College of Law

Kenneth L. Penegar, Dean
Donald S. Cohen, Assistant Dean
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The University of Tennessee College of Law commenced operation in 1890 and has continuously sought to provide high quality legal education in a university community. While the principal objective of the Law College is to prepare students for the private practice of law, its total mission is more broadly conceived. The College of Law exposes students to the legal issues of our society enabling them to develop analytical skills in respect to decisional law and statutes, the ability to communicate effectively to others their knowledge of the law, an awareness of the historical growth of the law, a knowledgeable appreciation of the interrelationship of law and society, and the ability to use law as an implement of societal control and development. Students are thus equipped to serve their community not only as advocates and counselors, but as policy makers and active, responsible citizens as well.

The coordinated program of the College of Law has three dimensions. Teaching and learning, research into and appraisal of our legal institutions, and service to the community each plays a significant role in the College of Law as a modern law center.

The teaching and learning element of legal education at the College of Law involves a cooperative classroom interaction between faculty and students in the analytical study of a host of questions and problems found in today's legal profession. These involve decisional law, statutory interpretation, administrative regulation, techniques of trial and appellate advocacy, and the roles and responsibilities of the lawyer as he advises and represents his clients.

While proper consideration is given to the problems of Tennessee law, the course of study is conducted with a view toward providing an awareness and understanding of the regional and national perspective so as to prepare our students for service in any state.

The College of Law is also directly involved in providing service to the community of which it is a part. A major element of public service is centered in the Legal Clinic where students, under the guidance of skilled and experienced licensed practitioners, provide legal services to indigent persons of Knox County. Additionally, through research, consultative, and other type services to legal institutions and groups within the state, the College of Law seeks to participate in the development and improvement of the society in which its students may eventually practice law.

In combination, the direction and objectives of the Law College lead to the development not of a narrow technician, but of a student of the law with the perspective, breadth and understanding necessary for the accomplishment of the many tasks assigned by society to the legal profession.

The College of Law Building

Since 1950 the College of Law has occupied a building especially designed for teaching, study, and research in the law. In the spring of 1971 the Law College occupied the new wing begun in the fall of 1969. The new addition has doubled the available facilities. The library, the classrooms, and the offices are air-conditioned. Adequate classrooms, conference rooms, a private office for each full-time faculty member, the well-equipped offices of the Legal Clinic, and a spacious, well-lighted Law Library are contained in this modern building. Stack space for more than 200,000 volumes will permit the repository of one of the largest law book collections in the South.

Legal Clinic

The University of Tennessee Legal Clinic was established in 1947. Though the Clinic provides legal assistance to indigent persons, it is designed primarily as a teaching device to correlate theory and practice. It introduces the student under faculty supervision to the law in its located through personal contact with clients and their problems. The Legal Clinic functions as a large law office in which the student gains experience in interviewing clients, writing legal letters, investigating and evaluating facts, preparing memoranda of law, preparing cases for trial or adjustment, and briefing cases. Classroom work supplements the handling of actual cases. The student is thus trained in the technique of law practice and the management of a law office. The ethical responsibilities of lawyers and their function as public servants are stressed. Under present rules of the Tennessee Supreme Court, Clinic students, under the direct supervision of the Legal Clinic staff, are certified to practice before all the courts of Tennessee.

The Law Library

The Law Library contains the official state reports of all states, the complete National Reporter system which covers all states and the federal courts, the Annotated Reports, standard sets of miscellaneous reports, the reports of the Canadian cases and of English cases from the yearbooks to date. In addition to these, there are adequate encyclopedias, digests and dictionaries, standard textbooks, law reviews, and current looseleaf services, totalling together more than 90,000 catalogued volumes. The Library is under the supervision of a law librarian who is trained in law and library science. The physical facilities, the collection of books, and the library staff combine to make the Law Library of the University of Tennessee one of the best in the South. Law students also have the use of the collections in the University Graduate Library, which is located across the street from the Law Library, and the Undergraduate Library a few blocks away.

Degree of Doctor of Jurisprudence

The degree of Doctor of Jurisprudence will be conferred upon candidates who complete, with the required average, nine quarters of resident law study and who have 126 quarter hours of credit, including all required courses, and moot court participation. The required average is 2.0 and that average must be maintained on the work of all nine quarters.
and also in the last three quarters. Averages are computed on weighted grades. Grades are on a numerical basis of from 0.0 to 4.0. A grade of 0.5 or below is a failure. The satisfactory completion of trial and appellate moot court participation is required of all candidates for the degree of Doctor of Jurisprudence.

Satisfactory/No Credit Option

1. Course eligibility.
   a. Required courses may not be taken on a Satisfactory/No Credit basis.
   b. Courses taken on a Satisfactory/No Credit basis may not be used to satisfy area requirements.

2. Satisfactory/No Credit
   a. Election to take courses on a Satisfactory/No Credit basis must be made at the time of registration and cannot be changed thereafter. Students who register for a course Satisfactory/No Credit when they are ineligible to do so will be required to change to regular grading when the error is discovered.
   b. Credit will be given for a course taken on a Satisfactory/No Credit basis only in quarters in which the student completes (receives a grade in) at least 10 hours on a regular grade basis.
   c. Students electing the Satisfactory/No Credit basis must meet all requirements imposed on students taking the course on a regular grade basis; e.g., attendance, term paper, recitation, etc.
   d. Examinations and other work of students electing a Satisfactory/No Credit basis shall not be graded separately or differently from that of other students.
   e. For purposes of Satisfactory/No Credit grading, satisfactory shall mean a grade of at least 2.0.
   f. A student electing Satisfactory/No Credit who makes 2.0 or above shall receive credit for the course, but his grade shall be recorded as "S" and will not be used in determining his grade average.
   g. A student electing Satisfactory/No Credit who makes below 2.0 will receive an "NC" for the course and neither this grade nor the hours for the course will be used in computing the grade average or hours credit.
   h. A maximum of three courses may be taken on a Satisfactory/No Credit basis.

Maintenance of a Satisfactory Record

No student will be excluded from the College of Law for academic reasons prior to the completion of three quarters of academic study. A full-time student who fails to achieve an overall average of at least 2.0 upon completion (receipt of a grade) of three quarters of academic study shall be excluded. A student who obtained permission to vary the first-year full course load shall be excluded if such student fails to achieve an overall average of at least 2.0 upon completion (receipt of grade) of all required first-year courses, or upon completion of 40 hours, whichever first occurs.

Maximum Course Load Per Quarter

18 hours is the maximum for Law School. If a student does not satisfactorily complete 12 hours in a quarter, then for the remainder of his studies he is restricted to 16 hours per quarter.

Admission

Information regarding admission, financial aid, academic policies, extracurricular activities, and student services is available in the College of Law Bulletin. Students interested in the College of Law should obtain a copy of the Bulletin from the Office of the Dean, The University of Tennessee, College of Law, 1505 West Cumberland Avenue, Knoxville, Tennessee 37916. Completed application should be received before March 15 of the year of expected admission.

Program of Instruction

Professors:
- K. L. Peneger (Dean), LL.M. Yale; J. G. Cook, LL.M. Yale; J. S. Covington

Associate Professors:

Assistant Professors:

Instructors-Staff Attorneys:

- "Alumni Distinguished Service Professor.
- *On leave.

The following program is designed to give the student an adequate preparation for the practice of law. From twelve to fifteen hours of classroom work a week are required of all full-time students. The required courses will be taken as early in the law course as possible or as scheduled by the law faculty.

REQUIRED COURSES


8020 Contracts I (5) The basic agreement process and legal protections afforded contracts. Problems of offer and acceptance, interpretation, illegality, and the statute of limitations.

8030 Contracts II (4) Continuation of study begun in Contracts I. Concentrating on remedies, conditions, impossibility and frustration, creditors, and third party beneficiaries, assignment and delegation, and discharge.

8040 Criminal Law (4) Course on substantive aspects of criminal law. General principles applicable to all criminal conduct, then specific analysis of particular crimes. Substantive defenses to crimes, including insanity, mitigation, necessity, legal duty, self-defense, and duress.

8050 American Legal History (3) Examination of historical development of the law, legal institutions, legal profession, and legal education from colonial times to present. Historical relationship of legal system to society emphasized.

8070 Legal Process (3) Introductory course on judicial process. Brief survey of judicial organization and procedure, legal history, case analysis, significance of precedent, influence of the judge as policy maker, adversary system, and role and responsibilities of the lawyer as advocate. Legislative interpretation.

8110-11-12 Research and Writing I, II, III (2, 2, 2) This three-quarter sequential offering is designed to provide the student with a progressively more sophisticated involvement in legal research and writing. Fundamentals of Legal Bibliography with an emphasis upon research technique research skills will be an integral part. Among other components to be included are preparation of a client letter, drafting of pleadings, contracts and other instruments. The preparation of a memorandum of law, and preparation and presentation of an appellate argument (written and oral). Grades would be divided into small sections, and individual criticism given on all work submitted. Lectures on research writing and advocacy skills will be included.


8140 Property II (5) The recording system, title assurance, easements, nuisances, lateral support, water rights, zoning, and eminent domain.

8150 Problems and Perspectives in Law (2) First-year seminar in which the law student is introduced to some current problems in law and society; topics will vary from year to year; each group will number around 25; the student will be able to select topics of most interest to him (subject to coordinating with other first-year and 2nd and 3rd year students); each group in course may be by research paper, field study, problem analysis or other appropriate areas.

8180 Torts I (4) Intended interference with the person, assault and battery, false imprisonment, negligence, and standard of care, proof of negligence, Affirmative defenses, immunity, actual causation, and contributory causes.

8190 Torts II (5) Negligence, result within the risk, or proximate causation. Assumption of risk and contributory fault. Interference with property, trespass, conversion, privileges. Succession; liability of suppliers and contractors; Misrepresentation. Defamation. Unjustifiable litigation. Privacy. Interference with contractual relations.

8300 Constitutional Law I (4) Judicial review, limitations on judicial power, national legislative power, regulation of commerce, power to tax and spend, other sources of national power, state power to regulate tax, intergovernmental immunity. Impossibility and destruction.

8310 Constitutional Law II (4) Freedom of expression, association and religion, Fourteenth Amendment, and rights excluding right to be criminally accused, including discrimination as to race, sex, etc., right to franchise and appoinment, concept of state action in matters of civil rights. Either 8300 or 8310 will satisfy the Constitutional Law requirement. One must be taken for that
purpose and the other may be taken as an elective.

8545 Juvenile Law Seminar (3) After examining the unique history and philosophy of juvenile justice system, course will consider jurisdiction, judicial and extra-judicial functions of juvenile court, and various types of jurisdiction. Students will research, read, and discuss legal and policy materials on important topics such as: juveniles in the criminal justice system, practice and professional staff from the Court will participate in seminar on regular basis.

8660 Legal Profession (3) Role of the lawyer in society and responsibilities implied in that role. Admission to the Bar, the organized profession, solicitation, advertising, unauthorized practice, conflicts of interest, decision to represent or withdraw as counsel; fiduciary relationship, advocacy and its limitations, fees, and disciplinary proceedings.


ELECTIVE COURSES

8600 Criminal Process I (3) Due process, equal protection, arrest, search and seizure, wire tapping and electronic eavesdropping, entrapment, right to counsel, self-incrimination, interrogation and confessions, exclusionary rules.


8220 Agency and Partnership (4) Principal and agent. Master and servant. Authority, unauthorized transactions, notice, ratification, restitution. Parties to contracts in individual and partnership areas. Partnership creation, dissolution, and termination, distribution, and liability. Product and services defrauding problems and devices to reduce risk. The Uniform Partnership Act.

8240 Arbitration Seminar (3) Arbitration of labor agreements, collective bargaining, labor unions, rights and duties of lawyers and arbitrators. When course is not offered, law students, with law faculty permission, may elect Economics 4000.


8290 Conflict of Laws (5) Jurisdiction, foreign judgments, choice of law, jurisdictional limitations, renvoi, and classification.


8330 Sex Discrimination and the Law (3) Study of judicial, legislative and administrative material related to discrimination in employment, education, domestic relations, property, consumer rights, welfare and criminal law. Term paper or prodiection required in addition to written examination.

8400 Creditors' Rights (3) Bankruptcy, fraudulent conveyances, and enforcement of judgments, against insolvents.

8345 Criminal Law Seminar (3) Advanced problems in Criminal Law and Administration of Justice.

8350 Damages (3)

8360 Family Law (4) Survey of laws affecting the formal and informal family relationship. Topics include premarital disputes, antenuptial contracts, creation of property rights, effects of marriage, legal effects of marriage, support obligations within the family, legal separation, annulment, divorce, alimony, property distribution, custody of children, child support, adoption, abortion, and illegitimacy.

8380 Equity (4) Jurisdiction and power of courts of equity. Specific performance, injunctions.

8400 Estate Planning (3) Problems of estate planning both intestate and testamentary. Advantages and disadvantages of various types of ownership. The law and practice of fiduciary administration, insurance, wills, future interests, trusts, corporations, partnerships, and gifts as related to estate planning. Research on assigned topics. Drafting of estate plan for hypothetical fact situations. Prereq: 8500 and 8440. In addition, recommended that student have had as many of following courses as possible: Wills, Private Corporations, Taxation (Income), Partnerships and Trusts.

8420 Evidence I & II (3, 3) Rules regulating introduction and exclusion of oral, written, and demonstrative evidence, including relevancy, competency, impeachment, hearsay, privilege, judicial notice, presumptions, and burden of proof.

8450 Federal Courts (4) Jurisdiction of federal courts. Constitutional and statutory federal and state judicial systems, including nature of judicial power, federal questions, diversity, removal, jurisdictional amounts, state or federal law, habeas corpus, abstention, enjoining state proceedings, appellate jurisdiction and joinder of parties and claims.

8490 Environmental Law (4) Survey course examining federal and state statutory schemes for air and water quality, together with other generic legislation, such as the Clean Air Act and the Resource Conservation and Recovery Act. Environmental Quality Control Act. Selected introduction to role and scope of federal, state and local agencies in enforcement and proposing new laws and regulations.

8500 Future Interests (4) The law of future interests, including reversionary, remainder interests, reversionary and reversionary reasons of entry, executory interests, construction of limitations, and rule against perpetuities.

8510 Government Contracts (3) Principles relating to government procurement, both federal and state, to include award, performance, and termination of contracts. Administrative settlement of disputes arising under government contracts. Prereq: 8200.


8525 International Business Transactions (3) Legal status of persons abroad, acquisition and use of property within a foreign country, doing business abroad as a foreign corporation, engaging in business within a foreign country, and expropriation or annuement of contracts or concessions. Prereq: 6530, 8533.

8530 International Law I (3) International agreements, international organizations, sovereignty of states, nationality, territory, jurisdiction and immunities.

8535 International Law II (3) International claims, expropriation, force and war.

8536 Jurisprudence Seminar (3) A comparative examination of legal theory, including natural law, idealism, historical jurisprudence, utilitarianism, analytical jurisprudence, sociological jurisprudence, legal realism, and the policy science approach.

8540-42 Labor Relations Law I, II (3, 3) Evolution of labor relations laws, rights of self-organization; employer and union unfair labor practices; strikes; boycotts and picketing, collective bargaining; public employee labor relations; internal union affairs; individual rights in labor relations; employment discrimination; factors for the termination of collective bargaining agreements, and the antitrust laws. Courses recommended in sequence, but one offering may be elected.

8550 Labor Relations Seminar (3) Study and discussion of selected labor relations law problems.

8560 Law, Language and Ethics (4) An intermediate level jurisprudence-type course. Law is the mind's attempt to define, direct, and administer human activity. Examination of ethical values underlying formal legal reasoning and statement. Analysis of judicial reasoning and legal concepts through the methods of epistemology.


8580 Law and Current Problems Seminar (2-3) Credit hours determined at the option of instructor.

8590 Legal Accounting (2) A course designed to familiarize law students with accounting problems and techniques, and to make them familiar with the principles, methods, and concepts of accounting.

8600 Legal Clinic I (3) Participation in legal clinic work supplemented by classroom discussion and exercises. Under supervision of the faculty and the student, the student takes himself to law offices, interviews clients, negotiates settlements, prepares pleadings, files papers and motions in court. Emphasis is placed on fact gathering, effective interviewing techniques, and development of professional skills. One-hour classroom work. Assigned work in Legal Clinic.

8620 Clinic II (3) Substantial criminal and civil litigation under faculty supervision. Students participate in the process from investigation through trial to post conviction remedies. Seminar-type classroom work relating to litigation will also be required.

8630 Clinic III (3) Clinic III is divided into components under direction of faculty supervisors. Components include, but are not limited to, Economic Development (legal counseling for new business entities within low-income communities); Law Reform (including both litigation and legislative reform); and Advanced Advocacy (litigation of the most complex civil cases). Each case involves client representation and counsel actual clients. Seminar-type classroom work may be required.

8640 Legal Draftsmanship (2) Independent drafting by students under direct supervision of instructor.

8670 Legal Writing, Elective course with consent of instructor. In fundamentals of legal writing. One hr credit on a satisfactory-no credit basis.

Advanced legal research and writing, with consent of instructor, on a regular grade basis. Hrs and credit arranged.

8680 Legislation (3) Approximately half the course is devoted to traditional legislation, the remaining half is devoted to such problems as interpretation, drafting, and enacting statutes. The remainder of course is devoted to class project in which students draft and argue a legislative bill, and which may be used for legislative reform from preliminary research, through a legislative hearing, to final drafting, parliamentary debate, and voting.

8690 Modern Land Use Law (3) Land use planning, nuisance, zoning, and eminent domain.

8700 Local Government Law I (3) Distribution of power between state and local governmental units. Sources of authority for limitation on local government operations. Creation of local governmental units and determination of their powers. Home Rule.
8705 Local Government Law (3) Problems presented by fragmentation of local government units. Current solutions to include government as authorized by Tennessee law. Problems in the financing of local services. Current constitutional issues (e.g., school financing and land use control). Influence of federal programs on local government finance and decision making.

8710 Oil and Gas Law (3) Selected materials on nature of interest, conveyancing, royalties, grants and reservations, leases, and taxation.

8720 Advanced Constitutional Law (3) Select problems or perspectives in constitutional law. Designation is intended to cover numerous approaches which include use of instructors from other disciplines such as history, political science, economics, sociology. Prereq: 8300 and 8310 or permission of instructor.

8740 Private Corporations I (3) History and nature of the corporation; selection of appropriate form of business enterprise; judicial and legislative regulation; promoters and preincorporation transactions; incorporation procedures; defective incorporation; disregard of the corporate entity; rights and management duties of shareholders, directors, and officers.

8760 Private Corporations II (3) Corporate finance; rights, duties, and liabilities respecting securities; special problems of close corporations; dividends and purchase by corporation of its own shares; fundamental corporate changes (sale of assets, mergers, etc.); shareholders' derivative actions.


8790 Advanced Legal Bibliography and Research Techniques (2) A survey of materials not covered in Research and Writing I. Included will be use of U.S. government documents, preparation of legislative histories for state and federal legislative materials, specialized research tools in areas of taxation, labor law and international law.

8800 Sales (3) Art. 2 (Sales) and Art. 7 (Documents of Title) of the Uniform Commercial Code.

8810 Security Transactions (3) Brief survey of securitization and guaranty. Art. 9 (Security Interests in Personal Property) of the Uniform Commercial Code.

8820 Securities Regulation (3) Advanced problems of governmental regulation of issuance of securities.

8830 Social Legislation and Employee Benefits (3) A study of legal problems arising under such programs as women's compensation, wage and hour laws, unemployment compensation, public assistance, Social Security, and Medicare.

8840 Taxation (Estate, Gift and Inheritance) (3) Federal Estate and Gift Tax laws. History and development. Relationship of the two taxes. Procedure and review before boards and courts. Preparation of a return based upon hypothetical facts, and presentation of research results on assigned by fragmentation of local government topics. Problems involving the law of several states are assigned.

8850 Seminar in Law and Mental Health (3) Composed of equal number of law and medical students. Assigned readings. Pairs of law and medical students to prepare papers. Jointly taught by professor and psychiatrist.


8865 Taxation (Income) II (3) Corporate reorganizations; methods of corporate distributions; sale of corporate business; other income tax problems; problems of partnerships, and other business organizations.

8870 Seminar in Business Planning (3) Selected problems on corporate and tax aspects of business planning and transactions.

8885 Civil Procedure III (4) Post trial motions, appellate record, appeals and relief from judgments, final process, res judicata and estoppel. Emphasis upon Tennessee and Federal practice.

8890 Seminar in Environmental Protection (3) Through team-teaching and input of selected experts, course will focus on specific problems of litigating in defense of the environment and mobilizing public and private efforts in defense of the environment. Problems of proving environmental impact of selected projects, interpretation and evaluation of scientific data, use of expert witnesses. Attention will also be given to special environmental concerns of the region, e.g., TVA operations, strip mining, forest management, wildlife preserves.

8910 Administrative Law Seminar (3) In-depth study of principles of administrative law not covered in basic courses, as discretion, choice of adjudication of rulemaking, to develop administrative policy, consistency in administrative action.

8920 Trade Regulation (4) A study of the common law and statutory regulation of trade. Monopolization and restraint of trade; mergers and acquisitions; price fixing; resale price maintenance; and other problems arising under federal anti-trust laws.

8930 Seminar in Consumer Protection (3) Selected problems in consumer protection.

8935 Law and Medicine Seminar (3) Examination of medical profession's involvement in judicial process, including; (1) medical malpractice and alternatives to fault-based liability; (2) responsibilities for disposition and care of dead bodies and legal principles governing organ transplantation; (3) expert medical proof and testimony; (4) medical-legal aspects of euthanasia; (5) other more specific matters such as legal import of medical profession's various canons of ethics.

8940 Civil Procedure II (4) Discovery, matters preliminary to trials, trials, instructions, verdicts, and judgments. Emphasis upon Tennessee and Federal practice.

8945 Trial Moot Court (1) Experience and training in trial of law and equity cases. Third-year students will act as counsel in all aspects of trial practice. Knox County Circuit Court Judges serve as judges of Trial Moot Court. Satisfactory-No Credit.

8950 Trial Moot Court II (1) Training in trial of a law suit.

8955 Seminar in Trade Regulation (3) Selected problems of current import, e.g., franchising, conglomerates.

8960 Trusts (4) Trusts: nature, creation, transfer, termination, modification, and administration.

8965 Unfair Trade Practices (3) Business torts and unfair competition and trade practices. Trademark, trade name, and copyright protection. Prereq: Trade Regulation.

8975 Water Law (3) Survey study in water law, including case studies and water law doctrines. Letter grade given to non-law students. (Same as Environmental Engineering 4610 and Water Resources Development 4810.)


8985 Directed Research (1-3) Independent research by a student or students under direct supervision of instructor. Student may take course maximum of once each year in last two years of study.

8990 Land Finance Law (3) Financing devices such as mortgages, deeds of trust and land contracts, problems involved in transfer of interests subject to these devices, and problems incurred in event of default. Consideration also directed to contemporary problems arising in such areas as condominiums, cooperatives, housing subdivisions and shopping centers.

Course Offerings Subject to Change

The necessity of adjustments to accommodate changing conditions may dictate modifications in the course offerings and other features of the program described above. Accordingly, the College of Law reserves the right to make such variation in its program as circumstances may require. Prospective students who are interested in the precise course offerings at a given time or who desire other special information should make inquiry in advance.