




OYEZ

Young Lawyers Division Newsletter Fall 2011

President's Message



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As I write my final President's Message, I am amazed at how quickly this year has passed. I have had the pleasure of serving on the YLD Board for the past 7 years and am thankful both for the opportunity to serve, and for the relationships I have built. People often ask if I enjoy YLD and why I wanted to be involved with YLD. 2 simple answers: Yes! and Why Not?

Take a moment to consider all that members of YLD have accomplished this year:

1. On February 18th and 19th, YLD held the **27th Annual Davidson County Mock Trial Competition** at the Historic Courthouse where 20 high school teams competed for one of two slots at the State Mock Trial Competition. Lauren Paxton-Roberts and Matt Cox seamlessly coordinated 150 volunteer scorers, judges and bailiffs and ensured that each participating high school students got to showcase their talents.

2. The **8th Annual Land Rover Race Judicata** held on Saturday, February 26, 2011, in Nashville's beautiful Percy Warner Park featured both a 5K and a 10K race. Proceeds in excess of \$12,000 were donated to FiftyForward and the Nashville/Davidson County Unmet Needs Com-

mittee. Fifty Forward is the leading resource for adults 50+ in Middle Tennessee who seek to live longer, more fulfilling lives. FiftyForward provides educational, wellness, arts, music, and travel programs, as well as independent living assistance and volunteer opportunities. The Unmet Needs Committee is a working committee of Nashville's Long Term Recovery Committee, and is responsible for coordinating the distribution of resources to flood victims and other victims of disaster who are in need. Without the support of our title sponsor, Land Rover, and the tireless work of Becca Brinkley and Will Parsons, this event would not be possible.

3. At this year's **NBA Annual Law Day Luncheon** held on April 21, 2011, Matthew Kroplin and Andrew Ross presented awards to the YLD Art & Essay winners from local elementary, middle and high schools. In addition to the art and essay contests, the YLD organized classroom visits where young lawyers spoke to students about Law Day and the legal profession in general. LexisNexis was the competition's sole sponsor, and its contribution allowed the YLD to present cash awards to the contest winners.

4. For the first time, the YLD Community Outreach Committee partnered with Second Harvest Food Bank of Middle Tennessee to rally support for their **Legal Food Fight Campaign**. The Campaign is a virtual good drive drive competition that will run from May 9th through May 27th. Law firms competed against firms of similar size to raise the most donations. Participants were able to go online to make a donation and designate the gift to any participating law firm. For every \$1 donated, Second Harvest Food Bank can provide 4 meals. Your generosity will have a direct impact the fight against hunger in our communities. It is our hope that this campaign led by Matt Potempa will grow each year and offer YLDers yet another opportunity to give back to our community.

5. On June 2, 2011, the **3rd Annual Arts Immersion** presented by the Arts and Business Council of Greater Nashville in partnership with the YLD took place at the Farmer's Market. Arts Immersion celebrates the convergence of Nashville arts and business by showcasing Nashville's creative community and honoring the professionals that so generously support it. Volunteer Lawyers & Professionals for the Arts (VLPA) provides pro bono legal assistance and education to low-income artists of all disciplines, as well as legal and business services to emerging non-profit arts organizations. Thanks to Tyler Middleton for her continuing work and support of this great event.

VANDERBILT USES “TOLERANCE” AS A WEAPON

By Mike Gardner

In its fervor to enforce its non-discrimination policy, Vanderbilt recently rushed into policy choices that single out a discrete population for disparate treatment and undermine the University's proper role as a center for debate and diversity of opinion. Vanderbilt's unabashed interference in the way religious groups on campus govern themselves and conduct worship is nothing short of oppression disguised as “tolerance.”

Beginning in April 2011, Vanderbilt's Office of Religious Life began “deferring” its approval of certain religious and conservative groups on campus. One such group is the Christian Legal Society (“CLS”) which is a national organization whose UC-Hastings chapter was at the center of the Supreme Court's 2010 ruling on the ability of a public college or university to limit official recognition of student organizations. In order for CLS, or any other religious group, to retain official recognition from Vanderbilt, it must submit, *inter alia*, a printed Constitution and “Officer & Advisor Affirmation” to the Office of Religious Life for approval. As of August 9, 2011, Vanderbilt's Office of Religious Life has twice rejected the Constitution and Affirmation provided by CLS officers. The reasons provided for rejection are as follows:

(1) Article III of the CLS Constitution requires members to subscribe to a “Statement of Faith.” The Office of Religious Life stated “Vanderbilt's policies do not allow any student organization to preclude someone from a leadership position based on religious belief.”

(2) Section 5.2 of the CLS Constitution requires CLS officers to lead Bible studies, prayer and worship. Again, the response of the Office of Religious Life was that “[t]his would seem to indicate that officers are expected to hold certain beliefs. Again, Vanderbilt policies do not allow this expectation/qualification for officers.”

(3) CLS' Officer & Advisor Affirmation

Form was rejected because CLS had attempted to hand-write a partial exemption from Vanderbilt's “non-discrimination policy” to allow for the requirements enumerated above.

Thus, Vanderbilt is unapologetically demanding student groups abandon any requirement that their officers “hold certain beliefs”! How will this play out across campus if Vanderbilt in fact applies the policy universally? Must a Jewish group allow a Christian to lead its worship or a Muslim group allow an atheist to do so? Furthermore, must a feminist group swear it would support chauvinists for officer status and an animal rights group promise not to “discriminate” against Michael Vick if he ran for its president? Unfortunately, this is no joke or hypothetical.

In a local ABC News story broadcast on Friday, September 23, 2011, Vanderbilt issued a statement admitting that, “[a] dozen or so, including five religious or-

“When Fox News covered the story nationally, on September 26, 2011, Vanderbilt officials refused to be interviewed.”

ganizations, are not yet in compliance” with its non-discrimination policy. Vanderbilt stated that its policy applies to all student groups, regardless of whether they are religious in nature, and has been a campus-wide policy for years. Time will tell whether this policy applies equally to all groups; and if it has been policy for two years, then its application has been recently reinterpreted because the groups under scrutiny are not new to campus. Interestingly, Vanderbilt has instructed the student officers of groups receiving deferral notices and other communications not to release them to the public. An appeal of the policy by one affected group made directly in writing to the Chancellor's office has been met only

with silence. Word is getting out nonetheless. When Fox News covered the story nationally, on September 26, 2011, Vanderbilt officials refused to be interviewed.

What motivates Vanderbilt to take such a controversial position, one which it must have known would incite public scrutiny? Everyone is a disciple of something. There is a creed each person follows whether he/she can recite it or not. Institutions like Vanderbilt are no exception. With this policy, Vanderbilt imposes a “progressive” relativist world view on its students which holds that there is no absolute truth, and for any one religious group to lay claim to it is unacceptably intolerant of others. That is why Vanderbilt sees it as discriminatory for any student group to require their officers to “hold certain views,” because all world views must be accepted as equally valid. Adherents to this “doctrine of tolerance” see it as outside of or beyond faith. Ironically, however, the doctrine's defining characteristic is its truth claim (itself a step of faith) that all mainline religions are mistaken in making claims to the truth. Vanderbilt is unlikely to win many converts with its heavy-handed brand of evangelism.

In its crusading zeal, Vanderbilt has undermined its mission to be a center of diverse views and debate, and left its policymaking divorced from common sense. The end goal of most student groups is to achieve a sense of community and/or to advocate more effectively and win others to their viewpoint. Whether a group's focus is environmental, racial, professional or political, that central premise holds true. Why then should religious groups, or any student group sacrifice that power of community and collective action upon the Vanderbilt's draconian policymaking should frighten into action every student, alumnus, professor, donor and friend of the



2011 TOILETRY DRIVE TO BENEFIT
THE HOMELESS OF NASHVILLE

DROP BOX

SPONSORED BY THE
NASHVILLE BAR ASSOCIATION
YOUNG LAWYERS DIVISION
AND
ASSOCIATION OF LEGAL PROFESSIONALS,
NASHVILLE CHAPTER (NALS)



Toiletry Drive to Benefit the Homeless of Nashville August 22 – September 19, 2011

Sponsored by Nashville Bar Association, Young Lawyers Division
and NALS – Association of Legal Professionals, Nashville Chapter

If you travel on business, take summer vacations, hoard toiletries in your home or frequent a grocery store, the homeless community of Nashville needs your help.

Please consider bringing home with you toiletry items provided on a complimentary basis by hotels or picking up extra toiletry items the next time you stop at Kroger. We need: soap, shampoo/conditioner, razors, shaving cream, deodorant, lotion, floss, toothpaste and toothbrushes. Any size bottle is fine.

The YLD and NALS sponsor this drive for the benefit of Nashville's homeless population every year because the need remains strong and has only grown in recent years. The Nashville Rescue Mission, which receives the proceeds of the drive, is always extremely grateful for the donations. Please consider giving to this worthy cause. Thank you in advance for your participation.

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YLD ANNUAL MEETING

The NBA YLD Annual Meeting is set for **Thursday, October 13th** from **5:30 -7:30**. The location will be **Buffalo Billiards**. All YLD members are invited to attend!

Officers for the 2011-2012 YLD Board will be elected at the meeting. The slate of officers up for election is:

President: **Sara Reynolds**

President Elect: **Robb Bigelow**

Immediate Past President: **Mary Taylor Gallagher**

Secretary: **Liz Tipping**

Treasurer: **Erin Polly**

Events Director: **Ryan Levy**

Membership Director: **Becca Brinkley**

Professional Development Director: **Justin McNaughton**

Public Service Director: **Lauren Paxton Roberts**

Details:

What: YLD Annual Meeting

When: October 13, 2011

Where: [Buffalo Billiards](#)

Who: All YLD Members

Don't forget to [RSVP](#) for the NBA's Free Annual Picnic next Thursday!

6. On July 9, 2011, over 200 people attended the **14th Annual Caribolic Smoke Ball** that raised \$18,000 for the benefit of two local non-profit organizations: *CASA Nashville & Hands on Nashville*. Colleen Sweeney & Will Hicky planned a fabulous event that featured live music from Nashville performing artist Shane Tutmarc and his band, heavy hors d'oeuvres and desserts (catered by the Bound'ry), casino gaming by Best Bet Events, and an open bar (wine, beer & cocktails). A big thank you to our generous sponsors, hosts, and committee members!

7. Each July, YLD staffs the **HELP Clinic at Room at the Inn**. HELP stands for Homeless Experience Legal Protection. It is an advice clinic for the homeless population at the Campus for Human Development on Drexel St. Baker Donelson has partnered with Judge Jay Zainey of New Orleans to start up these clinics in cities where they have offices, and the Nashville clinic, started in 2009, serves 20 -30 individuals a month. Many thanks to all the volunteer attorneys who gave of their time to assist those who cannot afford legal representation.

8. Toiletry Drive to Benefit the Homeless of

Nashville: August 22 – September 19, 2011. The YLD and NALS sponsor this drive for the benefit of Nashville's homeless population every year. The Nashville Rescue Mission, which receives the proceeds of the drive, is always extremely grateful for the donations. Organized by Mike Gardner and Joel Eckert, in conjunction with Tina Boone of NALS, law firms and offices gather toiletry items such as soap, shampoo/conditioner, razors, shaving cream, deodorant, lotion, floss, toothpaste and toothbrushes to donate to the Mission for those who lack the resources to buy even the most basic of common household items.

Whew! We truly accomplished a lot this past year with the help of so many YLDers, and this list doesn't even tell the whole story. Why wouldn't you want to be part of such a great organization?? If you are not actively involved in the YLD, please start now. Sara Reynolds will officially take the reins on October 13th at our Annual Meeting at Buffalo Billiards. Come join us.

Ultimately, a group is about more than a list of accomplishments. It is about the people. YLD serves the community and our profession by building collegiality among the young lawyers of the NBA. I value the people I have met through my membership in YLD and it has been an honor to serve as your President.

Vanderbilt Uses “Tolerance” as a Weapon *(Continued from Page 2)*

altar of inclusiveness? They shouldn't. How sad that Vanderbilt's policy casually ignores the joy and encouragement that come from gathering together for worship in a community of common belief. Vanderbilt's willingness to legislate what its religious student groups' leadership will look like displays its fundamental lack of respect for the viability of the affected groups.

To press this choice on religious groups, as Vanderbilt has, is the height of intolerance.

This is not a straw man. Any group which lacks the ability to control its officers/leaders cannot maintain cohesion. Vanderbilt's non-discrimination policy expressly requires student groups to relinquish control over the beliefs of their members and officers. The refusal of the Office of Religious Studies to allow CLS to require its officers to conduct bible study provides a quintessential example of the nefarious impact of this policy. To strip a religious group of its ability to study a text which it believes to be authoritative in order to avoid “discrimination” against non-believers is to brazenly intrude upon and discriminate against the free exercise of religion by the group. The policy also leaves any group vulnerable to the whim of outsiders who, by their numbers, could overwhelm and destroy the group if so inclined.

A catch-22 now awaits a dozen Vanderbilt student groups – either they partially renounce the beliefs that made them want to join the group in the first place (by admitting in writing that they are willing to be led by officers who believe differently, even oppositely) or they risk forfeiting the many benefits of recognized student groups. To press this choice on religious groups, as Vanderbilt has, is the height of intolerance. For now, Vanderbilt has given such groups provisional status and benefits. Once the public attention subsides, however, it cannot be long before the University elects to give teeth to its non-discrimination policy.

The U.S. Supreme Court recognizes that “[t]he classroom is peculiarly the ‘marketplace of ideas.’ The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth ‘out of a multitude of tongues, [rather] than through any kind of authoritative selection.’” *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967) (quotation omitted). Vanderbilt has abdicated that role in favor of an authoritative policy under which differences in belief are to be ignored. It's anti-intellectual and it's bullying.

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Vanderbilt Uses “Tolerance” as a Weapon *(Continued from Page 7)*

Vanderbilt’s draconian policymaking should frighten into action every student, alumnus, professor, donor and friend of the University regardless of their world view. As Thomas Paine said, “[h]e that would make his own liberty secure, must guard even his enemy from oppression; for if he violates this duty, he establishes a precedent that will reach to himself.” Silent acquiescence is the expected, but not the reasonable, response to this policy. Likewise, to borrow from John Donne, no student or student group is an island. Each is a piece of the whole, a part of the main. For that reason, if Vanderbilt persists in squelching freedom of religion and drives its religious groups into obscurity, send not to know for whom the bell tolls, Vanderbilt, it tolls for thee.

Mike Gardner is a 2006 graduate of the Vanderbilt School of Law. The opinions expressed in this article are his alone and do not reflect those of his employer or any other organization with which he is affiliated.

NBA/YLD BOARD DIRECTORY 2010-2011***“Service to the Community, Service to the Profession”*****President - Mary Taylor Gallagher**mtgallagher@gsr.com**Immediate Past President****Phil Walker**pew@iplawgroup.com**President-Elect****Sara Reynolds**Sreynolds@walkertipps.com**Secretary****Emily Plotkin**eplotkin@bakerdonelson.com**Treasurer****Erin Palmer Polly**epolly@walketipps.com**Events Director****Robb Bigelow**rbigelow@dickinsonwright.com**Membership Director****Elizabeth Tipping**etipping@nealharwell.com**Professional Development Director****Justin McNaughton@wallerlaw.com**Justin.mcnaughton@wallerlaw.com**Public Service Director****Brian Neal**bneal@fbtlaw.com**Recruitment****Rebecca Barnett**rmb@iplawgroup.com**Lymari Cromwell**lcromwell@bassberry.com**ABA Liaison/TBA Liaison****Colleen Sweeney**csweeney@sedlaw.com**Matt Potempa**mattpotempafirm.com**Napier-Looby Division****Kinika Young**kyoung@bassberry.com**NBA/YLD Fellows****Josh Helton**jhelton12@gmail.com**Law Student Membership****Patrick Witherington**pwitherington@howell-fisher.com**CLE****Frank Wilbert**Frank.wilbert@kaygriffin.com**Jeff Gibson**jgibson@nealharwell.com**OYEZ!****Gary Montle**glm@iplawgroup.com**Josh Helton**jhelton12@gmail.com**Publicity****Justin McNaughton**justin.mcnaughton@wallerlaw.com**Social****Ryan Levy**rld@iplawgroup.com**Claudia Levy**claudia.levy@counseloncall.com**YLD/TNVLA****Tyler Middleton**tmiddleton@rowlawyers.com**Carbolic Smoke Ball****Colleen Sweeney**Colleen.sweeney@hospitallaborlaw.com**Will Hicky**whicky@tpmmlaw.com**Elizabeth Tipping**etipping@nealharwell.com**Mock Trial****Lauren Paxton-Roberts**lauren.roberts@stites.com**Matt Cox**mcc@iplawgroup.com**Law Week****Andrew Ross**aross@walkertipps.com**Matthew Kroplin**mkroplin@fbtlaw.com**Homeless****Joel Eckert**jeckert@boultcummings.com**Mike Gardner**mike.gardner@wallerlaw.com**Community Outreach****Matt Potempa**matt@potempafirm.com**Sepideh Khansari**skhansari@millermartin.com**Race Judicata****Becca Brinkley**becca.brinkley@wallerlaw.com**Will Parsons**wparsons.@rwjplc.com