Fall 2015 | Issue 4

Dean
Peter V. Letsou

Executive Editor
Ryan Jones

Contributing Writers
Alena Allen
Steve Barlow
Ryan Jones
Toby Sells
Lance Weidower

Photography
Rhonda Cosentino
Ryan Jones
Lindsey Lissau
Jason Martin

Art Direction and Design
Archer Malmo

Published by
The University of Memphis
Cecil C. Humphreys School of Law
1 North Front Street
Memphis, TN 38103
(901) 678-2421
www.memphis.edu/law

To submit story ideas, alumni updates, or for other ML related inquiries, please contact executive editor Ryan Jones at rjones1@memphis.edu.

The University of Memphis does not discriminate against students, employees, or applicants for admission or employment on the basis of race, color, religion, creed, national origin, sex, sexual orientation, gender identity/expression, disability, age, status as a protected veteran, genetic information, or any other legally protected class with respect to all employment, programs and activities sponsored by the University of Memphis. The following person has been designated to handle inquiries regarding non-discrimination policies: Latosha Dexter, Interim Director for Institutional Equity, vldexter@memphis.edu, 156 Administration Building, 901.678.2713. The University of Memphis policy on nondiscrimination can be found at http://policies.memphis.edu/UM1381.htm.
Dear Friends,

The 2014-2015 academic year was a year of bests and firsts for Memphis Law.

PreLaw magazine recognized Memphis Law as having THE very best law school facilities in the nation. Better than Harvard. Better than Yale. And better than the 200 other ABA-approved Law Schools in the United States. This is something we in Memphis have long known. But it’s still nice to see the news spreading across the country.

Memphis Law was also ranked among the very best law schools in the nation for bar preparation. This ranking was based on a comparison between predicted and actual bar passage rates for each ABA-approved law school. Only five law schools in the nation exceeded their predicted bar passage rates by wider margins.

Memphis Law reduced its out-of-state tuition by one of the largest percentages in the United States — 38% — taking tuition and mandatory fees for nonresidents from $38,706 to $25,907, while holding in-state tuition flat. With these steps, Memphis Law became the 10th least expensive law school in all 50 states for nonresidents and the least expensive for Tennessee residents.

With this combination of success and cost, it’s no wonder that Memphis Law was named one of the 20 best values in legal education in the United States.

These bests were coupled with several firsts.

In 2014-2015, Memphis Law enrolled the most diverse class in the law school’s history, with diverse students comprising more than 30% of the 1L class for the first time, up from 22% in 2013-2014 and 15% in 2012-2013.

Also in 2014-2015, Memphis Law partnered with the City of Memphis to launch a first-in-the-nation Neighborhood Preservation Clinic. This new clinic enables law students to play a leading role in the battle against blighted properties in Memphis, while continuing our tradition of leadership and innovation in experiential learning.

And 2014-2015 marked the first complete year of publication of ML—Memphis Law Magazine, a publication that is already winning awards and becoming a must-read in the Memphis legal community.

We’re proud of these bests and firsts, but we’re also excited by what lies ahead.

We spent much of the last year engaged, as a community, in strategic planning with a goal of identifying the special attributes of our law school and community that would enable us to enhance our ability to train lawyers, strengthen the reputation of our law school, and build on unique opportunities available to us here in Memphis.

The plan we’ve developed achieves these goals by, among other things, enhancing the roles of experiential learning and community service in our program of legal education.

We’ll have more to say about our new plan later, but I’m pleased to say we’re already moving forward with implementation.

In addition to the Neighborhood Preservation Clinic already mentioned, we’ve just begun a new Medical Legal Partnership at Methodist Le Bonheur Children’s Hospital that puts our faculty and students in the hospital, working side-by-side with health care professionals, to remove legal obstacles that undermine the health of our community’s children.

And we’re just about to embark on a new juvenile justice clinic, in partnership with Shelby County, which will allow our law school to become a national leader in formulating new models for training lawyers to represent children.

We’re excited by these new initiatives and hope they’ll make you, our alumni and friends, even more proud of Memphis’ law school.

Cordially,

Peter V. Letsou
Dean
FEATURES

11 RISE OF THE DRONES

BY TOBY SELLS
Laws and the legal system try to keep pace with the aggressive proliferation of drone technology. The commercial and recreational markets are outpacing legislation across the country. Lawmakers at both the federal and state levels are faced with a variety of challenges regulating what is fast becoming a booming industry with vast ramifications.

15 WATER WARS

BY LANCE WEIDOWER
With devastating droughts in the Western United States affecting water supplies and the agricultural industry, as well as groundwater and surface water battles waging in the eastern states, water rights are at the forefront of the American legal landscape. Will the nation soon have a new perspective on how our water is managed?

21 THE LETTER(S) OF THE LAW (SCHOOL)

BY RYAN JONES
Most of us grew up with the alphabet decorating the classrooms of our youth. In this feature, we’ve brought some of that theme to law school, with a touch of class, architectural history and sophistication that you can see for yourself as you take a linguistic journey through the halls of Memphis Law.
TRUE BLUE INTERVIEW

BY RYAN JONES
Former National Hockey League player Stu Grimson (J.D. ’05) is one of the more nontraditional students to graduate from Memphis Law in quite some time. After 17 years as a professional hockey player, 14 of those in the NHL, Grimson moved from the ice to the courtroom. He hasn’t looked back since.

SETTING THE BAR:
Memphis Law Alumni Class Notes

FACULTY ACCOMPLISHMENTS

DENSE WOMEN

BY ALENA ALLEN
Professor Alena Allen gives her take on breast cancer tests regarding density notification and the impact lawmakers are having on women’s health and doctors’ treatment plans. While density notification legislation informs women, this solution has negative consequences as well.

BRIEFS:
News + Events

A FOUNDATION OF HOPE

BY STEVE BARLOW
Steve Barlow is a national and local leader in the anti-blight effort, and has played a lead role in inspiring and launching the law school’s Neighborhood Preservation Clinic. In this piece, we learn more about the clinic’s impact in the City of Memphis so far and the reasons why it’s such an innovative approach to the education of our students and the fight against blight.

STUDENT PROFILE:
Top 10 Lessons Learned in Law School
ML asked ten Memphis Law students to give us their top 10 lessons they’ve learned while in law school. These range from the off-beat and funny anecdotes many students experience, to the life-changing lessons that some of our students have taken to heart during their time here. These are the Top 10 responses we hope will resonate with readers.
The Association of Legal Writing Directors hosted the 2015 Biennial Conference of the Association of Legal Writing Directors, entitled "Heart and Soul: LRW at the Center of Legal Education," at the law school in June. Over 160 faculty members from different law schools across the country attended the three-day conference, with activities ranging from an opening reception in the law school’s Gordon Ball Scenic Reading Room, to a celebratory gala at the National Civil Rights Museum, and concluding with a night out with the Memphis Redbirds at AutoZone Park. The event, hosted by Memphis Law and overseen by our director of legal writing, Professor Jodi Wilson, was a wonderfully successful learning experience and showcase of the law school and our downtown community.

The University of Memphis Cecil C. Humphreys School of Law, Memphis Area Legal Services (MALS) and Le Bonheur Children’s Hospital have collaborated to create and launch Memphis CHiLD (Children’s Health Law Directive), a medical-legal partnership, the first medical-legal partnership of its kind in the region, including all of Tennessee, Arkansas and Mississippi.

In addition to a variety of training programs and educational, bidirectional partnerships, Memphis CHiLD will also consist of an on-site legal clinic located at Le Bonheur Children’s Hospital, where Memphis Law students, working under the supervision of Memphis Law clinical professor Janet Goode and a MALS staff attorney, will have devoted space to work on cases and referrals, meet with patients/clients, and conduct training sessions. Medical professionals and Le Bonheur residents will have access to the clinic as well, and will have direct involvement in the Memphis CHiLD Legal Clinic training sessions and learning opportunities available through the program.

Community members and Memphis Law students, in a candlelight vigil organized by the Memphis Law BLSA chapter, gathered in Tom Lee Park to honor and remember the victims of the Charleston, South Carolina, shooting. Led by BLSA President Regina Thompson and other BLSA members, the tribute drew a large crowd and the majority of the Memphis media sources covered the event.

The Class of 2015 celebrated its Commencement at the Cannon Center in downtown Memphis on Saturday, May 9. Family and friends of the 102 Memphis Law graduates attended the ceremony. Tennessee Court of Criminal Appeals Judge John Everett Williams was the Class of 2015 speaker. Professor Steve Mulroy received the Farris Bobango Faculty Scholarship Award at the ceremony. Professor Lynda Wray Black was named Professor of the Year by the Class of 2015.
ABA PRESIDENT VISITS MEMPHIS LAW

American Bar Association Immediate Past President William Hubbard, pictured above, visited Memphis Law in June for a reception, with brief remarks and a short Q&A session with faculty, staff and students. The event took place in the Gordon Ball Scenic Reading Room.

LYNDA WRAY BLACK APPOINTMENT

University of Memphis President M. David Rudd appointed Professor Lynda Wray Black as the NCAA Faculty Athletic Representative for the University of Memphis and as chair of the University’s Faculty Athletic Committee. Professor Black represented the University at the American Athletic Conference Annual Meeting in Key Biscayne, Florida, in May 2015. The majority of Memphis media sources covered the event.

COX CEREMONY

The Memphis chapter of the Black Law Students Association (BLSA) honored graduating members at its annual Kenneth Maurice Cox Donning of the Kente Ceremony on May 8, 2015. Pictured left to right are De’Antwaine Moye, Jarrett Spence, Justin Rudd, Aurelia Patterson, Jana Mitchell, Ariel Anthony, LaTanya Walker and Brittany Williams. Not pictured is Jerrick Murrell.

2015 PILLARS OF EXCELLENCE AWARDS

The University of Memphis School of Law Alumni Chapter honored the following individuals at the 2015 Pillars of Excellence Awards in August: The Hon. George H. Brown, Joe M. Duncan, The Hon. David S. Kennedy (J.D. ’70), Arnold Perl, Julia S. Sayle (J.D. ’70), The Hon. Donn A. Southern, Blanchard E. Tual, and Kathy and J.W. Gibson.

MULROY APPOINTED NEW ASSOCIATE DEAN

Professor Steve Mulroy accepted the position as the law school’s new associate dean for academic affairs this summer, replacing Professor David Romantz, who dutifully served in the role for six years.

ELIZABETH RUDOLPH AND CAREER SERVICES

Elizabeth Rudolph has been hired on a full-time basis as the assistant dean for career services at Memphis Law. Ms. Rudolph served as the interim assistant dean for career services since spring 2015.

U.S. SENATOR CORKER VISITS MEMPHIS LAW

U.S. Senator Bob Corker spoke at the University of Memphis School of Law in September for a special “D.C. Update.” Senator Corker spoke about current domestic and international events and issues, as they relate to his work in Washington as the chairman of the Foreign Relations Committee in the Senate, as well as his work on the banking committee and others.
NEW VISITING PROFESSOR
The law school welcomed Janet Goode to the faculty this fall. Ms. Goode was hired as a visiting professor of law with the responsibility of overseeing our new medical legal partnership (Memphis CHiLD) and corresponding legal clinic (with Le Bonheur Children’s Hospital and Memphis Area Legal Services).

GOODE

A FOUNDATION OF HOPE
By Steve Barlow

Steve Barlow is a national and local leader in the anti-blight effort and has played a huge role in inspiring and launching the law school’s Neighborhood Preservation Clinic. In addition to his continuing work with the City of Memphis and in private practice, Steve is codirecting the Neighborhood Preservation Clinic as an adjunct professor.

The great urbanist and architect Steve Mouzon once wrote, “The first prerequisite of community-building is hope because people without hope will not build.” I would add to that sentiment: without hope, they will not stay. They will not invest. And they cannot thrive. Identifying and building upon community assets, while rooting out intractable challenges, is the only viable formula for community revitalization.

I have spent a large part of my academic and professional life, including my time as a student at the University of Memphis (Law School and Graduate School for Applied Urban Anthropology), attempting to understand and help repair these tears in the fabric of urban communities. Many complex factors lead to the abandonment of real estate, which in turn leads to neglect and decay; but whatever the cause, entire neighborhoods suffer when blighted properties are allowed to exist unabated. Properties lose value—people lose hope—and those who can, leave.

Public records reveal that there are at least 10,000 abandoned single-family houses and 3,000 abandoned multifamily units in the City of Memphis. Anecdotally, it is clear that Memphis contains hundreds, if not thousands, of abandoned commercial and industrial structures, not to mention the tens of thousands of abandoned vacant lots—enough to fill one third of the City of Washington, D.C.! Every single piece of abandoned

BRIEFS: NEWS + EVENTS

MEMPHIS LAW AND BUTLER SNOW WELCOME BUSINESS COURT
The law school partnered with law firm Butler Snow for an information session and Q&A with the new Tennessee Business Court. Students, faculty, staff and the Memphis legal community were all invited to attend and get an informative introduction to the Tennessee Business Court – Davidson County Pilot Project. Guest speakers included Business Court Judge, The Hon. Ellen Hobbs Lyle, and Business Court Staff Attorney, Justin Seamon. The informational seminar was followed by a reception in the Gordon Ball Scenic Reading Room.

TENNESSEE DEAN’S TOUR
The Dean and other staff will be traveling across Tennessee in spring 2016. Be on the lookout for event details for receptions in Chattanooga, Jackson, Johnson City, Knoxville and Nashville. We hope you can connect with us and other alumni and potential students in your area.
property represents an unfortunate rip in the fabric that holds our urban neighborhoods together. When any garment becomes too riddled with holes and tears, it can never fully be stitched back together. But it gets worse. Abandoned properties are “attractive nuisances”—inviting criminal behavior, vandalism, arson and other activity that depresses surrounding property values. And the cancer of abandonment spreads, triggering a spiral of further abandonment and neighborhood decay.

Fortunately, Memphis, while faced with a titanic challenge of abandonment, has abundant reasons for hope in the ongoing efforts to reclaim, redevelop and repopulate our core city neighborhoods. I believe the next front in the battle to reclaim our neighborhoods is giving tomorrow’s lawyers the training they need today. That’s why the School of Law, in partnership with the City of Memphis Law Division, launched the Neighborhood Preservation Clinic in January 2015. Memphis Law students get hands-on litigation experience in nuisance property cases, from investigating property ownership and property conditions, to working with code-enforcement officers, preparing civil lawsuits, and leading the prosecution of negligent property owners in front of Judge Larry Potter (J.D. ’77) in the Shelby County Environmental Court.

Already, Memphis Law students have litigated over 200 cases in Environmental Court. As these students advance in their legal careers, their experience representing the City of Memphis in the battle against blighted properties will help to shape their perspectives and encourage them to take the work of helping neighborhoods personally.

The Neighborhood Preservation Clinic is the only one of its kind in the country. The scale of the problem in Memphis is immense, but every successful legal challenge unlocks enthusiasm and new opportunities. There are powerful legal tools at our disposal, and I am inspired by the potential of this clinic to bring about lasting positive change in Memphis.

Blighted properties are tearing Memphis apart. Left alone, the tears will continue to spread and rip through entire blocks and neighborhoods. Recognized and addressed swiftly, however, as a part of a comprehensive and community-involved strategy, communities can be made whole, healthy and livable again.

By using the law to hold a nuisance property owner accountable, not only is a blighted property removed from a neighborhood, but a solid dose of hope is delivered as well. And that hope is the most essential community building tool of all.
Time spent in law school can be summarized in a number of ways. It can be fruitful, memorable, miserable, interesting, fun, depressing or a plethora of other adjectives. No matter what your law school experience is like though, it’s nearly impossible to come away from it without learning a lesson or two of some kind. Whether it’s in the classroom or in the community, students learn a great deal about themselves and the law during their time at 1 North Front Street. ML asked ten students to tell us about some of the most memorable and important lessons they’ve learned since walking through these doors and we’ve compiled a list of their Top 10 responses for you to enjoy (and learn from)!

10. **MOLLY GLASER**
Seat choice at the beginning of the semester is critical. A seat too close or even all the way in the back might mean you are the easiest target for cold calls. Also, beware the aisle seats in McClurg’s class!

9. **JOHN FLOYD**
Pick a conclusion and stick by it. Judges really appreciate a confident position and conclusion, backed up with research, over a hedged bet. They know there are two (or more) plausible outcomes—otherwise they wouldn’t be listening to you.

8. **SYDNEY VAN WINKLE**
The professors and administration know all of the gossip. The law school is everyone’s pride and joy, and all of the goings-on are some of the professors’ and staffs’ favorite personal pastimes. They know everything, from who was late and why, to who was dating whom. There are no secrets in law school.

7. **PATRICK QUINN**
Get to know the older students and ask them for advice on class. They are some of the best resources.
I have learned through many meals and hours of research that Central BBQ does, in fact, have the best BBQ in Memphis.

**Jake Strawn**
Participate in Alternative Spring Break. I’ll always remember doing it my 1L year because it was the first chance I had to actually take what I had learned here in school and make it real. It’s easy to get bogged down in work and forget why you chose to come to law school in the first place. ASB reminds you what it means to sit down with real people and help them through tough legal choices.

**Dawn Campbell**
Don’t complain about your life prior to law school. Before law school, I might catch myself complaining about things like long days at work or being stuck in traffic while getting my kids to school. But law school has a way of putting everything into perspective. Now, that hour sitting in traffic is often the only time I have together with my kids. I’ve learned to treasure every minute with them, even if it is spent sitting in traffic.

**Caitlin O’Connor**
Explore the city! I have learned how awesome Memphis actually is and how it truly has so much to offer. Take me to Earnestine and Hazel’s and I’ll love you forever.

**Regina Thompson**
I learned that my dream is a reality. I always said that I wanted to be an attorney and help others. I would dream of becoming a big-time attorney who went back to my community and changed things. I have remained on track to do what I said that I would. Despite some of the obstacles I’ve faced in life, I am closer to achieving my dream. I still have the passion in my heart for helping my community that I’ve had for years. Being in law school has made me more confident in my ability to shed light on the issues in Memphis and change them.

**Barrett Frederick**
Don’t worry about other people’s work. When you finish your exams, each and every one, get out of the building and do not look back. You have better things to do than hear what other people wrote on their exams.
Pilots log hours of time in the air and the classroom (and spend thousands of dollars) to get legally airborne. But if you want to pilot the friendly skies these days, all you really need is a credit card and an Amazon account.

American airspace is abuzz with hives of drones, unmanned aircraft piloted from the ground. They range from cheap, plastic toys for kids in the backyard to sophisticated, multi-million-dollar aircraft that deliver Hellfire missiles for the U.S. government.

Drone technology has developed aggressively over the last 20 years. This pushed their abilities further and drove their prices down, into the hands of the everyday consumer. All of this has quickly outpaced laws to govern drone use, both commercial and recreational.

The drone debate was sparked years ago, especially about their military uses. But a different debate continues in courthouses and state legislatures across the country. Civilian users of this cutting-edge technology are pushing it to the limits of their imaginations (and constantly into uncharted legal territory). Drone pilots are constantly proving drone technology as an agent of good and bad, showing it all on thousands of new YouTube videos uploaded every day.

A recent Friday in July yielded two news stories that perfectly illustrate both sides of the drone coin.

**THE GOOD**

On Friday, July 17, a drone hummed through the morning air in southwest Virginia. It was delivering much-needed medical supplies to a rural fairgrounds in Wise County, the heart of Appalachia. The 24 packages it delivered that day were the very first drone deliveries approved by the Federal Aviation Administration (FAA). Driving those packages would normally take an hour and half through the mountainous terrain. A one-way drone
flight took only a few minutes that Friday morning. The flight would be remembered as a “Kitty Hawk” moment for drone use, according to the Los Angeles Times, and was a proving grounds for the use of drones in response to humanitarian crises. Yes, the drone future looked bright.

THE BAD

Later that same Friday afternoon, a giant wildfire (called the North Fire) blazed through southern California, north of San Bernadino. It consumed multiple homes as it spread quickly through Cajon Pass and consumed cars as it jumped across Interstate 15.

Firefighting air units were sent in to drop their payloads and extinguish the roaring flames. But all of them were forced to jettison their loads elsewhere and land back at the airport.

Five drones were spotted in the skies above the fire on the interstate, apparently shooting video of the flames. They made that airspace unsafe for the rescue units, which were not allowed on the scene until the drones were grounded. The drones “definitely contributed” to the delayed response and broader fire damage, officials told Los Angeles television station KNBC. At 10:30 p.m. that same night, the North Fire had grown to 3,500 acres and was only five percent contained.

Yes, the drone future looked grim.

“It’s an exciting time if you’re in the drone industry, if you’re looking to expand your business with the use of drones,” said Robert Van de Vuurst (J.D. ’86), an aviation attorney with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC.

“It’s also a very concerning time because the technology is fast outpacing the safety efforts and how society in general is going to look at these things in terms of safety and privacy.”

The next five to ten years are going to be interesting ones for drones, he said, because, really, the national conversation about them is just beginning.

DEFINING A DRONE

At its heart, a drone is an aircraft without a pilot. This gives rise to the machines’ other names like unmanned aerial vehicle, or unpiloted aerial vehicle, remotely piloted aircraft, or unmanned aircraft systems (UAS), which is their formal designation from the FAA. This variety of names shows the technology hasn’t yet settled into our language or everyday culture. For instance, does anyone recall the Bankograph, the Bancomat, or the Docuteller? Likely not since these days most everyone just calls it an automated teller machine, or ATM.

Drones come in all shapes, sizes, prices and uses. Large military drones look like small airplanes or helicopters. These can cost millions of dollars to buy, thousands of dollars to operate per hour, and can be used for everything from reconnaissance to delivering those Hellfire missiles—all while the pilot sits half a world away. The Center for the Study of the Drone at Bard College reports that the Pentagon plans $2.9 billion in spending this year for buying “unmanned systems,” including 29 of the drab-gray MQ-9 Reaper drones, which should be familiar to anyone who has seen a military drone story on the nightly news.

But click around the Drone Store on Amazon.com and you’ll find dozens of models available to anyone with a bank account or credit card. Most of them look like large science fiction insects. These are typically called “quadcopters” and usually have four horizontal rotors perched on arms above a central body and a set of legs. These drones have enough power to hoist at least a digital camera (and more). These are aimed at the serious
THE NOT-SO-FRIENDLY SKIES

Unmanned aircraft have been used in warfare since World War I. But drone use as we know it today began in earnest in the early 2000s.

For a time, they were strictly the purview of the U.S. military. The technology got smaller and cheaper and soon they hit the marketplace for companies and the general population. Since then, skies across America have been a sort of Wild West for drones.

People have flown them—without a license or permission—over huge concerts like Beale Street Music Festival, smaller concert venues like the Levitt Shell, NFL games, MLB games, Memphis Redbirds games, street festivals, parks, riots, weddings, beaches, real estate, car chases, wildfires, fireworks shows (more on that later), and almost anything else you can dream of.

And just like in the Wild West, some arrests have been made. In the middle of Manhattan, a man was arrested after his drone struck a skyscraper. Two men were arrested in New York after their drone flew too close to a medical helicopter. An Ohio man was arrested because his drone blocked a medical helicopter arriving at a car crash. Two drones have flown over the White House fence. One case was accidental and the pilot was not charged. The other was intentional and that pilot was arrested and awaits a hearing.

As Van de Vuurst explained,

“States and cities govern what happens on the ground, but the feds rule the skies.”

FAA lifted the fog on drones with a brand new set of rules.

RULES AND REGULATIONS

The new rules specifically targeted “small” drones, those under 55 pounds. The rules only cover nonrecreational drone flights, which was good news for hobbyists. But it was bad news for some businesses with active experimental drone programs, like Amazon’s Prime Air delivery service.

The FAA rules said commercial drone operators must always be able to see their drones and see them with only the naked eye, glasses, or contact lenses (no binoculars). Drones can only be flown during daylight hours at less than 100 miles per hour and at a maximum altitude of 500 feet above the ground.

Commercial drone operators must be at least 17 years old. They have to pass an aeronautical knowledge test and obtain an FAA drone operator certificate (but not get a private pilot’s license or a medical rating). To keep the drone license, drone pilots would have to pass the FAA knowledge test every two years.

Drone pilots must keep their aircraft away from manned aircraft and abandon any flight that poses risks to people, property, or other aircraft. Commercial drones cannot be flown over people, according
to the new rules, other than those directly involved with their flight.

Drone operators must keep their aircraft out of airport flight paths, and restricted airspace areas, and obey any FAA Temporary Flight Restrictions. The new rules maintain existing rules against “operating in a careless or reckless manner” and dropping objects from drones.

As of this writing, the new rules are proposals, a framework of regulations. When the government rolled out the rules back in February, Obama Administration officials stressed the need to keep those rules loose. For example, U.S. Department of Transportation Secretary Anthony Foxx said the rules must “accommodate innovation.” FAA Administrator Michael Huerta spelled it out a little more clearly: “We have tried to be flexible in writing these rules,” Huerta said. “We want to maintain today’s outstanding level of aviation safety without placing an undue regulatory burden on an emerging industry.”

With that, few were surprised with what the FAA did next. It turned to the private sector for help.

**BALANCING BUSINESS POTENTIAL AND PITFALLS**

The same day the FAA unveiled its rules for commercial drones, the White House issued a presidential memo with a long, yet precise title: “Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems.”

The title is a mouthful, but one that uncovers the tangled-up balancing act that comes with regulating drones for safety and privacy but not dousing their money-making potential. The Association for Unmanned Vehicle Systems International (AUVSI), a drone trade group, said drones are set to have an $82.1 billion economic impact in America between 2015 and 2025, creating more than 100,000 jobs.

Retail giant Amazon told the FAA in 2014 it was working on Amazon Prime Air, a “future delivery system from Amazon designed to safely get packages into customers’ hands in 30 minutes or less using (drones).” At the time the company said “It looks like science fiction, but it’s real. One day, seeing Prime Air vehicles will be as normal as seeing mail trucks on the road.” The new FAA rules grounded parts of the Seattle-based research program and Amazon has warned it may move its drone research overseas, as a result.

At the time, Amazon’s initial announcement drew laughs from industry leaders and from more than one late-night talk show host. Last year, FedEx® CEO Fred Smith told The Associated Press that the idea of delivering parcels by drone was “almost amusing” and questioned drones’ abilities to make local deliveries efficiently.

But other companies are hard at work on drone research projects. Deutsche Post DHL has tested its “parcelcopters” since 2013. Google is at work on another drone project after scrapping its Project Wing design earlier this year. Back in 2014, Lakemaid Beer delivered some of its beers to Minnesota ice fisherman until the FAA shut the project down.

Still, as the presidential memo shows, drone use is as packed with potential as it is with possible pitfalls. But integrating new technology and new rules is not a brand new endeavor, according to Andrew Jay McClurg, a professor at the UofM law school and an expert in privacy law.

“Like Uber and other ride-sharing services, drones are here to stay,” McClurg said. “They are not going away, so we’re going to have to learn to live with them.”

Cont’d on pg 28
Closer to home in Memphis, the water flows freely, pouring out of taps as what is considered some of the best drinking water in the world. Even during dry periods, the water in the Memphis Sands aquifer flows with no end in sight.

Could the U.S. Supreme Court render a decision that might alter that water flow, bringing California’s water woes to the Bluff City? Mississippi has been waging a legal battle against Memphis for 10 years, saying the city is pumping water that belongs to it instead. The U.S. Supreme Court, in a June 29 order, said the state of Mississippi can proceed with its complaint against Memphis alleging that groundwater pumping by Memphis Light, Gas and Water Division from the Memphis Sands aquifer has caused water to flow from that state into Tennessee. Mississippi is seeking more than $615 million in damages rather than an equitable apportionment of aquifer water. This case has the potential to not only change the way we get our water in the Mid-South, but also the very definition of how the law views types of water.

Back out West in Colorado, homeowners who want to reuse rainwater that falls onto their homes and runs down into water collection barrels are actually breaking the law. It all circles back to the needs of users downstream in Nevada, Arizona and California, where water rights go back to the 1800s, belonging to property owners who have held land for generations.

Across the United States there are individual water wars raging. Some involve states battling one another, while others pit state governments against their own residents. And the issue is only growing, particularly in regions where growth outpaces the amount of water available in surface sources. But with laws in place, what can be done?

"Whiskey is for drinking; water is for fighting over." - Mark Twain

Drought has been a part of life in the western United States for decades. But, what if the water dried up and went away like a spigot was permanently shut off? With the current drought conditions and fights over water rights in California, it’s not exactly a reality yet, but it’s closer to a possibility than ever before.
Drought in California and drastic water restrictions announced earlier this year have made international headlines, with California facing one of the most severe droughts on record. In January, Gov. Edmund Gerald (Jerry) Brown Jr. declared a drought State of Emergency, directing state officials to take all actions to prepare for water shortages.

Water consumers have been told to reduce use by 25 percent. But it’s really nothing new.

“California has been experiencing serious drought conditions for a number of years,” said Randall B. Womack (J.D. ’80), a member in the Memphis office of Glankler Brown PLLC who focuses his practice on environmental law. “This has put a great deal more stress on surface water sources, which in turn has caused even greater conflict among stakeholders. The drought conditions have also resulted in increased use of groundwater aquifers.

“The shortage of water has become so severe that earlier this year Gov. Jerry Brown issued mandatory restrictions on residents and businesses. The governor was criticized for exempting the agriculture industry from the cutbacks on water use. However, more recently, the state has taken action to reduce the volume of water taken for farming. In addition, a statute went into effect early this year that will result in greater management of groundwater sources at the state level.”

Why not just be proactive in cutting water use well before things get dire?

“That’s the trend,” said Robert Steele, a shareholder in the Nashville office of Baker, Donelson, Bearman, Caldwell & Berkowitz PC, who has extensive experience in water rights issues. “People get all excited when the droughts hit and then it starts raining again and everybody forgets about it. But it would be appropriate for local governments who don’t have abundant supplies to think about that within the extent of their powers and politics to urge conservation to require these land use measures that would preserve water supplies. It’s difficult anywhere with the expectation of people. The urgency goes up during drought time.”

While the current headlines in California are more pronounced, the story is not new, and with the state producing an abundance of agriculture used around the world, the reach is far. In early 2014, when President Barack Obama visited California’s San Joaquin Valley, he stated the obvious about the importance of the Golden State’s water issues, connecting the drought to climate change and the national interest. “California is our biggest economy,” he said. “California is our biggest agricultural producer. Whatever happens here, happens to everybody.”

The situation in California is complicated, although the problem can be simplified by examining where the water is consumed vs. where it comes from. A lengthy article in the February 2014 edition of The Atlantic titled “American Aqueduct: The Great California Water Saga” explores the water wars being waged there, with much of the frontlines occurring in the central valleys where water that falls in the northern reaches of the state and Sierra Nevada Mountains is funneled to the south through a detailed canal system. This massive State Water Project, completed in the 1960s, would send water to the dry areas where it was needed most. The story cites a state Department of Water Resources Annual Report that was released in 1968 just as the project neared completion. “California is in the midst of constructing an unprecedented water project for one essential reason—the state had no
alternative. Nature has not provided the right amount of water in the right places at the right times. Eighty percent of the people in California live in metropolitan areas from Sacramento to the Mexican border; however, 70 percent of the state’s water supply originates north of the latitude of San Francisco Bay.

Western states have enormous competing interests for water: agriculture, drinking water and endangered species, all mixed in with a long history of court battles over water rights.

“Fundamentally, out West they move the water where people are instead of living where the water is,” said Stephanie Showalter Otts, director of the National Sea Grant Law Center. “There [have] always been drought conditions but when it wasn’t as severe or as much development they had enough to carry through. Now they’ve hit their limit. But the way they move water is inefficient. There is a lot of evaporation. For instance, in Lake Mead, there is a lot of water seepage through the bottom.”

With population explosions in Southern California, Las Vegas and Arizona, the problem isn’t going away, and it’s only heightened during periods of drought, particularly during the current one of historic proportions.

**EAST VS. WEST**

Ah, water allocation. It’s a foreign idea in the lush, green environments east of the Mississippi River where drought and dry conditions aren’t common. And while there are water wars raging east and west of the Great River Divide, the rules on either side of the Mississippi are quite different.

With Western water law, there is something called prior appropriation doctrine. “You get there first, you claim it and you use it,” Steele explained. “It’s a property interest that is not necessarily based on society with all kinds of complications on how you use those rights. … Who cuts back? Why do I have to cut back everything when this guy who got his rights in 1890 doesn’t have to cut back?”

Imagine an abundance of water in a time of no drought. You’re a rancher in Colorado with rights to all the water you need. Thanks to your great-grandparents owning the land and the water rights that come with it, you are entitled to the water, too. There is a simple philosophy governing it all, and it can be summed up as use it or lose it. Why would you turn off the water so that everyone else downstream can access it instead?

The Colorado River helps supply some 40 million people across Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. Now, water rights have been issued for more water than the river can provide.

“The West has always had a scarcity,” Steele said. “First in land, first in right. You get there, you build your dam and have your gun and everyone else can wait.”

So the first people to arrive in the American West were the first to gain rights to the water. And as the population has exploded, those property owners with long-held rights control the natural resources.

Eastern water laws are focused more on accommodating everyone.

For the most part, water rights in areas east of the Mississippi River are based on the common law doctrine of “riparian rights” originally adopted by English courts. Under the riparian rights doctrine, use of surface water is limited to land owners whose property abuts a river, stream or lake. The property owner is entitled to the “natural flow” of the water across or by his or her land and is further entitled to the “reasonable use” of that water for domestic, agricultural, and manufacturing purposes.

However, a riparian landowner may not use surface water in a way that harms other riparian owners. For example, the landowner may not divert a stream from its normal course or diminish the amount of water that would usually flow in the stream.

A property owner whose family has been on the land for 150 years has just as much right to the water as the homeowner who just moved in six months ago. Everyone who lives near a river or lake has the same right to the water as the next person.

**THEM’S FIGHTIN’ WORDS**

That brings everything to Memphis, where the drinking water is considered some of the best in the United States. The large Memphis Sands aquifer stretches under Tennessee, Mississippi and Arkansas, supplying quality groundwater to people of the Mid-South for everything from drinking water to agricultural uses, beer making, manufacturing and anything else where fresh water could be used.
The city of Memphis has been withdrawing water from the aquifer for municipal use since 1886. Mississippi believes Memphis is taking its unfair share. The state began a legal fight against Memphis and its water utility 10 years ago.

In Mississippi v. Tennessee, the state of Mississippi alleged that Memphis wrongfully pumped groundwater from the aquifer that is the state’s sovereign property. All of MLGW’s wells are within Tennessee, but three of them are near the state line and Mississippi alleged the water pumping has created an underground cone of depression under Memphis that extends into Mississippi. That cone of depression has caused groundwater to flow from Mississippi into Tennessee where it is pumped for use in Memphis. Mississippi claimed that the water levels in the part of the aquifer below the state are being reduced at a higher rate than can be replenished.

In 2005, Mississippi, through its attorney general, brought an action for trespass and wrongful conversion against MLGW in the United States District Court for the Northern District of Mississippi. The state of Tennessee was excluded.

In its complaint, Mississippi alleged that some portion of the groundwater that is pumped out of the aquifer by MLGW is Mississippi’s sovereign property, and that Mississippi must therefore be compensated. The district court dismissed that action. The court concluded that, absent an equitable apportionment of the water in the aquifer between Mississippi and Tennessee, the court could not evaluate whether Memphis and MLGW had pumped water belonging to Mississippi. The court further explained that the relief requested by Mississippi would require the court to engage in a de facto apportionment of the aquifer, which would require joinder of Tennessee as a defendant, and that such a dispute would fall within the exclusive original jurisdiction of the Supreme Court.

In 2009, the U.S. Court of Appeals for the Fifth Circuit affirmed this decision, stating that the action could not proceed without Tennessee being listed as a party in the case, because the aquifer is an “interstate water source” that must be apportioned before any state may claim a judicially enforceable right to a share of it. The court of appeals explained that the aquifer flows, albeit very slowly, under several states. The court of appeals also affirmed that Tennessee could not be joined in the lawsuit without depriving the district court of subject matter jurisdiction. Mississippi then filed a petition for a writ of certiorari, which the Supreme Court denied the following year.

Simultaneous with filing its petition for a writ of certiorari, Mississippi filed a motion in the Supreme Court for leave to file a bill of complaint against Tennessee, the City of Memphis, and MLGW, seeking approximately $1 billion in damages. In addition to repeating its claims of trespass and conversion, Mississippi contended that an equitable apportionment was not necessary because there had already been an “inherent apportionment” of the groundwater in the aquifer upon Mississippi’s admission to the Union in 1817. Mississippi requested an equitable apportionment as an alternative form of relief, but only if the Court determined that Mississippi did not own and control the aquifer resources within its borders. The Supreme Court denied Mississippi’s motion without prejudice, which opened the door for Mississippi to refile at a later date.

**SO WHAT CHANGED THIS TIME AROUND?**

“Most of us observing thought that was correct because you have to know what each state should get,” Showalter Otts said. “When Mississippi came
More and more law students are falling under the umbrella of being nontraditional these days. That can mean anything from being slightly older than your average law student, having a family and/or children, or embarking on a new career path.

Former National Hockey League player Stu Grimson (J.D. ’05) is one of the more nontraditional students to graduate from Memphis Law in quite some time. After 17 years as a professional hockey player, 14 of those in the NHL, Grimson moved from the ice to the courtroom. He hasn’t looked back since.

Known in hockey circles as an “enforcer,” Grimson played in over 700 games with eight different teams during his time in the NHL, with over 2,113 penalty minutes from various fights and pummelings to show for it. He also had two trips to the Stanley Cup finals during his career, once in 1992 with the Chicago Blackhawks and again in 1995 with the Detroit Red Wings. He hung up his skates and gloves for good in 2001, however, when he suffered a serious concussion while playing for the Nashville Predators. But he didn’t waste any time trying to figure out his next move.

“I’ve always had a serious approach to education and life after hockey,” says the former “Grim Reaper” when asked about his choice to finish his education. He decided to finish his undergraduate degree in economics with the help of the NHL Players’ Association program, Life After Hockey, which helps players adjust after they retire. He then set his sights on law school.

“Once I decided that law school was the direction I wanted to go in, I immediately began to realize how incredibly competitive the law school application and acceptance process was going to be,” Grimson said. “My family and I were living in Nashville, but when I looked at where the best value was as far as a law school education is concerned versus costs, Memphis was just the best place for me. It was close enough to commute and they reached out to me early and made me feel comfortable.”

Grimson notes that his situation was unique. Not only was he older than his typical classmate, he also commuted from Nashville for the week during law school. He spent four days in Memphis at school and drove back home every weekend. His competitive drive and devotion to his task were no different from when he was in the NHL though. “You really have to treat law school like a full-time job. It’s really like a job and a half, to be honest,” says Grimson. “Take it seriously.”

“Law school, at the end of the day, helped ease the transition for me when I left the league,” Grimson says of his life after the NHL. “It allowed me a to find a profession where traits of my personality carried over from the game to the classroom to the
courtroom, and provided me with a wider range of options for what I could do in the next phase of my life, so that I could continue to take care of my family.”

After graduating from Memphis Law in 2005, Grimson went to work for the NHL as in-house counsel at the National Hockey League Players’ Association (NHLPA) in their Labor Department. After several years with the NHLPA, Stu and his family returned to Nashville to work as a defense attorney with Kay, Griffin, Enkema & Colbert, PLLC until 2012. Since then, he’s returned to the Nashville Predators organization, first as a color analyst on the Predators radio network and now as one of the primary analysts for the Predators Television Network.

When asked what was more challenging (or what was more exciting) amongst his career choices of hockey “enforcer” and attorney, Grimson notes “lawyers are sort of adversarial by nature,” and that his personality traits carried over to the legal arena. In his playing days, part of his role was to step in and make sure anyone who slighted his team or his teammates paid for it. As an attorney, one of his favorite things is being an advocate for someone and helping that person when they need the assistance.

“There’s nothing more challenging than being in front of a judge and advocating on a client’s behalf and doing the best job you possibly can for them,” said Grimson. And if you want to know which is more daunting—doling out a professional NHL beating or being in the legal profession—Grimson has something to say about that as well. “Nothing has ever come remotely close to the true courtroom experience for me,” Grimson says about his trial experience. “Absolutely nothing is that challenging or as big of a rush, certainly in terms of the intellectual experience, preparation and challenge.”
The Letter(s) of the Law (School)

Our building is impressive, there’s no way around that. With its soaring marble columns, original brass doors, elevators and window cages, hardwood paneling, intricate crown molding, beautiful woodworking with hand-painted stencil designs, and grand staircases made of Tennessee marble and granite, the building at 1 North Front Street is nothing short of grand. But if you look closely, you can find a literal alphabet of visual treasures hiding amongst the details of our home.

Most of us grew up with the alphabet decorating the classrooms of our youth. In this feature, we’ve brought some of that theme to law school, with a touch of class, architectural history and sophistication that you can see for yourself as you walk around our building looking for these letters. Enjoy the linguistic journey through the halls of Memphis Law!

Photos by Rhonda Cosentino
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>John I. Houseal, Jr., of Glankler Brown, was recently elected to the board of directors of the Memphis Navy League. He was also asked by the University of Memphis School of Law to sit on the advisory board of a new law program focusing on health-care law.</td>
</tr>
<tr>
<td>1977</td>
<td>R. Hunter Humphreys, of Glankler Brown, has been invited to join the American College of Real Estate Lawyers. ACREL's distinguished, nationally-known lawyers have been elected to fellowship for their outstanding legal ability, experience and high standards of professional and ethical conduct in the practice of real estate law.</td>
</tr>
<tr>
<td>1980</td>
<td>W. Kerby Bowling was selected as a 2015 Power Player in Employment Law for Inside Memphis Business.</td>
</tr>
<tr>
<td>1981</td>
<td>Steve McCleskey, of Glankler Brown, has recently obtained his license to practice law in Mississippi.</td>
</tr>
<tr>
<td>1982</td>
<td>Judge William J. Borah finished his term as Chairman of the Illinois State Bar Association’s Labor and Employment Law Section Council.</td>
</tr>
<tr>
<td>1992</td>
<td>Steve Maroney was reappointed in March 2015 as the Madison County Attorney, a position he has held since 2012.</td>
</tr>
<tr>
<td>1993</td>
<td>Caren Beth Nichol was recently appointed to the Beale Street Tourism Development Authority Board.</td>
</tr>
<tr>
<td>1995</td>
<td>Garland Erguden joined the Shelby County Juvenile Court as a magistrate and chief legal officer.</td>
</tr>
<tr>
<td>1996</td>
<td>Kevin Snider was recently reappointed to serve as the volunteer commander of the Fayette County Technical Rescue Team located in Rossville, Tennessee.</td>
</tr>
<tr>
<td>1998</td>
<td>Ronald T. Catelli became the President of the Monmouth County Bar Association in Monmouth, New Jersey.</td>
</tr>
<tr>
<td>2000</td>
<td>Saffa Koja recently accepted a position at FTI Consulting as a business development director in New York City, New York.</td>
</tr>
<tr>
<td>2001</td>
<td>Emily Taube recently joined the Nashville office of Burr &amp; Forman as a partner.</td>
</tr>
<tr>
<td>2002</td>
<td>Jason D. Salomon, an estate planning specialist with the Memphis law firm of Harkavy Shainberg Kaplan &amp; Dunstan PLC, has been elected chairman of the Probate &amp; Estate Planning Section of the Memphis Bar Association.</td>
</tr>
<tr>
<td>2003</td>
<td>Jacob Zweig, of Evans Petree PC, for the 2nd year in a row was named Bankruptcy Counsel of the Year by TD Auto Finance LLC as part of the firm’s Creditor Rights/Insolvency Group. The award is given for superior overall performance and strategic bankruptcy litigation victories.</td>
</tr>
<tr>
<td>2004</td>
<td>John Packard Wade has joined McNabb, Bragorgos &amp; Burgess, PLLC. Mr. Wade is admitted to practice law in all Tennessee courts and in the U.S. District Court for the Western District of Tennessee. He was named a “Rising Star” in the 2012 and 2013 editions of Super Lawyers.</td>
</tr>
<tr>
<td>2005</td>
<td>Meredith L. Williams, chief knowledge management officer for Baker Donelson, has been elected to her third term on the board of directors of the International Legal Technology Association (ILTA) and will serve as its president. ILTA is governed by a seven-member board that is elected biennially.</td>
</tr>
<tr>
<td>2006</td>
<td>Kyle I. Cannon has achieved an AV-rating by Martindale-Hubbell. He also served as the co-chair of the Big Wig Ball 2015, the Le Bonheur Children’s Hospital Associate Board’s largest annual fundraiser. The event raised $60,000 for the hospital.</td>
</tr>
<tr>
<td>2007</td>
<td>Jennifer Harrison joined the regional law firm of Hall Booth Smith as a partner and will lead the firm’s newest office in Memphis, Tennessee. Jennifer focuses her practice on the defense of professional liability, medical malpractice and other healthcare related cases. She was selected as a Mid-South Super Lawyer in 2014 and is licensed in Tennessee, Arkansas and Mississippi.</td>
</tr>
<tr>
<td>2008</td>
<td>Robert J. Fehse, of Evans Petree PC, for the 2nd year in a row, was named Bankruptcy Counsel of the Year by TD Auto Finance LLC as part of the firm’s Creditor Rights/Insolvency Group. The award is given for superior overall performance and strategic bankruptcy litigation victories.</td>
</tr>
</tbody>
</table>
Freeman Foster was recently appointed to serve as an Assistant City Attorney for the City of Memphis.

Kandace C. Stewart, of Evans Petree PC, for the 2nd year in a row was named Bankruptcy Counsel of the Year by TD Auto Finance LLC as part of the firm’s Creditor Rights/Insolvency Group. The award is given for superior overall performance and strategic bankruptcy litigation victories.

Bert A. Echols, III, Evans Petree PC, for the 2nd year in a row was named Bankruptcy Counsel of the Year by TD Auto Finance LLC as part of the firm’s Creditor Rights/Insolvency Group. The award is given for superior overall performance and strategic bankruptcy litigation victories.

Thomas R. Greer was elected as president-elect of the Tennessee Association for Justice.

Aaron J. Nash, Evans Petree PC, for the 2nd year in a row was named Bankruptcy Counsel of the Year by TD Auto Finance LLC as part of the firm’s Creditor Rights/Insolvency Group. The award is given for superior overall performance and strategic bankruptcy litigation victories.

Brian L. Yoakum, of Evans Petree PC, was recently elected as a barrister in the Leo Bearman, Sr. Chapter of the American Inn of Court.

Nicole Bermel Dunlap has recently begun working for Ford & Harrison, LLP, one of the country’s largest management-side labor and employment firms, in its Tampa, Florida office.

Russell A. Humphrey was elected president of the American Association of Legislative Clerks and Secretaries. Additionally, he was selected as a commissioner for the Mason’s Manual Commission, which oversees the revisions of the parliamentary law treatise, Mason’s Manual of Legislative Procedure.

Mary Lee was recently designated as a White House Foster Care Champion of Change. She and 12 other former foster youth were honored at a ceremony in Washington, D.C. at the White House, with remarks from U.S. Secretary of Education Arne Duncan and Deputy Assistant to the President for Urban Affairs, Justice and Opportunity Roy L. Austin, Jr.

Richard “Trammel” Hoehn Jr. has joined the Nashville office of Butler Snow, and will work with the firm’s government relations group.

Michael M. Lawless was elected chairman of the Young Lawyers Division of Eminent Domain Section of the North Carolina Advocates for Justice. The NCAJ is North Carolina’s premier association of trial attorneys, and the Eminent Domain Section focuses on law, policy, and practice skills relevant to practitioners in that area.

Kacie Flinn McRee was honored as one of Knoxville’s 40 Under 40 by the Knoxville News Sentinel.

Adam C. Ragan joined the law firm of McGuireWoods LLP as an attorney in its Financial Services Litigation Group.

Lauren Dunavin Callins joined the law firm of Hall Booth Smith as an associate and assisted in opening the firm’s eleventh regional office located in Memphis, Tennessee. Lauren focuses her practice on the defense of hospitals, physicians, and other healthcare providers in a variety of medical malpractice and professional liability claims.

Maggie Smith has joined the firm of Batson Nolan PLC.

Megan E. Warden has joined Shea Moskovitz & McGhee as an associate.

Martha Crowder has joined the firm of Apperson Crump PLC.

If you have an alumni news item or update that you would like to see featured in this section of ML, please send it to ML executive editor Ryan Jones at rjones1@memphis.edu, along with any corresponding headshots.
IN THESE HALLS: FACULTY ACCOMPLISHMENTS

Alena Allen
Professor Allen’s most recent article, “Dense Women,” will be published in the Ohio State Law Journal. She was also selected as a 2015 Maxine Smith Fellow by the Tennessee Board of Regents.

Lynda Wray Black
Professor Black was selected 2015 Professor of the Year by the Memphis Law Class of 2015. She was also named the 2015 Outstanding Alumna by the University of Memphis Alumni Association, Arts and Sciences Chapter.

Professor Black was also appointed to the Research Oversight Committee for the Biorepository and Integrative Genomics Initiative at Le Bonheur Children’s Hospital.

Amy Campbell
Professor Campbell co-organized the Therapeutic Jurisprudence Track and was named to the International Scientific Committee of the 34th International Congress on Law and Mental Health held in Vienna, Austria, in July 2015. At this Congress, she also presented a work-in-progress, “Gun Control and Mental Health,” as part of the Mental Health Exceptionalism Panel.

Professor Campbell was elected to the Nominating Committee of the American Society of Bioethics & Humanities in July 2015. She also was invited to join the newly formed Memphis My Brother’s Keeper Policy Working Group (Mayor Wharton’s Young Men of Color Initiative).

Donna Harkness
Professor Harkness’s book chapter, “Bridging the Caregiving Gap - Does Technology Provide an Ethically and Legally Viable Answer? A U.S. Perspective,” has been published in International and Comparative Law on the Rights of Older Persons.

Daniel Kiel
Professor Kiel received a fellowship from the Core Fulbright U.S. Scholar Program which will enable him spend the fall 2015 semester at the University of the Free State (UFS) in Bloemfontein, South Africa, working on his project, “Comparative Analysis of Educational Remedies in Destratifying Societies.”

Professor Kiel also had a chapter published in the book, “Law and Education Inequality.” The chapter is called “Equity Through Differentiation.” He was also named chairman of the board of Just City, a new local nonprofit charged with minimizing the incidents and impact of contact with the criminal justice system in Memphis.

D.R. Jones
Professor D.R. Jones’ article, “Law Firm Copying: An Examination of Different Purpose and Fair-Use Markets,” is forthcoming in the South Texas Law Review. Professor Jones also has another article entitled “Commerciality and Fair Use” which is forthcoming in the Wake Forest Journal of Business and Intellectual Property Law.

Barbara Kritchevsky
Professor Kritchevsky’s book chapter, “If There’s a Right, is There a Remedy? The Federal Courts’ Role in Remedying Constitutional Violations,” will be published in Constitutionalism, Executive Power, and the Spirit of Moderation (State University of New York Press).

Boris Mamlyuk

Andrew McClurg
Professor McClurg’s most recent article, “The Second Amendment Right to be Negligent,” will be published in the Florida Law Review, and his article, “In Search of the Golden Mean in the Gun Debate,” is forthcoming in the Howard Law Journal. Professor McClurg also was one of 10 authors (out of more than 1000) for West Academic Publishing invited to attend the Author Inside Look Conference in St. Paul, Minnesota. It was his second invitation in three years.

Steve Mulroy
Professor Mulroy’s article, “Sunshine’s Shadow: Overbroad Open Meetings Laws as Content-Based Speech Restrictions Distinct from Disclosure Requirements,” was published in the Willamette Law Review. Professor Mulroy presented a paper in March at the Sorbonne in Paris, as part of the International Symposium on Freedom of Information & Governmental Transparency in the Open Government Era, University of Paris 1 Pantheon-Sorbonne. His paper, “Sunshine’s Chill: Overbroad American Open Meetings Law and the Limits of Disclosure,” which takes a comparative approach, will be published in the book produced as part of the symposium. This past July, Professor Mulroy spoke at the Southeast Association Of Law Schools (SEALS) Conference in Boca Raton, Florida, on innovative methods for teaching Constitutional Law.
**John Newman**

John Newman’s paper, “Antitrust in Zero-Price Markets: Foundations,” has been accepted for publication in the University of Pennsylvania Law Review.

**Danny Schaffzin**


Professor Schaffzin presented at the following events:


**Katherine T. Schaffzin**

Professor Kate Schaffzin’s article, “Learning Outcomes in a Flipped Classroom: A Comparison of Civil Procedure II Test Scores between Students in a Traditional Class and a Flipped Class,” was accepted for publication in the University of Memphis Law Review.

**Eugene Shapiro**


**Kevin Smith**

Professor Smith’s article, “Wax on/Wax off: Reflections on Learning to Think and Do as a Stone Carver (with Applications to Legal Education),” was published by the University of Memphis Law Review in the spring 2015 issue.

**Jodi Wilson**

In August 2015, Professor Wilson was an invited speaker at the 34th Annual Meeting of the Association of Reporters of Judicial Decisions. She spoke about assessing and citing nontraditional sources in opinions.

**Christina Zawisza**

Professor Zawisza was recently recognized by Florida’s Children First, a statewide advocacy organization she helped to create, as Director Emeritus. Her article, “Teaching Cross-Cultural Competence to Law Students: Understanding the ‘Self’ as ‘Other,’” will be published in the Florida Coastal Law Review. It will be published in the winter 2015 symposium edition developed in conjunction with the Florida Bar Public Interest Law Section.

Professor Zawisza also made a presentation on “Embracing Time and Place: Therapeutic Jurisprudence and the Civil Rights Movement in Memphis” at the 34th International Congress on Law and Mental Health at Sigmund Freud University in Vienna, Austria, in July 2015.

**FACULTY PROMOTIONS**

**Jodi Wilson**

Jodi Wilson was promoted to Associate Professor of Law and awarded tenure in 2015.

**Katherine T. Schaffzin**

Katherine T. Schaffzin was promoted to Professor of Law in 2015.

**D.R. Jones**

D.R. Jones was promoted to Associate Professor of Law and awarded tenure in 2015.

**John Newman**

John Newman was hired on a full-time basis as an Assistant Professor of Law.
Do Dense Women Need Legislative Protection?

By Professor Alena Allen

Public support and awareness of breast cancer is unparalleled in Tennessee and throughout the nation. Pink ribbons, an international symbol of breast cancer, are now worn by both women and men throughout the year, and breast cancer charities have ramped up awareness by linking brands and products with pink ribbons. In fact, their strategy has been so successful in marketing that “pink” is now a verb.

As a result, almost every woman knows that early detection exponentially increases a woman’s chance of survival and that having a yearly mammogram after 40 is the best way to ensure early detection.

But this familiar mantra at best offers incomplete information and at worst lulls women into a false sense of security. Although it is true that survival rates hover well over 98 percent if breast cancer is caught in the earliest stages, a yearly mammogram is not a panacea.

Mammographic technology has limits which until recently were not widely shared with women. In short, if a woman has dense breast tissue, then the fatty tissue in her breasts appears white on mammographic film. Because cancer also has a white appearance on mammographic film, cancer in women with dense breast tissue is much more likely to be missed.

Many women are dense. In fact, roughly 50 percent of women have clinically dense breasts. Moreover, breast density is not static but tends to decrease with age. Yet, few women are told anything about their breast density until they are, ultimately, diagnosed with advanced-stage breast cancer.

Density notification legislation seeks to change this and mandates that women be informed about their breast density. In 2009, Connecticut passed the first density notification law in the country. Currently, 24 states have enacted density legislation, including Tennessee.

Tennessee’s statute became effective on January 1, 2014. The statute provides that the facility where the mammogram is performed must provide the following written notice to women with dense breasts:

Your mammogram shows that your breast tissue is dense. Dense breast tissue is common and not abnormal. However, dense breast tissue can make it harder to evaluate the results of your mammogram and may also be associated with an increased risk of breast cancer. This information about the results of your mammogram is given to you to raise your awareness and inform your conversations with your doctor. Together you can decide which screening options are right for you. A report of your results was sent to your physician.

While density notification legislation informs women, this solution has negative consequences as well.

First, women are informed of their density in writing. This means that a woman who has questions is not in an immediate position to have her questions answered by a physician. This situation can produce needless angst and anxiety while the woman is waiting to speak with her physician.

Second, the legislation usurps the power of physicians to decide what information should be shared and how.

The law has traditionally deferred to physicians allowing medical professionals to set the standard of care without having to worry about second-guessing by lay people. Density notification legislation interferes with the ability of physicians to exercise their professional judgment for the benefit of each individual patient.

This intrusion is particularly problematic because the legislature has mandated density notification without mandating that insurers pay for additional screenings. In practice, the law steers women to discuss breast density and its risks with their physicians without providing access to further assessment methodologies.

While supplemental screenings such as ultrasound and tomosynthesis are available, insurers are unlikely to cover the cost because such screenings are not cost effective. This puts women who are not affluent in the anxiety provoking position of spending limited resources on expensive supplemental screenings or going without the additional screening and hoping that cancer is not being masked by dense breast tissue.

Disclosure legislation is a hollow victory for breast cancer advocates. Dense women do not need boilerplate notices sent at the behest of the state legislature. Dense women need access to better individualized care and affordable access to screenings.
The 60-day public comment period on the FAA’s proposed drone rules ended in April with more than 4,500 comments and many expected a final rule would be delivered soon after. But given the amount of comments, the mandate from Congress to integrate drones into the American airspace, and orders from President Barack Obama to do it in a balanced way, the FAA (in the unsurprising move mentioned above) said it needed more time to issue a final rule and reached out to the private sector for help.

“Government has some of the best and brightest minds in aviation, but we can’t operate in a vacuum,” Transportation Secretary Foxx said in a statement. “This is a big job, and we’ll get to our goal of safe, widespread (drone) integration more quickly by leveraging the resources and expertise of the industry.”

The announcement came in May at the annual conference of the AUVSI, the drone trade group, in Atlanta. The FAA said then that it began working with three different companies on three different segments of drone regulation.

The agency is now working with cable news network CNN on operating drones in urban areas for gathering news in populated areas. It will work with drone manufacturer PrecisionHawk to explore drone use for monitoring crops in precision agriculture operations. Also, the FAA will work with BNSF railroad on using drones to inspect rail-system infrastructure.

Given all of the yet-answered questions and all of complexities within each question, the FAA said it wasn’t comfortable even projecting a timeline for a final rule.

**TENNESSEE FIREWORKS**

Imagine flying through a huge fireworks show. Not high above it. Not below it looking up. But flying right through it.

Mortar shells explode a few feet in front of you and their concussive booms blow you back. All around you, the sky is painted with dazzling lights that burst and unfurl like the massive tendrils of electric, 50-story palm trees.

You can see this right now, thanks to YouTube and a drone.

Last year, a Nashville entrepreneur launched his $1,300 drone from a parking lot and flew it and a camera over the Cumberland River and directly into Music City’s Fourth of July fireworks show, the second largest in the country. In the darkness, he lost sight of the drone but watched its course on a video screen with his friends.

On July 6, The Tennessean called the video “spectacular” and said that the drone pilot was on “firm legal footing for the activity.” Two days later, the paper reported that the Federal Aviation Administration had opened an investigation into the fireworks flight. The agency received complaints about the risk the flight posed for possible injury and property damage on the ground after the video went viral.

For his part, the drone operator, Robert Hartline, was unconcerned, telling a Tennessean reporter that, “The technology is here, and it’s going to take a while for the FAA to process how (drone use is) going to affect people.”

Hartline was right, of course, at the time. But since the interview a year ago, his original drone video has been viewed more than 93,000 times and has been copied on tons of other YouTube channels. His story spread to online tech magazines, tech blogs, drone blogs, and also to a mainstream, national audience via USA Today and the Huffington Post. His story also spread to the Tennessee General Assembly.

In January, a bill was filed in the Tennessee House of Representatives that would ban drones to “intentionally capture an image over certain open-air events.” The Tennessee State Fire Marshall’s Office quickly requested an amendment to add firework displays. Hartline’s fireworks flight was on its way to becoming a Class C misdemeanor.

The bill’s Senate sponsor, Senator Jack Johnson (R-Franklin) said drone enthusiasts urged him to keep the new state rules loose. But he said companies and other government agencies found out about his drone bill and were eager to add their regulations. For example, the Tennessee Department of Corrections requested an amendment to ban drone flights over correctional facilities.

The Tennessee Titans requested an amendment to ban drone flights over ticketed, open-air events with more than 100 people. The team’s lobbyist, Lana Johnston (J.D. ’09), an associate and policy advisor with the law firm of Waller Lansden Dortch
“Before you can fly a drone over my stadium, please go get an actual license.”

and Davis, told a House committee that the amendment targeted drone hobbyists, who require neither training nor licensure.

“Before you can fly a drone over my stadium, please go get an actual license,” Johnston said. “Otherwise, I don’t want you flying over this public space for public safety and for copyright issues.”

But Senator Lee Harris (D-Memphis), a UoF law professor, asked the broadest, simplest and perhaps the most potent question about drones and public gatherings.

“If I’m having a backyard barbecue in Memphis and I invite 100 people over, shouldn’t I have an expectation of privacy?” Harris asked during a meeting of the Senate Judiciary Committee. “I was protected with the original bill but I’m not now (with the amended bill).”

Johnson, the bill’s sponsor, said he was trying to “thread the needle” on the drone issue, addressing copyright and safety concerns, and “not putting unreasonable restrictions on enthusiasts who like to fly these things in the park on Sunday afternoons.” But he said Harris was right on point.

“If you have a swimming pool in your backyard and you have a party and have some folks over, there’s nothing in the law prohibiting your neighbor from just flying his drone over and just filming what’s going on in your backyard,” Johnson said. “I don’t know how we rectify that.”

But Senator Mark Green (R-Clarksville) had a sound effect for a simple answer that had the hearing room in stitches. “Chick-chick,” he said, and the room erupted in laughter.

“Senator Green is over here cocking a shotgun,” laughed Johnson. “That would be one possibility.”

The bill became law in April and Hartline’s drone flight through the fireworks would now come with a fine of no more than $50 and no more than 30 days in jail. The same penalty comes for any drone user capturing images over a ticketed event of more than 100 people without the owner’s consent.

Tennessee state legislators asked for a drone task force to be assembled in 2013 to simply “study the use of drones for public and private purposes in this state.” Task force members would have been pulled from state offices representing everything from safety to economic development. The language of the law creating the task force noted (as did the Presidential memo on drones) that drones have great potential for commerce but pose unknown risks. However, the task force was never convened.

That same year, the legislature passed the Freedom from Unwarranted Surveillance Act, which banned law enforcement agencies from using drones to collect evidence or other information. That law was passed in response to the purchase of two drones by the Metro Nashville Police Department. In 2014, the legislature passed a bill that outlawed drone use to watch people “lawfully” hunting and fishing. Before all of this, though, the legislature passed a blanket ban on drones, which made it a crime to
use drones for photography except in 18 different situations, including scholarly research, mapping purposes, part of the U.S. military, for maintaining utility easements, surveying the scene of a catastrophe, fire suppression, and more.

Right now 20 states have passed drone laws, according to McClurg, the UofM law professor and privacy expert, but he’s not sure these laws are such a great idea.

“We should be careful in passing laws too quickly in such a rapidly changing area,” McClurg said. “Ultimately, a uniform national approach would be preferable to a patchwork of conflicting state laws. “Even in the absence of statutes or regulations, common law remedies for invasion of privacy and aerial trespass may be available to persons who are subjected to private drone misuse.”

“We should be careful in passing laws too quickly in such a rapidly changing area.”

THE HOBBYIST AND THE FUTURE

While big corporations push their drone research projects in super secrecy, drone hobbyists place their work loudly and proudly on the Internet for anyone who will click. And, to a large degree, hobbyists are on the front lines of the drone future. No matter what the FAA says.

Earlier this year the FAA issued an updated set of safety guidelines for drone hobbyists that it had used earlier for model aircraft. The guidelines say hobbyists should fly their drones below 400 feet, within their lines of sight, and away from manned aircraft, airports, people, and stadiums. The FAA also reminded hobbyists that they can be fined for endangering people or other aircraft. To push these rules, the FAA launched its “Know Before You Fly” campaign with a website, social media, and a mobile app.

It’s not that drone hobbyists are scofflaws; they’re more imbued with the current tech-punk sense of DIY power that places few limits on what can be done with an aircraft, a camera and a computer. And they’ll put all of it—good or bad—on YouTube.

More than 1.8 million people have seen YouTube user Andy Stewart’s video of a drone strapped with Roman candles. The fireworks are lit and the drone lifts off and shoots fire balls at two men who run away from it through the snow. Funny? Yes. Dangerous? A little. Did the cops show up? Probably not.

Now consider that more than 3.1 million have watched the 15-second, “Flying Gun” video from YouTube user “Hogwit.” It shows show a drone strapped with semi-automatic hand gun. The 15-second video shows the gun hovering in the air while someone remotely pops off four rounds. Funny? No. Dangerous? Maybe. Did the cops show up? Yes. The stunt triggered an FAA investigation.

Hogwit went on to shoot a video at a Connecticut beach. A woman saw him doing it, confronted him, and shoved him to the ground. She was charged. He was not. It’s the next step of normalizing drones into daily life. Remember Senator Green’s suggestion of shooting an offending drone with a shotgun? Consider that when a Kentucky man did just that in July, he was charged with first degree criminal mischief and first degree wanton endangerment and spent the night in jail.

THE NEXT HUNDRED STEPS

As Van de Vuurst explained, old-school model airplane pilots policed themselves, stayed out of trouble, and were left largely alone by law enforcement or the FAA. But drones are easy to fly—with a joystick like in a video game (“and millennials were raised on video games”) and they are easy to get.

He repeated the fact that drones are not going away and said the new FAA rules were a good first step.

“That is the first step in the next hundred that’s going to have to be taken over the next several years to figure out how in the world we’re going to integrate these things into everyone’s lives and do it safely,” Van de Vuurst said. “At the same time, we’re going to have to figure out what to do with someone who puts a gun on one of them!”
back they didn’t change much (in the filing). They were still alleging the damage claim. Many observers of the case,” Showalter Otts said, “were surprised the U.S. Supreme Court didn’t dismiss the most recent complaint like the one before.” Maybe it’s to actually rule that groundwater should be treated in a similar way to surface water, thus putting it through a process that ends up with equitable apportionment. Of course, at least five of the justices might have felt there is merit to the case and are interested in hearing Mississippi’s case.

“The Supreme Court granted Mississippi’s most recent Petition for Leave to file an Original Action without explanation, so any attempt to explain what the Supreme Court considered or why the Court took this approach would be pure speculation,” said David Bearman (J.D. ‘96) a shareholder at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC and the co-lead attorney representing Memphis and MLGW in the case. Bearman points out that the City of Memphis and MLGW will respond to Mississippi’s complaint and remain confident that they will ultimately prevail.

SURFACE WATER VS. GROUNDWATER

To understand the reasons, it might make sense to take a closer look at what is going on in Georgia.

The longstanding issue regarding Atlanta’s use of water from Lake Lanier has moved back up to the Supreme Court because of shellfish issues in Alabama and Florida. The court has traditionally sided with Georgia because it has given this public use higher value than leaving water in streams. Alabama and Florida are arguing it should stay in streams for wildlife. That generally has been given lesser priority than public drinking water.

Now, in 2015, it’s the first summer with true drought that has led to a visible impact on the oyster industry in the Gulf of Mexico. “Finally,” Showalter Otts said, “there is proof that a lack of freshwater is affecting the coastal economies.”

The fight in Alabama, Florida and Georgia surrounds surface water. In Memphis, it’s all about water that sits underground.

“Most of us thought this would be dismissed because one of the issues is, what is the right way to raise this?” Showalter Otts said. “With surface water, like with Georgia and Florida, the state would have to file for equitable apportionment of the water. What Mississippi is doing is filing more of a tort action seeking a monetary award.”

Speculating about what the U.S. Supreme Court might do can be a tricky proposition. So many unknowns surround Mississippi’s case against Memphis and how the court might rule. But if or when it does one day rule in favor of Mississippi, some unknowns will face Memphis and Memphis Light, Gas and Water.

THE “WHAT IFS?”

“Requiring MLGW to draw water from the Mississippi River as an alternative or supplemental source of water is one of the remedies that the state of Mississippi is pursuing,” Womack said. “One would assume that it would be necessary to construct a water treatment plant somewhere along or very close to the Mississippi River in order to utilize water from the Mississippi as a drinking water source. There would be challenges associated with the use of water from the Mississippi River that do not exist with the current use of groundwater.”

It would cost a significant amount of money to pull water from the river, which
already has a reputation for being less than clean, so there would be additional water treatment costs that don’t exist with the current groundwater situation.

“If the Supreme Court rules that conversion is a cognizable claim and if Mississippi were to prevail on a conversion claim, the impact on ground water users throughout West Tennessee would be severe,” said Bearman. “A switch from ground water to river water would require construction of a new water collection facility, changes to the water distribution infrastructure, and development of much more intensive water treatment operations. The extremely high cost for these modifications would likely be reflected in higher water rates for our citizens.”

Womack said the long-term issues surrounding a decision in favor of Mississippi will demonstrate the need for communities in the Mid-South to develop coordinated strategies for allocating, protecting and conserving water sources. “I believe that Memphis and every other community need to develop long-range plans to assure an adequate and safe water supply,” he said. “Anyone reading about what is happening in such states as California and Texas would likely wonder whether their own communities could be impacted by water shortages and what can be done to avoid such problems.”

“I find it highly unlikely under current law that the court could prevent Memphis from withdrawing anything,” Showalter Otts said. “Even if they rule groundwater is different than surface water and it’s the property of the state it underlies, Memphis would still have a right to withdraw water under its state. The question would be if Memphis would have to redo what it’s withdrawing to take care of the alleged cone of depression.”

And figuring out the amount of water being used isn’t exactly impossible to know. Hydrologists can analyze what’s going on in the aquifer. They know how much water is in there through seismic surveys. Showalter Otts said there is some indication that the cone of depression is not there anymore and has in fact changed direction because of development in Southaven, Mississippi.

“**I find it highly unlikely under current law that the court could prevent Memphis from withdrawing anything.**”

Jim Hood’s response for Mississippi in late May this year said, “The Tennessee Parties could and should have located MLGW’s massive well fields further from the Mississippi/Tennessee border, limiting withdrawal to the natural recharge in Tennessee, and supplementing their needs with the abundant water from the Mississippi River. Instead, it is undisputed that for purely economic reasons, they have consciously chosen to use modern pumping technology to reach into Mississippi, and forcibly take hundreds of millions of gallons of irreplaceable groundwater out of Mississippi’s groundwater storage, drawing down water levels in wells throughout DeSoto County, Mississippi. This intentional, unauthorized taking of Mississippi’s...

**BOTH SIDES OF THE ISSUE**

**Mississippi**

The legal brief in the recent case states that “Mississippi cannot claim that Tennessee is taking Mississippi’s water until the aquifer has been apportioned, and Mississippi expressly does not seek an equitable apportionment here. … Accordingly, the court should deny Mississippi leave to file its complaint without prejudice to refiling a properly framed complaint for an equitable apportionment of the aquifer premised on concrete allegations of real and substantial injury.”

Randall Womack
valuable natural resource, solely for the Tennessee Parties’ economic advantage, is an actionable violation of Mississippi’s sovereignty under the Court’s decisions.

According to the state of Mississippi, “The natural hydrogeological characteristics of this Mississippi groundwater under natural conditions make it an intrastate, not interstate, natural resource. Under these conditions, it is trapped and resides in Mississippi, never naturally crossing into Tennessee.”

Tennessee

Tennessee argues that Mississippi is relying on the same territorial property rights theory that the Supreme Court rejected when it denied Mississippi leave to file a bill of complaint in 2010. Tennessee further contends that Mississippi has no enforceable rights to water in the aquifer until that water has been apportioned and that the Supreme Court’s doctrine of equitable apportionment applies to an action by one state that reaches into the territory of another state through the agency of natural law. Tennessee characterizes its commercial pumping operation, and the resulting drop in aquifer pressure, as an example of Tennessee reaching into Mississippi by the “agency of natural law.”

Tennessee also argues that Mississippi’s claims are barred by the doctrine of issue preclusion, which prevents a party from re-arguing an issue of fact that has already been determined by a previous court where no error was found. The district court and the Fifth Circuit both rejected Mississippi’s territorial property rights theory, and determined that the aquifer is a shared interstate waterway subject to equitable apportionment. Tennessee asserts that these findings are conclusive; therefore, Mississippi is precluded from raising these same issues before the Supreme Court.

WHERE DO WE GO FROM HERE?

There are other issues in the Mid-South where states and communities are focusing efforts on current and future water needs. Womack said a growing number of farmers and several communities in Arkansas, with the assistance and encouragement of the state and other agencies, have been working to reduce their dependence on the water taken from the Mississippi River Valley Alluvial Aquifer, a relatively shallow aquifer.

“The water levels in the aquifer have materially dropped in areas on both sides of the Mississippi River largely due to irrigation practices initiated over the past 30 to 40 years.”

Back in the West where the drought continues, it’s hard to imagine the situation correcting overnight, especially with continued population explosions. “It’s hard to stop a train like that,” Showalter Otts said.

Closer to home, litigation over groundwater is at the forefront and Mississippi v. Tennessee could point the way towards new standards to resolve disputes over interstate groundwater resources.
When you make a gift to Memphis Law, you
MAKE A DIFFERENCE IN YOUR COMMUNITY.

“As a practicing trial lawyer and former city attorney, I know firsthand the importance of active learning experiences to help develop the skill set necessary to successfully litigate cases. Moot court provides those experiences for students. Through this fund, we hope to help grow the experiential learning team to ensure that any student with an interest in trial work can get practical experience.”

Robert L.J. Spence (J.D. ’86) and Dorchelle Spence (BA ’94; BBA ’12) recently committed $36,000 to the Robert L.J. Spence, Jr. Moot Court Award, which will be an endowed fund to support in-school trial competitions.

Contact Holly Hazlett at (901) 678-4726 to see how you can invest in Memphis Law.