

FALL 2008

From the Editor

In this latest issue of the TBALL Times, we will provide you with updates on the incoming TBALL Class of 2009; share with you some attorney profiles and news updates on your fellow TBALL Alumni; and give you a "heads-up" on the TBA's "4ALL" Campaign, which has a major statewide pro bono effort planned with events to culminate on April 4, 2009.

Annual dues and committee sign-ups continue to come in: as of the date of publication, we have already received \$4,550 in annual dues. Sincere thanks are due to each of you who have contributed so far towards our annual dues/fund drive and who have signed up to assist the Social, Operations and Communications Committees. If you have not signed up yet or sent in your dues, your help in that regard would naturally be gratefully appreciated.

And, if you have not done so yet, please also consider making a contribution towards the TBALL Endowment Fund; a contribution of any amount would be a worthy contribution. The long-term goal of the Endowment is to establish a funding stream sufficient to completely fund the TBALL program so as to ensure its longevity and a better measure of freedom from budgetary cycles. The Class of 2008 has already contributed \$2,845.00 as the seed money to fund the endowment. Our thanks are due to the Class of '08 for this class-wide demonstration of TBALL "Leadership in Action."

Business Networking Sites -- an Opportunity for TBALLA? Some of you may already be familiar with social and business networking websites, and sites such as Plaxo or Linked In seem to be capturing a need in the business world to help busy professionals keep in touch in a way that goes beyond social networking sites like My Space or Facebook. But are there perils and pitfalls to business networking websites, particularly for us lawyers?

What business networking site may make the best sense for any group of lawyers "really depends on what you intend to use it for," says e-commerce lawyer Jason Epstein of the Nashville office of Baker, Donelson, and the degree of risk that flows with using the service "really depends on what kind of information you put out there" as a user, regardless of whatever service hosts the website. In the latter sense, it boils down to what kind of information the user puts up on the site (whether it's resume information, photos, representative-client data much as are already found on law firms' websites, etc.) and how comfortable one feels about having that kind of that kind of information publicly available. As between the leading hosting services--Linked In, Plaxo, Facebook and MySpace-- many experts seem to feel more comfortable with Linked In, as it is the one most targeted for professionals and generally, its privacy and security policies and procedures are better (sites such as Facebook and MySpace have had some problems with spammers and "data mining"). Besides privacy, ID protection and security, long-term stability and financial viability of the hosting service is an obvious concern. No one wants to sign up for a service that declares bankruptcy or is acquired within a matter of week or months: not only does one risk having to retype or re-do the information that was placed on the now defunct site, but the acquiror may not have the same privacy and security policies and practices as did the old provider.

Ultimately, it all depends on what one wants out of a networking service. Is the goal largely to support networking opportunities and afford folks the chance to set up and join a group like our existing TBALL

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On Leadership

"Leaders can conceive and articulate goals that lift people out of their petty preoccupations and unite them in pursuit of objectives worthy of their best efforts."
--John Gardner

Editor's Note

Let us know if you have any ideas or suggestions for The TBALL TIMES by calling or emailing [Nick McCall](mailto:Nick_McCall), TBALL Alumni Secretary-Treasurer; or [Monica Mackie](mailto:Monica_Mackie), the TBA's TBALL Director.

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listserv, or is it to offer some enhanced tools and forums/chat rooms that allow for a dialogue going beyond mere networking? Whichever way one wishes to go, it is imperative to scrutinize the provider's privacy and security policies in detail. Some law firms may be leery about having their lawyers sign up for Linked In or other services. However -- like so much of what we as lawyers do -- those lawyers who participate in such services need to be (a) careful not to disclose client confidences; (b) proceed with due regard, for ID theft and other reasons, of what and how much data they put up -- keeping a low profile, based on things already readily available in the public domain, is likely the best course of action; and (c) be keenly mindful of attorney advertising rules.

If any of you have had prior experiences -- whether pro or con, or any recommendations -- we would like to hear from you. If enough TBALL'ers are interested and if not inconsistent with other TBA policies and procedures, TBALLA may consider setting up a group connection on Linked In or some other comparable networking site.

- Nick McCall

TBALLA 4 ALLA

By Jason Long

As many may recall from the Annual Convention in Gatlinburg, TBA President Buck Lewis kicked off the bar year challenging Tennessee attorneys to think about the proud and enduring legacy we will leave. Toward that end, he initiated the [Justice 4 All](#) campaign. The campaign is designed to address the critical need for legal services and access to justice for the nearly 18% of Tennesseans who economically qualify for such services and whose needs are, at this time, largely being unmet due to limited available resources. With a deteriorating economy, increasing costs of legal services, and an array of socio-economic factors presenting increasingly burdensome road blocks, it is now more important than ever that we consider what we can do to make sure the needs of Tennesseans are being met and ensure our proud and enduring legacy. For TBALLA members, it is a unique opportunity to serve.

The Justice 4 All campaign operates on four separate fronts: education, collaboration, participation, and legislation.

Education. This year the Tennessee Bar Association has developed a DVD entitled Justice 4 All. It is currently being shown to bar associations and lawyers' groups throughout the state in an effort to educate those who are best in a position to address the legal needs of the indigent, regarding the gap between unmet needs and resources available. This is an ongoing project throughout the year and any attorney interested is encouraged to obtain a copy of the DVD and show it to their colleagues. In addition, you may have recently seen correspondence from President Lewis to law firms throughout the state educating them on the need to adopt a pro bono policy and providing a copy of the model law firm pro bono policy developed by the Tennessee Bar Association. Notably, those firms adopting such a policy before the end of the year will be recognized at the annual Pro Bono Awards Luncheon in Nashville during the Leadership Conference.

Collaboration. President Lewis has worked with the Supreme Court, which has also made access to justice a focus for its year, in the passage of ethics rules permitting attorneys greater freedom to accept pro bono clients. In addition, efforts are underway across the state to establish and staff courthouse and Saturday pro bono clinics to provide legal services for the indigent. The keystone of this project is the 4-4 initiative in which attorneys throughout the state will be participating in courthouse clinics, Saturday pro bono clinics, phone clinics, Wills for Heroes programs through the YLD, and other pro bono endeavors in a coordinated effort on April 4, 2009. By coordinating these efforts, the TBA hopes to raise the level of awareness for pro bono service and the positive actions of the Tennessee Bar Association to address unmet legal needs in the state.

Participation. The TBA has been aggressively recruiting volunteers to staff the aforementioned clinics and projects and to provide greater opportunities, whether through the law firm pro bono policy or other vehicles, to participate in the many pro bono initiatives throughout the

state.

Legislation. An effective Access to Justice program necessarily requires adequate funding and legislative support. President Lewis has already taken steps to fund the voluntary trust for legal aid services with cy pres awards and other voluntary gifts.

The current TBALL class has committed its resources to the Justice 4 All campaign by pledging to staff the pro bono clinic which will operate during the Annual Convention in Memphis in June 2009. In addition, TBALL class members will be participating in many of the service projects set to occur on April 4, 2009. It seems only natural then that our alumni section should also take up the banner and offer its support to this very important initiative of the Tennessee Bar Association.

The natural question becomes, "What can the TBALL alumni organization do to support the initiative and contribute to our own proud and enduring legacy?" For starters, if you are a member of a firm which has not yet adopted a law firm pro bono policy, pull a copy of the model policy off the TBA website and speak with those in your firm who may have influence on getting one established. Support from law firms is critical to creating an environment in which pro bono service is not only accepted but encouraged and rewarded. There are very few, if any, lawyers who would not acknowledge that pro bono service is one of the most rewarding experiences an attorney may have in his or her career. As a further benefit, if a law firm adopts a pro bono policy before the end of the year, it will be recognized during the TBA Pro Bono Awards Luncheon held on Capital Hill in Nashville during the Leadership Conference in January.

In addition, we can all take the opportunity to educate our colleagues regarding the dire need for increased pro bono services and access to justice. The TBA has made it easy this year. If you are hosting a CLE, or speaking at a bar meeting or other gathering of lawyers, schedule an additional 10 minutes of time and get a copy of the DVD on file with the Tennessee Bar Association. Taking the simple step of showing this DVD to other attorneys will increase awareness and foster participation.

Third, volunteer. Become a participant in this effort. Particularly, on April 4, 2009, if there is already an organized event in your area, take time out to volunteer your services. If an event is not planned in your area, contact Jason Long at (865) 637-0203 to discuss what may be done in your area to contribute to the 4-4 project. With more attorneys involved, we can serve more Tennesseans and bring greater attention to the issues at hand.

There are an infinite number of ways to participate this year. As members of the TBALL alumni organization, we are particularly attuned to the importance of the initiatives of President Lewis and have an obligation, given our respective positions, to assist in this worthwhile and necessary cause.

If you are interested in finding out more information regarding the Justice 4 All campaign, you may contact Jason Long or Lynn Pointer at the Tennessee Bar Association for further details.-- Jason Long

Editor's Note: The Operations Committee has been tasked by TBALLA's Executive Committee to help develop ways that the TBALL Alumni can support the TBA's Justice 4 All campaign. If you have suggestions or would like to volunteer your time or talents in any respect, please contact the co-chairs of the Operations Committee, [Mark Chalos](#) or [Rich Littlehale](#).

Attorney Profiles

WADE HINTON

By Keenan Carter

Wade Hinton is a member of TBALL's Class of 2006 and practices general corporate law at Miller & Martin's Chattanooga office.

Where are you from originally? Chattanooga, Tennessee.

What is your most memorable job? Working as an intern at Warner Bros. Records.

What made you decide to become a lawyer? My interest in entertainment law.

What is your ultimate dream job? To be a professional golfer.

What would you do if you won the lottery? Create a foundation to help empower individuals, with a focus on inner city youth.

Name a book you think everyone should read? Think and Grow Rich by Napoleon Hill.

What is your favorite kind of food? Seafood - crab legs.

Name three things you would take to a deserted island? Bible, Mac and I-Pod.

Name four people in history you would like to dine with? Jesus Christ, Martin Luther King, Jr, Abraham Lincoln and Eleanor Roosevelt.

What is on your I-Pod right now? Lil Wayne.

What is the last movie you saw? "W."

What is your favorite TV show? Meet the Press.

Who is your favorite actor? Don Cheadle

Who is your favorite actress? Hilary Swank

Are you a cat or dog person? Dog

Chocolate or Vanilla? Strawberry

What is your favorite cocktail? Rusty Nail

Name your favorite restaurant? Porter's Steakhouse

What is your favorite fast food restaurant? Steak and Shake

What is the dumbest thing you did as a kid? I tested a light bulb's temperature with my cheek.

What are you afraid of? Heights

What are your pet peeves? Unproductive meetings and people who refuse to acknowledge someone else's perspective.

Where is your favorite place to vacation? Savannah/Hilton Head

Who is your favorite musical artist? Stevie Wonder

STEVE ELKINS

by Kim Helper

As Winston Churchill said, "Never give in! Never give in! Never, never, never." This philosophy describes TBALL Alumni Steve Elkins, who is Legal Counsel to Governor Phil Bredesen. Elkins' persistence in pursuing a position with then Vice-President Al Gore's presidential campaign opened the door to his future.

Elkins, who grew up in Smyrna, attended the University of Tennessee Law School. Following his second year, he participated in the White House Intern Program by clerking in the Vice-President's Office of General Counsel. Finding himself eager to go to the office every morning, Elkins vowed to work with the Gore presidential campaign following graduation. Easier said than done, however. Trying to make the first contact was a challenge, but Elkins credits the assistance of Charles Bone and Gore's chief fundraiser, the late Johnny Hayes, with opening doors for him. Eventually, when the Gore presidential campaign located in Nashville, Elkins volunteered his services.

He soon hired on with the campaign and worked with now Tennessee

Attorney General Bob Cooper and the State Democratic Party on reporting and compliance issues. When the Gore campaign ended, Elkins decided it was time to find a more traditional legal job. However, about the same time, former Nashville Mayor Phil Bredesen kicked off his campaign for Governor and Elkins joined the staff. The rest, as they say, is history. Following Governor Bredesen's election, Elkins joined his staff as Deputy Legal Counsel until December 2006 when he moved into his current position following the appointment of Bob Cooper as Attorney General.

According to Elkins, his current position is ideal because it blends his interests in law and policy. He enjoys being part of a team working on new legislation to benefit the people of the State of Tennessee. He also is humbled to be advising the Governor on judicial appointments. In his spare time, you may find Steve reading or running. Or, perhaps, best of all, spending some time on the family farm in Bedford County.

Meet the TBALL Class of 2009

The TBA has just announced the 35 attorneys who have been selected for the Class of 2009 TBALL program. They include:

- **Marlene Bidelman-Dye**, Baker Donelson Bearman Caldwell & Berkowitz, Chattanooga
- **Taylor Cates**, Burch Porter & Johnson, Memphis
- **Jonathan Cole**, Baker Donelson Bearman Caldwell & Berkowitz, Nashville
- **Issac Conner**, Lewis King Krieg & Waldrop, Nashville
- **Marty Cook**, Bone McAllester Norton, Hendersonville
- **Joy Day**, Sutter O'Connell & Farchione, Franklin
- **Dawn Deaner**, Metro Public Defender, Nashville
- **Tremecca Doss**, Tennessee Department of Transportation, Nashville
- **Jay Elliott**, Miller & Martin, Chattanooga
- **Wanda Everson-Donnelly**, Legal Aid of East Tennessee, Knoxville
- **Sara Flowers-Dent**, AutoZone, Inc., Memphis
- **Rob Frost**, Arnett Draper & Hagood, Knoxville
- **Tammy Hicks**, 6th Judicial District Attorney's Office, Knoxville
- **Jack Lowery**, Lowery & Lowery, Lebanon
- **Alexandra Mackay**, Stites & Harbison, Nashville
- **Bob Mendes**, MGLAW, Nashville
- **Leslie Muse**, Law Office of Leslie Muse, Knoxville
- **Janet Mynatt**, Legal Aid Society of Middle TN and the Cumberland, Oak Ridge
- **Andy Pippenger**, Leitner Williams Dooley & Napolitan, Chattanooga
- **Charles Pope**, Pope Law Offices, Athens
- **Terrence Reed**, Federal Express Corporation, Memphis
- **Jonathan Richardson**, Smith & Hirsch, Nashville
- **Kristine Roberts**, Baker Donelson Bearman Caldwell & Berkowitz, Memphis
- **Michael Russell**, Gilbert & Russell, Jackson
- **Craig Sanders**, Rainey Kizer Reviere & Bell, Jackson
- **Chay Sengkhounmany**, Legal Aid Society of Middle TN & the Cumberland, Nashville
- **Dumaka Shabazz**, Shabazz Law, Nashville
- **Mary Smith**, Constangy Brooks & Smith, Nashville

- David Stewart, Stewart & Edwards, Winchester
 - Jim Todd, Nashville
 - Bob Vance, Woolf McClane Bright Allen & Carpenter, Knoxville
 - Andy Wampler, Wilson Worley Moore Gamble & Stout, Kingsport
 - Lew Wardlaw, Martin Tate Morrow & Marston, Memphis
 - Monica Wharton, Regional Medical Center, Memphis
 - Chuck Young, Kramer Rayson, Knoxville
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News and Notes

Recent Awards, Recognition and Kudos

- **Melvin Malone** was recently selected to serve as the managing partner of Miller & Martin's Nashville office.
 - Governor Bredesen named **Ursula Bailey** to serve as a member of the Tennessee Post-Conviction Defender Commission.
 - **Kim Helper** has been elected as to serve as the Secretary of the Williamson County Bar Association.
 - **Steven Zralek** has been elected to serve as Vice Chairman of the ABA's Copyright Litigation Committee.
 - The Governor appointed **Amy Hollars** to serve as a special circuit court judge for the 13th Judicial District on October 16, 2008.
 - **Robin Miller** is among the candidates for the vacancy in the Eastern Division of the Tennessee Court of Appeals. A public hearing by the Judicial Selection Commission is scheduled for November 18 at 8:30 a.m. EST at the Knoxville Hilton.
 - **Cindy Wyrick** was elected to serve as Vice Chair of the Board of Directors of the Tennessee Justice Center for its 2008-09 year.
 - **Heather Anderson** has been accepted as a member of the Hamilton Burnett Chapter of the American Inns of Court in Knoxville.
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Thanks For Helping

Thanks to all who contributed to this issue of The TBALL Times, particularly **Keenan Carter**, **Kim Helper** and **Jason Long** and, as always, **Monica Mackie**.

Coming in the Next Issue of TBALL Times

- Updates on Committee and TBALL Alumni activities;
 - Update on the "4ALL" campaign and what the TBALL Alumni can do to help and support it;
 - New Attorney Profiles of your TBALL Alumni colleagues; and
 - Any other articles or matters deemed worthy of inclusion in THE TBALL TIMES as determined by the editor and the Communications Committee. Suggestions and submissions are actively encouraged!
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NOTICE: The information available in this newsletter includes basic legal information and is not a substitute for legal advice or professional alternative dispute resolution advice. The information is provided for general information only. It should not be considered legal advice or other professional advice. You should consult an attorney if you have questions concerning any specific situation.
