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University of Tennessee College of Law
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PROFESSIONAL EMPLOYMENT

University of Tennessee College of Law, Knoxville, Tennessee
- Doug Blaze Distinguished Professor of Law, August 2016 - present
- Associate Dean for Academic Affairs, January 2015 - present
- Professor of Law, August 2012 - present
- Associate Professor of Law, August 2007-2012

Oklahoma City University School of Law, Oklahoma City, Oklahoma
- Assistant Professor of Law, August 2002-05
- Associate Professor of Law, Fall 2005-Spring 2007

West Virginia University College of Law, Morgantown, West Virginia
- Lecturer and Director, Academic Support Program, August 1999-Fall 2002

Stephoe & Johnson, Clarksburg, West Virginia
- Associate, Labor & Employment Section, 1998-99

COURSES TAUGHT

- Torts I & II	- Law of the Workplace	- Contracts II
- Legal Profession	- Disability Law	- Legal Analysis
(Prof. Responsibility)	- Employment Discrimination	- Legal Research & Writing

PUBLICATIONS

Books and Book Chapters

PROFESSIONAL RESPONSIBILITY IN THE LIFE OF THE LAWYER (with Carl A. Pierce, Judy M. Cornett, Paula Schaefer, & Cassandra Burke Robertson). (West) (1st & 2d edition).

ADVANCED TORTS: A CONTEXT AND PRACTICE CASEBOOK (Carolina Academic Press) (2014) (with Meredith Duncan).

Developing Professional Skills: Professional Responsibility (West) (2018) (with Paula Schaefer).

Professional Responsibility, in *MAKING THE PIECES FIT: AN ANALYSIS OF THE DAIMLER-CHRYSLER MERGER* (Carolina Academic Press) (forthcoming 2017) (with Paula Schaefer).

The Troublemaker's Friend: Retaliation Against Third Parties and the Right of Association in the Workplace, in *PROCEEDINGS OF THE 60TH ANNUAL NYU LAW CONFERENCE ON LABOR: RETALIATION AND WHISTLEBLOWERS* (2008).

Articles

Retaliation Backlash, 93 *WASHINGTON LAW REVIEW* ____ (forthcoming 2018).

The Lawyer as Public Figure for First Amendment Purposes, 57 *BOSTON COLLEGE LAW REVIEW* 1543 (2016).

Employment Discrimination in the Legal Profession: A Question of Ethics?, 2016 *UNIVERSITY OF ILLINOIS LAW REVIEW* 445.

Reasonable Accommodation as Professional Responsibility, Reasonable Accommodation as Professionalism, 47 *UC DAVIS LAW REVIEW* 1753 (2014).

The Forgotten Role of Consent in Defamation and Employment Reference Cases, 66 *FLORIDA LAW REVIEW* 79 (2014).

Lawyers Intentionally Inflicting Emotional Distress, 42 *SETON HALL LAW REVIEW* 55 (2012).

Employment Retaliation and the Accident of Text, 90 *OREGON LAW REVIEW* 525 (2011).

The Freewheelin' Judiciary: A Bob Dylan Legal Anthology, 39 *FORDHAM URBAN LAW JOURNAL* 1363 (2011).

Attorney Deceit Statutes: Promoting Professionalism Through Criminal Prosecutions and Treble Damages, 44 *UC DAVIS LAW REVIEW* 413 (2010).

Viva State Employment Law! State Law Retaliation Claims in a Post-Crawford/Burlington Northern World, 77 *TENNESSEE LAW REVIEW* 253 (2010).

Attorney-Client Fee Agreements That Offend Public Policy, 61 *SOUTH CAROLINA LAW REVIEW* 287 (2009).

Whistleblowing Attorneys and Ethical Infrastructures, 68 *MARYLAND LAW REVIEW* 786 (2009).

Retaliatory Discharge and the Ethical Rules Governing Attorneys, 79 *UNIVERSITY OF COLORADO LAW REVIEW* 1045 (2008).

The Troublemaker's Friend: Retaliation Against Third Parties and the Right of Association in the Workplace, 59 *FLORIDA LAW REVIEW* 931 (2007).

[Insert Song Lyrics Here]: The Uses And Misuses Of Popular Music Lyrics In Legal Writing, 64 WASHINGTON & LEE LAW REVIEW 531 (2007).

(Whatever Happened To) The ADA's "Record of" Prong(?), 82 WASHINGTON LAW REVIEW 669 (2006).

"If the Train Should Jump the Track ...": Divergent Interpretations of State and Federal Employment Discrimination Statutes, 40 GEORGIA LAW REVIEW 469 (2006).

Attorney Liability for Tortious Interference: Interference with Contractual Relations or Interference with the Practice of Law?, 18 GEORGETOWN JOURNAL OF LEGAL ETHICS 471 (2005).

Tortious Interference and the Business of Law, 36 ST. MARY'S LAW JOURNAL 925 (2005) (invited contribution to symposium).

State Anti-Discrimination Law as a Model for Amending the Americans with Disabilities Act, 65 UNIVERSITY OF PITTSBURGH LAW REVIEW 597 (2004).

"Stop Me Before I Vote for this Judge Again": Judicial Conduct Organizations, Judicial Accountability, and the Disciplining of Elected Judges, 106 WEST VIRGINIA LAW REVIEW 1 (2003).

The ADA's Reasonable Accommodation Requirement and "Innocent Third Parties," 68 MISSOURI LAW REVIEW 863 (2003).

An Historical Perspective on Judicial Selection Methods in Virginia and West Virginia, 18 JOURNAL OF LAW & POLITICS 691 (2002).

The Disconnect Between At-Will Employment and Tortious Interference with Business Relations: Rethinking Tortious Interference Claims in the Employment Context, 33 ARIZONA STATE LAW JOURNAL 491 (2001).

Tortious Interference With Contractual Relations: The Other White Meat of Employment Law, 84 MINNESOTA LAW REVIEW 863 (2000).

A Good Walk Spoiled: Casey Martin and the ADA's Reasonable Accommodation Requirement in Competitive Settings, 77 OREGON LAW REVIEW 1337 (1998).

Note, Addressing the Cloud Over Employee References: A Survey of Recently Enacted State Legislation, 39 WILLIAM & MARY LAW REVIEW 177 (1997).

Essays and Shorter Works

Retaliation and the Unreasonable Judge: A Response to Professor Sperino, 67 FLORIDA LAW REVIEW FORUM 202 (2016).

Finding New Inspiration in the ADA, HOUSTON LAW REVIEW: OFF THE RECORD (2015).

What is Even More Troubling About the "Tortification" of Employment Discrimination Law, 76 OHIO STATE LAW JOURNAL FURTHERMORE (2015).

Diminishing Retaliation Liability, NYU LAW REVIEW ONLINE (April 2013) (with Sandra Sperino).

Professionalism and Matthew Shardlake, 59 UCLA LAW REVIEW DISCOURSE 86 (2012).

Article, *Focusing Your Firm on Ethics: Responsibility for a Culture of Ethical Practice and Behavior*, Tennessee Bar Journal, December 2009.

Introducing the New and Improved Americans with Disabilities Act: Assessing the ADA Amendments Act of 2008, 103 NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY 217 (2008).

EDUCATION

J.D., May 1998, William and Mary School of Law, Williamsburg, Virginia
3.4 G.P.A. (Top 12% of class), Topics & Research Editor, *William & Mary Law Review*

B.A., cum laude, May 1991, James Madison University, Harrisonburg, Virginia
Political Science major, History minor

SELECTED AWARDS, PRESENTATIONS, & PROFESSIONAL ACTIVITIES

Awards and Recognitions

Bass, Berry & Simms Award for Outstanding Service to the Bench and Bar, 2014, University of Tennessee College of Law.

Carden Award for Outstanding Achievement in Scholarship, 2013, University of Tennessee College of Law.

Harold C. Warner Outstanding Teacher Award, 2011, University of Tennessee College of Law.

Carden Award for Outstanding Service to the Institution, 2009, University of Tennessee College of Law.

W. Allen Separk Faculty Scholarship Award, 2007, University of Tennessee College of Law.

Nominee, L.R. Hesler Award for Excellence in Teaching and Service (University-Wide), 2016, University of Tennessee.

Nominee, University Research & Creative Achievement Award (University-Wide), 2014, University of Tennessee.

Finalist, Chancellor's Excellence in Teaching Award (University-Wide), 2013, University of Tennessee.

Finalist, Alumni Outstanding Teacher Award (University-Wide), 2013, University of Tennessee.

Presentations

The Lawyer as Public Figure for First Amendment Purposes, International Legal Ethics Conference, Fordham Law School, July 15, 2016.

Institute for Law Teaching and Learning, *Integrating and Assessing Lawyering Skills in the 1L Curriculum*, Washburn University School of Law, June 10, 2016.

Southeastern Association of Law Schools, Panelist, *Current Issues in Whistleblower Protection*, Boca Raton, Florida, July 30, 2015.

Warns-Render Labor & Employment Law Institute, *Employment Discrimination in the Practice of Law: A Question of Ethics?*, University of Louisville, June 11, 2015.

A Billy Joel Legal Anthology, Billy Joel and the Law Conference, Touro Law Center, March 22, 2015.

Reasonable Accommodation as Professional Responsibility, Reasonable Accommodation as Professionalism, International Legal Ethics Conference, London, England, July 12, 2014.

Diversity in the Practice of Law: A Question of Business or a Question of Ethics?, International Legal Ethics Conference, London, England, July 12, 2014.

Legal Ethics and Discrimination: Navigating Bias in the Practice of Law, Lincoln Memorial University, Duncan School of Law, April 11, 2014.

East Tennessee Accessibility Symposium, Legal Rights and Obligations under the ADA, Panelist, August 23, 2013.

Southeastern Association of Law Schools, *Professional Responsibility PechaKucha*, Panelist, Palm Beach, FL, August 4, 2013.

Disability Issues and Advocacy Conference, *Reasonable Accommodation as Professional Responsibility*, Knoxville, TN, November 30, 2012.

Southeastern Association of Law Schools, *Professional Responsibility PechaKucha*, Panelist and Moderator, Amelia Island, FL, July 29, 2012.

International Legal Ethics Conference, *The Lawyer-Judge Bias*, Banff, Alberta, Canada, July 15, 2012.

University of Tennessee, Mic/Nite, *[Insert Song Lyrics Here]: The Uses and Misuses of Popular Music Lyrics in Legal Writing*, October 19, 2011.

Southeastern Association of Law Schools, *Is There a Lawyer-Judge Bias?*, Hilton Head, SC, July 27, 2011.

Fordham University Law School, Conference on Dylan and the Law, Panelist, April 4-5, 2011.

Southeastern Association of Law Schools, *Caperton Revisited*, Palm Beach, Florida, August 1, 2010.

Oklahoma City University School of Law, Faculty Colloquium, *Attorney Deceit Statutes: Promoting Professionalism Through Criminal Prosecutions and Treble Damages*, February 12, 2010.

University of Tennessee College of Law, CLE, Ethical Infrastructures and Ethical Practice, October 2009.

Colloquium on Current Scholarship in Labor & Employment Law, Seton Hall Law School, Panelist, *ALI Restatement of Employment Law's* Chapter on "Other Torts," September 25-26, 2009.

Colloquium on Current Scholarship in Labor & Employment Law, Seton Hall Law School, *Viva State Employment Law!: State Law Retaliation Claims in a Post-Crawford/Burlington Northern World*, September 25-26, 2009.

Southeastern Association of Law Schools, *Retaliation and Whistleblowers in the Workplace after Crawford v. Metropolitan Government of Nashville*, Palm Beach, Florida, August 6, 2009.

American University Washington College of Law, *Assisting Law Students with Disabilities in the 21st Century*, Moderator, *What the ADA Amendments and Higher Education Acts Mean for Law Schools*, March 12, 2009.

Lorman Education Services, *Legal Ethics in Tennessee*, CLE, *Representing the Corrupt Organization & Rights and Responsibilities in a Modern Law Office*, November 19, 2008.

Colloquium on Current Scholarship in Labor & Employment Law, California Western School of Law, Thomas Jefferson School of Law, and the University of San Diego School of Law, *Whistleblowing Attorneys and Ethical Infrastructures*, October 24-25, 2008.

University of Denver College of Law/University of Colorado School of Law Colloquium on Current Scholarship in Labor & Employment Law, *"Retaliatory Discharge and the Ethical Rules Governing Attorneys,"* September 28-29, 2007.

Oklahoma Bar Association, CLE, *Work Life Conflicts: A Look at Best Practices for the Individual, for the Workplace, for the Profession, "Employment Law and Work-Life Balance,"* December 3, 2006.

Organizer, "Assessing the Future of the Legal Profession," Oklahoma City University School of Law, September 2005.

Organizer, Conference, "Judicial Ethics in the Spotlight: Judicial Independence and Judicial Selection After *Republican Party of Minnesota v. White*," Oklahoma City University School of Law, February 2005.

Symposium: Legal Malpractice and Professional Responsibility, St. Mary's University School of Law, "Tortious Interference and the Business of Law," San Antonio, Texas, February 2005.

Conference on Consumer Finance Law, Employment Law Program 2004, "Employee References and Background Checks," Oklahoma City, Oklahoma, December 2004.

Conference on Consumer Finance Law, Employment Law Program 2003, "Update on the Americans with Disabilities Act and Litigation," Oklahoma City, Oklahoma, November 2003.

Conference on Consumer Finance Law, Employment Law Program 2002, "'The Disabilities Act Term': A Review of Recent Supreme Court Decisions Concerning the Americans with Disabilities Act," Oklahoma City, Oklahoma, November 2002.

Professional Activities

Member, Virginia and West Virginia State bars.

Contributing Editor, JOTWELL, Labor & Employment Law Section.

"Schooled in Ethics," a Monthly Column in *Dicta*, the Knoxville Bar Association monthly publication (with Judy Cornett and Paula Schaefer), 2010- present.

Lecturer, BARBRI, Tennessee Professional Responsibility, June 2011- present.

Co-author (with Paula Schaefer), Amicus Curiae Brief of Law Professors Alex Long and Paula Schaefer in Support of Appellant, Aoki v. Aoki, in the New York Court of Appeals, APL-2015-00052.

Co-author (with Sandra Sperino), Amicus Curiae Brief of Employment Law Professors in Support of Petition for a Writ of Certiorari, Ketterer v. Yellow Transportation Co., in the United States Supreme Court, No. 11-1361.

Judge and Moderator, Ethics Bowl 2010-2017, Knoxville Bar Association.

Articles, *Some Preliminary Lessons From the Hewlett-Packard Scandal*, The Briefcase: A Publication of the Oklahoma County Bar Association, December 2006 and January 2007.

Expert Reviewer, National Conference of Board Examiners, 2005.

Member, Subcommittee of the Oklahoma Bench & Bar Committee Addressing the Ramifications, if Any, of *Minnesota v. White* On Judicial Campaign Speech in Oklahoma, 2003-05.

SELECTED MEDIA INTERVIEWS AND OTHER PUBLICATIONS

Quoted, *Judge's Relationships With Local Attorneys Questioned*, News Channel 5, March 9, 2017

Quoted, *How Does It Feel, Chief Justice Roberts, to Hone a Dylan Quote?*, New York Times, Feb. 22, 2016.

Interview, *Legal Expert Questions DA's Deal*, WTVF, Feb. 5, 2016.

Quoted, *Hurt on the Job, Workers Feel Sting of Unpaid Claims*, The Tennessean, October 1, 2012.

Quoted, *Assessing the Legal Cloud Surrounding A&M's Move to the SEC*, Wall Street Journal Law Blog, September 9, 2011, <http://blogs.wsj.com/law/2011/09/09/assessing-the-legal-cloud-surrounding-ams-move-to-the-sec/>

Interview, National Public Radio, *All Things Considered*, May 10, 2011.

Quoted, *In Some Courts, Dylan Rules*, Los Angeles Times, May 9, 2011

Quoted, *The Legal Side of Bob Dylan*, New York Times Blog, April 5, 2011, <http://cityroom.blogs.nytimes.com/2011/04/05/the-legal-side-of-bob-dylan/>

Op-ed Column, *Amending the ADA – It's About Time*, Knoxville News Sentinel, November 23, 2008.

Fluoride Opponents Cite Law: Claim South Blount Utility Customers Not Notified of Risks, The Daily Times (Maryville, TN), April 25, 2008.

Employee's Fiancé Can Sue for Retaliation, Lawyers USA, April 21, 2008.

One Judge's Opinion is Another Man's Song, Case In Point, The National Judicial College, Spring/Summer 2007.

Oh, The Legal Cites They Are A-Changin' A Law Professor Finds Out Which Musicians Lawyers, Judges Cite Most Often The National Law Journal, October 30, 2006.

Soundcheck, WNYC radio program, Oct. 19, 2006 (available at <http://www.wnyc.org/shows/soundcheck/episodes/2006/10/19#segment67508>).

On the Media, NPR radio program, Oct. 13, 2006 (available at <http://www.onthemedial.org/otm101306.html>).

Legal Community Looking At Judicial Selection Options, The State Journal, Dec. 9, 2004.

LAW SCHOOL & UNIVERSITY SERVICE

University of Tennessee

- Faculty Governance Committee (ex officio)
- Dean Search Committee (2014-15)
- Strategic Planning Committee (chair 2013-14)
- Appointments Committee (co-chair 2012)
- Academic Success and Bar Passage Working Group (2011-present)
- Academic Standards & Curriculum
- Law Review Advisory Committee
- Admissions Committee
- Coach, National Professional Responsibility Moot Court Team (2013-14)
- Coach, Labor & Employment Moot Court Team (2012)
- University Faculty Senate, 2008-12

Oklahoma City University

- University Admissions, Financial Aid, and Disability Concerns Committee (Chair 2005-06)
- University Disability Concerns Subcommittee (Chair 2004-05)
- ABA Self-Study Committee
- Strategic Initiatives Review Committee
- Special Accommodations Committee
- Petitions and Retentions Committee
- Curriculum Committee

OTHER LEGAL EMPLOYMENT

Flippin, Densmore, Morse, Rutherford & Jessee, Roanoke, Virginia
Summer Associate, Summer 1997

Professor Neal Devins, William and Mary School of Law
Research Assistant, Summer 1996

Central Virginia Legal Aid Society, Richmond, Virginia
Summer Intern, Summer 1996