

## DWIGHT AARONS

The University of Tennessee College of Law  
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### PROFESSIONAL EXPERIENCE

1993-present

**The University of Tennessee College of Law**  
Associate Professor (tenured August 1999)

*Courses:* Criminal Law; Civil Procedure I; Legislation;  
Advanced Criminal Law; Academic Support Program –  
Civil Procedure II (intermittently from 1995-2011);  
Introduction to the Civil Litigation Process (Introductory  
Period); VOLLAW (prelaw program for selected admitted  
students).

*Seminars:* Capital Punishment; Wrongful  
Convictions/Innocence; Post-Conviction Remedies (Spring  
1994)

#### Selected Awards

2017 RBJ Campbell Award, UT BLSA Association  
2010-2011 1L Professor of the Year, UT College of Law, Student Bar  
Association  
2008 Bass, Berry & Sims Award for Outstanding Service to the Bench and  
Bar  
2005 UT BLSA Chapter Appreciation Award  
2003-2004 Forrest W. Lacey Award for Contribution to Moot Court  
Program  
2003 Harold C. Warner Outstanding Teacher Award  
2001 Carden Award for Outstanding Service to the Institution

1991-1993

**Hon. Lawrence W. Pierce, U.S. Circuit Judge**  
United States Court of Appeals for the Second Circuit  
Judicial Law Clerk

1989-1991

**Staff Attorneys' Office**  
United States Court of Appeals for the Second Circuit  
Staff Attorney

### EDUCATION

1989, Juris Doctorate, University of California, Los Angeles  
Editor-in-Chief, National Black Law Journal, 1988-89  
Book Review Editor, National Black Law Journal, 1987-88  
Staff Member, National Black Law Journal, 1987

Scholarship Recipient, 1986-87  
1986, Bachelor of Arts, Political Science, University of California, Los Angeles  
1986, Bachelor of Arts, History, University of California, Los Angeles  
Dean's List, 1985-86

## **Selected Publications**

### Law Review Articles

“A Rejoinder to Professor Padfield: Lobbying the States for Anti-ESG Legislation,” 24 Tenn. J. B. Law 321 (2022).

“The Legislature as the Place for Crafting Policies for Corporations: A Comment on Professor Edwards’ Proposal,” 20 TENN. J. BUS. L. 959 (2018).

“The Marshall Hypothesis and the Rise of Anti-Death Penalty Judges,” 80 TENNESSEE LAW REVIEW 381 (2013).

“Adjudicating Claims of Innocence of the Capitally Condemned: Embracing the Truth Forum,” 76 TENNESSEE LAW REVIEW 511 (2009).

“A Nuts and Bolts Approach to Teaching for Social Change: A Blueprint and a Plan of Action,” 76 TENNESSEE LAW REVIEW 405 (2009).

AThe Abolitionist=s Dilemma: Establishing the Standards for the Evolving Standards of Decency,@ 6 PIERCE LAW REVIEW 441 (2008).

AReflections on *The Killing State*: A Cultural Study of the Death Penalty in the Twentieth Century United States?@ 70 TENNESSEE LAW REVIEW 391 (2003).

AGetting Out of This Mess: Steps Toward Addressing and Avoiding Inordinate Delay in Capital Cases,@ 89 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 1 (1998).

ACan Inordinate Delay Between the Death Sentence and Execution Constitute Cruel and Unusual Punishment?,@ 29 SETON HALL LAW REVIEW 147-212 (1998), reprinted in part in CAPITAL PUNISHMENT: A BALANCED EXAMINATION, 576-85 (EVAN J. MANDERY ED. 2005).

### Encyclopedia Entries

“Racial Justice Act;” “NAACP Legal Defense and Educational Fund, Inc.,” “Brown v. City of Oneonta” in ENCYCLOPEDIA OF RACE AND CRIME (HELEN TAYLOR GREENE AND SHAUN L. GABBIDON eds. 2009).

“Supreme Court and the Death Penalty” IN ENCYCLOPEDIA OF AMERICAN CIVIL RIGHTS AND LIBERTIES (OTIS H. STEPHENS, JR., JOHN M. SCHEB II AND KARA E. STOOKSBURY eds. 2006).

### Book Chapter

“Preparing for the Bar Exam,” in CONQUERING THE BAR EXAM: PERSONAL STORIES & PRACTICAL ADVICE FOR OVERCOMING THE FINAL HURDLE TO BECOMING A FULL-FLEDGED LICENSED LAWYER (EVANGELINE M. MITCHELL ED. 2007).

### Bar Journal Articles

“Terry Sanford: A Tennessean on the US Supreme Court” (Book Review), DICTA, Nov. 2018.

“Studying the Death Penalty in Tennessee,” 43 Tennessee Bar Journal 18 (June 2007).

"Pioneers in the Legal Profession: Some of the First African American and Women Lawyers in Tennessee," 35 Tennessee Bar Journal 14 (November 1999) reprinted in Contempora Magazine (Summer 2002).

ADisciplinary Differences?,@ 22 Barrister Magazine 10 (Fall 1995).

### Committee Reports

Tennessee Death Penalty Assessment Report: An Analysis of Tennessee’s Death Penalty Law, Procedures, and Practices (March 2007) (Chair) (ABA sponsored study).

Report of the Minority Alumni Gathering, Fall 1996 (co-editor) (UT College of Law study).

### Op.-Eds. in Newspapers

Karen J. Mathis and Dwight L. Aarons, “Halt the Executions Until Problems Fixed,” Tennessean, April 29, 2007 at A22 (commenting on ABA’s Tennessee Death Penalty Moratorium Report).

“Shadows of 9-11: Laws and powers of government before attacks are adequate to deal with terrorist threat,” Knoxville News-Sentinel (Knoxville, TN), Oct. 5, 2003 at G1 (commenting on USA PATRIOT Act and other surveillance and anti-terrorism practices).

AState Judges Should be Shielded From Politics,@ Knoxville News-Sentinel (Knoxville, TN), July 26, 1998, at G5 (commenting on campaign to not retain a Tennessee Supreme Court Justice).

--reprinted in part as AAarons Says Birch Deserves Re-Election,@ Chattanooga Free Press, July 22, 1998, at A5

### Selected Works in Progress

Tennessee’s Natural and Ordinary Statutory Interpretative Directive: Much ado about what?

Doing Time on the Row: Should solitary confinement be out of the cards for capital defendants?

Ethically Challenged: Establishing Standards and a Review Process for Judicial Disqualification of Federal Appellate Judges and U.S. Supreme Court Justices

Just Being Critical?: Outsider Jurisprudence and Criminal Law Defenses in the Law School Classroom, the Courtroom and Beyond

Criminal Law as She Is (or Might Be) Taught

Selected Presentations

Presenter, “Death Row and Solitary Confinement,” 2016 Lara D. Gass Law Review Symposium: From Conviction to Clemency: *Commonwealth v. Giarratano*, A Case Study in the Modern Death Penalty, Washington & Lee Law School, February 2016

Speaker, “Constitutional Interpretation,” American Constitution Society of Law and Policy, UT College of Law, September 2014

Moderator, “Whither Skills Training, Clinic, and Scholarship in Tight Budget Times?” Southeastern Association of Law Schools, Amelia Island, FL, August 2012

“Response to work in progress by Professor LaJuana Davis on *Batson v. Kentucky*,” 2012 Southeast/Southwest People of Color Scholarship Conference, Birmingham, AL, April 2012

Presenter, “Challenging the State’s Narrative: Wrongful Convictions,” Annual Tennessee District Public Defender Conference Training Seminar, Kingsport, TN, October 2011

Speaker, Southern Region Black Law Student Association Academic Retreat, UT College of Law, September 2011

“Panel on Diversity,” UT College of Law, October 2010

“Losing the Use It or Lose It Approach to New Trial Motions,” Southeastern Association of Law Schools, July 2008

“Evolving Standards of Decency: A Standard in Search of a Standard?,” Southeast/Southwest People of Color Legal Scholarship Conference, Albuquerque, New Mexico, April 2006

“Federalism and Criminal Law: Where Are the States’ Rights,” UT College of Law, Federalist Society, Feb. 2006

“Gratz and Grutter,” on Minorities in the Legal Profession: Why Is the Glass Ceiling Getting Lower, National Bar Association Annual Meeting, August 2005.

“The Processes of Legislation and the Legislative Process,” Southeastern Association of Law

Schools, July 2005.

“Response to Ken Williams’ Paper,” First National Meeting of the Regional People of Color Scholarship Conference, March 1999

“Race and Civil Procedure,” Southwest/Southeast Law Professors of Color, May 1998

### **Professional Activities and Memberships**

American Bar Association, Tennessee Death Penalty Assessment Team, 2004-2007  
Chair

Implementation Committee of the Tennessee Supreme Court Commission on Racial and Gender Fairness, 1998-2001  
-- Chair, Data Collection Subcommittee

American Bar Association, 1990-present

Young Lawyers= Division, Planning Board Member, 1992-96

Young Lawyers= Division, Minorities in the Profession Committee, 1992-96

Young Lawyers Division, Law Practice Management Committee, 1994-95

National Bar Association

Member, 1990-2000, 2009-15

Tennessee Bar Association, Member, 1993-present

Young Lawyers= Division, Commission on Women and Minorities  
in the Profession, 1993-96

TBA Criminal Justice Section, Executive Council, 2015-17

Knoxville Bar Association, Member, 1993-present

Member, Board of Governors, 2016-17

William Hastie Bar Association, Founding Member, 2009

President 2010-20

Tennessee Association of Black Lawyers

Board of Directors, 2019-22

Association of American Law Schools, 1993-present

Member, Criminal Justice Section

Member, Civil Procedure Section

Member, Legislation Section

Member, Section on Minority Groups

### **Institutional Service**

### University

Board Member, University of Tennessee Press, September 2007-2012, 2021-23  
Committee Member, University of Tennessee Police Chief Search, 2010  
Executive Board Member, Association American University Professors, 2000-2005  
Member, Advisory Board, Educational Advancement Programs and the Ronald  
McNair Program, 1997-2000  
Faculty Advisor, Tennessee Intercollegiate State Legislature (TISL), 2001-2002  
Coach, TISL Appellate Moot Court Collegiate Challenge (AMC3), 2017-present  
Member, Academic Outreach and Engagement Council (AOEC), 2017-19  
Advisor, Baker Center, Haslam Scholars Program, 2017-2020  
Member, Dissertation Committee of Patrice Carroll (JD/Ph. D. (Psychology))  
Member, Ph. D. Dissertation Committee of Angela Lewis (Political Science)  
B African-American Conservatism: A Longitudinal and Comparative Study@ (Awarded  
May 2000)  
Faculty Mentor, Ronald McNair Post-Baccalaureate Achievement Program (Summer 1998,  
Summer 2002)

### College of Law

Faculty Advisor, Black Law Students Association, 1994-present  
Coach, Frederick Douglass Moot Court Team, 1994 -2020  
Faculty Advisor, American Constitution Society for Law and Policy, 2012-present  
2003 Advocates= Prize Moot Court Competition, Brief Judge  
*Selected Committee Service:* Academic Standards and Curriculum; Strategic  
Planning; Faculty Appointments; Student Admissions; Bar Passage; Committee  
on the Law School Community; Minority Admissions Task Force Committee.

### The University of Tennessee Faculty Senate

Senator, 1996-99  
--Member, Nominating Committee, 1996-97  
--Member, Bylaws Committee, 1996-99  
--Chair, Nominating Committee, 1997-98  
--Member, Library Committee, 1998-2000

### **Public Service (unaffiliated with University or College)**

Board of Directors, Federal Defender Services of East Tennessee Inc., 2002-present  
--Vice President, 2007-2008  
--President, 2008-2009, 2020-22  
--Member Executive Director Search Committee, 2022-23  
Mount Olive Baptist Church Christian Academy Advisory Board, 1999-2006  
Mount Olive Christian Academies, Board Member, 2007-2010  
--Vice President, 2008-2010  
Consultant and Legislative Strategist, Save Our Cumberland Mountains, 2001-2003  
Consultant and Grantwriter, Crutcher Memorial Youth Enrichment Center, 2003-2008

Citizens for Police Review, Coordinating Council, 2001-2002  
2015 Southern Region BLSA, Frederick Douglass Moot Court Competition, Brief Grader  
Hamilton County Oversight Committee, April 2016-present (provides external oversight in the supervision, the inventory and review of the unprocessed evidence from “cold” criminal cases)

#### Amicus Briefs

- State v. Ervin, 40 S.W.3d 508 (Tenn. 2000) on behalf of Dwight Aarons (disruption of public meeting statute)
- State v. Mann, 959 S.W.2d 503 (Tenn. 1997) on behalf of Dwight Aarons and Mike Blankenship (co-authored) (comparative proportionality review)
- State v. Pruitt, 415 S.W.3d 180 (Tenn. 2013) as a member of the Tennessee Death Penalty Assessment Team (comparative proportionality review)

#### Pro Bono Legislative Activities

- On behalf of regional environmental group drafted proposed state statute streamlining felon re-enfranchisement process.
- On behalf of regional environmental group drafted proposed state statute establishing buffer zone for spraying of pesticides over crops.
- On behalf of UT American Association of University Professors’ chapter drafted proposed state statute regulating grade changes in Tennessee public colleges and universities.

#### Service as External Reviewer

Aspen Publishers for a supplementary book on civil procedure (2005)  
West Publishing update of casebook (1999) and supplementary book on civil procedure (2001)  
UT Press proposed book on death penalty (2006)  
Tenure evaluation at John Jay College of Criminal Justice (2004)  
Promotion evaluation at Mississippi College of Law (2006)  
Promotion evaluation at Texas Tech University School of Law (2009)  
Tenure evaluation at University of Kentucky College of Law (2009)  
Manuscript Review, Criminal Justice Review (2012)  
Yale Law Review, volume 128 (2018)  
Stanford Law Review (2019)

#### **Bar Admission**

Member, California State Bar Association, 1990-present (Inactive Status)