always mindful that we are following in the footsteps of Jerry Black, Carl Pierce, Charlie Miller, and many others. And UT Law will continue to lead the way for other law schools to follow.
Legal Education
It’s not like “The Paper Chase” anymore

Now more than forty years old, the movie The Paper Chase—and the hit television series that it spun off—still embodies the way many people think of legal education. But for better or worse those days are long gone. Today’s law students have to deal with a world in which legal education is more expensive—and high-paying jobs are scarcer—than they were back then. That’s also true of the law schools where they are trained.

The movie opens with an enormous classroom, holding a large number of students anxiously awaiting the arrival of Professor Kingsfield, who proceeds to perform what he calls “brain surgery” using no more than Socratic dialogue and a chalkboard. The students are anxious to make good grades, because with good grades they can get jobs at big law firms on Wall Street and elsewhere, where the pay is high and making partner is a guarantee of lucrative lifetime employment.

Today, many classrooms with a Socratic instructor up front are out of style, the high-paying jobs at big law firms are less common than they were back then, and making partner at big firms is no longer any guarantee of lifetime employment. Big law firms are under pressure as clients push to cut costs, and that means leaner operations and less hiring, and those pressures are filtering down to all levels of the legal market. About the only thing that hasn’t changed is students’ desire to make good grades. still, it’s pretty clear that the golden age of law and legal education, which ran roughly from when the Cravath firm jacked up associate salaries in 1968 to just about exactly forty years later, is over. The future of legal education will involve a closer attention to costs—here at UT Law, we’re freezing tuition and actually hoping to push it down—and greater effort to produce students who are ready to practice law when they graduate. For students, it will also mean more entrepreneurial. In Kingsfield’s day, good grades meant a slot at a big firm for life. Nowadays, even for people who start out at big firms, a legal career means more than simply putting in your time. Giving students the skills and self-confidence to navigate a changing workplace during the course of their entire career is now a key part of legal education. How will it all end? I’m not prophetic, but I wouldn’t be surprised if legal practice in the twenty-first century comes to look more like legal practice in the nineteenth and early twentieth centuries. Big firms got bigger because of economies of scale: the ability to share resources like libraries, office electronics, and support staff across larger numbers of lawyers. But now technology has made legal research portable and inexpensive, while voicemail, word processors, and e-mail have largely replaced secretaries. Smaller, nimble, and cheaper practices may have a real advantage in that sort of environment. And law schools may have to become nimbler, and maybe even smaller, as well. Fortunately, that’s an area where UT Law and our graduates have an advantage.

By Glenn Harlan Reynolds
**Firm Foundation**

Most alumni will agree they had similar law experiences. They were introduced to the legal method and took a single exam in most classes. They learned the law and started to “think like a lawyer.” Some have fond memories of this experience, while others do not.

The Academic Standards Committee has studied the first-year curriculum for two years and is preparing a proposal of possible changes to the 1L curriculum. The committee wants to make what works but make improvements to better prepare students for practice. By the end of their 1L year, students should have a solid foundation for upper-level classes, clinics, externships, and law-related jobs, which includes knowledge of the core areas of law and the skills and values necessary to be an effective lawyer.

**Hi-Tech Study**

The College of Law boasts a long tradition of embedding practical, experiential learning in doctrinal course offerings, and today, technology frequently plays a pivotal role. Public Access to Court Electronic Records (PACER) is a web-based system that allows users to obtain information concerning federal courts. Professors George Kuney and Brian Krumm and adjunct professor Donna Looper are using PACER to enhance learning by producing texts for students to link to the system's database of source documents, including opinions, pleadings, and other court documents. This empowers students to investigate cases themselves and produce a descriptive and analytic text of their own, supported by primary source documents. The linked texts developed by UT Law faculty are available on their law courses' Canvas course sites and casebooks that contain only the often conclusory opinions of appellate courts.

Students also use PACER to prepare case studies in professor Brian Riser's Cases, Acts, and Complex Litigation course, which blends theory and practice. Students study topics related to the special problems that arise in large-scale litigation involving multiple claims, parties, and jurisdictions. At the beginning of the semester, teams of two or three students choose modern complex litigation to study—a book about antitrust litigation and NFL players' concussion injury litigation. Students fully analyze a case, study analyzing their litigation using primary source documents found using PACER. Students produce briefs, articulate their law, session, and written exam opinions of the complex elements of their litigation and legal analyses of the cases, applying doctrine they have learned in class.

Elsewhere, UT Law students are getting firsthand experience in the law and technology of e-discovery to prepare for modern litigation practice. In professor Paula Schafer's e-discovery and pre-trial litigation classes, students act as lawyers in a complex legal dispute in the case have thousands of electronic documents that are the subject of discovery. In the course of the semester, students conduct a Rule 26(f) conference (in which they make an e-discovery plan), draft requests for production of documents, use Relativity software to review and produce electronic documents, and prepare a privilege log. The hands-on e-discovery experience is made possible through a partnership with its Data Services, which provides free software, training, and support for the class.

**Volunteer Spirit**

Civility in the bar. Professional development. Academic success. Responsibility to the public. These issues are the subjects of conversations across the country in law firms and law schools.

UT Law provides opportunities for students, alumni, and partners to pursue these aspirations through its pro bono and professional mentoring programs. The importance of public service is impressed upon students as one of the most important parts of the legal profession. The pro bono program has experienced a renaissance in the last few years, with projects like UT Vols for Vets (military pro bono), Pond Gap Elementary School know-your-rights presentations, Volunteer Income Tax Assistance, legal advice clinics, agricultural law, and a robust Alternative Spring Break. For each of the past three years, UT Law students have dedicated more than 5,000 hours of pro bono service.

Through the mentoring program, UT Law is expanding its role in the preparation of students to become active, professional, responsible, and contributing members of the legal profession. The program provides a format whereby students can engage with attorneys to discover what life as a lawyer is really like. The program also allows attorneys to gain new perspectives while encouraging students to develop their goals and aspirations. Evaluations demonstrate that mentored students experience a tangible difference in their attitudes, views, and goals.

**Lawyers as Leaders**

In 2012, Dean Doug Blaze and Buck Lewis ('80) decided to look beyond books to create a course that shared with students the first-hand experiences of leaders in the field. The course, Lawyers as Leaders: Becoming a Leader and Leaving a Legacy, was developed to allow faculty—along with an adjunct law professor and a professor from the College of Business Administration.

Study abroad, curricular, and extracurricular programs enhance the college's ability to meet the challenges posed by the inexorable march toward global law practice. UT Law is involved in programs in England, Brazil, and China. Students also participate in the Philip C. Jessup International Law Moot Court Competition, and the International Law Society supports and promotes many international law activities.

Many faculty members engage in international and comparative law scholarship and travel the globe to teach, research, or present. Several faculty members have won Fulbright Distinguished Awards in Teaching.

**Global Legal Education**

While Knoxville is not a major international port or center of international commerce, the college understands its obligation to educate students as part of the global legal community. The college, faculty, and students (with the support of administrators, staff, alumni, and members of the local bar) are meeting the growing practice demands originating from the ever-smaller world in which we live.

Courses on traditional and innovative international law as well as clinical and seminar courses in immigration, international human rights, and refugee law provide an important core to the global law curriculum. Students also take courses on international business transactions and property law. The college recently began offering a cross-border mergers and acquisitions course taught by twelve members of the faculty—along with an adjunct law professor and a professor from the College of Business Administration.

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**Career Focus**

The employment landscape for law graduates is changing. The traditional metaphor of a career ladder is morphing into more of a career lattice—lateral movement across job settings and organizations. Just as organizational patterns are changing, so are the career aspirations of today’s law students.

Many students are open to and actively seeking jobs that offer flexibility as their interests and skills evolve. Students are reasonably accepting short-term or project-based jobs. With these career challenges, law schools are expected to prepare students to retain themselves to keep pace with the rapid evolution of legal services.

In order to make UT Law graduates as successful as possible, the Career Center has put into place a Career Competency Framework that will help 2Ls and 3Ls align and organize their co-curricular learning experiences with skills that employers seek. The goal of this program is to expose students to career competencies and learning objectives, helping them make sound career decisions and develop professional behaviors that complement the substantive skills they learn in the classroom.

Learning objectives are mapped to “vocers,” or opportunities through programs and initiatives like traditional classes and experiential learning opportunities (clincs, publications, moot court, internships, externships, JDs, and career development activities. The Career Center staff collaborated with employers for more than a year to define a set of competencies that will be updated through continual feedback. This model will complement our long-standing One-L Career Integration Program, which is based on assessments that help students identify and articulate their skills and interests, and career and job search training events provided in sequentia format and guided by the hiring patterns and timetables for internships.

Ninety-five percent of alumni surveyed agreed it would be positive to add more hands-on exercises and meaningful feedback on their work to give them further direction for improvement.

The hands-on e-discovery experience is made possible through a partnership with its Data Services, which provides free software, training, and support for the class.

**Feature**

If you have suggestions for the first-year curriculum, e-mail Paula Schafer at paula.schafer@utk.edu.
US Supreme Court Justice Antonin Scalia gives Rose Lecture

“Any judge who likes the opinion he arrives at in every case is a bad judge—because the law is not supposed to be what you’d like it to be; it’s supposed to be what it is.”

This credo, says US Supreme Court Justice Antonin Scalia, guides his originalist view of the Constitution: A judge’s role is to uphold the law, not to create or change it. As he spoke to the UT community April 15 during the annual Rose lecture, Scalia shared a prime example of his role as an originalist: his vote in 1989’s Texas v. Johnson upholding the constitutionality of flag burning. Regardless of his personal opinions, Scalia said he voted according to his judicial interpretation of the First Amendment as it was originally written.

“The Constitution is not a living organism,” he said. “It’s law.”

During his visit to UT, Scalia also met with students and faculty of the College of Law, signed copies of his books, and talked to students in two classes: Constitutional Law and Advanced Appellate Advocacy. And before heading home, he had a chance to taste some local Knoxville flavor at Sweet P’s BBQ.

President Ronald Reagan appointed Scalia to the US Supreme Court in 1986. As the longest-serving justice currently on the court, he is the senior associate justice.

Scalia visited UT in 1990, making this his second visit to the university. He is the third sitting Supreme Court justice to visit UT in four years. The College of Law hosted Associate Justice Elena Kagan in 2012 and Associate Justice Clarence Thomas in 2010. In addition, retired Associate Justice Sandra Day O’Connor visited UT in 2008 to help open the Howard H. Baker Jr. Center for Public Policy.

Born in Trenton, New Jersey, Scalia received his bachelor’s degree from Georgetown University and the University of Fribourg, Switzerland, in 1957 and his law degree from Harvard Law School in 1960.

He was a Sheldon Fellow of Harvard University (1960–1961) and practiced law in Cleveland, Ohio, (1960–1967). He was a professor of law at the University of Virginia (1967–1971) and at the University of Chicago (1977–1982). Scalia was a visiting professor of law at Georgetown University and Stanford University.


Scalia was appointed judge of the United States Court of Appeals for the District of Columbia Circuit in 1982. In 1986, President Regan nominated him as an associate justice of the Supreme Court, and he took his seat on September 17, 1986.

The Rose Lecture is made possible through the generosity of Richard Rose ('74) of Coats, Rose, Yale, Ryman & Lee in Houston, Texas.
A Lawyer & a Gentleman

By Jennifer Stewart

Which do you think is harder: making it through law school or training to be an officer in the US Marines? To become a judge advocate in the United States Marine Corps, you have to succeed at both, something four driven and patriotic UT Law students know very well.
**It isn't an easy path.** Captain Nathan A. Skopak, selection officer for the judge advocate general (JAG) recruitment station in Nashville, tells starting applicants that they “have an honest shot of one in one thousand” of actually making it all the way to serving as a judge advocate. “People's shots are so slim,” he says, “because as a Marine, they are forced to meet the same physical, mental, and academic standards as all other officers.”

In their journey to become judge advocates, students William Bateman, Harris Laughrey, Marc Napolitana, and Zach Poteet first had to be accepted to Officer Candidate School (OCS) and meet its incredibly competitive standards. Now they have to excel in their law studies and graduate from UT Law.

“We frequently encourage our students to explore military options,” says UT Law Dean Doug Blaze, “because they have a unique opportunity to get very specialized training—specifically, trial and courtroom experience.”

After graduating, the men will complete six months of training at the Marine Corps Basic School and will require further specialized training after that.

Second Lieutenant William Bateman says Officer Candidate School was “the most intense, difficult ten weeks of my life...I thought about quitting every day.”

Second Lieutenant Marc Napolitana says he had a rude awakening when he learned just how hard it was going to be. “I saw it as an internship,” he says. “I thought, yeah, I'll go play Marine for a bit. I hated it during my first increment and wasn't planning on going back.” Still, Napolitana finished first in his platoon. “I was focused and determined. I don't know what I would have done if I hadn't made it....OCS taught me how to perform under pressure, and that's what I'm most thankful for.”

“Second Lieutenant William Bateman

“...You either love it or you don’t,” says Second Lieutenant Harris Laughrey, “but you just have to wake up and smile, because if you start getting down on yourself it's just going to be miserable. Their job is to break you, so your stress is extremely high, and if you can't keep a positive attitude, you're screwed.”

Candidates go to OCS for either two six-week periods during consecutive summers or for one ten-week stint. Candidates are subjected to long hours, average about six hours of sleep a night, receive basic (at best) food, and are given little time in which to consume it. They endure enormous physical and mental challenges. The dropout rate is high. On the Marine Corps website, reduced to bare essentials, the site lists this: “Physical and mental toughness, moral courage, unselfishness, teamwork, commitment, and a belief in yourself are essential at OCS.” Unlike in other branches, the enlisted—men and women whom the officers will immediately outrank the moment they graduate—help train the candidates. As Bateman explains, it’s a system that “trains the best officers possible.”

But in the era of two long, foreign wars, what made these four students decide a military career was the right choice for them? There's no simple answer; they each came to the decision in different ways, and they are from very different backgrounds. Napolitana was a sophomore at Boston College when he opened a mass e-mail about an information session with the Marine Corps.

“I was a cocky sophomore and I thought, yeah, I could do that,” says Napolitana. “I was one of only two kids at that info session.”

Bateman, on the other hand, is a Tennessee native who admits that he still sometimes questions his decision and that “fitting in to the Marine Corps mold is hard.” But, he adds, “Whatever decision you make, you just have to go forward.”

Laughrey, who was born in Florida but spent most of his childhood in Tennessee, says his grandfather, a Marine in World War II, was a huge influence on him. “Seeing my grandfather, his values, and especially his work ethic” helped him make the decision. Laughrey also has two older brothers: one in the Air Force Academy and one who graduated from Vanderbilt and entered the Navy. He admits he changed his major six times during his freshman year in college, but once he went to OCS, he knew exactly what he wanted to do. “Maybe the Marines isn’t the most well funded branch,” Laughrey says, “but I like the objective that you have to get the job done no matter what.”

Zach Poteet, a Tennessean and an undergrad UT alumnus, says he considered both officer school and professional school and explored all of the different branches of the military before making his decision. “From my research, there was a huge difference between the branches. In the Marine Corps, you’re a line officer first and then you’re a lawyer. The camaraderie, the brotherhood—the whole ethos is different.”

As he and each of these gentlemen explained in detail, in the Marine Corps, they are judge advocates, not judge advocate generals. The difference is significant: As judge advocates, they can be deployed. The men are not shy about the possibility—in fact, the probability—that they will see combat. Napolitana is excited that he’ll “be a Marine who happens to practice law, whereas in the other branches, it can seem as if you are a lawyer who happens to wear a uniform.”

The pride with which these men speak of the day they finished OCS is a clear indicator of the dedication they have toward their goals.

“When I graduated college, my mom was happy, but when I graduated OCS, I’d never seen her cry like that,” says Poteet. “It was the proudest day of my life.”

“I'm doing this because I want to be a better leader for our future, and I think you need to serve before you can lead,” Bateman says. “I want to know how to lead and to serve.”

Blaze says UT Law is developing more training opportunities designed to improve students’ leadership skills, including the new course Lawyers as Leaders. “Improving leadership skills isn’t something law schools historically focus on,” he says, “but these men recognized early on their need to become leaders and sought opportunities in that area. I think it’s exceptional.”
Cherokee Nation

With more than 13,000 enrolled members, the Eastern Band of the Cherokee Indians resides in the mountains of western North Carolina on 56,000 acres of land. The members are descendants of the Cherokee who avoided the tribe’s forced removal to Oklahoma, known as the Trail of Tears.

The sovereign nation is controlled through a charter and a constitution jointly developed from North Carolina codes and federal codes and through legislation written and implemented by the elected Tribal Council.

Five College of Law students spent their spring break with the tribe’s attorney general researching legal issues and helping shape new laws to govern the tribe.

On the first official day of spring break 2014, I set out for Cherokee, North Carolina, with four other law students to participate in my third and final Alternative Spring Break (ASB) project as a law student.

The College of Law’s ASB program gives law students the unique opportunity to apply the principles and skills learned in law school in a practical and beneficial way. This year, under the leadership of the Pro Bono program’s student director, Brooke Boyd, and staff advisor, Brad Morgan, the ASB program was able to expand its operation to include new projects and new cities, including Cherokee.

Our client in Cherokee was the Eastern Band of Cherokee Indians (EBCI), the only federally recognized Indian tribe in North Carolina. When we arrived in Cherokee, EBCI’s attorney general, Hannah Smith, greeted us warmly. After learning more about the tribe, we spent the remainder of our time researching various legal issues important to the Eastern Band.

Work with the Eastern Band was especially challenging since it is a sovereign entity with its own laws. This meant that in order to assist EBCI, we were required to research a body of law that we had not yet encountered. By the end of the trip, we were conducting legislative research that would help shape the development of new sets of laws within the EBCI boundaries. Participation in legislative research and drafting for the Eastern Band allowed us to contribute in a way that might have a long-term effect and outlast our short stay there.

Over the course of four days, we collectively contributed a total of 150 hours of service to the EBCI. In addition to legislative research, we drafted five separate memoranda on legal issues important to the tribe. Our research involved topics like mental health codes, child welfare laws, the constitutionality of the tribe’s government structure, and the legality of the Eastern Band’s school hiring policies. Through our research, we were able to learn more about the rich history and culture of the EBCI as well as its most pressing legal issues.

The work we did also provided us an opportunity to supplement our legal education with practical experience. Matthew Sipf, a first-year law student who also made the trip, later said to me, “Law is not practiced in a vacuum, and this trip was a perfect example of that. I learned that it’s necessary to be creative when working on legal problems. Answers are not black and white, and it’s important to look at issues with an open mind.” This is the sort of professional development that is more difficult to obtain in a classroom setting and one of the reasons that ASB projects are so beneficial to us as students.

In the end, though, the most rewarding aspect of the trip was not the professional development and learning experience that we would take with us; it was the tangible benefit to EBCI that we left behind. Though it may not be the traditional way to spend a spring break, we made the most of our time away from the classroom by immersing ourselves in a new culture and working for the material benefit of the people we met there.

What began as a modest undertaking with eight students and two projects in 2011 has grown into a robust undertaking consisting of twelve projects and sixty student volunteers. During this year’s Alternative Spring Break (ASB), students from the College of Law logged 948 hours of pro bono service, served fifty-four individuals, and completed more than a dozen legal memoranda that will be utilized by various legal service providers throughout the Southeast.

Each year student interest in ASB grows, and the number and breadth of projects increase. This year’s projects included Vols for Vets, Medical Legal Partnership, Agricultural Law, CASA, Legal Aid of East Tennessee Research, Pro Se Divorce Clinic, Eastern Band of Cherokee Indians Project, Environmental Law Project, LGBTQ Project, Citizenship Project, and Guardian ad Litem Project. The program is always open to new ideas and support.

To get involved or to support ASB, contact Brad Morgan at rmorgan2@utk.edu.
JERRY BLACK

Soon after graduating from Vanderbilt’s law school in 1968, Jerry Black was given his first client and immediately realized that his law education hadn’t prepared him to actually practice law. The experience changed the trajectory of his career and set him on a path that led him to UT Law.

“In law school, they didn’t have a clinical program and you got all of the facts out of the book,” Black says. “All of a sudden I was supposed to know how to relate to this person to get the facts I needed, and I just froze when that first client came in.”

Fortunately, an experienced law professor offered to assist Black, but the experience shaped his mindset over the following decades. When Vanderbilt started its legal clinic, Black readily accepted an offer to return and help lead the program, giving students the real world knowledge and experience he lacked upon leaving law school.

When a position opened up at the UT College of Law in 1975, Black was eager to be part of the legal clinic that had been in operation since 1947. More importantly, though, UT was taking an approach that was different from law schools at the time.

“They were way ahead of the curve,” Black says. “At that time, there were very few schools that gave academic credit for clinical teaching. The prevailing view at the time was, ‘Law school is not a trade school. It’s here to teach you to think like a lawyer. You learn to do like a lawyer out in practice.’”

Since joining the faculty nearly four decades ago, Black has been an integral part of UT’s clinical program and has served four times as director in addition to helping establish the Knoxville Legal Aid Society.

“UT’s legal clinic has always ranked in the top twenty-five and always in the top ten public schools,” says Dean Doug Blaze. “In large part, that’s due to Jerry Black’s work.”

Throughout the years, Black has proved himself to be not only a strong mentor to students, but also a passionate advocate for his clients.

“He was the faculty member most likely to be held in contempt by a judge,” says Blaze. “He is such an incredible advocate, and he does everything he can for his clients.”

“I believe that if you really are an advocate for somebody and you stand up and fight for them, then you have an opportunity to really change their life,” says Black, who has done so through his work with the clinic and with public defenders—sometimes on criminal and death penalty cases.

He has received numerous awards for his work, including being honored by the Tennessee Association of Criminal Defense Lawyers in 2003 for his lifetime contributions to criminal defense education.

It’s this conviction that has perhaps been Black’s greatest influence. “His students just see how much he cares about providing the absolute best representation for his client,” Blaze says. Many former students, while working on cases, will ask, “What would Jerry Black do?”

With his retirement in May, Black has capped a career spanning thirty-nine years of teaching at UT. He’s looking forward to spending his retirement working outdoors at his fifteen-acre home and traveling. But he’s most excited for the time he’ll spend with his five grandchildren—all under the age of five.

CARL PIERCE

The Big Apple was certainly looking like home for Carl Pierce, who was fresh out of Yale Law School in 1972 and preparing for a job at a Wall Street law firm. He had no thoughts about teaching until he met Ken Penegar, then the dean of the UT College of Law.

If nothing else, professors Jerry Black and Carl Pierce share one thing in common: They love the College of Law. Look no further than the thirty-plus years they each have dedicated to the college, its students, and the law profession. The UT Law family honored these legendary professors at a joint retirement celebration in April. Here, we take a look at their storied careers.
Pierce heard about UT Law’s increasing enrollment and the need to expand the faculty. The school had only fifteen faculty members but was planning to more than double that over the following three years—and they needed every subject area to be taught.

“It sounded exciting,” says Pierce. “Very ambitious for the school.”

Pierce arrived at UT in June that year as assistant dean and an assistant professor. “Some folks thought it was a big deal that I was an assistant dean,” he says. “But I call that the price I had to pay in order to get the assistant professorship.”

His teaching led to working with practicing lawyers and eventually to serving as reporter for the Tennessee Bar Association’s revision of the Rules of Professional Conduct for Tennessee Lawyers. He went on to do the same work for the American Bar Association, where his work would influence the profession throughout the United States. He later chaired a state Supreme Court task force on access to justice that is now a Tennessee Supreme Court task force on access to justice.

Pierce says he always enjoyed the opportunity to work closely with practicing attorneys. “Maybe it’s because I never practiced [that] I’ve always had great respect for those who do, and I value what they do and I enjoy working with them.”

“I think sometimes people don’t realize how influential Card has been over the years,” says Dean Doug Blaz. “Carl has worked with the ABA, the Tennessee Bar Association, and some of the task forces created by the Supreme Court, but he’s also served as an expert witness in a number of cases.”

Pierce’s influence on the profession extends even further through the textbook Professional Responsibility in the Life of a Lawyer, which he wrote with fellow faculty members Judy Cornett and Alex Long.

He also has received numerous awards, including the Tennessee Bar Association President’s Award for Outstanding Service, of which he is particularly proud, because it was “practicing lawyers recognizing the contribution of a law professor to the practicing bar.”

From 2009 to 2012, Pierce served as the director of the Howard H. Baker Jr. Center for Public Policy. He returned to teaching at UT Law this past year after attending a law school graduation and realizing that he hadn’t taught a single student who crossed the stage. He now splits his time between teaching and doing research about Senator Baker’s career.

Though Pierce says the most important aspect of his career has been teaching, he’s also placed a high importance on keeping up with what was going on in the practice of law. His close work with practicing attorneys, often through teaching continuing legal education, is something he attributes to his capacity to be a good teacher. As attorneys asked questions of him pertaining to their cases, he’d become aware of issues that he could then speak about with his law school students.

Pierce has a busy retirement in store for him. He will continue his research on Senator Baker, spending time in the National Archives in Washington, DC.

He’s also looking forward to traveling, enjoying time in the National Archives in Washington, DC. “Springtime for Freedom of Religion or Belief: Will Newly Democratic Arab States Guarantee International Human Rights Norms Under Violation?”—is featured in State Responses to Minority Religions, edited by David Kirkham and released by Ashgate Publishing.

Judy Cornett spoke to the Oak Ridge chapter of the Tennessee League of Women Voters about judicial selection in Tennessee and the demise of Tennessee’s merit selection process for appellate judges. She has been named to the Tennessee Steering Committee for the National Association of Women Judges: “Informed Voters, Fair Judges” project, a non-partisan effort by a law enterprise developed to increase citizens’ knowledge of the judicial system. Cornett has also been named to STRIDE@UT, a university-wide faculty committee designed to educate faculty about issues of diversity in university hiring and retention.


Amy Hart participated in the Fall Leadership Conference of the ABA Real Property, Trust, and Estate Section, held in New Orleans.

Michael Higdon’s latest article, “Marginalized Fathers and Dismantled Mothers: A Feminist Look at the Reproductive Freedom of Unmarried Men,” has been accepted for publication in the Alabama Law Review. In addition, his article, “A Place in the Academic Classroom: Civilizing and Socioeconomic Bias,” has been published in the St. John’s Law Review.

Becky Jacobs will speak at the Renewable Energy Generation in South America International Conference, to be held in Florianopolis, Brazil, on the topic “Renewable Energy, Energy Efficiency, and Sustainable Development.” She will spend part of the summer in Rio de Janeiro teaching in Tulane University Law School’s summer abroad program. She also will be a presenter at the University of Detroit Mercy School of Law on the subject of urban agriculture, and she will speak at the Association of American Law Schools Conference on Clinical Legal Education in Chicago.

Lucy Jewel gave three presentations at Michigan State University College of Law, where she served as a legal
communication and rhetoric visiting scholar. She presented “Categories and Cognitive Rhetoric: The Relevance of Logos” at the Law and Psychology Conference at the University of Nevada, Las Vegas. Law and Psychology Conference, and she participated in a workshop at the University of Baltimore on the relationship between contemporary cognitive science and classical rhetoric as they interact and influence each other. Jewel will present “Internet Culture, Social Media, and the Law: 2017—In Retrospect” at the International Legal Skills Conference held by Bahcesehir University, in Ankara, Turkey, and “Re-imagining the Practice of Law through the Lens of New Media Culture: The Indie Lawyer of the Future” in London. Jewel has been invited to present “Cognitive Rhetoric, Categories, and Legal Argument” at the Law and Legal Writing Institute Biennial Conference in Philadelphia.

Professor Emeritus Joe King has published an article, “Whither the ‘Paths of Glory’: The Scope of the Criminal Justice Section’s Sixth Annual Fall Institute Sentencing—Re-entry—Juvenile Justice—Academics Colloquium, held in Washington, DC. She was invited to give a presentation at the Association of American Law Schools Clinical Conference in Chicago. Radice was quoted in the Chattanooga Times Free Press on whether the Hamilton County schools must notify the parents of a child before polio immunization that child is school. She also delivered a presentation, “Pre-Convention DNA Searches, Expungement, and Collateral Consequences of Criminal Conviction” at the Philadelphia Conference in Philadelphia.

Don Leatherman’s paper, “Section 336(e) Elections and S Corporation Taxation,” was featured in the latest issue of the Taxation of Business Entities, a special edition of the Journal of Taxation. Leatherman gave a presentation at the recent University of Southern California Law School Tax Conference in Los Angeles, on the topic “Meet the Old Boss. Same as The Old Boss: Regulations Under Section 336(e) (Mintz 10)” Leatherman gave a presentation at the recent meeting of the ABA Tax Section, held in Phoenix, Arizona, on the topic “Section 336(e) and Bankruptcy Restructuring.” He also spoke at the recent meeting of the Practising Law Institute in Los Angeles.

Alex Long’s article, “Reasonable Accommodation as Professional Responsibility,” has been accepted for publication in the UC Davis Law Review. He will speak on two panels at the International Legal Ethics Conference this summer in London. Long will participate in the panel “Diversity and Inclusion in the Legal Profession: A Question of Business or Ethics?” and will present his paper, “Reasonable Accommodation as Professionalism, Reasonable Accommodation as Professional Responsibility.” An earlier article by Long, “The Business of Law and Tortious Intereference,” which appeared in the St. Mary’s Law Journal, has been cited by the Minnesota Supreme Court.

Karla McKandera’s review of John A. Farrell’s book, Clarence Darrow: Attorney for the Damned,” has been published in the Journal of Legal Education. She spoke on a panel at the National Research Law Schools Conference in Chicago. McKandera also served as a member of the steering committee responsible for organizing the conference.

Gary Pulsinelli was quoted in MetroPulse, which was argued recently before the US Court of Appeals for the Sixth Circuit. Pulsinelli noted that the case is “necessarily resolving the ones it aims to cure. The Second Amendment in the Academy.” Don Leatherman’s article, “The True Value of a Law Degree, or Why Did Thurgood Marshall Go To Law School?”, has been published on the Hastings Law Journal’s online companion, Vor Dire. Stain will give a presentation at this year’s Annual Meeting of the Law and Society Association on the subject “Chinese Real Estate Law: Conflicts between Published Laws and Practice.”

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Designing a dream life

Attorney Dan Ricketts (’92) puts his legal training to use in an unexpected way

By Kim Medaris Delker

Dan Ricketts doesn’t like to get bored. If he spends too much time doing the same thing, you can count on him making a big change.

“I apparently get bored very easily,” says Ricketts. “I think doing something new is the most important thing for me.”

In 2002, Ricketts founded the West Hollywood-based DJR Design Group, a firm that designs commercial and residential building projects. But by looking at his résumé fifteen years ago, you’d never guess that’s what he’d be doing today.

Take his academic career. He earned his undergraduate degree in business at UT in 1985.

Those were the Reagan years, and everyone was very interested in business, so I was influenced by that, I think,” Ricketts says.

After working as a banker for four years, specializing in lending for for-profit health care institutions, he started to get restless. He first considered divinity school but then chose to go to law school—perhaps influenced a bit by the Supreme Court, “When I chose law school, I had visions of working at the ACLU and arguing First Amendment cases before the Supreme Court,” he says.

A bit disappointed with his job search but not ready to give up on a law career, Ricketts got a call from a friend in Los Angeles, who connected him with a job as in-house counsel for a computer company.

“I jumped at the chance,” Ricketts says.

The Tullahoma, Tennessee, native packed his bags for the West Coast in 1992 and hasn’t looked back. He worked steadily as an attorney in the computer and dot-com industry for several years, including serving as senior vice president of administration, senior legal counsel, and director of legal and business for Warenforce.com Inc. Dot-coms were hot, the economy was booming, and life was good for those like Ricketts.

Then, as quickly as it inflated, the dot-com bubble burst. It forced Ricketts into a new direction, one wildly different from law and business.

“I just happened to purchase a house around that time, and I decided to flip it to try to make a profit,” he says.

It just so happened that his flipped house was included in an HGTV show, and from there, he began getting attention in a whole new field: interior design.

SPANNING THE GLOBE

Ricketts points out that he is not a formally trained designer, but he does have a knack for knowing what looks good, as well as an interest in interior design. He even briefly considered a career in the arts at one time. However, it was his initial success in house flipping that launched Ricketts into his current career. Before long, he began attracting clients, which led to the formation of DJR Design Group.

The design group began with relatively small interior design projects, such as kitchen and bath remodeling, but slowly transitioned into larger design projects.

“I met an Indonesian businessman who asked me to do a design on his new house, and from there, we kept getting more projects like that,” Ricketts says.

Now the firm is almost exclusively focused on large-scale design projects, such as luxury homes with futuristic, spacious designs and unique features. His clients span the globe, from Hollywood superstars to wealthy businessmen on other continents. The group’s projects can be found in Los Angeles, New York City, Nashville, Toronto, Montreal, Bali, and Jakarta.

Aside from breathtaking homes, some of the major projects of the firm currently include several Jakarta, Indonesia, projects, including a nightclub that opened in March and an office building.

THE RAINMAKER

Future projects will have Rickett’s group designing the lobby of the headquarters of the parent company of Ferrari Indonesia, as well as the executive floors of the future office building of the carmaker.

Ricketts defines his role in the business now as “the rainmaker.” He says he usually makes the first client contact, and then shifts the project over to the designers, who serve as the project managers.

“We’re getting a lot of referrals from our clients as well as other designers,” he says. “I’d like to eventually be more of a manager and let my staff do the bulk of the work on projects.”

So how does Ricketts know after meeting with a client that the project is a go? Call it intuition.

“I need to walk into the room and I need to see it, visualize it,” he says. “If I don’t click with the client, I don’t accept the job.”

He says the firm has about eight to ten active projects at any one time, with two or three being large projects.

Future plans for DJR Design Group include defining and expanding their role in new technologies, such as social media, as well as getting involved in real estate investment.

“It’s a very profitable way to go to make money for the business,” he says.

NOT FAR FROM LAW

Ricketts says that his legal training may not directly apply to what he is doing now, but it has helped with routine business-owning tasks like reading contracts and evaluating and analyzing clients and business conditions.

But he points out that sometimes things are actually more difficult with a law degree.

For one, he says that being an attorney intimidates some clients. Also, he says his legal background and skill in argument can make him a challenging boss and co-worker.

“We’re taught to be right all the time, and sometimes I go for the jugular on things that don’t amount to a hill of beans,” he says.

He doesn’t actively practice law anymore, but he does keep his legal license current, “because you never know.”

Does he miss the corporate life, wearing a suit, poring over legal documents for hours a day? In a word, no.

“I miss the things I haven’t done, not the things I’ve done,” he says.

Ricketts says new things inspire him, and although his record thus far has been to change careers about every decade, he has no plans to do so at the moment. That doesn’t mean he’s done learning and exploring.

“I never want to regret not doing something.”
By Jason Colliver

From Music to Law and the In-Between

Music is in Jeff Carter’s (’10) blood. After all, he comes from a family of musicians, including a father who was involved in every aspect of the industry and a sister—Deana Carter (’89, EHH)—who has had three number-one hits. Though Carter has been a musician for most of his life, it turns out there was something else in his blood, too: a love for the law.

As a teenager, Carter had dreams of going to law school. “But I was always playing guitar, writing songs, and I kept getting asked to go on the road,” he says.

The list of people he has performed with is a veritable who’s who of musical legends, including Bob Dylan, Brian Wilson, Charlie Daniels, Keith Urban, and Jake Owen. Tours often landed him on national television and radio shows like The Tonight Show with Jay Leno.

As Carter got older, he came to regret the fact that he hadn’t gone to college. At twenty-nine, he enrolled at Columbia State Community College and then finished his bachelor’s degree in psychology at Middle Tennessee State University in 2007. At MTSU, he kept writing songs and playing guitar but knew he still wanted to go to law school. Carter took a year off from school, took the LSAT, and began applying to law schools.

“I was on the road touring when I got my last acceptance letter from UT Law,” he says. “Once I got it, I knew I had to go there because I love Knoxville.”

Carter knew that he really wanted to study the business side of the law, and when he was able to select a track, he picked a concentration in business transactions. While Carter studied law, the record industry began to decline. Many of his friends lost their jobs and the attorneys involved in the music industry started practicing in other areas of the law.

“A musician’s life looks like a glamorous world,” says Bo Goldsen of Criterion Publishing, “but it’s kind of slim on the topside.”

While at UT Law, Carter was a publishing member of the Tennessee Law Review, an acknowledged contributor to George Kuney and Brian Krumm’s The Entrepreneurial Law Clinic Handbook, and a graduate with honors. “I owe a lot of credit for my success to the excellent faculty and staff of the law school,” says Carter.

“He may come from country royalty, but you would never have known it,” says Sheryl Branson in the UT Law Records Office. “He wanted you to like Jeff, not where he came from or who he knew.”

After graduating from law school, Carter received an offer from the Florida firm Barron and Redding PA in Panama City. His wife is from a small town near Panama City and his family loves the beach. Plus, Carter says, “I can wear flip-flops all year around.”

Carter is currently doing work with intellectual property, copyright, and trademark filings while also doing complex commercial litigation and concert production deals. His musical roots and his legal education give him a unique perspective into the music industry.

“The music business is so different than any other business. You deal with people that really view this as an art,” says Alicia Pruitt of Warner Chappell Music. “So it’s good to have somebody like Jeff who really knows the business side and the artistic side.”

Carter may have taken a winding road to become an attorney, but the knowledge and experience he gained along the way is serving him well. Although he’s a lawyer in Florida now, Nashville and country music remain in his blood. Carter most recently played at the Grand Ole Opry in November 2013.

“I see him being back in Nashville sometime,” says Pruitt. “And we need good honest attorneys in Nashville working with artists. He is one of the best dudes you’ll ever meet.”
CLASS OF 2013
Jessica Jernigan-Johnson has joined the law firm of Bradley Arant Boult Cummings LLP as an associate in the Litigation Practice Group. She holds a JD with high honors.

Elizabeth Sitgreaves is the newest associate at Nashville-based law firm Dodson Parker Behm & Capparella, PC. Sitgreaves graduated magna cum laude and worked with the Tennessee Journal of Law and Policy.

William L. Gibbons Jr. has joined the Memphis office of Wyatt, Tarrant & Combs, LLP, as a member of the law firm’s Intellectual Property Protection and Litigation Service team. He concentrates his practice in the areas of litigation, counseling, and solutions in the areas of intellectual property and complex commercial disputes.

CLASS OF 2007
Henry “Chip” Howes Jr. (JD, MBA, ’07) was recognized for his commitment to serving low-income families, individuals, and children with pro bono legal work by Charlotte nonprofits Council for Children’s Rights, Legal Aid of North Carolina, and Legal Services of Southern Piedmont.

CLASS OF 2006
Miranda Christy, a Slites & Harbison attorney, was honored by the Nashville Business Journal as a 2014 Women of Influence finalist for the Community Supporter category. In its eighth year, the Women of Influence Awards honor women who are making a positive impact in Middle Tennessee. Nominations are received from the public. An independent panel of judges, consisting of previous Women of Influence award winners, selects the finalists in ten categories.

CLASS OF 2004
Dana Dalton is now associated with Leitner, Williams, Dooley & Napolitan, PLLC, as “Of Counsel” in their Knoxville office. She defends cases in many areas of general civil litigation, with concentrations in defense of personal injury and workers’ compensation claims.

CLASS OF 2000
Bradley Cleveland was appointed to the bench in July 2013 as a military trial judge, presiding over Air Force criminal cases.

John R. LaBar recently received the prestigious Martindale-Hubbell AV Preeminent Peer Review Rating in corporate law, business law, and general practice.

Jill Schmidtke, the chief deputy public defender in Newport News, Virginia, will take the top spot at the Hampton Public Defender’s Office. Robert Moody, now one of three deputy public defenders in the office, will replace her in Newport News. Moody will ascend to the chief deputy post, reporting to Newport News Public Defender Ed Webb.

CLASS OF 1999
Heather White was named one of the fifteen most important moms in the food industry by Elizabeth Street.

CLASS OF 1998
Stephen Ragland has been elected a fellow of the American Bar Foundation.

CLASS OF 1996
Robert D. Meyers has joined Glankler Brown as a member. The Tennessee Commission on Continuing Legal Education and Specialization and the National Board of Trial Advocacy certify Meyers as a civil trial specialist.

CLASS OF 1997
William H. Tate, of Howard Tate Sowell Wilson Leathers & Johnson, PLLC, was the winner of the Construction Tennessee Award.

CLASS OF 1995
General Albert C. Harvey is a 2014 recipient of the Pillars of Excellence Award from the University of Memphis Law School. The award recognizes Memphis-area attorneys who have made extraordinary contributions to the practice of law and our system of justice.

CLASS OF 1973
B. Waugh Crigler, US magistrate judge, was celebrated for his career as he retired from the Western District of Virginia. Crigler also clerked for the Honorable Robert Taylor from the Eastern District of Tennessee.

CLASS OF 1974
David Earl Durham, criminal court judge, has announced that he will not seek re-election in August and will retire at the end of his term on August 31. Durham has more than thirty years of public service, most recently as the criminal court judge for the 15th Judicial District of Tennessee. Prior to taking the bench, Durham was the deputy district attorney general, Criminal Division, for the 15th Judicial District.

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Submit a class note and read the most recent updates from fellow alumni at law.utk.edu/classnotes.
Thank you to all alumni and friends who made philanthropic gifts to the college in 2012. They are listed on the following pages. Support from alumni 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.

Every effort was made to ensure the accuracy of this list. Please let us know if you find errors or omissions. Contact Avery, director of development and alumni affairs, at 865-974-0699 or haverg@utk.edu.

Class of 1949
- $11,557.37
  - Roy and Dorothy Crawford
  - Estate of Shirley B. Underwood

Class of 1950
- $1,200.00
  - John T. Cooley
  - Cecil L. Forinash

Class of 1951
- $261,654.73
  - Richard F. Ford

Class of 1952
- $830.00
  - Edward and Patricia Boywid

Class of 1954
- $3,500.00
  - John and Leslie Testerman

Class of 1955
- $2,350.00
  - Richard B. Draper

Class of 1956
- $11,157.37
  - SMP Group Ltd.
  - John A. Turnbull

Class of 1958
- $40,406.68
  - John and Sandy Wade
  - Barbara Hill, BSB

Class of 1960
- $2,350.00
  - Richard L. Wade

Class of 1961
- $830.00
  - Michael J. Schulman

Class of 1962
- $75,400.00
  - Edward and Alison Hershewe

Class of 1963
- $63,461.63
  - William M. Walker

Class of 1964
- $37,890.00
  - William and Sally cabbage

Class of 1965
- $54,750.00
  - John and Hope Williamson

Class of 1966
- $32,461.63
  - Margaret B. Anderson

Class of 1967
- $39,514.07
  - John and Hope Williamson

Class of 1968
- $10,565.00
  - David and Beth Fulton

Class of 1969
- $26,475.00
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Class of 1970
- $15,897.39
  - John and Hope Williamson

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In Memory of... Each year, UT Law remembers our alumni who have passed away. We honor our alumni who have paved the way for today’s students.

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Class of 2012
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Class of 1944
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Allison and James Cardwell
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Class of 2015
Connie G. Trobaugh
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Keshia Williams
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Melanie S. Creech
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Class of 2060
Christopher R. Whittaker
Tennessee Hall Society

From the college’s original building, Tennessee Hall, at the corner of Cumberland and Poplar to our current location on downtown Knoxville, Tennessee Hall is a monument to the college’s beginnings an institution known for excellent legal education.

In appreciation for their support of the College of Law, donors to the 1890 Society are invited to attend a private reception at the school during an annual or established an endowed fund at UT Law, strengthening the college now and forever.

Harold C. Warner Society

Harold C. Warner brought the UT College of Law into our modern history through his leadership as dean. To recognize his work in advancing the college, the Warner Society recognizes a special group of individuals and businesses that have established an endowed fund at UT Law, strengthening the college now and forever.

Donors with commitments of $2,500 or more in 2013

Michael H. Hickey
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Barry H. Ostrowsky
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Carl E. Colloms
Herbert M. Bacon
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E.R. (Buddy) and Lisa Avery
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Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
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$1,000 to $4,999
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THOMAS J. FREEMAN SOCIETY

Mary Elizabeth Abernathy
Anonymous
E.H. and Lisa Averey
Herbert M. Bacon
John A. Albritt

THOMAS J. FREEMAN SOCIETY

The Thomas J. Freeman Society, named for UT College of Law’s first dean, recognizes and honors individuals and families who, through their estate plans, have established a planned gift of any size benefiting UT College of Law. These future gifts can take many forms, such as a bequest through a will or personal trust or one of several charitable income-plans.

Thomas J. Freeman Society

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Giving Societies

In appreciation for their recognition through membership in one of several giving societies. These societies honor individuals who contribute a minimum of $2,500 annually or establish endowments or bequests that support the College of Law. For more information about the Gift Societies, visit law.utk.edu/alumni.

Donors with commitments of $2,500 or more in 2013

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Howard Baker, Jr.

$500,000 to $1,000,000
W. Allen Separk
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$150,000 to $249,999
Lorraine M. Child

$100,000 to $149,999
Felix B. Laughlin

$50,000 to $99,999
Bobbie Lee Cook

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$1 to $2
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Kicking Off Careers

The Class of 2013 hit the ground running following their graduation. Based on the American Bar Association’s most recent employment survey, UT Law grads fared better in securing jobs than their counterparts nationwide. Here’s how the Class of 2013 stacks up:

Employed in long-term, full-time positions requiring bar passage:
- **65.3%** UT LAW GRADS
- **57%** NATIONWIDE

Employed in private practice law firms:
- **53.3%** UT LAW GRADS
- **41.6%** NATIONWIDE

Unemployed/seeking employment:
- **4.8%** UT LAW GRADS
- **11.2%** NATIONWIDE