



The TBA YLD: the Perfect Place to Serve and Hone Leadership Skills

By Cynthia Richardson Wyrick
President, Young Lawyers Division

For most of us, one of the reasons we wanted to practice law was to help others by giving back to our communities and profession. However, the challenges that come with actually practicing law may make us question whether we ever will be able to accomplish those laudable goals. The Tennessee Bar Association (TBA) Young Lawyers' Division (YLD) offers the solution to this dilemma for me. As a longstanding member of the YLD, I have had the opportunity to be part of a number of projects that have benefited a diverse group of people. I have been involved in projects that focus on children, the elderly and the working poor. These projects have made, and still are making, a real difference in the lives of people across the state. I also have been involved in a number of projects that benefited my fellow attorneys.

Many of you who read this column are in your first years of practice and have a high billable hours requirement or more plaintiff's work than you know how to handle. You don't know how you possibly could find time to participate in any service projects, be it through the YLD or some other organization. The wonderful thing about getting involved in the YLD is that we all have been there and understand this situation. If you only have a little time, but are anxious to give back to your community and profession, we can find a place for you. There are a number of committees that would love to have additional members, even if that new member plays only a limited role. As you get more comfortable with the practice of law and the YLD, you can increase your level of service. Once you are ready, you can chair a committee, be involved in producing and presenting a CLE or spearhead a public service project.

As an additional benefit, being involved in the YLD gives you the opportunity to learn about leadership from

some of the best leaders in the state. For example, TBA President Charles Swanson has been very supportive of and accessible to the YLD. In fact, President Swanson has appointed members of the YLD to key positions in his administration. He knows that the YLD leaders of today are the "big bar" leaders of tomorrow as he, President Elect Bill Haltom, and Vice President Larry Wilks were all former YLD leaders. The TBA is so committed to training new lawyers to be good leaders that it hosts a full-fledged training academy for young lawyers. TBALL, which stands for Tennessee Bar Association Leaders in the Law, was started last year under the leadership of then President John Tarpley, and has received rave reviews. In addition, each year in January the TBA invites young lawyers to participate in a leadership conference in Nashville. I recently attended this year's conference, where outstanding leadership training was provided. Young lawyers also were given an opportunity to interact with members of the legislature and the judiciary. Suffice it to say that it is not often that new attorneys get an opportunity to lunch in the state capitol with the Chief Justice and a U.S. Congressman. I certainly appreciated that opportunity provided by TBA.

So, my fellow young lawyers, if you have managed to survive the bar exam and the initial shock of starting to practice law, while retaining at least some small desire to do good for your community and profession, the YLD is the place for you! Come join us.

Cindy is a shareholder at the Sevierville law firm of Ogle, Gass & Richardson PC. She focuses her practice in the areas of general civil litigation, personal injury, medical malpractice, workers compensation and family law. You can reach her at crwyrick@aol.com.

SPOTLIGHT ON YLD Director Stacey Shrader

By Angelia Morie Nystrom

“Yes, I know I bragged on YLD Director Stacey Shrader in my last report, but she is doing such an outstanding job for the YLD that I must do so again. If I did not know otherwise, I would think Stacey had been serving in her role as YLD Staff Director for several years, instead of several months,” YLD President Cynthia Richardson Wyrick told the TBA Board of Governors at the recent leadership conference.

Prior to joining the staff at the TBA in June 2004, Stacey Shrader worked on Capital Hill for ten years. While in Washington D.C., she served as a legislative assistant for the House Republican Conference and later as legislative director for U.S. Rep. Asa Hutchinson and senior advisor for U.S. Rep. John Boozman. Her work included writing speeches and press releases, as well as monitoring legislation pending before the House Judiciary Committee. Additionally, Stacey contributed several chapters to the book *Contract with America*, published in 1994.

After relocating to Nashville, Stacey kept her finger in the political pie working as a speechwriter for an official in the U.S. Department of Justice on issues of civil rights, law enforcement, legal matters and cultural developments. Capital Hill's loss is the TBA's gain.

Stacey currently serves the TBA as the Young Lawyers Division Director and Media Relations Coordinator. When she is wearing her YLD hat, Stacey is working with the division leadership on public service projects, member services and member recruitment. When she is wearing her broader TBA hat, she spearheads media relations and assists with member communications.

As soon as she joined the TBA staff, Stacey became an integral part of the association's operations. TBA Sections/Committees Coordinator Lynn Pointer states, “Stacey is the ultimate ‘can-do’ person. She is bright, talented, creative and always willing to roll up

her sleeves and do whatever it takes to get the job done.” Indeed, at the recent *Tennessee Bar Journal* Birthday party, Stacey assisted with decorations and games, and was the impetus behind the now-notorious “You Must Be Present to Win” rule and the “Pin the Car on the Courthouse” game (which, incidentally, I am certain I won because I got the car into the space without hitting the judge's car parked nearby). But, I digress.

Stacey is the ultimate event planner. If Stacey is in charge, then you know things will be exactly right.

You don't have to ask; they just are. Nothing will be left undone. Says Roger Spivey, CLE and Meetings Director, “I always double and triple check arrangements, especially if I made them. With Stacey, I just ask, ‘Is it done?’ She checks that fourth time.”

Stacey has played an integral role in the success of the YLD this year. She has been involved in almost everything that the YLD has done, and

without her assistance, the YLD would not have accomplished nearly as much as we have at this point in the bar year. “We are very fortunate to have someone on our team who is so pleasant and produces such a professional work product,” says Wyrick.

As good as she is at her job, Stacey is also a lot of fun. Barry Kolar, Assistant Executive Director, describes his first impression of Stacey this way: “From her resume, I thought Stacey was probably pretty conservative, but after the reception at the County Music Hall of Fame during last summer's convention, she joined the gang going to Tootsie's on Lower Broad. I was a little surprised by that, but then when we walked in the door, she waved at the lead singer in the band and casually mentioned that she'd performed with him before. So much for my initial impression of the conservative Ms. Shrader.” Indeed,

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Stacey and other YLD members “get down” at my wedding reception. Photo courtesy of Barry Seaton at Seaton Shoots, Knoxville, Tenn.

MIDWINTER LEADERSHIP CONFERENCE

Leadership Conference Recap

By Jason H. Long, Editor

The 2005 Mid-Year Leadership Conference was held at the Tennessee Bar Center in Nashville on Jan. 14-16 of this year and was a resounding success. The weekend provided an invaluable opportunity for YLD members to interact with and learn from the leadership of the “big bar.” For the YLD, the weekend began with a dinner at Merchant’s on Broadway, followed by an evening of exploring downtown Nashville. The following morning, attendees participated in educational programming related to the development of effective leadership skills. Seminars were held on educational and leadership styles, building better bar leaders, CLE programming and government relations.

At the conclusion of the seminars, attendees were invited down the street for the TBA’s annual public service luncheon, hosted in the state capitol building. The following awards were given at the luncheon: the Harris A. Gilbert Pro Bono Attorney of the Year to Vance Fry and David Gall; Public

Service Attorney of the Year Award to Barbara Futter; Law Student Volunteer of the Year Award to Vanderbilt student Joseph Williams; CASA Volunteer of the Year Award to Regina Saffel (see related story in this issue); and special recognition award for pro bono service to David Siegel and Richard Gordon. At the conclusion of the awards presentation, U.S. Rep. John Tanner delivered the keynote address, stressing the need for leadership through an independent bar and judiciary.

The Mid-Year YLD Board Meeting followed the luncheon, where the board prepared for the upcoming mock trial competition and the remaining YLD projects for 2005. Overall, participation and enthusiasm were high as this year’s Leadership Conference exceeded all expectations.

Jason is an attorney with the Knoxville firm of London & Amburn PC and can be reached at jlong@latlaw.com. He serves the YLD as editor of this publication.



During the Mid-Winter Leadership Conference, YLD President Cindy Wyrick presented “Star of the Quarter” awards to E-DICT editor David Chagas [1], Continuing Legal Education Committee Chair Carol Anne Long [2] and Children’s Issues Committee Chair Tasha Blakney [3]. Not pictured is award winner Laura Steel, chair of the Law Student Outreach Committee.



Children's Issues Committee Presents Volunteer of the Year Award

By Tasha C. Blakney, Chair
Children's Issues Committee

The members of the Children's Issues Committee of the YLD presented the inaugural CASA Volunteer of the Year Award to Regina Saffel of Jackson during the TBA's mid-winter leadership conference in Nashville. A group of Tennessee lawyers, legislators and members of the judiciary applauded the efforts of Saffel on behalf of Tennessee's youth during the annual legislative luncheon at the state capitol on Saturday, Jan. 15.

Saffel has been a tireless advocate for abused and neglected children during her seven years of service as a CASA volunteer in Madison County. According to Amy Jones, executive director of the CASA office in Madison County, Saffel was one of the first CASA volunteers sworn in to the Jackson office and she is still going strong, using her background as a nurse to provide careful attention to the needs of medically fragile children.

In fact, Saffel has developed such a reputation for being a thorough and tireless advocate that lawyers and judges in the Madison County area have come to request her by name when a CASA volunteer is needed for a case. Now in her 70s, Saffel exemplifies the qualities and characteristics that make her the ideal recipient of the Young Lawyers Division's first CASA Volunteer of the Year Award.

CASA, which stands for Court Appointed Special Advocates, uses highly trained volunteers to advocate for the needs of abused and neglected children.

Tasha is a partner in the Knoxville firm of Eldridge & Blakney PC. For more information about CASA or to learn how to become involved in the Children's Issues Committee contact her at (865) 544-2010 or tblakney@eldridge-blakney.com.



YLD President Cindy Wyrick (right) and Children's Issues Committee Chair Tasha Blakney (left) present the inaugural CASA Volunteer of the Year Award to Regina Saffel, a volunteer with the Madison County CASA agency. Saffel is accompanied by her husband Bob.



During the Mid-Winter Leadership Conference, YLD President Cindy Wyrick presented certificates of appreciation to this year's TBA YLD law school liaisons. Pictured from left are: Patti Garner [1] and Marjorie Haines of the Nashville School of Law [2], Keith Moorman of the University of Memphis School of Law [3] and Sara Murphy of the Vanderbilt University Law School [4]. Not pictured are Marissa Moses and Betsey Kirk of the University of Tennessee College of Law and Kelly North of the University of Memphis School of Law.



Getting Ready for Statewide Public Service Day

By Jenny Coques Rogers, Chair
Statewide Public Service Day Committee

The Statewide Public Service Day Committee organizes one of the most extensive volunteer projects sponsored by the Young Lawyers Division. The committee is comprised of 14 district representatives who are responsible for choosing a volunteer activity and recruiting attorneys in their districts to perform the project. For the past several years, the committee has selected one day for attorneys to join hands and give back to their communities across the state of Tennessee. A few examples of the wonderful projects undertaken in the past include construction of Habitat for Humanity houses; construction of wheelchair ramps for disabled individuals; and maintenance work at schools for disabled children, abuse shelters, community centers and animal shelters.

This year, the committee is pleased to announce that the Statewide Public Service Day will be used to raise money for and awareness of a single, deserving agency—Court Appointed Special Advocates or “CASA.”

CASA is a non-profit organization with the sole purpose of recruiting and training volunteers who are appointed by a judge to “speak up” for abused and neglected children in court. CASA volunteers make sure that these children do not get lost in a bureaucratic web, but find safe and permanent homes. CASA, which has programs covering 26 counties, maintains local offices in many districts across the state.

During Law Day celebrations, which are scheduled for April 30 through May 7, most of the district representatives plan to use the Law Day luncheon, dinner

or program in their area to raise money for and awareness of CASA. The district representatives will work closely with the executive director of their local CASA agency to plan the fundraiser and awareness event. In most locations, a CASA volunteer will be present to answer any questions that potential donors might have about the program. Because of the way CASA is structured, donors can be confident that their tax-deductible gifts will benefit local children who are served by the CASA agency in their area. In addition to fundraising efforts, the district representatives also plan to determine what service projects might benefit local CASA agencies and spearhead such activities as painting or maintenance work.

For the past four years, finding money for local CASA programs has become more difficult. New and small CASA programs struggle to get established. Older programs find that previously stable grant sources such as IOLTA have been lost or reduced. Now, more than ever, CASA is largely dependent upon private donations for its day-to-day operations. It is no exaggeration to say that the direct beneficiaries of our volunteer work will be the abused and neglected children in Tennessee. The committee is proud to devote this year’s Statewide Public Service Day to these deserving children.

To learn more about public service day or to get involved in a project in your area, please contact Statewide Public Service Day Committee Vice Chair Adam Knight at aknight@sedlaw.com.

YLD Director Stacey Shrader *(continued from page 2)*

if there is fun to be had, then Stacey is leading the charge. Whether it is at a Michael Jackson Tribute Band concert or a particularly spirited wedding reception (see photo on p.2), Stacey is often leading the charge to the dance floor.

Allan Ramsaur, Executive Director of the TBA, echoes the sentiments of his staff and of the YLD leadership in singing the praises of Stacey Shrader. As he so aptly stated, “We are really lucky that someone

with Stacey’s rare combination of talents and great sense of humor chose to relocate to Middle Tennessee and join our staff.”

Angelia is an attorney in the Nashville and Knoxville offices of Baker, Donelson, Bearman, Caldwell & Berkowitz PC. She serves the YLD as chair of the Publications Committee and can be reached at amorie@bakerdonelson.com.

CLE Update

By Carol Anne Long, Chair
Continuing Legal Education Committee

The YLD is sponsoring two CLEs in the coming months. First, we will offer a great new three-hour ethics CLE at the end of March called "Who's Your Client? And other Ethical Dilemmas." This seminar will be held in Memphis on March 29, Nashville on March 30 and Knoxville on March 31. Second, we are planning a brand new six-hour transactional practice CLE for May. Look for details in the

next issue of *The Quarterly*.

Carol Anne works as senior judicial clerk to Tennessee Court of Appeals Judge Charles D. Susano Jr. in Knoxville. She serves as chair of the YLD Continuing Legal Education Committee and can be reached at carol.anne.long@tscmail.state.tn.us.

Call to Arms II: This Time We Really Mean It!

In the last edition, we advertised the need for volunteers to assist with the 25th annual Mock Trial Competition. We appreciate all of you who have offered your invaluable services to date and we are asking again, that if you are looking for a way to get involved with the YLD, meet attorneys from around the state, have a lot of fun, do some good in the community or all of the above, please consider signing up to volunteer for this annual event. The competition is one of the longest running, most visible projects of the YLD. Your local competition likely will be over by the time this issue goes to press—BUT IT IS NOT TOO LATE TO GET INVOLVED IN THE STATE COMPE-

TITION. The state trials are set to occur on Friday, March 18 (competition rounds at 3:00 p.m. and 5:30 p.m.) and Saturday, March 19 (competition rounds beginning at 9:00 a.m.). If you will be in Nashville March 18 or 19 and would like to participate as a volunteer scorer, judge or baliff, please contact:

Danielle Barnes
Tennessee Department of Human Services
Citizens Plaza, 15th Floor
400 Deadrick Street
Nashville, TN 37248
Phone: (615) 313-6630
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Getting Ready for Law Day 2005

By Stacey Cason, Chair
Law Day Art and Essay Contest Committee

Law Day is officially observed each year on May 1. The American Bar Association promotes this observation as an opportunity for all Americans to celebrate and enjoy our freedoms. Among the many objectives of celebrating Law Day is to promote legal education and service to the public by the legal community. The theme of this year's Law Day is: "The American Jury: We the People in Action." It was chosen to help people better understand the jury system and the role they can play in keeping it a vital component of our legal process.

The YLD uses its annual art and essay competitions to promote the observation of Law Day

throughout Tennessee. The art contest is open to children in grades kindergarten through eight. The 2005 Law Day Essay Contest is open to all of Tennessee's high school students. In mid-February, the YLD mailed materials to schools throughout the state to encourage teachers and sponsors to promote the contests. The deadline for entries for both contests is April 15.

Stacey is an attorney in the Nashville firm of Manier & Herod PC and serves the YLD as chair of the Law Day Art and Essay Contest Committee. To get involved in this project, contact her at scason@manierherod.com.

PRACTICE TIPS

Income Shares: Tennessee's New Child Support Guidelines

By Kim Beals

The Tennessee Department of Human Services has received approval from the state attorney general to file new child support guidelines with the secretary of state's office. The proposed rules change the Department of Human Services' child support guidelines currently found in Chapter 1240-2-4 from a "flat percentage of net income model," which has been in effect since 1989, to an "income shares model" now used in some form by 33 other states. Once the proposed rules take effect on Jan. 18, all new or modified child support orders in Tennessee will be calculated under the income shares model, which requires consideration of the income of both parents and other major expenditures, including child care costs and medical insurance premiums, when calculating the amount of a child support order.

Under the current flat percentage model, only the net income of the "alternate residential parent" (ARP; F.K.A. non-custodial parent) is used to calculate the amount of child support. Once the net income of the ARP is determined by subtracting income tax and FICA, a percentage based on the number of children for whom the order is being calculated is applied to the net income. Neither the income nor any additional expenses of the "primary residential parent" (PRP; F.K.A. the custodial parent) is considered in the calculation of the support obligation. The flat percentage model does not provide a specific adjustment to the support obligation of the ARP for significantly more or less parenting time with the child(ren).

Tennessee's new income shares model uses the gross income of both parents to calculate the support obligation, using the child support worksheet and credit worksheet required under the rules. Gross income will be calculated the same as under the flat percentage model. Like the current model, deductions against gross income will be allowed for support provided to other children for whom that parent is legally responsible. Unlike the current model, these deductions are available under income shares to either parent. These deductions from gross income result in the parent's adjusted gross income (AGI). To determine the amount of the basic child support obligation (BCSO), the AGI of each parent is combined and cross-referenced on the CS support schedule with the number of children for whom support is being calcu-

lated. Each parent is then responsible for a share of the BCSO in the same proportion as his/her adjusted gross income is to the combined adjusted gross income.

For example, if the ARP's monthly AGI is \$5,730 and the monthly AGI of the PRP is \$3,820, the ARP's proportion of the combined monthly-adjusted gross income is 60 percent of the total adjusted gross income of \$9,550 ($\$5730 \div \9550). The PRP's share is 40 percent ($\$3820 \div \9550). The combined obligation from the child support schedule for two children, based on the monthly combined adjusted gross income, is \$1,504 per month. The ARP is responsible for \$902 per month ($\1504×60 percent) and the PRP is responsible for \$602 per month ($\1504×40 percent).

Under income shares, the ARP's support obligation is subject to adjustment based upon parenting time that is significantly more or less than what is considered standard parenting time. The adjustment for decreasing the obligation begins at 121 days, and the adjustment for increasing the support obligation begins at 53 days. For parenting time between 53 and 121 days, there is no adjustment available.

Expenses for work-related childcare and health insurance premiums attributable to the child are divided between the parents in the same proportion in which the parents share the BCSO (i.e., from the previous example, 60 percent and 40 percent).

These additional expenses are added to the BCSO established by the schedule and become part of the ordered amount of child support. For instance, if the PRP is paying \$500 per month for childcare expenses, 60 percent of this amount, or \$300 per month, will be added to the ARP's order amount. Continuing with the same example from above, the ARP's child support obligation would then become \$1,202 per month ($\$902 + \300).

At this point in the calculation, the support obligation is limited by the statutory threshold to the amounts provided by the current guidelines: \$2,100 for one child, \$3,200 for two children, \$4,100 for three children, \$4,600 for four children, and \$5,000 for five or more children. This limitation can be rebutted and an additional amount may be added to the obligation as a deviation.

Extraordinary expenses may also be added as a

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THE SURREAL LIFE

Beware Lawyers Emulating Professional Athletes

By David Johnson

Editor's Note: Always on the cutting edge, The Quarterly has asked David Johnson, a Nashville attorney and member of the YLD Board, to develop a forum for his unique and usually humorous viewpoint on the practice of law. Please be advised that this column, "The Surreal Life," is to be taken as intended, in a humorous manner. To say that David takes poetic license with his writing would be an understatement. Nothing contained herein is to be construed as factually accurate and any references to actual people are only because we know they will not be offended by such publication. Finally, and most importantly, the twisted opinions expressed herein are David's own and are not to be construed as the opinions of The Quarterly staff, the Tennessee Bar Association, its employees or officers, or the Young Lawyers Division. In fact, we are all a little concerned for David.

Every young attorney needs a good mentor. Increasing concerns are developing among established elements of the Tennessee bar, however, with respect to many of the role models selected by today's young lawyers. In particular, there appears to be a recent phenomenon in which young attorneys are selecting professional athletes as mentors. This has created a stir in courthouses across the state.

One noticeable problem is attorneys imitating NFL players in the courtroom. As a veteran Knox County circuit court judge recently remarked, "Kid lawyers these days! When I first came on the bench, a victorious lawyer would quietly close his briefcase and make a gracious exit from the courtroom. Nowadays, taunting has become rampant. I've witnessed winning attorneys spike their notepads in celebration. I've even seen these youngsters choreograph victory dances."

Perhaps the most notorious incident of this sort occurred earlier this year in Maury County Chancery Court, where attorney Wesley Bryant prevailed in a routine motion for an extension. Upon announcement of the ruling, Bryant, apparently inspired by the recent antics of Minnesota Vikings wide receiver Randy Moss, spontaneously delivered a "fake moon" to his opponent in open court, while exclaiming, "Res ipsa loquitor, baby!"

By the time court officers could restrain him and escort him out of the courtroom, Bryant also managed to gyrate his derriere against the lectern. During the escapade, a stunned chancellor pounded his gavel and

cried: "In the name of everything that's holy; pretend like you've been there before, son." The Tennessee Board of Professional Responsibility will neither confirm nor deny reports that Bryant has been placed on "double-secret probation" as a result of the outburst.

Other instances across the state in which excessive celebration sanctions have been levied include the following:

An impudent young Bradley County attorney was so confident that his motion to set aside would prevail that he not only came forward with a prepared order for the judge to sign from the bench, but also brazenly whipped out a Sharpie from his sock.

There are wide reports of throat-slashing gestures being made by young attorneys practicing in the 28th and 29th judicial districts.

In Giles County, a young attorney "went Kyle Turley" in open court.

Two Davidson County attorneys, who prevailed on a joint motion for approval of a workers' compensation settlement, pulled a set of pom-poms out of their briefcases and began to shake them as part of a choreographed dance.

In an apparent imitation of New Orleans Saints wide receiver Joe Horn, a Hamblen County attorney grabbed a cell phone hidden in a lectern and pretended to call her mother to celebrate the denial of a summary judgment motion.

After a Montgomery County jury announced that it had found the defendant not-guilty of DUI charges, the defendant's attorney performed the "Lambeau Leap" into the jury box.

Interestingly, these incidents are not limited to the courtroom. For instance, attorney Angelia Morie is renowned for whipping herself up into a "Ray Lewis frenzy" before she sits down to draft an estate planning document. Similarly, a Putnam County real estate closing almost fell through after a young attorney representing one of the parties kept yelling, "Who's your daddy?!"

Meanwhile, officials in Hamilton County have chosen to take a preemptive strike so as to prevent a "Ron Artest moment," wherein an altercation during an NBA basketball game moved into the stands after a fan poured beer on a player. Despite intense opposition, the Hamilton County judiciary took the drastic measure of forbidding jurors and other members of the public from

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Election Notice

Pursuant to Article VII, Section 4 of the Tennessee Bar Association Young Lawyers Division Bylaws, notice is hereby given of the following elections.

Candidates who wish to stand for election must file with the TBA YLD Secretary a nominating petition that includes the name of the candidate, the position sought and the candidate's signature no later than April 1. (Please contact TBA staff member Stacey Shrader at 615-383-7421 or sshrader@tnbar.org to request a copy of the petition.)

Candidates unopposed for a position are deemed to be elected on April 1. Contested elections will be decided by secret ballot at the division's annual meeting in June in Knoxville. A successful candidate must receive a plurality (the greatest number) of votes. In the event of a tie vote of the membership, the YLD Board elects the candidate. In the event of a tie vote of the board, the YLD president breaks the tie.

If no qualified candidate files, the TBA YLD Nominating Committee will nominate a candidate or candidates to fill the position subject to the vote of the general membership at the annual meeting

For each of the following offices, candidates must be under age 36 or 3 years of practice at the time they would assume office.

YLD Vice President

Length of Term: 1 year

Position automatically ascends to the office of president-elect after one year and then to the office of president in the third year. Position rotates among the three grand divisions. To stand for election in 2005, candidates must reside in the Eastern Grand Division.

East TN Governor

Length of Term: 1 year

Additional Qualification: Candidates must maintain residency in the Eastern Grand Division.

Middle TN Governor

Length of Term: 1 year

Additional Qualification: Candidates must maintain residency in the Middle Grand Division.

West TN Governor

Length of Term: 1 year

Additional Qualification: Candidates must maintain residency in the Western Grand Division.

Secretary

Length of Term: 1 year

Treasurer

Length of Term: 1 year

District Representatives from Odd Numbered Districts

Length of Term: 2 years

Additional Qualification: Candidates must reside or maintain a principal office in the district they seek to represent.

District 1: Carter, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi and Washington Counties

District 3: Knox County

District 5: Hamilton County

District 7: Cannon, Coffee, Franklin, Grundy, Marion, Rutherford and Sequatchie Counties

District 9: Davidson County

District 11: Bedford, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne and Williamson Counties

District 13: Chester, Decatur, Fayette, Hardeman, Hardin, Haywood, Henderson, Lauderdale, McNairy, Madison and Tipton Counties

Income Shares: Tennessee's New Child Support Guidelines *(continued from page 8)*

deviation to the obligation calculated above in the discretion of the court.

The ARP pays to the PRP his/her share of the child support obligation, and the PRP is deemed to spend his/her share of the obligation directly on the child.

The income shares model for determining the amount of child support is predicated on the concept that the child should benefit from the financial resources of both parents and receive the same proportion of parental income that the child would have received if the parents lived together.

According to Commissioner Gina Lodge of the Department of Human Services, "the Department and its partners have spent countless hours developing these guidelines. They are based on the best economic studies and methodologies available at this time for calculating the costs of raising a child. Times and families have changed over the last several years. The current flat percentage formula is no longer the best way to calculate support. Income shares is a fairer method of calculating support for all parties involved."

Based upon these economic studies, it was determined that as parental income rises, the percentage of income allocated to child-rearing expenses begins to

decrease, even though the actual dollar amount spent may continue to increase. For this reason, a support obligation based upon a flat percentage of parental income at all income levels may be too low at low incomes and too high at high incomes. The basic support amounts under income shares reflect this economic reality, reducing the percentage of parental income allocated to child-rearing expenses as parental income increases.

The income shares model also may result in more equitable allocation of support in cases where one parent has an extremely high income and the other earns a very low income by imposing on the parent with the larger income the larger percentage of the support obligation, whether that parent is the ARP or the PRP. The rules attempt to address the most common parenting situations and provide an alternative method for calculating the support obligation when all of the children for whom support is being calculated are not living primarily with the same parent.

Editor's note: This article was originally published in the January 2005 edition of the Knoxville Bar Association newsletter DICTA.

Beware Lawyers Emulating Professional Athletes *(continued from page 9)*

consuming alcoholic beverages in the courtroom on the last day of trial. In fact, courtroom deputies now form a barrier between counsel, the gallery and the jury box whenever a verdict is announced.

Regrettably, the problems currently facing Major League Baseball also have spilled over into the Tennessee bar. Robertson County attorney Lisa Richter was so astonished that she lost a motion to local attorney John Holt that she demanded he submit to a drug test. Sure enough, Holt tested positive for performance enhancers (which also may explain his wife's recent childbirth). As a result of Holt's conduct—as well as suspicions surrounding that of local attorney Jay "Giambi" Johnson—all attorneys now must submit to a urine test upon passing through the courthouse metal detector. The Shelby County judiciary is considering implementing a similar policy after attorney Danny Van Horn—known as the "Barry Bonds of the Memphis

bar"—was spotted rubbing a cream of unknown and suspicious origin on his arms before a hearing.

We will remain vigilant in keeping attorneys across the state informed about these recent developments. In the meantime, should you witness excessive celebration by young attorneys in the heat of battle, please report the incident to your nearest TBA representative. Do not attempt to handle the situation yourself and by all means avoid making direct eye contact. It may be viewed as a sign of aggression.

David is an attorney with the Nashville firm of Miller & Martin PLLC. He serves the YLD as chair of the Mock Trial Long Range Planning Committee, ABA Relations Liaison and Middle Tennessee young lawyer representative to the TBA House of Delegates. He can be reached at [dljohnson@millermartin.com](mailto:djohnson@millermartin.com).



The Tennessee Bar Association
221 Fourth Avenue North, Suite 400
Nashville, TN 37219

TBA Young Lawyers Division 2005 Meeting Calendar

Mock Trial Competition. March 18-19, 2005
Nashville

TBA YLD Annual Meeting. June 17, 2005
(In conjunction with TBA Convention) The Marriott Hotel — Knoxville