Civil Lawyers in a Criminal World: 
*Gideon v. Wainwright* and Training 
with the Public Defender
Mark Donnell & Ryan Holt

Navigating the Metropolitan Government 
Legislative Process
Jon Cooper, Ana L. Escobar, and Douglas Russo

NBA PICNIC REGISTRATION FORM
NASHVILLE BAR ASSOCIATION

15TH ANNUAL FREE MEMBER PICNIC EVENT

SEPTEMBER 27, 2012  *  5:30-8:30PM

The 15th Annual Nashville Bar Association Member Picnic will be held on September 27, 2012! This event is FREE for all NBA Members

★ BBQ ★ Open Bars ★ Live Music ★ Socializing

This year’s picnic will have a fun Country Music Theme! Including trivia and fun activities provided by the event sponsors. Prize drawings and much more. Music will be provided by a local Nashville band – The Western Swingers. Bar-B-Q Dinner and Open Bars will be also be provided.

The event begins at 5:30 pm. Dinner will be served at 7:00 pm.

We look forward to seeing you all there!
Please RSVP Using the form on page 19, or RSVP Online at www.nashvillebar.org

The Hall of Fame Park is located centrally downtown between the Country Music Hall of Fame, Downtown Hilton Hotel and the Schermerhorn Symphony Center.
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**NBA CALENDAR OF EVENTS**  
Committee Meetings are held at the NBA Offices unless otherwise noted. For location of other events, please call the NBA offices at 615-242-9272 *= Special Event

- **September 12, 2012 - 11:30 am**  
  IP Committee Meeting

- **September 12, 2012 - 12 pm**  
  Memorial Service  
  Committee Meeting

- **September 13, 2012 - 3 pm**  
  Nominating Committee Meeting

- **September 17, 2012 - 11:30 am**  
  Probate Committee Meeting

- **September 18, 2012 - 12 pm**  
  Ethics Committee Meeting

- **September 20, 2012 - 9:30 am**  
  Finance Committee Meeting

- **September 20, 2012 - 10:30 am**  
  Executive Committee Meeting

- **September 25, 2012 - 9 am**  
  Nominating Committee Meeting

- **September 27, 2012 - 11:30 am**  
  Appellate Practice Committee Meeting

- **September 27, 2012**  
  NBA Picnic  
  @ Hall of Fame Park

- **September 28, 2012 - 5 pm**  
  Caen Sister Cities Reception

- **November 3, 2012**  
  NBF Fellows Dinner  
  @ Hutton Hotel

- **November 13, 2012**  
  NBA Swearing-In Ceremony  
  @ Justice AA Birch Building

- **November 15, 2012**  
  Memorial Service @ Downtown Presbyterian Church

- **November 16, 2012**  
  Healthy Bar Party  
  @ Waller Lansden

- **December 6, 2012**  
  Annual Banquet  
  @ Wildhorse Saloon

13  NBA 100% Club

16  Profile: Judge Thomas W. Brothers  
Bart Pickett

17  Pro Bono Profile: Patrick Witherington

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24  Classified Listings

**Golden Oldies**

Identify the individuals in the photo. Be the first to email the correct answer to nikki.gray@nashvillebar.org and your name (along with your correct entry) will appear in next month's issue.
FROM THE PRESIDENT  
by John Kitch

I have a friend who runs a number of movie theaters. He surprised me when I asked him once what made the most money. I was thinking popcorn and ridiculously priced candy and soft drinks. He told me no, that was second. Was it ticket prices? No, that was third. The winner by far was all the advertisements that come on the screen before the show starts. That got me thinking – advertisers aren’t stupid, so there must be a pretty good return on investment for them to spend that kind of money to run ads among trailers of new movies coming out. It must mean people really look at those coming attractions mixed in with the ads.

So here are my better-than-popcorn-and-tickets “coming attractions.” I want each of you to get a good return on your investment in the NBA and here are some great ways to do it.

First, take advantage of the stellar CLE presentations the NBA offers. One example is a mediation CLE coming up on September 20 at the NBA Conference Center. More great upcoming programs include the Back To School Practice Institutes, covering family law, estate planning and probate, employment law and trial technology; the constitutionality of health care reform; the locality rule in medical negligence cases; and many others. Sign up now and get that pesky requirement out of the way so you don’t panic when you realize you don’t have enough hours and the deadline is approaching, but if you do wait until the last minute we have CLEs then too.

Plan on spending time with us September 27 at the annual Free Members Picnic at Hall of Fame Park. I really like this event because it gives me a chance to see all my lawyer friends in an informal setting for food, frivolity and fellowship. Another benefit is that you will be able to meet our colleagues from Caen, France as they come to visit us this year from September 27 through October 2.

Speaking of that, you may or may not know that we have a “Twinning Agreement” with our French lawyer friends from Normandy. This is a formal relationship to promote collegiality among lawyers from our different countries. Every odd-numbered year Nashville lawyers visit Normandy and I was fortunate enough to go in 1997. It was an amazing journey and our French hosts were incredibly gracious. This year the French lawyers are coming to spend time with us and we want to make them as welcome as they make us when we visit them. Please consider helping us host our friends from Caen by attending the events we have planned for them. More to come.

On November 3 our sister organization, the Nashville Bar Foundation, will once again host a reception for its Fellows. The Fellows Program, established in 1991, is a way for the bar to honor its colleagues who have contributed significantly to the community. Each class of Fellows is limited to approximately 1% of the bar in Nashville. Those of you who are Fellows, please attend. It is a great event and I always look forward to welcoming the new Fellows to the fold.

November 8 is the tentative date for the celebration of the 50th anniversary of the U.S. Supreme Court decision in Baker v. Carr, the one-man-one-vote case. This case has its genesis in Nashville, first in our Chancery Court and then in the U.S. District Court for the Middle District of Tennessee. We will celebrate this important milestone at the Downtown Public Library and hope you will attend.
On November 13 the Nashville Bar Association will host a swearing-in ceremony and reception for all the newly admitted lawyers to allow them to meet our local judges and be welcomed to the bar of our Davidson County courts. It is also a great opportunity for those of us already in practice to spend some time getting to know our newest colleagues. Please plan to come and welcome them to the bar.

On a more somber note, the next Nashville Bar Association Memorial Service will be held on November 15 at the First Presbyterian Church in downtown Nashville. This event, held twice each year, recognizes those lawyers and judges who have passed away during the recent months. It is both a sad and uplifting time as we remember those of our colleagues who have departed.

Finally, ending both the year’s events and my term as president of the NBA, the Annual Meeting and Banquet will be held December 6 at the Wildhorse Saloon. I urge you all to attend this signature event as we recognize lawyers and judges who have served the Association, their clients and the public during the preceding year. I will be both happy and sad to pass the gavel to my old friend and former law professor Tom Sherrard, but I will be happiest to see all of you enjoying an evening of camaraderie with the best lawyers anywhere.

Got an Idea for an NBJ Article? We want to hear about the topics and issues readers think should be covered in the magazine. Send it to nikki.gray@nashvillebar.org

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**Belmont University College of Law Ribbon Cutting at the Baskin Center**

August 21st marked an exciting day for Belmont University as the College of Law moved into its permanent home in the Randall and Sadie Baskin Center. The ribbon cutting ceremony, attended by Nashville Mayor Karl Dean, Congressman Jim Cooper, members of the Belmont University campus, and other guests, marked the completion of 22 months of excavation and construction. The new three-story, brick and limestone building is an impressive 75,000 square feet and contains more than a dozen classrooms, a 21st Century trial courtroom, an appellate courtroom, and a two-story law library with seating for more than 300 patrons and ten group study rooms. A copper-roofed dome features a skylight at the top, which represents the “eye of God” guiding human law. Other amenities include a Student Services suite with two interview rooms, a 100-seat student lounge and patio, a student locker and mail room with changing and shower rooms, and offices for student organizations.

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**NBA Free Member Picnic!**

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**BBQ - Open Bars - Socializing - Live Music**

This year’s picnic will have a fun country music theme with trivia, fun activities provided by the event sponsors, prize drawings, and much more! Music will be provided by a local Nashville band - The Western Swingers. Bar-B-Q Dinner and Open Bars will also be provided.

The event begins at 5:30 p.m. with dinner served at 7:00 p.m.

The Hall of Fame Park is located centrally downtown between the Country Music Hall of Fame, Downtown Hilton Hotel and the Schermerhorn Symphony Center.

RSVP online at www.nashvillebar.org.

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**UPCOMING EVENTS:**

- **NBA Picnic**
  - Hall of Fame Park
  - Thursday, September 27, 2012

- **Solo Practice Breakfast**
  - Pancake Pantry from 7:30 - 9 p.m.
  - October 9, 2012
  - Roundtable Discussion: How are Clients Most Often Referred to Your Firm?

- **NBF Fellows Dinner**
  - Hutton Hotel
  - Saturday, November 3, 2012

- **NBA Swearing-In Ceremony**
  - Justice AA Birch Building
  - Tuesday, November 13, 2012

- **Memorial Service**
  - Downtown Presbyterian Church
  - Thursday, November 15, 2012

- **Healthy Bar Party**
  - Waller
  - November 16, 2012
  - 10:30 a.m. – 3:30 p.m.
  - Featured Topics: topics such as time-saving and stress-reducing technology for modern attorneys, the science of Mindfulness and achieving true work/life balance

- **Annual Banquet**
  - Wildhorse Saloon
  - Thursday, December 6, 2012
NBA Career Center Launch
The Nashville Bar Association is proud to launch the new Career Center, where you will find all of the best Nashville area legal jobs in one place.

Visit http://jobs.nashvillebar.org/home and navigate to the Career Center. Here you can search for and quickly apply to great, relevant jobs. You can set up Job Alerts so you are immediately notified any time a job is posted that matches your skills or interests. You can also create an anonymous job seeker profile or upload your anonymous resume so employers can find you.

If you need to hire legal professionals, the Nashville Bar Association Career Center will put your job in front of our members!

- Place your job in front of our highly qualified members
- Search our resume database of qualified candidates
- Manage jobs and applicant activity right on our site
- Limit applicants only to those who are qualified
- Fill your jobs more quickly with great talent

Job seeking is always free, and members enjoy a discount when posting jobs. For a limited time you can enter the code MEMBER12 to receive 15% off on all job posting products.

TUNE AWARD NOTICE
Nominations are being sought for the John C. Tune Public Service Award to be presented at the Annual Meeting & Banquet on December 6, 2012.

This award is to be given to the Nashville Bar Association member who has shown the highest degree of dedication not only to his or her work as a lawyer but to the betterment of the community in which he or she lives. The purpose of the award is to recognize members who make outstanding contributions to the greater Nashville area community while distinguishing themselves as practicing attorneys. Because of the nature of the award and the fact that it is to be considered the highest award which can be bestowed upon a member, it was decided that the award did not necessarily have to be given annually, but only when there is someone deserving of this award.

Nominations should be directed to Traci Hollandsworth at 615-242-9272 or traci.hollandsworth@nashvillebar.org.

Previous Winners:
1983 John C. Tune
1984 George C. Cate Jr.
1985 Harlan Dodson
1986 Reber Boulit
1987 Cecil Branstetter
1988 Harris Gilbert
1989 Wilson Sims
1990 Ruth Kinnard
1991 Avon Williams
1992 Charlie Warfield
1993 Bill Willis
1994 Frank Gorrell (Posthumously)
1995 G. Gordon Bonnyman
1996 Not Presented
1997 Aubrey B. Harwell, Jr.
1998 Jack W. Robinson Sr.
1999 Rebecca Thomas
2000 Valerius Sanford
2001 Margaret Behm
2002 David Vincent
2003 Ashley Wiltshire
2004 Gareth Aden
2005 Chief Justice Frank Drowota
2006 Mayor Bill Purcell
2007 Judge Barbara Haynes
2008 Judge Cissy Daughtrey
2009 Not Presented
2010 Mayor Karl Dean
2011 Bill Ramsey

Golden Oldies
Ben Cantrell correctly identified the individuals in the August 2012 Golden Oldies photo.
Pictured are:
Mike Engle and John Whalley

2013 Dues Forms
Our dues year ends on October 31, 2012. Look for your new dues statement in the mail in September. Please be sure to return 2013 NBA Dues forms before October 31, 2012 so that you may participate in our board elections in November. Remember that the information that you provide us with on your dues form is the information that we will publish next year in our 2013 NBA Attorney Directory. Review your information closely to insure that your listing is correct and return promptly to the NBA Offices.

If you have any questions regarding your dues form or member benefits please contact Vicki Shoulders at vicki.shoulders@nashvillebar.org or (615) 242-9272.

2013 Directory Photography
We are excited to have a new photographer for this year's directory! Some of you may already know Lin Rutherford, daughter of David Rutherford, and be familiar with her photography skills. We warmly welcome her to our offices for this year's photography sessions during the month of September.

Contact Lin at 615-399-0769 or phototwin1@bellsouth.net if you have any questions or would like to schedule a session.
Civil Lawyers in a Criminal World: 
*Gideon v. Wainwright* and Training 
with the Public Defender

by: Mark Donnell & Ryan Holt

Introduction

In February 2010, the Harry Phillips American Inn of Court presented a program entitled *Gideon v. Wainwright: Then and Now*. The program revisited the Supreme Court’s landmark 1963 decision, which guaranteed the right to counsel to indigent criminal defendants in state courts and assessed the still-compelling need for qualified representation. A group of Inn members, mostly criminal defense lawyers, took note and created a committee with the goal of expanding and improving the representation provided to the indigent in Davidson County. Specifically, the program encourages civil trial lawyers and their firms to step up and assume some responsibility. Bob Mendes, a member of the committee, wrote an article in the April 2012 issue of the *Nashville Bar Journal* entitled “If You Can’t Agree On What The Problem Is….” In that article, he described the challenges faced in Davidson County and introduced a “small experiment” conceived by the committee to address some of the needs. Part of the experiment was to attract and train civil lawyers in criminal defense; those lawyers would then accept appointments to represent indigent defendants. The authors of this article are the first two civil attorneys to participate in the program. We want to describe our experiences and what we hope to be the long-term benefits to us, our firms, indigent criminal defendants, and the bar generally. We will ask others to join us.

Back to the Classroom

We started with minimal criminal defense knowledge or experience. Our training began with a full-day seminar by the Tennessee Association of Criminal Defense Lawyers (TACDL). More than a dozen speakers presented on a range of topics, including booking, pre-trial, time computation, suspended sentences, jail programs, and trial techniques. (As an aside, all new attorneys seeking criminal appointments are supposed to take this seminar. See Local Rules of Practice, Metropolitan General Sessions Court, Criminal Rule 2.02). We received a copy of “Take This Book,” a handbook by the Metro Public Defender’s Office, designed to assist defendants and their families in understanding the criminal process; it is equally useful to new criminal defense lawyers. It explains the basics of the legal process in the General Sessions and Criminal Courts, from the first court appearance to trial, sentencing, and appeal. This book is available to you.

A Primer: Criminal Process in General Sessions

The final stage of our formal training was a two-week “boot camp” with the Public Defender’s Office, arranged by Nashville Public Defender Dawn Deaner, another member of the committee. We were each assigned to a division, each of which has several attorneys who work together in a particular judge’s courtroom. Every several weeks, each division spends two weeks on felony jail docket in General Sessions Court. During that time they represent defendants who have been recently arrested for felonies and have not been released on bond.

As we learned, felony jail docket presents many opportunities for courtroom and “system” experience, client interaction, and advocacy. Perhaps the best comparison is an immersion program in foreign language—but the language was the criminal practice in Davidson County. Before we go into more detail about our day-to-day experiences, it may be helpful to provide a brief overview of the criminal process in General Sessions Court.

For civil lawyers, General Sessions Court may conjure up thoughts of small collection and detainer actions, with more significant matters in the Circuit and Chancery courts. Not so for criminal matters, as all charges, from misdemeanors to homicides, are first heard in General Sessions. When a warrant is issued, the case
This was our first time to meet our clients, explain the legal process, and personally hear their side of the story. Then, we went to an office adjoining the courtroom to discuss plea offers with the district attorneys. Court began at 9 a.m. After the first docket call, we went to nearby interview rooms to discuss the plea offers with our clients. Some clients agreed, and we finalized the pleas. Others did not, so the court held preliminary hearings. After court ended, we discussed the outcomes of the day with our division.

We were struck by the sheer volume of cases handled by the Public Defender’s Office. In fiscal year 2011, the Public Defender’s Office represented individuals in Davidson County on over 40,000 charges in General Sessions Court, Criminal Court, and Juvenile Court. On the first day of boot camp for one of us, a single public defender met and interviewed sixteen clients before court began. That attorney was then responsible for negotiating with the district attorneys, reporting back plea offers, and if necessary handling a preliminary hearing for each of these clients. Court lasted until after 3 p.m. on that day. From a new lawyer’s perspective, it was an impressive feat of skill and stamina, but it was also an alarming example of our overwhelmed indigent defense system. After all, who among us, when faced with such a serious situation, would be comfortable with a lawyer who had only 30 minutes (8 hours / 16 clients) to devote to our case at this very critical court appearance? Even the best criminal defense lawyers in Nashville—many of whom work at the Public Defender’s Office—need more than 30 minutes per case to provide truly adequate representation to every client.

Our responsibilities increased as boot camp went on. For the first several days, we mostly observed and listened. But soon we were given more responsibility. We led client interviews. We negotiated plea deals with the district attorneys. We discussed the plea deals and their implications with our clients. We eventually represented our clients in preliminary hearings. By the end of our two weeks, each of us had conducted multiple cross-examinations.

The division leaders to whom we were assigned—Mary Kathryn Harcombe and Melissa Harrison—supervised and supported us throughout this process. At first, when we were only observing, they explained their thoughts and strategy in the interviews, negotiations, and hearings. Before we handled client interviews on our own, they reviewed the client intake forms with us and discussed potential questions to ask. When we interviewed clients, they sat beside us and offered suggestions. They supervised our preliminary hearings and provided us with feedback. We cannot thank them enough for the interest they took in our training and the patience they displayed as we learned.

As an example, one of us defended a client charged with simple possession of
Navigating the Metropolitan Government Legislative Process
by Jon Cooper, Ana L. Escobar, and Douglas Russo

Many readers probably received their first civics lesson about the legislative process from the 1970's School House Rock segment, “I'm Just a Bill”:

I’m just a bill
Yes I’m only a bill,
And I got as far as Capitol Hill.
Well, now I’m stuck in committee
And I’ll sit here and wait
While a few key Congressmen discuss and debate
Whether they should let me be a law.
How I hope and pray that they will,
But today I am still just a bill.¹

Unfortunately, we don’t have a clever cartoon with a catchy song to describe the Metropolitan Government’s legislative process. We considered writing a series of haiku poems, but decided it would be best just to provide you with a quick overview as to how the process works.

As a starting point, it is helpful to understand some important characteristics of our local government, which has now operated for almost fifty years. On June 28, 1962, Nashville and Davidson County citizens voted to consolidate the city and county governments, thus creating the Metropolitan Government of Nashville and Davidson County (“Metropolitan Government” or “Metro”). Beverly Briley was elected as the first Metropolitan Government mayor in November 1962, and Metro Nashville began its operation as the first truly consolidated local government on April 1, 1963.² Few citizens may appreciate the unique form of government that we have in Nashville. A consolidated form of government avoids the unnecessary duplication of services, which has resulted in lower property taxes relative to other urban cities in Tennessee. Many cities across the country (most recently Memphis) have attempted to replicate this form of government but few have been successful.

The city of Nashville is governed by the Metropolitan Charter, the Code of the Metropolitan Government of Nashville and Davidson County, Executive Orders issued by the Mayor, departmental regulations, Council Rules of Procedure, and the rules and regulations of boards and commissions. These laws and regulations can be found on the Metropolitan Clerk’s Office website, www.nashville.gov/mc.

The Metropolitan County Council (“Metro Council” or “Council”) is the legislative body for the Metropolitan Government. The Metro Council is a 40 member body, making it the third largest local legislative body in the United States behind New York City and Chicago. It is comprised of 35 district Council Members who are elected by district constituents and 5 Council Members-at-Large who are elected by all of Davidson County’s voters.³ The entire county also elects the Vice Mayor, who presides over Council meetings and other Council business. (To view a roster of the current Members of Council and Vice Mayor, please visit the Council’s website at www.nashville.gov/council.)

The Metropolitan Council transacts all official business through the passing of bills (also referred to as ordinances) or the adoption of resolutions. The Charter provides that the Council is to exercise its legislative authority by ordinance unless the Charter or another law of
general application provides otherwise. A bill is used to pass the city budget, tax levies, zoning changes, street/alley closures, encroachments within the public right-of-way, acquisitions of property, and the re-adoption of and amendments to the Metropolitan Code. There must be three separate readings in front of the Council before a bill can be passed.

A resolution is typically used to approve internal policy changes, memorializing (non-binding) actions, Charter amendments to be submitted to the ballot for a referendum election, the settlement of claims, leases of equipment, grants, and certain contracts to which the Metropolitan Government is a party, as well as to appropriate funds to the various Metro departments. A resolution may be introduced and adopted in one reading.

Legislation originates from three different sources: the Metropolitan Department of Law, the Council Office, and other departments within the city. The Council Office prepares legislation that is requested directly by a Council member. Regardless of its origination, at least one member of the Council must sign the bill or resolution before it can be filed with the Metropolitan Clerk’s Office. The deadline for filing legislation with the Metropolitan Clerk’s Office is 4 p.m. on the Tuesday immediately preceding a regular meeting of the Council. Prior to filing legislation with the Clerk’s Office, it must be delivered to and reviewed by the Council Office no later than noon on the Friday preceding the regular Tuesday filing date.

Before legislation can be considered on the floor of the Council, it must be heard and discussed by a standing committee of the Council. There are fifteen standing committees that hold regular meetings on the Monday and Tuesday of a Council meeting week. Committee meetings are open to the public, but the public may not testify unless called upon by a committee member. Assignments to a committee are made by the Vice Mayor. Unlike Congress or the Tennessee General Assembly, Council committees do not have the ability to “kill” a resolution or bill. Rather, such committees only make recommendations to the full Council. A resolution can be adopted with the majority of those Council members present and voting. A bill on third reading can be passed with a majority vote of the full Council (twenty-one affirmative votes) under most circumstances. However, if the Planning Commission disapproves an amendment to the zoning maps or Code, or the Traffic and Parking Commission disapproves certain legislation pertaining to the use of streets by traffic, then twenty-seven affirmative Council votes are required to pass the bill.

Council meetings are held on the first and third Tuesdays of each month at 6:30 p.m. in the David Scobey Council Chambers located in the Historic Metro Courthouse. Meetings are televised by Metro 3 and are also available on the Metro 3 website, www.nashville.gov/metro3. Citizens interested in zoning matters may address the Council at public hearing meetings during the first Council meeting of every month. However, the easiest and most common way to communicate with Council Members is by phone or email.

The Mayor is included in the final step of the legislative process before the bill becomes effective. All legislation approved by the Council is sent to the Mayor for approval. The Mayor must approve or disapprove legislation before the next Council meeting. If the Mayor does not veto a piece of legislation but simply refuses to sign it, the legislation will become effective without his signature. All legislation which the Metropolitan Council passes includes a statement as to the effective date. Zoning bills do not become effective until the Metro Clerk’s Office places a legal notice in a newspaper of general circulation. Once legislation becomes effective, it is submitted to the Municipal Code Corporation for publication to officially become part of the Code of the Metropolitan Government.

Just like on Capitol Hill, lobbyists play a role in our local government. Lobbyists are required to register with the Metropolitan Clerk’s Office within five days of being hired to lobby for an entity. In order to register, potential lobbyists must provide written proof of their authority to lobby on behalf of each employer. It is important to distinguish between an attorney representing a client and a person lobbying for a client. The Metropolitan Code defines “lobby” as “communicat[ing] directly or indirectly, with any official in the legislative branch or executive branch for pay or for any consideration, for the purpose of influencing any legislative action or administrative action.” Since the lobbyist registration process is easy and inexpensive, registration is highly recommended if there is any question whether an attorney’s activities may arguably be considered lobbying.

The agenda, an analysis of the proposed legislation, and the minutes of each meeting are published online. The Metropolitan Clerk’s Office publishes
Well, Shiver Me Timbers!
There Be a Technical Manual on Patents, Trademarks, and Copyrights that Is Actually an Entertaining Read

The Pirate’s Guide to Patents, Trademarks, and Copyrights: Insider Tactics for Beating Pirates on Their Own Terms

Author: David D. Winters, J.D.
Publisher: David Douglas Winters
Release Date: June 18, 2012
ISBN-10: 0615632009

Copyrights, trademarks, patents…a technical manual on these subjects generally would cause the eyes of most readers, lawyer or not, to glaze over in tedious boredom. Clarksville-based attorney David Winters, however, has found a way to make the subject engaging for both lawyers and artisans simply looking for practical advice to protect their ideas.

When we go to law school, we are taught to “think like a lawyer.” Winters, through his alter ego, Skipper “Diamond Dave” teaches you to “think like a pirate.” As the old saying goes it takes a thief to catch one. And, the Skipper definitely knows what he is talking about. He confesses early in the book that he once was a techno-pirate who smuggled telecommunications products in a classic case of malum prohibitum (i.e., not evil, merely prohibited). It is a riveting tale about a time when the U.S. had free competition in the telecommunications industry but other countries did not. Well, that is, until Skipper and his mates came on the scene and broke up telecommunication monopolies worldwide. From that experience, the Skipper has garnered a treasure trove of advice that he shares that is useful for anyone wanting to take the most advantage of IP laws.

Conversationally written (frequently in pirate speech, mateys), the book is collection of lessons Winters has given to his clients over the years. To break down the complex (often “foolish” per Skipper) laws governing intellectual property and make them easier to remember, Winters engaged in storytelling when advising his clients – inventors, authors, artists, entrepreneurs, and even other lawyers. As the Skipper explains “intellectual properties such as patents or copyrights are not derived from basic or inherent rights. They are merely artificial constructs in the rules of a game we call ‘commerce.’” These artificial constructs are explained through Pirate Rules that introduce each chapter. Rules such as:

Pirate’s Rule #2: There are only two laws in this word, what a man can do and what he can’t. (credit to Jack Sparrow)

Pirate’s Rule #8: A patent is merely a hunting license.

Pirate’s Rule #9: Nobody has a Provisional Patent.

Pirate’s Rule #11: Trademarks don’t need no stinkin’ registration. (But registration is cheaper than litigation.)

Pirate’s Rule #12: (The Rule of Gross Tonnage) Big ones run over wee ones, unless wee ones are very wily.

Pirate’s Rule #15: Recording artists do not get rich through recording contracts. Scurvy middlemen do.

Pirate’s Rule #21: Inventing is but a small part of innovation

Well, Shiver Me Timers!
There Be a Technical Manual on Patents, Trademarks, and Copyrights that Is Actually an Entertaining Read
THE NATIONAL ACADEMY OF
DISTINGUISHED NEUTRALS

TENNESSEE CHAPTER

The following NASHVILLE AREA attorneys are recognized as Charter Members for Excellence in the field of Alternative Dispute Resolution

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Laptop or Ultrabook…check. USB hard drive…check. Extra VGA cable…check. Barcode scanner…check. Your trial preparation checklist may appear like this in this golden age of legal technology. Indeed, trial presentation technology really burst on to the national scene way back in 1995, during the O.J. Simpson murder trial. Gradually trial attorneys have come to appreciate the efficiencies that trial presentation software brings to the trial process, not to mention the effectiveness of enhancing your argument with a multi-media presentation that captures and holds the attention of the jury. We have used a number of trial presentation software applications from traditional PC-styled software to the new iPad presentation apps. One of the pioneers in this genre and still one of the strongest players in the market, in our opinion, is Indata Corporation’s TrialDirector. We have repeatedly gone back to Trial Director when tasked with the responsibility of constructing, organizing, and presenting a diverse set of exhibits for trials both large and small.

Trial Director 6.4 was released early in 2012, and continues to represent the gold standard in trial presentation technology. Bowing to the growing popularity of iPad apps that allow users to present trial exhibits directly from their iPad, InData has announced a forthcoming mobile app, TDMobile, that will integrate with the Trial Director PC product but that can also be used in standalone mode. These iPad apps are great; but, if you need a full-featured presentation software program that allows you to do everything from presentation layering to video editing and deposition video transcript synchronization, it is hard to beat TrialDirector.

The appeal of TrialDirector begins with the intuitive interface with an Outlook-like Case Explorer window that organizes your exhibits into functional groups. In addition, the ability to create user-designed workbooks for further organization of presentation items into a user-specified organizational structure is a huge benefit. Our practice is to create separate workbooks for each witness that may be called during trial. We simply drag and drop the exhibits (documents, photos, charts, video clips, etc.) that we may want to use for that witness into that witness’s workbook. We then like to use the barcode reporting feature in TrialDirector to print out a barcode sheet for each workbook (witness). Using the exhibit barcodes, we can quickly and effortlessly pull up exhibits on the screen in court by scanning the barcodes from the TrialDirector list with a standard barcode reader (not included with the TrialDirector software).

One of the new features introduced in the latest incarnation of TrialDirector is integration with SMART Board™ technology, which allows the user to pull up documents and annotate them directly on a SMART whiteboard. This feature takes trial presentation to the next level, although it may have limited use because SMART boards are not frequently found in courtrooms right now. Nonetheless, we love playing “TV anchor” by moving documents and photos around on a giant whiteboard.

Because TrialDirector is so feature-rich, a novice may find it somewhat overwhelming out of the box. Our recommendation is to get familiar with the basics of the software well in advance of trial and only use the features that you are comfortable with. There is a good introductory tutorial included in the help documentation which is certainly sufficient to get someone up to speed enough to use the basic features in trial. Regardless of how much you know (or think you know); however, there is absolutely no substitute for practice. Even though between the two of us we have logged many hours in the courtroom using these technology tools, to this day we always like to do a dry-run using our technology toys (tools) before trial, simulating as much as possible the conditions in the courtroom. The only thing worse at trial than an unprepared attorney is an unprepared attorney attempting to use technology.

See you next month,

Bill & Phil
The Nashville Bar Association 100% Club is a special category of membership that demonstrates a commitment to the legal profession and our community from legal organizations with more than three attorneys that enroll 100% of their Nashville attorneys as members of the NBA. Contact Vicki Shoulders at 615-242-9272 or vicki.shoulders@nashvillebar.org. Firms, law departments and legal organizations that join this Bar year will be recognized as such throughout the year.

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Situs & Harbison, PLLC (46)
Adams and Reese LLP (35)
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Weatherly, McNally & Dixon, PLC (3)
cocaine and two counts of automobile burglary. It appeared that the client would accept the plea deal, but when that did not happen, a preliminary hearing was held. The state called five witnesses: three civilians and two police officers. The direct examinations provided an opportunity to assess the weaknesses of the proof, and those weaknesses gave material for cross-examination. The public defenders supervised each cross-examination and solicited questions when appropriate.

Attorneys often say there is no typical day on the job, and this was often true of boot camp. On some days, rather than attending felony jail docket, we went to Criminal Court and observed arraignments and probation violation hearings. On other days, we helped the public defenders prepare for upcoming trials by reviewing the district attorney’s discovery responses and meeting with the public defenders and clients. One of us handled a brief misdemeanor trial in General Sessions Court and made several trips to the jail to meet with and interview clients.

After Boot Camp
After completing boot camp, we have each accepted appointments in Criminal Court to represent indigent defendants. If the Court finds a particular defendant to be indigent, but a conflict of interest precludes representation by the Public Defender’s Office, then the Court must appoint a private attorney. At this stage, we receive a copy of the indictment as well as the judge’s scheduling order. We also meet our client for the first time and formally enter pleas of not guilty to the charges in the indictment.

After arraignment, we schedule a time to meet with our clients, which sometimes means a jail visit. We gather as much information as we can. At the same time, we issue discovery to the district attorney assigned to the case. This provides us with the police report related to the case, any available witness statements, and our client’s criminal history.

The next step is to attend the client’s first “Discussion Date.” Discussion dates are informal settlement conferences. The client must be present for the docket call, then we have an opportunity to discuss the case with the district attorney, consider any plea offer, and discuss it with our client. If the plea is acceptable, it can be entered that day. If no deal is reached, the case gets pushed to the client’s next discussion date, usually a month to six weeks later. If the discussion dates yield no plea agreement, the case is set for trial.

Our appointed cases are still in their early stages, but we have each had some interesting experiences. One of us interviewed an alleged victim on video, and the interview eventually led to the dismissal of the charges. Another case required one of us to make several trips to the Criminal Justice Center to visit with our client. In each instance, we are doing things for the first time, learning more about the process, and striving to provide quality representation to individuals who cannot afford a private attorney.

The time commitment varies depending on the stage of the case. In some weeks, there is very little for us to do. In others, if we have a court date, we may spend a good portion of one day in the courthouse, then several hours during the week communicating with our client and the district attorney. With one to three active cases at a time, the workload is very manageable.

Continuing Education
There is an opportunity for continued focused learning. Criminal defense attorney Rich McGee, another committee member, hosts a “roundtable” meeting at his office the first Thursday of each month at 6 p.m. The roundtable is open to all criminal defense lawyers and usually focuses on a particular issue relevant to criminal practice. It has also proved to be a tremendous mentoring program for new lawyers in the criminal arena, providing an opportunity to swap stories and solicit advice from more experienced members of the criminal bar.

Benefits to Us and our Firms
From the perspective of two new litigators, perhaps the greatest personal benefit of the program is courtroom experience. In our civil practices, while we each have the opportunity to work on complex business disputes, those cases do not often present us with significant time in the courtroom. However, between preliminary hearings in General Sessions Court, arraignments and motion practice in Criminal Court, and potential trials in the future, this program should allow us more courtroom experience than many of our contemporaries in similar law firms.

Representing indigent criminal defendants also gives us the opportunity for significant client contact, and it allows us to handle cases largely on our own. Seasoned criminal attorneys are available to us as mentors, and their advice is invaluable. But we are solely responsible for handling the case each day—from gathering information, developing a story, negotiating with the district attorney, and representing our clients in court.

This is not to say that the experience has always been pleasant. To the contrary, it has, on numerous occasions, forced both of us outside our comfort zones. In our civil practices, we usually have time to deliberate and strategize without leaving the office. During boot camp, we experienced our first jail visits, our first cross-examinations, and our first negotiations with district attorneys. We had to think on our feet; there wasn’t time to spend a couple hours on Westlaw. It was trial by fire. But this type of training trumps reading a manual or attending a seminar.

Another benefit to our firms is our increased familiarity with criminal law. Criminal lawyers and judges speak another language, and spending time in
the Criminal Court is the best way to become fluent. Having someone who can translate is a benefit to any firm—whether the firm is seeking to build a criminal practice or simply wants to assist clients with the occasional criminal problem. One of us has already assisted a paying client in a criminal matter.

Benefits to Our Clients and the System
In closing, we return to the unfulfilled promise of *Gideon.* How do a few civil lawyers help?

As noted above, the Public Defender’s Office handles an incredible number of criminal cases. They do an impressive job. However, in various situations, such as where conflicts arise, the courts will appoint other members of the bar. The court is charged with identifying and appointing attorneys who are competent to assume such representation. Programs such as this are designed to attract and train additional lawyers to accept such appointments. Even programs like this—begun on a small scale—can “seed” the bar to further promote the professionalism of such representation and to encourage the bar broadly to assist in fulfilling the promise of *Gideon.*

Bob Mendes’s article in the April bar journal drew an analogy between indigent criminal defense and the public education system. We would like to take this analogy a step further.

In 1990, Wendy Kopp founded Teach For America. Our system for training educators was producing many fine and successful teachers. But Kopp recognized that there was an untapped source of enthusiasm: many college graduates who hadn’t planned to be educators would jump at the opportunity to teach at some of our country’s most challenging public schools. These people were motivated by idealism, a desire to provide a public service, or simply the opportunity for more responsibility than other straight-out-of-college jobs.

Teach For America’s model is simple. It recruits people who are willing to teach for two years in public schools that serve low-income students. In the summer before its teachers begin, they attend a six-week training institute, where they are immersed in pedagogical theory, mentored by experienced educators, and provided feedback while teaching summer-school classes. They are placed at public schools where they work alongside other teachers. During their two-year commitments, Teach For America provides frequent supervision and support.

After their two years have passed, many of these teachers remain in education, but many return to the careers they had been pursuing. Teach For America encourages its alumni to branch out into careers outside education; educators alone, it believes, cannot solve the challenges of the public education system.

This Inn of Court inspired program is distinct from Teach For America in important ways. For one, after boot camp, its participants are only part-time criminal defense lawyers, while Teach For America’s corps members are full-time teachers. But we believe that Teach For America provides a window into what is possible. We suspect that there are new attorneys at civil law firms looking for ways to provide a public service and gain courtroom experience. Not all of them will continue to practice criminal defense indefinitely, but as Teach For America has shown, diversity of career paths is a good thing. The more attorneys who understand the criminal-justice system’s inner-workings and demands, the stronger that system should be.

We are realistic about this program’s impact so far. Only two of us have gone through the boot camp. While there, we spent as much time observing as participating, and when we participated, we were supervised. We have just begun to take appointed criminal cases. And we would not suggest that we are more efficient or effective than anyone else would be at this stage. But we are interested, committed, and will keep learning and taking more cases; we hope that others will join us in this effort. If that happens, this program should be able to provide a worthwhile public service.

Please email Dawn Deaner at dawndeanner@jis.nashville.org if you are interested in participating in the program.

Mark Donnell is an associate in the business litigation practice group at Frost Brown Todd and a 2011 graduate of Vanderbilt University Law School.

Ryan Holt is an associate in the business litigation practice group at Sherrard & Roe, PLC and a 2010 graduate of Vanderbilt University Law School.
Judge Brothers, a native Nashvillian, was born to Mack and Sarah White Brothers in 1951. Judge Brothers’s family was in the grocery business and also owned Big Brother Aircraft which sold Aero Commanders. Judge Brothers actually learned to fly a plane before he learned to drive a car. He attended Parmer Elementary School and Montgomery Bell Academy for his secondary education. Following high school, Judge Brothers attended the University of Tennessee where he graduated in 1973, with a Bachelor of Arts degree with honors. He spent the next year traveling the western United States in a camper as well as bartending in Marabella, Spain.

Judge Brothers returned to Nashville to attend law school at Vanderbilt in 1974. He credits John Hooker and Jack Norman, Sr. and their performances in the Gourley murder trial of 1969, as inspiring him to become a trial attorney. Judge Brothers even has the desk of John Hooker in his office. Judge Brothers’s father had acquired the desk as a bequest from his good friend John Hooker after Hooker’s passing.

The summer after his 1L year, Judge Brothers went against conventional wisdom of gaining legal experience by choosing to return to Spain to his bartending job on the beach. The summer after his 2L year, Judge Brothers threw his hat into the political ring. He ran as a Democrat in Belle Meade for the 56th state house district. While he credits the loss as a humbling experience, he only lost by 186 votes in a traditionally Republican district.

Judge Brothers was admitted to practice law in Tennessee in 1977. Immediately after law school, Judge Brothers served as Chief Warrant Officer for the Davidson County Sheriff’s Department. Judge Brothers then practiced law in Nashville as a solo practitioner in the law offices of Jack Norman, Sr. from 1978-1989. He refers to himself as a true general practitioner in those days. He took all kinds of cases, both criminal and civil.

In February 1989, Governor Ned McWherter appointed Judge Brothers as judge of the Sixth Circuit Court of Davidson County. Judge Brothers had been the co-chair of the Davidson County campaign for Governor McWherter in his 1986 election campaign. Judge Brothers had never even considered being a judge before being asked by the Governor. The people of Davidson County have re-elected Judge Brothers in every election since his appointment. We will have the chance to once again cast a vote for Judge Brothers as he plans to run for re-election in 2014.

Many people know Judge Brothers for his love for technology. The Sixth Circuit is the only court in the state that’s official record is a video recording rather than the traditional court reporter prepared transcript. Judge Brothers made that change in 1996. He is particularly proud of the fact that with the audio/visual record, every proceeding in the Sixth Circuit is actually recorded and therefore “on the record”. The proceedings are available for a nominal fee. As a result, the public has more open access to the courts.

Judge Brothers believes all lawyers should take advantage of the technological opportunities provided in the courtroom in presenting their arguments. Based on his many talks with jurors and review of juror surveys, Judge Brothers knows that PowerPoint presentations are effective. Just make sure you test the equipment before court and that you always have a backup. For example, the “doc cam” in
the courtroom can serve as a backup for your presentation if you have a hard copy of your presentation available. In regard to the juror surveys, Judge Brothers recommends that all lawyers who have a trial in Sixth Circuit Court return following the trial to review the surveys which provide practical advice and input from jurors.

Judge Brothers has been married to successful, Music Row real estate broker Lura Bainbridge since 1992. The two were married in San Tropez, France. They still enjoy traveling whenever they can. Judge Brothers also enjoys cooking in his spare time.

Bart Pickett is an attorney with Hall, Booth, Smith & Slover, P.C., specializing in medical practice and insurance defense. He is a graduate of the University of Tennessee College of Law and former law clerk to the Honorable Thomas W. Brothers of the Sixth Circuit Court of Davidson County and the Honorable Joe P. Binkley, Jr. of the Fifth Circuit Court of Davidson County.

PRO BONO PROFILE: Patrick Witherington

Holding his special edition “Homerun Hitter” baseball signed by each member of the Supreme Court, Patrick Witherington is still in awe about this award recognition that he received at last fall’s Nashville Bar Association Celebrate Pro Bono luncheon. After all, he has only been helping the community for a short time doing work with the Nashville Pro Bono Program.

As of this month, Patrick will have been a volunteer with the Nashville Pro Bono Program for 20 months. It started with an email that had been floating around his previous firm, Howell & Fisher, that he responded to in November 2010, offering to take a pro bono case. Since then, he has taken on three additional cases, involving torts and contracts litigation, working about 20 hours on the four cases combined.

“When I first got involved, the economy was going south,” Patrick states. “When I saw the emails, I decided to dedicate more of my practice to giving back.” This dedication has had a terrific impact for the clients. In one case Patrick obtained dismissal on an appeal to Circuit Court of a $9,000 judgment by a Homeowners Association against an unemployed 45-year-old man who had been unable to get routine repairs made.

That dedication continued when Patrick teamed up with his now partner, David Callahan III, to form their own law firm. Callahan Witherington, PLLC opened on 10th Ave in April 2011, and Patrick was committed to making sure that they stayed involved with the legal service programs, even with all the pressures that come from running their own firm.

“[Nashville] Pro Bono is great to work with,” Patrick confessed to us. “They are well organized and put me in a great position to work on a case. They make it easy for a lawyer with no pro bono experience to just step in and take cases.” He can only hope that his experience can set an example to get more attorneys involved.

“Lawyers have a duty to help the less fortunate,” he states. “I only wish to see more attorneys take on an active role to support the program, because in the end, it helps support the community.”

If you want to join Patrick and the Nashville Pro Bono Program in making our community stronger, contact Lucinda Smith at 615-780-7127 or lsmith@las.org.
the Council agenda on its website the Wednesday before each Tuesday meeting. The Council Office publishes an analysis of the proposed legislation on the Thursday prior to the Council meeting. The purpose of this analysis is to provide a summary of the legislation, as well as to point out any potential legal issues that may be associated with the legislation. The agenda analysis is available on the Metropolitan Council website. Following each Council meeting, the Metropolitan Clerk’s office prepares the minutes of the meeting, which are posted on both the Clerk’s and Council’s website.

The Council Office and the Metropolitan Clerk’s Office are available to assist attorneys who have questions about particular pieces of legislation or the legislative process. Please feel free to call us, because we are from the government, and we are here to help!  ■

Jon Cooper is the Director of the Metro Council Office and Special Counsel to the Council. Jon has worked for the Metro Council since 2001, and was appointed by the Council to his current position as Director and Special Counsel in 2008.

Ana L. Escobar is the Metropolitan Clerk prior to her appointment she practiced criminal law for fifteen years.

Douglas Russo is a second Year law student at Belmont University College of Law interning at the Council Office.

(Endnotes)
4 Metropolitan Charter, § 3.05.
5 Id.
7 Council Rule 11.
8 Id.
9 Council Rule 3.
10 Metropolitan Charter, §§ 18.02 and 11.905.
11 Metropolitan Code, § 2.196.020.
The 15th Annual Nashville Bar Association Member Picnic will be held on September 27, 2012! This event is FREE for all NBA Members.

* BBQ * Open Bars * Live Music * Socializing

The Hall of Fame Park is located centrally downtown between the Country Music Hall of Fame, Downtown Hilton Hotel and the Schermerhorn Symphony Center.

We look forward to seeing all you law abiding folks there!

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RSVP online at: www.nashvillebar.org
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150 4th Ave., N., Suite 1050
Nashville, TN 37219

Or RSVP online at: www.nashvillebar.org
In Music City, lawyers and artists should take heed the advice set forth in the chapter titled “Recording Artists Don’t Need No Stinkin’ Middlemen.” (See Pirates Rule #15.) In this chapter, Skipper gives an overview of the recording business explaining how artists primarily generate income through concert tours whereas recording sales, the source of revenue for recording labels, are essentially advertisements for the artist. In light of advancements in technology, this old model is no longer necessary and Skipper provides tips to navigate the new paradigm.

Of particular interest to non-IP lawyers may be the chapter devoted to understanding the inventive side of patent attorneys (they do not merely draft patent applications but provide contributions to them as well). This chapter also articulates the difference between a patent attorney, patent litigators (who are often not patent attorneys), litigating patent attorneys, and patent agents (Pirate’s Rule #6: Patent attorneys walk on water and frequently have large dinghies). Additionally, the Appendix titled “The Catechism of Intellectual Property Crime: A compendium of penalties for imitation, the sincerest form of flattery” provides a plain language breakdown of the U.S.C. penalties. It is followed by the “Intellectual Property Tactical Matrix,” a table that explains the protection available (e.g., design patent, copyright, plant patent trademark, servicemark, etc.), the protection period, and cost for various subjects ranging from art work to a living plant invention to written works to a business slogan.

For those looking for less technical information, there is even a subsection in the Copyrights chapter on “How to Become a Famous Dead Artist.” With some tongue-in-cheek, albeit practical, advice the Skipper lays out seven steps to leave a creative legacy.

Regardless of whether one approaches the book as a non-IP lawyer wanting to glean more insight into the IP works to better guide their clients or as a creative mind (artist, musician, inventor, etc.) wanting to learn more about how to protect her works through the intellectual property process, the book offers a bounty of information in an easily digestible, humorous format. It may quickly be read cover to cover or if you just want to dip your toes into the water, each topical chapter stands alone to be accessed as necessary.

**About the Author:**

David Winters is a Tennessee Patent Attorney of variegated background. He is a graduate of the United States Naval Academy, Annapolis (B.Sc., Physical Science), and the University of Southern Mississippi (MSc Computers and Telecommunications). In one of his careers, he spent several years defending against spies, snoops, hackers, and other information pirates as the Navy’s Code Master in Europe. These responsibilities unexpectedly resulted in a number of assignments leading special operations forces in the Middle-East and Eastern Europe.

After that, there was no turning back. Having thus embarked upon the proverbial “slippery slope”, he went to law school. He is a law graduate of Oxford Brookes in England (D.LL.) and of Southern Illinois University School of Law (J.D.). In 2002, he opened his own intellectual property practice, Winters Patent Law (http://ipglobal.biz/home). Although functionally part of the Nashville community with an office in Clarksville, the firm served clients worldwide with staff fluent in French, Spanish, German, Romanian and, of course, English. This practice included intellectual property life-cycle management, trade secret management and security, infringement representation, licensing, copyright applications, trademark applications and searches, patent graphics, and patent applications and searches. Patents obtained through Winters Patent law have proved commercially profitable approximately one hundred times more frequently that the USPTO (United States Patent and Trademark Office) estimated average.

Winters has authored numerous articles on intellectual property—many of which formed his recent book. The Pirate’s Guide to Patents, Trademarks, and Copyrights – and he is a frequent contributor to the Nashville Bar Journal, sharing his wealth of knowledge from his intellectual property practice. He was the won the NBJ’s 2008 Article of the Year Award for his Confessions of a Techno Pirate. Currently, Winters is phasing out his law practice and moving into consultation, providing advice to IP attorneys and clients worldwide. He is a skilled aviator and yachtsman with over 30 years of experience in each. Winters’s plane, the Frolic is a vintage model ((a pre-World War II two-seater Ercoupe) that he has owned since 2004.

**Eleanor (Ellie) Wetzel** is licensed to practice in Tennessee (since 2002) and Indiana (since 2000). Her career has been devoted to research, having served twelve years as a judicial clerk for state and federal courts. While working for the U.S. District Court for the Southern District of Indiana, she participated in the adjudication of a handful of patent cases.
I work to protect our clients’ interests.

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Private Wealth Management Legal Specialty Group. You’re always focused on what’s best for your clients. With SunTrust’s dedicated Legal Specialty Group, you’ll get that very same treatment. Our knowledgeable financial advisors provide firms like yours with valuable strategies on everything from cash flow to expense management to insurance. Simply put, your interests are our passion. Visit us at suntrust.com/law or contact an advisor and get to know all the benefits of working with SunTrust.

Bob Lawhon, Client Advisor, SunTrust Investment Services, Inc.
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Lynda Motes Hill has joined Frost Brown Todd as a member of the Firm’s litigation department, focusing her practice on products liability, business and commercial litigation. While at her previous firm, Hill spearheaded the networking program, “50 Women You Need to Meet,” which established a network of female decision makers in Nashville, Atlanta, and Chattanooga. The program promotes networking and provides a platform on which the participants can share information and resources. Hill is also a member of the Rotary Club of Nashville and president of the TuneTown Show Chorus, an organization of female a cappella singers. She also plans on becoming a valuable resource to Frost Brown Todd’s Women’s Initiative.

Allen Grant recently joined the law firm of Morgan & Akins as an associate attorney, bringing nearly four years of extensive trial experience. His practice will focus primarily in civil litigation, including workers’ compensation and insurance defense. Prior to joining the firm, Grant served as an Assistant District Attorney General for the Davidson County District Attorney’s Office, where he successfully litigated numerous jury and bench trials. He earned his Bachelor of Science degree from Middle Tennessee State University, graduating with honors. He received his Juris Doctorate from the University of Memphis School of Law. While attending the University of Memphis, Grant also served as law clerk to the Honorable John R. McCarroll, Jr. of Shelby County Circuit Court.

Peter Dawson recently joined the Law of Offices of Sean Lewis, PLLC as an associate attorney. Dawson will focus primarily on immigration and criminal defense. He is a graduate of Belmont University and received his law degree from the University Of Memphis Cecil C. Humphreys School Of Law. Mr. Dawson also interned for the EOIR Immigration Courts from September to December, 2011.

David M. Bullock has joined Tune, Entrekin & White, P.C. where he will practice primarily in the area of environmental law. For the past 22 years, he has advised companies on environmental permitting and compliance matters as well as representing them in state and federal court litigation. Prior to his work in the private sector, he spent eight years with the Environment and Natural Resources Division of the U.S. Department of Justice. He is certified under Rule 31 as a General Civil Mediator. He received his B.A. degree, cum laude, from Vanderbilt University and his J.D. degree from Vanderbilt Law School.

Steve Cavezza has joined Arena Law Firm in Brentwood as Of Counsel. He will focus his practice primarily on helping injured clients throughout the state of Tennessee in Personal Injury and Workers' Compensation matters. Cavezza earned his law degree from Florida Coastal School of Law in 2010. Prior to moving to Nashville, he managed litigation as in-house counsel for a Fortune 500 insurance company in Jacksonville, Florida.

Belmont University College of Law Class of 2015 currently numbers 104 with 15 states are represented. The top feeder schools include the University of Tennessee, Middle Tennessee State University, and Belmont University. Women comprise 48% and students who identify themselves with underrepresented minority groups comprise 12.5%. The average age of the entering class is 25. The median LSAT score is 154, and median G.P.A. is 3.33. Of the admitted applicant pool for this past admissions cycle, 50.5% accepted their seat offer and matriculated to Belmont Law. The credentials of Belmont’s second law school class exceeded the goals set by the administration. The Charter Class’ credentials exceeded the set goals as well. Moreover, their credentials ranked higher than 58 ABA-approved law schools and are on par with 15 others.

Bobby Guy, of Frost Brown Todd LLC, is co-chair of the American Bankruptcy Institute’s (ABI) Health Care Committee, which has just released the Third Edition of the “Health Care Insolvency Manual.” As co-chair, Guy oversaw the preparation of the new edition, coordinating with the editors-in-chief and acting as one of the lead editors for a dedicated team of health care and insolvency professionals. Guy specializes in fixing, selling, and buying underperforming healthcare businesses as well as working for numerous healthcare companies and funds across the country. He is trained as a professional negotiator, certified in business bankruptcy, and is the recipient of the Turnaround of the Year Award in 2011 for his work in selling FDA-regulated cosmetics manufacturer Cosmolab, Inc.
Nashville Bar Association members may send Disclosure announcements via email to nikki.gray@nashvillebar.org

Submissions are subject to editing.

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Contact Vicki Shoulders (615.242.9272, vicki.shoulders@nashvillebar.org) for details.

DIAL - A - LAWYER

Dial-A-Lawyer is held the first Tuesday of each month.

August Volunteers:

| Helen Cornell       | Howell O’Rear   |
| Tom Lawless         | Joe Rusnak      |
| Lewis, King, Krieg & Waldrop, PC.* |

To volunteer your time, please contact Wendy Cozby, LRIS Coordinator at wendy.cozby@nashvillebar.org or 242-9272. Pro Bono credit does apply and dinner will be provided.

The NBA dues year ends on October 31, 2012. Look for your new dues statement in the mail in September. Please be sure to return 2013 NBA Dues forms before October 31, 2012 so that you may participate in our board elections in November. Remember that the information that you provide us with on your dues form is the information that we will publish next year in our 2013 NBA Attorney Directory. Review your information closely to insure that your listing is correct and return promptly to the NBA Offices.

If you have any questions regarding your dues form or member benefits please contact Vicki Shoulders at vicki.shoulders@nashvillebar.org or (615) 242-9272.
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100 OAKS/BERRY HILL
Building in eclectic neighborhood of Berry Hill available for lease September 1st. This building of approximately 2100 square feet has a large conference room with white oak paneling and a crab orchard fireplace, a large reception area, five offices, a full kitchen and one and a half baths. It is in exceptional shape, inside and out. Numerous recent improvements. $2,200.00 per month plus utilities. Berry Hill codes will also allow the owner of the business who locates there to live there as well. To view contact Bill Britt, 615/681-5857. MLS 1368580. For more information go to: http://listings.realtracs.com/Reports/EmailPublicReports.aspx?EmailID=49429049&reportid=3.

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Law firm has office space to rent for two attorneys and assistants, if needed or option 2 attorney can sublease entire suite which will accommodate four to five attorneys and staff. Office is located in the Regions building downtown on the first floor with window view. Includes internet, all utilities, use of copy/fax/scanner, and postage machine. If interested, please e-mail rmimmo@nimmolaw.com or contact Price Nimmo at 615-244-2244.

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Prime, A++ office space with two conference rooms for lease in the 5th 3rd Bank Tower, Downtown Nashville. State of the art copier, scanner, fax, high speed internet access, digital phone system and receptionist all provided. Receptionist provided to answer your phone line and greet your clients. $1,750.00 per month. Contact: John Agee @ (615)256-5661 or (615)218-7131.

DOWNTOWN OFFICE SPACE AVAILABLE NEAR COURTHOUSE
Downtown office space available on the first floor in the historic Barristers Building at 329 Union Street in Nashville. Four offices, library, conference room, kitchen, secretary space and reception area available. One block from courthouse, banks and restaurants. Call Jonathan Williams, 615-256-8880.

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GREEN HILLS
Established Green Hills law association has office and adjoining secretarial space available for immediate occupancy. Free parking, excellent on-line and hard-cover Tennessee library, conference rooms, receptionist, and voice mail available. Call 383-3332.

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Established Nashville law firm has three office spaces immediately available. Includes receptionist services, cable internet, telephones and fax, conference room, kitchen, copiers, some LexisNexis subscription services, website advertising and more. Professional work environment. Free and convenient parking. Contact Cynthia Bohn at (615) 252-8866 for details.

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