

## PAULA SCHAEFER

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### **ACADEMIC APPOINTMENTS**

#### **University of Tennessee College of Law**

Professor of Law

August 2017-present

Associate Professor of Law

August 2008 – August 2017

Courses: Behavioral Legal Ethics, Business Associations, Civil Procedure, Ediscovery, Professional Responsibility, Pre-Trial Litigation

#### **University of Central Missouri**

August 2004 – May 2008

Assistant Professor of Business Law

Harmon College of Business Administration

Courses: Graduate and undergraduate business law and business ethics courses

### **PUBLICATIONS**

#### **Books and Book Chapters**

DEVELOPING PROFESSIONAL SKILLS: PROFESSIONAL RESPONSIBILITY (West Academic Publishing forthcoming 2017) (with Alex Long).

PROFESSIONAL RESPONSIBILITY IN THE LIFE OF THE LAWYER, 2<sup>ND</sup> EDITION (West Academic Publishing 2015) (with Carl Pierce, Judy Cornett, Alex Long & Cassandra Burke Robertson).

*Integrating Professionalism Into Doctrinally-Focused Classes*, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD (Lexis 2015).

DEVELOPING PROFESSIONAL SKILLS: CIVIL PROCEDURE (West Academic Publishing 2013).

#### **Law Review Articles and Essays**

*Building on the Professionalism Foundation of Best Practices for Legal Education*, \_\_ U. ST. THOMAS L. J. \_ (forthcoming 2017).

*Attorneys, Document Discovery, and Discipline*, 30 GEO. J. LEGAL ETHICS 1 (2017).

*In Pari Delicto Deconstructed: Dismantling the Doctrine that Protects the Business Entity's Lawyer from Malpractice Liability*, 90 ST. JOHN'S L. REV. 1003 (2017).

*On Balance: Leading by Leaving*, 83 TENN. L. REV. 931 (2016).

*A Primer on Professionalism for Doctrinal Professors*, 81 TENN. L. REV. 279 (2014).

*Technology's Triple Threat to the Attorney-Client Privilege*, 2013 J. PROF. LAW. 171 (2013).

*Injecting Law Student Drama Into the Classroom: Transforming an E-Discovery Class (or Any Law School Class) with a Complex, Student-Generated Simulation*, 12 NEV. L.J. 130 (2011).

*Transactional Lawyers and Inadvertent Disclosure*, 13 TRANSACTIONS: THE TENN. J. BUS. LAW 107 (2011).

*Harming Business Clients with Zealous Advocacy: Rethinking the Attorney Advisor's Touchstone*, 38 FLA. ST. U. L. REV. 251 (2011).

*The Future of Inadvertent Disclosure: The Lingering Need to Revise Professional Conduct Rules*, 69 MD. L. REV. 109 (2010).

*Protecting a Business Entity Client from Itself through Loyal Disclosure*, 118 YALE L.J. POCKET PART 152 (2009).

### **Refereed Business Law Journal Articles**

*Business Litigation in the Electronic Age: Recognizing and Addressing the Hazards of Privilege Disclosure Orders*, 22 MIDWEST LAW J. 61 (2008).

- Award for Best Article in 2008 Volume

*Overcoming Noneconomic Barriers to Loyal Disclosure*, 44 AM. BUS. L. J. 417 (2007).

- Hoeber Award Recipient for Outstanding Article

*The Fiduciary's Duty to Make "Permissive" Disclosure of Confidential Client Information to Protect the Organizational Client*, ETHICS & CRITICAL THINKING QUARTERLY JOURNAL, Vol. 2005, Issue 2, 68 (2005).

### **Refereed Conference Proceedings**

*Fraud as a Theme for Teaching Business Law*, MIDWEST ACAD. LEG. STUD. IN BUS. PROC. (2008).

*Using Case Law to Teach Business Ethics: How Studying the "Ethical Minimum" Can Help Students Develop Ethical (and Legal) Decision Making Skills*, MIDWEST ACAD. LEG. STUD. IN BUS. PROC. 106 (2007).

- Winner MALS Division – Distinguished Paper on Conference Theme

*The Negative Implications of Inconsistent Confidentiality Rules Among the States in 2006: An Argument for the Uniform Adoption of the 2003 Amendments to Model Rules 1.6 and 1.13*, MIDWEST ACAD. LEG. STUD. IN BUS. PROC. 1 (2006).

- MALSBS 2006 Best Proceedings Paper Award

*Confidentiality and In-House Counsel's Cause of Action for Retaliatory Discharge*, 34 ACAD. LEG. STUD. IN BUS. NAT'L PROC. (2005).

- ALSB 2005 Distinguished Proceedings Paper Award

## **Student Publications**

*Five Decades of Explanation and Evolution, Yet the Rule Appears Unchanged: Missouri's Points Relied On Rule*, 60 MO. L. REV. 931 (1995).

*Balancing Finality, Efficiency and Truth When a Party Fails to Appear for Trial: Missouri Clarifies the Meaning of "Otherwise Defend" in Its New Default Judgment Rule*, 60 MO. L. REV. 485 (1995).

## **Other Publications**

*Engineers, Negligence, and the Economic Loss Doctrine*, MIDWEST ENGINEER 11 (Nov. 1998).

## **PRACTICE EXPERIENCE**

### **Bryan Cave LLP**

August 2002 – August 2004

Associate

Commercial Litigation Practice Group and Appellate Practice Group

### **Shook, Hardy & Bacon LLP**

August 1997 – August 2002

Associate

Business Litigation Section

## **CLERKSHIP**

### **Supreme Court of Missouri**

August 1996 - July 1997

Law Clerk to the Honorable Ann K. Covington

## ***EDUCATION***

**University of Missouri School of Law**  
Juris Doctor, 1996

Columbia, Missouri

Notable Honors:

- Order of the Coif
- *Missouri Law Review*, Note & Comment Editor
- CALI Award for Highest Grade in Trial Practice
- Charles G. Young, Jr. Memorial Award for Best Work in Professional Responsibility
- Guy A. Thompson Prize for Best Case Note
- Award for Best Presentation, Law Division, Graduate Professional Council Research Competition

**University of Missouri**

Columbia, Missouri

Bachelor of Arts with Honors in Political Science, *Magna Cum Laude*, 1993

Notable Honors:

- Phi Beta Kappa
- Senior Honors Thesis, *Campaign Finance for Statewide Office: Toward Reform in Missouri*
- Curator's Scholar, McNair Scholar

## ***AWARDS & RECOGNITION***

Carden Award for Outstanding Service to the Institution, 2010, 2017

QUEST Scholar of the Week, University of Tennessee, 2013

Howard C. Warner Outstanding Teacher Award, 2012

Bass, Berry & Sims Award for Outstanding Service to the Bench and Bar, 2011

## ***BAR ADMISSION***

Tennessee; Missouri (inactive status); Kansas (inactive status)

## **ACADEMIC PRESENTATIONS**

*Integrating Professionalism Throughout the Curriculum*, Villanova University School of Law, Villanova, Pennsylvania, March 29, 2017.

*Building on the Professionalism Foundation of Best Practices for Legal Education*, Symposium on the Next Steps of a Professional Formation Social Movement in Legal Education and the Legal Profession, University of St. Thomas School of Law, Minneapolis, Minnesota, February 18, 2017.

*The Future of Ethics Scholarship: Are We in the End Days or Just Getting Started?*, Southeastern Association of Law Schools Conference, Amelia Island, Florida, August 5, 2016.

*Technology, Ethics, and Legal Education*, International Legal Ethics Conference 2016, New York, New York, July 14, 2016.

*Integrating (and Assessing) Lawyering Skills in the 1L Curriculum*, Institute for Law Teaching Summer Conference, Topeka, Kansas, June 9, 2016 (with Colleen Medill & Alex Long).

*Future Directions for Legal Leadership Education*, Leading the Future, 2016 Symposium on Professional Leadership Education, University of Tennessee College of Law, Knoxville, Tennessee, April 1, 2016.

*Strategies for Implementing Experiential Learning*, Southeastern Association of Law Schools Conference, Boca Raton, Florida, July 27, 2015.

*Developing the Case for 1L Curriculum Reform*, Institute for Law Teaching Summer Conference, Spokane, Washington, June 13, 2015 (with Joy Radice).

*Tips for Finding the Attorney Professionalism Lessons Hiding in Plain Sight in Every Casebook*, LegalEd Igniting Law Teaching Conference, Washington, D.C., March 20, 2015.

*Incorporating Simulations into Law School Courses*, Southeastern Association of Law Schools Conference, Amelia Island, Florida, August 1, 2014.

*Integrating Negotiation Into the 1L Curriculum: A Model For Clinic, Lawyering, and Doctrinal Collaboration*, 2013 Southern Clinical Conference, Fayetteville, Arkansas, August 23, 2013 (with Joy Radice).

*Professionalism*, Southeastern Association of Law Schools Conference, West Palm Beach, Florida, August 4, 2013.

*Lawyer Fiduciary Duties: Testing the Limits of Client Loyalty and Confidentiality*, ABA Center for Professional Responsibility National Conference, San Antonio, Texas, May 31, 2013 (with Henry Dinger, Art Lachman, and J. Charles Mokriski).

Moderator, *Understanding Immigration: Satisfying Padilla's New Definition of Competence in Legal Representation*, Navigating the Complexities of our Melting Pot: How Immigration Affects Legal Representation, Knoxville, Tennessee, April 12, 2013.

*Technology's Triple Threat to the Attorney-Client Privilege*, American Association of Law Schools Annual Conference, January 5, 2013.

*An Exercise in Attorney Billing*, Professional Responsibility Pecha Kucha, Southeastern Association of Law Schools Conference, Amelia Island, Florida, July 29, 2012.

Moderator, *To Comment or Not to Comment: What the Media Wants, What the Client Wants, What the Rules Require*, 2012 Summers-Wyatt Symposium, *Crisis, Coverage, and Communication: Advocacy in a 24/7 News World*, Knoxville, Tennessee, March 9, 2012.

*Teaching E-Discovery with Technology (On a Professor's Budget)*, Panel on Technological Innovation in Practice and Education, American Association of Law Schools Annual Conference, Washington, D.C., January 5, 2012.

*Junior Faculty Challenges*, Southeastern Association of Law Schools Conference, Hilton Head, South Carolina, July 26, 2011.

*Legal Dispute Simulation Meets Pre-Trial Litigation Simulation: An Integrated Approach to Teaching E-Discovery Doctrine, Practice Skills, and Professionalism*, Michigan State University Junior Faculty Workshop, East Lansing, Michigan, October 1, 2010.

*Using a Simulation to Teach E-Discovery*, Southeastern Association of Law Schools Conference, Palm Beach, Florida, August 4, 2010.

*Attorney Obligations to Business Clients*, University of Tennessee Corporate Governance Center, Knoxville, Tennessee, March 31, 2010.

*Smart Lawyers, Stupid Decisions*, Teaching Demonstration, The National Institute for Teaching Ethics and Professionalism, Cartersville, Georgia, November 6-8, 2009.

*Harming Business Clients with Zealous Advocacy*, Washington University Law School Junior Faculty Regional Works-in-Progress Workshop, St. Louis, Missouri, October 9, 2009.

*Zealous Advisor? Harming Business Clients with Zealous Advocacy*, Southeastern Association of Law Schools Conference, New Scholars Panel, Palm Beach, Florida, August 6, 2009.

*Clawbacks, Quick Peeks, and Confidentiality*, Scholarship Roundtable, ABA Center for Professional Responsibility National Conference, Chicago, Illinois, May 29, 2009.

*Fraud as a Theme for Teaching Business Law*, Midwest Academy of Legal Studies in Business Annual Conference, Chicago, Illinois, April 4, 2008.

*Using a Book for a Multi-Disciplinary Discussion of the U.S. Constitution*, American Democracy Project Annual Conference, Philadelphia, Pennsylvania, June 2007 (with Richard Kahoe).

*Using Case Law to Teach Business Ethics: How Studying the “Ethical Minimum” Can Help Students Develop Ethical (and Legal) Decision Making*, Midwest Academy of Legal Studies in Business Annual Conference, Chicago, Illinois, March 29, 2007.

*The Negative Implications of Inconsistent Confidentiality Rules Among the States in 2006: An Argument for the Uniform Adoption of the 2003 Amendments to Model Rules 1.6 and 1.13*, Midwest Academy of Legal Studies in Business Annual Conference, Chicago, Illinois, March 16, 2006.

*Confidentiality and In-House Counsel’s Cause of Action for Retaliatory Discharge*, Academy of Legal Studies in Business Annual Conference, San Francisco, California, August 4, 2005.

## **PRESENTATIONS TO THE BAR AND COMMUNITY**

*Attorney Professional Conduct Update*, Tennessee Attorney General’s Office, Nashville, Tennessee, June 9, 2017, and Tennessee Department of Environment & Conservation Conference, Chattanooga, Tennessee, May 18, 2017.

*Knoxville Bar Association’s Ethics Bowl IX*, Program Co-Host, Knoxville, Tennessee, December 2, 2016.

*2016 Attorney Ethics Update & Quiz*, UT College of Law Alumni CLE, Chattanooga, Tennessee, October 28, 2016 and Atlanta, Georgia, March 10, 2016 (with Alex Long).

*Attorney Professional Conduct Update*, Tennessee Attorney General’s Office, Nashville, Tennessee, May 20, 2016, and Tennessee Department of Environment & Conservation Conference, Gatlinburg, Tennessee, April 21, 2016.

*2015 Amendments to the Federal Rules of Civil Procedure*, Knoxville Bar Association, Knoxville, Tennessee, December 10, 2015 (with The Honorable Clifford Shirley).

*Knoxville Bar Association’s Ethics Bowl IX*, Panelist, Knoxville, Tennessee, December 4, 2015.

*2015 Attorney Ethics Quiz*, Tennessee Attorney General’s Office, Nashville, Tennessee, July 16, 2015.

*2015 Attorney Ethics Update*, Tennessee Department of Environment & Conservation Conference, Gatlinburg, Tennessee, April 23, 2015.

*Knoxville Bar Association's Ethics Bowl VIII*, Panelist, Knoxville, Tennessee, December 5, 2014.

*Law and the Media*, ETLAW, Knoxville, Tennessee, November 14, 2014 (with Robin Wilhoit).

*Attorney Ethics in the Digital Age*, SSAA Conference, Destin, Florida, September 19, 2014.

*2014 Attorney Ethics Quiz*, Tennessee Attorney General's Office, Nashville, Tennessee, June 13, 2014.

*2014 Attorney Ethics Update*, Tennessee Department of Environment & Conservation Conference, Gatlinburg, Tennessee, May 1, 2014.

*Knoxville Bar Association's Ethics Bowl VII*, Ask-the-Professor Lifeline, Knoxville, Tennessee, December 6, 2013.

*Professionalism: The Redheaded Stepchild of Legal Education Reform*, University of Tennessee Mic Nite, Talks by UT Faculty, Knoxville, Tennessee, October 10, 2013.

*E-Discovery: An Emerging Field*, Alumni Summer College, Knoxville, Tennessee, July 26, 2013.

*2013 Attorney Ethics Update and Quiz*, Tennessee Attorney General's Office, Nashville, Tennessee, July 18, 2013.

*Attorney-Client Relationships and Billing Practices*, Basketball CLE, Knoxville, Tennessee, March 9, 2013 (with Carl Spining).

*Knoxville Bar Association's Ethics Bowl VI*, Panelist, Knoxville, Tennessee, December 7, 2012.

*Confidentiality Ethics for Transactional Lawyers*, Knoxville Bar Association Corporate Counsel CLE, Knoxville, Tennessee, August 16, 2012.

*They Didn't Teach You that in Law School Either?: Attorney Ethics Dilemmas from the Movies*, Federal Criminal Defense Goes to the Movies, Office of Federal Defender Services, Knoxville, Tennessee, July 13, 2012.

*Recent Developments in Attorney Ethics*, Tennessee Attorney General's Office, Nashville, Tennessee, June 21, 2012.

*Civil Procedure*, Pre-Bar Review Lecture, University of Tennessee College of Law, Knoxville, Tennessee, May 14, 2012.



*2012 Attorney Ethics Update*, Tennessee Department of Environment & Conservation Conference, Gatlinburg, Tennessee, April 26, 2012 (with Carl Pierce).

*Knoxville Bar Association's Ethics Bowl V*, Ask-the-Professor Lifeline and Panelist, Knoxville, Tennessee, December 2, 2011.

*Confidentiality Ethics*, United States District Court, Eastern District of Tennessee, Knoxville, Tennessee, September 30, 2011.

*Confidentiality Ethics*, Tennessee Attorney General's Office, Nashville, Tennessee, July 19, 2011.

*Attorney Ethics: Hot Topics & Updates 2011*, Tennessee Department of Environment & Conservation Conference, Gatlinburg, Tennessee, April 28, 2011.

*Litigation Ethics: Drafting Clawback Agreements that Comply with Professional Conduct Obligations*, Continuing Legal Education Program, University of Tennessee College of Law, Knoxville, Tennessee, November 13, 2010.

*Ethics: Hot Topics & Updates*, Tennessee Department of Environment & Conservation Conference, Gatlinburg, Tennessee, April 29, 2010 (with James Vick).

*Emerging Issues in Litigation Ethics*, Smoky Mountain Paralegals Association, Knoxville, Tennessee, April 8, 2010.

*Demystifying the Ethics Process*, Tennessee Bar Association Young Lawyers' Division and TennBarU Continuing Legal Education Program, Knoxville, Tennessee, February 19, 2010.

*Recent Developments in Tennessee Attorney Ethics and Clawbacks, Quick Peeks, and Confidentiality in Tennessee*, Knoxville Bar Association's Ethics Bowl III, Knoxville, Tennessee, December 4, 2009.

*Advertising and Ethics in Today's Competitive Environment*, Legal Marketing Association, Southeastern Chapter, Knoxville, Tennessee, September 24, 2009.

*More Changes Down the Road: Recently Approved and Proposed Changes to the Tennessee Rules of Professional Conduct*, Tennessee Department of Environment & Conservation Conference, Gatlinburg, Tennessee, April 29, 2009 (with Carl Pierce).

*Ethics and Social Responsibility in Supply Management*, Institute of Supply Management - Kansas City, Overland Park, Kansas, February 19, 2008 (with Christine Wright).

***WORKSHOP / EDUCATIONAL PROGRAM PARTICIPATION AND DEVELOPMENT***

Assessment Across the Curriculum Conference, Institute for Law Teaching and Learning, Little Rock, Arkansas, April 5, 2014.

Best Practices for Legal Education Workshops, New York, New York, January 3, 2014, Albuquerque, New Mexico, October 11-12, 2013, and San Francisco, California, January 5, 2011.

Michigan State University Junior Faculty Workshop, East Lansing, Michigan, October 1, 2010.

E-Discovery Certification Course, Kroll Ontrack, Eden Prairie, Minnesota, September 16-17, 2010.

Fellow, The National Institute for Teaching Ethics and Professionalism Workshop, Cartersville, Georgia, November 6-8, 2009.

Washington University Law School Junior Faculty Regional Works-in-Progress Workshop, St. Louis, Missouri, October 9, 2009.

Developed Educational Games for Lawyers: “Discovery: Preservation and Production” and “Discovery Ethics” for Tennessee Bar Association Online CLE Program.

## ***PROFESSIONAL SERVICE***

### **Committees**

#### AALS Professional Responsibility Section

- Program Co-Chair, 2017-2018
- Conference Program Committee, 2013-2014
- Executive Committee Member, 2015-present

#### AALS Women in Legal Education Section

- Executive Committee, 2012

#### ABA Section of Legal Education and Admissions to the Bar

- Professionalism Committee, 2010-2012

#### East Tennessee Lawyers Association for Women

- Nominating Committee, 2016

#### Investigating Committee for the Tennessee Board of Law Examiners

- District Two Member, 2010-2014

#### Southeastern Association of Law Schools

- Program Format Committee, 2015-present

### **Contributor to Professional Publications**

#### Best Practices for Legal Education Blog

- Contributing Blogger

#### Column “Schooled in Ethics” published in the Knoxville Bar Association’s monthly journal *Dicta*, 2010-present

- Contributing Author

### **Other Professional Service**

#### ABA’s Women Trailblazers in the Law Project

- Conducted oral history interviews with The Honorable Ann K. Covington

#### American Business Law Journal

- Reviewer

*Amici Curiae* Brief in *Aoki v. Aoki*, 49 N.E.3d 1159 (N.Y. 2016) (with Alex Long).

Pro Bono representation of client before the Tennessee Board of Law Examiners, 2016 (with Doug Blaze).

***UNIVERSITY SERVICE***

Provost's Junior Faculty Fellows, 2010-2012

Life of the Mind, Faculty Discussion Leader for UT Freshmen, 2009 and 2016

***COLLEGE OF LAW SERVICE*****Committee Assignments:**

1L Curriculum Review Task Force

- Chair 2014-15

Academic Standards and Curriculum Committee, 2011-2014, 2015-present

- Chair: 2012-2014 (work included 1L curriculum review), 2016-2017

Admissions Director Search Committee, 2015-2016

Appointments Committee, 2010-2011

Committee on Community, 2008-2009

Dean Search Committee, 2014

Development Search Committees for Senior Director of Development, Director of Development, and Associate Director of Annual Giving, 2015, 2016-2017

Faculty Development Committee, 2009-2012

Faculty Tenure Committees, 2013-2014, 2015-2016

Governance Committee, 2009-2010

Judicial Clerkship, Co-Advisor, 2011-2014

Outstanding Teacher Awards Selection Committee, 2014-2015

Placement & Professional Development Committee, 2015-present

***COLLEGE OF LAW SERVICE*****Other Service Activities:**

Advisor to 1L Students, 2009-present

Coach, National Professional Responsibility Moot Court Competition, 2012-2014

Institute for Professional Leadership, Advisory Board, 2014-present

Instructor, Case Briefing & Analysis, 1L Introductory Period, 2010, 2016

Instructor, Civil Litigation Process, 1L Introductory Period, 2011-2013

Instructor, Civil Procedure, Academic Success Program, Spring 2012

Guest Presenter, Business Law Clinic, 2009

Guest Presenter, Leading as Lawyers: Trans-Pacific Perspectives, 2017

Guest Presenter, Representing Enterprises, Spring 2010–2017

Faculty Mentor, 2012-16

Professionalism Lecture, 1L Introductory Period, 2012-2016

Professionalism Lecture, 2L Orientation, 2013-2016

***SERVICE TO COMMUNITY***

CISV Smoky Mountain Chapter

- Board Member, 2014-2017
- Local Leadership Trainer, 2014-2017