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The Tennessee Journal of Business Law

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Professor Teri Baxter is in her fourth year as member of the University of Tennessee College of Law faculty after eleven years at the Saint Louis University School of Law. Her academic focus at the College of Law includes secured transactions, torts, family and privacy law, and constitutional law. She was recently named as the College of Law’s new associate dean for faculty development. In this role, she promotes and fosters excellence and productivity in faculty scholarship and innovative, effective teaching. She also assists the dean in raising the college’s national reputation for academic excellence.

Professor Baxter was recently featured on the College of Law’s website in the video “Baxter Reflects on Recent Supreme Court Rulings,” in which she analyzed some of the Supreme Court’s recent rulings on major issues such as affirmative action, immigration, and abortion, as well as the impact of Justice Antonin Scalia’s unexpected death. The video is a follow-up to Professor Baxter being featured as part of a HuffPost Live panel discussing the October 2015 Supreme Court term. Professor Baxter was also a panelist in a forum discussing Free Speech and Diversity on the UTK campus.

Professor Baxter’s article, *Marriage on Our Own Terms*, will be published in the New York University Review of Law and Social Change.

Professor Zack Buck joined the University of Tennessee College of Law faculty in August 2016 after spending three years as an assistant professor at Mercer University School of Law in Georgia. Before his time at Mercer, Buck was a visiting assistant professor at Seton Hall University School of Law in New Jersey. He formerly practiced complex commercial litigation at Sidley Austin LLP in Chicago.

Professor Buck’s scholarship examines the legitimacy of the governmental enforcement of laws and rules affecting health and health
care in the United States. At UT Law he teaches Health Care Finance and Organization, Health Care Regulation and Quality, Bioethics and Public Health Seminar, and Torts II. In recognition of his scholarship, Professor Buck was selected as a Health Law Scholar and participated in the American Society of Law, Medicine, and Ethics (ASLME) Health Law Scholars Workshop at Saint Louis University School of Law in 2013. He was also selected to participate in the New Scholar Workshop at the Southeastern Association of Law Schools (SEALS) annual conference in both 2014 and 2015, and as a presenter at the Association of American Law Schools’ (AALS) annual meeting in 2015 as part of the Section on Law, Medicine, and Health Care’s New Law School Teachers Program.

Most recently, Professor Buck was part of the Workshop on Health Law Discussion Group: Hot Topics in Health Law and Bioethics at the SEALS annual conference in Amelia Island, Florida. On October 15, 2016, he gave a CLE presentation titled “Reverse’ False Claims: Compliance, Enforcement, and Ethics” at the University of Tennessee College of Law, and on November 3, 2016, he participated in Indiana University McKinney School of Law’s Grand Rounds Series, delivering a speech entitled “Furtherring the Fiduciary Metaphor.”

On the publishing front, Professor Buck’s writing has focused on how the enforcement of health care fraud and abuse laws impacts American quality of care, with a particular focus on the legal regulation of overtreatment. He has published works in multiple law review journals. On October 6, 2016, Professor Buck presented his paper, The Cost of High Prices: Embedding an Ethic of Expense into the Standard of Care at the University of Cincinnati College of Law as part of the faculty exchange program with UT. That article will be published in the January 2017 issue of the Boston College Law Review.

Visiting Professor Kevin Conboy gave a presentation at the Fifth Biennial Conference on Transactional Law and Skills: Method in the Madness: The Art and Science of Teaching Transactional Law and Skills, held at Emory Law School in June. Professor Conboy gave a talk on “Adding Marketing and Sales Skills to the Law School Curriculum” as part of a panel on “Identifying and Teaching Non-Traditional Transactional
Skills.” During this talk, Professor Conboy spoke about the importance of marketing and sales skills to future lawyers.

Professor Conboy’s previous Transactions article, *Diagramming Transactions: Some Modest Proposals and a Few Suggested Rules* (2014), has been downloaded 3,000 times in less than two years.

Professor Conboy is taking off the 2016-2017 academic year to do some additional writing, to do missionary work in Kingston, Jamaica with Missionaries of the Poor, and to enjoy his wife Maureen and family, including grandson Joseph and another grandchild expected in November 2016.

**Professor Iris Goodwin**’s article, *Access to Justice: What to Do about the Law of Wills*, will be published in the Wisconsin Law Review. She is also working with West Academic Publishers to assemble an editorial board and otherwise develop a 25th edition of the iconic casebook, originally edited by Campfield, Turnier & Dickenson, *Taxation of Estates, Gifts & Trusts*. She continues her involvement as a Fellow of the American College of Trust and Estates Counsel, serving on both the Legal Education Committee and the Digital Property Committee. Finally, in January she completed a one-year term as Chair of the Trusts and Estates Section of the Association of American Law Schools. She is now Chair Emeritus.

In August, Professor Joan M. Heminway was appointed the Deputy Secretary and Compliance Officer of Southeastern Association of Law Schools (“SEALS”) and reappointed to the SEALS Program Formatting Committee for 2016-17.

During the spring and summer, Professor Heminway participated in several CLE events in middle and East Tennessee. First, she gave a presentation for the Hamilton Burnett Inns of Court meeting in Knoxville as part of her pupillage team. The topic for the meeting was “Critter Law,” and her presentation covered animal hoarding and animal rights. Professor Heminway also gave a related presentation as part of a Tennessee Bar
Association program entitled “Unleashed: Hot Topics in Animal Law 2016.” The program took place on May 16 in Nashville. Also in May, Professor Heminway co-presented with Nashville attorney Rob Laird on capital raising and securities law issues as part of the TBA’s “Business Law Forum 2016: Evolving Topics in Capital Raising.”

Professor Heminway also gave a series of academic presentations during the spring and summer months. Early in the spring, Professor Heminway served as a discussant and commentator on two papers at the annual conference for the Institute for Law and Economic Policy (ILEP). The conference theme was “Vindicating Virtuous Claims.” The papers will be published in the Duke Law Journal, which co-sponsored the program. At the Annual Meeting of the Law and Society Association, held in June in New Orleans, she spoke on “Pillow Talk, The Parent Trap, Sibling Rivalries, Kissing Cousins, and Other Personal Relationships in U.S. Insider Trading Cases” as part of a panel on “Financial Market Regulation” that she chaired. At Emory Law School’s biennial conference on transactional law and skills (“Method in the Madness: The Art and Science of Teaching Transactional Law and Skills,” held in Atlanta later in the month), Professor Heminway spoke on “Drafting Corporate Bylaws: From Alpha to Omega” as part of a panel on “Fresh Approaches to Teaching Transactional Drafting.” Professor Heminway also presented her paper Corporate Purpose and Litigation Risk in Publicly Held U.S. Benefit Corporations at two different conferences in June: the National Business Law Scholars Conference in Chicago and the Eighth Annual Berle Symposium in Seattle.

At the annual SEALS conference in August, Professor Heminway participated in a number of different events. She was the moderator for two discussion groups in the Workshop on Business Law: “The Legal Aspects of Small Business Finance in the Crowdfunding Era” and “Perspectives on the Future of White-Collar Crime.” Professor Heminway was also a discussant in the discussion groups on “Sustainability & Sustainable Business,” “Strategies for Designing and Integrating Transactional Simulation Capstone Courses into the Curriculum” and “Writing and Publishing a Book.” Finally, she served as a mentor for a paper presented as part of the New Scholars Workshop on “Corporations and Corporate Personhood.”

The fall continued to be busy for Professor Heminway. On Friday, September 23, she was one of two panelists for a CLE program on crowdfunding at the Americana Music Festival (Americanafest) in Nashville. The panel, entitled “The New Crowdfunding Laws for Private Investors & Other Ways to Legally Raise Money,” described newly effective federal laws on securities crowdfunding and other ways to
solicit a small to moderate amount of funding for business activities. The panel also discussed the role of intermediaries and funders in various capital-raising transactions and the benefits and perils of different kinds of fundraising transactions. On October 3, Professor Heminway participated in a panel discussion at The University of Tennessee College of Veterinary Medicine entitled "Big Hairy Ethical Issue: Primate Personhood." The discussion was part of the Success and Wellness Course for veterinary medical students. Later in the week, she again spoke on crowdfunding to financing industry participants in New York City at The Crowdfunding Conference 2016 (hosted by DealFlow Media, Inc.) and to members of the Arkansas Bar Association as part of “Capital Raising Today and Securities Law Issues," a CLE event in Little Rock, Arkansas. Finally, at the end of the week, Professor Heminway presented her draft paper, Why Can’t We Be Friends?: A Business Finance Lawyer’s Plaintive Plea to Entrepreneurs, at a symposium on “The Role of Law in Promoting Entrepreneurship.” The symposium was hosted by the North Carolina Law Review, which is publishing all of the presented papers in a forthcoming issue. October concluded with two final public appearances. Professor Heminway presented her paper Shareholder Wealth Maximization as a Function of Statutes, Decisional Law, and Organic Documents at Washington and Lee Law Review’s 2016 Lara D. Gass Symposium, which honored the scholarship of two of Washington and Lee University School of Law’s longest-serving faculty members, Lyman Johnson and David Millon. Finally, on October 28, she presented in Louisville, Kentucky at the 2016 Securities Law Conference sponsored by the Kentucky Bar Association. Her presentation at the conference addressed securities law enforcement issues and was entitled: Where There’s a Securities Market, There’s Fraud (and Other Misconduct): Hot Topics In Federal Securities Litigation.

Professor Heminway’s work on crowdfunding and other business law topics continues to receive attention. Her article, Small Business Finance: Is the Crowd the Answer?, was published in Wealth Counsel Quarterly in April 2016. Her article, Securities Crowdfunding and Investor Protection, was also published in the CESifo DICE Report, a quarterly English-language publication of the Munich Center for Economic Studies. Her article Crowdfunding & the Public Private Divide in US Securities Regulation was republished in volume 46 of the Texas Journal of Business Law. Professor Heminway has also been quoted in a Wall Street Journal article, The Missing Piece That Could Hold Back Equity Crowdfunding. The article discusses the difficulties equity investors may have in later selling their shares to others. Most recently, she published an article on the lawyer’s role in business law compliance in the Wayne Law Review.
entitled *The Role of Business Counsel as Compliance Gatekeepers: Toward Understanding and Combatting Reckless Disregard for Legal and Ethical Compliance in Business Entities.*

**Professor Emerita Amy Morris Hess** was selected in March to become a Fellow of the American Bar Foundation. Professor Hess also chaired and moderated a panel discussion titled “Equal Justice Under Law: Nationwide Marriage Equality (Almost) One Year Later,” at the American Bar Association Section of Real Property, Trust and Estate Law’s 28th Annual Spring Symposia in Boston, Massachusetts, in May. The panel discussion dealt with family estate planning and real estate title issues that have arisen from the Supreme Court’s decision on same-sex marriage in *Obergefell.* The panel presented an updated version of this discussion under the title “Nationwide Marriage Equality: Emerging Issues” at the Fall Joint CLE Meeting of the ABA Sections of Real Property, Trust & Estate Law and Taxation in Boston in October. Also at the Fall Joint Meeting, Professor Hess participated in a panel presentation on “Tax and Planning Considerations for Special Needs Trusts.” Additionally, Professor Hess moderated a webinar entitled “Conservation Easements: Contemporary Issues and Challenges” in July through the ABA Section of Real Property, Trust and Estate Law’s monthly webinar series, the Professors’ Corner, and presented during a webinar in August entitled “Dealing with Cultural Differences in Estate Planning” in the RPTE Section’s eCLE series. Hess is co-chair of the RPTE Section’s standing committee on Diversity and Inclusion.

Since our last report, Professor Becky Jacobs participated in an interdisciplinary, interactive workshop in Cape Town, South Africa that focused on issues related to land use, infrastructure, and the environment. Participation in the workshop was by application. She also conducted research on environmental planning and regulations in urban settings in Copenhagen, Denmark.

Professor Jacobs organized and participated in a discussion group on Sustainability & Sustainable
Business at the 2016 Southeast Association of Law Schools (SEALS) Annual Conference in August, and, in October, she participated on a panel at the Society of American Law Teachers conference in Chicago. The panel – “Teaching About Social Justice by Not Talking About It” – discussed faculty approaches to encourage students to examine critically the effect of different policies, doctrines and legal responses on society. Professor Jacobs drew upon the cases and materials in her IBT, International Trade, International Intellectual Property, and International Public Health Law classes, as well as her practice experience, to indirectly reveal and examine social justice and “law and development” issues and impacts. She also organized, moderated, and participated in two panels on the topic of “An Ethical, Sustainable Energy Industry” in October: one as part of the Energy and Environment Forum at UT’s Baker Center and one at the Appalachian Public Interest Environmental Law conference at UT College of Law. Finally, as part of the Discussion Series hosted by the UT Libraries’ Diversity Committee, Professor Jacobs facilitated a discussion about engaging in difficult conversations in early November.


**Professor Brian Krumm** was recently appointed to the Bloomberg Corporate Transactions Advisory Board. He recently authored *University Technology Transfer - Profit Centers or Black Holes: Moving Toward a More Productive University Innovation Ecosystem Policy*, which was published this year in the Northwestern Journal of Technology and Intellectual Property. He also coauthored *A Transactional Matter*, St. Paul, MN: Thomson Reuters (2016).
Professor Krumm recently addressed the Centre for Common Law at Renmin University of China in Beijing on the “Changing Landscape of Innovation Finance.” In addition, he and Professor Karl Okamoto, of Drexel University jointly conducted a seminar for the Renmin Faculty Development Centre on “The Value of Transactional Law Clinics and Simulation Exercises in Teaching Transactional Law Skills.”

Professor Krumm gave a presentation entitled “Clinical Methodologies to Expose Chinese Law Students to the Principles and Process of American Transactional Law.” His talk was part of the 15th Annual Transactional Clinical Conference held at the University of Baltimore School of law on April 29, 2016. He also gave a presentation at this conference entitled “Using the Other ‘Case Method’ for Teaching Transactional Skills: Extended Case Based Simulations.” Professor Krumm was also a presenter on the topic “Using the Other ‘Case Method’ for Teaching Transactional Skills” at the 5th Biennial Transactional Conference. This conference, on “Method in the Madness: The Art and Science of Teaching Transactional Law and Skills,” was held at the Emory Law Center for Transactional Law and Practice.

Professor Krumm has been appointed to serve as a member of the Tennessee State Advisory Committee (SAC) to the United States Office of Civil Rights. His appointment was approved by the Commissioners of the United States Office of Civil Rights in Washington, D.C.

Professor George Kuney was quoted in THE DEAL, in an article entitled, Finding the Genuine Article when Federal Courts Clash that discusses the relative power of district court judges and bankruptcy court judges. In June, Professor Kuney served as a member of the Steering Committee and participated in this year’s Transactional Law Conference, “Method in the Madness: The Art and Science of Teaching Transactional Law and Skills,” held at Emory Law School in Atlanta.

On the publishing front, the Fourth Edition of LEGAL DRAFTING IN A NUTSHELL, by Professor Kuney and his wife, Adjunct Professor Donna Looper, was published in October of this year. A companion book by the two of them, LEGAL DRAFTING: PROCESSES, TECHNIQUES, AND EXERCISES, 3d edition, is being published later in November. These books provide guidance on producing transactional documents,
contracts, instruments, legislation, and regulations that solve existing problems and prevent future problems. The books also provide both a large scale, macro overview of the drafting process as well as small scale, micro focused discussion of the mechanics of legal documents at the sentence, word, and punctuation level. Professor Kuney is also co-author of the book BANKRUPTCY IN PRACTICE, published by the American Bankruptcy Institute last year, which was recently praised in the ABI’s September 2016 newsletter. The article notes that “BANKRUPTCY IN PRACTICE has been called ‘the best bankruptcy desk book on the market,’ and it’s easy to see why. . . . [T]he book’s engaging style and lively use of anecdotes will demystify the arcane rules of the bankruptcy road for new and nonspecialist lawyers, and nonlawyer professionals in particular.”

Professor Kuney taught both Contracts I and Remedies in the Fall Semester and will be teaching Contracts II, Consumer Bankruptcy and Finance Seminar, Business Reorganizations and Workouts, Representing Enterprises, and the college’s new 1L Transactional Lawyering Lab class in the Spring of 2017.

Professor Michelle Kwon was recently featured on the University of Tennessee College of Law’s website in the video, “Demystifying Tax Law,” where she discussed some of the misconceptions surrounding tax law and her practice-oriented philosophy towards teaching. She spoke on a panel at the annual meeting of the Southeastern Association of Law Schools (SEALS) entitled “Supreme Court Update: Business, Administrative, Securities Tax, and Employment Issues.” Additionally, Professor Kwon participated in the Prospective Law Professors Workshop at SEALS. Professor Kwon also participated in an online panel presentation for the ABA Section of Real Property, Trust and Estate law entitled “Dealing with Cultural Differences in Estate Planning.”

Professor Kwon’s article, The Criminality of Tax Planning, which was published last year in the Florida Tax Review, was recently noted favorably at TaxProf Blog.
Professor Don Leatherman was recently featured on the University of Tennessee College of Law’s website in the video “Unique Scholarship,” in which he discusses his studies in consolidated return regulations and his role in informing practitioners, judges, and IRS regulators on the subject.

Professor Leatherman also recently participated as the Vice-Chair of the Affiliated and Related Corporations Committee at the meeting of the American Bar Association’s Tax Section, which took place in May in Washington, DC.

Professor Leatherman was also the principal author of Comments on Regulations Enabling Elections for Certain Transactions under Section 336(e), found in the Winter 2016 edition of The Tax Lawyer, ABA Tax Section, Corporate Tax Committee, Affiliated and Related Corporations Committee, S Corporation Committee.

Professor Alex Long, Associate Dean of Academic Affairs, joined Professor Paula Schaefer to participate in a panel discussion in June entitled “Integrating and Assessing Lawyering Skills in the 1L Curriculum” at the Institute of Law Teaching and Learning’s Real-World Readiness Conference at the Washburn University School of Law in Topeka, Kansas. Dean Long and Professor Schaefer were joined on the panel by University of Nebraska-Lincoln College of Law Professor Colleen Medill, a former faculty member at the University of Tennessee College of Law.

In July, Dean Long presented at the International Legal Ethics Conference at Fordham Law School in New York, and he participated on a panel discussion entitled “Approaching Free Speech and Lawyer Regulation” as part of a program on “Regulation of the Legal Profession and Judiciary.” Dean Long also presented at the 5th Annual UT-Battelle Labor & Employment Conference at the Oak Ridge National Laboratory on August 25. His presentation was entitled “Discrimination in the Practice of Law: A Question of Ethics?”
Several of Dean Long’s published works are gaining national recognition. His article, *Attorney–Client Fee Agreements That Offend Public Policy*, published in the South Carolina Law Review in 2009, was recently cited by the Kentucky Court of Appeals in *DeMoisy v. Ostermiller*. The court cited the article to show that the Kentucky Rules of Professional Responsibility are expressions of public policy in reference to an attorney-client fee agreement that was unenforceable because it offended public policy. Another of his articles, *Introducing the New and Improved Americans with Disabilities Act: Assessing the ADA Amendments Act of 2008*, originally published in the Northwestern University Law Review’s Colloquy in 2008, was also cited this summer by a Louisiana district court in *Mitchell v. Universal Health Servs., Inc.* This article was cited to support that the Americans with Disabilities Act’s new definition of “disability” provides for more expansive coverage, particularly for plaintiffs who claim that their employers regarded them as having disabilities.

Dean Long’s works continue to be published across the country. His article, *A Response to Professor Sperino’s Retaliation and the Unreasonable Judge*, was recently published in the Florida Law Review Forum. Finally, another of his articles, *The Lawyer as Public Figure for First Amendment Purposes*, will also be published in an upcoming edition of the Boston College Law Review.

Professor Thomas Plank’s article, *Security Interests in Deposit Accounts, Securities Accounts and Commodity Accounts: Correcting Article 9’s Confusion of Contract and Property*, will be published in Spring 2017 edition of the Oklahoma Law Review. The article discusses ambiguities created in UCC Article 9 because of the confusion of contract and property concepts. Although most of the types of collateral governed by Article 9 consist of things and rights like goods, accounts, or general intangibles, in which a person can have an ownership or security interest, Article 9 mistakenly defines the types of collateral consisting of deposit accounts, securities accounts, commodity accounts and commodity contracts as contractual relationships instead of the rights of the debtor under these contractual relationships. This confusion of contract and property concepts produces ambiguities and errors in the Article 9 rules for the creation, perfection, priority and enforcement of security interest in the rights
arising from these relationships. The article proposes a revision, and pending such revision, a method of interpretation of Article 9 that would allow these provisions to function as intended.

**Professor Gary Pulsinelli** recently served as a mentor for the New Scholars Workshop on Patent and Copyright Law II. In August, Professor Pulsinelli was appointed to the SEALS Website, Technology & Communications Committee for 2016-17.

**Professor Paula Schaefer** participated in the symposium on “Leading the Future: 2016 Symposium on Professional Leadership Education,” which was held at the UT College of Law in April. At the symposium, Professor Schaefer gave a presentation on “Future Directions for Legal Leadership Education.” Professor Schaefer twice presented a CLE program entitled “2016 Attorney Ethics Update,” first at the Environmental Show of the South Annual Conference in Gatlinburg in April and second at the Office of the Tennessee Attorney General in Nashville in May. In June, Professor Schaefer participated in a panel entitled “Integrating Lawyering Skills in the 1L Curriculum” at the Institute for Law School Teaching and Learning Conference on Real World Learning, which took place at the Washburn University School of Law in Topeka, Kansas. In July Professor Schaefer moderated and spoke on a panel on “Technology, Ethics, Professionalism, and Legal Education” at the International Legal Ethics Conference held at Fordham Law School in New York. The three-day Conference had nearly 400 participants from 60 countries that took part in 80 programs.

In August, Professor Schaefer served as a mentor for the New Scholars Workshop on Corporate & Labor and Employment Law and was also a discussant in the Workshop on Professional Responsibility Discussion Group, “The Future of Ethics Scholarship: Are We in the End Days or
Just Getting Started?” Also in August, Professor Schaefer was appointed to the SEALS Program Formatting Committee for 2016-17.


Professor Greg Stein ABA Publishing recently published the third edition of Professor Greg Stein’s book, *A Practical Guide to Commercial Real Estate Transactions: From Contract to Closing*. The book is co-authored by Morton P. Fisher, Jr., of Ballard Spahr Andrews & Ingersoll, LLP, and Michael D. Goodwin of Arnold & Porter, LLP. The book is a “useful combination of text overview and practice pointers” that “helps lawyers with less experience navigate through the maze of steps involved in a real estate transaction. At the same time, it serves as a valuable reference for more seasoned attorneys as well as those whose practice is concentrated in other areas of the law.”

Professor Stein gave a presentation entitled “The Expiration of Chinese Land Use Rights” at the Seventh Annual Meeting of the Association for Law, Property and Society held in May in Belfast, Northern Ireland. Additionally, Professor Stein’s article, *Do Progressive Property Scholars Really Want to Limit Nollan and Dolan to Administrative Exactions?* was recently published in Jotwell–Property.

Professor Stein participated in several events at the 2016 Southeastern Association of Law Schools (SEALS) Annual Conference. He was a discussant in the Workshop on Legal Education Discussion Group, “God Created the World Out of Nothing in Six Days; I’m Only the Academic Dean.” Professor Stein was also a commentator for the Works-in-Progress Series and a discussant for the Workshop on Scholarship, Book Creation Discussion Group, “Writing and Publishing a Book.” Additionally, Professor Stein participated in the Prospective Law Professors Workshop.
Professor Stein’s article, *Will Ticket Scalpers Meet the Same Fate As Spinal Tap Drummers? The Sale and Resale of Concert and Sports Tickets*, was recently quoted in a MarketWatch article entitled *Why Ticket Scalpers Are Here to Stay*. Professor Stein was also quoted in a Business Insider article discussing “nail neighborhoods” in China. The name refers to Chinese citizens who hold out for higher compensation from the government in the face of condemnation threats over their homes. In the article, Professor Stein explains that the compensation that the homeowners are offered is not sufficient to allow them to move into the new buildings.

Professor Stein participated in the annual meeting of the American College of Real Estate Lawyers (ACREL) in several capacities. He is a member of ACREL’s Board of Governors and the co-chair of its Law Professors Committee, both of which met. He also gave a presentation to the Land Use and Environmental Committee entitled, “Recent Cases in Land Use Law.” The ACREL meeting took place in New York, NY in October.

Professor Stein will give a presentation at the Annual Meeting of the Association of American Law Schools. His talk will be part of a panel, organized by the Real Estate Transactions Section, entitled “Keeping the ‘Real’ World in Real Estate Transactions: New Ideas, Best Practices, and Partnership Opportunities to Strengthen Teaching and Scholarship.” The meeting will take place in January 2017 in San Francisco, CA.

Professor Maurice Stucke, in relation to his antitrust work, has been invited to speak and given numerous presentations. In June, Professor Stucke gave a presentation at the Capitol Hill event, “America’s New Monopoly Problem: And What Should the Next President Do About It?,” that featured Senator Elizabeth Warren as the keynote speaker. In July, with Ariel Ezrachi of Oxford University and a group of about 20 businesspersons, regulators, and academics, the UK House of Lords invited Professor Stucke to present and discuss issues at a hearing on “Online Platforms and the EU Digital Single Market.” Coming up in November, Professor Stucke has been invited to give a presentation to the Competition Committee of the Organization for Economic Co-operation and Development (OECD) in Paris, France, where he will speak on “Big Data and its Implications for Competition Policy and the Enforcement of Competition Law.”
Professor Stucke’s recent antitrust work has been cited by several outlets and authorities. The House of Lords Select Committee on European Union cited Professor Stucke’s testimony repeatedly in its report, *Online Platforms and the Digital Single Market*. At the 16th Annual Loyola Antitrust Colloquium, Federal Trade Commissioner Terrell McSweeney gave a presentation that cited Professor Stucke’s coauthored article, *Artificial Intelligence & Collusion: When Computers Inhibit Competition*. The Global Competition Review covered Professor Stucke’s presentation at the Loyola Antitrust Colloquium on big data in its article, *Enforcers Are Not Ready for Big Data, Stucke Says*. Law360 featured an amicus brief co-authored by Professor Stucke that concerns basketball player Ed O’Bannon Jr.’s lawsuit against the NCAA over compensation for student-athletes’ images and likenesses. In addition, Law360 featured a report prepared by Professor Stucke and Allen Grunes for a consumer rights group urging their former employer, the DOJ Antitrust Division, to kill the proposed merger between Bayer and Monsanto. TheStreet.com referenced a report co-authored by Professor Stucke in an article about the antitrust challenges to the proposed merger between Monsanto Co. and Bayer AG. The OECD, in preparation of its conference involving competition agencies from around the world, issued a report that extensively relied on Professor Stucke’s research, including two books that he co-wrote.

Professor Stucke has also been quoted in several recent works. Back in March, Professor Stucke was quoted in a Bloomberg article entitled, *Justice Department Sues to Block Tribune Purchase of OC Register, Press-Enterprise*. Law360 quoted Professor Stucke in an article, *EU Android Case Not Bulletproof Despite Lower Tying Bar*. The Deal quoted Professor Stucke in an article entitled, *Finding the Genuine Article when Federal Courts Clash*. Professor Stucke was quoted in an article, *Merger Crackdown Part of 'Mixed' Obama Antitrust Record*, published in BloombergBNA. Professor Stucke was quoted in a story, *Justice Department's Win in Blocking a Newspaper Deal Raises Questions*, which appeared in FTC: Watch. A Reuters article, *Bayer's Monsanto Acquisition to Face Politically Charged Scrutiny*, quoted Professor Stucke. Professor Stucke also was quoted in the Slate.com article *Will Uber Rouse the Truthbusters?*

Professor Stucke’s article, *When Competition Fails to Optimize Quality: A Look at Search Engines*, coauthored by Professor Ariel Ezrachi (Oxford), was published this year in the Yale Journal of Law and Technology. Their article, *The Rise of Behavioural Discrimination*, was also published this year in the European Competition Law Review. Harvard Business Review published their article, *How Pricing Bots Could Form Cartels and Make Things More Expensive*. Professors Stucke and Ezrachi also posted a

Professor Stucke’s new book, *Big Data and Competition Policy* (co-authored with Allen P. Grunes), was published by Oxford University Press and is described as “the first work to offer a detailed description of the important new issue of Big Data and explains how it relates to competition laws and policy, both in the European Union and United States.” This new book has been referenced in The Guardian article, *Google and Microsoft Have Made A Pact to Protect Surveillance Capitalism,* and on Law360.

His other new book, *The Virtual Competition* (co-authored with Ariel Ezrachi) was published by Harvard University Press. *The New Yorker* discussed Ezrachi and Stucke’s work on the ways in which algorithms can behave as cartels. The University of Chicago’s ProMarket blog also interviewed Stucke and Ezrachi on why the digital economy is less competitive than we think and how antitrust law could be used to protect consumers and encourage innovation.

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**Professor Kris Tobin** recently gave a presentation at the 2016 CALI conference entitled, “Combining Legal Research Pedagogy, Pro Bono and Experiential Learning in the First Year Curriculum at the University of Tennessee.” The conference took place on June 16–18 at the Georgia State University College of Law in Atlanta.