

THE QUARTERLY

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You've Come a Long Way, Baby: Tennessee High School Mock Trial is 'Legal'

By Stan Graham,
TBA YLD Mock Trial Chair

This year's state mock trial chair, Stan Graham (left), hands out the Best Attorney plaque at the 2002 state competition.

The year was 1980. Disco was dying (the first time). "Dallas" ruled TV. Jake and Elwood Blues were on a mission from God while Luke and Leia were fighting the bad guys again in the Empire Strikes Back. Few had VCRs; fewer had cable TV. That summer, the U.S. boycotted the Olympics in Moscow. That fall, Ronald Reagan was elected president for the first time. And here in Tennessee? Well, high school mock trial was just being born. And, remarkably, it will soon celebrate its 23rd birthday when the Tennessee Bar Association's Young Lawyers Division hosts the 23rd Annual Tennessee State High School Mock Trial Competition on March 7 and 8, 2003, in Nashville.

That first year, only four teams competed statewide in the mock trial competition. Under the guidance of the TBA Young Lawyers Division, the program has grown exponentially, with well over 100 teams now competing statewide every spring in district competitions. The top teams in the local competitions — about 20 each year — advance to the state competition. The winning team in the state competition goes on to compete in the National High School Mock Trial Championship. Last year, the winning Tennessee team — Chattanooga's Family Christian Academy — walked away from the national competition with the top prize, bringing Tennessee the national title for the first time.

This year's teams will be presenting the case of

State v. Conyers, a criminal matter in which the defendant, Francis Conyers, is charged with murder in the drive-by shooting of Frankie Simmons, a student at Cumberland High School in Tennessee County, Tennessee. Conyers, a ne'er-do-well out cruising with a fellow deadbeat buddy, Shannon Reeves, says that Reeves shot Simmons after mistakenly thinking that Simmons was a member of a rival street gang who had ripped Reeves off in a drug deal. Reeves says that Conyers pulled the trigger, and that he was

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Interested in running for office?

Several positions within the Tennessee Bar Association Young Lawyers Division will be up for election this coming June. According to TBA YLD Bylaws, "every attorney who has been admitted to practice law by the Tennessee Supreme Court, who is a member in good standing of the Tennessee Bar Association, and who is under 36 years of age or who, regardless of age, has been admitted to practice in any state for three years or less is automatically a member of the (Young Lawyers) Division." All members are encouraged to consider running for office if they wish to become actively involved in the YLD.

Available positions include: vice-president (who automatically ascends to president-elect, then president and must be from the Western Grand Division of Tennessee this year), treasurer, secretary, regional governor (East, Middle, and

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The Quarterly

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The Quarterly is distributed quarterly for free to TBA members who are less than 36 years old or who have been admitted to practice in Tennessee three years or less.

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Jonathan Steen
TBA YLD President

A New Year to Volunteer

With the holiday season upon us, it is a time to reflect on the many blessings we have received throughout the year, and share of ourselves with friends and loved ones. For many, it is a time for giving gifts to those around you. As you reflect on this past year and are thankful for all that you have, I encourage you to remember those who might not be as fortunate as you, and consider giving the gift of your time. One way you can give your time to improving your communities and the profession is by volunteering.

Take a pro bono case. This time of year can be difficult for those in need; especially for those in need of legal services they are not able to afford. I encourage you to consider signing up to accept pro bono cases from your local legal services program or bar association sponsored Pro Bono Project. The cost of giving up some billable hours to non-billable pro bono time is slight compared to the benefit you will be providing to those you represent on a pro bono basis. Moreover, the personal satisfaction you feel for helping someone in need, and the goodwill you generate for the profession, simply cannot be bought no matter how many hours you bill. You can contact the TBA Access to Justice Coordinator Beth Sims (bsims@tnbar.org or 800-899-6993) for information on volunteering with your local Pro Bono Project.

Coach a high school mock trial team. One way to give back to your community and educate high school students about the legal profession, while at the same time honing your trial skills, is to become involved in the high school mock trial competition. The TBA YLD sponsors the state Mock Trial Competition each March. Teams of 6-12 high school students play the roles of the attorneys and witnesses in a hypothetical trial. The teams are given the basic facts of the case, prepared witness statements and exhibits. Teams are coached by local attorneys or law student volunteers. The teams compete against each other, role-playing opposite sides of the trial. These "mock trials" are presided over by real judges or attorneys, who rule on objections and preside over the course of the trial. Other attorneys sit as "jurors" and evaluate the performances of the competing teams. The teams compete first on a district level, from which the winners advance to the state Mock Trial Competition held in Nashville, which will be March 7-8, 2003. I urge you to help coach a high school mock trial team in your area. I guarantee you the experience will be very rewarding, not only for the students you coach, but also for you. To find out how you can volunteer, contact the State High School Mock Trial Committee Chair Stan Graham (sgraham@wallerlaw.com or 615-252-2435) or TBA YLD Coordinator Rebecca Jacobs (rjacobs@tnbar.org or 800-899-6993). See the cover article in this issue for more information.

Lead a Dialogue on Freedom. Another great way to volunteer is to participate in a Dialogue on Freedom. A Dialogue on Freedom is a carefully planned discussion with high school students in their classroom organized and facilitated by lawyers and judges. The purpose of the dialogue is to explore American civic values and traditions. Dialogues are structured around a hypothetical situation, in which students defend American culture and values during encounters with residents of Quest, an imaginary nation. This program requires minimal preparation and only a few hours of your time spent with a high school class. Remember the teacher in high school who inspired you to go to law school? Return the favor and ask if you can present a Dialogue on Freedom to his or her class. For information on volunteering to participate in a Dialogue on Freedom, contact the Dialogue on Freedom Committee Chair Ali Fowler (afowler@bassberry.com or 901-543-5912) or TBA YLD Coordinator Rebecca Jacobs.

The legal profession provides wonderful opportunities to make a life — not just a living. This holiday season, please remember that charitable giving can be so much more than simply writing a check to your favorite charity. In volunteering, you will find that the time you give to a worthy cause can be very rewarding, and allows you to change the lives of those you touch in a positive way. I challenge each of you to give some of your time this season and in the new year, volunteering to make your community a better place to live. ■



Greg McMillan
TBA YLD CLE
Committee
Chair

CLE Update

By the time that you receive this, the CLE committee's standing projects will be two-thirds completed. The remaining planned CLE is the Ethics seminar being held in February.

The seminar will address disciplinary actions by the Board of Professional Responsibility. The BPR has agreed to provide speakers and the producers are obtaining attorneys who sit as hearing officers as well as potentially those who represent respondents in the disciplinary process. The dates, locations and producers are:

February 25 • Johnson City (Adelphia Centre)
Brett Burrell, King Pharmaceuticals, Producer

February 26 • Knoxville (UT Conference Center)
Greg McMillan, Sheppard & Swanson, Knoxville, Producer

February 27 • Nashville (Tennessee Bar Center)
Lisa S. Richter, Law Firm of Larry Wilks, Springfield, Producer

February 28 • Memphis (Ridgeway Inn)
Bryan Smith, Armstrong, Allen, Producer

Thanks to the producers for their efforts toward making this an extremely interesting and informative program.

The Annual Bridge the Gap seminar, hosted by the Young Lawyers Division, was a great success. Many thanks to the producers, Lisa Richter, Carol Anne Lamons, Parke Morris and Andrew and Michelle Sellers. A new feature this year was a luncheon for the attendees, during the seminar, hosted by YLD board members. The luncheons provided an opportunity for attendees to interact with board members and learn about the many benefits of YLD participation. The committee still needs assistance in re-structuring next year's program to extend it to a two-day seminar. Obtaining commitments now for producers next year will assist in locating speakers, and putting the materials together. Anyone interested should contact Lisa Richter, TBA YLD CLE Committee vice chair, or Greg McMillan.

The Trial Practice seminar was held in December. The producers for the seminar were Justin Martin, Rae Oliver, Monika Johnson, and W. Vance Cheek. The producers worked diligently and arranged for outstanding panels. Thanks to the committee members and TBA staff for making critical revisions to the materials.

The committee is still working on one-hour CLE seminars for the lunch hour and would entertain other suggestions for additional CLE projects. If anyone is interested in working with the committee, Lisa and Greg may be reached at their respective office numbers or by e-mail. Lisa — lrichter@larrywilks.com (615) 384-8444; or Greg at gregmcmillan@shepswan.com, (865) 546-3653. ■

Running for office continued from page 1

West), and the following district representatives:

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

District 3: Knox

District 5: Hamilton

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

District 9: Davidson

District 11: Bedford, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall,

Maury, Moore, Perry, Wayne, and Williamson

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

At the time of election, and during their entire term, each district representative shall reside in or maintain a principal office in the district. Regional governors must reside in the region they will represent during their term in office.

To run for any of the positions listed on page 5, submit a written nomination including name and position sought by April 1, 2003. Nominations must be signed by the candidate and should be directed to: Erin McArdle, TBA YLD Secretary, 2514 1/2 Wesley Street, Suite 5, Johnson City, TN 37601. Questions regarding any of the positions can be directed to TBA YLD Staff Coordinator Rebecca Jacobs at (800) 899-6993 or rjacobs@tnbar.org

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EDITOR'S NOTE

The Quarterly seeks submissions from young lawyers in Tennessee for publication. If you're interested in submitting an article of interest to young lawyers, please contact Jason Long at jlong@latlaw.com, (865) 673-0203.



David Mays



Digital Law Office

A day in the life of a Digital Office.

7-7:15 a.m.: From home using remote access built into Windows XP, the attorney reviews her day, including emails, calendar, etc. Because she has court at 10 a.m., and due to location of her house with respect to the courthouse, she decides to work from home until time for court.

7:15-7:30 a.m.: Reviews email and delegates to her assistant things that need to be handled while she is in court.

7:30-8 a.m.: Goes through electronic

phone messages and makes necessary return phone calls all while billing for each call through her practice management application.

8-9 a.m.: Reviews scanned incoming mail and makes necessary electronic notes on the file; places to-do's on assistant's calendar for follow-up action.

9-9:30 a.m.: Checks out all possible documents required for court from the electronic repository at the office. All documents for the case have been scanned and are searchable and are, therefore, accessible through the document management system.

10-12 p.m.: Court. Waits one hour for the case to be heard. While waiting, she reviews the electronic images of the documents for the case. Of course, all documents required for the court are in paper format as well. In the event that the case requires documents to be shown to all, via projector, her laptop is able to display those images.

12:30-1 p.m.: Arrives at office and reviews all incoming mail from computer. All mail is scanned upon arrival and placed in the client's electronic file. The link to the mail is emailed to the attorney, reducing the possibility of lost documents.

1-2 p.m.: Works on case in which she is co-counsel with a firm in another city. Request for documents is made and she simply emails the digital file to the other attorney.

2-2:30 p.m.: Co-counsel has the documents in a matter of minutes allowing collaboration on the case far sooner than would have been possible with a hard file.

2:30-3:30 p.m.: Receives boxes of documents for a medical malpractice suit that need to be searched and analyzed. Boxes were sent to a scanning service bureau where they would be made available online or placed onto local network.

3:30-4:30 p.m.: Begins analysis of documents that were scanned for another case. All documents are fully searchable and notes can be made about the documents either as annotations on the image itself, or in the practice management system.

5 p.m.: Reviews time entries made throughout the day and makes additional entries for time done out of the office or away from home. Posts those entries directly into the accounting system for billing.

9 p.m.: Logs onto the office computer from home to check her calendar she forgot to check before she left the office.

10 p.m.: Sleeps like a baby till the alarm shatters her dreams the next morning.

The above is an example of how an attorney can work when all of the information, both digital and paper, is accessible from a computer. Many firms take years to get to this level and most will do it in stages. The important things to remember are: 1) You must start somewhere; 2) If you do not start, you can bet your competition will; and 3) Do not implement

any of it until you have seen the bigger picture. (If your consultant cannot show you the whole picture; find another consultant.)

While many technologies utilized in this scenario are from Tablet PC's to Windows 2000 file server to a Practice Management Application, what I want to stress in this article is the use of scanned material becoming a pivotal part of working a case.

The computer should no longer be just a glorified typewriter. It is now a robust information appliance. The Internet has shown that vast amounts of information are searchable at a moment's notice, but we still tend to pilfer our own documents as they did in the 1800s. What the above scenario represents is a paradigm shift that maximizes the most expensive investment that a firm generally implements: their computer/system. By utilizing the computer for far more than typing, the return on investment is quickly seen from a number of fronts focused primarily on scanning technology:

1. Storage/retrieval costs for filing cabinets full of documents.
2. Human cost associated to errors connected with documents being misfiled, misplaced, or accidentally thrown away.
- 3 to 5 percent of all documents are misfiled or lost, costing \$200 average for recreation.
3. Malpractice cost or fear due to information not being properly searched, stored or retrieved.
4. Space required for storage of dead files as well as the labor required to get them there.
5. Search time required by both attorneys and staff to repeatedly find the same information.
6. Time spent photocopying documents.
7. Disaster recovery — many firms never consider the cost associated to losing their documents. Natural disaster, theft, terrorism, human error, etc., can all destroy documents that can lead to losing a case or being sued for malpractice.
8. Better collaboration among colleagues on cases being worked jointly.
9. Reduced expense on courier services getting documents to branch offices or opposing sides of a case.
10. Accessibility from any location including home or satellite offices.

What does it take? It requires a plan, a vision, and cooperation to make the goal a reality. It is not difficult to see the advantages of moving in this direction. Making the proper decisions along the way does require time and a good consultant to help you choose wisely.

What does it cost? Typically firms spend from .10 to .15 cents per sheet to have scanning outsourced, requiring a typical bankers box of 5,000 sheets to cost anywhere from \$500 to \$750 each. Many firms can forward this cost to their

clients, while at the same time reducing many charges such as copy charges. This generally saves their client's money and, at the same time, makes the firm more productive.

In-house or out-house? While many firms will do much of their scanning in-house, many will find it more cost effective to outsource the larger scanning jobs. The high-end scanners are expensive and need someone trained to properly operate them. Generally there is a mix between the

two that works best for a firm.

The future is here. We have never had the processing power in such a mobile package as we do today. Computers that weigh only a few pounds can now carry volumes of information. This will lend itself well to attorneys carrying several cases that would have required a dolly for transport. The time is now. As I said, moving to a digital office takes time. Most of the time, you can start the scanning of your documents before many of the

other technologies are in place. You will still reap the benefit of accessing and searching the documents without the total solution. When the budget allows for the next step, it will fit in like another piece of a puzzle. Implemented properly, you will reap benefits at each stage of implementation.

As we boldly go where many are soon to go, I leave you with the following thought: "If you live long enough, you will prosper!" ■

Running for office continued from page 3

TBA YLD delegate to the ABA House of Delegates

A TBA Young Lawyer will be elected for a two-year term by the TBA membership in 2003. The position must be filled by a member who is 35 or younger when elected.

The delegate is elected by the membership as provided by election procedures. To qualify for this office, a candidate must file a nominating petition

with the executive director of the TBA. The petition must contain the names of 25 members of the association in good standing. The petition must be received at the TBA headquarters on or before Feb. 15. A ballot containing the names of all duly-qualified candidates will be distributed to members on or before April 1. To be counted, all ballots must be received at the office of the TBA auditors by the close of business, May 1.



Jacobs
TBA YLD
Coordinator

Votes will be tallied by the accounting firm selected by the Board of Governors in accordance with Section 44 of the bylaws. If there is only one duly-qualified candidate for an office by Feb. 15, that candidate will automatically be declared elected. ■

Summary of TBA YLD Elections			
<u>Position</u>	<u>Eligibility</u>	<u>How Nominated</u>	<u>Nomination Deadline</u>
Vice-president (will become president-elect, then president)	Any member — moves in succession from Grand Division. Must be from West TN in 2003	Submit name to TBA YLD Secretary	April 1
Grand Division Governors	Any member. Must reside or have primary office in Division that would be represented.	Submit name to TBA YLD Secretary	April 1
District Representatives for odd # districts	Any member. Must reside or have primary office in Division that would be represented.	Submit name to TBA YLD Secretary	April 1
Treasurer	Any member	Submit name to TBA YLD Secretary	April 1
Secretary	Any member	Submit name to TBA YLD Secretary	April 1
TBA Delegate to ABA House of Delegates	Any member 35 years of age or under	Nominating petition signed by 25 or more members submitted to TBA Executive Director	February 15

Going Dutch: Allocating the Cost of Electronic Discovery



April Y. Berman
District 9
Representative

Discovery today involves not only producing the usual stacks of paper, but also electronic documents. Nonetheless, the Rules of Civil Procedure, which were conceived before the days of email, PDA's and the Internet, apply to electronic discovery. Not surprisingly, the unique characteristics of electronic documents add special challenges to the application of those rules. One such challenge concerns the cost of electronic discovery.

This article will address how courts are dealing with the potential costs of electronic discovery.

Traditionally, the responding party bears the expense of complying with discovery requests. Fed. R. Civ. P. 26 and its Tennessee counterpart, however, provide that a party may object to discovery that is unduly burdensome or expensive. Given the potentially astronomical cost of electronic discovery, many courts are carefully scrutinizing the equities before buying into the notion that the responding party should bear the cost. In many cases, courts are reallocating some or all of the expense of electronic discovery to the requesting party.

Although there are no Tennessee cases that specifically address this issue, a review of case law from several federal courts indicates that an eight factor balancing test is emerging for determining whether electronic discovery costs should be shifted to the requesting party. The factors include:

1. the specificity of the discovery requests;
2. the likelihood of discovering critical information;
3. the availability of the information from other sources;
4. the purpose for which the responding party maintains the data;
5. the relative benefit to the parties of obtaining the data;
6. the total cost associated with the production;
7. the relative ability of each party to control costs and its incentive to do so; and
8. the resources available to each party.

Rowe Entertainment Inc. v. The William Morris Agency Inc., 2002 WL 63190 (S.D.N.Y. Jan. 16, 2002). The *Rowe* case involved a plaintiff's request to produce electronic records at a total estimated cost of between \$158,000 and \$238,000. The court concluded that five of the eight factors weighed in favor of the plaintiff paying the cost of searching archived email, but held that the plaintiff would not be required to pay the cost of the defendants' privilege review.

Similarly, in *Murphy Oil USA Inc. v. Flour Daniel Inc.*, a Louisiana district court applied the *Rowe* factors to a discovery dispute over producing 93 back-up email tapes containing 650 mailboxes and more than 2 million email messages. 2002 WL 246439 (E.D. La. Feb. 19, 2002). The estimated cost of discovery was \$6.2 million, exclusive of privilege review. The court held that the equities favored shifting the cost to the requesting party, especially where only 37 of the mailboxes were relevant to the dispute. To avoid the cost associated with a manual privilege review, the court suggested that the parties enter in to an "attorneys' eyes only" protective order, which it deemed sufficient to preclude any waiver of the attorney-client privilege. Otherwise, the court ordered, the responding party would bear the cost of a privilege review.

In response to the growing use of discovery tools to require the production of electronic documents, some states are amending their Rules of Civil Procedure. For example, Texas Rules of Civil Procedure 196.4 specifically provides that if "the court orders the responding party to comply with the request [for the production of electronic documents], the court must also order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information." It remains to be seen whether the federal and other state rules will be amended to address the unique complexities of electronic discovery. Until then, it will be up to the courts to determine who picks up the tab. ■



All TBA members now get full access to TBA Link.
Check out the YLD page at <http://www.tba.org/YLD>

Top Ten Reasons to Get Involved with the YLD Board

By Angelia Morie

One year ago at the TBA YLD Board Dinner, when I was the ripe old age of 32, former YLD President Jim Wheeler described me as one of the “Grand Old Ladies of the YLD.” Since I was graced with that title, I suppose it is fitting that I was asked to write about the benefits of being involved with the TBA YLD board. Another former YLD President, Glenn Walter, asked me to be a committee chair several years ago. I accepted because Glenn told me that a great weekend getaway was involved (and I hadn’t had a vacation in two years). Little did I know that involvement with the TBA YLD would be one of the best decisions I have ever made. There are so many reasons to get involved, but in the interest of space, I am going to give you my Top Ten.

10. It’s Free. Any member of the TBA under the age of 36 or who has been practicing law for three (3) years or less is automatically a member of the TBA YLD. All the YLD asks is that you give of your time and talent to support the projects and services of the YLD.

9. Board members and committee chairs get to go to cool meeting places. As I mentioned in the opening paragraph, Glenn Walter enticed me to get involved with the promise of a free weekend getaway to lovely Chattanooga. (The trip involved lots of food and whitewater rafting — who was I to say “no”?!!) Since that time, we have held meetings in places such as Pinehurst (the week prior to the 1999 U.S. Open, Destin, Tunica, and the lovely but haunted Martha Washington Inn in Abingdon, Va. And then there is the YLD board favorite — the YLD Cruise to the Bahamas. Need I say more?

8. Opportunities to participate in worthwhile public service projects. The TBA YLD affords young lawyers the opportunity to participate in fabulous public service projects. In March of every year, high school students converge on Nashville for the State High School Mock Trial Competition, which is sponsored by the TBA YLD. Members serve as scorers, judges and bailiffs in the two-day competition. Many of the board members serve as coaches for the local teams that come to the state competition, and several board members were competitors when they were high school students. We can even boast that we prepared Nashvillian Reese Witherspoon for her role in “Legally Blonde” — she competed on the Harpeth Hall Team while in high school in Nashville. We also sponsor a Voter Awareness Campaign, Youth Summit, Statewide Public Service Day during Law Week, the Law Week Essay/Poster Contest, and many other

annual events. Two years ago, we presented the idea of a *Senior Law Handbook* to the TBA. With the assistance of the TBA’s Elder Law section and Senior Lawyers Division, we produced a 98-page *Senior Law Handbook*, which has been distributed to senior citizens statewide and is also downloadable from the TBA website.

7. The Suite. Those really cool meeting places always include a TBA YLD suite. The suite is always open, and snacks and beverages are readily available. When we are not involved in the business of meeting and organizing, the YLD presents an ever constant opportunity to socialize and interact with many fine young attorneys.

6. The TBA YLD is responsible for many great membership services afforded to young lawyers across the state. When you passed the Tennessee Bar, you likely received a “Welcome to the Bar” packet from the TBA. This information packet is compiled and dis-



YLD President Jonathan Steen and his wife, Michelle Steen, (left) and Immediate Past President Jim Wheeler and his wife, Laura Wheeler, enjoy some “professional relationship building” on the island of Coco Cay.

Top Ten Reasons To Get Involved With the YLD continued from page 7



TBA YLD President leads an excited TBA YLD contingent in the official fall meeting aboard Royal Caribbean's Sovereign of the Seas.

tributed by the YLD to new admittees to the bar every year. The YLD is also responsible for great CLE, including Bridge the Gap, Trial Practice, and Ethics. The *Tennessee Ethics Handbook* is a publication of the YLD. This past year, the YLD began work on a *Judicial Information Webpage*, which will compile information on nearly all of the judges in the state.

5. Cool meeting places are accompanied by fun activities. I was wooed by the promise of whitewater rafting. Since that time, our meetings have included fun activities such as seeing Elvis at the Barter Theater, visiting Graceland, gambling in Tunica, sunbathing in Destin, attending ballgames, golfing and cruising the Caribbean. We work hard — we play hard. And we all love it.

4. Network Opportunities. The TBA YLD offers young lawyers an opportunity to network with other young lawyers from across the state. I have received countless referrals and have been able to refer work to my YLD counterparts. YLD also provides a “support system” for young lawyers. I know that if I have a question about certain areas of practice or practice in a specific locale, one of my YLD cohorts will generally be able to assist.

3. Find a date/spouse/significant other. I say this tongue-in-cheek, but look at the number of couples we have on the YLD Board: Erin McArdle and Dan Coughlin, Jason Long and Carol Anne Lamons, Scott Carey and Susan West Carey, Michelle Greenway Sellers and Andrew Sellers, and Jonathan Steen and Michelle Steen (hey, she's not a lawyer, but she's “one of us” now). I'm not implying that any of these lucky couples met and fell in love because of the YLD — or even that they stay in love because of the YLD, but they didn't call it “The Love Boat” for nothing.

2. The Listserve. The TBA YLD board listserv has become an invaluable communication tool for members of the YLD. It has also become invaluable for spreading ru-

mors (truth is not a prerequisite) and for taking pot-shots at our fellow YLD board members. In all seriousness, the listserv keeps us connected. And it also is often the bright spot in a very hectic day.

And the number one reason to get involved with the YLD:

1. You'll meet people who will become life-long friends. If I had received no other benefit from my involvement with the YLD, the many hours of work would have been worth it because I met one of my dearest friends through the YLD. I met Cindy Richardson (now Cindy Wyrick) at my first YLD meeting. We lived and practiced about 30 minutes apart at that time; we had been at the same law school at the same time (although not in the same class); we knew lots of the same people; but we had never met and likely never would have met were it not for the YLD. Since meeting Cindy (the other “Grand Old Lady” of the YLD), she has become one of my dearest friends and one of my most trusted confidantes. I have relied on Cindy through the good times and the bad times in my life over the past few years, and I would not have been able to get through the days/weeks surrounding my father's death last year without her. So, thank you, Cindy. And thank you, YLD. ■

As you read the article beginning on page one: “Interested in running for office?,” keep in mind the many personal as well as professional rewards in becoming an active TBA YLD board member. All it takes is a simple phone call or email to get involved on a committee or submit your name as a candidate for office. Don't pass this opportunity by — you'll never regret getting involved!



The TBA YLD gathers for their initial meeting aboard Sovereign of the Seas. Shown at the meeting are, from right to left: BACK ROW: Rebecca Jacobs, Evan Cope, Tracy Stone; 2ND ROW: Myers Massengill, Andrew Sellers, Michelle Greenway Sellers, Tasha Blakney, Laura Steel (behind chair), Jay Johnson; 3RD ROW: Greg McMillan, Cindy Wyrick, Beth Dunning, Danny VanHorn; 4TH ROW: Wes Fellers, Jenny Rogers (behind chair), David Carter, Patrick Carter; 5TH ROW: Jason Long, Carol Anne Lamons, Nathan Rowell; FRONT ROW: Dan Coughlin, Erin McArdle, Cecilia Barnes, Mary Beard, Stacey Cason

Tennessee High School Mock Trial is 'Legal' continued from page 1

just the hapless driver. The eyewitnesses? Well, as you might imagine, their recollections differ dramatically on who was driving and who was shooting. The prosecution and defense both have their work cut out for them. The details of the case are available on the TBA YLD website <http://www.tba.org/YLD/index.html>, and include witness statements, stipulations, exhibits, applicable statutory and case law, and the rules of the competition.

Teams are made up of 6 to 12 high school students each. At trial, team members play the role of attorneys and witnesses, and manage the trial from beginning to end: including the presentation of opening and closing statements, direct and cross-examination, and the argument of objections. Teams are typically coached by local attorneys and law students who generously volunteer their time to help the students prepare their case.

The high school mock trial competition — both at the local and state level

— is an enormous undertaking. Each competition typically has five rounds of competition, with teams going head to head each round in 90-minute trials, switching from prosecution to defense and vice versa several times before it's over. That means that, for a competition with 20 teams, there are at least 10 trials going on at any one time. Multiply that by four rounds and you've got *dozens* of trials squeezed into less than two days.

As hard as the teams work to get ready for a mock trial competition, it takes an incredible amount of people-power simply to put one on. For instance, each trial requires: 1) a presiding judge to oversee the trial and rule on objections; 2) three attorneys to serve as scorers; and 3) a bailiff to keep track of the time and assist the judge as needed. For the state competition, with approximately 20 teams expected to compete this year, nearly 200 attorney volunteers will be needed to give their time to judge and score. So far, one very important volunteer — Tennessee Supreme Court

Justice Janice Holder — has already signed on to serve as presiding judge of the Championship Round. We are honored to have Justice Holder and hope you will join her in giving some of your time to your local or state competition.

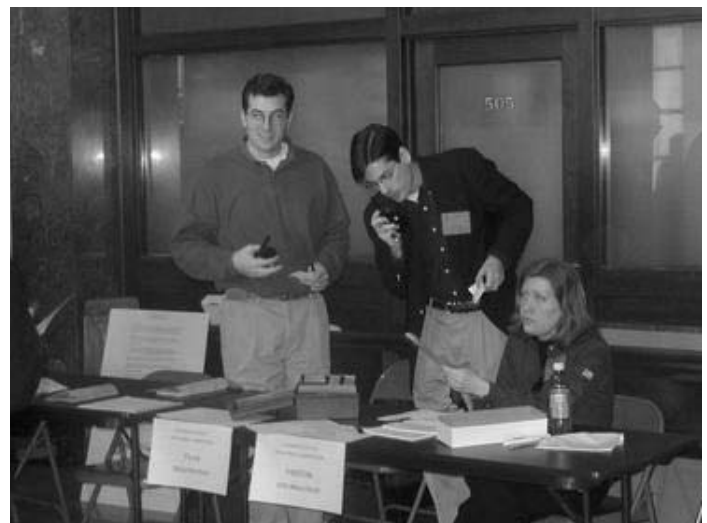
Mock trial is great fun, both for the students who compete and the attorneys who volunteer, judge, and score. Please give some of your time to help out this year. It doesn't take long, but the time you give is invaluable. For more info, or if you just want to bone up on your 80s trivia, get in touch with Stan Graham, chair of the 2003 state competition, at (615) 244-6380 or SGraham@waller-law.com or David Johnson, competition vice-chair, at (615) 244-9270 or [dljohnson@millermartin.com](mailto:djohnson@millermartin.com). ■



Stan Graham
Mock Trial
Committee Chair



High school mock trial team prepares for the start of a trial at last year's State Mock Trial Competition.



Volunteer sign-in desk at last year's State Mock Trial Competition.

Affiliate Updates

Northeast Tennessee

By Dan Coughlin, YLD East Tennessee Governor

NETYLA is pleased to report a successful conclusion to the 2002 year capped by an outstanding trial practice seminar. Special thanks goes out to Vance Cheek, Dan Coughlin, Jim Wheeler, and John Rambo for their efforts in ensuring that the event, held at the Adelpia Center in Johnson City, was the most successful to date. As always, NETYLA is gearing up for the spring mock trial competition and is currently seeking volunteers to assist in judging, coordinating and coaching. Anyone interested in helping out should contact program coordinator, Erin McCardle (423-952-7024).

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Knoxville

By Carol Anne Lamons,
TBA YLD District 3 representative

The KBA Barristers held their annual elections on December 10, at which time out-going president, Mary Beth Maddox, welcomed the new officers: Greg McMillan, president; Robin Gresham, president elect, Alexis Smith, vice president, Jason Long, secretary-treasurer; Penny Arning and John Willis, members at large. The Barristers flourished under Mary Beth's leadership, and we expect much continued success under Greg's tenure. The Barristers Hunger and Poverty Relief Committee, co-chaired by Tasha Blakney and Tonya Willis, continued their outstanding charitable endeavors by sponsoring a coat drive in November, collecting 295 coats for the underprivileged in Knox County. The committee also sponsored an angel tree at the KBA annual meeting on December 13. Lisa Hall and Penny Arning, co-chairs of the membership committee, hosted an outstanding holiday dinner for the Barristers and allowed Knoxville young lawyers a chance to socialize and be rewarded for their hard work over the course of the year. Finally, the Mock Trial Committee, co-chaired by Chase Kibler and Carol Anne Lamons, is gearing up for the Knox County competition, in which they are expecting a record turnout.

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Chattanooga

By Jason L. Thomas, Chattanooga YLD President

The Chattanooga YLD hosted a reception on November 13 for new admittees and the Hamilton County judges. Between 40 and 50 new lawyers were in attendance and a good time was had by all. In addition, a welcoming party was held at the Vineyard on Georgia Avenue directly after the swearing-in ceremony.

On December 12, the YLD hosted a Christmas party to raise funds for the "Santa For All Seasons" program. This non-profit program raises money and collects toys for children in underprivileged circumstances. The event, held at Stickey Fingers, attracted 30-40 young lawyers and raised

approximately \$500 in money and gifts for children this holiday season.

The annual meeting will be held on Thursday, Jan. 16, and new officers will be elected at that time.

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Nashville

By Scott Sims, Nashville YLD President

The Nashville YLD recently celebrated the end of its year with the annual board dinner held on November 19. Two awards were given out at that dinner recognizing significant contribution to the YLD over the year: The Enterprise Award for creative service to the legal profession and the YLD was awarded to Rocky McElhaney, Rae Oliver and Eva Madison for producing and developing a CLE program entitled "When bad things happen to good lawyers — the stress of practicing law." The President's Distinguished Service Award was presented to Garrett Asher for his past five years of outstanding and tireless service to the board.

The new board's kickoff meeting was held on November 7 to plan and strategize for the coming year. The YLD also recently hosted a reception for new admittees prior to the Nashville Bar Annual Banquet. Between 80 and 90 young attorneys attended. Finally, the YLD is in the process of preparing for the annual local mock trial competition to be held February 14-15. Those interested in participating should contact Scott Sims.

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Jackson/Madison County

By Andrew Sellers, Madison County YLD President

The Jackson-Madison County YLD ended the year on a high note with an informative and well-attended Bridge The Gap seminar hosted at the Jackson-Madison County Criminal Justice Center. Attendees were given a tour of the Justice Center and were invited to participate in a panel discussion with criminal and circuit court judges to help understand the transition from new admittee to practicing attorney.

We are organizing what we anticipate will be the largest and most successful mock trial competition in our history this coming February. Plans are also under way to participate in a joint venture with Habitat for Humanity this spring as a part of the Statewide Public Service Day Project.

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Maury County

By Jonathan Steen, TBA YLD President

The Maury County Young Lawyers Association (MCYLA) has been recognized by the Tennessee Bar Association as an affiliate organization and will be published in the Tennessee Bar and American Bar Associations' directories as such. We would like to welcome our new affiliate.

Activities of the MCYLA include public service and professional development. The mission of the MCYLA is to provide leadership in serving the public and the profession and to promote excellence in fulfillment in the practice of law. MCYLA meets once per month. Some of the more entertaining meetings this past year have included a Nashville Sounds baseball game and a young lawyers' paintball war. Current members include: Patrick M. Carter, Jake Wolaver, Scott Porch, Darren J. Scoggins, Samuel Patterson, Brett Cooper, Michael Cox, James M. Marshall, David Carter, Larry Roe, Jason Whatley, Shannon Barnhill, Rhonda Hooks and Wesley Bryant. For information regarding the MCYLA, please contact Patrick Carter at Hardin & Parkes, PLLC, 102 West 7th Street, Suite 100, P.O. Box 929, Columbia, TN 38402-0209 (931) 388-4022, pcarter@hardin-park.com.

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Memphis

By Marcy L. Dodds, Memphis YLD President

The Memphis YLD closed out its year by recently adopting an Angel Tree child this holiday season. We all went out and bought clothes, shoes and lots of toys to help make a 2-

year-old boy's Christmas a little brighter.

In addition, the Memphis YLD affiliate recently installed its new officers for the incoming year. The new officers are as follows: president, Marcy L. Dodds; vice-president, Amy W. Martin; secretary/treasurer, Craig C. Conley. Congratulations to the new officers and board members, we are looking forward to an exciting and productive year. The two primary objectives for the upcoming year are to focus on professionalism and diversity in the YLD membership, meaning we are trying to reach out to those young lawyers who are not typically involved in YLD (i.e. solo practitioners, criminal lawyers and government lawyers).

Several projects are on tap for the upcoming year including: Special Olympics Charity Race, Memphis Mock Trial, Annual Summer Party benefiting the Child Advocacy Center, Annual YLD Ethics CLE discussing the new Tennessee Rules of Professional Conduct, YLD Golf Tournament, YLD Sunset CLE at the Memphis Bench Bar Conference in Destin, Fla. In addition to the several worthy service projects, the Memphis YLD is looking forward to numerous, casual social events in an effort to get to know new attorneys and local law students in the area. ■



Several TBA YLD members participated in the whitewater rafting trip on the Ocoee during last June's TBA Annual Convention in Chattanooga. In the photo on the left, Doug Janney, Jonathan Steen, Beth Dunning, and David and Amelia Carter get ready for the trip. On the right, the YLD rafters click paddles to show their enthusiasm for their day's adventure.

Disaster Relief: Serving Those in Need

By Joe R. (Jay) Johnson, TBA YLD Disaster Relief Chair

In November 2002 of this year, hundreds of Tennessee families were devastated by a series of tornadoes that swept across the state. Currently the Federal Emergency Management Agency (FEMA) has offered individual assistance in the following Tennessee counties: Anderson, Bedford, Bledsoe, Carroll, Crockett, Cumberland, Fentress, Gibson, Henderson, Madison, Marshall, Montgomery, Morgan, Roane, Rutherford, Scott, Sumner, Tipton and Van Buren.

The Tennessee Bar Association's Young Lawyer's Division, through its Disaster Relief Committee, stands ready to offer free legal advice to persons in the affected counties. According to attorney Neil McBride, General Counsel for the Legal Aid Society, there are certain areas that victims of tornadoes typi-

cally need legal assistance. Examples include obtaining emergency food stamps, standards for qualifying disaster relief, TennCare certification, federal tax consequences of disaster loss, consumer fraud, home repair fraud, and bankruptcy. Landlord/tenant issues are also common in the aftermath of natural disasters. McBride has graciously offered his assistance in supervision and training of attorneys who offer to provide these services to the public on a pro bono basis.

The TBA YLD has contacted media outlets in the affected areas to inform the public via press releases that there is an avenue to obtain free legal assistance in these types of situations. Anyone affected by these tornadoes may call toll free to the Tennessee Bar Association at (800) 899-6993 for assistance. They

will then be referred to an attorney for legal assistance.

Many attorneys signed up to provide pro bono legal services if needed during "Operation Volunteer" last year in the midst of the military's involvement in Afghanistan. These same attorneys will be utilized in providing these very important services to fellow Tennesseans across the state. Any attorneys wishing to volunteer to be available to provide free legal advice to individuals affected by the tornadoes may call Jay Johnson at (615) 384-0284 or Rebecca Jacobs, Membership & Young Lawyer's Division Coordinator at (615) 277-3210 or (800) 899-6993 or via email at rjacobs@tnbar.org. For more information on FEMA's relief efforts, please refer to their excellent web site at <http://www.fema.gov/> ■

The Tennessee Bar Association
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Nashville, TN 37219



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