College of Law

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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 in advising and representing 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 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 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, courtrooms, 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 reinstallation 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 looseleaf services, totaling together more than 100,000 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

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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.

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.

Joint J.D.-M.B.A. Degree Program

The College of Business Administration and the College of Law offer a coordinated joint degree program leading to the conferral of both Doctor of Jurisprudence and the Master of Business Administration degrees.

Courses taken in the joint program may count up to two academic quarters (24 quarter hours) of course work which would be required if the two degrees were to be earned separately.

Admissions. Applicants for the J.D.-M.B.A. program must make separate application to, and be competitively and independently accepted by, the College of Law for the J.D. degree and the Graduate School and College of Business Administration for the M.B.A. degree, and by the Joint Degree Committee.

Application may be made at any time prior to, or after, matriculation in either College, but prior to completion of the second year of law school (84 quarter hours), and prior to entry into the last 24 quarter hours of the M.B.A. program.

Curriculum. A joint degree candidate must satisfy the graduation requirements of each college. Joint degree students withdrawing from the joint degree program before completion of both degrees will not receive credit toward graduation from either college for courses in the other college, except as such courses qualify for credit without regard to the joint degree program. For students continuing in the joint degree program the J.D. and M.B.A. degrees will be awarded upon completion of requirements of the joint degree program.

The College of Law will award credit toward the J.D. degree for acceptable performance in a maximum of 12 quarter hours of approved graduate-level courses offered by the College of Business Administration. Three of the 12 quarter hours must be earned in Accounting 5810 or a more advanced accounting course. If College of Law credit is given for such accounting courses, the joint degree student may not receive College of Law credit for Legal Accounting (Law College Course No. 8590).

The College of Business Administration will award credit toward the M.B.A. degree for acceptable performance in a maximum of 12 quarter hours of approved courses offered by the College of Law. Exemption from the first year courses in the College of Law, students are encouraged to maximize the integrative facets of the joint program by taking courses in both colleges each quarter.

A. Awarding of Credit for Recording Purposes. The College of Law for graduate business courses and in the College of Business Administration for law school courses, grades awarded will be converted to other Satisfactory/No Credit and will not be included in the computation of the student's grade average or class standing in the college where such grades are so converted. The College of Law will award a grade of Satisfactory for a graduate business course in which the student has earned a B grade or higher and a No Credit for any lower grade. The College of Business Administration will award a grade of Satisfactory for a College of Law course in which the student has earned a 2.3 grade or higher and a No Credit for any lower grade. Grades earned in courses of either college may be used on a regular graded basis for any appropriate purpose in the college offering the course. The official academic record of the student maintained by the Registrar of the University shall show these grades assigned by the instructor without conversion. The student must pass a final written comprehensive examination to receive the M.B.A. degree.

Satisfactory/No Credit Option

1. Course eligibility
   a. Required courses may not be taken on a Satisfactory/No Credit basis except specified.
   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 for a degree credit for Satisfactory/No Credit are not required to change to a satisfactory/no credit. If the student completes the course, the grade recorded will be a satisfactory/no credit. If the student does not complete the course, the grade recorded will be an unsatisfactory/no credit.
   b. Credit will be given for a course taken on a Satisfactory/No Credit basis only in a course in which the student completes the course at least 10 hours on a regular grade basis.
   c. Students electing the Satisfactory/No Credit basis must meet all require-
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 process and legal protection afforded contracts. Problems of offer and acceptance, interpretation, legality, and the statute of limitations.

8030 Contracts II (4) Continuation of study begun in Contracts I. Concentrating on remedies, 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-semester sequence of research courses 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 sections, and individual criticism given on all work submitted. Lectures on research writing and advocacy skills will be included. 8110 and 8112 graded S/NC.


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

8180 Torts I (4) Intentional 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.

8870 Legal Writing (1-4) Legal research and writing of papers on problems of law. Work on Tennessee Law Review may count toward fulfillment of requirement. One hour may be given toward preparation of brief in National Moot Court Competitions. May be repeated for credit. Prereq: Faculty permission.

8880 Sales (3) Art (2) Sales and Art. 7 (Documents of Title) of the Uniform Commercial Code.


8945 Trial Moot Court (1) Experience and training in trial of civil law cases. 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 I (I) Training in trial of civil law suit. Satisfactory-No Credit.

8955 Seminar in Trade Regulation (3) Study and discussion of selected problems arising under anti-trust laws and laws applicable to regulated industries.

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


8975 Water Law (3) Survey study in water law, including case studies and water law doctrines. Lecture 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 the direction 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.

8998 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: 8890.

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 variations 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.

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: 8350, 8510, 8205, 8255, 8570, 8705, 8710, 8720, 8780, 8830, 8980, 8955. These may be offered in the summer under special permission upon availability of added faculty, but this will be done only after satisfying other priorities.