

SECTION IV

ALUMNI

ALUMNI REMARKS - 1998

I would like to begin by saying how happy I am to be here. It is an honor to be the Dean of the University of Tennessee College of Law and a pleasure to meet you and other graduates and friends of the College. A strong law school like UT usually has strong relationships with its alumni. I am happy to know those relationships exist here, and I intend to follow in Dick Wirtz's footsteps and work hard to preserve and sustain those relationships through communication with you, by seeking your ideas about the College, and by trying to be of service to you in your practices or businesses.

Before I go on, I want to do three things that are important to me. First, I want to say thank you to Dick Wirtz. You have known Dick longer than I have. You have worked with him longer than I have. I bet that nothing I am going to say about how wonderful he is will be a surprise to you. I don't have to tell you about Dick's accomplishments as Dean. During his tenure, the College of Law built a brand new building, improved its relations with the bench and bar, rose in its national stature, became a place where faculty scholarship coupled with excellent teaching became the norm, and the College made incredible strides forward in its private fund-raising efforts. While I know I don't have to tell you about the last part, let me give you a little detail you may not be aware of. Under Dick's leadership, the Cornerstone Campaign for the College of Law raised just over \$7,000,000. Our goal was \$6,000,000, so we exceeded our goal. That would not have been possible without you, our alumni and friends. It would also not have been possible without our faculty and staff who contributed generously to the campaign. I want to tell you an amazing statistic. We received gifts and pledges from virtually 100% of our faculty and staff. All of that represented your faith and trust in the institution and in Dick's commitment, hard work, and leadership. We owe him. Now, while we succeeded on our overall goal and many of our more particular goals, we still have critical priorities to fill. But, we can talk of that later. Now, I want to say one thing more about Dick. Let me tell you that, from the first time I met him, he has been more supportive and helpful than I could have imagined in my wildest dreams. But then, you see, I didn't know him yet. He has undertaken difficult chores himself that he could easily have left for me. He has met with me whenever I have sought his advice or help, and he has never been judgmental or told me what to do. Dick has been the perfect mentor and advisor. I am in his debt. Put simply, the UT College of Law is in as good shape as any law school I have ever seen, and I attribute that, in large part, to Dick Wirtz and his leadership. Thank you, Dick.

Secondly, I'd like to let you all know how grateful I am to President Joe Johnson, Chancellor Bill Snyder, and Vice Chancellor John Peters. They were great to me during the search process and have pledged support to the institution that will

allow us to grow in stature and reputation over the next four years. It's good to be part of a major university and to enjoy its support. Thirdly, I want to introduce you to my wife, Susan. Like me, she is a native of New Jersey. But please don't hold that against her. She and I have been married for seventeen years, and we have four children: Patrick, thirteen; Sarah, eleven; Aisling, eight (nine next Wednesday), and Jennifer, six. We are all happy to be here.

Now, let me switch gears a little and talk to you about your alma mater and what I see in its future. I know we are in good shape. We are in great shape. But no moss grows on a rolling stone. The good can get better. To steal a phrase, if not a page, from Bill Snyder, what are some of our points of pride? Where are we truly excellent? You need go no further than the building to see one of our greatest assets. The state supported us in the design and construction of the building, and we must be grateful for that support. Many of you also supported us with gifts designated for improvement of the building or to name certain rooms in the building.

I still gawk when I walk down the halls. I make my family go for rides and then drive by the building just to look at it. But as great as the building is, what's just as impressive are the people and the programs inside.

Last spring the deans of UTK, under Vice Chancellor for Academic Affairs John Peters' direction, published a report mapping the future of UTK. In that report, the deans (including Dick) identified those programs at UTK which they considered to be excellent. Among the excellent programs was our College of Law. What made us excellent? Our faculty, for one thing. They have established themselves as a force to be reckoned with both in the region and beyond. They are teachers and scholars of repute. The College of Law faculty are great teachers and outstanding scholars. They understand and strive to excel at both things. I assure you that, as wonderful as their reputations are, they are not as well known as they should be given what they do. I will work on that. Additionally, I believe that as a group they are poised to make an even deeper impression than they have done so far.

Our clinic is the longest continually operating law clinic in America. Our legal writing program is extensive and demanding, and it gets better all the time. Before I leave the faculty, let me tell you that I am impressed by their willingness to address hard issues while at the same time maintaining a level of collegiality that I have not experienced before. Let me also point out that we proudly and heavily rely upon you to help us carry the educational load. Many of you here tonight are part of our outstanding adjunct faculty.

You know that our library is outstanding. After a hard move, the library thrives. Visiting scholars praise our traditional collection. When you get tenure, which I just did, you get to pick a book that the library will buy in your honor. Well it took me over an hour to find a book that I thought was important to me that the library did not already own. Moreover, the library is the center of the technology for the College of Law, and we have technology to be proud of. One of our challenges is going to be to use the technology available to us in the building. So that's our faculty and library. Now, let me turn to another point of excellence of us, our students.

Our students' credentials continue to be among the best in the area. But in the short time I have been here, I can see that they are not only good on paper, they are good in real life. They impress me as bright, intellectually curious, hard-working, courteous, professional, and civil. I am happy to get to know them. They are the kind of people you want to learn more about and spend time with.

Importantly, I cannot say enough good things about our staff. They have helped me at every turn. And they are always smiling. They tolerate my lack of knowledge and prop me up cheerfully whenever I stumble, which only seems to happen three or four times a day. I have also found out very quickly that we have a vibrant, interested, and involved group of alumni and friends. I know that Dick worked hard to rebuild and maintain the connections between you and your school. We at the UT College of Law are happy you look to us with pride as your law school. We appreciate your generosity and your support. We appreciate your ideas and your input into our vision for the future. You are our connection to practice, to government, to business, and to the judiciary. We are honored to claim you as our graduates and friends. I pledge to do my best over the upcoming months and years to continue to make you proud of your alma mater and to keep you informed and connected to the school. I could go on. But the purpose of tonight's gathering is to meet one another and to spend time together as people, to share some time at what I hope is the beginning of a long and rich friendship.

Thanks.

ALUMNI MEETINGS - 1998

I would like to begin by saying how happy I am to be here. It is an honor to be the Dean of The University of Tennessee College of Law and a pleasure to be meeting you and other graduates and friends of the College. I met some of you while I was interviewing and, both during the search process and since, I have heard such wonderful things about you as a group and about many of you as individuals that it is indeed wonderful to now be meeting so many great supporters of the College of Law in person.

One of the reasons why we are in such good shape at the UT College of Law is that we have an outstanding Development team. That team is headed by Dotti Bressi, whom all of you probably know. Dotti was the Acting Director of Development. She lost the Acting part of the title on July 1, 1998. Dotti is now the Development Director. She deserves our congratulations. But that doesn't necessarily mean you'll be hearing from her more.

Besides me, Dotti has more new talent to work with. We have a new Assistant Development Director, and he is here. His name is Keith Carver. He comes to us from Student Affairs, where he worked while getting his masters at UT. His undergraduate degree is from Memphis. But he's got more orange around him than a pumpkin. Keith is a native of Alamo, Tennessee. He is married to a teacher; her name is Holliann; and they are expecting their first child in November. We are happy to have Keith with us.

Now, let me switch gears a little and talk to you about your alma mater and what I see in its future. I know we are in good shape. We are in great shape. But no moss grows on a rolling stone. The good can get better.

You need to go no further than the building to see one of our greatest assets. The state supported us in the design and construction of the building, and we must be grateful for that support. Many of you also supported us with gifts designated for improvement of the building or to name certain rooms in the building. So please, when I say thank you to the state, don't think we don't remember and thank you as well.

But the state's support has not stopped with the building. Last spring the deans of UTK, under Vice Chancellor for Academic Affairs John Peters' direction, published a report mapping the future of UTK. In that report, the deans identified eight thematic areas that they want to see UTK stress in the years ahead. In that report, the deans also identified those programs at UTK which they considered to be excellent. Among the excellent programs was our College of Law. As a matter of

policy, the deans stated that excellent programs would receive financial support during the good times and financial support during leaner times.

Well, during the search process, as John Peters and I talked about the future of the College of Law, UTK showed that it meant what it said when publishing the deans' report because John Peters, Chancellor Bill Snyder, and President Joe Johnson gave us great support. They provided the College of Law with a platform from which to launch even higher than we have before. And I'd like to tell you a little about that support. I want you to know how much the College of Law is appreciated and valued by Joe Johnson, Bill Snyder, and John Peters.

First, the funds will be available for us to bring a Director of the Center for Advocacy aboard next year. This is an important position because it will allow the Center to develop beyond its current curricular emphasis. While the education that our students receive is our first concern, we believe we can improve upon that education by making the Center more than simply a curricular focus. We would like to see the Center be a regional and national focal point for the study and training of advocacy and dispute resolution skills. We would like it to reach out to you, our graduates, with continuing education programs. We would like it to be a center for scholarship on advocacy and dispute resolution. Hiring the right person as the Director of the Center will allow us to more meaningfully get to work on turning those hopes into reality. Jerry Black has done an outstanding job as Acting Director, but he wants to devote himself entirely to his teaching and work in the Clinic. However, Jerry has agreed to lead the search for the Director. Additionally, while we want the Center to move beyond its curricular focus, we do not want it to lose that focus. We want the Center to get better without sacrificing what we do well. Consequently, we have agreed that the Director will be a tenure track law professor. He or she will be a teacher and scholar as well as a Center Director.

But you are probably thinking to yourselves that we have two Centers. Yes, and in the year after next, the University will provide the funds to allow us to search for and hire a Director of the Entrepreneurial Law Center. Once again, we hope that person will be a teacher and scholar of the first order. We also hope that the Center for Entrepreneurial Law will develop beyond its outstanding curriculum to be a national, and maybe even an international, center for training lawyers to represent entrepreneurs and maybe a place where entrepreneurs themselves can learn about the law. As you know, Carl Pierce is now Acting Director of that Center.

Additionally, the University has promised that, in the year after next, the funds will be available to allow us to hire a new faculty member, not a replacement for someone who leaves, but a new faculty member. In the following year, three

years from now, the University will provide the funds to allow us to hire another new faculty member.

What all this means is that over the next three years we will be adding four new faculty members, two of whom will also be Center directors. That is an appreciable investment in our future. At the end of that period, assuming that the student body does not increase in size, and we do not think that it will, we will have one of the most outstanding faculty/student ratios in the nation for a school of our size. We will be able to do an even better job of teaching our students in smaller groups. We will hopefully be able to do an even better job of teaching our students how to conduct legal research, write briefs, draft legal instruments, negotiate deals, conduct a trial, and otherwise represent their clients. We will be able to teach these skills with an increased emphasis on ethics and professionalism. These are exciting times.

But the University's support is not limited to the classroom. This year, thanks to the University's generosity, we will be able to search for and hire a Computer Services Librarian. This person will help us to do a better job of teaching our students how to use the technology that is at their fingertips. He or she will be responsible for developing our library software collection and for teaching us all how to use what software we have. He or she will be a help not just to our students and faculty but also to you. The computer services librarian will be able to help you with computer-based training and research. The computer services librarian will be a key resource in helping us to fully utilize the technological capabilities of our building.

I'm not done yet. Through a series of budget cuts and the process of price increases, the library found itself with about \$187,000 less purchasing power than it had eight years ago. A great law school in a great building deserves a great library. The University has agreed to restore the library acquisitions budget to 1990 levels over the next several years.

So as you can see, the University has made a substantial commitment to our near future. With that help, and yours, we can begin to think concretely about what we must do to take our place among the truly preeminent state supported law schools in this country.

But as we think about what we can do, we must be sure not to abandon what has gotten us this far; doing an outstanding job of teaching our students to practice law, particularly to practice law in Tennessee. Personally, I have always found that my role as teacher and a scholar were not in conflict but complemented one another. My teaching gave me ideas about what I might write about. It gave me a clear picture of those areas of the law that were unclear, inconsistent, or cried out for

another few thousand words written about them. The red flag for a teacher is whether a student can understand the area. In most cases, if I worked hard to explain the law and the students could not get it then it was me, them, or the law. At the same time, my writing made me a better teacher. It kept me stimulated in the class room. It got me excited about things that I might otherwise have yawned through. Writing about one thing and teaching another might make me see relationships between disparate areas of the law that I might have otherwise ignored. In short, I do not see a conflict between teaching and scholarship. I see that they go hand in hand. So when I say that I want to see excellent teachers, I do not mean to say that scholarship should be sacrificed. Likewise, when I say that I want to see our faculty be more productive as scholars, I do not mean that teaching should be de-emphasized. Excellent teaching and productive scholarship are two things all of our faculty must be able to do.

So, what more would I like to see? Where can we, at the UT College of Law improve on our margin of excellence? To steal a phrase from Chancellor Snyder, "What are our points of excellence?" And to add my own further inquiry, how can we make them even more excellent?

We only grant tenure to those of our colleagues who have met our rigorous demands in the classroom and as scholars. Thereafter, promotion occurs when an associate professor continues his or her exemplary teaching and fulfills the promise as a scholar shown before the grant of tenure.

But what about after that? What happens then? You have no doubt read about post-tenure review and the national trend in that direction. We at the College of Law had post-tenure review before it was in vogue. We fell out of the practice of engaging in those extensive reviews. Now we will return to our former practice. The Board has directed the University of Tennessee to implement post-tenure review procedures, and we will be working on ours this year. I think my colleagues will welcome that development because it will give them an opportunity to show what an outstanding job they continue to do even after tenure and promotion.

But what honors do they have to look forward to? There are College of Law honors and University honors and the reward of grateful students and a job well done, but beyond that?

We have four chaired or endowed professorships. That is a great thing. But we need to have more. My senior colleagues deserve the good feeling that goes with the honor of holding a named professorship.

I do not want to compare UT to LSU, the place from which I came. At LSU there were over 20 distinguished professorships. Every professor who had not openly declared war on the Chancellor (that's what we called our Dean) held an endowed professorship. Having been awarded one, I can tell you how good it made me feel. I can tell you that the honor of the chair made me feel responsible as a scholar not just to myself and my institution but also to the donors. My professorship was given in honor of a former professor at LSU, a man I had met but who had retired long before I started teaching. Sadly, he died before the professorship was created. But when I was named to that professorship, I felt a kinship to the institution, a connection to its past and its traditions I had not felt before. It was an honor beyond the merely financial. But that's nice too. It was not just an honor for me, but it was also an honor for my late colleague. Having that professorship named for him meant that he would live on in the school; his fond memory came to mind every time I was introduced, every time I gave a speech, every time I had an article published, every time I signed a letter. Me and every future holder of the chair will be forever linked to him and will help preserve his legacy as an educator and scholar. I would like to be able to see more of my colleagues at UT have that fulfilling feeling. I would also like to know that more of Tennessee's best practitioners, judges, and scholars are remembered by having professorships named in their honor. So this is one of the projects I would like to see us work on in the next few years.

On a related point, we law professors receive brochures from other law schools every year about some of what's going on at those other law schools. Quite frankly, a lot of what we receive is fluff. But there are some exceptions. For instance, when I receive a mailout from, say, Columbia, where I got my LL.M., describing the range of international speakers they have on a variety of legal topics, I am usually impressed. Many schools have distinguished speakers' series. Others have distinguished visiting professorships designed to bring leading jurists, practitioners, and scholars to campus so the law school community can benefit from a more sustained interaction with the relevant person. Many of the schools that have these programs are established private schools with rich endowments, but not all of them. For instance, the University of Alabama not only has endowed distinguished visiting professorships, but it also has a speakers series that some Ivy League schools would kill for. Why not us? We have a "Speakers' Series" now: a group of extremely energetic students who have worked hard, with the help of some of you, to attract some very impressive speakers. But they need more support, and it would behoove us to have an institutional framework that would allow us to consistently invite distinguished visitors to our corner of the world for extended periods of time. So that is something else I will be asking your help with.

I am extremely proud of our Law Review. I would like to see it take its place among the leading journals in the country. But sustained improvement for the Review will take institutional and alumni support. We must be able to continue to host symposia on cutting-edge topics.

I have told you about our four new people who will be coming aboard in the next three-four years. The opportunity to hire those people is an opportunity to grow. It is in some ways a relatively unanticipated opportunity. The problem it presents is that we do not have room for those people. Even with our beautiful new building, we will have to do some reconfiguring. That effort will take time and money, but it must be done. We can't attract great people if we don't have spaces to put them in. We will be occupying ourselves with that.

Now let me close with what may in some ways, to me at least, be the most important point of all. It relates to our students. While I have not yet taught any of them, from all I have seen and heard, our students are extraordinary. They are a great group. They are more intellectually able than they have ever been in the past. They are better prepared for law school than they have ever been before. They are a more diverse group in terms of race and gender than they have ever been before. Thanks to our faculty and staff, they are better prepared to practice law when they get out of here than any students who have ever gone before them. And they are getting to be harder to recruit than they have ever been before. Moreover, they will pay more for their legal education, both in terms of the tuition they will pay and related costs, like books, technology fees, rent, food, and transportation. We must be able to do more to attract them, recruit them, and help them pay for their legal educations. If we don't do more, we will lose them. Every year we ask those students whom we admit but who do not attend why they chose not to go to UT; and the answer, way more often than not, revolves around the fact that some other school offered them a better scholarship package. Sometimes the schools they choose are not as good as UT. Students are choosing to go to a school that is not as good as ours because of financial considerations. I would like to see that stop. Aside from Geier funds, aimed at creating opportunities for education that were not available to African-Americans before, our scholarships are limited. We are extremely grateful to have what we have. Just the other day, I was reading a letter from the Dean of the University of Utah College of Law. Utah is a good school; skip Texas and it comes right after us in the alphabet. Guess what their endowment for scholarships is? \$3.7 million. The impressive thing is, that figure has risen from about \$300,000 in only eight years. So stuff has happened. I would like to see that kind of progress here too.

I have gone on way too long. I have shared with you just a few of my aspirations and some of the projects I would like to work on with you on over the

next few years. There are some of my ideas. But you have a lot more experience with our fine College of Law than I do. What are your ideas? What is your vision of the future? I hope you will actively strive to continue to work with us to keep the UT College of Law an institution that you are proud to be associated with. Thanks.

ADVOCACY CENTER - FOUNDERS' LECTURE SPEECH - 2005

Thank you, Chief Justice Barker, for a fantastic inaugural Founders' Lecture on Advocacy. You have given the next speaker a tough act to follow, and you have given us much to think about while bringing a smile to our faces. Now, let me take a minute or two to take care of a very important piece of institutional, professional, and personal business: saying "thank you" to the Founders of our Center for Advocacy and Dispute Resolution.

To do so, let me begin with a page of history, and, friends, this is a living history. One of the things that the University of Tennessee College of Law prides itself on is that we teach and train lawyers—real lawyers—lawyers who make a difference.

To teach and train real lawyers, you have to be holistic. You cannot ignore one aspect of lawyering or overemphasize one at the expense of another. You have to train lawyers who think, analyze, explain, and philosophically consider law in the grand tradition, the modern tradition, and maybe even in the postmodern tradition. Put differently, you have to emphasize theory, doctrine, philosophy, and policy. You have to train students to think like lawyers.

And you have to train students in the ethos and ethics of the legal profession. You have to talk to them about and inculcate them with integrity, professionalism, responsibility, and the meaning of service.

You also have to train students to write, to write properly, to write thoughtfully, to write clearly, and to write persuasively. You have to integrate the lawyerly skill of thinking, with ethics, with the lawyerly skill of writing. Of course, you have to train lawyers how to plan in the business context as well, but that is a subject for another speech.

And, to get back to today, you have to be able to train your students to persuade both in writing and on their feet. You have to train them to find facts, develop facts, discover facts, explain facts, theorize about facts and law, and to have the skills to convince a judge, a jury, an opponent, or a client about what the best thing to do is. In short, you have to be able to train your students to be advocates.

One of the historical ways in which we have trained our students to be advocates is through our outstanding Legal Clinic. It has been open and operating since 1947. We claim it is the longest continually operating legal clinic in America. Actually, I recently saw a brochure from USC that claims a longer run, and, like a

good lawyer, I want to and need to check the facts. I do know their football team's winning streak is on a longer run than ours, but back to advocacy.

In the Clinic, students learned what it was like to be a lawyer and an advocate. They integrated theory and skills. And, proudly, some of our graduates, many of whom had taken Clinic in law school, went on to become outstanding advocates—great courtroom lawyers. They became famous trial lawyers who tried cases in Tennessee, in the region, and in the nation. So Tennessee's tradition of training great, well-rounded lawyers was born and born out in our graduates, including our graduates who were great advocates.

Then, a few years ago, we decided to build on the great reputation of our litigator graduates and our strong tradition of integrated lawyerly training to create a concentration in and a center for advocacy.

As Doug Blaze mentioned, a group of great lawyers and law firms understood our ideas. They understood what Dick Wirtz, Jerry Black, and others were talking about. They grasped the importance and the promise of a center devoted to advocacy. And, like great lawyers who understood the meaning of service and who understood the dream, they invested and they gave—substantially—to endow this center and to give shape to our vision. Without them, the Center for Advocacy and Dispute Resolution would not exist. Without them, Chief Justice Barker would not be here today for this wonderful lecture. Without them, our vision would be more limited; our students' experience would not be as rich; and our lives as Tennessee lawyers would be poorer.

Today, I want to say “thank you” to them all again. I want to say “thank you” to them on behalf of our law school. I also want to say “thank you” to them from me. As you know, I have decided this is my last year as Dean. We are actually searching as we speak, so if you have a resumé with you, drop it off.

But seriously, as I finish my next-to-last semester as Dean, I realize there may not be many chances for me to get up in front of a room with a captive audience and say what I want. Today, I want to say “thank you” to the Founders. You have been my friends; you have been among my most trusted advisors; and you have made my life and our school better.

So what I want to do now is ask each of you who are here to please come forward and be recognized and thanked: Donna Davis; Sid Gilreath; T. Robert Hill; Bryan Larson representing Bass, Berry & Sims; Tom Prewitt, whose gift honors his father, Tom Prewitt; Bob Pryor; John T. Milburn Rogers and his wife Donna; Jerry Summers. Please recognize these great friends with a round of applause.

But I ain't done yet! As I said, when we started this Center, we built on our Advocacy Clinic's tradition. A few years ago, we re-cemented that connection when we named Doug Blaze Director of both the Center for Advocacy and the Clinic. Like me, Doug is stepping down, and I thank him for his great leadership and service. But Doug, your party will be later. Whatever we do in the future regarding the people who head the Clinic and the Advocacy Center, we wanted to do something that would celebrate the connection between advocacy and the Clinic and that would once again say "thank you" to our Founders. So today, I unveil the plaque that we will hang outside the space that will house both the Center for Advocacy and the Charles Henderson Miller Legal Clinic.

This tangible plaque is a concrete (or brass) reminder or symbol of three things:

- 1) The historical, practical, and intellectual relationship between the Center for Advocacy and the Legal Clinic.
- 2) The integrated legal training students receive at Tennessee—training that integrates theory, ethics, writing, simulation, and clinical education. Training that trains people to be real lawyers and great lawyers.
- 3) And, finally, it is a symbol of our gratitude to a group of great lawyers who have accomplished much in their profession and whose support has made our law school a better place.

Thank you.