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THE UNIVERSITY OF TENNESSEE

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Professor Iris J. Goodwin spent the Fall 2007 term visiting at the University of Richmond Law School where she taught Property for first-year students, in addition to Gratuitous Transfers. In the Spring 2008 term she has taught Estate Planning. Her most recent paper, “Ask Not What Your Charity Can Do for You,” will be published in the University of Arizona Law Review. The paper examines the challenges of cy pres reform by centering on the lawsuit by the Robertson family against Princeton University regarding a restricted purpose gift. The gift (which now represents 6% of Princeton's endowment) was made by the family in 1962 in answer to President Kennedy's “Ask not what your country can do for you” charge. The Robertsons allege that Princeton has misapplied the gift and request the court return the funds to a family foundation to be re-granted to other universities willing to apply them consistent with the stipulated mission. The article was also accepted by a peer-reviewed journal. Finally, Professor Goodwin has joined Professors Melanie B. Leslie (Visiting Prof., Columbia Law) and Stewart E. Sterk (Cardozo), among others, in an amicus brief on behalf of trust law and ERISA law professors in the Supreme Court case Met Life v. Glenn. The specific questions raised in the case are 1) whether an insurance company that both determines eligibility for employee benefits and pays those benefits acts under a conflict of interest, and if so, 2) what weight should a court give that conflict when evaluating an employee's claim that the plan administrator abused its discretion in denying the employee's claim. The bulk of the brief address trust law issues. The case will be argued on April 23.

Professor Joan Heminway was a featured presenter at a symposium at William & Mary's Marshall-Wythe School of Law entitled “Not That Kind of Girl: The Legal Treatment of Women Defying Traditional Gender Roles” this February. Her presentation focused on her paper, “Female Investors and Securities Fraud: Is the Reasonable Investor a Woman?” which revisits the conception of the reasonable investor in light of increasing participation by women in securities trading transactions. The paper will be published in Volume XV, Issue 2 of the William & Mary Journal of Women and the Law. In mid-March, Professor Heminway delivered a brief telephonic lecture and participated in a subsequent Q&A discussion session on legal issues relating to the litigation against and involving Enron's corporate fraud at a University of Arizona continuing education course entitled, “Trials of the Centuries – Part V.” At the end
of March, Professor Heminway spoke on a panel for a continuing legal education program sponsored by the Knoxville Bar Association. The topic of the panel was “Expectations - New Associates vs. The Firm; Investing in New Associates - Costs & Employee Retention.” The panel was part of a larger program entitled “You Know You're My #1 – You, The Practice, & The Client (The Challenges of Balancing the Practices of Law & Life With an Eye in The Ethics Rule).” In April, Professor Heminway participated in a continuing legal education program sponsored by the Tennessee Bar Association entitled “Drafting Boilerplate.”

Professor Amy Morris Hess spoke at the Knoxville Estate Planning Council in January 2008 on the topic “Estate Planning for the Baby Boomers; Will They Have Estates to Plan?” She has just completed the 2008 pocket parts for the multi-volume treatise, BOGERT, THE LAW OF TRUSTS AND TRUSTEES; these pocket parts will be published by Thomson-West this summer. In April 2008, she was the principal speaker at the second estate planning workshop organized by the students in the Business Clinic for low-income homeowners.

Professor Jeff Hirsch will be delivering a talk entitled, “Internet Use in the Workplace After the NLRB’s Decision in Register-Guard,” to the Law and Technology Committee of the ABA Labor and Employment Section in Chicago this May. His recent article, “The Law of Termination: Doing More With Less,” will be published in the Fall 2008 volume of the Maryland Law Review. Additionally, the Yale Law Journal Pocket Part published Professor Hirsch’s essay, “Taking States Out of the Workplace,” in April. Also in April, the George Washington Law Review published Professor Hirsch’s article, “The Silicon Bullet: Will the Internet Kill the NLRA?” and the Florida State University Law Review published his article, “The Rise and Fall of Private Sector Unionism: What Next for the NLRA?,” co-authored with Barry Hirsch. Also, in March, In Brief: The Online Magazine of the Virginia Law Review published Professor Hirsch’s essay, “Rent-to-Own Unionism?,” (http://virginialawreview.org/inbrief.php?s=inbrief&amp;p=2008/03/24/hirsch) which was a response to Professor Matt Bodie’s article, “Information and the Market for Union Representation.”
Professor George Kuney has written three books published this spring: Mastering Intellectual Property Law (forthcoming Carolina Academic Press 2008, with Donna C. Looper), Mastering Bankruptcy Law (Carolina Academic Press 2008), and Bamboozled: An Entrepreneur’s Tale of Vindication and Disappointment in America’s Courts (Center for Entrepreneurial Law 2008). In addition, his article, “What Your Lender and Mortgage Broker Didn’t Tell You: A Proposal for Increased Disclosure of Purchase Money Borrower Protections and their Loss on Refinance,” is being published by the Hastings Business Law Journal in its Spring 2008 issue. He has served as amicus counsel to the plaintiff/appellant in Schultz v. United States, 369 B.R. 349 (E.D. TN. 2007) and Shultz v. United States, __ F.3d __ (6th Cir 2008) (challenge to constitutionality of Bankruptcy Code’s “means test” on uniformity grounds). He was awarded the Carden Award for Outstanding Achievement in Scholarship for 2007 and will be speaking at Emory University’s Transactional Practice Center’s Contract Drafting Conference in May of 2008.

Professor Becky Jacobs’ essay, “A Lexical Examination and (Unscientific) Survey of Expanded Clinical Experiences in U.S. Law Schools,” will soon appear in the Tennessee Law Review as part of its Charles Miller Legal Clinic 60th Anniversary Symposium edition. Following her appearance on a panel addressing “Coalition Building, Globally and Locally” at the LatCrit VII in Miami in October 2007, Professor Jacobs contributed an article entitled, “Pareto Negativity: The Enemy of My Enemy is Not Necessarily My Friend - Latin Leadership, Coalition Building, and Predatory Globalization,” that will appear in the St. Thomas Law Review. She will be speaking on a panel with Carol Parker and Judy Cornett at the Legal Writing Institute's Biennial Conference in Indianapolis in July and, with Professor Joan Heminway, she will be part of a workshop entitled, “Cutting Edge Legal Theory: Jurisprudence in Context,” at the annual SEALS conference in July and August of 2008. Professor Jacobs also is grateful to participate again in the South African Black Lawyers Association Commercial Law training program in August 2008. Jacobs again coached student Moot Court teams in two separate competitions in 2007-2008: the ABA’s Representation in Mediation Competition and the Philip C. Jessup International Law Moot Court team.
Professor Don Leatherman is currently revising a textbook on the
taxation of corporations and partnerships, which will be published
early in 2009. Professor Leatherman’s article, “Gimme Fiction:
Revenue Ruling 99-6,” was published in the March issue of TAXES
(Vol. 86, No. 3). In January, Professor Leatherman spoke at the
American Bar Association tax section meeting, participating on a
panel considering stock basis for consolidated groups.

Professor Robert Lloyd and Professor George Kuney are working
on a series of commercial law course books to be published by the
Clayton Center for Entrepreneurial Law. These books will be an
affordable alternative to the books currently available from
commercial publishers. Professor Lloyd’s essay, “Why Every Law
Student Should Be a Gunner,” will appear in the January 2009 issue

Professor Alex B. Long’s article, “Retaliatory Discharge and the
Ethical Rules Governing Attorneys,” will be published in an
upcoming issue of Volume 79 of the University of Colorado Law Review.
Professor Long received the 2007 W. Allen Separk Faculty
Scholarship Award for his article, “The Troublemaker's Friend:
Retaliation Against Third Parties and the Right of Association in the

Professor Carl Pierce is currently working with University of
Tennessee Professor Judy Cornett on a professional responsibility
course book to be published by Thompson West in 2009. Professor
Pierce is also currently serving as co-reporter for the Tennessee Bar
Association’s Committee on Ethics and Professional Responsibility,
which is generating a proposed revision of Tennessee's Rules of
Professional Conduct in light the changes adopted by the American
Bar Association in 2003. Additionally, he is serving as chairperson of
both the Tennessee Valley Authority Board of Contract Appeals and the Tennessee Supreme Court Task Force on the Study of Self-Represented Litigant Issues. Professor Pierce is also currently working on two pieces concerning the ethical representation of persons and entities in the formation and organization of a corporation: one concerning joint representation in that context and the other one concerning representation of an entity to be formed without representation of any of the promoters.


Professor Gary Pulsinelli has recently completed an article entitled Harry Potter and the (Re)Order of the Artists: Are We Muggles or Goblins? (available on Professor Pulsinelli’s SSRN page, http://ssrn.com/author=880362) and submitted it for publication. This paper reached first place for recent hits in SSRN’s Journal of Property, Citizenship, & Social Entrepreneurism, and it also appeared in the top ten of the more general Law School Research Papers - Legal Studies. He presented this paper in talks at Cumberland College of Law at Samford University and at the Gordon Ford College of Business at Western Kentucky University. Professor Pulsinelli is currently working on completing his article Fixing Festo: How the Foreseeability Test for the Doctrine of Equivalents Punishes Innovation (and What to Do about It), which he presented last summer as a work in progress at the Intellectual Property Scholar’s conference held at DePaul University. He is also preparing to work on an article proposing a fix for the international “best mode” problem in patent law (the U.S. has such a requirement while the rest of the world does not, which can create hardships for foreign inventors) by relaxing the “new matter” prohibition in patent applications.
Professor Gregory M. Stein completed his one-year term as chair of the Real Estate Transactions Section of the Association of American Law Schools in January. At the AALS annual meeting in New York, he served as program chair and moderator for the Section's panel discussion, entitled “Negotiating the Mega-Rebuilding Deal at the World Trade Center: Teaching Teachers to Teach Students,” and organized a trip to the World Trade Center site for approximately 30 law professors from around the country.

Later that month, the American College of Real Estate Lawyers invited Professor Stein to serve as its observer on the Drafting Committee for the Uniform Partition of Tenancy-in-Common Act. This Act is being drafted to address a problem confronting increasing numbers of rural African American families: the forced sale of property that is jointly held by many distant relatives when one of those relatives goes into debt. Professor Stein's article, “Mortgage Law in China: Comparing Theory and Practice,” contrasting the mortgage provisions of the newly adopted Chinese Property Rights Law with the actual practice of real estate practitioners in China, was published at 72 Missouri Law Review 1315 (2007). In March, Professor Stein gave a presentation at the Spring Meeting of the American College of Real Estate Lawyers in San Antonio. His talk discussed the ways in which law schools are increasingly incorporating skills training into the real property curriculum.

Professor Maurice E. Stucke's most recent article, “Should the Government Prosecute Monopolies,” will be published in the University of Illinois Law Review in March 2009. (A draft copy is available on SSRN at http://ssrn.com/abstract=1116463.) The piece discusses how the Supreme Court’s economic thinking in a recent antitrust decision is wrong, and how the Court ignores its precedent involving the Sherman Act's concerns of monopolies' political, social and ethical implications. Professor Stucke will also present his article at the 8th Annual Loyola Antitrust Colloquium this April in Chicago. In addition, Professor Stucke participated this April in a Competition Policy Symposium on antitrust remedies and merger policy from a comparative EU-US perspective. This event, hosted by the British Institute of International and Comparative Law in London, included panelists from academia, competition authorities, and antitrust attorneys. The European Competition Journal will publish the transcript of this symposium. Finally, Professor Stucke was recently elected to the Advisory Board of the American Antitrust Institute, an independent, non-profit education, research, and advocacy organization devoted to competition policy. As chairman of the AAI committee on the media industries, Professor
Stucke is drafting a transition report for the next Administration on competition policy issues involving the media. He will present the committee’s findings this June at the AAI’s Annual National Conference in Washington, DC, and his report will be later published.

**Professor Paulette J. (Paula) Williams** teaches the Business Law Clinic. Her students represent for-profit and non-profit organizations, serving the dual purposes of educating law students in transactional practice as well as providing much needed legal services to the community. She is active in clinical legal education serving as the immediate Past President of the Clinical Legal Education Association and on the Executive Committee of the Clinical Section of the Association of American Law Schools. She is on the Planning Committee for the 2009 AALS Clinical Conference, and is co-chair of the Legal Educators Committee of the Forum on Affordable Housing and Community Development of the American Bar Association. Professor Williams has made, and is scheduled to make, presentations on clinical teaching methodology at the Society of American Law Teachers Conference, the Annual Conference of Transactional Clinicians, and the 2008 AALS Clinical Workshop. She is currently working on articles on affordable housing, teaching social justice, and financial counseling for low-income people.