



# LAW MATTERS

February 2016

Volume XXVII No. 10

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## February 16, 2016 Membership Meeting and One Hour General Credit CLE

### "All Deliberate Speed: The Struggle for Educational Equality 60 Years after *Brown*"

See page 4 for details.

(LAW will collect children's clothing for Tusculum Elementary School.)

**11:15 a.m. Registration**

**11:45 a.m. Announcements**

**BB King's Jazz Club**

**150 2nd Avenue North**

Cost:

Members: Lunch \$25 plus \$15 CLE cost;

Nonmembers: Lunch \$30 plus \$25 CLE cost

Register Online at [www.law-nashville.org](http://www.law-nashville.org) by Noon Friday, February 12, 2016.

Prepayment preferred. Pay online with PayPal, pay by check, or pay at the door. Make checks payable to: LAW, P. O. Box 190583, Nashville, TN 37219

\*If you are unable to attend, please find someone to take your place.  
You will be invoiced for your unused reservation.

## LAW CALENDAR OF EVENTS

February 4, 2016  
Solos & Small Firm Practitioners 8:15 am

February 16, 2016  
Monthly Membership Meeting 11:15 am—1:00 pm

February 24, 2016  
Monthly Networking Event 6:00—8:00 pm

View the complete calendar at [www.law-nashville.org](http://www.law-nashville.org)

**Applications for the 2016  
Judge Martha Craig Daughtrey  
and Rising Star Awards  
are online.**

[www.law-nashville.org](http://www.law-nashville.org)

**Nominate LAW's best  
of the best!**

**The 2016 Annual Banquet is  
scheduled for April 20th.  
Mark your calendar today!**

## PRESIDENT'S MESSAGE

by Abby Sparks



A few days ago, on January 29, 2016, President Obama marked the seventh anniversary of signing his first bill into law as president. That bill was the Lilly Ledbetter Fair Pay Restoration Act.

Lilly Ledbetter worked for Goodyear Tire & Rubber at its Gadsden, Alabama plant for nineteen years.<sup>i</sup> For most of this time, she was an area manager, a position largely held by men.<sup>ii</sup> While her salary was initially in line with others in the same position, over time her salary fell below her male counterparts with equal or less seniority.<sup>iii</sup> Eventually, Ledbetter

was the only female area manager, and suspected she was earning less than her male counterparts.<sup>iv</sup>

Her suspicions were confirmed in 1998 when she received an anonymous note written on a torn piece of paper in her mailbox.<sup>v</sup> This note listed her exact salary, along with the salaries of three other area managers who were male.<sup>vi</sup> She discovered that she was earning considerably less than her male counterparts.

Ledbetter filed charges of discrimination with the Equal Employment Opportunity Commission in 1998, alleging that she was paid a lower salary because of her sex in violation of Title VII. At trial, the jury found for Ledbetter and awarded her over \$3.5 million in back pay and damages. However, the U.S. Supreme Court ultimately reversed the jury's verdict. In a 5-4 decision, the Supreme Court ruled that Ledbetter's action was not timely because she failed to file her complaint within 180 days of the "pay setting decision"- that is, her employer's decision to unfairly compensate her based on her sex.<sup>vii</sup> The Court rejected Ledbetter's argument that each new paycheck constituted a new discriminatory act, therefore extending the statute of limitations.

Justice Ginsburg's strong dissent, which she read from the bench, points out that the realities of the workplace do not typically allow an employee to immediately learn of a pay disparity.

A worker knows immediately if she is denied a promotion or transfer, if she is fired or refused employment. And promotions, transfers, hirings, and firings are generally public events, known to co-workers. When an employer makes a decision of such open and definitive character, an employee can immediately seek out an explanation and evaluate it for pretext. Compensation disparities, in contrast, are often hidden from sight. It is not unusual...for management to decline to publish employee pay levels, or for employees to keep private their own salaries.<sup>viii</sup>

Ginsburg concluded her dissent with a challenge to Congress: "Once again, the ball is in Congress' court... the Legislature may act to correct this Court's parsimonious reading of Title VII."<sup>ix</sup>

Congress responded by passing the Lilly Ledbetter Fair Pay Restoration Act.

This Act defines when an unlawful employment practice occurs:

For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, *including each time wages, benefits, or other compensation is paid*, resulting in

## 2015-2016 LAW BOARD OF DIRECTORS

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whole or in part from such a decision or other practice.<sup>x</sup>

(Emphasis added).

This definition broadens the statute of limitations and allows employees who learn of pay disparity years after being hired or promoted to timely file suit.

So where are we now, seven years after the Lilly Ledbetter Fair Pay Protection Act was signed into law? When President Obama signed the Act into law, he remarked that women across the country still earn 78 cents to every dollar earned by men.<sup>xi</sup> Seven years later, that needle has moved ever so slightly. While commemorating the anniversary, Obama cited that today, women earn 79 cents to every dollar earned by men- and that statistic is even lower for women of color. Accordingly, additional steps have been proposed to help close the gender pay gap.

For example, the Equal Opportunity Commission proposed revisions to the Employer Information Report, known as the EEO-1.

This new proposal would require all employers with 100 or more employees to report what they pay their employees, by gender, race, and ethnicity. The EEOC will publish aggregate pay data to help employers analyze their own pay practices and to encourage voluntary compliance.<sup>xii</sup>

On a local level, some cities are also taking creative steps to address pay inequality. Boston's mayor established an Office of Women's Advancement, whose mission is "to advance women toward full equality, and to promote equal rights and opportunities for all women and girls in Boston."<sup>xiii</sup> Boston also has a program that offers free salary negotiation workshops to women in Boston. The program is part of the city's approach to close the gender gap and attract working women to Boston. The program aims to train 85,000 women, half of Boston's working women, to know their value and know how to effectively negotiate salaries. The workshop teaches participants how to: (1) Know their value; (2) Identify a target salary and benefits package; (3) Know their strategy; and (4) Practice for success.<sup>xiv</sup>

While we have made strides toward achieving pay equality, there is more work to be done. As women attorneys, we are in unique positions in our communities to both bring awareness and to help problem solve. I would love to hear your ideas on how LAW can help move the needle forward on equal pay in our community.

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<sup>i</sup> Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007), overturned due to legislative action (Jan. 29, 2009).

<sup>ii</sup> *Id.*

<sup>iii</sup> *Id.*

<sup>iv</sup> *Id.*

<sup>v</sup> <https://www.washingtonpost.com/news/fact-checker/wp/2015/05/14.lilly-ledbetter-barack-obama-and-the-famous-anonymous-note/>

<sup>vi</sup> *Id.*

<sup>vii</sup> Ledbetter at 632.

<sup>viii</sup> Ledbetter at 649-50.

<sup>ix</sup> 42 U.S.C.S. §2000-et

<sup>x</sup> <https://www.whitehouse.gov/the-press-office/remarks-president-barack-obama-lilly-ledbetter-fair-pay-restoration-act-bill-signing>

<sup>xi</sup> <http://www.jdsupra.com/legalnews/eeoc-announces-proposed-changes-to-eeo-57455/>

<sup>xii</sup> <http://www.cityofboston.gov/women/about/>

<sup>xiii</sup> <http://www.cityofboston.gov/news/Default.aspx?id=20355>

## **Are you interested in serving on the LAW Board?**

The nominating committee will meet in early March to work on filling the slate of officers for the 2016-2017 board. Contact Laura Baker, chair of LAW's Nominating Committee, if you are interested in serving as an elected officer. [lbaker@johndaylegal.com](mailto:lbaker@johndaylegal.com) The elected board positions are president, president-elect, secretary, treasurer, first year director (2), second year director (2), archivist and newsletter editors (4) and the immediate past-president. The elected board positions make up the executive board and are voting members of the LAW board.

Contact President-elect Nikki Smith Bartley at [yanika.smith-bartley@asurion.com](mailto:yanika.smith-bartley@asurion.com) if you are interested in serving as a committee co-chair. Committee co-chairs sit as members of the LAW board and report on current committee activities at the board meetings but do not have voting privileges, and are not needed to form a quorum. There are at least two co-chairs for each committee. You can view a description of each committee at [www.law-nashville.org](http://www.law-nashville.org).

The LAW board meets the 2nd Tuesday of each month from 11:30 am to 12:30 pm at the Nashville Bar Association.

# Compendium: Reflections on Career Choice

by Mandy Strickland Floyd

As discussed at our panel this past month, there are many ways to be successful in the law. On the subject of career choice, a diverse group of women attorneys reflect below on the challenges and rewards of their chosen path.



## **Jessica Reeves**

*Jessica is an Associate in the Real Estate Practice Group at Waller.*

After law school, I was fortunate to have the opportunity to work for both a large and mid-size law firm. I chose the large firm, specifically Waller, because of the depth of experience in both local and nationally recognized projects. As a young attorney in the real estate group, I have had the opportunity to work on local Nashville projects as well as matters ranging from Alaska to Florida. My original expectations have been exceeded in regards to the sophistication of the projects that we handle. Additionally, I am also glad that I chose a large law firm because of its depth of community connections and its support of young attorneys that wish to serve in community and professional organizations. I also believe that the depth and quality of the support staff provided at Waller allows attorneys to be more flexible and efficient with their work.

Working at a larger law firm does require an increased effort to get to know a larger number of colleagues, but I believe that this serves as an advantage for personal growth and gaining skills for business development. As young attorney, the partners are your clients and practicing at a large law firm can give young attorneys early opportunities to develop systems to exceed at managing a large and diverse client base.



## **Raquel Bellamy**

*Raquel Bellamy is an Associate at Branstetter, Stranch & Jennings PLLC where she works primarily on cases involving immigration and civil litigation.*

I once heard it said: “If you want to go somewhere fast, go alone. If you want to go somewhere far, go together.” When I joined Branstetter, Stranch & Jennings, I learned to think broadly and grow from the experienced attorneys all around.

My firm truly supports associates. I work with a diligent staff, great mentors, and experienced partners. Despite the many demands of the practice, lawyers at my firm always make time to talk, go to lunch, or brainstorm through a problem. The teamwork definitely makes me a better lawyer.

I enjoy the freedom to choose the cases that I handle. If I believe strongly in a potential client, I am supported in helping that individual or business entity. In addition to pursuing practice areas that interest me, I am given many opportunities to work in different areas of the law. By joining my firm, I learned balance and creativity in problem solving.

My firm encourages leadership in bar associations. This year, I was selected to participate in the Nashville Bar Foundation Leadership Class. My firm embraced the idea and supported me despite the time commitment required. Overall, it has been an amazing career move.



## **Honorable Patricia J. Cottrell**

*Judge Cottrell formerly served on the Tennessee Court of Appeals and is currently Of Counsel to Bone McAllester Norton PLLC.*

I was fortunate enough to be able to make the career choice to become a judge on the Court of Appeals. The decision to apply for the job was one I made after more than twenty years of practicing law in various settings. On the one hand, there was a fairly significant financial consideration, meaning taking a cut in income from private practice and setting a limit on future income. The selection process was anxiety-producing, and there would not be the daily contact with lawyers, clients and others. Despite these considerations, I knew I wanted to return to public service, to try my best to provide justice to the litigants before me, and to work to add to the jurisprudence of the state.

While being a judge limits some activities and imposes high standards of professional conduct, those were in no way a deterrent. The opportunity to do what I could to promote public confidence in the justice system made my years on the court fulfilling and purposeful. I know that the chance to make a choice to serve as an appellate judge is not always available to everyone, no matter

how deserving, and am grateful that I got to make that choice. If being a judge is a goal of yours, that goal should be a consideration in other choices, career and otherwise, you may make along the way.



### **Angela Williams**

*Angela currently serves as a Litigation Attorney in the Eligibility Appeals Unit for the Bureau of TennCare, where she represents the Bureau in eligibility determination hearings.*

Working in the public service sector, specifically as an attorney for the Bureau of TennCare, has truly been an amazing gift. My position with the Bureau has allowed me an opportunity to learn more about healthcare and how Tennessee has progressed over the years and how the state is continuing to change to meet the needs of Tennesseans. As TennCare has recently been tasked with handling eligibility for Medicaid coverage for various groups of persons in Tennessee, I have had the opportunity to provide assistance in the establishment of various policies and procedures for TennCare. This position has permitted me to grow as an attorney and give back to the residents of Tennessee by ensuring that eligible Tennesseans are provided with healthcare coverage.

Serving as a government attorney, I have been able to gain valuable experience as I have litigated numerous cases, prepared witnesses for hearings, and written various motions, responses, and briefs to be submitted to the Administrative Judges for TennCare. While there are numerous benefits in working as a government attorney, the largest benefit is being able to serve your state and the persons that reside within it. I am thankful daily for the opportunity to better serve my community as well as the opportunity to make it better for those living in Tennessee.



### **Leighann Ness**

*Leighann currently serves as an in-house litigation attorney for a large for-profit hospital system.*

Working as an in house attorney is challenging and rewarding because of the legal and business issues that compose the day-to-day experience. My company is a quite large and operates in a highly-regulated industry. Accordingly, I am presented with a wide variety of issues from simple to complex and no two days are the same. I operate, in essence, as a general practitioner, which means I often have to rely on outside counsel for more complex subject matter expertise. Our outside attorneys are proven experts in their subject areas, so working with them provides me many opportunities to learn and grow.

In addition, to the legal issues that arise, I get to learn how the business and industry operates. There is so much to this part of the job that I cannot even begin to explain! However, this knowledge is essential to developing legal strategy from both an offensive and defensive perspective and is very interesting to me.

The main part of law firm life that I miss is being in the courtroom. Now, I have to leave that to our outside attorneys, but this is a price I am willing to pay to enjoy the benefits of working in house.

### **LaChina K. McKinney**

*LaChina currently serves as an Administrative Law Judge for the Division of Health Care Finance & Administration*

My name is LaChina and I am an Attorney . . . no, I am a Judge . . . wait, I am an attorney who currently has the title of Administrative Judge. Yes, that's it! As an Administrative Judge, I preside over administrative appeal hearings and determine whether the State agency made a mistake or followed the law.

Transitioning from a practicing attorney to an administrative judge was an adjustment. Sometimes I feel that fellow attorneys are thinking, "she is not a judge, she is a glorified attorney" and "real" judges think, "she is not a judge, she is a glorified hearing officer." Once the title is set aside, the position is demanding and rewarding and I love it.

On a daily basis, I make decisions that affect a person's health and life which is not something that should be taken lightly. Therefore, a great deal of time is spent researching state laws and federal regulations and ensuring that I am accurately applying them to the facts of the case. Although some litigants provide laws and regulations in support of their arguments, I still take the time to do my own research so I know that my rulings "make sense."

That is what I like about my job . . . being able to use both my attorney hat and my judge hat. On the one hand, it allows me to continue to be an attorney by strengthening my knowledge of the rules of evidence and civil procedure. On the other hand, this position provides me with the experience that I need to achieve my childhood dream, which is to one day sit on a judicial bench.



**Danielle Nellis**

*Danielle currently serves as an Assistant District Attorney on the Domestic Violence team.*

Sometimes you stumble into a practice area you knew you wouldn't love – and then you fall head over heels into work that makes you wonder why it wasn't your first choice. That is how I feel about criminal law and my work as a prosecutor on the Domestic Violence team in Nashville.

I didn't know I would ever become a prosecutor. I started my solo practice doing criminal defense. I dabbled in civil but didn't feel the same passion for the subject matter. I loved working hard on behalf of my clients. Sometimes the outcome was great, sometimes it was disappointing. At all times I knew that my skill set helped my client navigate a difficult time in their life.

Each day I work to assist victims as zealously as I did protecting the rights of defendants. As a prosecutor, I have the ability to “make the pie bigger” for all parties. Violence in the family is unthinkable, but the answer lies in breaking the cycle through access to resources within and outside of the criminal justice system.

At the end of the day, the goal is justice for all. That's why I chose to be an assistant DA.



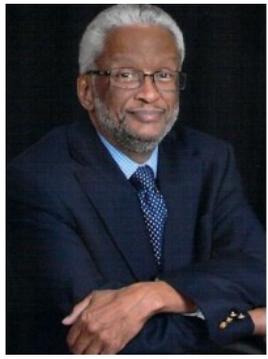
*Mandy Strickland Floyd is a 2015/16 Newsletter Editor. She is a civil litigation attorney for Bone McAllester Norton PLLC.*

## *Upcoming Monthly Membership Meetings*

### *February 16, 2016—One Hour General Credit*

#### *All Deliberate Speed: The Struggle for Educational Equality 60 Years after Brown*

On September 5, 2014, Federal authorities issued a findings letter which formally determined that the Robertson County School District “has yet to desegregate its schools and eliminate the vestiges of its prior segregated school system” as required by federal case law and statutes since *Brown v. Board of Education*. With the Robertson County federal intervention serving as a springboard for broader discussion, our February program will provide a historical perspective regarding the mechanics of school desegregation generally and will explore the continued challenges to desegregation, integration, and equality 60 years after *Brown*.



The Honorable Richard H. Dinkins of the Tennessee Court of Appeals is well-known for his work in civil rights law, having specialized in claims involving school desegregation, employment, and voting rights. Judge Dinkins will speak regarding his role in the litigation necessary to desegregate Nashville's schools beginning in the 1970s.



Professor Daniel Kiel of the University of Memphis Cecil C. Humphreys School of Law is an expert in the field of education and civil rights. His work centers on inequality in the education system, particularly along lines of race. Professor Kiel's research examines efforts to reduce educational disparities, including both the historical era of desegregation and more modern efforts to reform the structure of public education.

*March 15, 2016—One Hour General Credit \**

*When Domestic Violence Comes to Work*

How to address domestic violence when it comes to work, reporting issues, referrals and safety planning.



Rebecca Wells  
Demaree  
Cornelius & Collins



Elizabeth Edmondson  
Bauer, Coalition  
Against Domestic and  
Sexual Violence

*April 20, 2016—Annual Awards Banquet and Election of Officers*

*Watch for more details!*

## Athena Nominees Spotlight

LAW nominated two of its members for the annual ATHENA Awards. Each year during Women's History Month in March, Nashville joins more than 500 communities throughout the United States, Canada, China, Russia, United Arab Emirates, Bermuda, Greece, India, and the United Kingdom in honoring exceptional women leaders who inspire others to achieve excellence in their own professional and personal lives. From its beginning, the Nashville ATHENA Award Program has been and continues to be a unique community-supported program, organized and sponsored through the collaborative efforts of local women's organizations in partnership with local businesses and individual sponsors, unlike other cities which rely upon their local Chamber of Commerce.



### Michele Johnson 2016 ATHENA Nominee

Michele is co-founder and Executive Director of the Tennessee Justice Center. The focus of her nationally-recognized legal work has been children with special health care needs. In that role, she lobbied successfully to extend health care coverage to uninsured children in working families and participated in a landmark case establishing appeal rights for TennCare patients who are denied care by their HMO. As lead counsel, she negotiated a class action settlement requiring comprehensive reform of health care for 665,000 Tennessee children enrolled in TennCare. Michele serves on the Board of Tennessee Alliance for Legal Services and is on the St. Thomas Mission and Advocacy Committee. She has previously served and led boards including Tennessee Voices for Children, Nashville Bar Association Board of Directors, Tennessee Hemophilia and Bleeding Disorders Foundation. She is also the past chair of the Christ the King School Board and served on the Parish Pastoral Council at Christ the King Church.

When asked in the nomination application to discuss factors important for consideration of her nomination for the ATHENA Award, Michele responded, "All that I have done in my career, I have done alongside others. I have been richly blessed with co-workers and partners across the nation who are

brilliant and selfless, with family and friends who give me strength and perspective, with a faith community that remind me that this work is not supposed to be easy, with clients whose vision and grit give me hope. This work is only possible because donors generously invest in our struggle for a more compassionate and fair state. This application recognizes all of the sacrifices and love of the hundreds of people who make me who I am and who make this work successful."



### Laura Baker 2016 ATHENA Young Professional Nominee

Laura is a Shareholder with the Law Offices of John Day where she handles personal injury, wrongful death, and tort litigation for individuals across the state of Tennessee. In her practice, Laura represents people who have been seriously injured as a result of the carelessness of others. She also represents families who have suffered the loss of a loved one in wrongful death accidents. Laura is a leader in the legal community. She served as the President of the Lawyers' Association for Women, Marion Griffin Chapter from 2014-2015. She previously has served this organization in a number of other leadership roles, including as Treasurer from 2012-2013. Laura is the Chair of the Legislation Committee for the Tennessee Lawyers' Association for Women. She is also a member of the Bench Bar Committee of the Tennessee Judicial Conference. Laura is a Barrister of the Harry Phillips American Inn of Court. Laura also gives back to the community. From 2010 to 2014, Laura co-chaired "Lawyers for Littles," an annual bowling fundraiser for lawyers and legal professionals benefitting Big Brothers Big Sisters of Middle Tennessee. She is also a co-founder of this event, which raised \$100,000 in the five years that Laura served as co-chair.

In the personal essay that supported her nomination application, Laura had the following to say regarding leadership, "Effective leaders are honest, confident, committed, positive, creative, inspirational, and approachable. They have good instincts and they are good communicators. I think most importantly, leaders must be empathetic.

In developing my personal leadership style, I've found that the ability to put myself in someone else's shoes helps guide my decisions as a leader and helps me to have reasonable expectations of those who I am leading. If I cannot reasonably achieve what I'm asking someone else to do, then I have an unreasonable expectation and must adjust accordingly. I've also found that listening is critical to understanding and overcoming challenges. When a team member struggles, it is important to learn why so that you can help them find a solution to the problem. Of course, the only way to learn about a problem and to help fix it is to be approachable. Leaders must make themselves available – not just physically, but they also must have an open mind. Leaders must be self-aware. They must know their own strengths and weaknesses. An effective leader is able to identify people who can bring special skills to the table to compensate for the leader's weaknesses. Taking time to recognize and celebrate the accomplishments of team members is also essential to being a good leader. Everyone wants to be appreciated and recognized for what they do, and this inspires them to continue to do good work. Lastly, leaders must be courageous. They must have the moral courage to do what is right, to speak out, and to go against the grain when necessary."

The 26<sup>th</sup> Annual Nashville ATHENA Awards and Scholarship Program and Reception will happen on March 31, 2016. LAW – Marion Griffin is very proud of its nominees and wish Michele and Laura the best of luck.

# TLAP: a free confidential lawyer assistance program

by Marnie Huff

The Tennessee Lawyers Assistance Program (TLAP) is an EAP service for attorneys that is recognized as one of the best programs for the legal profession in the United States. It was established pursuant to Tennessee Supreme Court Rule 33.<sup>i</sup>

TLAP's free, confidential assistance program provides consultation, referral, intervention, and crisis counseling for lawyers, judges, bar applicants, and law students who are struggling with substance abuse, stress, or emotional health issues. TLAP's work contributes to the protection of the public and improvement of the legal profession's integrity and reputation. Assistance to an affected lawyer can prevent ethical violations.

**Meeting with LAW's Solos/Small Firm Practitioners Group.** TLAP's Deputy Director, Ted Rice, spoke at an LAW solos and small firm practitioners' meeting last fall. In addition to hearing about TLAP in general, the group discussed several interesting topics. For example, Ted noted that narcissism is often not a stand-alone diagnosis and can be seen in combination with addiction issues. It can cause work or marriage chaos. (See the 2 minute video that touches on this subject at [www.TLAP.org](http://www.TLAP.org)). In addition, TLAP is deeply concerned about attorney suicides: there were eight attorney suicides in Tennessee during an eight month period last year. TLAP offers a one hour presentation called Question, Persuade, Refer (QPR) to help lawyers concerned about themselves, a friend, family member, client, or colleague at risk of suicide.

We also discussed the importance of outreach to law students. Ted visits every law school in Tennessee annually and provides therapy and counseling to law students. He is also available to testify on behalf of a student at the Tennessee Board of Law Examiners. Last June he testified at eleven hearings.

**Mission statement.** TLAP's mission is to:

- protect the interest of clients, litigants and the general public from harm caused by impaired lawyers or judges;
- assist impaired members of the legal profession to begin and continue recovery; and
- educate the bench and bar on the causes of and remedies for impairments affecting members of the legal profession.

**Free.** As Ted pointed out, we all pay for TLAP through an annual Board of Professional Responsibility fee, so TLAP services are free.

**Confidential.** The Tennessee Supreme Court established TLAP as an approved impaired lawyers program pursuant to its Rule 33. See <http://www.tsc.state.tn.us/rules/supreme-court/33>. Under Rule 33, communications with TLAP are confidential and members of TLAP are relieved of their duty to report ethical violations discovered as a result of their TLAP work. This means that any misconduct or ethical violation discovered or revealed to TLAP will not be reported to any disciplinary board. Communications with TLAP are also confidential under T.C.A. § 23-4-101 et seq.<sup>ii</sup>

**Full Range of Services.** Ted explained that TLAP offers services on a full spectrum of issues lawyers may face, including addictions and mental disorders.<sup>iii</sup> TLAP opens about 300 client cases a year with 45% involving drug or alcohol problems. TLAP staff also see a number of attorneys dealing with stress, depression, cognitive impairment, process addictions, and marital or parenting difficulties.

**Referral resource.** In addition to directly helping attorneys, TLAP is a referral resource. For example, if an attorney's spouse has a prescription drug addiction, TLAP can provide a list of providers – residential, outpatient, psychiatrists, psychologists, and counselors.

**Volunteers.** TLAP's professional staff is augmented by 100 volunteers. Among other things, TLAP volunteers organize self-help attorneys-only groups across the state. TLAP welcomes new volunteers - see <http://www.tlap.org/what-does-a-volunteer-do>.

**Website.** The TLAP website at <http://tlap.org/> has helpful information. For example, it has links to short articles on Balancing Practice and Family at <http://www.tlap.org/services/balancing-demands-of-practice-and-family>

**Events.** TLAP is hosting its annual "Camp TLAP" at Montgomery Bell State Park on April 1-3, 2016, offering CLE programs and social events - <http://www.tlap.org/events/13>.

If you are concerned about yourself or about a colleague, bar applicant, law student or judge, help is available at TLAP. All calls are confidential and free.

#### Tennessee Lawyers Assistance Program

Washington Square Bldg., 214 2nd Ave. N., Suite 1, Nashville, TN 37201

(615) 741-3238 or toll free at (877) 424-8527

If you need to talk to a TLAP representative outside of business hours, please call 615-741-3238 and press "1." Leave a detailed message and someone will return your call as soon as possible.

All TLAP staff are trained crisis counselors and certified in suicide prevention.

Executive Director: Laura McClendon, MA, LEAP [laura.mcclendon@tncourts.gov](mailto:laura.mcclendon@tncourts.gov)

Deputy Director: Ted Rice, M.Ed, LPC-MHSP, CEAP [ted.rice@tncourts.gov](mailto:ted.rice@tncourts.gov)

Program Coordinator: Emily Lacey [emily.lacey@tncourts.gov](mailto:emily.lacey@tncourts.gov)

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### <sup>i</sup>33.01 Establishment of Tennessee Lawyer Assistance Program (TLAP)

- A. Establishment. There is hereby established a state-wide lawyer assistance program to be known as Tennessee Lawyer Assistance Program (or "TLAP") which shall provide immediate and continuing help to lawyers, judges, bar applicants and law student (hereinafter "members of the legal profession") who suffer from physical or mental disabilities that result from disease, disorder, trauma or age and that impair their ability to practice or serve.

### <sup>ii</sup>23-4-101. Civil immunity:

A person who in good faith reports information or takes action in connection with a lawyers' assistance program, or a person who receives information in connection with a lawyers' assistance program, is immune from civil liability for reporting the information, taking the action or taking no action; provided, that the person has acted in good faith and without malice.

### 23-4-102. Presumption of good faith:

A member of a lawyers' assistance program, or person reporting information to a lawyers' assistance program, is presumed to have acted in good faith and without malice. A person alleging lack of good faith has the burden of proving bad faith and malice.

### 23-4-103 Persons entitled to immunity:

The civil immunity provided in this chapter shall be liberally construed to accomplish the purposes of this chapter. The persons entitled to immunity under this chapter include:

- (1) A lawyers assistance program approved by the Tennessee supreme court that provides assistance to attorneys suspected of having an impaired ability to practice law because of abuse of alcohol or other drugs, or because of any other physical or mental infirmity causing impairment;
- (2) A member, employee or agent of the program, association or nonprofit corporation; and
- (3) A person who reports or provides information concerning an impaired professional, including, but not limited to, persons designated to monitor or supervise the course of treatment or rehabilitation of an impaired professional.

### 23-4-105 Confidentiality of records, proceedings and communications:

The records, proceedings and all communications of any lawyers' assistance program shall be deemed confidential and shall not be available for court subpoena. This section shall not prevent the subpoena of business records that are otherwise available through subpoena. Such records are not to be construed as privileged merely because they have been provided to a lawyers' assistance committee.

### <sup>iii</sup>Per Tennessee Supreme Court Rule 33.05, TLAP shall provide the following services:

- A. Immediate and continuing assistance to members of the legal profession who suffer from physical or mental disabilities that result from disease, disorder, trauma or age and that impair their ability to practice;
- B. Planning and presentation of educational programs to increase the awareness and understanding of members of the legal profession to recognize problems in themselves and in their colleagues; to identify the problems correctly; to reduce stigma; and, to convey an understanding of appropriate ways of interacting with affected individuals;
- C. Investigation, planning and participation in interventions with members of the legal profession in need of assistance;
- D. Aftercare services upon request, by order, or under contract that may include the following: assistance in structuring aftercare and discharge planning; assistance for entry into appropriate aftercare and professional peer support meetings; and assistance in obtaining a primary care physician or local peer counselor; and

E. Monitoring services under Rule 33.07 or under contract that may include the following: alcohol and/or drug screening programs; tracking aftercare, peer support and twelve step meeting attendance; providing documentation of compliance; and providing such reports concerning compliance by those participating in a monitoring program as may be required by the terms of that program. There are three types of monitoring agreements.

- (1) Voluntary Monitoring Agreement with no reporting party listed in the agreement. . . .
- (2) Voluntary Monitoring Agreement with reporting to a non-disciplinary authority. . . .
- (3) Monitoring Agreement requiring mandatory reporting to disciplinary or licensing authority.

A disciplinary or licensing authority, such as the Board of Law Examiners, Board of Professional Responsibility, or Board of Judicial Conduct, may request TLAP to conduct an evaluation of a law student, attorney or judge. . . .



*Marnie is an LAW Board member and co-chair of LAW's Community Relations Committee. She is a member of LAW's Health and Wellness book group and Solos and Small Firm Practitioners group. She served as a Commissioner on the Tennessee TLAP Commission, a three year appointment by the Tennessee Supreme Court. Marnie is an independent practitioner, focusing on mediation and arbitration services.*

## **Job Opening**

Looking to make a change? [Click here](#) to find out information about a position open in the Nashville area.

# The Culinary Docket



## Butcher & Bee

Two summers ago, a summer intern at our firm brought to our attention a pop-up restaurant of one of her favorite Charleston restaurants, Butcher & Bee, that was happening at Peter Nappi in Germantown. Truthfully, I only have a vague recollection of my meal on that summer Friday afternoon, but I do recall how absolutely delicious everything was and how the ingredients were fresh and the dishes creative. Now, two years later, Butcher & Bee has opened its second location in East Nashville on Main Street and the same deliciousness and creativity is here in Nashville on a permanent basis.

The unassuming gray brick exterior does not do justice to the sleek inside of the restaurant with modern tile, an open kitchen area with bar seating, and a large chalkboard featuring the delectable dessert features of the day. Also, a super fancy bathroom sink situation, which requires you to read the directions (just trust me and venture in).

Both trips to Butcher & Bee have been for lunch so sadly I have not tried any of the amazing sounding cocktails. Luckily, I have friends who are happy to report back on their meals. One such friend highly recommends the Slumber Queen, (B&B's version of the old-fashioned) which features bourbon, a house Cheerwine syrup, and bitters. I was impressed at my last meal there that the restaurant offers complimentary sparkling water.

The menu of Butcher & Bee is divided into Mezze (small plates), Sandwiches, and a "More Fun Stuff" section that has salads, soup, and larger plates. The menu at Butcher & Bee changes frequently, but some offerings seem to be made on a regular basis. One such offering was my first meal there a "pulled" butternut squash sandwich served with smoked slaw and bbq sauce on a hoagie. I thought I might be disappointed with my choice after seeing my dining companion's heavenly looking Korean Fried Chicken sandwich, but I was enjoyed every.single.bite. Even better than my sandwich were the French fries. If these are on the menu, get them. Don't think about being healthy just order them and tell yourself they are worth every crispy, salty bite. I also sampled the beets at that meal, which were....beets.

On my second trip to Butcher & Bee, I tried a few new items (and again the French fries). My roast beef sandwich served on a bun reminded me of a gourmet Beef n' Cheddar from Arby's and I saw that in the most complimentary way possible. Thin, slices of roast beef smothered in a rich cheddar sauce was absolutely divine. The crispy Brussels sprouts tossed in a fish sauce were equally delicious. The menu itself does offer some lighter options and the Mezze especially are perfect for sharing.

As I'm writing this column, I just happen to have today's menu pulled up to see what exciting features there might be: a grilled cheese with oxtail, taleggio, and hot sauce, and a "Pork 'n Bean – Shawn-shank redemption style," and a cryptic offering "Close Our Eyes to the Octopus Ride." Since the menu changes frequently, it is hard to guarantee that any of the above dishes will be on the menu, but if these meals are any indication, the guarantee is unique creative dishes.

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### Culinary Docket Readers' Poll

As I've noted in a few recent columns, Nashville's culinary scene is growing so fast that it is getting hard to keep up with all of the new restaurants, bars, coffee shops, and bakeries. And, with all of these newbies to Nashville, it is easy to forget some of

the classic Nashville restaurants. With that in mind, over the next few Culinary Docket columns, I want to feature the results of a Culinary Docket poll of LAW members' favorite Nashville restaurants. Since Nashville is so big, this will be a neighborhood by neighborhood poll, each column I'll suggest a neighborhood and I want to hear LAW members' favorite places in that area. I'll do a summary of the poll results and do a brief summary on a meal from that restaurant! First up: East Nashville. Email me at [esitgreaves@dodsonparker.com](mailto:esitgreaves@dodsonparker.com). I can't wait to hear from you!



*Liz is the 2015-2016 board treasurer and LAW's Food Critic. She is a former law clerk to Judge Frank Clement and is an associate at the law firm of Dodson, Parker, Behm & Capparella, PC.*

## New Member Spotlight: Carly Hanson



**Where did you grow up? Tell us about your family. Are you married?** I grew up in Malibu, California, and I miss the ocean every day! My family is the best. My father works as the Executive Vice President and COO for Pepperdine University. My mother is a 7th grade Bible teacher at Oaks Christian Middle School. My older brother works at Parallon here in Nashville. My younger brother is finishing up his MBA at Pepperdine and will (hopefully) be moving to Nashville this summer! I've managed to recruit half the family to Nashville and am still working on my parents. It's only a matter of time. I am not married but my fiancé proposed the day before law school graduation. We are getting married on July 2<sup>nd</sup> in Bozeman, Montana! He works on the floor below me for Justice Jeffrey S. Bivins, and we are

able to eat lunch together almost every day. He is also a citation wizard, and I'm lucky to have his superior Blue Book knowledge in my life.

**What do you do professionally?** The Honorable Judge W. Neal McBrayer hired me for a year-long judicial clerkship at the Tennessee Court of Appeals.

**What is the favorite part of your job?** Judge McBrayer's chambers is very collaborative. My favorite part of the job is discussing the direction of an opinion with Judge McBrayer and my coworkers. The process of developing a case from briefs to oral argument to written opinion is challenging but very rewarding.

**What is it about being a member of LAW that you enjoy the most?** I'd love to say this without sounding cheesy, but I'm not sure I can. I find the group of women at LAW to be truly inspirational. I recently attended the "Your Career, Your Choices" CLE. Each of the panelists was real and strong. The room felt supportive and non-judgmental. It was exactly the type of discussion and atmosphere I hoped to find at LAW.

**What do you like to do in your spare time?** My favorite thing to do in my downtime is reading in a bubble bath. The bath bomb is a magical item that everyone should try. I also love taking weekend walks around Radnor Lake with my fiancé and binge watching Gilmore Girls with my cats, Penny and Prudence.

**What is your favorite quote, piece of advice, or a motto you try to live by?** One of my favorite bible verses is Luke 6:31 - Do unto others as you would have others do to you. It reminds me to employ empathy and think before I act.

**Any "fun facts" about you other LAW members don't know?** A fun fact about me is that I've lived nearly my entire life on a college campus. Pepperdine has its own neighborhood for faculty and staff. I grew up playing capture the flag in the law school classrooms.

**What are you reading right now, and what book could you read over and over again?** Reading is one of my absolute favorite things to do. I am currently reading *The Girl In The Spider's Web* by David Lagercrantz. I try to re-read the Harry Potter series each summer and I've read *Pride and Prejudice* about five times now (I highly recommend the audio book because the British accents make it even more romantic). I'll read anything and everything. I recently started a little book blog at [www.readbooked.com](http://www.readbooked.com).

**If someone hit "shuffle" on your iPod, what are five songs that might play?** Shame by the Avett Brothers, Hello by Adele, Nobody to Blame by Chris Stapleton, Love Yourself by Justin Bieber, and Gunpowder and Lead by Miranda Lambert. My musical taste is varied.

**It's a Saturday in Nashville, what are you doing?** Likely grabbing an avocado and vine ripe tomato sandwich from Star bagel and taking a walk around the McCabe parkway with my fiancé. Then popping over for an independent film at The Belcourt theatre that night! It is sadly closed for renovation right now.

# LAW Committee Corner

On January 27, 2016, the Lawyers' Association for Women had the pleasure of joining the Tennessee Women in Medicine, an organization of women physicians, medical students, psychologists, and dentists, for a networking event. Trattoria Il Mulino, located within The Hilton Nashville- Downtown was the perfect backdrop for the event. LAW and TWM members enjoyed delicious Abruzzese-inspired Italian hors d'oeuvres, made new friends, and discussed their respective missions of promoting women in the practice of law and medicine. Thank you to all in attendance of making this such a fabulous event!



The next networking event will be held on February 24, 2016 at The Sutler (down in the Cellar) from 6:00—8:00 pm. The event will highlight government attorneys! If you work for local, state or federal government, plan on attending. Invite a friend! Reverse your spot by Tuesday, February 23rd at Noon. Valet parking! Half off libations!

## *Community Relations Clothing Drive at February Membership Meeting*

The immigrant students at Tusculum Elementary need new or gently used clothing, especially winter clothing. Please see what your children can no longer wear - your donation will be greatly appreciated. The following items of clothing are requested. All sizes are needed for elementary school age children - especially:

- jackets, coats and pants for boys and girls
- shoes and boots: in good condition
- gloves, hats, scarves/mufflers

Information about the students at Tusculum Elementary School:

- \* There are 700+ children that attend Tusculum, Pre K through grade 4
- \* 75% come from homes where English is not the native language
- \* 50% are of Hispanic origin
- \* 25% are immigrant or refugee status from Myanmar, Nepal, Iraq and a myriad of African countries
- \* In 2014 96% qualified for free and reduced lunch
- \* 69% live below poverty level

If the school cannot use a donated item, it will be donated to Thrift Smart which will then provide the school with gift cards that can be used for the students' needs.



### Members on the

Mollie Gass has moved to the Reid Leitner Law Group.

## KUDOS

. . . to Chandra Flint on becoming a partner at Neal & Harwell.

. . . to Mariam Stockton on becoming an associate at Neal & Harwell.

. . . to Christen Blackburn on being named a member in the Nashville office of Leitner, Williams, Dooley & Napolitan, PLLC.

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