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EQUALITY
50 YEARS OF THE CIVIL RIGHTS ACT
How far we’ve come...
and how far we still have to go
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The 1965 March on Washington, DC (Photo by Marion S. Trikosko, courtesy Library of Congress)

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From the Dean
As you may already know (and can read on the opposite page), I have decided to step down as dean at the end of this academic year. When I became dean, plenty of people advised me: “Being dean is like running a marathon; you need to pace yourself.” By my calculation, that means I’m in mile 24 of the 26.2. It sure doesn’t feel like it, though. I have run a couple of marathons, and at mile 24, I was not having fun. As dean I’m still having lots of fun.

Early in my deanship, I learned this particular running metaphor didn’t ring true. For me, being dean is like interval training: a series of sprints interspersed with a few jogs and, on rare occasions, a brief walk. Our innovative faculty, energetic students, and engaged alumni collectively create a multitude of exciting programs, collaborations, and initiatives that have definitely kept me going.

The past few years have also presented a number of challenges. As the purported Chinese curse goes, “May you live in interesting times,” and the recent past has certainly been interesting. My first three years as dean involved budget cuts and belt tightening in higher education. Then the legal job market tightened, and tightened...and tightened. And law school applications nationwide have decreased nearly 90 percent over the past five years. Fewer students applied to law schools in 2014 than were admitted in 2009.

It may be trite, but it is true: challenges present opportunities. UT Law has taken advantage of these recent “opportunities,” and we are stronger and better than ever. We have hired fabulous new faculty members who are productive scholars and terrific teachers who connect theory and practice in our classrooms and clinics. Faculty have expanded our strong clinical tradition to provide one of the very best legal education in the country, with new practical and experiential courses and clinics added every semester. We have, with the support of the university, kept the student education affordable, and the financial support of our alumni is at an all-time high.

Returning to the running metaphor, I’ve realized that being dean is also like a relay. You run your leg of the race to the best of your ability and hand off the baton to the next runner. It’s almost time for me to hand off the baton. It’s time for new energy, new leadership, and new ideas.

However, I’m not going anywhere. We have established a new Institute for Professional Leadership. And I joke (truthfully) that when I started a new program (with significant help from Buck Lewis, Brad Morgan, and several others) and appointed myself director. The institute will build on some of our existing programs to help our students better develop professionally as lawyers and leaders, both during and after law school. I am excited about this new opportunity to teach and stay engaged with our students and alumni.

I know I’m not finished yet, and I plan to run hard through the rest of my leg of the relay. But I do look forward to watching the baton be handed to the next dean, who I know will make our law school all love even better.

It’s been a great run, friends!

DOUG BLAZE, DEAN

Omnibus
Blaze to step down as college’s dean

Dean Doug Blaze says he’s eager to return to teaching and working with students full-time, something he has always loved and has missed for a long time. Blaze has decided to step down, after seven years of service, as dean of UT Law in early summer 2015. Blaze, the Art Stokolitz and Elvis E. Overton Distinguished Professor, has had an administrative role at UT Law since his arrival twenty-two years ago as director of clinical programs. He served in that role until 2006 and also served as director of the college’s Center for Advocacy and Dispute Resolution from 2004 to 2006. He then served as interim associate dean for academic affairs until being named dean in 2008.

“These have been some of the most rewarding years of my professional life,” he says. “I love being a teacher and lawyer, too.” Blaze won’t step too far away from the college’s leadership. Fittingly, he will serve as director of the college’s new Institute for Professional Leadership (see next story). He will also continue to chair the Tennessee Supreme Court’s Access to Justice Commission. "Doug truly exhibits the Volunteer spirit, thanks to his commitment to community service, equal access to justice, and students’ development as future leaders,” says Susan D. Martin, the university’s provost and senior vice chancellor. “UT Law has benefited greatly from Doug’s leadership, and I’m so pleased he’ll remain an active member of the university family.”

Despite beginning his deanship facing uphill challenges—the nationwide economic crisis, the employment and enrollment challenges faced by all US law schools and their graduates, and budget cuts at the university—Blaze has seen UT Law prosper and grow during his time at the helm. The college has developed its identity as Tennessee’s flagship law school, boasting an affordable legal education; a national recognition for experiential learning, pro bono, and clinical education; and a tightly knit community of students, faculty, staff, and alumni.

“This is a remarkable law school that not enough people know about,” Blaze says. “But we’re positioned well for the future. UT Law was good when I got here, and it has only become better.”

Blaze credits the people in the UT Law family as being the primary contributors to the college’s success and future. “This faculty is so cohesive and absolutely committed to giving our students the best education possible,” he says. “Our faculty, staff—and our fabulous alumni—they’ve all made my job easier.”

A search for Blaze’s replacement is under way. As of press time, a hiring decision has not been made.

College starts Institute for Prof. Leadership

He may be stepping down as dean in the summer of 2015, but Doug Blaze will be no less busy or committed to the College of Law.

Blaze is currently developing the Institute for Professional Leadership, which finds its inspiration in the Lean, D. Martin, the university’s provost and senior vice chancellor. “UT Law has benefited greatly from Doug’s leadership, and I’m so pleased he’ll remain an active member of the university family.”

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Joining Blaze in leading the new institute will be Brad Morgan (’05), currently the co-ordinator for access to justice and mentoring programs at the college. Morgan will serve as the associate director of the institute.

“I’m thrilled to join Doug and Buck in this new initiative,” says Morgan. “The institute will not only impact the community and the profession in many positive ways through service and leadership programming for the public, but will also benefit students at UT Law and students of other disciplines.”

The institute will promote interdisciplinary programming to develop students’ leadership skills and experience beyond a strictly legal context. Also, the institute will expand UT Law’s pro bono and mentoring programming and will host courses and practices in public service and leadership.

Buck Lewis (’80), Dean Doug Blaze, and Brad Morgan (’05)
UT Law in ‘National Jurist’ Top 20 Best Value List

UT Law is one of the nation’s top twenty best-value law schools, according to The National Jurist magazine.

The college received an A+ grade and ranked seventeenth in the best-value list. The magazine looks at a number of academic and financial variables, including a law school’s tuition, student debt accumulation, employment success, bar passage rate, and cost of living. Employment is given the greatest weight, 35 percent, because of the recent woes in hiring.

Faculty, students recognized at Chancellor’s Honors Banquet

A number of College of Law faculty and students received awards at the annual Chancellor’s Honors Banquet in April. Professor Karla McKanders received the Jefferson Prize, which honors a tenured or tenure-track faculty member for significant contributions through research and creative activity.

Professor Maurice Stucke received an award for Professional Promise in Research and Creative Achievement. Student George Shields received an award for Extraordinary Campus Leadership and Service. Student Michael Cotton was recognized as the Top Collegiate Scholar for the college. Cotton and fellow students Jared Gareau, Lindsey Martin, and Charles Simmons received University Citations for Extraordinary Professional Promise.

College launches trademark clinic through US Dept. of Commerce program

UT Law students will soon be able to practice trademark law before the US Department of Commerce’s US Patent and Trademark Office (USPTO). UT is one of only forty-seven law schools chosen to participate in the USPTO Law School Clinic Certification Pilot Program. As part of the program, UT’s Business Law Clinic will provide trademark legal services to independent inventors and small businesses on a pro-bono basis. Students will represent clients before the USPTO under the guidance of a full-time faculty clinic supervisor.

“Branding has become an increasingly important element of promoting a successful product or business,” says Professor Brian Krumm, director of the Business Clinic and supervisor of the pilot program. “Providing our students the opportunity for hands-on experience with the trademark process will make them more effective counselors to businesses when they become practicing attorneys.”

Clinic clients can expect to receive searches and opinions, advice from students regarding their IP needs, drafting and filing of applications, and representation before the USPTO.

Alumni give $59K to UT Law during Big Orange Give

UT has wrapped up its annual one-week Big Orange Give online giving campaign. UT Law started with a goal of $45,000, which was surpassed within the first two days. The college raised the goal to $50,000, broken by alumni and friends by the end of the week. Alumni Donna Davis (’79), Buck Lewis (’80), Al Separk (’69), and Rick Rose (’74) funded a $25,000 challenge gift during the week. In all, the college raised $53,122 during Big Orange Give. Alumni and friends helped the university overall by giving $766,330.

Thanks to everyone who supported the Law School during the Big Orange Give online giving campaign. UT Law students will soon be able to practice trademark law before the USPTO under the guidance of a full-time faculty clinic supervisor.

Big ORANGE GIVE

Alumni give $59K to UT Law during Big Orange Give

UT Law has been named one of the nation’s best law schools by The Princeton Review.
related essay, “The Indie Lawyer of the Future,” has been accepted for publication by the Journal of the Professional Lawyer. Jewel spoke on this subject at the International Legal Ethics Conference in London. Jewel was awarded a competitive grant from Wyoming’s Center for the Study of Written Advocacy for a presentation that she and a co-author gave at the Biennial Legal Writing Institute Conference in Philadelphia.

BRIAN KRUNM recently gave the presentation “Using LawMeets Materials in the Classroom to Teach Drafting and Negotiation Skills” and served on the steering committee for the Fourth Biennial Transactional Conference, “Educating the Transactional Lawyer for the Fourth Biennial Transactional Conference,” at the Emory Law Center for Transactional Law and Practice. Krunm has been named to the Research Council of the Anderson Center for Entrepreneurship and Innovation, based at UT.

West Academic Publishing has published the fourth edition of GEORGE KUNEY’s book, The Elements of Contract Drafting. He has been selected as a peer reviewer for the American Association for Justice’s Trial magazine. Kuney has also been asked to serve as an advisory editor for the International Interdisciplinary Advisory and Editorial Board, based at the University of Canberra in Australia.

MICHELLE KWON participated in the University of Kentucky’s Developing Ideas Conference in Lexington.

PLI will publish DON LEATHERMAN’S most recent article in its thirty-one-volume set on the federal income tax consequences of mergers and acquisitions. He was quoted in Tax Notes concerning problems with Treasury regulations that treat a stock sale as an asset sale in some ways for federal income tax purposes. He spoke at the recent meeting of the American Law Institute in Washington, DC, for a panel that discussed taxable acquisitions, focusing on section 336(e) regulations. He is also serving on an ABA committee that will draft comments on the same regulations.

BOB LLOYD participated in the Uniform Law Commission’s annual meeting in Seattle.

ALEX LONG’s article, “Reasonable Accommodation as Professional Responsibility, Reasonable Accommodation as Professionalism,” was published in the UC Davis Law Review (see page 137). His article, “The Forgotten Role of Consent in Defamation and Employment Reference Cases,” was published in the Florida Law Review; and his co-authored book, Advanced Torts: A Context and Practice Series Casebook, was published by Carolina Academic Press. Long spoke at the International Legal Ethics Conference in London, presenting a paper, “Reasonable Accommodation as Professional Responsibility, Reasonable Accommodation as Professionalism,” and serving on a panel titled “Diversity and Inclusion in the Legal Profession: A Question of Business or Ethics?” In addition, Long’s 2006 Georgia Law Review article was cited twice by the Iowa Supreme Court.

Faculty active at Law & Society Association annual meeting

Several professors traveled to Minneapolis earlier this year to participate in the annual meeting of the Law and Society Association.

BRAD AREHEART spoke on “Accommodation as a Civil Right: Forms and Limits” as part of a panel on “Understanding Accommodation as a Civil Right.”

WENDY BACH chaired panels on “Assisted Reproductive Technology and Parentage,” “Feminist Legal Theory,” and on “Race, Class, and the Legal Perpetuation of Subordination: Historical Reflections and Modern Trends.”

JOAN HEINHAYN participated in the roundtable discussion “Defending Disclosures: Examining the SEC’s Role in Information Disclosure” and gave a presentation on “Theorizing Crowdfunding Disclosures” as part of a panel on “Market Information & Mandatory Disclosures.”

LUCY JEWEL gave a presentation on “The Biology of Income Inequality: New Legal Questions” as part of a panel titled “Conversations Between Law and Science.”


VALORIE VOJDIK spoke on “Theorizing Violence Against Men and Boys” for a panel on “Sexual Violence—Feminist Legal Theory,” has been accepted for publication by the North Carolina Law Review Symposium. KARLA MCKANDERS will speak at the North Carolina Law Review Symposium.

CAROL PARKER’S 1997 Nebraska Law Review article, “Writing Throughout the Curriculum: Why Law Schools Need It and How to Achieve It,” was noted favorably in a recent article by Kristen Konig Tsuchie of George-town Law School.

The Uniform Commercial Code Law Journal has invited TOM PLANK to write an article on the control of electronic chattel paper, such as the typical automobile loan agreement.

GLENN REYNOLDS is ranked forty-ninth out of the 260,000 authors on the Social Science Research Network, with more than 79,000 downloads as of August 21. He recently published a chapter (co-authored by BRAND- NON DENNING, ’95), in The Affordable Care Act Decision: Philosophical and Legal Implications (Routledge). He was interviewed by Alexis Garcia de Rayos TV about his recent book, The New School, and he appeared on Fox Business Network’s The Indepen-dents to talk about his USA Today column on CLA esplonage. The Chicago Tribune praised Reynolds’s work analyzing higher education debt in a recent editorial.

DEAN RIVKIN was interviewed recently by VISITING PROFESSOR STEWART HARRIS for his public radio show, Your Weekly Constitutional, on the subject of judicial retention elections. He also served as keynote speaker for the annual convention of the Oregon Trial Lawyers Association.

DAVID WOLITZ was quoted in the Chatta-nooga Times Free Press regarding a petition seeking to bar the use of Latin in US legal proceedings. The US Supreme Court recently denied certiorari in the case.

PAULA SCHAEFFER’S article, “A Primer on Professionalism for Doctrinal Professors,” has been published in the Tennessee Law Review. The article was noted favorably on the Legal Skills Prof Blog, Schaefer also presented a continuing legal education program, “2012 Attorney Ethics Update,” to lawyers attending the Tennessee Department of Environment and Conservation’s Solid/Hazardous Waste Conference and Exhibition.

GREG STEIN’S article, “Will Ticket Scalpers Meet the Same Fate as Spinal Tap Drummers?” The Sale and Resale of Concert and Sports Tickets,” will appear in the Pepperdine Law Review.

MAURICE STUCKE participated in a workshop concerning privacy, competition law, and consumer protection law at the European Parliament in Brussels, Belgium. Stucke has been quoted and cited recently in The New York Times, The Wall Street Journal, and Business Insider, and has been interviewed on The Capitol Forum. He co-authored an op-ed piece in Roll Call about the proposed merg- er between Time Warner Cable and Comcast.

WENDY BACH has been published in the American Law Review, and her article, “Reasonable Accommodation as Professionalism,” was selected as a faculty consultant to work with the NJC at the University of Nevada to produce innovative programs for judges on the topic of weighing and admitting scientific evidence in criminal cases. White was interviewed by visiting professor STEWART HARRIS for his public radio show, Your Weekly Constitutional, on the subject of judicial retention elections. She also served as keynote speaker for the annual convention of the Oregon Trial Lawyers Association.

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Recess

A late-summer view of the Tennessee River, with the UT campus and Knoxville skyline in the distance.

PHOTO BY PATRICK MURPHY-RACEY
When the United States invaded the Spanish-controlled island of Puerto Rico during the Spanish–American War of 1898, they were greeted with cheers of “¡Viva Puerto Rico Americano!” The invasion of the island was encouraged by the annexation movement that developed into the island’s modern movement toward statehood. The pro-annexation group believed that after the invasion, Puerto Rico would be on the path to becoming a state. It’s taken 126 years, but Puerto Rico is finally progressing toward statehood.

Prior to the twentieth century, territories followed a standard path to statehood. Most territories were organized under the first phase of the Northwest Ordinance process. Meanwhile, the presidential election was fought on the issue of whether the Constitution “followed the flag.” William McKinley, who argued that the Constitution should not extend to the territories, won the election, and the Supreme Court essentially adopted the same idea in the Insular Cases.

The Insular Cases created the constitutionality principle of unincorporated territories—those that cease to be foreign countries in the “international sense,” but remain foreign to the United States in the “domestic sense” and are, therefore, on the path to statehood. The court feared “serious consequences” if the “saves” of these territories became full citizens and ruled that unless Congress incorporated the territories, placing them on the path to statehood, these territories could be subject to the supreme power of Congress forever.

Deliberation

Incorporating the lonely star

Today, the Insular Cases continue to form the basis of decisions about Puerto Rico and its fellow territories—American Samoa, Guam, the Northern Mariana Islands, and the US Virgin Islands—but the Supreme Court has started to cast doubt on the cases’ continued applicability. The court noted in a recent case that the scope of the Insular Cases was limited to facilitating the “temporary” government of the territories and did not have wider applicability. In another case, the court went further by stating that it “may well be that over time the ties between the United States and any of its unincorporated territories strengthen in ways that are of constitutional significance.”

The ties between Puerto Rico and the United States have indeed strengthened in significant ways. Today, more Puerto Ricans reside in the mainland than in Puerto Rico. Supreme Court Justice Sonia Sotomayor is of Puerto Rican descent. And 400,000 Puerto Ricans have served with distinction in the US armed forces since the Spanish–American War. With Puerto Ricans in prominent, visible roles at all levels of American society, Puerto Ricans are no more foreign to the United States than are New Yorkers, Texans, or Hawaiians.

If the Insular Cases were intended to facilitate the “temporary” government of Puerto Rico, then, more than a century later, a permanent solution is needed. There are three choices: commonwealth, independence, or statehood.

The commonwealth option has lost favor both on the island and the mainland, and the island’s Commonwealth Party has proposed an “enhanced commonwealth” to replace it. Under the proposal, Puerto Ricans on the island would remain US citizens and Puerto Rico would assume sovereignty over its own internal and external affairs. The proposal would require a treaty of free association that would continue federal funding for programs on the island while reducing the administrative footprint there. The proposal is constitutionally suspect because its promises of sovereignty and continued birthright citizenship are incompatible. Remaining subject to the territoriality of the United States is necessary for birthright citizenship, but being separately sovereign is critical to achieving the proposal’s goals.

For the independence option, there’s precedent in Cuba and the Philippines, which were US territories that transitioned to nationhood. An independent Puerto Rico would be able to preserve its culture and identity, but it’s doubtful the island could support itself as an independent nation. Additionally, the Puerto Rican diaspora on the mainland is significant, and severing the communities would have wide-ranging sociocultural repercussions. Puerto Ricans also do not wish to lose their American citizenship. Unsurprisingly, Puerto Rican support for independence is very low. The island has voted on the question of status four times since 1967, and the most support that independence has been able to garner was 5.5 percent of the vote.

Thus, the remaining option is statehood. The idea of becoming a state has gained support in Puerto Rico since the first status vote was held by a Republican and a Democrat, both of whom have no vote in a Congress with supreme power over their affairs. The situation is also unfair to Americans on the mainland who have no vote in a Congress with supreme power over their affairs. Everyone involved is best served by a final resolution to the status of Puerto Rico, and that can only come through statehood or independence. Of those, statehood best respects the sacrifices made by Puerto Ricans in Puerto Rico in the past century and reflects the gradual but significant integration of the island into American society.

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INTEGRATED by WILLIE SANTANA (’14)

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Prior to the twentieth century, territories followed a standard path to statehood. Most states followed the path created by the Northwest Ordinance of 1787, which established a three-stage process that concludes with admission to the union. The process starts with direct federal governance, followed by local governance with congressional supervision, and finally statehood. A handful of states followed the “Tennessee Plan,” where the territory itself actively pursues and demands statehood, rather than waiting for Congress to act.

Puerto Rico appeared to be on the path to statehood. In 1900, Congress passed an organizing law for Puerto Rico that mirrored the first phase of the Northwest Ordinance process. Meanwhile, the presidential election was fought on the issue of whether the Constitution “followed the flag.” William McKinley, who argued that the Constitution should not extend to the territories, won the election, and the Supreme Court essentially adopted the same idea in the Insular Cases.

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BY BEN M. ROSE (’00)

Deliberation

W

When I was a young legislative staff
er in the US Congress, I met with
member of the transgender community who
my boss to support the Employment
Non-Discrimination Act (ENDA). Until
that day, I had never heard of this initiative, which
endeavored to eliminate all sexual orientation
and related discrimination in employment
throughout our country.

Some twenty years later, this legislation has
yet to be enacted into law, despite seemingly
unanimous desires within and across the
legislature. For many years, if you were
asked to name something that Congress’s slow pace, many states and munici-
palities have taken this matter into their own
hands. In Tennessee, for example, Memphis,
Nashville, and Knoxville have enacted ordi-
nances prohibiting sexual orientation dis-
crimination for municipal employees. Voters
in Chattanooga recently decided to repeal a
similar ordinance.

The Chattanooga experience is fairly rep-
resentative of the politics surrounding similar
campaigns. Ordinance supporters claim the initia-
tive will be the ultimate “end all, be all,”
an opportunity to put a void left by Congress’s
stubborn inaction to rest. Opponents to the pro-
posed ordinance will inevitably lead to more
lawsuits and increased costs and headaches
for already cash-strapped local governments.
Neither side is ultimately correct. Regardless,
as demonstrated by the voters in Chattanooga,
such proposals remain controversial.

Ironically, once this type of municipal ordi-
nance is enacted, both sides seem to be com-
pletely disinterested in how it will be enforced,
if at all. The stakeholders would be well served
to focus at least as much effort on enforcement
of the ordinance once it is enacted as they did
on the question of whether to adopt it in
the first place. In my opinion, it is simply illogical
to expect municipalities to enforce their own ordinances of this kind. It is the equivalent of a fox guarding a hen house.

Enforcement of a non-discrimination ordi-
nance is one of the central issues my law firm
has raised in federal litigation, the first of its
kind in Tennessee, on behalf of a former park
police sergeant in Nashville. In 2004, the Mo-
"city enacted an ordinance prohibiting dis-
crimination based on sexual orientation and
gender identity for its employees, to much
fanfare. However, Nashville’s non-discrimi-
nation ordinance curiously did not contain an
explicit enforcement mechanism.

In the litigation, Nashville’s lawyers urged
a district judge to dismiss our client’s claims
based on the ordinance because the only way
an employee could enforce the ordinance it
was to be enforced at all—was through the
municipality’s pre-existing, toothless adminis-
trative scheme. However, the administrative
process is the ultimate paper tiger. The only
thing it requires is for claims of discrimination
to be merely “investigated.” In response, we
reviewed the legislative record of Nashville’s
city council when it passed the ordinance.

That record is clear. The Nashville City
Council intended for its ordinance to be en-
forced, not through an impotent adminis-
trative process, but by the courts. As one city
council member remarked during the debate
on the ordinance: “Friends, I think we all know what we are
discussing tonight and I think we all know, and we’ve heard, specific allegations of
discrimination within our government over the
last several years. We’ve heard of fear, we’ve
heard of experiences of intimidation, a fear of
discovery. We simply are not protecting our
employees. We simply are not upholding the
rights of equality.”

Ironically, once this type of municipal ordi-
nance is enacted, both sides seem to be com-
pletely disinterested in how it will be enforced,
if at all. The stakeholders would be well served
to focus at least as much effort on enforcement
of the ordinance once it is enacted as they did
to the National Association of Law Placement,
to the profession. By emphasizing how the
legal obligations of the ADA simply complement the ethical and profes-
"sional value of the legal profession. As one judge of which firms are reluctant to
make reasonable efforts to ensure subor-
dinates are courtrooms accessible. But in Tennessee
and many other states, many courtrooms re-
mained inaccessible.

Ultimately, the Supreme Court’s decision
in this case, Tennessee v. Lane, clarified the
scope of a state’s obligations to make its ser-
"ices accessible. Since that decision, the legal
system has made great strides in improving
access to justice for people with disabilities.
The Tennessee Supreme Court’s Access to
Justice Commission has identified as one of
"its goals the removal of “barriers to access to
justice, including but not limited to disabil-
ity.” Courtrooms throughout the state are now
more accessible. A disabled person who needs to ap-
ppear in a Tennessee court can now go to the
Tennessee Supreme Court website and learn
about available accommodations and how to
request those accommodations. It’s entirely
possible states made these changes out of fear
of future ADA lawsuits, but what seems more
likely is that the image in Tennessee v. Lane
of a disabled person literally crawling up the
courthouse stairs to access the legal profession
on the issues of courtroom accessibility and access to justice for people
with disabilities. The efforts to improve acces-
sibility to the legal system have been part of a
broader recognition that promoting equality,
including equal access to justice, is a funda-
mental value of the legal profession.

There is a similar symmetry between these
legal obligations and the ethical and profes-
sional obligations faced by lawyers. Super-
visory lawyers in firms have an ethical duty
to make reasonable efforts to ensure subor-
dinates are courtrooms accessible. But in Tennessee
and many other states, many courtrooms re-
mained inaccessible.

in many counties your only options to reach a
second-floor courtroom were to be carried up
the stairs or crawl up the stairs. In 1998, two
individuals decided they didn’t want to choose
from those options and filed suit alleging
the ADA simply complement the ethical and
professional obligations of lawyers already
are. The underrepresentation of lawyers with
disabilities in the profession and continued
problems of access to justice for people with disabilities should be of particular concern
to the profession. By emphasizing how the
reasonable accommodation requirement is a
matter of professional responsibility and profes-
sionalism, the legal profession can take an
other step toward equality of opportunity for
people with disabilities.

Adapted by Long from his article, “Rea-
soneable Accommodation as Professional Responsibility, Reasonable Accommo-
EQUALITY
50 YEARS OF THE CIVIL RIGHTS ACT

How far we’ve come... and how far we still have to go

BY ROBERT S. BENCHLEY

must not approach the observance and enforcement of this law in a vengeful spirit. Its purpose is not to punish. Its purpose is not to divide, but to end divisions—divisions which have lasted all too long. Its purpose is national, not regional. Its purpose is to promote a more abiding commitment to freedom, a more constant pursuit of justice, and a deeper respect for human dignity.”

It was half a century ago—July 2, 1964, to be exact—that President Lyndon B. Johnson, sitting in the East Room at the White House, spoke those words in an address to the nation upon signing into law the Civil Rights Act of 1964.

The Act was a landmark piece of civil rights legislation that outlawed discrimination based on race, color, religion, sex, or national origin. It ended unequal application of voter registration requirements and racial segregation in schools, at the workplace, and by facilities that served the general public.

Or did it? Looking back fifty years later, one hears in LBJ’s words a sense of hope that telling people to do the right thing would somehow end three centuries of one group’s mistreatment of another. But if the law is a system of rules enforced through social institutions to govern behavior, then it has to have teeth, because old habits die hard.

In fact, the Civil Rights Act of 1964 has been bolstered by additional legislation several times in the intervening years to extend protections in instances or to groups not written into the original law. Examples are the Voting Rights Act of 1965, which prohibits racial discrimination in voting; the Civil Rights Act of 1968, which provides equal housing opportunities; and the Americans with Disabilities Act of 1990, which used the Civil Rights Act of 1964 as a template.

Civil rights scholars at UT Law believe we have made significant, if uneven, progress in the past fifty years. Equality remains a moving target—employment, gender, and immigration issues are the current hot buttons—in large measure because institutional discrimination has deep cultural roots.

PROVISIONS VS. PROTECTIONS

Fifteen years after the act’s passage, a UT Law student named Penny White (’81)—who today is the Elvin E. Overton Distinguished Professor of Law and director of the Center for Advocacy and Dispute Resolution—found a summer job working for a legal services office in Johnson City, Tennessee.

"I spent the entire summer learning about Title VII as it related to an African American client’s claims against the area’s largest employer, Tennessee Eastman Company," White says. "The anger that the suit generated was extreme. It was suggested that those of us representing the plaintiff were unappreciative of all that Eastman had done for the area, that we were somehow not civic-minded or patriotic because we had sued. In that first summer out of law school, a great deal of my own naivety evaporated as I learned the great difference between the
provisions of the law and the actual protections of the law.”

Filled with enthusiasm for making the law do what it promised, White returned to UT Law in the fall and spent the next two years assisting Joseph G. Cook, the Williford Cragg Distinguished Professor of Law, and John L. Sobieski, Jr., the Lindsay Young Distinguished Professor of Law, on what would become a seminal text on the subject: the five-volume Civil Rights Actions, which continues to be updated twice a year.

Regular updates are needed because the courtroom risks continue to remain full. “In terms of civil rights, the area most people think of first today is employment,” says Sobieski. “If asked, they will say that there has been progress. But lawsuits challenging employment practices as discriminatory—the protections under Title VII of the act—have not gone away. In fact, Section 1981 actions, which allow a party to bring action against state and local officials who act in an unconstitutional manner, now account for the overwhelming majority of civil rights actions. The prohibitions against discrimination by gender have not kept pace with other protections, and age-discrimination cases are only going to increase as the baby boomers get older.”

GENDER BARRIERS REMAIN

Valerie Vojdik, director of clinical programs and a professor of law who specializes in gender law, agrees. She believes the Civil Rights Act has succeeded in eliminating many of the barriers that once barred women from jobs, but she says gender segregation remains rampant in the workplace, requiring new legal theories and ideas to end it.

“Full participation is still a problem,” Vojdik says, and she offers a long list of examples. “Women earn only seventy cents for every dollar paid to men, and the people who run companies continue to favor men. We are subject to many employment practices that appear to be neutral, but which affect women negatively. This is why some discrimination is difficult to prove. A good example is when a company doesn’t permit part-time work, which lessens employment opportunities for women needing time with their children. It’s difficult to raise certain claims under Title VII because many courts think its protections don’t apply to discrimination based on sexual orientation. And women’s reproductive rights are increasingly being threatened.

“I was the lead lawyer in getting women admitted to The Citadel in 1995,” she says. “This was a case in which a state military college banned women, when women had been permitted in national military service since 1978. As a society, we have to look deeper into the reasons such practices still exist.”

Although civil rights were considered largely a racial issue in 1964, the face of America, like the act itself, has changed greatly. “As human beings, we tend to focus on differences: ability, skin color, religion, and other personal attributes,” says Corbin Payne, a 3L and disability advocate (see sidebar). “Over time, the focus of discrimination has become fixed on new groups.”

THE NEW OPPRESSED

Karla McKanders, associate professor of law and director of UT’s Immigration Clinic, cites immigrants as one of the most visible of those groups.

“As a law professor who is engaged with my law students in the pro bono representation of immigrants, I am exposed daily to the gaps in our legal and immigration systems that often deny indigent immigrants access to attorneys or the right to defend against their removal from the United States,” McKanders says. “As an educator of a future generation of lawyers, I remain engaged and dedicated to teaching the important principles of the Civil Rights Act and facilitating equal opportunities and access to the justice system. I also remain dedicated to instilling in my students the need to use their legal degrees to serve people who may not have access to the justice system.”

The College of Law’s Immigration Clinic accomplishes this goal through the representation of indigent immigrants seeking relief before immigration courts and the US Department of Homeland Security. Immigration Clinic students have successfully represented abused and abandoned children who have entered the United States without their parents, women who fled their home countries due to domestic violence, and refugees from various countries across the globe.

“The attainment of civil rights is a continuing goal that we must diligently monitor,” McKanders says. “We must always strive to ameliorate the conditions of vulnerable groups who may be victims of institutionalized and other forms of discrimination that may not be as overt as when the act passed. The fiftieth anniversary of the Civil Rights Act reminds us that we must remain forever aware and vigilant to ensure that civil and human rights are upheld through the rule of law and that principles of equality and justice are affirmed.”

Championing the defense of disabled individuals is Corbin Payne’s life’s work.

CORBIN PAYNE HAS A HEAD FOR BUSINESS AND A HEART FOR JUSTICE

The 3L majored in accounting as an undergraduate and plans to establish a practice providing legal services to young entrepreneurs. At the same time, his current work on the staff of the Disability Resource Center of Knoxville, a nonprofit organization that provides independent living services to people with disabilities, has convinced him that personal advocacy will also be a part of his future.

Payne was inspired to become a lawyer at the age of 9, when his parents rented the film To Kill a Mockingbird. “I wanted to be Atticus Finch,” he says, citing the story’s central figure, an attorney who must overcome the complex interrelationships between race and rights in the small-town South of the 1930s when he defends a black man accused of raping a white girl. The irony is that, in a sense, Payne has already achieved his ambition. In the film, Finch proves his client could not have committed the crime because he is disabled. In real life, Payne spends much of his extracurricular time championing the rights of people with disabilities—and winning.

“There are a lot of businesses out there that will present a contract to someone with a mental or cognitive disability and then misrepresent when explaining the terms of the transaction,” he says. “The customer with a disability gets locked into an obligation they can never pay off.”

Payne’s response is to draft what he calls “a kick-butt letter” which is sent out on agency stationary with his director’s signature. “In every instance,” he says, “the offending company has the good sense to cave. They realize they have done something they shouldn’t have done.”

Through his work with the Disability Resource Center, Payne has also become involved in Access Knoxville. “We evaluate restaurants in terms of physical access, how the staff interacts with individuals with disabilities, whether they allow service animals, and other considerations,” he says. “Restaurants and other public accommodations are supposed to be compliant with the Americans with Disabilities Act of 1990, but many business owners think of it as an inexpensive convenience.”

“What I like is that we aren’t involved with enforcement,” he says. “We simply explain the value of including every one in the community. With 55 million Americans having some form of disability, it means that improving access can increase their potential customer base by 25 percent. That’s when business owners sit up and take notice.”

—Robert S. Bencych

TNESSEAN LAW 16 FALL 2014
’Inevitable’

A UT Law alumna, two UT vet med professors, and their case for legalized same-sex marriage

BY ROGER HAGY, JR.
PHOTOGRAPHY BY PATRICK MURPHY-RACEY

IT’S A “MEET-CUTE” MOMENT STRAIGHT OUT OF A ROMANTIC COMEDY. “This might seem cheesy, but it was meant to be,” says Val Tanco of the serendipitous moment she met Sophy Jesty. “I literally just ran into her in an elevator. I thought the elevator was going one way, but it turns out it was going the other. I had to very embarrassingly get off the elevator while she looked at me like, ‘What’s wrong with you?’”

Tanco and Jesty went out for drinks later that day, began dating a few months later, and eventually got married in New York City. “We got married in a Brooklyn courthouse on September...” Tanco pauses to look sideways at Jesty. “Ninth?”

A lot can happen in three years. In 2013, the US Supreme Court overturned the federal portion (Section 3) of the Defense of Marriage Act in United States v. Windsor, holding that under federal law, recognizing only heterosexual couples’ marriages is unconstitutional under the Fifth Amendment, leading to federal tax and other benefits for same-sex couples. Quickly, a flood of lawsuits was filed by advocacy groups and same-sex couples to challenge individual states’ bans on same-sex marriage.

Among those couples are Tanco and Jesty, who have since moved to Tennessee (which currently doesn’t recognize same-sex marriage) to serve as veterinary medicine professors at UT. Lawsuits were filed by advocacy groups and same-sex couples to challenge individual states’ bans on same-sex marriage. "Equality of law, recognizing only heterosexual couples’ marriages is unconstitutional under the Fifth Amendment (Section 3) of the Defense of Marriage Act in United States v. Windsor—when the Windsor decision was announced in 2013, Lambert had just celebrated her twentieth anniversary with her partner, Jackie Stansell (’90), and was celebrating her fiftieth birthday in France. Once back in the States, they married in Vermont.

Then Lambert was ready to get back to work. Although a corporate lawyer by day, Lambert got involved with Nashville attorney Abby Rubenfeld and the National Center for Lesbian Rights and decided to file a suit in Tennessee. The goal was to include attorneys and plaintiffs from across the state. Soon, Bill Harbison and attorneys from his Nashville firm, Sherrod & Roe, became involved. Maureen Holland, who practices in Memphis, also joined the team.

“When we started to put this legal team together, we had to decide whether we were going to have a full challenge to the state ban or start off with the ‘baby step’ of recognizing marriages from other states,” says Lambert. “Since we were going to be one of the first southern states to file, we thought ‘recognition only’ might be a better start. And we wanted plaintiffs that would really be able to reflect the mobile society that we live in in the United States.”

For plaintiffs from Knoxville, Lambert quickly thought of her friends, Tanco and Jesty, and approached them about participating. At first, though, the couple was wary of wading into what they saw as a very public case. Ultimately, they saw the case as a way to help other couples. They said yes. “We’re never regretted that decision because we’re lucky enough to have friends and family who support us and a workplace that already knew we were together,” Jesty says. “So it’s not like we had to worry about losing jobs, losing family, losing friends by being as ‘out’ as we are now. That really gave us a luxury of saying yes, whereas I think a lot of people are really strong legal justification against gay marriage. Probably everyone defending state and federal courts have power in the legislative process,” says Lambert. “That’s what judges are supposed to do.”

For now, Lambert and her clients—and all the families involved—must wait.

A QUESTION OF RIGHTS

“You can see where the different sides are trying to frame the question differently,” Lambert says. “Opponents would say that same-sex marriage is a new right that we’re talking about. And the equality folks say, ‘No, this is marriage—it’s marriage that would need only might be a better start, but I just can’t imagine—even once this case is done—I can’t imagine not having Regina in our lives.’”

“But when will the case be done? The US Supreme Court decided in October to deny cert in seven marriage cases before them, a decision that has allowed same-sex marriages to proceed in several states while other federal appellate courts continue to make decisions. However, the Sixth Circuit US Court of Appeals—which heard in August the Tennessee cases, along with cases from Kentucky, Michigan, and Ohio—decided in early November to uphold the four states’ right to ban same-sex marriage. And Justice Sonia Sotomayor wrote the two-to-one majority opinion, saying legalized same-sex marriage in the United States is ‘indefensible,’” but the decision should be made through “the less expedient, but usually reliable, work of the state democratic processes.”

“But during that period of time, people won’t have rights and protections for five, ten, twenty years until some of the state’s legal structures start to fall,” Jesty argues.

In her dissent, Jeste Martha Coag Daughtry wrote that the court’s decision portrayed the families as “mere abstractions.” During arguments in August, she spoke along the same lines, citing the long road for women’s rights in America. “Judge Daughtry pointed out that it took seventy-eight years for women to fight for the right to vote,” says Lambert. “Even then, they couldn’t vote in federal elections; they had to get a constitutional amendment. Sometimes the democratic process isn’t effective, especially when you’re talking about a constitutional right.”

Brian Krumm, a UT associate professor of business law and close friend to Lambert, agrees. “Equal protection and full faith and credit are the two things that all people should be able to rely on,” Krumm says. “We can’t selectively apply those concepts...Why go the long way around something when we can solve it more expeditiously?”

Now, the question of legalized same-sex marriage will return to the Supreme Court in December—although there’s still no guarantee the justices will grant cert and hear a case. For now, Lambert and her clients—and all the families involved—included.

If there was this really strong legal justification against gay marriage, probably everyone defending state bans would latch onto it.

REGINA LAMBERT (’01)

The legal team acted quickly, a preliminary injunction for the state to recognize Tanco and Jesty’s marriage for the state to recognize Tanco and Jesty’s marriage for the time being, which would allow them to purchase health insurance together and put both of their names on the birth certificate. A federal judge granted the request. Soon after, Tanco gave birth to Emilia, the first baby born in Tennessee to have a woman listed as “father” on her birth certificate. Lambert immediately became “one of Emilia’s biggest fans,” Tanco says. “Regina was the first person to meet Emilia outside the family. She was there the day after Emilia was born, and she’s the only one of our friends who got to see her in the hospital. I just can’t imagine—even once this case is done—I can’t imagine not having Regina in our lives.”

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“THE BEST YEAR”
For now, Lambert and her clients are unflinchingly optimistic. “It’s inevitable,” Lambert says of legalized same-sex marriage, astonished at how far gay rights have come in her lifetime—and the new outlook young gay people have. “It’s a different approach to life when they meet and date people because they see them as potential spouses, a person they’ll potentially parent with, and it wasn’t that way for me. I never saw a case like Windsor happening in my lifetime.”
Tanco and Jesty are excited for the changed world that their daughter will experience. “I hope Emilia will grow up in a place where her family isn’t different than anyone else’s, where, at least legally, she doesn’t have to worry about anything,” Tanco says. “I think the key to all of this is that we’re not asking for anything that would take away something from another person. It’ll just bring us all to the same place and the same level in the eyes of the law. No one else except the people that are being kept from their rights are really going to have anything to lose. What does a straight couple have to lose if we’re married? Absolutely nothing.”
Lambert, Tanco, and Jesty readily recognize that not everyone agrees with them ideologically. “I think everyone has the right to believe whatever they want to believe,” Lambert says. “I would be one of the first lawyers to sign up to defend any church that didn’t want to perform same-sex marriage. That’s definitely a right that I am in full agreement with. But I don’t think personal or religious beliefs should have any justification for blocking gay marriage under the law.”
The three women have enjoyed support from the UT and Knoxville communities. Lambert says her UT Law students have offered to help with the case in any way they can, and Tanco and Jesty have met many people who thank them for leading the way for change through the case. “Our impression has been that even down here in the South, when people get to know you, they recognize that we’re hard-working, we love each other, our relationship is really remarkable and solid,” says Jesty. “It makes it hard for them to dislike us on a personal level, even if they might not agree with what we’re asking for legally.”
Above all else, the women appreciate the case for how much it has enhanced their friendship. “One of the most precious parts of this whole thing has been our relationship with Regina,” Jesty says. “We have such a special, unique bond because we’ve been going through this process together. None of the three of us will ever forget this.”
“It’s been such a privilege, and it’s just been the best year,” Lambert says. “Everything happened: the big birthday, the big anniversary, the wedding, this case…” She lets her sentence drift away, lost in wistful thought. She smiles. “Yeah, it’s been a nice ride.”

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Bach says she encountered an interesting alternative argument suggested by a student at a UT panel: If states abolished marriage, would divorce still be possible? “I think his point was to get the states entirely out of the institution of marriage,” Bach says, leaving the concept of marriage a purely personal one. “As a practical matter, it’s an impossibility, because marriage is deeply intertwined with legal and regulatory regimes. But it was an interesting thought, that instead of privileging certain family forms, we should instead support everyone’s choices.

“The harder question,” Bach says, “is what’s going to happen in the next year. It’s really going to come down to what the Supreme Court says Windsor means.”

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Comcast argues that the acquisition does not lessen competition because it doesn’t compete with TWC in the same geographic markets. Stucke and his co-author, attorney Allen Grunes, argue this is wrong on several fronts.

For one, through Section 7 of the Clayton Antitrust Act, “Congress sought to prevent situations where ‘several large enterprises’ [were] extending their power by successive small acquisitions,” Stucke and Grunes write. “Here Comcast is extending its power through a significant acquisition—one that expands its reach to most of the US population.”

Also important to consider is the nature of the Comcast empire. Comcast is already the nation’s largest provider of cable television, Internet, and telephone services. “Comcast controls the pipes,” as Stucke and Grunes write. However, Comcast is also a significant content creator through broadcast television, Internet, and telephone services. Plus, Netflix, Amazon, and Hulu are also producing their own content (often successfully, in Netflix’s case, with hit shows like House of Cards, Orange Is the New Black, and Arrested Development). That original content further competes with Comcast’s cable services and content offerings.

“Netfliks and other OVDs rely on Internet service providers [ISPs] like Comcast and TWC to deliver their television shows and movies to subscribers,” write Stucke and Grunes. “In acquiring TWC, Comcast will have even more power to thwart Netfliks or other emerging OVD rivals by impairing or delaying the delivery of their content.”

**NO COMPETITION?**

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**NETFLIX IN SLOW MOTION**

In fact, Comcast may already be doing just that. In February 2014, Netflix agreed to pay Comcast for faster access to Comcast customers (or, as Comcast implied, to ensure smooth delivery of Netflix programming, which was taxing the Internet pipeline). Netflix has been outspoken in relying its reluctance to agree to the deal, which they see as a slap in the face of net neutrality (the ideal in which ISPs like Comcast allow equal access to all web content and services without favoritism).

But it may have been a necessary evil, as illustrated in the graph on page 25. For better or worse, the ISPs show gradual change in Netflix streaming/download speed. For some, like Cox, the speed has improved steadily over time, while for others, like Verizon DSL, it has steadily worsened. However, take a close look at Comcast’s speed. In late 2013, the speed for Comcast customers plummeted. Then, in February 2014—the month in which Netflix agreed to pay Comcast for faster access—Comcast’s speed skyrocketed.

Stucke says if the “toll” paid by Netflix truly reflected capacity constraints on Comcast’s network, we wouldn’t see such a dramatic increase in speed; the speed would gradually improve over time, as Comcast was able to add capacity. Not to mention that if Netflix were truly overloading the Internet, there wouldn’t be such a strong disparity between the different ISPs’ download speeds—and the other ISPs would be joining Comcast in criticizing Netflix.

“Few Americans have a meaningful choice in broadband service providers: Comcast subscribers are largely stuck with Comcast,” Netflix wrote in an April 2014 letter to US Senator Al Franken (a major proponent of net neutrality). “By degrading consumers’ experience, Comcast can demand that content providers pay them a toll to avoid congestion and reach their captive subscribers. If content providers cannot effectively reach Comcast subscribers, they cannot compete. So they have little alternative for an unconnected subscription unless they agree to Comcast’s terms.”

If a major player like Netflix—which has more subscribers than Comcast has for its cable services—can be coerced into paying for faster service, Stucke says, then what chance can any OVD stand against the merged Comcast and Time Warner Cable?

**PRESSING PAUSE ON THE MERGER**

The rights and interests of American consumers are at stake, as well. That’s why two groups approached Stucke and Grunes—both former attorneys for the DOJ’s Antitrust Division—to request their help in opposing the merger between the FCC and DOJ. As that case moves forward and the DOJ and FCC other-wise continue to look at the proposed merger, Stucke says Comcast will most likely argue that it will continue to be within the parameters of the DOJ’s previous judgment when Comcast acquired NBCUniversal—including extending net neutrality to TWC subscribers, an increase in broadband speed, expansion in rural and low-income areas, and divesting some subscribers to competing companies to remain below 30 percent of cable subscribers.

However, that isn’t good enough, says Stucke. “At what point does the DOJ become concerned and wonder whether its NBU final judgment will protect suppliers and consumers?” write Stucke and Grunes. “The judgment, for example, requires Comcast to maintain its internet access speed above a certain level. But the DOJ cannot know what a competitive market could bring...That is a fatal flaw of behavioral remedies. Comcast continues to deliver expensive and (according to some critics) inferior broadband. In the U.S., it lags [behind] Google [Fiber] and other Internet service providers. And there is less incentive for Comcast, after acquiring TWC, to innovate and compete.”

In another article, “The Beneficent Monop- olan,” published April 2014 in Competition Policy International, Stucke and Grunes write that combining two dominant companies like Comcast and TWC doesn’t improve service, lower prices, lead to more innovation, or give better choices to consumers.

“Comcast and TWC have not overcome the presumption of illegality for this merger and are unlikely to do so,” they write. “The DOJ should just say no.”

*MAURICE STUCKE*
Alumni

A presidential legacy

Three greats and a grand" is how Judge Andrew Jackson VI (’81) describes his lineage to the seventh president of the United States, Andrew Jackson. Jackson VI often cites the coincidental similarities between himself and the former president to visitors of the Hermangl, his ancestor’s estate in Nashville.

“I always like to say, ‘Andrew Jackson was a lawyer, I’m a lawyer; Andrew Jackson was a prosecutor, I was a prosecutor; Andrew Jackson served in the military, I served in the military,’” says Jackson. However, it makes clear that he and his ancestor share career commonalities up to a point: “Andrew Jackson was a judge, I’m a judge; Andrew Jackson was president, I’m a judge.”

President Jackson’s rise to prominence is something Jackson VI finds particularly captivating. “It really is a rags-to-riches story as far as Andrew Jackson is concerned,” he says. “Jackson was the first [president] who was born poor but worked his way up, and I think that shows in this country, you can do that.”

Since graduating from UT Law, Jackson has spent nearly his entire career working in public service. He initially worked in private practice but soon found himself working as an assistant district attorney with the Knox County Attorney General’s Office. “I loved working for the attorney general,” he says. “That’s a job where you can serve people and you’re helping society as a whole—and it’s a fun job, too.”

Jackson admits the position came with its challenges when facing unwinnable cases where justice was clearly needed but could not always be served. “I think you’ve got to draw the balance between doing what is right and sometimes what you’d like to do, he says. “There are some instances around the country where prosecutors have gotten in trouble for getting cloudy and thinking the ends justify the means.”

For the future, Jackson doesn’t plan to climb the political ladder like his ancestor did. “I’d like to be king, but I wouldn’t like to be president. I think most people feel that way,” he says. “No, I’ll just stay with the judicial part of it. I think it suits me.” He ultimately plans to keep his roots in the Volunteer State. “Tennessee has been my family’s home for a very long time,” he says. “Tennessee will always be my home.”

Law alumni Laura, Flowers receive university awards

Two UT Law alumni were honored this year by the university. Thomas Lauria (Liberal Arts, ’82; Law, ’86) received the Distinguished Alumni Award, and Joshua Flowers (Arts, ’13; Law, ’16) received the Alumni Promise Award.

Dedicated to the spirit of the Volunteer, the Distinguished Alumni/Alumna Award is the single highest alumni award given by UT and is reserved for alumni who have excelled at the national or international level. The Alumni Promise Award recognizes alumni no-older than 40 who have demonstrated distinctive achievement in a career, through civic involvement, or both. Lauria is one of the foremost bankruptcy attorneys at the American Institute of Architects. The general counsel for Hnedak Boggs, Spring Miller, in Memphis, he has had a unique and substantial impact on the practice of each discipline and to the citizens of Tennessee. He has written numerous publications to influence legislation to protect the welfare of the public and safeguard the architectural profession. He recently won the 2014 Young Architect Award from the American Institute of Architects.

Law Faculty Endowments, and serving as a Distinguished Alumni Lecturer.

Flowers is one of the foremost bankruptcy attorneys at the American Institute of Architects. He was named to the 2015 edition of Best Lawyers in America for employment and labor law.

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CLASS NOTES

SIDNEY W. GILREATH was selected by his peers for inclusion in The Best Lawyers in America. He was also named a Best Lawyers’ 2015 Lawyer of the Year.”

ELIZABETH ASBURY became one of the first women elected to judicial office within the Eighth Judicial District of Tennessee when she was elected chancery court judge for the district in August.

ROBERT D. MEYERS of Glankler Brown, PLLC, was selected for inclusion in The Best Lawyers in America for labor and employment litigation and municipal litigation.

R. DAVID PROCTOR was appointed by US Supreme Court Chief Justice John Roberts to serve on the Judicial Panel on Multidistrict Litigation. The panel consists of seven federal judges. Proctor recently celebrated his tenth year as a US district judge.

Law Faculty Endowments, and serving as a Distinguished Alumni Lecturer.

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JASON H. LONG of Glankler Brown, PLLC, was selected for inclusion in The Best Lawyers in America for labor and employment litigation and municipal litigation.

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STEPHEN RAGLAND has been elected a fellow of the American Bar Foundation.

SHERRAID “BUTCH” HAYES of the Austin law firm Weisbart Spring Haynes was included in the 2015 edition of The Best Lawyers in America for employment and labor law.

JASON H. LONG of Glankler Brown, PLLC, was selected for inclusion in The Best Lawyers in America for labor and employment litigation and municipal litigation.
For Jeff Groah (Lib. Arts, ’84), a circulation supervisor and classroom technology coordinator, UT and the Knoxville area have been home for much of the past three decades. Before planting roots in Knoxville, Groah attended Davis and Elkins College in West Virginia, where he graduated with an associate’s degree in engineering technology. He then graduated in 1984 with a bachelor’s in geology. Ten years later, he landed at UT Law and hasn’t left since.

Q: Throughout your time here, how have you seen UT and Knoxville change?
GROAH: There’s been all sorts of changes in the technology we use daily to do our jobs and to stay in touch with one another. Our networked world has changed so much of how we do things. But in many ways, things haven’t changed all that much. When I was a student, we waited in long lines to register; now we wait online.

What has excited you most about the technological advancements that have been made in the past twenty years?
GROAH: Getting our classrooms up to speed as far as being able to provide different tools for students to use when they’re doing presentations and recording different events. Those are all things that I’ve been involved with.

What do you hope to see from technology in the future?
GROAH: Someday it’s all going to be easier [laughs], but not likely in my lifetime.

What have you liked most about Knoxville that has kept you here?
Knoxville’s proximity to the mountains and the good climate. For many years I worked both on campus and also as a river guide. Twelve months a year you can get out and play in the mountains and take advantage of what’s around us. I ride my bicycle through town every evening on my way home and there’s always people roaming around Market Square...It’s become a more pleasant place to live over the years. I’ve actually come and gone several times, and I keep getting pulled back here. I’ve heard Knoxville referred to as the “Vortex” because it’s one of those places that you kind of get tugged back to somehow.

So you were a river guide. How did you first get into rafting and canoeing?
Growing up, my folks loved the outdoors. When I was a student [at UT], there was a club called the Canoeing and Hiking Club, and they would do weekly trips—sometimes they’d do four or five a week—and I got involved.

Other than rafting and canoeing, what are some of your other interests?
Cycling...I’ve been doing that since 2000 or 2001. I hiked the Appalachian Trail in 2000 and came back from that wanting to transition from being someone who walked everywhere to someone who got around a little bit faster, but not necessarily by driving.

What’s the best part about your career at UT Law?
The community here, working with all the different people and the different people that come through our doors...not just the people that are here every day, but some of the folks that we invite to speak here. Working with adjunct professors, working with full-time professors, working with students...it’s fun to stay involved with all of that.

How do you see life ten years down the road?
From one day to the next, you never know what’s going to change...but I hope I’ll still be riding a bicycle.

Colleague

Life in the ‘Vortex’

BY LUIS RUUSKA

Shop Volunteer Traditions and Support the College of Law

This holiday season, grab a few of your gift items at Volunteer Traditions and support the University of Tennessee College of Law at the same time

Mason Jones (’07), founder of Volunteer Traditions, is offering a great deal for UT Law alumni and friends. Simply enter “UT Law” in the organization box on the checkout page, and 30 percent of your entire purchase will be donated to the College of Law.

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