Alex B. Long
University of Tennessee College of Law
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Knoxville, Tennessee 37996-1810
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PROFESSIONAL EMPLOYMENT

University of Tennessee College of Law, Knoxville, Tennessee

- Director of Non-JD Programs, October 2020 present
- Williford Gragg Distinguished Professor of Law, January 2019 present
- Associate Dean for Academic Affairs, January 2015 December 2019
- Professor of Law, August 2012 present
- Associate Professor of Law, August 2007-2012
- Courses taught: Torts I, Torts II, Professional Responsibility, Employment Law, Employment Discrimination, Disability Law, Employment Law Seminar, The Structure and Operation of the American Legal System (online, non-JD course), Introduction to Legal Reasoning & Communication (online, non-JD course)

Oklahoma City University School of Law, Oklahoma City, Oklahoma

- Associate Professor of Law, Fall 2005-Spring 2007
- Assistant Professor of Law, August 2002-05
- Courses taught: Torts I, Torts II, Professional Responsibility, Employment Law, Employment Discrimination, Disability Law

West Virginia University College of Law, Morgantown, West Virginia

- Lecturer, August 1999-May 2002
- Director, Academic Support Program, August 2001-May 2002
- Courses taught: Legal Research & Writing, Disability Law, Contracts II

Steptoe & Johnson, Clarksburg, West Virginia

- Associate, Labor & Employment Section, 1998-99

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).

TORTS: A MODERN APPROACH (Carolina Academic Press) (2020) (with Teri Baxter).

ADVANCED TORTS: A CONTEXT AND PRACTICE CASEBOOK (Carolina Academic Press) (1st & 2d edition) (with Meredith Duncan).

DEVELOPING PROFESSIONAL SKILLS: PROFESSIONAL RESPONSIBILITY (West) (2018) (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 & Essays

Imposing Lawyer Sanctions in a Post-January 6 World, 36 GEORGETOWN JOURNAL OF LEGAL ETHICS 273 (2023).

Third-Party Retaliation Problems, 72 EMORY LAW JOURNAL 255 (2022).

All I Really Need to Know About Defamation Law in the 21st Century I Learned From Watching Hulk Hogan, 57 Wake Forest Law Review 413 (2022).

Of Prosecutors and Prejudice (or "Do Prosecutors Have an Ethical Obligation Not to Say Racist Stuff Online?"), 55 UC DAVIS LAW REVIEW 1717 (2022).

What the Lawyer Well-Being Movement Could Learn from the American with Disabilities Act, 63 WILLIAM & MARY LAW REVIEW ONLINE 63 (2022).

Using the IIED Tort to Address Discrimination and Retaliation in the Workplace, 2022 UNIVERSITY OF ILLINOIS LAW REVIEW 1325 (2022).

The Statutification of Tort Law, 42 Berkeley Journal of Employment and Labor Law 371 (2021).

Abolishing the Suicide Rule, 113 NORTHWESTERN LAW REVIEW 767 (2019).

Retaliation Backlash, 93 WASHINGTON LAW REVIEW 716 (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).

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

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

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).

Introducing the New and Improved Americans with Disabilities Act: Assessing the ADA Amendments Act of 2008, 103 Northwestern University Law Review Colloquy 217 (2008).

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).

Shorter Works

Cotten v. Wilson: Toward a New Approach in Negligence Cases Involving Suicide, 86 TENNESSEE LAW REVIEW 795 (2019).

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

Finding New Inspiration in the ADAAA, 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 1 (2015).

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

EDUCATION

J.D., May 1998, William and Mary School of Law, Williamsburg, Virginia 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

Carden Award for Outstanding Service to the Institution, 2021, University of Tennessee College of Law.

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.

Selected Presentations

UT-Battelle Labor and Employment Training, 2022 Legal Ethics Update, Oak Ridge, TN, Aug. 25, 2022.

International Legal Ethics Conference, Of Prosecutors and Prejudice (or "Do Prosecutors Have an Ethical Obligation Not to Say Racist Stuff Online?"), Los Angeles, CA, August 13, 2022.

Southeastern Association of Law Schools, Discussant, *Character and Fitness: What Needs to Change?*, August 1, 2022.

Southeastern Association of Law Schools, Discussant, *Amending the Model Rules of Professional Conduct to Clarify the Duties of Government Lawyers*, July 31, 2022.

Tennessee Environmental Network, Tennessee Ethics Update, Chattanooga, TN, May 13, 2022.

California Western School of Law, Legal Ethics Conference: Legal Ethics and the Public Interest, *Of Prosecutors and Prejudice (or "Do Prosecutors Have an Ethical Obligation Not to Say Racist Stuff Online?")*, May 6, 2022.

University of Tennessee College of Law, *Ableism and Issues Surrounding Visible and Invisible Disabilities*, Moderator, March 30, 2022.

Tennessee Valley Authority & U.S. Attorney's Office, Government Ethics Seminar, *Tennessee Ethics Update*, December 10, 2021.

Colloquium on Scholarship in Employment and Labor Law, *Third-Party Retaliation Problems*, Vanderbilt University, October 15, 2021.

Connecting the Threads, Discussant, *Ten Ethical Traps for Business Lawyers*, University of Tennessee College of Law, September 24, 2021.

Southeastern Association of Law Schools, *Discussion Group: Professional Responsibility in Our Turbulent Times*, July 29, 2021.

Colloquium on Scholarship in Employment and Labor Law, What the Americans with Disabilities Act (and Employment Law More Generally) Has to Teach Legal Employers About Lawyer Well-Being, University of Louisville, October 9, 2020.

BLE, Tennessee Personal Injury Law Conference, *Wrongful Death, Suicide, and Lawyer Well-Being Initiatives,* Nashville, September 18, 2020.

Southeastern Association of Law Schools, Discussion Group: Teaching Torts, July 31, 2020.

Colloquium on Scholarship in Employment and Labor Law, *The Statutification of Tort Law Involving the Workplace*, UNLV, October 11, 2019.

UT-Battelle Labor and Employment Training, 2019 Ethics Update, Oak Ridge, TN, Aug. 15, 2019.

Tennessee Department of Environment and Conservation, Environmental Show of the South, *Ethics Update* 2019, Chattanooga, TN, May 15, 2019.

Y-12 National Security Complex, *The Ethics of Saul Goodman*, National Nuclear Security Administration General Counsel's Annual Training Session, Oak Ridge, TN, Oct. 10, 2018.

Law and Business Tech Conference: Cybersecurity, Blockchain and Electronic Transactions, *Legal Ethics Issues Involving Technology in the Practice of Law*, University of Tennessee College of Law, Sept. 21, 2018.

UT-Battelle Labor and Employment Training, 2018 Ethics Update, Oak Ridge, TN, Aug 16, 2018.

Southeastern Association of Law Schools, *Retaliation Backlash*, Trends & Developments in Anti-Retaliation Law, Boca Raton, Florida, August 2, 2017.

International Legal Ethics Conference, *The Lawyer as Public Figure for First Amendment Purposes*, , 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.

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

International Legal Ethics Conference, *Diversity in the Practice of Law: A Question of Business or a Question of Ethics?*, 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, Tennessee, Virginia (inactive status) and West Virginia (inactive status) State bars.

Executive Board Member, AALS Section on Professional Responsibility, 2022.

Executive Board Member, AALS Section on Torts, 2022.

Committee Member, Professionalism Committee, Knoxville Bar Association, 2022

Contributing Editor, JOTWELL, Labor & Employment Law Section, 2012-2022.

"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- June 2018.

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 (CLE), 2010-21, 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, Kingston Coal Ash Settlement: What it Means for the Cleanup Workers Who Sued, Knoxville News Sentinel, May 23, 2023.

Expert Analysis, *Incorporating ADA Guidance Into the Lawyer Wellness Movement*, Law 360, November 2, 2022.

Quoted, Southern Baptist Convention Report Raises Questions About Nashville Firm's Guidance on Abuse Crisis, The Tennesseean, May 26, 2022.

Quoted, Kingston Coal Ash Workers' Case Swings on Two Upcoming Court Rulings, Knoxville News Sentinel, April 15, 2022.

Interview, Virus Scare Sparks Discussions Concerning Workers' Rights, Nashville Ledger, March 20, 2020.

Interview, Bradley County Judge Advises Client to Drop Lawyer Over Racist Remarks, News Channel 9, August 21, 2019.

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.onthemedia.org/otm101306.html).

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

LAW SCHOOL & UNIVERSITY SERVICE

University of Tennessee

- University Re-Imagining Fall 2020 Task Force Teaching and Student Success Committee (University COVID-19 Task Force)
- College of Law Working Group on Fall 2020 (College of Law COVID-19 Working Group)
- Faculty Governance Committee (2015-2019) (ex officio)
- Innovation Committee (2016-2019) (chair)
- Dean Search Committee (2014-15)
- Strategic Planning Committee (chair 2013-14)
- Appointments Committee (co-chair 2012)
- Academic Success and Bar Passage Working Group (2011-2018)
- Academic Standards & Curriculum (2015-2019) (ex officio)
- Tennessee Law Review Advisory Committee (2008-11)
- Admissions Committee (2008-09)
- Coach, National Professional Responsibility Moot Court Team (2012-14)
- 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