

# Paula Schaefer

Art Stolnitz Distinguished Professor of Law

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## Academic Appointments

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### University of Tennessee College of Law

August 2008 – present

Art Stolnitz Distinguished Professor of Law

- Associate Dean for Academic Affairs January 2019-July 2023; Promotion 2017; Tenure 2012

*Courses:* Professional Responsibility; Civil Procedure; Contracts; Lawyering & Professionalism; Semester in Residence Seminar

#### *Selected College Leadership & Service:*

- ABA Self-Study Committee, Chair, 2021-2023
- Academic Standards & Curriculum Committee, Chair 2012-2014, 2016-2018, *ex officio* member 2019-2023
- Assessment Task Force, 2019-2023
- Cambridge Study Abroad Program, Faculty 2017
- Communications Director Search Committee, Chair 2023
- Communications & Marketing Advisory Committee, Chair 2023-24
- Governance Committee, 2009-2010, *ex officio* member 2019-2023
- Institute for Professional Leadership Advisory Board, 2014-present
- Strategic Plan Implementation Committee, Chair 2023-24

#### *Selected University Leadership & Service:*

- Academic Assessment Council, 2019-present
- Development Director Search Committees, 2015, 2016, 2020, 2022
- Graduate Academic Operations Group (in response to COVID-19), 2020
- Provost's Tenured Faculty Advisory Council, 2023-2025
- University of Tennessee Visioning Committee, 2020-21

#### *Selected Awards & Recognition:*

- Bass, Berry & Sims Award for Outstanding Service to the Bench and Bar, 2011, 2019
- Carden Award for Outstanding Service to the Institution, 2010, 2017, 2024
- Extraordinary Leadership & Service Award, 2021
- Harold C. Warner Outstanding Teacher Award, 2012
- SEC Academic Leadership Development Program, 2019-2020

### 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

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## Selected Professional Service

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AALS Committee for Academic Freedom and Tenure

- Appointed by AALS President to a three-year term, 2023-2025

AALS Professional Responsibility Section

- Chair 2021
- Executive Committee Member, 2015-2021

Southeastern Association of Law Schools

- Program Committee, 2015-present

Contributor to the Column “Schooled in Ethics” published in the Knoxville Bar Association’s monthly journal DICTA, 2010-present

- Schooled in Ethics authors received the 2023 KBA Outstanding Legal Writing Award

Multistate Professional Responsibility Exam, National Conference of Bar Examiners

- Subject Matter Expert, 2018-present

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## Publications

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### Law Review Articles and Essays

*Collaborating to Create a 1L Professional Identity Curriculum*, \_\_ U. ST. THOMAS L. J. \_\_ (forthcoming 2024) (with Joy Radice) (invited article).

*Lanyers as Caregivers*, 12 ST. MARY’S J. ON LEGAL MALPRACTICE & ETHICS 330 (2022) (invited article).

*Behavioral Legal Ethics Lessons for Corporate Counsel*, 69 CASE W. RES. L. REV. 975 (2019) (invited article).

*Standing on the Shoulders of Giants*, 86 TENN. L. REV. 647 (2019) (invited article).

*“Trust Me” Versus Transparency in Civil Document Discovery*, 50 U. TOL. L. REV. 491 (2019) (invited article).

*Building on the Professionalism Foundation of Best Practices for Legal Education*, 14 U. ST. THOMAS L. J. 320 (2018) (invited article).

*Attorney Negligence and Negligent Spoliation: The Need for New Tools to Prompt Attorney Competence in Preservation*, 51 AKRON L. REV. 607 (2017) (invited article).

*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 Lanyer from Malpractice Liability*, 90 ST. JOHN’S L. REV. 1003 (2017).

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

*A Primer on Professionalism for Doctrinal Professors*, 81 TENN. L. REV. 277 (2014).

*Technology's Triple Threat to the Attorney-Client Privilege*, 2013 J. PROF. LAW. 171 (2013) (selected from an AALS Professional Responsibility Section call for papers).

*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. 195 (2010).

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

### **Books and Book Chapters**

PROFESSIONAL RESPONSIBILITY IN THE LIFE OF THE LAWYER, 3<sup>rd</sup> EDITION (West Academic Publishing forthcoming 2024) (with Alex Long & Cassandra Burke Robertson).

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

*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).

### **Selected Bar Journal Columns**

*The Relevance for Tennessee Attorneys of the ABA's Amended Model Rule 1.16*, DICTA (January 2024).

*Attorney Bias and the Attorney-Client Relationship*, DICTA (October 2023).

*ABA Ethics Opinion on "Nonrefundable" Fees Paid in Advance Provides Useful Guidance for Tennessee Lawyers*, DICTA (June 2023).

*New ABA Formal Opinion Addressing the Ethics of "Reply All" in Electronic Communications*, DICTA (December 2022).

*Giving Law Students Well-Being Tools for Law School and Practice*, DICTA (September 2022).

*Legal Education in Knoxville's Law Schools Under the New ABA Accreditation Standards on Professional Identity Development and Bias, Cross-Cultural Competency, and Racism*, DICTA (August 2022).

## 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).

- Hoerber Award Recipient for Outstanding Article

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## Practice Experience & Judicial Clerkship

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### 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

### Supreme Court of Missouri

August 1996 - July 1997

Law Clerk to the Honorable Ann K. Covington

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## Bar Admission

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

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## Education

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### University of Missouri School of Law

Columbia, Missouri

Juris Doctor, 1996

Notable Honors:

- Order of the Coif
- *Missouri Law Review*, Note & Comment Editor
- 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*
- Curators Scholar, McNair Scholar

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## Selected Academic Presentations

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*Teaching Tips for New Law Professors: How to Incorporate Professional Identity Formation in Your Teaching*, Foundation Press Webinar, August 23, 2023.

*From Student to Lawyer: Infusing Professional Identity Formation into the Required Curriculum*, Southeastern Association of Law Schools Conference, Bacon Raton, Florida, July 26, 2023.

*Mindfulness in Legal Education*, Southeastern Association of Law Schools Conference, Boca Raton, Florida, July 26, 2023.

*Creating a Professional Identity Curriculum for 1Ls through Collaboration*, Holloran Center for Ethical Leadership in the Professions, University of St. Thomas School of Law, Minneapolis, Minnesota, April 22, 2023 (with Joy Radice)

*Gender, Power, Law & Leadership Roundtable*, 7<sup>th</sup> Global Meeting on Law & Society, ISCTE University Institute of Lisbon, Lisbon, Portugal, July 15, 2022.

*Big Law, Big Discovery, Big Trouble: Arnold & Porter and the Opioid Discovery Controversy*, Jacob Burns Center for Ethics in the Practice of Law, Cardozo School of Law, April 7, 2022.

*Lawyers as Caregivers*, St. Mary's Twenty-First Annual Symposium on Legal Malpractice & Ethics, San Antonio, Texas, January 28, 2022.

*From Watergate to Insurrection: Fifty Years of Legal Ethics in the U.S.*, American Association of Law Schools, January 7, 2022 (Moderator).

*Professional Responsibility in Our Turbulent Times*, Southeastern Association of Law Schools Conference, Amelia Island, Florida, July 29, 2021.

*Incorporating Racial Justice Issues in the Classroom*, Southeastern Association of Law Schools Conference, Amelia Island, Florida, July 26, 2021.

Moderator, *Roundtable with John Dean and Professional Responsibility Professors*, Professional Responsibility Section, AALS, May 12, 2021.

*Effective Individual and Institutional Responses to Bias*, Women's Leadership in Academia Conference, University of Virginia School of Law, Charlottesville, Virginia, July 18, 2019 (with Melanie Wilson, Teri Baxter, and Joy Radice).

*Behavioral Legal Ethics Lessons for Corporate Counsel*, Leet Symposium: Fiduciary Duty, Corporate Goals, and Shareholder Activism, Case Western Reserve University School of Law, Cleveland, Ohio, November 2, 2018.

*"Trust Me" Versus Transparency in Civil Document Discovery*, Toledo Law Review Symposium on the Role of Technology in Professional Advice, University of Toledo College of Law, Toledo, Ohio, October 12, 2018.

*Leadership Challenges and Solutions Over the Course of a Career*, Women's Leadership in Academia Conference, Athens, Georgia, July 19, 2018 (with Melanie Wilson and Joy Radice).

*Attorney Negligence and Negligent Spoliation*, Akron Law Review Civil Discovery Symposium, University of Akron School of Law, Akron, Ohio, April 6, 2018.

*The Ethics of Legal Education*, American Association of Law Schools Annual Conference, San Diego, California, January 6, 2018 (Moderator).

*Reinforcing Student Understanding of Civil Procedure Using Skills Exercises*, San Diego, California, January 5, 2018.

*Building on Best Practices: Professional Identity, Role Assumption, and Other Professional Skills Across Learning Experiences*, Midwest Clinical Legal Education Conference, Lawrence, Kansas, October 14, 2017 (with Melanie DeRousse and Carolyn Kaas).

*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.

*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.

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### **Selected Presentations to the Bar & Community**

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*The Motherhood Myth*, East Tennessee Lawyers Association for Women, Knoxville, Tennessee, January 31, 2024.

*Government Ethics for New Tennessee Legislators*, Baker Center for Public Policy, University of Tennessee, January 4, 2023 (with Doug Overbey).

*Government Lawyer Ethics 2022*, Nashville Bar Association Government Practice & Professionalism Institute, Nashville, Tennessee (via Zoom), December 9, 2022.

*2022 Attorney Ethics Update*, University of Tennessee College of Law, Knoxville, Tennessee, October 21, 2022 (with Lonnie T. Brown, Jr.).

*2022 Attorney Ethics Update*, Tennessee Attorney General's Office, Nashville, Tennessee (via Zoom), June 16, 2022 and TENSOS Conference, Chattanooga, Tennessee, May 13, 2022 (with Alex Long).

*Ethical Challenges for Government Lawyers*, Nashville Bar Association Government Practice & Professionalism Institute, Nashville, Tennessee (via Zoom), December 10, 2021.

*2021 Attorney Ethics Update*, Tennessee Attorney General's Office, Nashville, Tennessee (via Zoom), December 9, 2021.

*Knoxville Bar Association's Ethics Bowl*, Program Co-Host and Contributor, Knoxville, Tennessee, 2014-2021.

*Government Lawyer Ethics*, Nashville Bar Association Government Practice & Professionalism Institute, Nashville, Tennessee (via Zoom), December 11, 2020.

*Attorney Ethics in Appellate Practice*, Tennessee Supreme Court Academy, Knoxville, Tennessee, November 4, 2020.

*2020 Attorney Ethics Update*, Tennessee Attorney General's Office, Nashville, Tennessee (via Zoom), October 29, 2020.

*Ethical and Legal Obligations of Supervising Lawyers Under Tennessee's "Supervised Practice" Rule*, Knoxville and Memphis, Tennessee, May 20, 2020 (with Jodi Wilson and Brad Morgan).

*Ethics for Government Lawyers*, Nashville Bar Association Government Practice & Professionalism Institute, Nashville, Tennessee, December 18, 2019.

*Ethics in Civil Litigation Practice*, Tennessee Defense Lawyers Association Conference, Knoxville, Tennessee, September 20, 2019.

*Gender Bias and Professional Conduct Obligations: A Practical Approach*, ETLAW, Knoxville, Tennessee, July 25, 2019.

*2019 Attorney Ethics Update*, Tennessee Attorney General's Office, Nashville, Tennessee, June 13, 2019.

*Professional Conduct Obligations, Gender Bias, and the Legal Profession*, ETLAW & Law Women CLE Program, Knoxville, Tennessee, April 17, 2019.

*2018 Attorney Professional Conduct Update*, Tennessee Attorney General's Office, Nashville, Tennessee, June 15, 2018.

*Judicial Ethics Update*, 2018 Tennessee Judicial Conference, Montgomery Bell State Park, Dickson, Tennessee, March 8, 2018 (with The Honorable Kelvin Jones).

*2017 Attorney Ethics Update*, Knoxville, Tennessee, November 17, 2017 (with Alex Long).

*Ethical Considerations in Appellate Practice*, Tennessee Supreme Court Academy, Knoxville, Tennessee, August 6, 2017.

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**Selected Workshop/Educational Program Participation**

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Hybrid Workplaces and Hybrid Teaching, West Academic Publishing, St. Paul, Minnesota, June 6-8, 2022.

Evidence Summer Workshop, Vanderbilt University School of Law, August 6, 2021 (commentator).

6<sup>th</sup> Annual Leading Edge Conference, Wolters Kluwer, Chicago, Illinois, July 8-10, 2019.

ABA Associate Deans Conference, Chicago, Illinois, June 25-28, 2019.

MPRE Item Development Workshop, National Conference of Bar Examiners, Madison, Wisconsin, 2018, 2019.

Professional Formation Workshop, Holloran Center for Ethical Leadership in the Profession, Chaska, Minnesota, June 21-24, 2018.

Consortium on Teaching E-Discovery, Sixth Annual University of Florida Law E-Discovery Conference, March 28-30, 2018.