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Newsletter for the Young Lawyers Division Summer 2010

President's Message

"Service to the Community, Service to the Profession"

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Calendar of Events:

Carbolic Smoke Ball 7/24

Call it a motto. Call it a mission statement. Call it what you will, but the need for service to the community and service to the profession probably never rang as loud as it has over the past two months.

We all are aware of the unprecedented flooding that occurred the first weekend in May. There is no need here to recount the shocking rainfall statistics or any of the heart ripping individual stories about loss of life or property. Just let me remind you that many in our very own legal community were severely affected by the flooding.

However, from this devastating event we learned something about the Middle Tennessee Community – we care about each other. Several articles have been written (by better authors than me) about the enormous outpouring of support from the Middle Tennessee Community to the flood victims. I am sure that a large percentage of the legal community rolled up their sleeves and cleaned up or even

reached in their pockets and gave resources to the flood victims or the organizations that are helping them. Thank you.

With most of the initial clean-up finished and the reconstruction phase in full swing, several flood victims in the Nashville community will now need additional help in areas that we are uniquely qualified to help. Legal issues associated with the flooding are now starting to come to the forefront. Numerous flood victims, after physically and mentally struggling to pick up the pieces of their lives, are now facing legal issues as they continue through the recovery and rebuilding process. These include issues with building permits, landlord tenant/housing concerns, insurance claims, loan procurement, employment, replacing lost documents, and even bankruptcy.

We as individual attorneys can help with those relief efforts. The Nashville Bar Association is working with the Tennessee Bar Association, the Tennessee Alliance for



Phillip E. Walker, President

Legal Services and other organizations to help provide assistance to those in need. The TBA website has a very informative webpage that I would hope all of you that feel the call to help would review: <http://www.tba.org/volunteer/>. Additionally, the NBA has additional information here: <http://www.nashvillebar.org/DisasterLegalServices.html>.

The Young Lawyers Division as an organization will also help the relief efforts with the upcoming 13th annual Carbolic Smoke Ball. The Carbolic Smoke Ball will take place at the Hermitage Hotel on Saturday July 24, 2010. Again this year, the Carbolic Smoke Ball will provide a formal

President's Message (continued from page 1)

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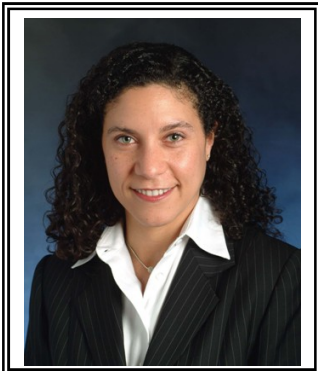
social gathering for all members of the Nashville legal community and their friends. The event is always spectacular and all proceeds are used to benefit the Nashville community. It gives us the chance to socialize with one another in a very fun atmosphere (Service to the Profession) while supporting a local charity (Service to the Community).

The traditional beneficiary of the event is Court Appointed Special Advocates (CASA). As most of you know, CASA is an extremely deserving organization that provides a very valuable service to both the community and the profession by expediting the legal process for abused and neglected children to find permanent, safe homes. www.casa-nashville.org. However, given the devastation from the flooding, the YLD Board has decided to split the proceeds this year between CASA and Hands on Nashville (HON), and organization that has been invaluable to the relief efforts. HON was the organization charged with organizing the vast majority of volunteers in the post-flood clean up. I encourage you to go to www.hon.org and learn more about the organization.

So this is my call to you. Please go to the websites above and see if you can help individually in the flood relief effort. Also, please join us on July 24th for the Carbolic Smoke Ball. The following link has all of the details:

www.nashvillebar.org/YLD/NBA_YLD_Carbolic.html

It will be a great night for two great causes. I hope to see you there. ~ Phil Walker



Phillip (Phil) Walker focuses his practice on intellectual property counseling including patent, trademark, and copyright procurement and enforcement. He counsels his clients on the economic benefits and implications of intellectual property protection and litigation.

Adoptive Advocacy – A Parent's Journey by Chandra Flint

"She's been moved to the NICU, but we can't let you see her. And we can't give you any information about her." Imagine if these words were spoken about your newborn daughter. Upon hearing them, your heart might stop and your blood might turn to ice. Mine did. Never mind that she wasn't legally our daughter yet, and never mind that her reason for being sent to the Neo-Natal Intensive Care Unit was comparatively minor and likely not life-threatening. My daughter was in the NICU and I wasn't allowed to see her, touch her, hold her, or even find out how she was doing. Why? As adoptive parents, my husband and I had no more legal rights to our daughter than any two people who walked in off the street.

We didn't feel like two people walking off the street; we felt like parents. Like countless parents, we had waited for the birth of this child, staring at sonograms and trying to figure out what we were looking at . . . but we knew we loved that foot, or arm, or tummy, or whatever it was. We chose a name for our daughter and kept trying it out, and dreamed about what she would look like when she was here in our world. Like all parents, we hoped and prayed that she would be healthy and have a complication-free delivery. Like all parents, the moment she was born changed our lives forever.

Unlike most parents, however, our journey to that moment was a little different. Our wait for the birth of this child was only two weeks, rather than nine months. Having been aware of our daughter's impending arrival in

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(continued from page 2) our life for a short time, much of that time spent doing adoption-related paperwork and attending our 16-month-old son (also adopted), our jobs and life in general, we weren't exactly ready for a new baby.

Compared to the arrival of our son, though, we seemingly had loads of time and tons of preparation – he arrived in our lives with just 24 hours notice. At the time, we had a grand total of nothing for a baby, not even an appropriate book. We had been preparing for an internationally adopted, slightly older child whom we thought would arrive the following year at the earliest. So books were the ONLY thing we had, but they were all about parenting the internationally adopted toddler. Not too helpful. This time we already had baby things, and had even purchased some new stuff – a bassinette, some baby girl clothing and some new bottles, all of which were just waiting to be washed. A stop for formula and diapers would suffice in the short-term.

One week before our daughter was born, we met with her birthparents. During the meeting, I asked the birthmother what her hopes and dreams were for her daughter. Her response was so simple and so poignant: “I want her to be in a home where she’s loved and cared for. And I want her to have options.” I was moved to tears by these words. This smart and loving woman understood that another child meant the erosion of any options this couple and their other children already had. And she was unwilling to settle for a life without options for her daughter, however much pain it might cause her. As further evidence of her love for this child, the birthmother was adamant that we, the adoptive parents, be at the hospital when the baby was born so that we could immediately begin bonding with her and be there to love her, hold her and ensure that she wasn't left alone in the hospital.

As a result, we had a plan for our nanny and son to come with us to Memphis for our daughter's birth. We would stay the requisite couple of days before she was discharged from the hospital and then get home to our fabulous new life. This was going to be great—so different from our completely unprepared and crazy (yet wonderful) last experience! Murphy's Law kicking into high gear, however, the best laid plans . . .

Two weeks before her due date, the birthmother went into labor. By the time it was clear this was not false

labor and we should be notified, it was not 9 a.m. or some reasonable hour that would allow everyone to leisurely get to Memphis, check into a hotel and get to the hospital in time for a delivery. It was 10 p.m. To make matters worse, my husband was in Washington, D.C., at the time. (FYI, there are no flights from D.C. to Memphis between 10 p.m. and 5:30 a.m.) In spite of my momentary panic, I knew everything would work out. We were parents – countless parents went through this same experience when a baby came early, and after all, we were still far more prepared than last time.

Indeed, having realized that I was put on earth to test Murphy's Law and prove that it could, in fact, consistently apply to every major event of your life, I had backup plans for this eventuality. I had flight schedules for every flight from D.C. to Memphis and a friend to serve as a travel planner to make flight arrangements and hotel reservations. I had already printed out MapQuest directions to The Regional Medical Center (The Med) in Memphis, painfully aware that I probably would end up driving to downtown Memphis by myself in the middle of the night. I even had everyone's hospital bag mostly packed . . . well, somewhat packed. But in record time under the circumstances, I got on the road to Memphis.

As I flew down I-40 surprisingly calm, I marveled at how generally prepared we were. I'm a parent (and a lawyer). Like Boy Scouts, we're trained to be prepared. I was prepared to hear my daughter's first cry over a cell phone somewhere outside of Jackson. I was prepared to sit in the lobby of The Med at 3 a.m., with a social worker I'd never met before during one of the most emotional times of my life. I was (almost) prepared for the overwhelming feeling of love the first time I saw my daughter. I was prepared to handle seeing her birthmother in the morning, and once again try to come up with words to convey my awe at her strength, my gratitude, and the depth of my love for our daughter. I was even prepared for the possibility that my daughter's slightly early birth and trouble regulating her temperature might land her in the NICU.

But I wasn't prepared for those words: “She's been moved to the NICU, but we can't let you see her. And we can't give you any information about her.” I wasn't prepared to not be recognized as a parent. I could hardly comprehend what The Med's social worker was explaining to me: because no surrender papers had been

(continued from page 3) signed (nor even could be for four days under Tennessee law), and thus no custody given to our agency who could, in turn give custody to us; we were not her parents. Thanks to privacy laws and the realities of modern hospital administration, particularly in a public trauma hospital such as The Med, this meant that they were not going to let us see, or even update us on the status of a child they saw as wholly unrelated to us. The person who could see her, get updates about her and make any necessary medical decisions for her was her birthmother. My weak attempts to suggest legal ways around the situation, such as a Power of Attorney, were rejected, and I stopped even trying to think as a lawyer. I was too busy being a mother, and trying to contain my fear for my daughter and shock and rage at the idea that I couldn't be with or even given information about her.

My thoughts immediately turned to the other mother, the birthmother. This amazing woman, who had so thoughtfully prepared for this adoption, was also caught unprepared. She was unprepared to be the mother. At the same time that she was grieving the loss of her daughter, she had to be her daughter's mother and stay up all night, checking in with the NICU and sharing all the updates with our social worker, so they could be shared with us. Most of all, she worried about her daughter and realized one of her worst fears: Although beloved by an excess of parents, our precious baby girl was left alone in the NICU, without any parents to love her.

Miraculously, this birth mother managed to do both intense tasks at once. She gracefully accepted her continued role as mother, yet graciously yielded that responsibility to us. And somehow, she did not waiver from her commitment to provide her daughter with options, despite the added pain she had to endure. Fortunately, when the head social worker came on shift the following day, we were granted a special dispensation to visit our daughter as long as we were accompanied by our social worker, and allowed to receive information about her through our social worker. That same day, the birthmother was discharged. She hugged us with tears in her eyes and left The Med obviously in pain, but resolute. Three days later, our daughter was also discharged, the birthmother executed her surrender and we were finally able to be parents.

As a lawyer, I know the very privacy laws that kept me from my daughter are vital, necessary, and valuable to society. As a lawyer, mother and human being, I know that the law can provide for exceptions that will prevent the very situation in which we found ourselves. And some exceptions exist – the four day waiting period before a birthmother can surrender her parental rights can be waived by a court for good cause, for example. But these procedures take time. The time period I described above was less than 24 hours, although it felt like an eternity to us. In this era of open adoption, every hospital in the state should have a clear procedure mandated by law that allows adoptive parents hospital access rights to their adoptive children when authorized by birthparents. This doesn't have to interfere with or void the existing laws designed to ensure that birthparents are not making this decision lightly or under duress. Nor does it have to replace the birthparents' rights or access – the rights can be concurrent. Perhaps our daughter's birthmother is an anomaly, but I doubt it. Birthparents agonize over this decision, and do not make it lightly. And they have a difficult path once they do. Let's not make their paths any harder. ~ Chandra Flint

Chandra Flint is an associate at Neal & Harwell, PLC, where her practice consists of general civil litigation and some criminal defense. Ms. Flint also hopes to become increasingly involved in adoption law and advocacy.

THE THIRTEENTH ANNUAL CARBOLIC SMOKE BALL

benefiting

COURT APPOINTED SPECIAL ADVOCATES

and

HANDS ON NASHVILLE

Presented by the Young Lawyers Division of the Nashville Bar Association

The Young Lawyers Division of the Nashville Bar Association is sponsoring the Thirteenth Annual Carbolic Smoke Ball, which will be held on Saturday, July 24, 2010, at the historic Hermitage Hotel. Due to this year's catastrophic flood, which caused thousands of individuals to lose their homes, well over a billion dollars in damage, and the loss of many lives, proceeds from this year's Carbolic Smoke Ball will benefit both [Nashville's own](#) Court Appointed Special Advocates (CASA) and Hands On Nashville (HON).

CASA provides trained community volunteers to advocate for the best interests of children who come to the attention of the court system primarily as a result of abuse or neglect. Last year in Nashville, over 2,000 children were caught up in the court system because they were abused, neglected or abandoned by those they loved and trusted the most. CASA's mission is to expedite the process through which these abused and neglected children find permanent, safe homes.

HON was founded in 1991 to help people transform the world around them by volunteering. Each year, HON coordinates over 38,000 volunteers with projects in more than 300 area service agencies and schools. Among its many endeavors, HON has coordinated the flood-relief efforts of over 17,000 volunteers and is committed to long-term flood recovery work in Nashville and the surrounding communities.

In addition to benefiting these two amazing non-profit organizations and the Nashville community at large, this cocktail/festive attire event will provide a formal social gathering for all members of the Nashville legal community and their friends. The Ball will be held from 8:00 p.m. until 11:00 p.m. and will feature live entertainment, heavy hors d'oeuvres, and an open bar with beer, wine and cocktails. There will also be a cocktail hour from 7:00 p.m. to 8:00 p.m. Ticket prices this year will be \$65 per person (in advance) and \$75 per person (at the door).

The YLD is seeking financial assistance for this benefit from local law firms and other businesses. Sponsorship levels are as follows:

Gold	\$3,000.00	(includes 10 tickets)
Silver	\$1,500.00	(includes 5 tickets)
Bronze	\$750.00	(includes 2 tickets)

Sponsors will receive tickets to the event based on their level of sponsorship and will have their name displayed on both the on-line invitation and all promotional material. In addition, they will be recognized in the Nashville Bar Journal, the YLD newsletter, and in other articles seen throughout middle Tennessee.

The YLD is also selling host spots to individual attorneys for \$150.00. As a host, an individual will receive two (2) tickets to the event and have their name published in promotional material and in the upcoming on-line invitation.

On behalf of the entire Nashville Bar Association, the YLD hopes that you or your firm will decide to assist CASA and HON and to strengthen the Nashville legal community by contributing to the Thirteenth Annual Carbolic Smoke Ball. **All sponsorship or host contributions should be made payable to "Nashville Bar Foundation" and sent to Robb Bigelow, Dickinson Wright PLLC, Fifth Third Building, 424 Church Street, Suite 1401, Nashville, TN 37219.**

Please respond via mail or email (rbigelow@dickinsonwright.com) by July 14, 2010, so that your tickets can be reserved as a limited amount of tickets will go on sale on that date.

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“Service to the Community, Service to the Profession”

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