Kenneth L. Penegar, Dean
Donald S. Cohen, Assistant Dean
Curtis L. Wells, Assistant Dean

The University of Tennessee College of Law commenced operation in 1980 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, and 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 types of 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. The Public Law Research and Service Program and the Continuing Legal Education Program are primary examples of this function.

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, and are equipped with laboratories, classrooms, courtroom, seminar 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 repositor 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 practice 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 loose-leaf 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 just 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 meet 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.

Eligible law students may receive credit towards the J.D. degree for acceptable performance in up to three (3) courses taken in other departments at The University of Tennessee. Course selection and registration are subject to guidelines approved by the law faculty which includes the requirement that any such course be acceptable for credit towards a graduate degree in the department offering the course.

**Note:** Students are advised to consult the University's degree requirements as stated in the front section of this catalog as well as the requirements for this college.

**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 (received 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 obtains a grade of less than 1.5 in any first-year course, 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 varies 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.

**Faculty**


Assistant Professors: J.P. Black, J.D. Vanderbilt; D.S. Cohen, J.D. Northwestern; M.S. Black, J.D. Tennessee; G.B. Gray, J.D. Vanderbilt; K.H. King, J.D. Pennsylvania; B.H. Kulklin, J.D. Michigan; Z. Piater, J.D. Yale; R.A. Stetler, J.D. Virginia; J.L. Wilkerson, J.D. Yale; R.S. Wirtz, J.D. Stanford.

Instructors-Staff Attorneys: R. Belfon, J.D. Howard; C. Esbaugh, J.D. Tennessee; M.J. Huber, J.D. Tennessee; J.R. LaFevor, J.D. Tennessee; F.A. Tollison, J.D. Tennessee; R.L. Tucker, J.D. Tennessee; J.L. Weatherly, J.D. Tennessee.

**Program of Instruction**

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. See statement of course availability at end of section.

**REQUIRED COURSES**


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

8300 Contracts II (4) Continuation of study begun in Contracts I. Contracting on remedies in conditions, impossibility and frustration, 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, intoxication, mistake, 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 techniques and 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). Classes will be divided into small groups of students, and individual criticism given on all work submitted. Lectures on research writing and advocacy skills will be included. 8112 graded S/NC.

8130 Property I (4) Freehold estates, future interests, concurrent ownership, leases. Real estate contract and deed. Principles of personal property. 8112 graded S/NC.

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

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

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 and tax, intergovernmental immunities.

8310 Constitutional Law II (4) Freedom of expression, association and religion. Fourteenth Amendment rights excluding rights of criminally accused, including discrimination as to race, sex, etc., right to franchise and apportionment, 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 dispositional alternatives. Students will read judicial opinions and materials from fields of history, sociology, and psychology. Knox County Juvenile Court will serve as laboratory for students, and professional staff from the Court will participate in Seminar on regular basis.

8660 Legal Profession (3) Role of the lawyer in society and ethical 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 procedures.


ELECTIVE COURSES

8060 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.


8180 Interviewing and Counseling (3) Lawyer's role as interviewer and counselor. Designed to increase interpersonal skills by developing heightened sensitivity and understanding of emotional and psychological forces. Use of videotape techniques and role playing. Models developed from which students can analyze and evaluate classroom efforts.

8170 Trial Practice (3) Criminal and civil litigation, with primary emphasis on trial problems and preparation. Basic trial strategy, professional responsibility, fact investigation, witness preparation, discovery and presentation of evidence, selection and instruction of jurors, opening and closing arguments.


8220 Agency and Partnership (4) Principal and agent. Master and servant. Authority, unauthorized transactions, notice, ratification, restitution. Partnerships; transactions in individual and partnership areas. Partnership creation, dissolution, and termination, distribution and winding up. Organizational problems and devices to reduce risk. The Uniform Partnership Act.

8240 Arbitration Seminar (3) Arbitration of labor agreements. Judicial and legislative developments, nature of processes, relationship to collective bargaining, selected arbitration problems on various topics under collective agreements, and role of lawyers and arbitrators in the process. When course is not offered, law students, with law faculty permission, may elect Economics 4000.


8280 Conflict of Laws (5) Jurisdiction, foreign judgments, choice of law, constitutional limitations, renvoi, and classification.


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


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

8350 Damages (3) Rules and standards including concepts of value, allowance of interest and expenses of litigation, requirements of certainty and avoidable consequences, and credit of benefits accompanying injury; damages in tort actions including exemplary damages with particular emphasis upon personal injuries and personal property; damages in contract actions with emphasis upon foreseeability and other standards.

8360 Family Law (4) Survey of laws affecting the formal and informal family relationship. Topics include premarital disputes, antenuptial contracts, complications of common law and marital property, legal effects of marriage, support obligations within the family, legal separation, annulment, divorce, alimony, property settlements, child custody, 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 inter vivos 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: 8300 and 8440. In addition, recommended that student have had as many of following courses as possible: Wills, Private Corporations, Taxation (income), Partnerships and Trusts.

8420-40 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.
the student adapts himself to office law routines, interview clients, prepares legal documents, pleads, files papers and motions in court. Emphasis is placed on fact gathering, effective interviewing and research techniques. 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 processes from investigation through trial to post conviction remedies. Seminar-type classroom work relating to litigation will also be required. Prereq: 8630. 8 hours.

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

8640 Legal Draftsmanship (2) Independent drafting by students under direct supervision of instructor. 8 hours. Prereq: 8620.

8670 Legal Writing. Elective course, with consent of instructor, in fundamental types of legal writing. One hr credit on a satisfactory-no credit basis. Prereq: Law Writing proficiency. 1 hour.

8680 Legislation (3) Approximately half the course is devoted to class project in which the student is assigned a potential area for legislative reform from preliminary research, through a legislative hearing, final drafting, parliamentary debate and voting. Prereq: 8600. 3 hours.

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 boundaries. Home Rule. Prereq: 8620.

8705 Local Government Law II (3) Problems presented by fragmentation of local government units. Current solutions to include government as a collection of independent entities in the process of financing of local services. Current constitutional issues (e.g. school financing and land use control). Influences affecting the charter structure and governmental financial and decision making. Prereq: 8710 and 8630. 3 hours.

8710 Oil and Gas Law (3) Selected materials on the nature of interest, conveying, royalties, grants and reservations, leases, and taxation. Prereq: 8530.

8720 Advanced Constitutional Law (3) Select problems or perspectives in constitutional law. Designation is intended to cover numerous approaches which involve use of instructors from other disciplines such as history, political science, economics, sociology. Prereq: 8600 and 8630 or permission of instructor. 3 hours.

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. Prereq: 8600. 3 hours.

8760 Private Corporations II (3) Corporate finance; rights, duties, and liabilities respecting securities; corporate liability for fraudulent participation and purchase by corporation of its own shares; fundamental corporate changes (sale of assets, mergers, etc.); shareholders derivative actions. Prereq: 8740. 3 hours.


8800 Sales (3) Art. 2 (Sales) and Art. 7 (Documents of Title) of the Uniform Commercial Code. Prereq: 8530.


8840 Taxation (Estate, Gift and Inheritance) (3) Federal and state estate, gift and inheritance tax laws. Prereq: 8600. 3 hours.

8850 Seminar in Law and Mental Health (3) Composed of equal number of law and medical students. Assigned readings. Pair of law and medical students to prepare papers. Jointly taught by professor and psychiatrist. Prereq: 8650.


8866 Taxation (Income) II (3) Corporate reorganizations; methods of corporate distributions; sale of corporate business; other income tax problems of corporations; partnerships, and other business organizations. Prereq: 8860. 3 hours.

8870 Seminar in Business Planning (3) Selected problems on corporate and tax aspects of business planning and transactions. Prereq: 8600. 3 hours.


8890 Seminar in Environmental Protection (3) Through team-teaching and input of selected experts, course will focus on specific problems of legislating 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. Prereq: 8600. 3 hours.

8910 Administrative Law Seminar (3) Indepth 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. Prereq: 8600. 3 hours.

8920 Trade Regulation (4) A study of the common law and legislation regulating behavior in the area of marketing and purchase of corporate services; marketing and purchase by corporation of its own shares; fundamental corporate changes (sale of assets, mergers, etc.); shareholders derivative actions. Prereq: 8740. 4 hours.

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) medico-legal aspects of euthanasia; (5) other more specific matters such as legal import of medical profession's various canons of ethics.


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. Satisfactory-No Credit.

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 4810 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.

8995 Land Acquisition & Development (3) Alternative business forms will be assigned teams of students who will then prepare and present for seminar discussion all major documents (notes, deeds, prospectus, etc.) necessary to accomplish the acquisition or development of large pieces of raw land. Prereq: 8990.

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 specific information should make inquiry in advance.

It is necessary to offer some courses and seminars only on an every-other-year basis. Choice is based on subject matter and past patterns of student enrollment. In order to facilitate student and faculty planning these courses and seminars are listed as follows: 8330, 8350, 8510, 8520, 8525, 8570, 8705, 8710, 8720, 8780, 8930, 8955. These may be offered in the Summer Quarter session or upon availability of added faculty, but this will be done only after satisfying other priorities.