

	8/16/2010	8/18/2010	8/23/2010	8/25/2010	8/30/2010	9/1/2010	9/6/2010	9/8/2010	9/13/2010	9/15/2010	9/20/2010
Tanner, Kelly	✓	✓	✓	✓	✓	✓	Labor Day	✓	✓	✓	✓
Tipton, Tammy J.	✓	✓	✗	✗	✓	✓	Labor Day	✓	✓	✓	✓
Williams, Angelia	✓	✓	✓	✓	✓	✓	Labor Day	✓	✓	✓	✓

### TORTS (LAW 1041-A-PT) MELANIE REID

PT- Monday & Wednesday (8:00-9:30pm)

9/22/2010	9/27/2010	9/29/2010	10/4/2010	10/6/2010	10/11/2010	10/13/2010	10/18/2010	10/20/2010	10/25/2010	10/27/2010	11/1/2010
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✗	✓	✗	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✗	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✗	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✗	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✗	✓	Mid-terms	Mid-terms	✗	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✗
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✗	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
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✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✗	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✗	✗	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✗	✓
✓	✓	✗	✗	✓	Mid-terms	Mid-terms	✓	✓	✓	✗	✓
✗	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✗	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✗	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✗	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✗

9/22/2010	9/27/2010	9/29/2010	10/4/2010	10/6/2010	10/11/2010	10/13/2010	10/18/2010	10/20/2010	10/25/2010	10/27/2010	11/1/2010
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	Mid-terms	Mid-terms	✓	✓	✓	✓	✓



## TORTS (LAW 1041-A-PT) MELANIE REID

PT- Monday & Wednesday (8:00-9:30pm)

11/3/2010	11/8/2010	11/10/2010	11/15/2010	11/17/2010	11/22/2010	11/24/2010	11/29/2010	12/1/2010	12/6/2010	12/8/2010
X	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals	Finals
✓	✓	✓	X	✓	✓	✓	Finals	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals	Finals
✓	✓	✓	X	✓	✓	✓	Finals	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals	Finals
✓	✓	✓	X	✓	✓	✓	Finals	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	X	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	X	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	X	✓	✓	X	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	X	Finals	Finals	Finals
X	✓	✓	X	✓	✓	✓	X	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	X	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	X	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	X	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals



11/3/2010	11/8/2010	11/10/2010	11/15/2010	11/17/2010	11/22/2010	11/24/2010	11/29/2010	12/1/2010	12/6/2010	12/8/2010
✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals	Finals
✓	✓	✓	✗	✓	✓	✓	Finals	Finals	Finals	Finals
✓	✓	✓	✓	✓	✓	✓	Finals	Finals	Finals	Finals



## First Year Certification

Name: Michael Arehart

Phone: 865-805-3516

Email: marehart1020@gmail.com

Please initial each individual section:

MSA

I understand and have been informed by the Duncan School of Law that completion of my coursework at the Duncan School of Law does not necessarily make me eligible to sit for the bar examination in any jurisdiction. Rather, as to Tennessee, I understand that my eligibility to take the bar examination in this state is contingent upon, among other things, a successful character and fitness review by the Tennessee Board of Law Examiners.

MSA

I understand that the Duncan School of Law does not currently have accreditation by the American Bar Association. Thus, I understand that my eligibility for admission to the bar in any jurisdiction other than Tennessee could be limited.

MSA

I understand and have been advised that I should contact the Board of Law Examiners in any state where I hope to be licensed to determine general eligibility requirements, as well as, character and fitness requirements.

MSA

I understand that I am subject to the provisions of the Code of Academic Integrity as found within the Duncan School of Law Student Handbook and Catalog. I further understand that the provisions in the Code can be amended by the faculty at any time.

MSA

I give permission to the Duncan School of Law and Lincoln Memorial University to make use of any image or likeness of me taken by the school or captured in our online classroom capture system.

MSA

I agree not to publish, provide copies of or access to, or disclose the contents of any intellectual property of any member(s) of the faculty, staff, or administration of the Duncan School of Law (including but not limited to lectures, assignments, exams) without the explicit consent of the holder(s) of that right and the dean.

MSA

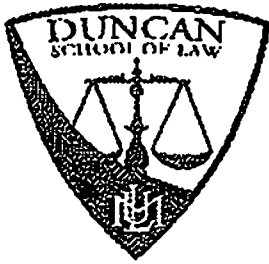
I agree that, if I am a full-time student, I will not be employed while classes are in session during the first academic year at the Duncan School of Law. I agree that, if I am a part-time student with more than 12 class hours in a particular week, I will not be employed to work more than 20 hours during said week.

MSA

I have been provided sufficient time and opportunity to ask any questions I have about this form.

Michael Arehart  
Signature

8-7-2010  
Date



## First Year Certification

Name: Lance Baker

Phone: 865-310-0997

Email: lbaker18@utk.edu

Please initial each individual section:

LB

I understand and have been informed by the Duncan School of Law that completion of my coursework at the Duncan School of Law does not necessarily make me eligible to sit for the bar examination in any jurisdiction. Rather, as to Tennessee, I understand that my eligibility to take the bar examination in this state is contingent upon, among other things, a successful character and fitness review by the Tennessee Board of Law Examiners.

LB

I understand that the Duncan School of Law does not currently have accreditation by the American Bar Association. Thus, I understand that my eligibility for admission to the bar in any jurisdiction other than Tennessee could be limited.

LB

I understand and have been advised that I should contact the Board of Law Examiners in any state where I hope to be licensed to determine general eligibility requirements, as well as, character and fitness requirements.

LB

I understand that I am subject to the provisions of the Code of Academic Integrity as found within the Duncan School of Law Student Handbook and Catalog. I further understand that the provisions in the Code can be amended by the faculty at any time.

LB

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LB

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LB

I agree that, if I am a full-time student, I will not be employed while classes are in session during the first academic year at the Duncan School of Law. I agree that, if I am a part-time student with more than 12 class hours in a particular week, I will not be employed to work more than 20 hours during said week.

LB

I have been provided sufficient time and opportunity to ask any questions I have about this form.

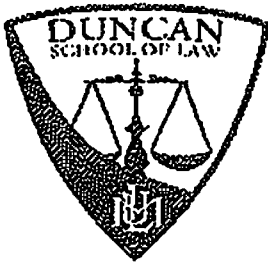
Lance Baker

Signature

8/7/10

Date





## First Year Certification

Name: Sarah Bean

Phone: 865-660-2743

Email: Sarah-Bean@<sup>MCCS.</sup>UTC.edu

Please initial each individual section:

SB

I understand and have been informed by the Duncan School of Law that completion of my coursework at the Duncan School of Law does not necessarily make me eligible to sit for the bar examination in any jurisdiction. Rather, as to Tennessee, I understand that my eligibility to take the bar examination in this state is contingent upon, among other things, a successful character and fitness review by the Tennessee Board of Law Examiners.

SB

I understand that the Duncan School of Law does not currently have accreditation by the American Bar Association. Thus, I understand that my eligibility for admission to the bar in any jurisdiction other than Tennessee could be limited.

SB

I understand and have been advised that I should contact the Board of Law Examiners in any state where I hope to be licensed to determine general eligibility requirements, as well as, character and fitness requirements.

SB

I understand that I am subject to the provisions of the Code of Academic Integrity as found within the Duncan School of Law Student Handbook and Catalog. I further understand that the provisions in the Code can be amended by the faculty at any time.

SB

I give permission to the Duncan School of Law and Lincoln Memorial University to make use of any image or likeness of me taken by the school or captured in our online classroom capture system.

SB

I agree not to publish, provide copies of or access to, or disclose the contents of any intellectual property of any member(s) of the faculty, staff, or administration of the Duncan School of Law (including but not limited to lectures, assignments, exams) without the explicit consent of the holder(s) of that right and the dean.

SB

I agree that, if I am a full-time student, I will not be employed while classes are in session during the first academic year at the Duncan School of Law. I agree that, if I am a part-time student with more than 12 class hours in a particular week, I will not be employed to work more than 20 hours during said week.

SB

I have been provided sufficient time and opportunity to ask any questions I have about this form.

Sarah E Bean  
Signature

8/7/2010  
Date



## First Year Certification

Name: William McDonald

Phone: 931 267 4908

Email: wmcdona3@gmail.com

Please initial each individual section:

WJM I understand and have been informed by the Duncan School of Law that completion of my coursework at the Duncan School of Law does not necessarily make me eligible to sit for the bar examination in any jurisdiction. Rather, as to Tennessee, I understand that my eligibility to take the bar examination in this state is contingent upon, among other things, a successful character and fitness review by the Tennessee Board of Law Examiners.

WJM I understand that the Duncan School of Law does not currently have accreditation by the American Bar Association. Thus, I understand that my eligibility for admission to the bar in any jurisdiction other than Tennessee could be limited.

WJM I understand and have been advised that I should contact the Board of Law Examiners in any state where I hope to be licensed to determine general eligibility requirements, as well as, character and fitness requirements.

WJM I understand that I am subject to the provisions of the Code of Academic Integrity as found within the Duncan School of Law Student Handbook and Catalog. I further understand that the provisions in the Code can be amended by the faculty at any time.

WJM I give permission to the Duncan School of Law and Lincoln Memorial University to make use of any image or likeness of me taken by the school or captured in our online classroom capture system.

WJM I agree not to publish, provide copies of or access to, or disclose the contents of any intellectual property of any member(s) of the faculty, staff, or administration of the Duncan School of Law (including but not limited to lectures, assignments, exams) without the explicit consent of the holder(s) of that right and the dean.

WJM I agree that, if I am a full-time student, I will not be employed while classes are in session during the first academic year at the Duncan School of Law. I agree that, if I am a part-time student with more than 12 class hours in a particular week, I will not be employed to work more than 20 hours during said week.

WJM I have been provided sufficient time and opportunity to ask any questions I have about this form.

WJM  
Signature

7 Aug 10  
Date

## CURRICULUM VITAE: SANDRA C. RUFFIN, J.D.

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1619 SINGLETREE LANE, KNOXVILLE, TENNESSEE, 37922 - (202) 391-8001  
[RUFFINSAND@COMCAST.NET](mailto:RUFFINSAND@COMCAST.NET)

### **PROFESSIONAL PROFILE**

Over twenty years of law practice, law teaching and consulting experience. Strong transactional background and experience with emphasis on Land Use, Real Estate and Entertainment Law. Primary law teaching areas: Civil Procedure; Constitutional Law; Land Use and Entertainment Law. Extensive training and consulting experience in the areas of Corporate Diversity and Equal Employment Opportunity Law.

### **EDUCATION**

Doctorate of Jurisprudence (J.D.), Harvard Law School, Cambridge, Massachusetts, 1985

President, Black Law Students Association 1984-1985  
Member, Legal Aid Bureau, 1983-1984  
Board Member, Harvard Black Alumni Association, 1985

Bachelor of Arts (B.A.), University of Maryland, College Park (1976) (English; History)

### **TEACHING EXPERIENCE**

Lincoln Memorial University, Duncan School of Law August 2009 –Present  
Associate Professor of Law

**Teaching Activities:** Civil Procedure I & II

**Research Activities:** Essay, "From Advocacy to Art" (2009); Presentation: "Obama's Article II Treaty-Making Power," Klimaforum, Climate Conference, Copenhagen, Denmark, (December 9, 2009); Dobb-Frank Financial Reform Legislation: Revisiting the Hamiltonian-Jeffersonian Debate.

**Law School and University Service:** Chair, Academic Standing Committee (2009-2011); Co-Chair, Diversity Committee (2009-2011); Acting Chair, AALS Recruitment Conference (2010); Member, Recruitment Committee (2009-2011); Member, Curriculum Committee; Advisor, Law Review (2010-2011); Advisor, Environmental Law Society (2010-2011); Member, SACS Reporting Committee 2009-2010); Self-study Committee (2010-2011); Assessment Committee (2010-2011); Scholarship Committee (2010-2011); Faculty Development Committee (2010-2011); Member, University Research Committee (2009-2011); Judge, Moot Court Competition (Fall 2010); Student Advisor (2009-2011).

St. Thomas University School of Law  
Visiting Associate Professor of Law

August 2005-July 2009



**Teaching Activities:** Taught Civil Procedure; Land Use and Entertainment Law. Developed and taught International Entertainment Law Course (WTO emphasis) in Madrid, Spain – Summer 2008  
**Research Activities:** Published chapter on Legal Process (Thomson-West, 2008); Faculty symposium on WTO dispute resolution procedures.

**Law School Service:** Supervised thesis for numerous students in the Human Rights LLM Program; advised and supervised students completing the third –year writing requirement in the areas of Land Use, Civil Procedure and Entertainment Law; advised Black Law Students Association; served on the Admissions and Recruitment Committees.

**University Service:** Chaired the University Diversity Committee – developed and implemented a University-wide diversity training program.

St. Thomas University School of Law  
Associate Professor of Law

July 1997- July 2001

**Teaching Activities:** Civil Procedure; Constitutional Law; Jurisprudence  
**Research Activities:** Attended and presented at numerous symposia; published in law review  
**Service Activities:** Supervised independent study; faculty advisor to Black Law Students Association; served on Recruitment Committee and Admissions Committee. Member, Annual Human Rights Symposium Committee.

St. Thomas University School of Law  
Assistant Professor of Law

July 1993 – July 1997

**Teaching Activities:** Taught Civil Procedure, Family Law and Entertainment Law  
**Service Activities:** Advisor to the Moot Court Team; Advisor to the Black Law Students Association; Member, Academic Activities Committee and Faculty Recruitment Committee.

Howard University School of Law  
Teaching Fellow

August 1990 – June 1993

**Teaching Activities:** Legal Writing, Research and Analysis

## **PRACTICE EXPERIENCE**

Project Resources International, LLC, Washington, D.C.  
*Of Counsel*

Aug. 2006- Aug. 2009

Company provides consulting services in the areas of Land Use and Real Estate Development.

Golden, Freda & Schraub, P.C., Washington, D.C.  
*Associate Attorney*

June 1987 – June 1990

Practice areas included corporate finance (mergers and acquisitions), transactional law, and entertainment law. Responsible for exhaustive research of legal issues and the drafting of memoranda in the areas of general corporate law, securities law, transactional law and nonprofit corporate law. Responsible for compliance with SEC reporting requirements, drafting and reviewing operative documents, including purchase and sale agreements, shareholders' agreements and employment contracts.

Mitchell, Silberberg & Knupp, P.C., Los Angeles, CA  
*Associate Attorney*

July 1985 - June 1987

Practice areas included corporate finance (mergers and acquisitions) and transactional law. Firm represented numerous Fortune 500 companies. Responsible for exhaustive due diligence in connection with mergers including extensive Blue Sky research.

### **CONSULTING EXPERIENCE**

Project Resources International, LLC ( 2003-2006)

Provided on-going services on land use issues primarily pertaining to the Westphalia Development Project in Prince George's County, Maryland. The project involved a major sector plan amendment, significant public relations outreach and education and lobbying efforts for public-private partnerships to finance proposed infrastructure.

Lawyers Committee for Civil Rights Under Law, Washington, D.C. (2002)

Consulted on *NAACP v. Harris*, the highly publicized Florida voting rights case; drafted and filed amicus brief with Fourth Circuit on police brutality case, *Walters v. Prince George's County*, No. 02-1276.

United States General Services Administration, Washington, D.C. (1991 - 2001)

Responsible for developing curriculum for and delivering training to federal personnel including OGC staff, EEO officers and specialist, and union representatives in the area of federal equal employment opportunity law. Designed modules explaining the structure of the federal system and the interrelationships between positive, judge-made and constitutional law. Designed modules for developing and honing legal research skills, supervising the investigative process and writing advisory opinions. Designed modules on developing and implementing effective Alternative Dispute Resolution programs. Responsible for updating curriculum and keeping staff abreast of developments in the area of EEO law. Consulting contract was renewed over a ten-year period.

University of Miami, Institute for Retired Professionals (1996-2000)

Responsible for developing and delivering a six-week curriculum on contemporary constitutional issues for retired professionals, including lawyers, physicians and professors. Topics included: Obscenity and Nudity in the Entertainment Industry; Affirmative Action; Electoral Reform; Hate Speech; Abortion; Educational Vouchers and Reparations.

Prince George's County Public Schools, Prince George's County, Maryland

Developed and delivered in-service training to public school personnel on the relevance of multicultural education to educational opportunity and its constitutional meaning.

## **PUBLICATIONS AND PRESENTATIONS**

### **Publications:**

Essay, "From Advocacy to Art" in Faith, Hope and Love, Jacob Holdt's America, Louisiana Museum of Modern Art, Copenhagen, Denmark (2009)

Chapter, "Legal Process," Encyclopedia of the United States Supreme Court, Thomson-West, (2008)

Postmodernism, Spirit Healing and the Proposed Amendments to the Indian Child Welfare Act, 30 McGeorge Law Review 1221 (1999)

### **Recent Presentations:**

Co-presenter, "Global Warming" with John Charles Kunich, Duncan School of Law (October, 2010)  
*Obama's Article I Treaty-Making Powers*, Climate Bottom Meeting, Copenhagen, Denmark (December 9, 2009)

*WTO Dispute Resolution Procedures*, St. Thomas University School of Law, Miami, Florida (February 2008)

*The Politics of Subordination and Integration II*, American Pictures Foundation, Copenhagen, Denmark (May 2007)

*Florida's Concurrency Requirement*, Caribbean Americans for Social Improvement, Palm Beach, Florida (January 2007)

### **Board Memberships:**

Center for Earth Jurisprudence, Inc. ( a Florida 501(c)(3) corporation)- Dedicated to the development and integration of an earth-centered jurisprudence in American Legal Education. Centers currently exist at St. Thomas University School of Law and Barry University School of Law, Orlando, FL.

### **Expert Witness Testimony**

Qualified as expert and provided testimony in criminal trial. Issue -Whether state court is required to apply federal immigration procedural law in state criminal prosecution. (Fall 2001)

### **Bar Admissions:**

Commonwealth of Virginia  
District of Columbia  
Fourth Circuit Court of Appeals

### **Professional Affiliations:**

National Bar Association  
American Bar Association  
District of Columbia Bar Association



## *Resume of Qualifications*

**Cheryl Taylor George (Shelly)**  
601 W. Summit Hill Drive  
Knoxville, TN 37902  
865.545.5322 (work)  
e-mail: [cheryl.george@lmunet.edu](mailto:cheryl.george@lmunet.edu)

### **PUBLICATIONS:**

**“Non-Education in America: Gateway to Subsistence Living” Texas Wesleyan Law Review Volume 14 Number 2 Spring 2008**

**“Slipping Through the Cracks and Into Schools: The Need For a Uniform Sexual Predator Tracking System” The Scholar-St. Mary’s Law Review on Minority Issues Volume 10 Number 2 Winter 2008**

**“Parents Super-Sizing Their Children: Criminalizing and Prosecuting The Rising Incidence of Childhood Obesity as Child Abuse” DePaul Journal of Healthcare Law Volume 13 Number 1 Summer 2010**

### **WORK EXPERIENCE:**

**7/2010-Present Lincoln Memorial University-Duncan School of Law, Knoxville, Tennessee**  
**Associate Professor of Law**

Instructed in the following areas: Criminal Law, Evidence and Criminal Procedure, Education Law, Civil Rights, International Human Rights, International Human Rights: Global Sex Trafficking.

**8/2006-5/10 St. Mary’s University School of Law, San Antonio, Texas**  
**Asst. Professor of Law**

Instructed in the following areas: Civil Rights, Education Law and Criminal Law, Texas Criminal Procedure and International Human Rights. Interested areas: International Human Rights, Family Law, Immigration Law and Health Law. Invited speaker at the Center for Terrorism Law: Investigating Terrorism-Legal and Policy Issues for Law Enforcement; Judge for the Moot Court Competition 2005.

Summer 2007 and Summer 2009 Instructor at the *St. Mary’s University School of Law, Institute on World Legal Problems*, Innsbruck, Austria. Course taught: International Human Rights; Global Sex Trafficking. Invited International Scholar by to the Chinese Academy of Social Sciences in Beijing, China (December 2007). Invited guest speaker at

the University of Gloucestershire in Gloucester, England (Summer 2007). Professor George spoke on the topic of Education Law.

**8/2004-8/2006 St. Mary's University School of Law, San Antonio, Texas**  
**Visiting Professor**

Instructed in the following areas: Civil Rights, Education Law and Criminal Law, Texas Criminal Procedure and International Human Rights. Interested areas: International Human Rights, Family Law, Immigration Law and Health Law. Invited speaker at the Center for Terrorism Law: Investigating Terrorism-Legal and Policy Issues for Law Enforcement; Judge for the Moot Court Competition 2005.

**1/2003-8/2004 State Board for Educator Certification, Austin, Texas**

**Staff Attorney/Professional Development Unit:**

Perform legal work involving the investigation, assessment and litigation of professional disciplinary issues concerning Texas Educator Examinees, applicant, holders, and others over whom SBEC has jurisdiction. The work involves planning and organizing work; interpreting laws and regulations; preparing legal opinions and briefs, and other legal documents; legal research and the rendering of other legal advice. Frequent interaction with the general public, peers, school district personnel and law enforcement authorities. Conduct and assist in conducting, administrative, regulatory, evidentiary and enforcement hearings, and prepares all related documents. Conduct administrative law hearings before the State Office of Administrative Hearings. Initiate and participate in depositions and legal proceedings where appropriate.

**3/1995-4/1999 Travis County Attorney's Office, Criminal Division, Austin, Texas**

**Criminal Prosecutor/Protective Order Division:**

To review police offense reports and file complaints in criminal cases. To screen and review criminal cases to determine legal and factual sufficiency. To make recommendations on criminal cases. To negotiate with criminal defense attorneys. To prosecute criminal cases before appropriate court or jury. To confer with victims, witnesses, law enforcement and defense attorneys concerning the facts of specific cases as well as the law. To counsel and assist victims of domestic abuse in order for them to acquire Protective Orders/Temporary Restraining Orders (TRO's). To do commitment hearings on behalf of the State of Texas at the Austin State Hospital. To uphold the criminal laws of the State of Texas and to prosecute violators of those laws on behalf of the State.

**12/1993-3/1995 Gulf Coast Legal Foundation, Galveston/Houston, Texas**

**Staff Attorney**

To provide legal assistance to the poor in areas of divorces, adoptions, child support, suits affecting the parent/child relationship. To assist victims of domestic abuse in acquiring

Protective Orders. To provide assistance to small businesses in getting incorporated. To perform Open Records Act requests.

**12/1990-11/1993 Lubbock County District Attorney's Office, Lubbock, Texas  
Briefing Clerk/Intern**

To write appellate briefs on behalf of the State of Texas in response to convicted criminal's appeals. To do research in myriad of areas involving criminal law. To report weekly to the Lubbock County District attorney on recent case law specific to cases our office was involved in or had prosecuted.

**8/1988-5/1990 National Committee for an Effective Congress, Washington, D.C.  
Technical Assistant**

To track the voting patterns of specific regions of the country. To poll areas of the country to get opinions on ways to improve Congress and the Legislative Branch of the U.S. Government.

**EDUCATION:**

**Howard University, Washington, D.C.**

Graduated *Cum Laude*, Bachelor of Arts in Political Science, May 1990.

Major: Political Science

**Texas Tech University School of Law, Lubbock, Texas**

Graduated, Doctor of Jurisprudence, May 1993.

Passed Texas Bar Examination November 1993.

**HONORS AND ACTIVITIES:**

*Judge*, Lincoln Memorial University-Duncan School of Law's Moot Court Competition

*Faculty Development Chair*, Lincoln Memorial University-Duncan School of Law

*Duncan School of Law Pipeline Coordinator*, Lincoln Memorial University

*College Hill S.D.A. Church*, Children's Chapel Volunteer, Knoxville, Tennessee

*Medic: Regional Blood Center*, Community Volunteer, Knoxville, Tennessee

*Life is in Your Hands Scholarship Committee*, The Blood & Tissue Center of Central Texas, Austin Texas

*Of Counsel*, Marc Thomas Sickle Cell Foundation, Austin, Texas 2000-present

*Blood Donor Spokesperson*, The Blood & Tissue Center of Central Texas, Austin Texas

*Volunteer* for Meals on Wheels (two routes), Austin, Texas

*Volunteer* for Groceries to Go, Austin, Texas

Invited Speaker for the Center for Terrorism Law, San Antonio, Texas

Judge for the Moot Court Competition, St. Mary's University School of Law

Children's Story Director/Alpha SDA Church, Austin, Texas

Alpha Angels Adventurers, Director/Alpha SDA Church, Austin, Texas

Board member of the Alpha SDA Church, Austin, Texas

**Legal Clinic-Seasonal/Alpha SDA Church, Austin, Texas**  
**Children's Hospital of Austin, Child Life Volunteer, Austin Texas**  
**University of Texas Medical Branch, Child Life Volunteer, Galveston, Texas**  
**BigBrothers/BigSisters, Lubbock Texas**  
**Howard University/Park Square Plaza, Community Volunteer, Washington, D.C.**

**Dr. CHARLES I. LUGOSI**

9609 Haversack Drive, Knoxville, Tennessee USA 37922

865.247.6644 (home); 313.686.1000 (mobile)

E-mail: cilugosi@gmail.com

**EDUCATION**

**Doctor of Juridical Science (S.J.D.) 2005 (University of Pennsylvania)**

Field: Bioethics and Constitutional law

Dissertation: Conforming to the Rule of Law: When Person and Human Being Mean the Same Thing in Fourteenth Amendment Jurisprudence

Supervisor: Anita Allen, Professor of Law and Philosophy

Committee Members: Frank Goodman and Seth Kreimer, Professors of Law

Recipient of the Potts Scholarship

**Master of Bioethics (M.B.E.) 2002 (University of Pennsylvania)**

Clinical Internship, PICU, Children's Hospital of Pennsylvania (CHOP) 2002

**Master of Law (LL.M.) 2001 (University of Pennsylvania)**

Barrister-at-Law (1981)

Conferred on April 9, 1981 upon admission to the Bar of Ontario after successful completion of the Bar Admission course and articles.

**Bachelor of Law (LL.B.) 1979 (University of Western Ontario) (recognized by the State Bar of Michigan as equivalent to a J.D. from an accredited ABA school).**

Undergraduate degree requirement waived to permit early admission to law school after being twice named to Dean's Honor List, while completing first two years of Bachelor of Arts degree.

Non-Degree Student (**Diploma in Christian Studies**) Regent College, Vancouver, B.C. 1988-2000. Professors included Gordon Fee, J. I. Packer, James Houston, Michael Green, John Toeves, and Paul Stevens.

**LEGAL SCHOLARSHIP AND PUBLISHED ARTICLES**

*The Ten Commandments and the Rejection of Divine Law in American Jurisprudence*, 47 Journal of Catholic Legal Studies 145 (2008);

*"What Do I Care About the Law? I Got the Power, He Ain't"* 2:2 Class Action Defence Quarterly 27-30 (2007). Co-author: Harvey T. Strosberg, Q.C. This article discusses the class action, corporate behavior modification, and corrective justice.

*Conforming to the Rule of Law: When Person and Human Being Finally Mean the Same Thing in Fourteenth Amendment Jurisprudence* (thesis) 22 Issues in L. & Med. 119-303 Fall 2006/Spring 2007(Special Issue).

*Natural Disaster; Unnatural Deaths: The Killings on the Life Care Floors at Tenet's Memorial Medical Center in New Orleans During Hurricane Katrina*, 2 J. Health & Biomed. L. 195-211 (2006); republished 23 Issues in L. & Med. 71-85 (2007).

*The Rejection of Divine Law in American Jurisprudence: The Ten Commandments, Trivia, and the Stars and Stripes*, 83 Univ. of Detroit Mercy L. Rev. 101-137 (2006).

*Executing the Factually Innocent: Habeas Corpus, the Constitution and the Death Penalty*, 1 Stanford J. of Civ. Rts & Civ. Lib. 473-503 (2005).

*If I were a Corporation, I'd be a Constitutional Person Too*, 10 Texas Rev. of L. & Politics 427-447 (2006).

*Conforming to the Rule of Law: When Person and Human Being Finally Mean the Same Thing in Fourteenth Amendment Jurisprudence*, 4 Georgetown J. of L. & Pub. Pol'y 361-452 (2006). Reprinted in Life and Learning XVI 105-222 (2006).

*Beyond Personhood: Abortion, Child Abuse and Equal Protection*, 30 Okla. City L. Rev. 271-293 (2005).

*When Abortion was a Crime: A Historical Perspective*, 83 Univ. of Detroit Mercy L. Rev., 51-69 (2006).

*Mocking the Rule of Law: A Kangaroo Court for Aussie David Hicks* 14 Temple Pol. & Civ. Rts L. Rev. 335-383 (2005) (Symposium: Balancing Security and Liberty in the New Century).

*Reflections From Embassy Lakes: The Effective Teaching of Criminal Law*, 48 St. Louis Univ. L. J. 1337-1350 (2004).

*Respecting Human Life in 21<sup>st</sup> Century America: A Moral Perspective to Extend Civil Rights to the Unborn from Creation to Natural Death*, 48 St. Louis Univ. L. J. 425 -474 (2003); Republished, 17 Issues in L. & Med. 211-258 (2005); Permission given to translate into Farsi for republishing in Iran's national journal of law and medicine. Extracts republished in Becker & Becker, eds. *Opposing Viewpoints: Problems with Death*, Ch. 1, Part 4, 55-62 (Detroit: Greenhaven Press, 2006).

*Rule of Law or Rule By Law: The Detention of Yaser Hamdi*, 30 Am. J. of Crim. L. 225-278 (2003). This article has been cited as authority in the Amicus Brief on behalf of Legal Scholars and Historians on behalf of the Petitioner before the Supreme Court of the United States in the

case of *Salim Ahmed Hamdan v. Rumsfeld*, argued March 28, 2006. See: <http://www.law.georgetown.edu/faculty/nkk/documents/Hamdanv.Rumsfeld.quirinhist.pdf>.

*Punishing the Factually Innocent: DNA, Habeas Corpus, and Justice*, 12 Geo. Mason Univ. Civ. Rts L. J. 233-239 (2002). The American Bar Association's Death Penalty Moratorium Implementation Project cites this article as an authority. See <http://www.abanet.org/moratorium/relevantcites.html>. As well, this article is listed as a reference authority on the science aspects of DNA testing by the American Society of Law, Medicine and Ethics at [http://www.aslme.org/dna\\_04/reports/burlingame.pdf](http://www.aslme.org/dna_04/reports/burlingame.pdf).

*The Law of the Sacred Cow: Sacrificing the First Amendment to Defend Abortion On Demand: An Essay on the Right to be Let Alone in the Public Forum*, 79 Univ. of Denver L. Rev. 91-135 (2001).

*Playing God: Mary Must Die So Jodie May Live Longer: Conjoined Twins: Surgical Separation*, 17 Issues in L. & Med. 123-165 (2001) (peer review journal).

Publications in Progress (Working Titles Only)

*The Rule of Law* (book co-authored with Prof. Howard Bromberg, U. Michigan)

*The End of Prosecutorial Immunity? U.S. and Canadian Civil Tort Liability for Failure to Disclose Exculpatory Evidence to the Defense*

*The Billion Dollar Case: How to Sue Physicians Who Abort: Lack of Informed Consent, and the Breast Cancer Link*

*The Negligent Accusation of Criminal Conduct: A New Tort Extending a Duty of Care to Factually Innocent Defendants*

*Taxes and the Stimulus Package: An Unconstitutional Exercise of Federal Power?*

*Can the Feds Grab Your Child Support Payments? Judicial Blindness and Proceeds of Crime in Family Court*

## TEACHING EXPERIENCE AND INTERESTS

Associate Professor of Law

Duncan School of Law, Lincoln Memorial University, Knoxville, Tennessee

Associate Professor of Law (from July 1 2010): Courses taught: Property I and II. Committees: Accreditation; Faculty Development; Library; and Academic Integrity



Ave Maria University School of Law

Visiting Associate Professor of Law (from August 2007-August 2009): Courses taught: Torts I and II, 14<sup>th</sup> Amendment, Health Care Law, Bioethics, Terrorism and the Rule of Law.

Michigan State University

Visiting Associate Professor of Law (Fall Semester 2006): Michigan State University School of Law, East Lansing, Michigan. Podium Visit. Courses Taught: Criminal Procedure I and II.

Assistant Professor of Law

St. Thomas University

Assistant Professor of Law (tenure track) 2003-2006: St. Thomas University School of Law, Miami, Florida. Courses taught: Jurisprudence, Constitutional Law I and II, Criminal Law, and Bioethics. I also taught a seminar I redesigned, The Sixth Amendment in the 21<sup>st</sup> Century, which covered constitutional criminal procedure from the 18<sup>th</sup> Century to the present. My original seminar on Domestic and International Perspectives on the Rule of Law focused on challenges to civil liberty, national security and the Constitution in this age of international terrorism and the American response of torture, indefinite detention and warrantless wiretaps. The rule of law in Canada, Hungary, Israel, South Africa and China is compared to the U.S.A. The bioethics course introduced students to the cutting edge biotechnological issues that impact on ethics, dignity and respect for all life. Topics included: the quest for human happiness; the sanctity of life; personhood; owning and patenting life; property rights in children; human biotech slavery; animal rights; informed consent; presumed consent; Nuremberg medical atrocities; experiments using humans and animals; sex change operations; euthanasia; assisted suicide; human stem cell research; human and animal cloning; human and animal transplants; chimeras; genetics; designer babies; genetic doping; abortion and animal sacrifice. Course content includes aspects of tort law, property law, criminal law, constitutional law, jurisprudence, international law, and intellectual property law. Skills exercises include preparation of an informed consent document and a living will. Internationally renowned guest speakers enriched the classroom experience. The jurisprudence class concentrated on natural law, legal positivism, and other philosophies of law that go back to the Greek and Roman civilizations.

Academic Interests: Constitutional law I and II, comparative constitutional law, First Amendment, Fourteenth Amendment, Sixth Amendment, bioethics, biotechnology, forensic science, jurisprudence, criminal law, international criminal law, white collar crime, constitutional criminal procedure, national security law, civil rights, torts, class actions, mass torts, toxic torts, environmental law, professional responsibility, contracts, business organizations, tax policy, conflict of laws, advanced property rights, family law, public international law, legal history, the rule of law, constitutional theory, law and literature.

Canadian Legal Teaching

Law Professor (Visiting), January 2002, Faculty of Law, The University of Western Ontario, London, Canada. Taught original course, "Bioethics, Biotechnology and Human Rights."

Guest Lecturer Invited to speak to 1986 Bar Admission Course students about criminal law at the Faculty of Law, the University of Victoria, Victoria, B.C. Canada

Guest Lecturer Instructed students in the Clinical Law Program at the Law Center on the law, practice and procedure in residential tenancy law, 1984-1987 Victoria, B.C. Canada

Teaching Assistant Hired as a tutor by Professor Robert Martin for the upper-class undergraduate course, "Introduction to Law," The University of Western Ontario, 1978-1979, London, Canada

Research Assistant Brian Goodman, Counsel and Special Advisor to Arthur Maloney, Q.C. Ombudsman of Ontario, 1979. Prepared background for Mr. Goodman's Brief on the Office of the Ombudsman presented before the Ombudsman Committee at the International Bar Association Eighteenth Biennial Conference held in Berlin, Federal Republic of Germany in August 1980. The article was published in the November 1980 issue of the INTERNATIONAL BAR REVIEW. Also assisted in the investigation of complaints and made recommendations regarding disposition to the Ombudsman, Arthur Maloney Q.C.

#### BAR ADMISSIONS AND MEMBERSHIPS

Admitted April 9, 1981, Law Society of Upper Canada

Admitted May 10 1982, Law Society of British Columbia

Admitted May 7, 2007, Michigan State Bar

Admitted June 25, 2007, United States District Court, Eastern District of Michigan

Admitted August 20, 2009, United States District Court, Western District of Michigan

Admitted August 20, 2009, United States Court of Appeals, Sixth Circuit

Admitted October 4, 2010, United States Supreme Court

#### PROFESSIONAL EXPERIENCE

1990-2010 UNITED STATES OF AMERICA

Counsel: Lugosi Law Firm, PLC, Detroit, Michigan.

Independent Contractor: Hired by Peter Goldberger, Esq., of Ardmore, Pennsylvania (white collar crime federal criminal defense appellate practice). Prepared the statement of facts and identified issues in the appeal to the Third Circuit Court of Appeal of a Fortune 500 corporation's chief financial officer convicted of various federal fraud-related charges stemming from accounting irregularities. Reviewed case of president of offshore gambling corporation appealing his criminal conviction to the U.S. Supreme Court. 2002-2003.

Research Assistant: Employed by Professor Jon Merz, Center for Bioethics, University of Pennsylvania, to review licensing agreements as part of a project to investigate whether patents on gene sequences and corporate licensing practices threaten research and impede the availability of new medical tests and procedures. Summer/Fall 2002.

Research Assistant: Employed by the Center for Bioethics at the University of Pennsylvania in February 2002 to research bio-terrorism for a conference that was held at the National Press Club in Washington, D.C. on February 28, 2002.

Research Assistant: Employed by Bioethics and Law Professor Anita Allen-Castellitto, University of Pennsylvania, May-December 2001.

Visiting Attorney Summer Internship with John Whitehead, constitutional expert on religious liberty and President of The Rutherford Institute, Charlottesville, Virginia, 1990.

1979 – 2008 CANADA

Private Civil Litigation Practice, Windsor, Ontario (2006-2008): Provided research assistance and litigation support as consultant to Harvey Strosberg Q.C. Alan Rock Q.C. and other Canadian attorneys engaged in multi-million dollar class action cases (eg. sham IP litigation, LBO fraudulent conveyance), defamation case and in complex commercial litigation (eg. executive pay). Created and designed winning legal argument in negligence in novel situation. See below, Driskell v. Dangerfield [2007] M.J. No. 206 (Man. Q.B.). Assisted in international commercial arbitration. Attended court as assistant counsel to offer observations and strategize with lead counsel. Sutts Strosberg LLP, Windsor, Ontario.

Notable Civil Litigation, Coroner's Inquests, Arbitrations

Driskell v. Dangerfield, [2007] Man. J. No. 206 (Q.B.); I was architect of winning novel legal argument submitted by Harvey Strosberg Q.C. supporting civil claim of prosecutorial liability in negligence in case where wrongful conviction resulted from government withholding of exculpatory and other evidence that could have been used by defense at trial to undermine strength of prosecution's case in murder trial; ruling on this point upheld on appeal.

Renaerts v. Vancouver General Hospital; as sole practitioner, acted for infant plaintiff, claiming medical negligence; settled case on eve of trial for a record 8.7 million dollars; doctors and nurses refused to provide basic care for newborn infant who was intended to be aborted; brain damage, quadriplegia, and cerebral palsy resulted from unattended birth, neglect, and abandonment by hospital nurses and residents. The case took six years of work, the last four in collaboration with Tom Berger, Q.C. as senior counsel. There were 17 discoveries that took place in Canada, the United States and Spain. The Supreme Court and the Court of Appeal dismissed applications by the Defendants for summary judgment, striking the jury and an adjournment; Vancouver, BC.

Gray v. Parton and the BC Social Credit Party; successfully contested the flawed nomination of Parton to run as a candidate, by obtaining successive injunctions to force a new nomination hearing; Vancouver, BC.

Belnap v. Meakes, acted at trial for uninsured defendant physician whose liability at trial for medical malpractice was reversed by the Court of Appeal, which substituted its own factual findings to that of the trial judge, who had misapplied the law of causation and misdirected himself on the evidence; Victoria, BC.

Carriere; acted at inquest for family of deceased who died of cocaine poisoning while in police custody; Kelowna, BC.

Wilson; acted at inquest for family of deceased who died in hospital after being given penicillin, while wearing a medic alert necklace warning of her allergy; Victoria, BC.

Steeper; as government arbitrator, dismissed discriminatory eviction notice issued by strata council to a married couple who had a newborn child and lived in adult only condominium; Victoria, BC.

Pedder Bay; as government mediator, settled water dispute involving entire trailer park community; Victoria, BC.

Faa; as government arbitrator, dismissed landlord application to evict 30 year rooming house tenant without cause without sufficient notice period, thwarting plans to renovate building to profit from tourists seeking accommodation during the 1986 World's Exposition; Victoria, BC.

Acted for a plaintiff in wrongful dismissal action. Helped to create a union to represent Catholic high school teachers, the Catholic Secondary Schools Teachers Association, in 1987.

Prosecutor, Ministry of the Attorney General: Assisted senior prosecutors to prosecute murder, kidnapping and other notable cases. Earned a letter of commendation from investigating officer of the Royal Canadian Mounted Police for work done on high profile prosecution in case of vehicular homicide. Argued constitutional issues in murder trials in the British Columbia Supreme Court. Assisted Richard Achtem, former Acting Regional Crown Counsel, Vancouver Island and Dennis Murray, Q. C. former Assistant Deputy Attorney General, and senior prosecutors Nick Lang, Rick Law, and Don Laughton. As junior counsel, assisted in obtaining murder convictions in R. v. Wilkin (1<sup>st</sup> degree) and R. v. French (2<sup>d</sup> degree).

Criminal Defense Lawyer, Private practice, 1986-2000

#### REPRESENTATIVE COUNSEL WORK

From 1990-2000, obtained acquittals, reduced verdicts, or stays in 89% of all 35 homicide and sexual assault cases I defended in the BC Supreme Court or BC Provincial Court.

R. v. Kidder, from 1<sup>st</sup> degree murder to manslaughter; 30 month sentence. Prince George BC.

R. v. Lowe, from 1<sup>st</sup> degree murder to accessory after the fact; 1 year conditional sentence. Chilliwack, BC.

R. v. Barry, acquitted of attempted murder, aggravated assault, assault with a weapon. Self-defense; jury verdict. Fort St. John, BC.

R. v. Roman Ballantyne, originally charged with 1<sup>st</sup> degree murder; stay entered at trial after defense disclosed to prosecution new forensic evidence regarding causation. Fort St. John, BC.

R. v. Barlow, acquitted of attempted murder of a police officer, following a robbery in Burnaby. New Westminster, BC.

R. v. McCreary, convicted of 1<sup>st</sup> degree murder. Confessed to undercover officer in sting operation. Jury verdict. Smithers, BC.

R. v. Forknall, convicted of 1<sup>st</sup> degree murder. Confessed to undercover officer in sting operation. Jury verdict. Quesnel, BC.

R. v. Eggleston, acquitted of 2<sup>nd</sup> degree murder, convicted of manslaughter. Confessed to undercover officer in sting operation. Jury verdict. Dawson Creek, BC.

R. v. Robin, pleaded guilty to 1<sup>st</sup> degree murder. Professional contract killer for Quebec based criminal organization. Bilingual case. New Westminster, BC.

R. v. John Black, acquitted of 2<sup>nd</sup> degree murder. Self-defense. Jury verdict. Kelowna, BC.

R. v. Black, acquitted of 2<sup>nd</sup> degree murder. Self-defense. Judge alone. Prince George, BC.

R. v. Luksicek, acquitted of 2<sup>nd</sup> degree murder. Identity of perpetrator in dispute. Jury verdict. Kelowna, BC.

R. v. McCabe, acquitted of 2<sup>nd</sup> degree murder; guilty of manslaughter. Cocaine psychosis. Life sentence. Jury verdict. Penticton, BC.

R. v. Denison, originally charged with 1<sup>st</sup> degree murder; convicted of 2<sup>nd</sup> degree murder. Jury verdict. Prince George BC.

R. v. Learn, acquitted of 1<sup>st</sup> degree murder and sexual assault; convicted of 2<sup>nd</sup> degree murder. Jury verdict. Cranbrook, BC.

R. v. Rachao, originally charged with 2<sup>nd</sup> degree murder; pleaded guilty to manslaughter. One year sentence. Prince Rupert, BC.

R. v. Fournier, originally charged with two counts of 1<sup>st</sup> degree murder; charges reduced to 2<sup>nd</sup> degree murder after preliminary hearing. Surrey, BC.

R. v. Lalli, originally charged with manslaughter and infanticide; stay of proceedings during jury trial, following defense introduction of new evidence of causation. Quesnel, BC.

R. v. Rivest, originally charged with 2<sup>nd</sup> degree murder; pleaded guilty to manslaughter. Conducted preliminary inquiry solely in the French language, following earlier quashing of committal for trial triggered by prosecution's breach of promise to provide a transcript in the French language to the defendant. Quesnel, BC.

R. v. Feeney, originally charged with 1<sup>st</sup> degree murder; convicted of 2<sup>nd</sup> degree murder. Jury verdict. Williams Lake, BC. Appeal allowed by Supreme Court of Canada. Retried by a jury in Vancouver, BC and convicted of 2<sup>nd</sup> degree murder.

R. v. Statton, originally charged with murder and attempted murder; committed for trial on manslaughter and attempted murder. Introduction of fresh evidence by defense eventually resulted in a guilty plea to a single charge of assault with a weapon. Williams Lake, BC.

R. v. Packwood, originally charged with attempted murder; pleaded guilty to aggravated assault after preliminary inquiry. Prince George, BC.

R. v. Horth, originally charged with attempted murder; stay entered. Victim recanted in videotaped interview with defense counsel. Prince George, BC.

R. v. Gordon, originally charged with criminal negligence causing death and impaired driving. Pled guilty to leaving the scene of an accident. Prince George, BC.

R. v. Dean, acquitted of sexual assault charges. Jury verdict. Quesnel, BC.

R. v. Tom, acquitted of sexual assault. Prince George, BC.

R. v. Jones, acquitted of numerous weapons and assault charges. Self-defense. Jury verdict. Prince George, BC.

R. v. Harris (aka Edes), acquitted of sexual assault. Smithers, BC.

R. v. Andrews, acquitted of sexual assault. Jury verdict. Prince George, BC.

R. v. Seymour, acquitted of sexual assault. Prince George, BC.

R. v. Rouse, acquitted of multiple sexual assault charges. Jury verdict. Quesnel, BC.

R. v. Grzybowski, convicted of sexual assault. Jury verdict. Prince George, BC.

R. v. Izony, acquitted on 5 of 9 counts of sexual assault. Jury verdict. Prince George, BC.

R. v. Verlie Halcrow, acquitted of 5 of 9 counts of child abuse. Jury verdict. Prince George, BC.

R. v. W. (D.D.), convicted of incest, rape, and sexual assault. Jury verdict. Sentenced to 60 days intermittent on weekends, plus probation. Jury verdict. Victoria, BC.

Other Trials: From 1986 to 1988, I obtained acquittals or reduced verdicts in 82% of 11 sexual and/or other serious cases in BC Supreme Court.

R. v. James, convicted of 1<sup>st</sup> degree murder. Jury verdict. Nanaimo, BC.

R. v. Mohammed, convicted of attempted murder. Jury verdict. Reversed on appeal. Victoria, BC.

R. v. Pelkey, judicial stay of proceedings on charge of murder. Victoria, BC.

R. v. Preston, acquitted of assault causing bodily harm. Jury verdict. Victoria, BC.

R. v. Massina, acquitted of multiple charges of sexual assault. Jury verdict. Victoria, BC.

R. v. McDonough, acquitted of assault causing bodily harm. Jury verdict. Victoria, BC.

R. v. Parsons, acquitted of assault causing bodily harm. Victoria, BC.

R. v. Brown, acquitted of robbery and unlawful confinement. Jury verdict. Victoria, BC.

R. v. James, judicial stay of proceedings entered on charge of sexual assault. Nanaimo, BC.

R. v. Tilley, acquitted of drug trafficking. Jury verdict. Victoria, BC.

R. v. Langevin and Schoyen, acquitted of break and enter, possession of stolen property. Jury verdict. Victoria, BC.

Reported Decisions: Notable Rulings, Trials and Appeals in Criminal Law

Provincial Court of BC

R. v. Pelletier (1998), 129 C.C.C. (3d) 65 (B.C. Prov. Ct.); obtained court order for disclosure of sealed Youth Court records of co-accused.



R. v. Campbell, featured article in *Lawyers' Weekly*; acquittal on grounds of non-insane automatism.

#### BC Supreme Court

R. v. Bridges (1989), 58 C.C.C. (3d) 1 (B.C.S.C.); convicted of contempt of court for disobeying civil injunction denying freedom of expression at abortion clinic.

R. v. Davidson, featured in *Lawyers' Weekly*; appeal allowed on constitutional grounds, reversing conviction for impaired driving.

R. v. W. (D.D.) (1994) 94 C.C.C. (3d) 424 (B.C.S.C.); trial judge refused DNA test sought by defendant regarding adopted grown child of complainant who alleged rape, incest and paternity against her brother.

#### BC Court of Appeal

R. v. W. (D.D.) (1997), 114 C.C.C. (3d) 506 (B.C.C.A.); ruled 2:1 that the right to privacy of an adopted child outweighed a defendant's right to make full answer and defense to a serious criminal charge.

R. v. P. (C.) (1992), 74 C.C.C. (3d) 481 (B.C.C.A.); failure to properly instruct jury; conviction reversed and new trial ordered.

R. v. Tom (1992), 79 C.C.C. (3d) 84 (B.C.C.A.); acquittals substituted for conviction on assault charges; defense of extreme intoxication from alcohol.

R. v. Bridges (1990), 62 C.C.C. (3d) 455 (B.C.C.A.); appeal dismissed of Operation Rescue demonstrators.

#### Supreme Court of Canada

R. v. Terry, [1996] 2 S.C.R. 207; issue whether Canadian Constitution applied to conduct of American agents used by Canadian police to interrogate a Canadian murder suspect detained in the United States; held, Constitution not applicable (later the SCC reversed itself in another case).

R. v. Harrer, [1995] 3 S.C.R. 562; intervened for Terry to leave open question of extraterritorial application of Charter of Rights to international actions by Canadian police and their foreign agents.

R. v. Feeney, [1997] 2 S.C.R. 13; Conviction reversed 5:4 and new trial ordered; exclusionary rule applied to evidence obtained from illegal police conduct that included entering a private residence without a warrant to detain sleeping murder suspect without reasonable and probable cause in non-exigent circumstances.

R. v. Feeney, [1997] 2 S.C.R. 117; SCC ordered a delay in the implementation of new rules on police conduct to permit Parliament time to amend the Criminal Code; amendments were made, resulting in the creation of Feeney warrants in deemed exigent circumstances.

R. v. W. (D.D.), [1998] 2 S.C.R. 681; SCC refused to order paternity testing where results might be used to discredit evidence of complainant, ruling that the right of full answer and defense was subordinate to third party's right to personal privacy; appeal dismissed.

R. v. Izony, [1996] 3 S.C.R. 1124; Charge to jury was flawed, but sufficiently corrected by trial judge; appeal dismissed.

David T. Little v. Her Majesty the Queen, (on appeal from New Brunswick)(No. 33390)(unreported); Leave to Supreme Court of Canada denied January 14, 2010; Crown stayed (dismissed) all further proceedings in August 2010. Case Summary: Charter of Rights - Constitutional law - Freedom of conscience and religion - Income tax - Abortion - Whether the Court of Appeal erred by failing to find that the Applicant's fundamental freedom of conscience under s. 2(a) of the Charter was infringed or denied under s. 24(1) of the Charter - Whether the Court of Appeal erred by applying the legal test designed for cases rooted in freedom of religion - Whether the Court of Appeal erred by not proceeding to a reasonable accommodation analysis - Whether the Court of Appeal erred by misdirecting itself as to what constitutes "the rule of law" - Whether the Court of Appeal erred by not addressing ss. 7 and 15(1) of the Charter. Little refused to file his federal income tax returns, as a portion of the taxes he might owe would be used to fund publicly financed abortion. Little is a devout Catholic and active in the pro-life movement.

Representative Judicial Comment Regarding Skill as a Trial Counsel: In his instructions to the jury in a first degree murder trial involving codefendants with cut-throat defenses, B.C. Supreme Court Tim Singh made the following comment that resulted in an application for a mistrial and ultimately was the reason a new trial was ordered by the Court of Appeal: "Members of the jury, he [Copeland] was then cross-examined by Mr. Lugosi. I am sure you will vividly recall that examination. It was one of the most forceful, effective, brilliant pieces of work where he attacked Copeland's credibility ...Mr. Cluff: [applying for mistrial]...There is no question that anybody perceiving what it is that your Lordship says is going to take from that that your Lordship's impression was that he [Copeland] was essentially destroyed on cross-examination. The Court: I still hold that view." R. v. Copeland, (1999) 141 C.C.C. (3d) 559 (B.C.C.A.) at 567-568.

Researcher, Social Credit Party Government Caucus: Drafted speeches, letters and newspaper columns for elected members of Legislative Assembly of governing party of the Province of British Columbia during 1983 term of Premier William Bennett. Authored "Guidelines for the Presentation of a Private Member's Bill." Proposed solutions to problems of constituents. Developed skills in political strategy, analysis of draft legislation, and parliamentary procedure. Victoria, B.C. Canada.

Articling Student: In 1982, articulated in Vancouver, B.C. with Russell & DuMoulin, a large law firm, gaining experience in corporate law, property development, commercial litigation, and management labor relations. Juniores senior partners John Steeves, Q.C. and Robert Guile, Q.C. Previously articulated in Toronto, Ontario from 1979-1980 with the management labor law firm of Hicks, Morley, Hamilton, Stewart, and Storey.

#### REPRESENTATIVE PAST AND PRESENT PROFESSIONAL SERVICE, MEMBERSHIPS/AFFILIATIONS/RECOGNITIONS

Awarded 2006 Academic Fellowship on Terrorism, Foundation for the Defense of Democracy  
Peer Reviewer, *Issues in Law and Medicine* (since 2003)  
Member, University Faculty for Life  
Life Member, Million Dollar Advocates' Forum (Membership is limited to trial lawyers who have demonstrated exceptional skill, experience, and excellence in advocacy by achieving a verdict, award or settlement in the amount of one million dollars or more)  
Who's Who in Canada (1998, 1999, 2000 editions)  
Who's Who in Canadian Law (1987 edition)  
Associate, International Association for Identification  
Christian Legal Fellowship  
Christian Legal Society  
Amnesty International: Chaired Lawyer's Group for British Columbia, 1981 – 1982  
Association of Trial Lawyers of America (since 1981)  
National Association of Criminal Defense Lawyers  
Wayne County Criminal Defense Bar Association  
Washtenaw County Bar Association  
Criminal Defense Attorneys of Michigan  
Federal Bar Association

#### REPRESENTATIVE PRESENTATIONS, MEDIA INTERVIEWS AND INVITED LECTURES

*Natural Rights and the American Constitutional Experience*, Panelist, Tocqueville Forum on the Roots of American Democracy, Georgetown University, Washington, D.C. January 30-31, 2009  
Natural Disaster; Unnatural Deaths: The Killings on the Life Care Floors at Tenet's Memorial Medical Center in New Orleans During Hurricane Katrina, Panelist, 2007 Annual Meeting, University Faculty for Life, Villanova University and Panelist, 2006 (Southeastern Association of American Law Schools (SEALS) Conference  
"Living in the Twilight Zone: A Roundtable Discussion Regarding Presidential Power, the Rule of Law, and Warrantless Wiretaps in the War Against Bin Laden," January 27, 2006, Department of Criminal Justice and Legal Studies, University of Central Florida, Orlando, Florida  
"Cruelty to Animals: Empathy, Ethics and Experimentation," February 3, 2005, St. Thomas University School of Law, Miami, Florida  
"Conforming to the Rule of Law," June 3, 2005, Ave Maria School of Law, Ann Arbor, Michigan

As Guest Panelist, presented lecture "*Mocking the Rule of Law: A Kangaroo Court for Aussie David Hicks*" at Symposium "Balancing Security and Liberty in the New Century:" hosted by the Temple Political and Civil Rights Law Review, October 15, 2004 Temple University, Philadelphia, Pennsylvania

"*Respecting Human Life in the 21<sup>st</sup> Century*" Invited oral presentation of paper presented by DVD at the First Legal Medicine Congress of Islamic Countries, Tehran, Islamic Republic of Iran, June 25-27, 2004

"*Killing One to Save the Other: Lessons from the Case of Rose (Mary) and Gracie (Jodie), the Conjoined Twins from Malta*" Guest Lecture, Bioethics Forum, Sponsored by the Program in Biomedical Ethics and Medical Humanities, University of Iowa, May 7, 2002

Guest, 100 Huntley Street, daily television show, Crossroads Christian Communications Inc., Burlington, Ontario, hosts David Mainse, Lorna Dueck, September 30, 1999

"*A Personal Journey*," invited guest speaker at Midnight Memorial Service for Victims of Cancer, Canadian Cancer Society, Prince George, B.C., 1995

"*Medical-Legal Considerations of New Developments in Biotechnology and Bioethics*," invited conference speaker, keynote address delivered to the Annual General Meeting, Real Women of Canada, Richmond, B.C. 1993

## COMMUNITY INVOLVEMENT

Bioethics instructor in pediatric dentistry residency program at Children's Hospital (Detroit).

Weekly op-ed contributor, Quebec City Chronicle-Telegraph, Since Spring 2010

Winning Counsel in *People v. Baumer*, Michigan pro bono wrongful conviction case.

Co-founder and provider of free general legal advice at the James Bay Community Center, Victoria, B.C. to the poor on a bi-weekly basis from 1983 – 1988

Volunteer legal counsel to a non-smokers rights society, Airspace, Victoria 1983 - 1988

Co-founder and volunteer legal counsel to Students Against Drunk Driving, Victoria 1986 – 1988

Initiated and provided volunteer duty counsel services in Victoria for detained indigent persons 1984-1988.

Unpaid Director, Canadian-Hungarian Society of Vancouver Island, 1987 – 1989

Unpaid Director, B.C. Triathlon Association, 1986

Created, organized and chaired, Conference for Parents and Teens on Drug and Alcohol Abuse, University of Victoria, Victoria, B.C., 1986

Volunteer counselor, visiting hospital cancer patients, 1985-1988

Volunteer Legal Counsel to candidates of the B.C. Social Credit Party, 1983 election

Defeated candidate of the Progressive Conservative Party of Canada for seat as Member of Parliament, Prince George-Peace River riding, Canada's national federal election, 1997

Constitutional Advisor to past National Leader Christian Heritage Party of Canada, Ron Gray

## PERSONAL INTERESTS AND INFORMATION

Reading (biographies, Bible, history, fiction), golf, bicycling, walking, fishing, country music

Genealogy, family activities with children (Cub Scouts, swimming, team sports), zumba

Travel (visited Caribbean, Mexico, Europe, Middle East, Africa, India, Asia, and Australia)

**Languages (Bilingual: working knowledge of French; speak conversational Hungarian)**  
**Basketball (team captain and most valuable player)**  
**Waterpolo (member faculty of law intramural champion team, 1976-1977)**  
**Competitive Masters Swimming and Life-Saving (Bronze Medallion earned 1975)**  
**Completed Vancouver Triathlon 1982**  
**Canadian citizen, Hungarian citizen, U.S. Permanent Resident since August 10, 2005**

# **BRUCE L. BEVERLY**

# **Curriculum Vitae**

**1326 Hillman Rd., Knoxville, TN 37932**

**(865) 235-1568**

**bruce.beverly@lmunet.edu / famlaw@gmail.com**

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## **Licenses, Certifications and Education**

Board Certified - Family Law, Texas Board of Legal Specialization, December 2001

Admitted to Practice in the Northern District of Texas Federal Court, August 1996

Admitted to Texas Bar, November 1995

Admitted to Ohio Bar, June 1993

Participant - International Legal Student Exchange - Reykjavic, Iceland, 1993

Juris Doctor - Ohio Northern University, Ada, Ohio 1992

International Law Studies - Emmanuel College, Cambridge, England, 1991

Bachelor of Arts - SUNY @ Buffalo, Buffalo, New York 1990

## **Teaching Experience**

Lincoln Memorial University, Duncan School of Law July 2009 to Present  
Knoxville, TN

Assistant Professor of Law

~Full time tenure track instructor currently teaching Torts, preparing courses on Products Liability and Domestic relations for the 2011 school year

## **Professional Experience**

The Decker Firm July 2009 to Present  
Ft. Worth, TX

~ Consultant and Of Counsel

Bruce L. Beverly, Attorney, P.C. May 2008 to July 2009  
Ft. Worth TX

~ Sole practitioner in private practice of law, specializing in family law litigation

Stephenson & Beverly, Attorneys January 2005 to May 2008  
Ft. Worth, TX

~ Partner in firm specializing in family law litigation

James A. Stephenson, P.C. December 2000 to January 2005  
Bedford, TX

~ Associate specializing in family law litigation

Law Office of Barbara D. Nunneley May 1998 - December 2000  
Hurst, TX

~ Associate specializing in family law litigation

Duke & Beverly, Attorneys November 1997 - May 1998  
Arlington, TX

~ Partner engaged in general practice of law specifically personal injury and family law

Hal Monk & Associates November 1995 to November 1997  
Bedford, TX  
~ Associate practicing ERISA subrogation representation and personal injury

King Law Offices June 1993 to March 1995  
Lima, OH  
~ Associate practicing family law, probate, criminal law

**Professional Activities and Honors**

Director - Family Justice Center, Knoxville, TN July 2010 - Present  
~Non-profit multi-agency service center for victims of family violence

Member - Tarrant County Family Law Bar Association  
Member - Texas Academy of Family Law Specialists  
Member - Texas Family Law Foundation  
Member - Tarrant County Bar Association  
Member - State Bar of Texas Family Law Section  
Tarrant County Family Law Bar Association - Officer - Treasurer, 2009  
Tarrant County Family Law Bar Association - Officer - Secretary, 2007-2008  
Tarrant County Family Law Bar Association - Director, 99-00, 04-06, 06-09  
Associate - Eldon B. Mahon American Inn of Court, 1998-2000

Adjunct Professor - Paralegal Studies  
University of Texas at Arlington - 1996

Adjunct Professor - Paralegal Studies  
State University of Ohio - Lima / Lima Technical College - 1993-1995

Texas Super Lawyer  
Texas Monthly, Texas Super Lawyers Edition - 2003, 2004, 2005

**Publications, Books and Presentations:**

*High Tech on a Low Budget*  
Author/Speaker  
State Bar of Texas - 32<sup>nd</sup> Annual Advanced Family Law Seminar  
San Antonio, Texas August 2008

*Use of Technology at Trial*  
Author/Speaker  
University of Texas CLE - Family Law on the Front Lines  
Galveston, TX June 2008

*Electronic Evidence*  
Panel Member  
Marriage Dissolution Institute  
El Paso, Texas May 2007



*Use of Electronic Equipment in Trial*

Speaker

Tarrant County Family Law Bar Association

Ft. Worth, Texas

April 2007

*Practice in the Trenches*

Course Director, Family Law Boot Camp

State Bar of Texas - 30<sup>th</sup> Annual Advanced Family Law Course

San Antonio, Texas

August 2006

*Trial and Litigation Practicum - Property and Custody*

Co-Moderator /Planning Committee Member

Texas Academy of Family Law Specialists Trial Institute

Reno, Nevada

January 2006

*Internet Investigation of Personal Information and Assets*

Co-Author/Speaker, Legal Assistant University

State Bar of Texas - Legal Assistants Division

Fort Worth, Texas

September 2004

*Basic Discovery - A Quick Review of the Rules*

Co-Author/Speaker, Family Law Boot Camp

State Bar of Texas - 30<sup>th</sup> Annual Advanced Family Law Course

San Antonio, Texas

August 2004

*Investigative Techniques*

Co-Author/Speaker

State Bar of Texas - Summer School

Galveston, Texas

July 2004

*Basic Discovery*

Co-Author/Speaker

State Bar of Texas - Annual Meeting: Family Law Boot Camp

San Antonio, Texas

June 2004

*Closely Held Corporations*

Author/Speaker

4<sup>th</sup> Annual Family Law on the Front Lines Conference

Galveston, Texas

June 2004

*Internet Investigation of Personal Information and Assets*

Co-Author/Co-Speaker

Marriage Dissolution Institute

Fort Worth, Texas

April 2004

*Internet Searches for Financial and Personal Information Useful in Family Law Litigation*

Co-Author/Co-Speaker

Texas Academy of Family Law Specialists Trial Institute

New Orleans, Louisiana

January 2004

*Legislative Updates - Family Law*

Author/Speaker

Legal Aid of North West Texas 2003 Family Law Seminar

Fort Worth, Texas

October 2003

*Pretrial Discovery*

Co-Author, Panel Chair

State Bar of Texas - 29<sup>th</sup> Annual Advanced Family Law Course

San Antonio, Texas

August 2003

*Discovery and Mediation: Streamlining the Discovery Process*

Co-Author/Speaker, Family Law Boot Camp

State Bar of Texas - 29<sup>th</sup> Annual Advanced Family Law Course

San Antonio, Texas

August 2003

*Discovery in Hard Places (CPS, NCIC, insurance companies and more)*

Author/Speaker

State Bar of Texas - 29<sup>th</sup> Annual Advanced Family Law Course

San Antonio, Texas

August 2003

*Checklist Book for Family Lawyers, 2<sup>nd</sup> Edition*

Co-Author

State Bar of Texas-Family Law Section

August 2003

*Vocal Tips for Speakers*

Co-Author/Speaker

Pre-Seminar Skills Workshop

State Bar of Texas, Marriage Dissolution Institute

Houston, Texas

May 2003

*Discovery on a Budget*

Author/Speaker

State Bar of Texas, Marriage Dissolution Institute

Houston, Texas

May 2003

*Texas Family Law - Direct & Cross Examination Vol. II**A Focus on Children's Issues**Suggested Questions, Ideas and Outlines*

Imprimatur Press

Co-Author

August 2002

*Studying for the Board Certification Exam*

Co-Author, Panel Chair

State Bar of Texas - 28<sup>th</sup> Annual Advanced Family Law Course

Dallas, Texas

August 2002

*Small Office Short Cuts, Tips and Tricks*

Author/Speaker, Family Law Boot Camp

State Bar of Texas - 28<sup>th</sup> Annual Advanced Family Law Course

- Dallas, Texas August 2002
- Ancillary Forms*  
Author/Speaker  
State Bar of Texas - Advanced Family Law Drafting 2001  
Houston, Texas December 2001
- Texas Family Law - Direct & Cross Examination  
Suggested Questions, Ideas and Outlines*  
Imprimatur Press  
Co-Author August 2001
- Collecting Your Fees*  
Author/Speaker, Family Law Boot Camp  
State Bar of Texas - 27<sup>th</sup> Annual Advanced Family Law Course  
San Antonio, Texas August 2001
- Trial Preparation in a Family Law Case*  
Author/Speaker  
West Texas Legal Services 2001 Family Law Seminar  
Fort Worth, Texas July 2001
- Protective Orders, TRO's and Other Emergency Measures*  
Speaker, Family Law Boot Camp  
State Bar of Texas - 26<sup>th</sup> Annual Advanced Family Law Course  
San Antonio, Texas August 2000
- Demonstrative Evidence in the Family Law Courtroom*  
Co-Author/Speaker  
State Bar of Texas - 26<sup>th</sup> Annual Advanced Family Law Course  
San Antonio, Texas August 2000
- Checklist Book 2*  
Co-Author  
State Bar of Texas - Family Law Section August 1999
- Characterization and Tracing*  
Co-Author  
State Bar of Texas - 25<sup>th</sup> Annual Advanced Family Law Course  
Dallas, Texas August 1999
- Enforcement of Contractual Child Related Provisions in a Decree of Divorce*  
Co-Author  
State Bar of Texas, 24<sup>th</sup> Annual Advanced Family Law Course  
San Antonio, Texas August 1998

# MELANIE MARIE REID

Address: 601 W. Summit Hill Rd. · Knoxville, Tennessee 37902 · 865-545-5314 · [melanie.reid@lmunet.edu](mailto:melanie.reid@lmunet.edu)

## EXPERIENCE

LINCOLN MEMORIAL UNIVERSITY, DUNCAN SCHOOL OF LAW KNOXVILLE, TN  
*Assistant Professor of Law, July 2010 – Current*  
*Teaching Activities: Torts, Criminal Procedure, and Academic Success Program*  
*Law School Service: Admission Committee, Strategic Planning Committee,*  
*Curriculum Committee, Externship/Clinic Committee, Academic Integrity Committee,*  
*Scholarship Committee (Chair)*

DEPARTMENT OF JUSTICE, NARCOTIC AND DANGEROUS DRUG SECTION  
*Drug Intelligence Unit Attorney, July 2008 – July 2010*  
*Trial Attorney, January 2007 – June 2008*

GUNSTER, YOAKLEY, AND STEWART, LLP FT. LAUDERDALE, FL  
*Litigation Associate, August 2006 – January 2007*

UNITED STATES ATTORNEY'S OFFICE, SOUTHERN DISTRICT OF FLORIDA MIAMI, FL  
*Assistant United States Attorney, October 2002 – June 2006*

JUDGE CHARLES R. WILSON, U.S. APPELLATE COURT, 11TH CIRCUIT TAMPA, FL  
*Judicial Law Clerk, September 2001 - August 2002*

SHUMAKER, LOOP, AND KENDRICK, LLP TAMPA, FL  
*Summer Associate, Summer 2000*

FORD MOTOR COMPANY DETROIT, MI  
*Marketing and Sales, College Graduate Program, July 1996 - June 1997*

FEDERAL BUREAU OF INVESTIGATION WASHINGTON D.C.  
*Summer Honors Internship, Summer 1995*

## PUBLICATIONS

*Secrets Behind Secrets: Disclosure of Classified Information Before and During Trial and Why CIPA Should be Revamped*, to be published in the Seton Hall Legislative Journal, Spring 2011.

*The Role of Intelligence and the Use of Intelligence-Derived Information in Criminal Prosecutions*, Federal Narcotics Prosecutions, 3<sup>rd</sup> edition (2010).

*Kidnapped Terrorists: Bringing International Criminals to Justice through Irregular Rendition and Other Quasi-legal Options*, 26 J. Legis. 315 (2000).

*Changes to the Lautenberg Amendment May Even the Score for Asylees*, 27 J. Legis. 215 (2001).

*Female Gangs in the U.S., Law and Order*, March 1996.

## PRESENTATIONS

*Prosecuting International Narcotics Trafficking Cases in the U.S.*, 2007-10, DEA Office of International Training, Quantico

*Evidentiary Issues in International Criminal Cases*, June 2010, International Law Enforcement Academy, Budapest, Hungary

*Proactive Investigations*, Basic Narcotics Seminar, March 2008, National Advocacy Center, South Carolina

*U.S. Wiretap and Conspiracy Laws*, Judicial Seminar, September 3-7, 2007, U.S. Department of Justice, Guatemala City

*Discovery Obligations and Prudential Searches*, December 2009, U.S. Department of Justice, Narcotics Section

## EDUCATION

UNIVERSITY OF NOTRE DAME LAW SCHOOL NOTRE DAME, IN

*Juris Doctor, May 2001, GPA 3.69/4.0, Magna Cum Laude*

*Bachelor of Business Administration, May 1996, GPA 3.6/4.0, Magna Cum Laude*

- Editor, Legislative Reform, *Notre Dame Journal of Legislation* 2000-2001
- Legal Intern, Immigration Legal Aid Clinic and Elder Law Clinic, 2000-2001

MIDDLEBURY COLLEGE MIDDLEBURY, VT & MADRID, SPAIN

*Master of Arts in Spanish, May 1998, GPA 3.5/4.0*

UNIVERSITY OF NOTRE DAME LAW SCHOOL NOTRE DAME, IN

- Editor, Legislative Reform, *Notre Dame Journal of Legislation* 2000-2001
- Legal Intern, Immigration Legal Aid Clinic and Elder Law Clinic, 2000-2001
- First year, Stetson University, College of Law, GPA 3.6, Rank: 9/192
- Research Assistant, Stetson University, Research & Writing Dept., Summer 1999
- *Stetson Law Review* Associate Member, Summer 1999
- Studied in Tallinn, Estonia through the 1998 Stetson Summer Abroad Program, Scandinavian/Baltic

Institute: Emerging Markets & Transitional Economies

MIDDLEBURY COLLEGE MIDDLEBURY, VT & MADRID, SPAIN  
*Master of Arts in Spanish, May 1998, GPA 3.5/4.0*

UNIVERSITY OF NOTRE DAME NOTRE DAME, IN  
*Bachelor of Business Administration*  
*Double Major in Human Resource Management/Organizational Behavior and Spanish*  
*May 1996, GPA 3.6/4.0, Magna Cum Laude*

- Sophomore year, Toledo, Spain - Notre Dame International Studies Program
  - "The Observer" University Newspaper - Assistant News Editor, Staff Writer
  - Research Assistants, College of Business - research and course development
- 1996 Hamilton Award, College of Business Administration, presented to the outstanding senior in the Management field, chosen by staff and professors

ADDITIONAL SKILLS

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- Fluent in Spanish; Member of the Florida Bar

# Charles E. "Chuck" MacLean

133 Manor Way, Louisville Tennessee 37777  
423-869-6823 (W); 507-459-9241 (Cell)

## EDUCATION

- 1988 J.D. *cum laude*, William Mitchell College of Law, St. Paul MN  
Richard Schall & 3M Merit Scholarships
- 1983 M.B.A.-Finance, University of Minnesota, Minneapolis MN  
Beta Gamma Sigma Honor Society Nominee
- 1977 B.A., Geography & Urban Studies, University of Minnesota,  
Minneapolis MN

## TEACHING EXPERIENCE (partial listing – syllabi available upon request)

<u>2011</u>	Duncan School of Law Duncan School of Law Duncan School of Law	Visiting Asst. Prof. Visiting Asst. Prof. Visiting Asst. Prof.	Lawyering Skills II Academic Success II Substantive Criminal Law
<u>2010</u>	Duncan School of Law Duncan School of Law	Visiting Asst. Prof. Visiting Asst. Prof.	Lawyering Skills III Academic Success III
<u>1998-</u> <u>2010</u>	Saint Mary's University	Guest Lecturer	Journalism Ethics
<u>2010</u>	Saint Mary's University Criminal Justice Institute	Adjunct Professor Presenter	Substantive Criminal Law Forming Justice Councils
<u>2009</u>	Saint Mary's University Criminal Justice Institute	Adjunct Professor Presenter	Substantive Criminal Law The CSI Effect
<u>2008</u>	Winona State University Winona State University	Adjunct Professor Adjunct Professor	Trial Advocacy (Mock Trial) Legal Research/Writing II
<u>2007</u>	Winona State University Winona State University Saint Mary's University	Adjunct Professor Adjunct Professor Adjunct Professor	Trial Advocacy (Mock Trial) Legal Research/Writing I-II Substantive Criminal Law
<u>2006</u>	Winona State University Winona State University Duluth Trial School	Adjunct Professor Adjunct Professor Lecturer/Grp Leader	Trial Advocacy (Mock Trial) Legal Research/Writing I-II Trial Advocacy/Cross Exam
<u>2005</u>	Criminal Justice Institute Winona State University Winona State University	Presenter Adjunct Professor Adjunct Professor	Search Warrant Drafting Legal Research/Writing I Trial Advocacy (Mock Trial)

<u>2004</u>	Winona State University Winona State University	Adjunct Professor Adjunct Professor	Civil Procedure Legal Research/Writing I-II
<u>2003</u>	Winona State University Winona State University	Adjunct Professor Adjunct Professor	Legal Research/Writing I-II Evidentiary Rules
<u>2002</u>	Winona State University Winona State University Wm Mitchell College of Law Bemidji Trial School	Adjunct Professor Adjunct Professor Professor Lecturer	Legal Research/Writing I-II Evidentiary Rules Appellate Advocacy Direct Exam & Advocacy
<u>2001</u>	Winona State University Bemidji Trial School MN County Attorney Assn MN Cty Atty Assn Annl Mtg Dakota County Tech College	Adjunct Professor Lecturer Presenter Presenter Lecturer	Legal Research/Writing I-II Direct Exam & Advocacy Race in Jury Selection Prosecutorial Ethics Police Witness Testimony
<u>2000</u>	Winona State University Winona State University Bemidji Trial School MN County Attorney Assn MN County Attorney Assn MN Center – Crime Victims	Adjunct Professor Adjunct Professor Lecturer Presenter Presenter Lecturer	Legal Research/Writing I-II Mass Media Law Cross Exam & Advocacy Race in Jury Selection Child Abuse Trial Skills Plea Negotiations Process
<u>1999</u>	Wm Mitchell College of Law Winona State University Bemidji Trial School Criminal Justice Institute MN Center – Crime Victims	Adjunct Professor Adjunct Professor Lecturer Lecturer Lecturer	Legal Research/Writing Mass Media Law Cross Exam & Advocacy Report Writing for Police Plea Negotiations Process
<u>1998</u>	Wm Mitchell College of Law Bemidji Trial School Albert Lea Police Training MN Center – Crime Victims MN County Attorney Assn	Adjunct Professor Lecturer Lecturer Lecturer Presenter	Legal Research/Writing Cross Exam & Advocacy Criminal Sexual Conduct Plea Negotiations Process Using Recordings at Trial
<u>1997</u>	Wm Mitchell College of Law Winona State University MN County Attorney Assn Winona Paralegal Institute	Adjunct Professor Adjunct Professor Presenter Presenter	Legal Research/Writing Constitutional Law Jury Selection in Sex Cases Family Abuse Investigation
<u>1996</u>	MN County Attorney Assn Urban County Attorney Assn	Presenter Presenter	Meeting the Alibi Defense Prosecutorial Ethics



## **EMPLOYMENT**

- 2010-Present**      LMU Duncan School of Law, Knoxville TN  
Visiting Assistant Professor of Law
- Teach Lawyering Skills II-III
  - Teach Academic Success Program II-III
  - Teach Substantive Criminal Law
- 1996-2010**      Winona County Attorney's Office, Winona MN  
Winona County Attorney
- Supervised staff of 8 attorneys and 6 support staff
  - Provided civil legal and ethical advice and guidance to government decision-makers
  - Supervised outside counsel on litigation matters
  - Taught courses (law, ethics) to students at all levels (law school, undergrad, practitioners, community)
- 1992-1996**      Dakota County Attorney's Office, Hastings MN  
Assistant Dakota County Attorney
- Prosecuted adult criminal cases
  - Widely sought as a speaker on law and ethics topics to students at all levels
  - Advised multi-county and cross-functional boards
- 1990-1992**      Lyon County Attorney's Office, Marshall MN  
Lyon County Attorney
- Handled all civil and criminal issues
  - Administered staff of two
  - Advisor to County Board & Departments
- 1990-1990**      Redwood County Attorney's Office, Redwood Falls MN  
Assistant Redwood County Attorney
- Prosecuted adult and juvenile criminals
  - Handled civil cases; advised Board and Departments
- 1988-1990**      Lindquist & Vennum, Minneapolis MN  
Associate Attorney
- Commercial litigation
  - Research and Court appearances
  - Shareholder derivative actions, maritime, tort, tax
- 1978-1988**      Northern States Power Company, Minneapolis MN  
Series of business and financial analysis positions
- Financial and Merger Analyses & Business Planning
  - Expert Witness re: Statistics, Financial Analysis

**Vitae Addendum – Community Service – Eff. 10-5-10**  
**A Partial Listing – Details available upon request**

- 2007-10 Member, Minnesota County Attorney's Ass'n Criminal Law Committee
- 2007-09 Inaugural Chair, Winona County Criminal Justice Coordinating Council
- 2007 Member, Steering Committee, National Child Protection Training Center & Hamline University, Child Abuse Advocacy Law School Curriculum Development
- 2007 Keynote Speaker, Winona Healing Fields (against Child Abuse)
- 2006-10 Member, Minnesota County Attorney Association Appellate Committee
- 2005-06 Inaugural Chair, Winona Children's Advocacy Center Formation Task Force
- 2005 Speaker, National Child Protection Training Center Inaugural Event
- 2005 Member, Rock Solid Youth Center Fundraising Steering Committee
- 2004-10 President, Winona County Law Library Board of Trustees
- 2003 Keynote Speaker, DARE Graduation Ceremonies (Altura, St. Charles, Winona)
- 2002 Focus Group Member, Human Service Challenges – 5-Year Scoping Plan
- 2001-02 Originator, St. Charles City and Winona Alternative Learning Center Community Prosecution Teams
- 2001 Member, Human Service Collaborative / Communities in Schools Merger Task Force
- 2001 Recipient, Winona "Making the Community Safer" Award
- 2001 Member, Reducing Community Violence Working Group
- 2000-10 Member, Jail Action Committee (later Jail Study Committee)
- 2000-10 Volunteer Attorney Advisor, Winona State University Mock Trial Team
- 2000-10 Trainer, Sexual Assault Investigation and Prosecution Protocols

**2000-08**      **Member, Winona State University Paralegal Advisory Board**

**2000-04**      **Member, Winona State University Criminal Justice Advisory Board**

**2000-10**      **Board Chair, Sexual Assault Interagency Council, Winona**

**1998-10**      **Member, Winona County Law Library Board of Trustees**

**1998-99**      **Member, Winona County Child Sexual Abuse Task Force**

**1997**          **Facilitator, Winona City / Winona Township Annexation Dispute**

**1990-92**      **Legal Advisor, Southwest Minnesota Drug Task Force**

**1990-92**      **Legal Advisor, Lincoln-Lyon-Murray-Pipestone Community Health**

**1990-92**      **Board Chair, Sexual Abuse Resource Center, Marshall**

**Chuck MacLean – Vitae Addendum – Selected Appellate Cases – Eff. 10-5-10**  
**A Partial Listing – Details available upon request**

1. State v. Brown, No. A08-622, 2009 WL 1586740 (Minn. Ct. App. Jun. 9, 2009), review denied (Minn. Aug. 11, 2009) (Controlled Substance Crime, criminal history score calculation).
2. State v. Briggs, No. A08-131, 2009 WL 1444026 (Minn. Ct. App. May 26, 2009), review denied (Minn. Aug. 11, 2009) (Violation of Harassment Restraining Order, waiver of right to counsel, prosecutorial error, relationship evidence).
3. Masood v. State, No. A08-393, 2008 WL 5396879 (Minn. Ct. App. Dec. 30, 2008) (Aggravated Witness Tampering, summary denial of post-conviction relief petition).
4. Halter v. State, No. A08-29, 2008 WL 5136978 (Minn. Ct. App. Dec. 9, 2009) (Criminal Sexual Conduct, post-conviction relief, aggravated departure).
5. State v. Beasley, No. A06-1163, 2007 WL 4303095 (Minn. Ct. App. Dec. 11, 2007), review denied (Minn. Mar. 18, 2008) (Controlled Substance Crime, traffic stop, sufficiency of the evidence, ineffective assistance of defense trial counsel).
6. State v. Mancilla, No. A06-581, 2007 WL 2034241 (Minn. Ct. App. Jul. 17, 2007), review denied (Sep. 26, 2007) (Burglary, right to conflict-free defense counsel, prosecutorial error, ineffective assistance of defense trial counsel, propriety of consecutive sentencing).
7. State v. Burbach, 706 N.W.2d 484 (Minn. 2005) (Controlled Substance Crime, search and seizure, reasonable, articulable suspicion re traffic stop).
8. State v. Doval, No. A04-692, 2004 WL 2590664 (Minn. Ct. App. Nov. 16, 2005), review denied (Minn. Jan. 26, 2005) (Controlled Substance Crime, search and seizure, pretrial State appeal).
9. State v. Fenske, No. A03-844, 2004 WL 237372 (Minn. Ct. App. Feb. 10, 2004), review denied (Minn. Apr. 28, 2004) (Criminal Sexual Conduct, plea withdrawal, post-conviction relief).
10. State v. Mancilla, No. A03-473, 2004 WL 77852 (Minn. Ct. App. Jan. 20, 2004) (Controlled Substance Crime, right to post-conviction counsel, ineffective assistance of defense trial counsel).
11. State v. (Na) Her, 668 N.W.2d 924 (Minn. Ct. App. 2003), review denied (Dec. 16, 2003) (Aggravated Robbery, gang expert testimony, accomplice corroboration).

12. State v. Dore, No. C6-01-468, 2001 WL 1035198 (Minn. Ct. App. Sep. 11, 2001), review denied (Minn. Nov. 13, 2001) (Criminal Vehicular Homicide, sentencing appeal, amenability to probation).
13. State v. Merkl, No. C7-00-1036, 2001 WL 682557 (Minn. Ct. App. Jun. 19, 2001), review denied (Minn. Aug. 22, 2001) (Violation of Harassment Restraining Order, collateral attack on restraining order, sentencing appeal).
14. State v. Peterson, No. C1-98-2066, 1999 WL 508407 (Minn. Ct. App. Jul. 20, 1999), review denied (Minn. Sep. 14, 1999) (Controlled Substance Crime, search incident to lawful arrest).
15. State v. Little, No. C2-96-1570, 1996 WL 722093 (Minn. Ct. App. Dec. 17, 1996), review denied (Minn. Feb. 26, 1997) (Criminal Sexual Conduct, sentencing appeal; triple aggravated departure).
16. State v. Zanter, 535 N.W.2d 624 (Minn. 1995) (Murder, propriety of repeated searches based upon same search warrant probable cause).
17. State v. Washington, 521 N.W.2d 35 (Minn. 1994) (Murder, prosecutorial error, hearsay, confrontation clause).
18. State v. Greiner, 518 N.W.2d 636 (Minn. Ct. App. 1994) (Theft by Temporary Taking, continuing offense, statute of limitations).

### **Selected Publications/Presentations (eff. 10-5-10)**

1. MacLean, Charles E., Racially Disparate Use of Arrest Records in Employment and Housing Decision-Making, Davis & Elkins College, West Virginia (November 2010).
2. MacLean, Charles E. & Victor Souders, Forming and Administering a Criminal Justice Coordinating Council, Minnesota Criminal Justice Institute (August 2010).
3. MacLean, Charles E. & Thomas Gort, Confronting the CSI Effect in Criminal Trials, Minnesota Criminal Justice Institute (August 2009).
4. MacLean, Charles E., The Minnesota Mirror: Transferring State Criminal Justice Costs and Obligations to Counties and Their Taxpayers (April 2008).
5. MacLean, Charles E., Crafting Cross Examination with Impact, presented to the Minnesota Joint Criminal Justice Trial School (July 2006).
6. MacLean, Charles E. & Hon. Jeffrey D. Thompson, Drafting and Obtaining Search Warrants, Minnesota Criminal Justice Institute (August 2005).
7. MacLean, Charles E., Transporting the Jury via Direct Examination, Minnesota Joint Criminal Justice Trial School (August 2002).
8. MacLean, Charles E., Race Bias in Jury Selection: An Examination of Batson and its Progeny, Minnesota County Attorneys Association (April 2001).
9. MacLean, Charles E., Prosecutorial Ethics: Private Ethical Decision-making in the Very Public Practice of Law. Minnesota County Attorneys Association (March 2001).

**Curriculum Vitae**

**Anita Bergeson**

2404 Sherrod Rd.

Knoxville, TN

(865) 679-4113

Email: anita.bergeson@gmail.com

**Education**

Ph.D., English. University of Tennessee, Knoxville. 2006

Dissertation: "Chaucer's Questioning Impulse: Reading the Dream Visions and Troilus and Criseyde." Committee: Dr. Laura Howes (director), Dr. Thomas Heffernan, Dr. Thomas Burman, Dr. Joseph Trahern.

Examination Areas:

Literary Tradition and the Shaping of Middle English Narrators. Passed, Fall 2003.

Medieval English Language and Literature. Passed with *Distinction*, Spring 2003.

Restoration and 18<sup>th</sup> Century Literature. Passed, Fall 2002.

M.A. English. University of Tennessee, Knoxville 2000

B.A. English, History-Political Science. Jamestown College 1996  
*Summa cum laude*

**Teaching and Academic Experience**

*University of Tennessee*

Lecturer, English, 2009-present.

Literature and Music: Western Cultural Foundations and Contemporary Selves

History of the English Language

*Lincoln Memorial University, Duncan School of Law*

Adjunct Instructor, 2009.

Writing Skills Lab for first-year law students

*William Woods University*

Assistant Professor of English. 2008-2009.

Introduction to College Writing

Composition I and II

Introduction to Literature

Genre Studies: Novel

Shakespeare

*Maryville College*

Visiting Instructor of English Composition. 2007-2008.

English Composition

Advanced Composition and Speech

The Early Western Literary Tradition

*University of Tennessee*

Lecturer, English. 2006-2007.

First-Year Composition I

First-Year Composition II: Inquiry into Music and Cultural Expression

British Literature I: Beowulf through Johnson

Publications Editor, College of Arts and Sciences, Office of Academic Outreach, 2005-2006.

Editorial Assistant, Old English Newsletter. 2004-2005.

Graduate Teaching Associate, English. 1999-2005.

Composition I and II

Graduate Teaching Associate, English. 1998-1999.

Assistant, Composition I and II

Tutor, Writing Center

*Jamestown College*

Interlibrary Loan Librarian, Raugust Library. 1996, 1998.

**Publications and Works in Progress**

Review of Derek G. Neal, The Masculine Self in Late Medieval England. Journal of British Studies. (solicited)

“Leopold Bloom, an-haga: Ulysses and the Wanderer.” (article)

**Presentations**

“Chaucer’s Other Author.” Marco Colloquium. Marco Institute for Medieval and Renaissance Studies. University of Tennessee. October 2005.

“‘As the book kan telle’?: Pandarus’ Acts of Reading.” South Atlantic Modern Language Association. Roanoke, Virginia. November 2004.

“Old English Elegies.” Invited Talk. Tusculum College. Greenville, Tennessee. April 2004.

“‘The Law of Kynde’: Poetry and Order in Chaucer’s Book of the Duchess.” Southeastern Medieval Association. New Orleans, Louisiana. October 2001.

“‘The moste kynge and nobelyst knight of the worlde’: A Consideration of Malory’s Arthur.” Southeastern Medieval Association. Asheville, North Carolina. October 2000.

Narrator, The Miller’s Tale. “A Medieval Evening.” University of Tennessee. October 2000.

“Gender (R)evolution: Marilyn Manson, Androgyny, and Antichrist Superstar.” Popular Culture Association of the South. Roanoke, Virginia. October 1999.



## **Service**

Graduate Student Representative, Medieval Search Committee. University of Tennessee, 2005.  
Graduate Teaching Mentor, Composition Program. University of Tennessee, 2001-2004, 2006.  
M.A. Representative, Graduate Students in English. University of Tennessee, 1999-2000.

## **Academic Honors**

### *University of Tennessee*

Nominee, Hodges Teaching Award, 2005, 2007.  
John B. Emperor Dissertation Fellowship, 2005.  
Richard Beale Davis Editorial Fellowship, 2004-2005.  
Marco Institute Graduate Fellowship, 2001-2004.  
John Hodges Graduate Fellowship, 1998-1999, 2000-2002.

### *Jamestown College*

College Fellow, English, 1996.  
College Fellow, History-Political Science, 1995.  
Dean's List, 1992-1996.

## **Professional Memberships**

Modern Language Association  
Phi Kappa Phi Honor Society

## **Research and Teaching Interests**

Chaucer  
Old and Middle English Language and Literature  
History of the English Language  
Arthurian Literature  
Shakespeare  
Restoration and Eighteenth Century Literature  
Early English Novel  
Jazz and American Identities  
Music and Literature

## **Representative Graduate Coursework**

History of the English Language, Thomas Heffernan.  
Old English and Beowulf, Joseph Trahern.  
Independent Readings in Old English, Joseph Trahern.  
Chaucer, Laura Howes.  
Seminar in Chaucer, Thomas Heffernan.  
Readings in Medieval Literature, John A. Alford.  
Literature and Culture of the Eighteenth Century, John Zomchick.  
Reason, Faith, and Enlightenment Subjectivity, Misty Anderson.  
Yeats and Joyce, Richard J. Finneran.

## Matthew R. Lyon

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Knoxville, Tennessee 37919

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matthew.lyon@tncourts.gov/matthew.lyon@lmunet.edu

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### EMPLOYMENT

**Tennessee Supreme Court: Justice Gary R. Wade**

**Knoxville, TN**

*Senior Judicial Clerk: August 2008-present*

- ▶ Researching, drafting and editing opinions for Justice and helping to manage office workload and administrative matters.
- ▶ Providing legal analysis and making recommendations to Justice regarding applications for permission to appeal, cases to be heard at oral argument, other Justices' opinions, and other miscellaneous orders arising out of court of last resort's jurisdiction.

**Lincoln Memorial University: Duncan School of Law**

**Knoxville, TN**

*Adjunct Professor of Law: August 2009-present*

- ▶ Teaching Civil Procedure I and II to 40+ part-time students in inaugural class at new law school. Developing course structure and employing innovative educational technology to create lesson plans and interactive lecture presentations.

**Sidley Austin LLP**

**Chicago, IL**

*Associate: August 2005-July 2008; Summer Associate: 2004*

- ▶ Practiced in commercial litigation group, focusing on securities and M&A/D&O litigation and energy regulatory work.
- ▶ Represented clients in shareholder class actions, shareholder derivative suits and SEC enforcement actions.
- ▶ Led document production, helped run discovery and drafted motions in proxy fraud suit arising out of bank merger.
- ▶ Counseled Illinois' largest electric utility on regulatory and legislative matters; second-chair in energy efficiency proceeding.
- ▶ Helped author amended petition and took depositions in case seeking post-conviction relief for Alabama death row inmate.

**U.S. Dept. of Health & Human Services: Office of Assistant Secretary for Planning & Evaluation**

**Washington, DC**

*Social Science Analyst: August 1998-July 2002*

- ▶ Managed approximately \$3 million in grants to states and counties to study those entering and leaving the welfare system.
- ▶ Briefed HHS Secretary on progress of welfare reform in states. Coordinated production of and edited reports to Congress.

**U.S. Senate: Committee on Health, Education, Labor & Pensions, Majority Staff**

**Washington, DC**

*Fellow: January 2000-July 2000*

- ▶ Helped develop child care and early childhood education legislation. Represented interests of Chairman, Senator Jim Jeffords.

### EDUCATION

**Northwestern University School of Law**

**Chicago, IL**

*Juris Doctor (cum laude): May 2005*

- ▶ GPA: 3.66; Edwin C. Austin Scholarship; Dean's List (six semesters)
- ▶ *Journal of Criminal Law and Criminology*: Coordinating Comment Editor & Executive Board Member (2004-05)
- ▶ Comment Publication: "No Means No? Withdrawal of Consent During Intercourse and the Continuing Evolution of the Definition of Rape," 95 J. CRIM. L. & CRIMINOLOGY 277 (2004)
- ▶ William Jennings Bryan & Adlai Stevenson Awards: Champion & Best Brief, 2004 Julius Miner Moot Court Competition
- ▶ National Moot Court Team: Member & Regional Quarterfinalist (2004-05)
- ▶ Research Assistant to Kirkland & Ellis Professor of Law Dorothy E. Roberts (May 2003-April 2004)

**Syracuse University: Maxwell School of Citizenship and Public Affairs**

**Syracuse, NY**

*Master of Public Administration: June 1998*

- ▶ GPA: 3.95; Obtained Presidential Management Internship (PMI) upon graduation; Graduate Asst., Center for Policy Research

**College of William and Mary**

**Williamsburg, VA**

*Bachelor of Arts in Public Policy: May 1997*

- ▶ GPA: 3.36; Dean's List; James Monroe Scholar (received \$2,000 research grant to study pub culture in England)

### OTHER EXPERIENCE & INTERESTS

- ▶ Admitted in Tennessee (2009), Illinois (2005 – inactive as of 2010); Member, Knoxville Bar Association
- ▶ Externships: U.S. Attorney's Office, N.D. Ill. (Spring 2004); U.S. District Court Judge Rebecca R. Pallmeyer (Summer 2003)
- ▶ Founder/Director/Secretary, ARFhouse Chicago no-kill animal shelter (August 2006-May 2008)
- ▶ Tutor, Cabrini-Green Tutoring Program, Chicago (2002-07)
- ▶ Member, Grammy award-winning Washington Chorus (1999-2002) & a *cappella* groups in both college and law school

**WILLIAM E. BROWN**  
**ATTORNEY-AT-LAW**

**4614 Oak Meadow Way  
Knoxville TN 37918  
(TN. Bar No. 26004)**

**985-630-2766 (cell)  
865-377-3032 (home)  
webbrown56@hotmail.com**

**EDUCATION**

Harvard Law School	L.L.M.	1972 Thesis: Constitutional Law, Prof. Paul Freund Law Teacher Training Program Student Teacher, Boston Univ. Law School
Tulane Law School	J.D.	1971 Editor In Chief, Tulane Law Review Class Rank: 2nd (1st in Common Law Curriculum) International Moot Court Team

**BAR MEMBERSHIPS** California (1972), Louisiana (1982), Tennessee (2007)

**EXPERIENCE**

1972	Law Instr.	Boston University Law School, Legal Research and Writing
1972-73	Asst. Prof.	University of Houston College of Law Subjects: UCC Art. 9, Criminal Law and Procedure, Family Law
1973-75	Associate	Chickering & Gregory, San Francisco Real Estate Development and Litigation Land Use, Expropriation, Contracts, General Corporate Matters
1975-78	Counsel	Real Estate Investment Trust, San Francisco Real Estate Development and Litigation, Real Estate Workouts
1978-81	Asst. Prof.	Loyola Law School, New Orleans Subjects: Corporations, Agency and Partnership, Professional Responsibility, Negotiable Instruments, Criminal Procedure, Family Law
1981-82	Assoc. Prof.	Tulane Law School, New Orleans Subjects: Contracts, Corporations
1982	Associate	Stone, Pigman, Walther, Wittmann & Hutchinson, New Orleans

General Corporate Matters and Commercial Litigation

1983-93	Partner	Stone, Pigman, Walther, Wittmann & Hutchinson, New Orleans Civil and Commercial Litigation: Securities, Antitrust, Contracts, Construction, Real Estate, Leases, Banking, Lender Liability, Oil & Gas, Unfair Trade Practices
1993-2005	Practice	Greater New Orleans Area, Louisiana Civil and Commercial Litigation: Constitutional Torts, Securities, Oil & Gas, Breach of Lease, Consumer Protection Act, Condominiums, Real Estate, Alligator, Crawfish, and Shrimp Cases, International Trade Case, First Amendment Cases
2005-07	Counsel	Wolff Ardis, Memphis Automobile Products Liability Cases (Defective Air Bags, Fire Protection, Windows, Brakes, Seats, Seat Belts, Stability and Control, Etc.); Federal Preemption Cases; Mold Infestation Case
2007-10	Practice	Memphis and Knoxville, Tennessee Medical Malpractice Defense; International Trade Case; Divorce Custody, and Property Settlement; Defective Construction; Condominium Development; Juvenile Criminal Defense; Workers' Compensation Death Claim; Energy Employee Compensation Claim (Department of Labor, Oak Ridge National Laboratory) Juvenile Delinquency Appointments
2010	Law School	LMU-Duncan Law School, Knoxville, TN Academic Success Program II (Spring Semester) Academic Success Program (Fall Semester) (starts Aug. 17)

**OTHER**

University of Windsor Windsor, Canada	B.A. Mathematics	1968	Captain, Varsity Basketball Canadian National Champions 1962-63 and 1963-64
U.S. Army	Signal Corps	1965-67	Top Secret Crypto Equipment

## STATEMENT OF EXTERNAL EMPLOYMENT

Please accept this as a statement of my current working status with any employer other than the Lincoln Memorial University-Duncan School of Law. I recognize that this statement in no way affects, alters, modifies, abrogates, or compromises either my contract of employment or the terms outlined in the Lincoln Memorial University Faculty/Staff Policy Manual.

The Lincoln Memorial University-Duncan School of Law strictly regulates external employment unrelated to a professor's duties and obligations to the University and School of Law. LINCOLN MEMORIAL UNIVERSITY FACULTY/STAFF POLICY MANUAL 65 (2010).<sup>1</sup> Nonetheless, the University and School of Law understand that some external activity on the part of faculty can enhance the ability of a professor to discharge his/her duties to the University and the School of Law. With that in mind, I hereby affirm the following:

**Please initial next to each line:**

- I do not regularly engage in the practice of law.
- My relationship, if any, with an employer other than the Lincoln Memorial University-Duncan School of Law does not account for more than ten (10) percent of my time in any workweek.<sup>2</sup>
- I do not have an active law practice of my own.
- If I am named on a law firm's letterhead, the letterhead explicitly indicates that my position is "of counsel" or some other substantively similar description.
- I  do  do not have an employment agreement outside of my agreement with Lincoln Memorial University-Duncan School of Law. If I responded that I "Do," the employment agreement has been approved, in writing, by the Dean of the School of Law and the President of the University.

Furthermore, I agree that I have a continuing duty to supplement my responses to this affirmation in writing to the Dean of the Duncan School of Law.

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**Name (Printed)**

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**Signature**

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**Date**

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<sup>1</sup> Specifically, the Manual provides: "Full-time regular employees normally are not permitted to engage in employment outside the Lincoln Memorial University contractual agreement. No employment outside the University may be undertaken without prior approval of the President."

<sup>2</sup> The American Bar Association Standards and Rules of Procedure provides: "A full-time faculty member is one whose primary professional employment is with the law school and who devotes substantially all working time during the academic year to [teaching, scholarship, and service] . . . and whose outside professional activities, if any, are limited to those that relate to major academic interests or enrich the faculty member's capacity as a scholar and teacher . . . and do not unduly interfere with one's responsibility as a faculty member." Standard 402(b).



## Course Number Torts I Fall 2010

**Course Section:** All Day Sections  
**Meeting Time and Place:** 1:00 to 2:30 p.m.  
Wednesday and Friday, beginning 08/18/10  
Room 201 , Duncan School of Law  
**Course Credit Hours:** 3 Credit Hours

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### FACULTY CONTACT INFORMATION:

Course Instructor: Asst. Professor Bruce L. Beverly  
Office Location: Rm. 317, 3rd Floor Faculty Area West  
Phone: (423) 869-6679, or from a campus phone, ext. 6679  
Cell: (865) 235-1568 – Leave message if no answer  
Email: [bruce.beverly@lmunet.edu](mailto:bruce.beverly@lmunet.edu)  
Instant Messenger: Windows Live Messenger with above e-mail address

Physical Office Hours: My official office hours will be Wednesday and Friday from 9:00 a.m. to noon.

On-Line Office Hours: \*Generally\* Sunday from 1:00 p.m. to 3:00 p.m. Any other hours that I am visibly online by Messenger, or I am in my office, feel free to stop by; if I am running out the door I will let you know, and we may set up a specific time to meet. If you require a specific time due to your schedule, please schedule an appointment by sending an email with suggested times and I will get back to you as soon as possible.

It is my intent to make myself as available to my students as possible; remember however that as we get closer to the midterm and the final exams, time becomes short for the professor and for the students, so plan your time and do not expect to be able to wait till the last minute and obtain an appointment or be able to just drop by and obtain the time you require. If you are confused at any stage, utilize your resources, your peers and your study group – if the answers do not work for you, please see me or message me and we can discuss the issues.

- I. **COURSE DESCRIPTION:** This course provides a study of intentional torts against persons and property and the privileges thereto. It further focuses on the basic principles of negligence and other standards of care.
- II. **COURSE OBJECTIVES:** Upon completion of this course, students will understand the fundamentals of the tort system and will have gained further insight into the larger public policies underlying tort verdicts. Students will be introduced to various tort causes of action and subsequent defenses as well as multiple perspectives on tort law. Students will analyze cases, statutes, relevant sections of Restatements, empirical data, and competing tort theories in a problem-oriented format in order to acquire a sophisticated understanding of tort law through active learning. Students will build upon reasoning, problem solving, and oral communication skills by utilizing what they read and learn in response to the problems and contemporary tort law debates raised during each class.

III. **TEXTS/MATERIALS FOR THE COURSE:**

Thomas Galligan, Phoebe Haddon, Frank Maraist, Frank McClellan, Michael Rustad, Nicolas Terry, and Stephanie Wildman, Tort Law: Cases, Perspectives, and Problems, Revised Fourth Edition (2007).

ISBN: 9781422421703

ISBN: 9781422425985 (looseleaf)

IV. **COURSE REQUIREMENTS, ASSESSMENT (LEARNING OUTCOMES) AND EVALUATION METHODS:**

- a. **ASSIGNED READING AND PREPARATION:** Reading assignments are listed for many (but not all) of the topics which we will discuss. For those days, I expect you to read the materials concerning the topics before coming to the class. If you are unprepared for class, I reserve the right to correspondingly reduce your grade by a reduction not exceeding one letter grade, and I further reserve the right to dismiss you from class by asking you to leave. For extraordinary situations only, should you require a "pass" from the responsibility of standing or being called upon in class, you may request a pass, in writing prior to class. It is at the sole discretion of the instructor whether or not the pass is granted. NOTE – a participation "pass" does NOT entitle you to a pass of the Turning Point testing requirement, which means that if you miss a class in which there is a Turning Point quiz administered, regardless of whether you have requested a pass or not, you will not be relieved of any score for that test.

Do not embarrass yourself by requesting in writing a pass from your preparation requirement because you are 'hung-over' or just broke up with your significant other. Only serious and unexpected reasons will be entertained in granting a preparation pass in my class, and passes will be granted no more than three (3) times, for the same or different reasons. Any oral or in-class request for a 'pass' will not be entertained under any circumstances.

As previously stated, my classes will have mandatory multiple choice questions tests, administered through the Turning Point system, that test your knowledge of specific material covered, either material previously covered, material you were assigned to review, or any combination of material I deem pertinent.. Thus, if you are unprepared, it will reflect in your grade on those assignments. The in-class tests will require that you **bring your laptop to each class session, in order to take the tests that will be administered, and to indicate electronically that you are present.**

Lastly, while the Duncan School of Law may provide commercial outlines or “nutshell” torts books, I do not want these books to substitute for your adequate and personal preparation for this course; therefore, **I do not want anyone to read from or reference any commercial outline when in my class.** You are supposed to do the reading yourself and make your own opinions, not rely solely on the opinions of others.

- b. **PARTICIPATION**: I expect each student to participate in class; I will from time to time require that a student stand to recite and give the facts of a particular case. If you are not prepared to present a case from the text, with the necessary party identification, facts, issues analysis and conclusion or holding, then you will be deemed unprepared for class, and appropriate sanctions will result. I do not require that students stand in order to embarrass or humiliate the student, but rather for the reason that practicing lawyers must stand and recite their client’s cases before Judges and juries, and must be able to effectively think literally on their feet. This is an acquired skill, and I do not expect any student to be proficient in such skill on the first day of class, and therefore volunteers may be called to stand to present the case, but *\*every\** student must be prepared to stand to present and answer questions at some point in the semester.

Class participation is a portion of your grade; so you will be required to speak up, to answer questions, to get involved, to take a stand and have an opinion. Be advised however, that your comments will not be graded on *quantity*, but quality of response. A single, well thought out answer or response is worth ten quips.

**Regardless of who is speaking or what the issue, all students will be respectful to each other and to the professor**; assume while you are in my class that you are in Court and that you are representing a client in what is to them a life changing case. What you say is just as important as *how* you say it; no stereotypes, exaggerations, personal aspersions, gender or racial comments or insults will be tolerated, and such comments are likely to be dealt with harshly. I expressly encourage all viewpoints regardless of their nature, with one exception. Under no circumstances shall any student expressly attack any other student on a personal basis. In other words, you are free to attack any ARGUMENT. You are NOT free to engage in *ad hominem* attacks. Violations of this rule could result in discipline pursuant to



the Code of Academic Integrity. With that in mind, remember that you and your professor are passionate about the study of law, that sometimes unfortunate fact patterns or legal discussions may inadvertently harbor insensitivity where none is intended. For my part, I apologize in advance if I utter such accidental epithets, and I would request that any such transgression be brought to my attention as soon as possible, so that I make amends and correct my mistake. It is my sincere hope to have a spirited and lively, respectful and illuminating discussion about the law.

- c. **EVALUATION METHOD:** The method by which this course is graded is as follows: Your mid-term examination grade will count 15% of your final grade, your Turning Point Responses will count 5% of your final grade, and your final examination will count 80% of your final grade. The mandatory curve, as set out in the student handbook, requires that I give no more than 25% of the class A's, no more than 35% of the class B's, or no more than 55% A's and B's. Further, the class mean must fall between a 2.3 and 2.7. This means that the majority grade for all students will most likely be a "C" but that is not guaranteed. The mandatory curve *\*only\** is required on the final grade in the course, not on the mid-term and final exam grades.

Every examination will be graded by using an examination rubric, that is, a grading guide which sets out the point spread for each issue and what we were looking for. You will be able to view this rubric and your examinations by appointment after you have received your grades, so that we may go over your grades, the test, and the rubric.

**I expressly reserve the right to lower your grade by a reduction not exceeding one letter grade based on your failure to either prepare for or participate in class. Preparation and participation shall include but are not limited to completion of research and citation exercises.**

The midterm examination will be an hour and a half long exam, consisting of multiple choice and essay question(s).

The final examination will also consist of multiple choice questions and essay questions, and will be a three (3) hour long examination.

The specific format of each examination will be discussed the closer we get to mid-term.

- d. **LEARNING OUTCOMES:** Students will remember, understand, apply, and analyze the fundamental principles of tort law. Students will demonstrate their ability to use critical thinking in remembering, understanding, applying and analyzing various types of issues related to tort law and general problem solving in this area by reading statutes and cases, synthesizing rules, analyzing hypothetical case-based problems, answering multiple choice, participating in class, and writing essay answers to problems using the IRAC format.

- e. **ATTENDANCE POLICY:** I expect you to be on time and prepared for class, which means showing up as early as necessary to have your laptop opened, booted and ready to go when class is supposed to start. I reserve the right to mark you absent if you, for any reason, are late for class, leave early, or are unprepared. I reserve the right to invoke this rule for any amount of time. In other words, being tardy by one second or leaving even one second early can invoke this rule. With that in mind, I intend to begin and end class *on-time*; I am cognizant that many students will have families and outside obligations which will require this strict adherence to the schedule. That being said, you are still responsible for all assigned materials whether we reach the material in class or not; I will endeavor to cover all material assigned, but I make no guarantees that you will only be tested on material discussed in class and you need to plan for that possibility.

To comply with ABA standards, the law school requires all students to physically attend at least eighty percent (80%) of the scheduled classes for each course. That means you may only miss *\*less\** than 20% of my classes. If you miss more than 20% of my classes, the Academic Dean will involuntarily withdraw you from my class. Please note; I have no discretion over whether any of your absences are excused. That discretion lies solely with the Academic Beckman. I cannot excuse any absences, but you may seek accommodation with Academic Dean for any unforeseen circumstances which hampered your attendance at class.

To get credit for attendance, you must log your attendance with the Turning Point software **AND** sign the hardcopy attendance sheet which will be circulated at the beginning of class, which you will be given an opportunity to do at the beginning of each class. It is your responsibility to log your attendance, and if you fail to log in your attendance, during the attendance login window, you will be marked you absent for that day. **I MAKE NO EXCEPTIONS ON THIS POLICY.** As previously indicated, be advised, that if you are absent on a day in which a Turning Point test is administered, and you have not made other arrangements, you will receive a zero (grade) which will be factored into and averaged with your other grades on Turning Point tests throughout the semester to come to your final Turning Point Grade.

Finally, please be advised, I do not personally keep track of your attendance. Thus, you will not receive any warnings of any kind from me when you either become close to or exceed your absence limits. My understanding is that the Dean's Office will not send you warnings either. Consequently, you should keep track of your own attendance.

- f. **TWEN SITE:** I will frequently contact you using TWEN. I would suggest you attempt to review my TWEN page at least once a day. Furthermore, I will only contact you directly using either your law school email account or the phone number you have listed with the School. I would encourage you to check your law school email account at least once a day.
- g. **CONTACT THROUGH E-MAIL AND PHONE:** You are always welcome to call my office or email me. PLEASE BE ADVISED, I, like other professionals, run on a twenty-four hour rule. In other words, I guarantee that I will return your email or phone call within twenty-four BUSINESS hours. While I may respond to your email or phone call more quickly, I do not guarantee it. E-mail is the best way to get a hold of me, as I have it ported to my Blackberry, and I always welcome contact through IM whenever I am online.
- h. **LAPTOPS:** You are welcome to use laptops to take notes, log your attendance, and take tests. However, you are not permitted to use your laptop for any other reason; this includes, but is not limited to, shopping for Christmas presents, texting, checking MySpace, downloading music, stock trading, YouTube, etc. If I learn that you are using your laptop during class for any reason unrelated to this class, I will mark you absent for the day.

I strongly recommend that you do \*not\* use your laptop to take notes; law school classes are not intended as exercises in dictation where you memorize facts and regurgitate them back on the various exams. Law school classes are meant to develop your analytical and reasoning skills, not your ability to write or type very quickly. If you must take notes on your laptop, outline the topic, or better yet, write your notes long hand and then go back and type them into your computer, thereby reviewing what was said in class. Remember that you will also have the ability to review the seminars online through the 'class capture' system, and will be able to fill in your notes directly from the recorded lecture. Be advised that frequent and intent laptop usage may subject you to being called upon suddenly to make a deep and thoughtful analysis of the law, so it would be in your best interests to pay attention.

- i. **CELL PHONES:** Turn off your cell phones and laptop speakers before class. While I do not have the power to sanction you for your cell phone use in class (even though there are many courts that can and do sanction attorneys whose cell phones go off in Court) cell phones are VERY distracting to me and to the other students. If you cannot be away from your cell phone, do not come to class. If your cell-phone rings during class, you must leave class and may not return that day.
- j. **STUDENT HANDBOOK:** All students are hereby on notice that they are required to read and understand all provisions included within the Duncan School of Law Student Handbook and Catalog, including but not limited to the Code of Conduct. The Student Catalog is available online through the LMU Website.

k. **METHODS OF INSTRUCTION:** The professor will utilize a practice-oriented skills building approach, collaborative techniques, daily testing via Turning Point, the Socratic Method, negotiation problems, written testing, lecture, and problem solving when appropriate. Students will be expected to participate in all activities and answer questions posed by the professor.

l. **INFORMATION LITERACY/TECHNOLOGICAL RESOURCES:** Students will answer questions using Turning Point. Students are expected to use the TWEN web course, the libguides.lmunet.edu/torts website, and the extensive electronic research holdings of the law school

m. **UNIVERSITY POLICIES:**

**STUDENTS WITH DISABILITIES POLICY:** Any student with a disability should bring documentation for the disability to the ADA Compliance Officer in the Office of Student Services [which is presently located on the third floor of the Student Center at the main LMU campus in Harrogate]. When the documentation has been reviewed, a form will be completed stating the reasonable accommodations to be granted to the student with a disability. **All students with disabilities (learning or physical) should contact the Office of the Vice President for Student Services and Enrollment Management at (423) 869-6393.**

**DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES** can be found in the student handbook:  
<http://www.lmunet.edu/campuslife/sthandbook/handbook.pdf>.

**LMU'S INCLEMENT WEATHER POLICY** can be found at the following link to LMU's website: <http://www.lmunet.edu/curstudents/weather.html>.

n. **MISSION STATEMENTS:**

**LINCOLN MEMORIAL UNIVERSITY MISSION STATEMENT** can be found at the following link to LMU's website: <http://www.lmunet.edu/about/mission.html>.

o. **THE INSTRUCTOR RESERVES THE RIGHT TO REVISE, ALTER AND/OR AMEND THIS SYLLABUS, AS NECESSARY. STUDENTS WILL BE NOTIFIED IN WRITING AND/OR BY EMAIL OF ANY SUCH REVISIONS, ALTERATIONS AND/OR AMENDMENTS.**

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**p. COURSE OUTLINE:**

**Torts I – Fall 2010**

**Weekly Assignments:**

**August 18, Wednesday: 1-47 (Chapter 1, Perspectives and Procedural Stages)**

**August 20, Friday: 49-77 (Chapter 2, Battery, Assault, Intent)**

**August 25, Wednesday: 77-99 (False Imprisonment/Intentional infliction of emotional distress)**

**August 27, Friday: 99-117 (Real property, personal property)**

**September 1, Wednesday: 117-128 (Misuse of judicial process)**

**September 3, Friday: 129-143 (Chapter 3, Consent, Self Defense of others)**

**September 8, Wednesday: 144-159 (Defense of property, necessity)**

**September 10, Friday: 159-163 (Justification)**

**September 15, Wednesday: 165-178 (Chapter 4, Standard of Care in Negligence)**

**September 17, Friday: 178-194 (Reasonable person, physical and mental characteristics)**

**September 22, Wednesday: 194-207 (Custom and professional practices)**

**September 24, Friday: 207-230 (Judicial standards of care, circumstantial evidence)**

**September 29, Wednesday: 231-241 (Chapter 5, Cause in fact, “but for” causation)**

**October 1, Friday: 241-254 (Substantial factor test, lost or diminished chance)**

**October 6, Wednesday: Mid-term Exam Review**

**October 8, Friday: Fall Break**

**October 13, Wednesday: Mid-terms**

**October 20, Wednesday: 254-288 (“Alternative” and “Market Share” Causation, Injury)**

**October 22, Wednesday: 289-300 (Chapter 6, Legal cause, Direct cause or foreseeability)**

**October 27, Wednesday: 300-325 (Legal cause, Duty, or Breach?)**

**October 29, Friday: 300-325 (Superseding causes, Preexisting conditions)**

**November 3, Wednesday: 337-358 (Chapter 7, No Duty, Liability for 3<sup>rd</sup> party acts)**

**November 5, Friday: 358-384 (Duty to act, Emotional distress injuries)**

**November 10, Wednesday: 384-409 (Economic loss, Prenatal and preconception injuries)**

**November 12, Friday: 409-424 (Owners and occupiers of land)**

**November 17, Wednesday: 425-454 (Chapter 8, Strict liability)**

**November 19, Friday: 454-473 (Vicarious responsibility for the conduct of others)**

**November 24, Wednesday: Final Exam Review**

**November 26, Friday – THANKSGIVING HOLIDAY**

**December 1, Wednesday: Final Exam Review**

**STUDENTS WILL ALSO BE RESPONSIBLE FOR ALL SUPPLEMENTARY READING ASSIGNMENTS AND CASES GIVEN BY TWEN NOTIFICATION FOR THE PARTICULAR CLASS PERIOD.**



# LAW 1021 CONTRACTS I FALL 2010

**COURSE SECTION:** LAW 1021  
**MEETING TIME AND PLACE:** Monday/Wednesday  
3:00 p.m. (Full-time Students Only)  
6:15 p.m. (Part-Time Students Only)  
**COURSE CREDIT HOURS:** 3

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**FACULTY CONTACT INFORMATION:** Dean Jonathan A. Marcantel

Office Hours: **Monday/Wednesday** 11:00 p.m.–12:00 p.m.  
1:00 p.m.–2:00 p.m.  
5:00 p.m.–6:00 p.m.  
**Tuesday** 1:00 p.m.–3:00 p.m.

**\*\*\*If these hours do not work for your schedule, I also meet by appointment\*\*\***

Office Location: Third Floor Faculty Suites, Room 335  
Office Phone Number: 423-869-6678 (call any time)  
Home Phone Number: 865-270-6718 (only between 8:00 a.m. and 8:00 p.m.)  
Cell Phone Number: 843-478-0430 (only between 8:00 a.m. and 8:00 p.m.)  
Email Address: jonathan.marcantel@lmunet.edu

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**COURSE DESCRIPTION:** This course provides a study of the basic principles of the common law of contracts. It focuses on legal theories for enforcing promises or preventing unjust enrichment and principles controlling the formation, modification, and enforceability of contracts.

**I. COURSE OBJECTIVES:**

- Students shall understand and be able to apply and analyze the fundamental principles of Contracts.
- Students shall demonstrate the ability to analyze, synthesize, and evaluate various types of issues related to Contracts.
- Students shall demonstrate proficiency in oral and written communication about Contracts.
- Students shall demonstrate the ability to communicate and defend their legal positions.

- Students shall demonstrate the ability to read, understand, apply, and analyze statutes.

## II. TEXTS/MATERIALS FOR THE COURSE:

1. Charles L. Knapp, Nathan M. Crystal & Harry G. Prince, PROBLEMS IN CONTRACT LAW: CASES AND MATERIALS (Aspen 2007).
2. Charles L. Knapp, Nathan M. Crystal & Harry G. Prince, RULES OF CONTRACT LAW (Aspen 2009).

## III. COURSE REQUIREMENTS, ASSESSMENT AND EVALUATION METHODS:

**A. CLASS ATTENDANCE:** I expect you to be on time and prepared for class. I reserve the right to mark you absent if you, for any reason, are late for class, leave early, or are unprepared. I reserve the right to invoke this rule for any amount of time. In other words, being tardy by one second or leaving even one second early can invoke this rule.

The Law School requires all students to attend at least eighty (80) percent of the classes for each course. If you miss more than twenty (20) percent of my classes, the Associate Dean of Academics will involuntarily withdraw you from my class. Please note, I have no discretion over the application of this rule; that discretion may only be exercised, if at all, by the Associate Dean of Academics.

To get credit for attendance, you must electronically sign the roster for every class. **It is your responsibility to sign the roster, and if you fail to sign it before I leave the classroom for the day, I will mark you absent for that day. I MAKE NO EXCEPTIONS TO THIS POLICY.**

Furthermore, please be advised, I do not personally keep track of your attendance. Thus, you will not receive any warnings of any kind from me when you either become close to or exceed your absence limits. My understanding is that the Associate Dean's Office will not send you warnings either. Consequently, you should keep track of your own attendance.

**B. GRADING:** Grades are based on the following assignments:

In-Class Quizzes and Exercises:	5%
(You may drop up to 3 quiz grades)	
Mid-Term Evaluation:	20%
Final Evaluation:	75%

**I expressly reserve the right to lower your grade by a reduction not exceeding one full letter grade based on your failure to either prepare for or participate in class.**

I will grade the class in accordance with the Student Catalog; accordingly, I will comply with the mandatory mean and distribution stated therein.



With the exception of the In-Class Quizzes and Exercises, all grading shall be anonymous, using the School's anonymous grading system. Students shall not directly or indirectly provide any personally identifying information on any assignment, except in accordance with the School's anonymous grading system. **Failure to comply with this rule can result in a grade reduction not exceeding one full letter grade.**

**IV. METHODS OF INSTRUCTION: Socratic**

**V. INFORMATION LITERACY/TECHNOLOGICAL RESOURCES:** I will frequently contact you using TWEN. I would suggest you attempt to review my TWEN page at least once a day. Furthermore, I will only contact you directly using either your Law School email account or the phone number you have listed with the School. In that vein, you **MUST** check your Law School email account at least once a day. If you fail to check your Law School email account daily, you do so at your own risk.

You are always welcome to call me or email me. **PLEASE BE ADVISED, I, like other professionals, run on a twenty-four hour rule. In other words, I guarantee that I will return your email or phone call within twenty-four BUSINESS hours. While I may respond to your email or phone call more quickly, I do not guarantee it.**

I have provided my cell and home phone numbers. Please **DO NOT** call either number before 8:00 a.m. or after 8:00 p.m. You are welcome to call my office or email me at any time.

**You must bring your laptop to class every day.** You are welcome to use laptops to take notes or engage in any other activity explicitly sanctioned by me. However, you are not permitted to use your laptop for any other reason during class. If I learn that you are using your laptop during class *for any reason* not explicitly sanctioned by me, I will mark you absent, ask you to leave, and reduce your FINAL GRADE.

**IV. ALTERATIONS TO SYLLABUS:** I reserve the right to alter any portion of this Syllabus at any time, with or without notice. I, however, will not alter any provision within this Syllabus regarding the manner in which you are graded or the percentage value of your grade without sufficient notice.

**VII. UNIVERSITY POLICIES:**

**STUDENTS WITH DISABILITIES POLICY:** Any student with a disability should contact Dean Jonathan A. Marcantel immediately.

**DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES** can be found in the student handbook:

<http://www.lmunet.edu/campuslife/sthandbook/handbook.pdf>.

LMU'S INCLEMENT WEATHER POLICY can be found at the following link to LMU's website: <http://www.lmunet.edu/curstudents/weather.html>.

- VIII. CLASS DISCUSSIONS:** From time-to-time, class discussions will include controversial policy discussions for which I would anticipate a variety of inconsistent viewpoints. I expressly encourage all viewpoints, regardless of their nature, with one exception. Under no circumstances shall any student expressly attack any other student on a personal basis. In other words, you are free to attack any ARGUMENT. You are NOT free to engage in ad hominem attacks. Violations of this rule could result in discipline pursuant to the Code of Academic Integrity. Furthermore, I reserve the right to remove you from my class.

Reading assignments are listed for many of the topics which we will discuss. For those days, I expect you to read the materials concerning the topics **before** coming to the class. **If you attend class and are unprepared, I reserve the right to correspondingly REDUCE YOUR FINAL GRADE by a reduction not exceeding one full letter grade. In addition, I reserve the right to ask you to leave any class for which you are unprepared. Finally, I reserve the right to mark you absent for any class for which you are unprepared.**

In addition, many of my classes will have quizzes that test your knowledge of specific material covered during that day of class. Thus, if you are unprepared, it will reflect in your grade on those assignments.

**Passes:** The nature of my teaching style requires that you are prepared for class. Thus, I **DO NOT** accept passes. If you attempt to say "pass" when I call on you or otherwise indicate, in any way, that you are unprepared for class, I will ask you to leave. That notwithstanding, I understand that circumstances will arise occasionally that will prevent you from being prepared. Accordingly, please be advised of the following. You may "pass" on being called on up to three times during the semester. **To exercise this option, you MUST email me at least three hours prior to class. Furthermore, the email must clearly state your full name and your intent to exercise your "pass."** I make **NO exceptions to this policy.**

- IX. STUDENT HANDBOOK:** All students are hereby on notice that they are required to read and understand all provisions included within the Student Catalog. The Student Catalog is available online through the LMU Website.

### **VIII. COURSE OUTLINE/ASSIGNMENT/UNITS OF INSTRUCTION OR CLINIC SCHEDULE:**

Page numbers following the designation “PCL” can be found in Problems in Contract Law.  
Page numbers following the designation “RCL” can be found in Rules of Contract Law.

- August 16, 2010:** PCL 1-17, PCL 21-51
- August 18, 2010:** PCL 51-70
- August 23, 2010:** PCL 71-107
- August 25, 2010:** PCL 108-137
- August 30, 2010:** PCL 138-167  
RCL: 2-104; 2-105; 2-201; 2-205; 2-206; 2-207; 2-328; 2-204
- September 1, 2010:** PCL 167-193
- September 6, 2010:** School Closed
- September 8, 2010:** PCL 193-212
- September 13, 2010:** PCL 215-237
- September 15, 2010:** PCL 237-255
- September 20, 2010:** PCL 255-286
- September 22, 2010:** PCL 286-301 (I will not cover Problem 3-3 on page 301).
- September 27, 2010:** PCL 303-332
- September 29, 2010:** PCL 335-346  
RCL: 2-201
- October 4, 2010:** Class cancelled. Voluntary make-up class to be scheduled at a later date.
- October 6, 2010:** PCL 349-370
- October 11, 2010:** Mid-Term Reading Day. No Class.
- October 13, 2010:** Mid-Terms. No Class.

**October 18, 2010:** PCL 370-382

**October 20, 2010:** PCL 382-410

**October 25, 2010:** PCL 410-432



**Course Number**  
**Torts I**  
**Fall 2010**

**Course Section:** Torts I  
**Meeting Time and Place:** 8:00 to 9:30 p.m.  
Monday and Wednesday  
Room 101, Duncan School of Law  
**Course Credit Hours:** 3 Credit Hours

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**FACULTY CONTACT INFORMATION:**

Course Instructor: Assistant Professor Melanie Reid  
Office Location: Room 315, 3<sup>rd</sup> Floor Faculty Area West  
Phone: (423) 869-6650 or from a campus phone, ext. 6650  
Email: melanie.reid@lmunet.edu  
Instant Messenger: Windows Live Messenger with above email address  
Office Hours: Monday and Wednesday 4 p.m. to 7 p.m.  
If you require a specific time due to your schedule, please schedule an appointment by sending an email with suggested times, and I will get back to you as soon as possible.

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**I. COURSE DESCRIPTION:**

This course provides a study of intentional torts against persons and property and the privileges thereto. It further focuses on the basic principles of negligence and other standards of care.

- II. COURSE OBJECTIVES:** Upon completion of this course, students will understand the fundamentals of the tort system and will have gained further insight into the larger public policies underlying tort verdicts. Students will be introduced to various tort causes of action and subsequent defenses as well as multiple perspectives on tort law. Students will analyze cases, statutes, relevant sections of Restatements, empirical data, and competing tort theories in a problem-oriented format in order to acquire a sophisticated understanding of tort law through active learning. Students will build upon reasoning, problem solving, and oral communication skills by utilizing what they read and learn in response to the problems and contemporary tort law debates raised during each class.



### III. TEXTS/MATERIALS FOR THE COURSE:

Thomas Galligan, Phoebe Haddon, Frank Maraist, Frank McClellan, Michael Rustad, Nicolas Terry, and Stephanie Wildman, Tort Law: Cases, Perspectives, and Problems, Revised Fourth Edition (2007).

### IV. COURSE REQUIREMENTS, ASSESSMENT (LEARNING OUTCOMES) AND EVALUATION METHODS:

- a. **ASSIGNED READINGS AND PREPARATION:** Students are responsible for all assigned readings contained in the syllabus, TWEN web course, class handouts, and e-mails. All reading must be completed by the date indicated in the syllabus and on TWEN. **If you are unprepared for class, I reserve the right to correspondingly reduce your grade by a reduction not exceeding one letter grade, and I further reserve the right to dismiss you from class by asking you to leave.** For extraordinary situations only, should you require a “pass” from the responsibility of being called upon in class, you may request a “pass” in writing **prior** to class. “Passes” will be granted no more than three times. It is at the sole discretion of the professor whether or not the pass is granted, and only serious and unexpected reasons will be considered. Any oral or in-class request for a “pass” will not be entertained under any circumstances. A participation “pass” does not entitle you to a “pass” of the Turning Point testing requirement, meaning that if you miss or do not participate in a class during which a Turning Point quiz is administered, regardless of whether you have requested a “pass” or not, you will not be relieved of any score for that test.

While the Duncan School of Law may provide commercial outlines or “nutshell” torts books, I do not want these books to substitute for your adequate and personal preparation for this course; therefore, **I do not want anyone to read from or reference any commercial outline when in my class.** You are supposed to do the reading yourself and make your own opinions, not rely solely on the opinions of others.

All classes will have mandatory multiple choice question quizzes administered through Turning Point that test your knowledge of specific material covered during that day of class. Thus if you are unprepared, it will reflect in your grade on those assignments. The in-class tests will require that you **bring your laptop to each class session in order to take the quizzes that will be administered.**

- b. **ATTENDANCE REQUIREMENTS:**

I expect you to be on time and prepared for class, which means showing up as early as necessary to have your laptop opened, booted and ready to go when class is supposed to start. I reserve the right to mark you absent if you, for any reason, are late for class, leave early, or are unprepared. I reserve the right to invoke this rule for any amount of time. In other words, being tardy by one second or leaving even one second early can invoke this rule. With that in mind, I intend to begin and end class *on-time*; I am cognizant that many students will have families and outside obligations which will require this strict adherence to the schedule. That being said, you are still responsible for all assigned materials whether we reach the material in class or not; I will endeavor to cover all material assigned, but I



make no guarantees that you will only be tested on material discussed in class and you need to plan for that possibility.

**The law school requires all students to physically attend at least eighty percent (80%) of the scheduled classes for each course. That means you may only miss \*less\* than 20% of my classes. If you miss more than 20% of my classes, the Academic Dean will involuntarily withdraw you from my class. Please note: I have no discretion over whether any of your absences are excused. That discretion lies solely with the Academic Dean. I cannot excuse any absences, but you may seek an accommodation with the Academic Dean for any unforeseen circumstances which hampered your attendance at class.**

**To get credit for attendance, you must log your attendance with the Turning Point software AND sign the hardcopy attendance sheet which will be circulated at the beginning of class, which you will be given an opportunity to do at the beginning of each class. It is your responsibility to log your attendance, and if you fail to log in your attendance, during the attendance login window, you will be marked you absent for that day. I MAKE NO EXCEPTIONS ON THIS POLICY. As previously indicated, be advised, that if you are absent on a day in which a Turning Point test is administered, and you have not made other arrangements, you will receive a zero (grade) which will be factored into and averaged with your other grades on Turning Point tests throughout the semester to come to your final Turning Point Grade.**

Finally, please be advised, I do not personally keep track of your attendance. Thus, you will not receive any warnings of any kind from me when you either become close to or exceed your absence limits. My understanding is that the Dean's Office will not send you warnings either. Consequently, you should keep track of your own attendance.

- c. **PARTICIPATION:** Class participation is a portion of your grade; so you will be required to speak up, to answer questions, to get involved, to take a stand and have an opinion. Be advised however, that your comments will not be graded on *quantity*, but quality of response. A single, well thought out answer or response is worth ten quips.

**Regardless** of who is speaking or what the issue, all students will be respectful to each other and to the professor; assume while you are in my class that you are in Court and that you are representing a client in what is to them a life changing case. What you say is just as important as *how* you say it; no stereotypes, exaggerations, personal aspersions, gender or racial comments or insults will be tolerated, and are likely to be dealt with harshly. I expressly encourage all viewpoints regardless of their nature, with one exception. Under no circumstances shall any student expressly attack any other student on a personal basis. In other words, you are free to attack any ARGUMENT. You are NOT free to engage in *ad hominem* attacks. Violations of this rule could result in discipline pursuant to the Code of Academic Integrity. With that in mind, remember that you and your professor are passionate about the study of law, that



sometimes unfortunate fact patterns or legal discussions may inadvertently harbor insensitivity where none is intended. It is my sincere hope to have a spirited, lively, respectful, and illuminating discussion about the law.

- d. **TWEN Site:** I will frequently contact you using TWEN. I would suggest you attempt to review my TWEN page at least once a day. Furthermore, I will only contact you directly using either your law school email account or the phone number you have listed with the School. I would encourage you to check your law school email account at least once a day.
- e. **Contact through E-mail and Phone:** You are always welcome to call my office or email me. PLEASE BE ADVISED, I, like other professionals, run on a twenty-four hour rule. In other words, I guarantee that I will return your email or phone call within twenty-four BUSINESS hours. While I may respond to your email or phone call more quickly, I do not guarantee it. E-mail is the best way to get a hold of me, as I have it ported to my cell phone, and I always welcome contact through IM whenever I am online.
- f. **Laptops:** You are welcome to use laptops to take notes, log your attendance and take tests. However, you are not permitted to use your laptop for any other reason. If I learn that you are using your laptop during class for any reason unrelated to this class, I will mark you absent for the day.  
I strongly recommend that you do \*not\* use your laptop to take notes; law school classes are not intended as exercises in dictation where you memorize facts and regurgitate them back on the various exams. Law school classes are meant to develop your analytical and reasoning skills, not your ability to write or type very quickly. If you must take notes on your laptop, outline the topic, or better yet, write your notes long hand and then go back and type them into your computer, thereby reviewing what was said in class. Remember that you will also have the ability to review the seminars online through the “class capture” system, and will be able to fill in your notes directly from the recorded lecture. Be advised that frequent and intent laptop usage may subject you to being called upon suddenly to make a deep and thoughtful analysis of the law, so it would be in your best interests to pay attention.
- g. **Cell Phones:** Turn off your cell phones and laptop speakers before class. While I do not have the power to sanction you for your cell phone use in class (even though there are many courts that can and do sanction attorneys whose cell phones go off in Court) cell phones are VERY distracting to me and to the other students. If you cannot be away from your cell phone, do not come to class. If your cell-phone rings during class, you must leave class and may not return that day.
- h. **Student Handbook:** All students are hereby on notice that they are required to read and understand all provisions included within the Duncan School of Law



Student Handbook and Catalog, including but not limited to the Code of Conduct. The Student Catalog is available online through the LMU Website.

- i. **LEARNING OUTCOMES:** Students will continue to develop a solid critical skills framework in order to analyze various aspects of tort law by reading statutes and cases, synthesizing rules, analyzing problems, answering multiple choice, participating in class, and writing essay answers to problems using the IRAC format.
- j. **EVALUATION METHOD:** The final grade in the course is based upon the following: the mid-term examination grade will count as 15%, the Turning Point quizzes will count as 5%, and the final examination will count as 80%. The mandatory curve, as set out in the Student Handbook, requires that I give no more than 20% of the class A's and no more than 55% A's and B's for the final course grade. Further, the class cumulative average grade must fall between a 2.30 and 2.70. This means that the majority grade for all students will most likely be a "C" but that is not guaranteed.

Every examination will be graded (without knowledge as to the individual test taker) using an examination rubric, that is, a grading guide which sets out the point spread for each issue and corresponding analysis. You will be able to view this rubric and your examination by appointment after you have received your grades so that we may go over your grades, the test, and the rubric.

**I expressly reserve the right to lower your grade by a reduction not exceeding one letter grade based on your failure to either prepare for or participate in class.**

The midterm examination will be an hour and a half long and will consist of multiple choice and essay questions.

The final examination will be three hours long and will also consist of multiple choice and essay questions.

The specific format of each examination will be discussed closer to the mid-term and final examinations.

- V. **METHODS OF INSTRUCTION:** The professor will utilize a practice-oriented skills building approach, collaborative techniques, daily testing via Turning Point, the Socratic Method, negotiation problems, written testing, lecture, and problem solving when appropriate. Students will be expected to participate in all activities and answer questions posed by the professor.
- VI. **INFORMATION LITERACY/TECHNOLOGICAL RESOURCES:** Students will answer questions using Turning Point. Students are expected to use the TWEN web course, the electronic research materials available from the law school, and the [libguides.lmunet.edu/torts](http://libguides.lmunet.edu/torts) website.



## **Torts I – Fall 2010**

### **Weekly Assignments:**

**August 16, Monday: 1-47 (Chapter 1, Perspectives and Procedural Stages)**

**August 18, Wednesday: 49-77 (Chapter 2, Battery, Assault, Intent)**

**August 23, Monday: 77-99 (False Imprisonment/Intentional infliction of emotional distress)**

**August 25, Wednesday: 99-117 (Real property, personal property)**

**August 30, Monday: 117-128 (Misuse of judicial process)**

**September 1, Wednesday: 129-143 (Chapter 3, Consent, Self Defense of others)**

**September 8, Wednesday: 144-159 (Defense of property, necessity)**

**September 13, Monday: 159-163 (Justification)**

**September 15, Wednesday: 165-178 (Chapter 4, Standard of Care in Negligence)**

**September 20, Monday: 178-194 (Reasonable person, physical and mental characteristics)**

**September 22, Wednesday: 194-207 (Custom and professional practices)**

**September 27, Monday: 207-230 (Judicial standards of care, circumstantial evidence)**

**September 29, Wednesday: 231-241 (Chapter 5, Cause in fact, “but for” causation)**

**October 4, Monday: 241-254 (Substantial factor test, lost or diminished chance)**

**October 6, Wednesday: Mid-term Exam Review**

**October 11, Monday: Mid-term Reading Day**

**October 13, Wednesday: Mid-terms**

**October 18, Monday: 254-288 (“Alternative” and “Market Share” Causation, Injury)**

**October 20, Wednesday: 289-300 (Chapter 6, Legal cause, Direct cause or foreseeability)**

**October 25, Monday: 300-325 (Legal cause, Duty, or Breach?)**



**October 27, Wednesday: 300-325 (Superseding causes, Preexisting conditions)**

**November 1, Monday: 337-358 (Chapter 7, No Duty, Liability for 3<sup>rd</sup> party acts)**

**November 3, Wednesday: 358-384 (Duty to act, Emotional distress injuries)**

**November 8, Monday: 384-409 (Economic loss, Prenatal and preconception injuries)**

**November 10, Wednesday: 409-424 (Owners and occupiers of land)**

**November 15, Monday: 425-454 (Chapter 8, Strict liability) and pp. 121-147, Chapter 4, Death By Plutonium, in Ladies and Gentlemen of the Jury: Greatest Closing Arguments in Modern Law by Michael S. Lief, H. Mitchell Caldwell, and Benjamin Bycel.**

**November 17, Wednesday: 454-473 (Vicarious responsibility for the conduct of others)**

**November 22, Monday: Final Exam Review**

**November 24, Wednesday: Final Exam Review**

**November 29, Monday: Final Exam Reading Day**

**December 1, Wednesday: Final Exam Reading Day**

**STUDENTS WILL ALSO BE RESPONSIBLE FOR ALL SUPPLEMENTARY READING ASSIGNMENTS AND CASES GIVEN BY TWEN NOTIFICATION FOR THE PARTICULAR CLASS PERIOD.**

- x. THE INSTRUCTOR RESERVES THE RIGHT TO REVISE, ALTER AND/OR AMEND THIS SYLLABUS, AS NECESSARY. STUDENTS WILL BE NOTIFIED IN WRITING AND/OR BY EMAIL OF ANY SUCH REVISIONS, ALTERATIONS AND/OR AMENDMENTS.**



# LAW 1051

## Lawyering Skills I

### Fall 2010

**Course Section:** Law 1051-BFT (12195)  
**Meeting Time and Place:** Wed & Fri @ 9:00-10:30 a.m  
Room 101  
**Course Credit Hours:** 3

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#### FACULTY CONTACT INFORMATION:

**KATHERINE MARSH**

**Office Location:** Room 336

**Office Hours:** Monday 3-6 p.m., Thursday 3-5 p.m. If not in my office, I will be available on Windows Live Messenger. I am available at other times by appointment. If you want to schedule an appointment, send me an email with suggested times and we will work it out.

**Office Phone:** (423) 869-6651

**Email:** [katherine.marsh@lmunet.edu](mailto:katherine.marsh@lmunet.edu)

**Windows Live Messenger:** [katherinemarsh@live.com](http://katherinemarsh@live.com)

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- I. **COURSE DESCRIPTION:** This course provides an introduction to the law library and basic legal research. In addition, this course will provide a basic introduction to the fundamentals of legal citation.
- II. **COURSE OBJECTIVES:** This course is designed to introduce you to legal authority, legal research, legal citation and some legal writing. Class will be held twice a week. Most classes will generally consist of lectures, research demonstrations and in-class exercises. Most work in this class will be done by electronic means given the nature of contemporary legal research. By the end of the semester, you will be expected to understand the authoritative value of documents created by the three branches of government and other private institutions, competently conduct legal research, and cite to legal authority in conformity with the rules of The Bluebook.
- III. **TEXTS/MATERIALS FOR THE COURSE:**  
  
Robert Berring & Elizabeth Edinger, Finding the Law (12th ed., Thomson West 2005).  
The Bluebook: A Uniform System of Citation (19th ed., Harvard Law Rev. Assoc. 2010).  
Lawyering Skills I - Libguide available at: <http://libguides.lmunet.edu/l12010>



#### IV. COURSE REQUIREMENTS, ASSESSMENT (LEARNING OUTCOMES) AND EVALUATION METHODS:

**A. Attendance:** Pursuant to ABA Rules, each student must attend 80% of his or her classes. I do not have discretion to excuse an absence. *Any student who wishes to have an absence excused must present the request to the Associate Dean of Academics or the Dean.* Students should be advised that absences will be excused on a case-by-case basis; for example, school-related functions, employment interviews, or circumstances outside of the control of the student that are deemed extraordinary by the Associate Dean of Academics or the Dean, in their sole discretion. Excused absences will not be freely given.

To get credit for attendance, you must sign the roster for every class. **It is your responsibility to sign the roster, and if you fail to sign it before I leave the classroom for the day, I will mark you absent for that day.**

Furthermore, please be advised, I do not personally keep track of your attendance. Thus, you will not receive any warnings of any kind from me when you either become close to or exceed your absence limits. My understanding is that the Dean's Office will not send you warnings either. Consequently, you should keep track of your own attendance.

#### **B. Grading**

Grades are based on the following assignments:

<b>Research &amp; Citation Exercises:*</b>	<b>45%</b>
<b>Casemap Project 1:</b>	<b>3%</b>
<b>Casemap Project 2:</b>	<b>15%</b>
<b>Final Exam:</b>	<b>37%</b>

**\*Research & Citation exercises are an essential part of learning how to competently conduct legal research. Currently there are seven research exercises planned for the semester. All exercises will be submitted to you on Friday at 12:00 p.m. via TWEN and must be completed and resubmitted by Sunday at 11:59 p.m. via TWEN.** If the assignment is submitted one second late, you will receive no credit for it as I will not have received it. While you may speak with other students about research methods generally, you may not collaborate on assignments or share answers with any other person. You may seek general guidance on research resources and techniques from the library staff.

This class is subject to the mandatory curve established by the law school. This policy can be found here: <http://www.lmunet.edu/pdf/DSOL-Student-Handbook.pdf>. All Lawyering Skills I sections have the same syllabus, assignments, and exams.

#### **C. LEARNING OUTCOMES**

By the end of the course students should be able to do five things:

- (1) Understand how government bodies create and apply legal authority;
- (2) Understand how secondary legal authority is generated and used;
- (3) Apply the rules regulating the use of legal authority;
- (4) Evaluate legal research resources so as to construct and execute effective search strategies;
- (5) Apply the Bluebook rules of citation so as to communicate their findings to legal readers.

V. **INFORMATION LITERACY/TECHNOLOGICAL RESOURCES:**

Each student will receive an account with Westlaw and Lexis. Other databases can be accessed through the library webpage or through EZProxy ([ezproxy.lmunet.edu](http://ezproxy.lmunet.edu)). Other legal research resources include, but are not limited to, HeinOnline, BNA, Lexis Congressional, Fastcase, and Gale Digital Libraries.

Additionally, the library staff has created a libguide that tracks the course of study in this class. Our required readings are listed there, as well as links to additional resources. It is not required that you read or work on the additional materials; however, should you want to dive deeper into an area or seek better understanding of a particular subject, the libguide is there as a learning aid. **Links to additional required readings not found within *Finding the Law* or *The Bluebook* are also on the libguide.** Again, the libguide can be accessed at [libguides.lmunet.edu/l12010](http://libguides.lmunet.edu/l12010).

VI. **UNIVERSITY POLICIES:**

**STUDENTS WITH DISABILITIES POLICY:** Any student with a disability should bring documentation for the disability to the ADA Compliance Officer in the Office of Student Services [which is presently located on the third floor of the Student Center] in Harrogate. When the documentation has been reviewed, a form will be completed stating the reasonable accommodations to be granted to the student with a disability. **All students with disabilities (learning or physical) should contact the Office of the Vice President for Student Services and Enrollment Management at (423) 869-6393.**

**DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES** can be found in the student handbook:  
<http://www.lmunet.edu/campuslife/sthandbook/handbook.pdf>.

**LMU'S INCLEMENT WEATHER POLICY** can be found at the following link to LMU's website: <http://www.lmunet.edu/curstudents/weather.html>.



VII. MISSION STATEMENTS:

LINCOLN MEMORIAL UNIVERSITY MISSION STATEMENT can be found at the following link to LMU's website: <http://www.lmunet.edu/about/mission.html>.

VIII. COURSE OUTLINE/ASSIGNMENTS

**Wednesday, August 18: Class 1 (Introduction)**

For class, read Chapter 1 in Finding the Law

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Friday, August 20: Class 2 (Courts and Caselaw)**

For class, read Chapter 2 in Finding the Law and Hart v. Massanari, 266 F.3d 1155 (9th Cir. 2001)(accessible from LS1 libguides)

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Wednesday, August 25: Class 3 (Citing Cases)**

For class, read The Bluebook, pages 1 – 14, 87-109.

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Friday, August 27: Class 4 (Finding Cases)**

For class, read Chapter 4 in Finding the Law

**FRIDAY, AUGUST 27: RESEARCH & CITATION EXERCISE 1 ASSIGNED; DUE SUNDAY, AUGUST 29<sup>TH</sup> AT 11:59PM.**

**Wednesday, September 1: Class 5 (Lexis)**

No required reading.

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Friday, September 3: Class 6 (Citators)**

For class, read Chapter 3 in Finding the Law

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Wednesday, September 8: Class X (Looseleafs, Wikis and Blogs)**

No required reading

**Friday, September 10: Class 7 (More on Citing Cases)**

For class, review The Bluebook, pages 1 – 14, 87-109

**FRIDAY, SEPTEMBER 10: RESEARCH & CITATION EXERCISE 2 ASSIGNED; DUE SUNDAY, SEPTEMBER 12<sup>TH</sup> AT 11:59PM.**

**Wednesday, September 15: Class 8 (Legislative Process and Finding Statutes)**

For class, read Chapter 5 in Finding the Law and "Senate Legislative Process" accessible



at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**Friday, September 17: Class 9 (More Statutory Research & Statutory Citation)**

No required reading.

Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**FRIDAY, SEPTEMBER 17: RESEARCH & CITATION EXERCISE 3 ASSIGNED; DUE SUNDAY, SEPTEMBER 19<sup>TH</sup> AT 11:59PM.**

**Wednesday, September 22: Class 10 (Administrative Law Research)**

For class, read Chapter 8 in Finding the Law

Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**Friday, September 24: Class 11 (Agency Decisions & Executive Publications)**

For class, read Todd F. Gaziano, The Use and Abuse of Executive Orders And Other Presidential Directives, 5 Tex. Rev. L. & Pol. 267 (2000-2001) (accessible through [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010))

Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**FRIDAY, SEPTEMBER 24: RESEARCH & CITATION EXERCISE 4 ASSIGNED; DUE SUNDAY, SEPTEMBER 26<sup>TH</sup> AT 11:59PM.**

**Wednesday, September 29: Class 12 (Secondary Sources)**

For class, read Chapter 10(pgs. 308-320) in Finding the Law

Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**Friday, October 1: Class 13 (More Secondary Sources & Citing them). Meet in Rm 201 w/Prof. Pluta's students.**

For class, read Judge Alex Kozinski, Who Gives a Hoot About Legal Scholarship, 37 Hous. L. Rev. 295 (2000).

Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**FRIDAY, OCTOBER 1: RESEARCH & CITATION EXERCISE 5 ASSIGNED; DUE SUNDAY, OCTOBER 3<sup>RD</sup> AT 11:59PM.**

**Wednesday, October 6: Class 14 (WestlawNext)**

No required reading.

Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**Friday, October 8: No class (Fall Break)**

**Wednesday, October 13: No class (Midterms Week)**

**Friday, October 15: No Class (Midterms Week)**

**Wednesday, October 20: Class 15 (Legislative History)**

For class, read Chapter 6 in Finding the Law & Judge Alex Kozinski, Should Reading Legislative History be an Impeachable Offense?, 31 Suffolk U. L. Rev. 807 (1998).  
Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**Friday, October 22: Class 16 (More Legislative History & Citations)**

No required reading.

**FRIDAY, OCTOBER 22: RESEARCH & CITATION EXERCISE 6 ASSIGNED; DUE SUNDAY, OCTOBER 24 AT 11:59PM.**

**Wednesday, October 27: Class 17 (Casemap) – Meet in Rm 201 with Prof. Pluta's students.**

Download Casemap (link available through [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010))

**Friday, October 29: Class 18 (Research Strategies)**

For class, read Chapter 11 in Finding the Law  
Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**FRIDAY, OCTOBER 29: CASEMAP PROJECT 1 ASSIGNED; DUE TBA**

**Wednesday, November 3: Class 19 (Directories & Digital Libraries)**

No required reading

**Friday, November 5: Class 20 (Court Rules & Local Law)**

For class, read Chapter 9 (pgs. 278 to 297) in Finding the Law  
Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**FRIDAY, NOVEMBER 5: RESEARCH & CITATION EXERCISE 7 ASSIGNED; DUE SUNDAY, NOVEMBER 7, AT 11:59PM.**

**Wednesday, November 10: Class 21 (Practice Materials)**

For class, read Chapter 9 (pgs. 299 to 306)

**Friday, November 12: Class 22 (More Practice Materials & Review)**

No required reading

**FRIDAY, NOVEMBER 12: CASEMAP PROJECT 2 ASSIGNED; DUE TBA**

**Wednesday, November 17: Class 23 (WestlawNext revisited)**

No required reading

**Friday, November 19: Class 24 (Citation Review)**

No required reading

**Wednesday, November 24: Class 25 (TBA)**

No required reading

**\*DECEMBER - FINAL EXAM – Time and Place TBA.  
The exam period for the law school is Dec. 2-10.**

- IX. THE INSTRUCTOR RESERVES THE RIGHT TO REVISE, ALTER AND/OR AMEND THIS SYLLABUS, AS NECESSARY. STUDENTS WILL BE NOTIFIED IN WRITING AND/OR BY EMAIL OF ANY SUCH REVISIONS, ALTERATIONS AND/OR AMENDMENTS.**





**LAW 1052**  
**Lawyering Skills 1**  
**Fall 2010**

**Course Section:** APT  
**Meeting Time and Place:** Monday & Wednesday (6:15-7:45) Room 325  
**Course Credit Hours:** 3

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**FACULTY CONTACT INFORMATION: .]**

**DAVID C. WALKER**

**Office Location:** Room 316

**Office Hours:** Monday, Tuesday, Thursday from 4pm to 6pm. Available other times by appointment. If you want to schedule an appointment, send me an email with suggested times and I will get back to you ASAP.

**Office Phone:** 423-869-6820

**Email:** [david.walker@lmunet.edu](mailto:david.walker@lmunet.edu)

**Windows Live Messenger:** [david.walker@lmunet.edu](http://david.walker@lmunet.edu)

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- I. **COURSE DESCRIPTION:** This course provides an introduction to the law library and basic legal research. In addition, this course will provide a basic introduction to the fundamentals of legal citation.
- II. **COURSE OBJECTIVES:** This course is designed to introduce you to legal authority, legal research, legal citation and some legal writing. Class will be held twice a week. Most classes will generally consist of lectures, research demonstrations and in-class exercises. Most work in this class will be done by electronic means given the nature of contemporary legal research. By the end of the semester, you will be expected to understand authoritative value of documents created by the three branches of government and other private institutions, competently conduct legal research, and cite to legal authority in conformity with the rules of The Bluebook. .

III. **TEXTS/MATERIALS FOR THE COURSE:**

Robert Berring& Elizabeth Edinger, Finding the Law (12<sup>th</sup> ed., Thompson West 2005).

The Bluebook: A Uniform System of Citation (19<sup>th</sup> ed., Harvard Law Rev. Assoc. 2010).

Lawyering Skills 1 Libguide available at: <http://libguides.lmunet.edu/l12010>

**IV. COURSE REQUIREMENTS, ASSESSMENT (LEARNING OUTCOMES) AND EVALUATION METHODS:**

**A. Attendance:** Each student must attend 80% of their classes. I do not have discretion to excuse an absence. Any student who wishes to have an absence excused, must present the request to the Associate Dean of Academics. Students should be advised that absences will be excused on a case-by-case basis, due to school related functions or circumstances outside of the control of the student that are deemed extraordinary by the Associate Dean of Academics, in their sole discretion. Excused absences will not be freely given.

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**B. Grading**

Grades are based on the following assignments:

Casemap Project 1:	3%
Casemap Project 2:	15%
Final Exam:	37%
Research & Citation Exercises:	45%

Research & Citation exercises are an essential part of learning how to competently conduct legal research. All exercises will be submitted to you on Friday at 12:00 pm and must be completed and resubmitted by Sunday at 11:59 p.m. If the assignment is submitted one second late, you will receive no credit for it as I will not have received it. While you may speak with other students about research methods generally, you may not collaborate on assignments or share answers with any other person. You may seek general guidance on research resources and techniques from the library staff.

I reserve the right to raise or lower your final grade by one third of a letter grade for class participation.

**V. METHODS OF INSTRUCTION:** Most classes will generally consist of lectures, research demonstrations and in-class exercises. At times ungraded assignments will be given to you. It is essential that you do them as they will regularly be tied into other classes. Should you need additional assistance, see me during office hours or consult our library staff.



**VI. INFORMATION LITERACY/TECHNOLOGICAL RESOURCES:**

Each student will receive an account with Westlaw and Lexis. Other databases can be accessed through the library webpage or through EZProxy (ezproxy.lmunet.edu). Other legal research resources include but are not limited to HeinOnline, BNA, Lexis Congressional, Fastcase, and Gale Digital Libraries.

Additionally, the library staff has created a libguide that tracks the course of study in this class. The required readings are listed. However, links to additional resources are provided. It is not required that you read or work on the additional materials; however, should you want to dive deeper into an area or seek better understanding of a particular subject, the libguide is there as a learning aid. Additional required readings not found within *Finding the Law* or *The Bluebook* are linked to from the libguide. It can be accessed at [libguides.lmunet.edu/l12010](http://libguides.lmunet.edu/l12010).

**VII. UNIVERSITY POLICIES:**

**STUDENTS WITH DISABILITIES POLICY:** Any student with a disability should bring documentation for the disability to the ADA Compliance Officer in the Office of Student Services [which is presently located on the third floor of the Student Center]. When the documentation has been reviewed, a form will be completed stating the reasonable accommodations to be granted to the student with a disability. **All students with disabilities (learning or physical) should contact the Office of the Vice President for Student Services and Enrollment Management at (423) 869-6393.**

**DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES** can be found in the student handbook:

<http://www.lmunet.edu/campuslife/sthandbook/handbook.pdf>.

**LMU'S INCLEMENT WEATHER POLICY** can be found at the following link to LMU's website: <http://www.lmunet.edu/curstudents/weather.html>.

**VIII. MISSION STATEMENTS:**

**LINCOLN MEMORIAL UNIVERSITY MISSION STATEMENT** can be found at the following link to LMU's website: <http://www.lmunet.edu/about/mission.html>.

**IX. COURSE OUTLINE/ASSIGNMENTS**

**Monday, August 16: Class 1 (Introduction)**

For class, read Chapter 1 in Finding the Law

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Wednesday, August 17: Class 2 (Courts and Caselaw)**

For class, read Chapter 2 in Finding the Law and Hart v. Massanari, 266 F.3d 1155 (9<sup>th</sup> Cir. 2001)(accessible from LS1 libguides)

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Monday, August 23: Class 3 (Citing Cases)**

For class, read The Bluebook, pages 1 – 14, 87-109.

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Wednesday, August 25: Class 4 (Finding Cases)**

For class, read Chapter 4 in Finding the Law

**FRIDAY, AUGUST 27: RESEARCH & CITATION EXERCISE 1 ASSIGNED; DUE SUNDAY, AUGUST 29<sup>TH</sup> AT 11:59PM.**

**Monday, August 30: Class 5 (Lexis)**

No required reading.

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Wednesday, September 1: Class 6 (Citators)**

For class, read Chapter 3 in Finding the Law

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Monday, September 6: NO CLASS**

**Wednesday, September 8: Class 7 (More on Citing Cases)**

For class, review The Bluebook, pages 1 – 14, 87-109

**FRIDAY, SEPTEMBER 10: RESEARCH & CITATION EXERCISE 2 ASSIGNED; DUE SUNDAY, SEPTEMBER 12<sup>TH</sup> AT 11:59PM.**

**Monday, September 13: Class 8 (Legislative Process and Finding Statutes)**

For class, read Chapter 5 in Finding the Law and “Senate Legislative Process” accessible at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)

**Wednesday, September 15: Class 9 (More Statutory Research & Statutory Citation)**

No required reading.

Additional materials can be found at [libguides.lmunet.edu/ls12010](http://libguides.lmunet.edu/ls12010)



**FRIDAY, SEPTEMBER 17: RESEARCH & CITATION EXERCISE 3 ASSIGNED; DUE SUNDAY, SEPTEMBER 19<sup>TH</sup> AT 11:59PM.**

**Monday, September 20: Class 10 (Administrative Law Research)**

For class, read Chapter 8 in Finding the Law

Additional materials can be found at [libguides.lmunet.edu/l12010](http://libguides.lmunet.edu/l12010)

**Wednesday, September 22: Class 11 (Agency Decisions & Executive Publications)**

For class, read Todd F. Gaziano, The Use and Abuse of Executive Orders And Other Presidential Directives, 5 Tex. Rev. L. & Pol. 267 (2000-2001) (accessible through [libguides.lmunet.edu/l12010](http://libguides.lmunet.edu/l12010))

Additional materials can be found at [libguides.lmunet.edu/l12010](http://libguides.lmunet.edu/l12010)

**FRIDAY, SEPTEMBER 24: RESEARCH & CITATION EXERCISE 4 ASSIGNED; DUE SUNDAY, SEPTEMBER 26<sup>TH</sup> AT 11:59PM.**

**Monday, September 27: Class 12 (Secondary Sources)**

For class, read Chapter 10(pgs. 308-320) in Finding the Law

Additional materials can be found at [libguides.lmunet.edu/l12010](http://libguides.lmunet.edu/l12010)

**Wednesday, September 29: Class 13 (More Secondary Sources & Citing them)**

For class, read Judge Alex Kozinski, Who Gives a Hoot About Legal Scholarship, 37 Hous. L. Rev. 295 (2000).

Additional materials can be found at [libguides.lmunet.edu/l12010](http://libguides.lmunet.edu/l12010)

**FRIDAY, OCTOBER 1: RESEARCH & CITATION EXERCISE 5 ASSIGNED; DUE SUNDAY, OCTOBER 3<sup>RD</sup> AT 11:59PM.**

**Monday, October 4: Class 14 (WestlawNext)**

No required reading.

Additional materials can be found at [libguides.lmunet.edu/l12010](http://libguides.lmunet.edu/l12010)

**Wednesday, October 6: Class X (Looseleafs, Wikis and Blogs)**

No required reading

**Monday, October 11: No Class**

**Wednesday, October 13: No Class**

**Monday, October 18: Class 15 (Legislative History)**

For class, read Chapter 6 in Finding the Law & Judge Alex Kozinski, Should Reading Legislative History be an Impeachable Offense?, 31 Suffolk U. L. Rev. 807 (1998).

Additional materials can be found at [libguides.lmunet.edu/l12010](http://libguides.lmunet.edu/l12010)

**Wednesday, October 20: Class 16 (More Legislative History & Citations)**



No required reading.

**FRIDAY, OCTOBER 22: RESEARCH & CITATION EXERCISE 6 ASSIGNED; DUE SUNDAY, OCTOBER 24 AT 11:59PM.**

**Monday, October 25: Class 17 (Research Strategies)**

For class, read Chapter 11 in Finding the Law

Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**Wednesday, October 27: (Casemap)**

Download Casemap (link available through [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010))

**FRIDAY, OCTOBER 29: CASEMAP PROJECT 1 ASSIGNED; DUE**

**Monday, November 1: Class 19 (Directories & Digital Libraries)**

No required reading

**Wednesday, November 3: Class 20 (Court Rules & Local Law)**

For class, read Chapter 9(pgs. 278 to 297) in Finding the Law

Additional materials can be found at [libguides.lmunet.edu/lis12010](http://libguides.lmunet.edu/lis12010)

**FRIDAY, NOVEMBER 5: RESEARCH & CITATION EXERCISE 7 ASSIGNED; DUE SUNDAY, NOVEMBER 7 AT 11:59PM.**

**Monday, November 8: Class 21 (Practice Materials)**

For class, read Chapter 9(pgs. 299 to 306)

**Wednesday, November 10: Class 22 (More Practice Materials & Review)**

No required reading

**FRIDAY, NOVEMBER 12: CASEMAP PROJECT 2 ASSIGNED; DUE**

**Monday, November 15: Class 23 (WestlawNext revisited)**

No required reading

**Wednesday, November 17: Class 24 (Citation Review)**

No required reading

**Monday, November 22: Class 25 (TBA)**

No required reading

- x. **THE INSTRUCTOR RESERVES THE RIGHT TO REVISE, ALTER AND/OR AMEND THIS SYLLABUS, AS NECESSARY. STUDENTS WILL BE NOTIFIED IN WRITING AND/OR BY EMAIL OF ANY SUCH REVISIONS, ALTERATIONS AND/OR AMENDMENTS.**



## **LAW 1011-B-FT Civil Procedure I Fall 2010**

**Meeting Time and Place:** T/Th 4:00-5:30 p.m. – Room 201  
**Course Credit Hours:** 3.0

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### **FACULTY CONTACT INFORMATION:**

Matthew Lyon  
Room 334  
(865) 594-5300 or (423) 869-6714  
matthew.lyon@lmunet.edu  
Office Hours: T 5:30-8:00 p.m. (in office)  
W 10:00-11:00 p.m. (IM)  
Th 5:30-6:00 p.m. (in office)  
By appointment

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### **I. COURSE DESCRIPTION:**

The course in civil procedure is taught over two semesters; it is designed to provide foundational knowledge of the procedural rules, statutes and doctrines governing civil litigation. The first semester will focus on choosing a proper court in which to initiate a civil action and the procedure involved in the earliest stages of civil litigation.

You will be studying the substantive law of many subject areas during your law school experience; however, the one constant in any lawsuit, no matter what the subject matter, is procedure. There will always be a procedure which governs the progression of a lawsuit from initiation to resolution; these governing rules, statutes and doctrines are the “substance” of civil procedure. Therefore, in addition to the casebook, you are required to purchase a rule book which provides the text of the relevant rules, statutes and the United States Constitution.

### **II. COURSE OBJECTIVES:**

- (1) To understand the Federal Rules of Civil Procedure as a system of rules.
- (2) To make strategic decisions about how to use and apply that system.
- (3) To understand the impact of the case law and rules at every stage of litigation.
- (4) To identify the procedural issues and possibilities in the cases in all of your courses.



(5) To understand key differences between federal and Tennessee Rules, where they exist.

**III. TEXTBOOKS FOR THE COURSE:**

**REQUIRED:**

Spencer, A. Benjamin, Civil Procedure: A Contemporary Approach, 2d ed. (Thomson-West 2008)

Federal Rules of Civil Procedure, 2010-2011 Educational Edition (West)

**RECOMMENDED:**

Joseph Glannon, Civil Procedure: Examples and Explanations, 6th ed. (Aspen 2008). This text is provided to you electronically.

**IV. COURSE REQUIREMENTS AND ASSESSMENT AND EVALUATION METHODS:**

The course follows the attendance requirements described in Section X of the DSOL student handbook: <http://www.lmunet.edu/pdf/DSOL-Student-Handbook.pdf>. No student may miss more than 20% of the scheduled class meetings. If you are going to be late to class or need to leave early, the courtesy of advance notice is requested. Tardiness and early exits from class may be counted as absences at the professor's discretion.

You are required not only to attend class, but also to be prepared and to participate while you are here. Participation includes readiness for in-class discussion and quizzes. We will use the Socratic method to discuss cases, but volunteers are, of course, encouraged.

Your final grade will be determined by your performance on the mid-term and final examinations. The mid-term examination will count for 15% of your final grade, and the final examination will count for 85%. You will be given appropriate notice regarding the scope and structure of the examinations. Exam and course grades will be determined according to the grading policies described in Section XIX of the DSOL student handbook, including the mandatory grade distribution system for Level 1000 courses.

**V. METHODS OF INSTRUCTION:**

Instruction will be primarily lecture-based and through Powerpoint presentations. Through the interactive Turning Point questions that are integrated into the lectures, you will be provided more concrete examples of the abstract concepts that are covered in your reading and in class.

**VI. INFORMATION LITERACY/TECHNOLOGICAL RESOURCES:**

The Powerpoint slides, which include the Turning Point questions, will be posted on the TWEN site shortly after each class. The TWEN site will also be a resource for communicating changes to the class schedule or syllabus, posting review materials, and discussing both the material covered in class and current events (news, recent judicial

opinions, etc.) that are relevant to civil procedure. You should check this course's TWEN page regularly for new postings.

**VII. UNIVERSITY POLICIES:**

**STUDENTS WITH DISABILITIES POLICY:** All students with disabilities (learning or physical) should contact the LMU Office of the Vice President for Student Services and Enrollment Management at (423) 869-6393.

**DISCRIMINATION, SCHOLASTIC DISHONESTY, CHEATING, AND PLAGIARISM POLICIES**

can be found in the LMU student handbook:

<http://www.lmunet.edu/campuslife/sthandbook/handbook.pdf>.

**LMU'S INCLEMENT WEATHER POLICY** can be found at the following link to LMU's website: <http://www.lmunet.edu/curstudents/weather.html>.

**VIII. MISSION STATEMENTS:**

**LINCOLN MEMORIAL UNIVERSITY MISSION STATEMENT** can be found at the following link to LMU's website: <http://www.lmunet.edu/about/mission.html>.

**DUNCAN SCHOOL OF LAW MISSION STATEMENT** can be found at the following link to LMU's website: <http://www.lmunet.edu/law/mission.shtml>.

**IX. COURSE OUTLINE AND ASSIGNMENT SCHEDULE:**

All page references are to the Spencer casebook. Assignments are subject to change with appropriate advance notice.

<b>WEEK 1 (AUG 16)</b>	T	Introduction and Overview	pp. 1-20
	Th	<b>PERSONAL JURISDICTION</b> Historical Roots of the Doctrine	pp. 21-36
<b>WEEK 2 (AUG 23)</b>	T	Modern Personal Jurisdiction Doctrine	pp. 37-45
		State Long-Arm Statutes Tenn. Code Ann. § 20-2-214	pp. 46-49
	Th	Specific Jurisdiction: Applying Minimum Contacts	pp. 49-73
<b>WEEK 3 (AUG 30)</b>	T	Applying Minimum Contacts (cont.)	pp. 73-90
	Th	Applying Minimum Contacts (cont.)	pp. 90-99

		<u>Masada Inv. Corp. v. Allen</u> , 697 S.W.2d 332 (Tenn. 1985)	
		Personal Jurisdiction Based on Internet Contacts	pp. 99-110
<b>WEEK 4 (SEP 6)</b>	T	PJ Based on Internet Contacts (cont.)	pp. 110-17
		General Jurisdiction	pp. 118-29
		<u>Gordon v. Greenview Hospital, Inc.</u> , 300 S.W.3d 635 (Tenn. 2009)	
	Th	Power over Property	pp. 129-42
		Transient Jurisdiction	pp. 142-54
		Consent	pp. 154-61
<b>WEEK 5 (SEP 13)</b>	T	Personal Jurisdiction in the Federal Courts Fed. R. Civ. P. 4(k)	pp. 161-65
		The Constitutional Notice Requirement	pp. 165-85
		<i>Summary – Personal Jurisdiction</i>	pp. 185-86
	Th	<b>FEDERAL SUBJECT MATTER JURISDICTION</b> Introduction U.S. Constitution, Art. III, §§ 1, 2	pp. 187-89
		Diversity Jurisdiction	pp. 189-97
		<u>Hertz Corp. v. Friend</u> , ___ U.S. ___, 130 S. Ct. 1181 (2009) 28 U.S.C. § 1332	
<b>WEEK 6 (SEP 20)</b>	T	Diversity Jurisdiction (cont.)	pp. 203-11
		Federal Question Jurisdiction 28 U.S.C. § 1331	pp. 211-19
	Th	Federal Question Jurisdiction (cont.) FLEX Case 3.A: <u>Merrell Dow Pharmaceuticals, Inc. v. Thompson</u> , 478 U.S. 804 (1986)	pp. 219-28
		Supplemental Jurisdiction	pp. 228-35
<b>WEEK 7 (SEP 27)</b>	T	Supplemental Jurisdiction (cont.)	pp. 235-60

		28 U.S.C. § 1367	
	Th	Removal Jurisdiction 28 U.S.C. §§ 1441, 1446, 1447, 1453	pp. 261-78
		<i>Summary – Federal Subject Matter Jurisdiction</i>	pp. 279-80
<b>WEEK 8 (OCT 4)</b>	T	<b>VENUE</b> Original Venue 28 U.S.C. §§ 1391, 1392	pp. 281-95
		Transfer of Venue 28 U.S.C. §§ 1404, 1406, 1407	pp. 303-11
	Th	<b>FALL BREAK – NO CLASS</b>	
<b>WEEK 9 (OCT 11)</b>	T	<b>MID-TERM EXAMINATION</b>	
	Th	Transfer of Venue (cont.)	pp. 311-18
		Forum Non Conveniens	pp. 318-30
		Tennessee Venue Laws Tenn. Code Ann. §§ 20-4-101 to -106, 20-4-201 to -206 <u>Tenn. Gas Transmission Co. v. Oakley</u> , 249 S.W.2d 880 (Tenn. 1952)	
		<i>Summary – Venue</i>	pp. 330-32
<b>WEEK 10 (OCT 18)</b>	T	<b>THE <u>ERIE</u> DOCTRINE: STATE LAW IN FEDERAL COURTS</b> Applicable Law Prior to <u>Erie</u> 28 U.S.C. § 1652	pp. 333-39
		Establishing the <u>Erie</u> Doctrine	pp. 339-51
	Th	Development of the <u>Erie</u> Doctrine	pp. 352-70
<b>WEEK 11 (OCT 25)</b>	T	The Rules Enabling Act and Modern <u>Erie</u> Doctrine 28 U.S.C. § 2072 FLEX Case 5.D: <u>Stewart Org., Inc. v. Ricoh Corp.</u> , 487 U.S. 22 (1988)	pp. 370-83

	Th	The REA and Modern <u>Erie</u> Doctrine (cont.) <u>Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.</u> , ___ U.S. ___, 130 S. Ct. 1431 (2010)	pp. 383-401
		<i>Summary – Erie Doctrine</i>	pp. 401-02
<b>WEEK 12 (NOV 1)</b>	T	<b>PLEADING</b> Introduction Sufficiency of the Complaint <u>Ashcroft v. Iqbal</u> , ___ U.S. ___, 129 S. Ct. 1937 (2009) Fed. R. Civ. P. 3, 7, 8(a), 9(b)	pp. 403-06 pp. 406-30
	Th	Serving the Complaint Fed. R. Civ. P. 4	pp. 430-41
		Defenses and Objections Under Rule 12 Fed. R. Civ. P. 12	pp. 441-56
<b>WEEK 13 (NOV 8)</b>	T	The Answer Fed. R. Civ. P. 8(b)-(e)	pp. 456-66
		Basic Rules Governing Amendments to Pleadings Fed. R. Civ. P. 15(a)-(b), (d)	pp. 466-73
	Th	Relation Back of Amendments <u>Krupski v. Costa Crociere S.p.A.</u> , ___ S. Ct. ___, 2010 WL 2243705 (June 7, 2010) Fed. R. Civ. P. 15(c)	pp. 474-84
<b>WEEK 14 (NOV 15)</b>	T	Ensuring Truthful Allegations Fed. R. Civ. P. 11	pp. 484-504
	Th	Ensuring Truthful Allegations (cont.)  <i>Summary – Pleading</i>	pp. 504-06
<b>WEEK 15 (NOV 22)</b>	T	<b>EXAM REVIEW</b>	

**X. THE INSTRUCTOR RESERVES THE RIGHT TO REVISE, ALTER AND/OR AMEND THIS SYLLABUS, AS NECESSARY. STUDENTS WILL BE NOTIFIED IN WRITING AND/OR BY EMAIL OF ANY SUCH REVISIONS, ALTERATIONS AND/OR AMENDMENTS.**

# DUNCAN SCHOOL OF LAW

# Teaching Evaluation Form

Faculty Member Evaluated: \_\_\_\_\_ Academic Year: \_\_\_\_ - \_\_\_\_

Faculty Member Completing the Evaluation: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## PART I: COURSE INFORMATION & FOUNDATIONAL ELEMENTS

Course Reviewed: \_\_\_\_\_

Estimated # of Students in Course: \_\_\_\_\_

Type of Class: \_\_\_\_\_

*(i.e.; Lecture; Seminar; etc.)*

Term:  Fall  Spring  Maymester  Summer

Time Course Offered: \_\_\_\_\_  AM  PM

Did the class begin on time?  Yes  No

Did the class end at or near time?  Yes  No

If not, +/- how many minutes? \_\_\_\_\_

Did the Professor take Attendance using Turning Point  Yes  No

Was the Professor dressed Professionally?  Yes  No

If no, explain: \_\_\_\_\_  
 \_\_\_\_\_

## PART II: EVALUATION

The rating scale for each of the areas of evaluation is:

- 5 = Exceeded Expectations    
  4 = Met Expectations High Level    
  3 = Met Expectations Average Level    
  2 = Partially Met Expectations    
  1 = Did Not Meet Expectations

1) Was the Professor properly prepared to discuss the substantive material of the class? (Explain) .....

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2) What style of teaching did the Professor adopt? (i.e., Lecture, Socratic, etc.) \_\_\_\_\_

3) Did the Professor execute the style adopted effectively? (Explain) .....

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4) Regardless of style, how effective was the Professor? .....

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**PART II: EVALUATION (CONTINUED)**

The rating scale for each of the areas of evaluation is:

⑤ = Exceeded  
Expectations

④ = Met Expectations  
High Level

③ = Met Expectations  
Average Level

② = Partially Met  
Expectations

① = Did Not Meet  
Expectations

5) Did the Professor adopt a professional demeanor with the students? .....

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6) Did the Professor encourage the students to express themselves? .....

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7) Rate the Professor's demonstration of insight into the subject matter that could not be acquired from the text alone:   
*(e.g., the subject matter's relationship to other bodies of law)*

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8) Did the Professor create an environment where questions were welcomed? .....

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9) Did the Professor demonstrate a passion or interest for the subject matter? .....

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**PART III: LEARNING OUTCOMES**

*It is recommended you review the learning outcomes for the class before responding to this section. Learning outcomes may be found online, obtained from the Professor, or obtained from the Associate Dean of Assessment.*

10) What, if any, DSOL-defined learning outcomes did the Professor address either directly or indirectly? Please provide specific examples:

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**PART IV: EXECUTION**

11) Did the Professor include at least three (3) interactive TurningPoint slides at some point during the class? ...  Yes  No

12) If yes, were the slides appropriate in substance and form? .....  Yes  No

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13) Did the Professor utilize interactive components to the class other than TurningPoint questions? .....  Yes  No

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14) Were the students engaged in the interactive teaching process? .....  Yes  No

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15) Did you notice any unauthorized activity? (i.e., surfing the internet, etc; if yes, please explain) .....  Yes  No

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**PART V: CLASS ACTIVITIES**

*Only complete this section if the Professor engaged the students in learning exercises.*

16) What types of learning exercises did the Professor use? (e.g., settlement exercises, practice exams, outline writing, skills, etc.)

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The rating scale for each of the areas of evaluation is:  
⑤ = Exceeded Expectations    ④ = Met Expectations High Level    ③ = Met Expectations Average Level    ② = Partially Met Expectations    ① = Did Not Meet Expectations

17) Did the exercises appear to be well prepared? .....

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18) Did the Professor execute the exercise(s) effectively? .....

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19) Were the students engaged in the exercise(s)? .....

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20) Do you believe the exercises enhanced learning of the intended material? .....

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21) Did the Professor discuss the exercise after the students completed it? .....  Yes  No

22) If so, did the discussion appear to add to the student's learning experience? (e.g., did it summarize the intended material? Did it deepen the analysis of the intended material? Did it discuss the policies behind the legislation? Et Cetera).

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**PART VI: GENERAL EVALUATION**

23) Did you enjoy the class?.....  Yes  No

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24) Would you take this class if you were a student?.....  Yes  No

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25) What recommendations do you have for the Professor?

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26) Other Comments:

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**FOR DEAN'S USE ONLY**

Dean's Comments

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**LINCOLN MEMORIAL UNIVERSITY**  
**DUNCAN SCHOOL OF LAW**

## INSTRUCTIONS

Please complete the form—in its entirety—during the class that you are reviewing. Please do not wait “until later” to complete the form. You will forget! The idea is to get your fresh observations of the class.

When completing the form, please be sure to:

1. Explain your responses. One word replies are unhelpful for the person being reviewed. For instance, imagine the following question: Did the professor create an environment where questions are welcomed? If you respond “yes” and say nothing more, you have provided ineffective feedback. A better response would be: “Yes. The Professor repeatedly asked the students if they had questions. Specifically, the Professor asked the students if they understood the material after completing each of the key concepts for the class.”
2. After identifying a weakness, be sure to recommend a remedy. For instance, “your attire is unprofessional” is unhelpful. Instead, say, “Your attire is unprofessional, as you wore flip-flops to class. Try wearing closed-toed shoes.” Notice, this example both identifies a problem and recommends a solution. (This is obviously a trite example but is nonetheless hopefully an effective one.)

After completing the form, please return the form to Dean Jonathan A. Marcantel. Further distribution to the professor being reviewed will then be handled through his office.