

LAW MATTERS

July 2018

Volume XXX No. 3

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July 17, 2018

Membership Meeting and One Hour General Credit CLE

11:15 a.m. Registration/buffet opens

11:45 a.m. Announcements

12:00 Noon CLE Begins



What's Going on in Nashville?

**Speaker: Metro Nashville Council Member
Bob Mendes**

B.B. King's Jazz Club

Cost:

Members: Lunch \$25/CLE \$15

Nonmembers: Lunch \$30/CLE \$25

***Reservations must be made by Friday, June 13, 2018, at Noon.**

Register Online at www.law-nashville.org/events

LAW CALENDAR OF EVENTS

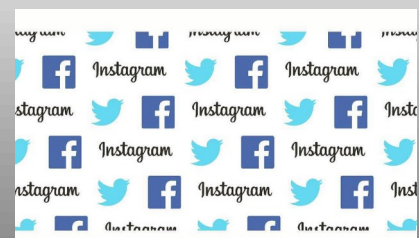
July 10, 2018	11:30 am—12:30 pm
Board Meeting	
July 11, 2018	6:00 pm—7:00 pm
Book Club	
July 17, 2018	11:15 am—1:00 pm
Membership Meeting and One Hour General Credit CLE	
July 19, 2018	5:30 pm—8:00 pm
Lawyers for Littles Bowl for Kids' Sake	

[Click Here](#) for a complete listing of LAW events and registration details!



**LAW's Monthly Membership Luncheon is held the
Third Tuesday of the Month Unless Otherwise Noted.**

Guests Always Welcome!



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PRESIDENT'S MESSAGE

by Ashonti Davis



The remaining relevance of community organizing and civic engagement

Without much forethought, a theme has appeared throughout our recent monthly luncheons. The common thread between our May, June, and upcoming July luncheons is a subtle commentary on the value of civic engagement. From the engaging panels on topics such as bail reform and the annual legislative update, we are hearing stories about the impact ordinary citizens can have and are currently having on public policy. For instance, the June program touched on the Tennessee Legislature's enactment regulating short-term rentals like Airbnb and Home Away. The passage of the new State law on short-term rentals was a hot issue as lines were drawn between property rights and local zoning laws. Neighborhoods across the State, especially those neighborhoods and neighborhood associations in Nashville, organized and lobbied on the issue of short-term rentals in the Metro Council and later in the State legislature utilizing their collective voice to express how the proposed legislation would affect neighborhoods.

The passage of the new law on short-term rentals illustrates how ordinary citizens can influence public policy. Recently, in working with a group of my neighbors and the Metro Planning Department on the land use policy for development in our East Nashville neighborhood, I surprisingly stumbled upon a newfound appreciation for the work of public servants and the balancing act that they must walk. Enacting public policy requires balancing several opposing interests, which is extremely challenging. However, that balancing act can never be truly accomplished unless groups organize and persist in the face of setbacks. Community engagement which ultimately leads to more complete representation in public policy can be rewarding for all stakeholders involved.

I realize that with everything people are asked to juggle now (careers, families, charitable endeavors), it is not easy to add one more thing to the list like community engagement. But, I do believe our engagement, as citizens, is vital. Finding small ways to lend your voice to an issue is not only valuable from a community engagement perspective, but it has a ripple effect – it encourages others to get involved.

Our voice on topics ranging from the Metro budget to whether a park should remain in a neighborhood matters. I hope that the theme from the recent lunch programs inspires you to do whatever you can (big or small) to support or raise your voice on issues that matter to you. As lawyers our training prepares us to be analytical and effective advocates. What's an issue that inspires or frustrates you right now? Which organization can benefit from your legal training? Whatever the answers are to those questions, I hope they lead you to a project that has an impact.

2018-2019 LAW BOARD OF DIRECTORS

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2019 Marion Griffin Women's Symposium

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To submit articles for the August issue, contact, Tracy Alcock at tracy.alcock@tn.gov.

*Upcoming Monthly Membership Meetings
July 17, 2018—One Hour General Credit CLE
What's Going on in Nashville?*



Metro Nashville Council Member Bob Mendes will discuss the enactment of recent ordinances, laws and legislative initiatives. The discussion will address important issues impacting our growing Music City including transit, short term rentals, the metro budget and reassessment amongst others.

June Meeting Attendees



June Meeting Recap: 2018 Legislative Update

by Tracy Alcock

During LAW's June membership luncheon, LAW had an impressive turnout of members, new members, and guests at the always-popular LAW Annual Legislative Update. The packed house heard the 2018 Legislative Update from the fabulous trio of Mandy Haynes Young, Erica Bell Vick, and Kim Adkins. Mandy is a partner at Butler Snow where she practices in the areas of governmental relations, healthcare and insurance law. Erica is Senior Public Policy Advisor at Bass Berry & Sims. Kim is a lobbyist, attorney and entrepreneur with The Capitol Strategy Group, LLC, a bipartisan government affairs and business development firm. For your review, a condensed version of the handout prepared by the panel members, which was provided to attendees at the June program, is below. We are not publishing the entire handout, rather including the items that were discussed during the program.

* Some information contained in this report was obtained from the *Tennessee Legislation Service*

ALCOHOLIC BEVERAGES

SB 2518 by Ketrion/HB 1540 by McCormick - Permits alcoholic beverages to be sold at package stores. Removes restriction of alcoholic beverage sales by retailers on the following holidays: Christmas, Thanksgiving, Labor Day, New Year's Day and the Fourth of July and permits package stores to sell alcoholic beverages and retail food stores to sell wine during hours beer sales are allowed. **7-Day Sales bill.**

Amendment: House amendment 4 rewrites this bill to make various changes and additions to present law concerning sales of alcoholic beverages. **SUNDAY SALES** Effective on the date that this bill becomes a law, this amendment authorizes retail package stores to sell alcoholic beverages between 10 a.m. and 11 p.m. on Sunday. Authorization to make sales of wine between 10 a.m. and 11 p.m. on Sunday will be extended to retail food stores on January 1, 2019. **HOLIDAY SALES** Present law prohibits retail package stores from making sales of alcoholic beverages on Christmas, Thanksgiving, Labor Day, New Year's Day and the Fourth of July. The same prohibition applies to sales of wine by retail food stores on such holidays. Effective on the date that this bill becomes a law, this amendment removes the prohibition against holiday sales for retail package stores and retail food stores. **PRICE DISCOUNTS** Under present law, a retailer is prohibited from offering a discount that results in a price below the cost paid by the retailer to purchase the alcoholic beverages from the wholesaler. Effective on the date that this bill becomes a law, this amendment authorizes a retailer to offer a discount on unopened bottles to any customer that results in a price no lower than 10 percent of the purchase price, if the retail licensee: (1) Is not in debt to a wholesaler for any credit law violations or refused check; and (2) Provides a 30-day irrevocable notice of surrender to the commission prior to the termination of the license. **TRANSFER OF LICENSES** Present law generally prohibits the holder of retailer's license from selling, assigning, or transferring the license to any other person. This amendment creates a temporary window, beginning on the date that this bill becomes a law and ending on July 1, 2021, during which licenses for the retail sale of alcoholic spirituous beverages, including beer and malt beverages, current licensees could enter into agreements to transfer their license to another person. During the transfer window, the commission would only be authorized to issue new licenses for jurisdictions that first approve the retail sale of alcoholic spirituous beverages by local option election conducted after April 1, 2018, or to applicants who have filed applications prior to the date that this bill becomes a law. On July 1, 2021, the present law will be reinstated thereby closing the transfer window and requiring that any person desiring a retailer's license apply to the commission for a new license. House amendment 8 redefines the "cost of doing business by the retailer" under the Intoxicating Liquor Sales Law provision of this bill to be 10 percent, instead of 20 percent, of the basic cost of intoxicating liquor to the retailer. House amendment 12 prohibits retail sales on Christmas, Easter and Thanksgiving.

Status: *Enacted as Public Chapter 783 effective April 20, 2018.*

Link to Public Chapter: <http://publications.imsosfiles.com/acts/110/pub/pc0783.pdf>

COMMERCIAL LAW

SB 1662 by Dickerson/HB 1507 by Powell - Use of blockchain technology and smart contracts in conducting electronic transactions. Recognizes the legal authority to use blockchain technology and smart contracts in conducting electronic transactions. Protects rights of ownership of certain information secured by blockchain technology.

Amendment: Senate amendment 1 substitutes distributed ledger technology for blockchain technology for pur-

poses of this bill and redefines “smart contract”. This amendment defines “distributed ledger technology” as any distributed ledger protocol and supporting infrastructure, including blockchain, that uses a distributed, decentralized, shared, and replicated ledger, whether it be public or private, permissioned or permissionless, and which may include the use of electronic currencies or electronic tokens as a medium of electronic exchange. This amendment redefines “smart contract” as an event-driven computer program, that executes on an electronic, distributed, decentralized, shared, and replicated ledger that is used to automate transactions.

Status: *Enacted as Public Chapter 591 effective March 22, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0591.pdf>

CRIMINAL LAW

SB 2133 by Kelsey/HB 2520 by Akbari - Sentencing determination based on defendant’s consent or refusal to birth control, sterilization. Requires a sentencing court not to take into consideration whether the defendant consented or refused to consent to any form relating to sterilization.

Amendment: Senate amendment 1 adds a prohibition against courts accepting a guilty plea agreement or plea of nolo contendere, or imposing a sentence, if any part of the plea or sentence is in whole or in part conditioned or based upon the criminal defendant submitting to any form of temporary or permanent birth control, sterilization, or family planning services, regardless of whether the defendant’s consent is voluntarily given. This amendment also specifies that this bill’s prohibitions do not apply to the provision of educational services on the matters of temporary or permanent birth control, sterilization, or family planning services.

Status: *Enacted as Public Chapter 917 effective May 1, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0917.pdf>

SB 2505 by Ketron/HB 2032 by Coley - Offenses eligible for expunction. Allows a court to expunge the records of a person convicted of prostitution or aggravated prostitution if the conviction occurred as a result of the person being a victim of human trafficking.

Amendment: House amendment 1 removes the provision of this bill that would apply to adult convictions and changes the provision of this bill concerning expunction of juvenile records.

Status: *Enacted as Public Chapter 1018 effective July 1, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc1018.pdf>

SB 2517 by Ketron/HB 1930 by Coley - Offense of promoting prostitution. Specifies that the offense of promotion of prostitution is punishable as trafficking for a commercial sex act if the victim has an intellectual disability.

Amendment: House Criminal Justice Committee amendment 1, Senate amendment 1 enhances promoting prostitution to a class D felony if the victim has an intellectual disability.

Status: *Enacted as Public Chapter 1019 effective July 1, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc1019.pdf>

EDUCATION

SB 1623 by Gresham/HB 1981 by Smith - Eleventh grade assessments. As enacted, establishes requirements to apply in situations where an assessment is misadministered by fault of the assessment provider, establishes other provisions in regard to required assessments and use of data, including prohibiting LEAs from basing employment termination and compensation decisions for teachers solely on data generated by statewide assessments administered online for 2017-2018 school year. **Bill was amended to hold teachers, schools and students harmless for result of TNReady.**

Link to Conference Committee Report: <http://www.capitol.tn.gov/Bills/110/CCRReports/CC0010.pdf>

Status: *Enacted as Public Chapter 881 effective May 3, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0881.pdf>

SB 2124 by Roberts/HB 2174 by Kumar - Bible course curriculums that may be adopted by an LEA. Requires the department of education to make available on its website the Bible course curriculums developed by LEAs that have been approved by the department and that are available for adoption by another LEA. Requires the department of education to notify each LEA in writing no later than July 1 of each year that the LEA may provide an elective state-funded course consisting of a nonsectarian, nonreligious academic study of the Bible.

Amendment: House amendment 1 deletes and replaces all language after the enacting clause such that the only substantive changes are: (1) to require the DOE to list each LEA that offers the Bible course on its website; (2) to require the DOE to post academic standards for the Bible course on its website; and (3) to require the State Board of Education (SBE) to include the Bible course on its list of ap-

proved high school classes.

Status: *Enacted as Public Chapter 775 effective April 19, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0775.pdf>

SB 2260 by Norris/HB 2115 by Hawk - University of Tennessee Focusing on Campus and University Success (FOCUS) Act. Reconstructs the University of Tennessee (UT) board of trustees and makes other revisions regarding the governance of the UT system. Reduces the membership of the UT Board of Trustees from five ex officer members and 22 additional members to the Commissioner of Agriculture and 10 voting members appointed by the governor. The members must be continued by joint resolution of the Senate and House and can be removed by a two-thirds majority vote of each house of the general assembly. The bill also rewrites the Committee revisions of present law and establishes advisory boards for each UT institution. **Part of Administration Package.**

Status: *Enacted as Public Chapter 657 effective April 6, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0657.pdf>

SB 2661 by Bailey/HB 2368 by Lynn - National Motto in the Classroom Act. Enacts the National Motto in the Classroom Act. Requires all schools within a LEA to display the national motto of the United States, "In God We Trust," in a prominent location in each school.

Status: *Enacted as Public Chapter 640 effective April 2, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0640.pdf>

EMPLOYMENT

SB 2328 by Kyle/HB 2613 by Mitchell - Non-disclosure agreement with respect to sexual harassment in the workplace. Prohibits a public or private employer from requiring a prospective employee or employee to execute or renew a non-disclosure agreement regarding sexual harassment in the workplace.

Amendment: Senate Commerce & Labor Committee amendment 1, House amendment 1 establishes that any employee injured as a result of a violation of this bill will have a cause of action against the employer for retaliatory discharge and any other damages to which the employee may be entitled. An employee who prevails in such action will be entitled to recover reasonable attorney fees and costs. This amendment specifies that this bill will apply to agreements executed or renewed on or after the effective date of this bill.

Status: *Enacted as Public Chapter 965 effective May 15, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0965.pdf>

ENERGY AND MINING

SB 1793 by Bailey/HB 1731 by C. Sexton - Study of wind energy facility regulations adopted in local governments.

Amendment: House amendment 1 rewrites this bill to establish a regulatory framework for wind energy facilities in this state. House amendment 2 specifies that present law regarding the siting of wind energy facilities will not apply to any wind energy facility located in this state that was constructed prior to the effective date of this act. House amendment 3 specifies that the provisions related to the siting of wind energy facilities will not apply in any local government that has adopted regulations related to the siting of wind energy facilities in its jurisdiction on or before January 1, 2019.

Status: *Enacted as Public Chapter 0825 effective April 24, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0825.pdf>

FAMILY LAW

SB 2248 by Norris/HB 1823 by Hawk - Health insurance coverage as part of child support. Allows the court to require either party to pay health insurance as part of child support. **Part of the governor's Administration Package.**

Status: *Enacted as Public Chapter 742 effective July 1, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0742.pdf>

GOVERNMENT ORGANIZATION

SJR 141 by Hensley - Expresses support for the relocation of the James K. Polk Tomb. Expresses support for the reloca-

tion of the James K. Polk Tomb from the State Capitol to the President James K. Polk Home and Museum State Historic Site.

Amendment: House amendment 1 adds language to the proposed resolution to require only non-state funds to be used for the relocation of the Polk Tomb and to require the Tennessee Division of Archaeology within the Department of Environment and Conservation (TDEC) to supervise the relocation of the Polk Tomb and appoint a qualified archaeologist to oversee the day to day operations of such relocation.

Status: *Returned without Governor's signature on 4/18/2018.*

GOVERNMENT REGULATION

SB 2332 by Green/HB 2315 by Reedy – Adoption of sanctuary policies prohibited. Replaces the present law prohibitions against local government activity that interferes with enforcement of federal immigration laws with a prohibition against any state or local government or entity or official enacting a sanctuary policy. Under this bill, a state or local government entity that adopts a sanctuary policy will be ineligible to receive any state moneys until the policy is repealed, rescinded, or otherwise no longer in effect. Retains the present law authorization for residents to file a complaint in chancery court, although that complaint will now be based on adoption or enactment of a sanctuary policy. If a resident prevails, the chancellor will be required, rather than authorized, to order some type of action to ensure compliance with the prohibition against sanctuary policies. Requires the AG to investigate complaints from residents and requests for opinions from members of the general assembly, which complaints and requests involve alleged violations of this bill's prohibition against sanctuary policies. If the AG determines that a violation of this bill's prohibition against sanctuary policies has occurred, the AG will be required to issue an opinion to that effect and the state or local government entity to which the sanctuary policy applies will be ineligible to receive state moneys, effective on the date of issuance of the AG's opinion until the AG certifies that the sanctuary policy is no longer in effect. Specifies that law enforcement agencies and officials are authorized, in accordance with federal law, to communicate with a federal official regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the U.S. or otherwise to cooperate with the appropriate federal official in the identification, apprehension, detention, or removal of aliens not lawfully present in the U.S. This bill requires law enforcement agencies to require that each officer they employ be trained in accordance with the MOA concerning the law enforcement officer's role in enforcing federal immigration laws. Each law enforcement agency will be required to negotiate the MOA to allow for the enforcement of federal immigration law to the full extent permitted under federal law.

Amendment: House amendment 3 clarifies that a state or local government entity that adopts or enacts a sanctuary policy will be ineligible to receive any economic and community development state moneys, rather than any state moneys, until the sanctuary policy is repealed, rescinded, or otherwise no longer in effect. This amendment removes this bill's requirement that the attorney general receive citizen complaints regarding violations of this bill. This amendment adds that, in a citizen suit against a government entity or official alleging a violation of this bill, if the court finds that a state governmental entity or official adopted or enacted a sanctuary policy, the state governmental entity, or the entity to which the official belongs, becomes ineligible to enter into any grant contract with the department of economic and community development. Ineligibility commences on the date the court finds that the state governmental entity or official is in violation of and continues until such time that the court certifies that the sanctuary policy is repealed, rescinded, or otherwise no longer in effect. This amendment makes the negotiation of an MOA concerning the enforcement of federal immigration laws between a law enforcement agency and the appropriate federal official permissive rather than mandatory. This amendment replaces this bill's requirement that a law enforcement agency report annually to the governor and the general assembly on the status of the law enforcement agency's attempts to enter into the MOA. This amendment instead requires that, when a law enforcement enters into, renews, modifies, or terminates an MOA, the law enforcement agency must provide notice of such action to the governor, the office of the lieutenant governor who shall transmit the notice to the members of the senate, and the office of the speaker of the house of representatives who shall transmit the notice to the members of the house of representatives. House amendment 5 changes the penalty for adopting or enacting a sanctuary policy from being ineligible to "receive any economic and community development state moneys" to being ineligible to "enter into any grant contract with the department of economic and community development". House amendment 8 removes the references to "or other requests" from the definition of sanctuary policy in regard to a policy that restricts compliance with "detainers or other requests" or requires the demonstration of probable cause in order prior to compliance with "detainers or other requests".

Status: *Enacted as Public Chapter 973 effective January 1, 2019.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0973.pdf>

HEALTH CARE

SB 1710 by Dickerson/HB 1749 by Faison - Medical Cannabis Act. Establishes the medical cannabis commission for regulation of cannabis-related health care. Specifies that the commission shall consist of nine members and specifies appointing process for members. Specifies that the official domicile for the commission is Nashville and that all meetings of the commission are to be held in Nashville. Specifies compensation for members of commission and specifies duties of commission. Defines “medical cannabis establishment” to mean a cultivation facility, testing facility, processing facility, dispensary, wholesaler, or other medical cannabis entity licensed by the commission. Establishes licensure process for medical cannabis establishments and specifies grounds for the commission to immediately revoke a medical cannabis establishment license. Requires each medical cannabis establishment to have the capability to send data to and receive data from the electronic verification system established by the commission. Also requires each dispensary to check the electronic verification system established by the commission prior to dispensing any cannabis product. Establishes process for voters of a municipality or county to permit the retail sale of medical cannabis product at a licensed dispensary within the territorial limits of such county or municipality, by a majority vote, at a local option election. Requires the medical cannabis commission to promulgate rules governing the transportation of cannabis and cannabis products on public highways in the state and requires the commission to consult with the commissioner of safety in promulgating these rules. Establishes other provisions regarding medical cannabis.

Senate Status: Taken off notice in Judiciary on 4/3/2018.

House Status: Taken off notice in Health on 4/10/2018.

INSURANCE GENERAL

SB 1862 by Stevens/HB 1977 by Marsh - Requirements for insurance policies. Specifies that an insurance policy is a contract and the rules of construction used to interpret a policy of insurance are the same as any other contract. Also specifies that an insurance policy must be interpreted fairly and reasonably, giving the language of the policy of insurance its ordinary meaning. Further specifies that an insurance company’s duty to defend depends solely on the allegations contained in the underlying complaint describing acts or events covered by the policy of insurance.

Status: Enacted as Public Chapter 588 effective March 22, 2018.

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0588.pdf>

JUDICIARY

SB 1593 by Yager/HB 1480 by Lamberth - Admissibility of evidence - statements from children in regard to sexual or physical abuse. Prohibits the exclusion from a criminal trial of certain out-of-court statements made by a child under 12 years of age that describe any sexual act performed by, with, or on the child or act of physical violence directed against the child.

Amendment: Senate amendment 1 clarifies that the out of court statement permitted by the proposed legislation must also be non-testimonial and applies the provisions of the proposed legislation to offenses committed after July 1, 2018, instead of trials currently occurring.

Status: Enacted as Public Chapter 708 effective July 1, 2018.

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0708.pdf>

SB 1808 by Ketron/HB 1854 by Rudd - List of persons disqualified for jury service. Requires the jury coordinator to prepare a list of all persons disqualified or potentially disqualified as a prospective juror from jury service due to being a non-United States citizen, convicted of a felony, deceased, not a resident of this state, or not a resident of the county. Requires the jury coordinator to provide such list to the administrator of elections on a bimonthly basis.

Fiscal Note: (Dated February 22, 2018) Increase State Expenditures \$5,000/One-Time Amendment: Senate amendment 1 changes the frequency with which the jury coordinator will be

required to prepare the list of all persons disqualified or potentially disqualified as a prospective juror and send it to the administrator of elections from at least on a bimonthly basis to according to the jury summons cycle used by the court clerk. This amendment also clarifies that this bill authorization for the jury coordinator to forward documentation, other than the list, showing a person’s disqualification as a prospective juror to the administrator of elections applies to a person’s disqualification based **on being a non-United States citizen, convicted of a felony**, deceased, not a resident of this state, or not a resident of the county.

Status: Enacted as Public Chapter 837 effective April 27, 2018.

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0837.pdf>

MISCELLANEOUS

SB 2227 by Southerland/HB 2381 by J. Sexton - Private funding to Tennessee Monument to Unborn Children.

Amendment: House amendment 2 requires a monument to be erected on the capitol campus as a reminder of unborn children. Requires one member of the Senate and one member of the House of Representatives to work with the State Capitol Commission (SCC) for the placement and design of such monument during each member's regularly-scheduled official business in Nashville. Prohibits any state funds from being spent on the monument and requires the monument to be erected by private funds only. Creates a separate account for the Tennessee Monument to Unborn Children Fund (TMUCF) within the state General Fund. Requires the TMUCF to be funded by gifts, grants, and other donations received by the state for the fund from non-state sources for the design, construction, and installation of the monument. Requires any monies remaining in the TMUCF to be used for the upkeep and maintenance of the monument until all monies are exhausted. Requires the SCC to name the monument the "Tennessee Monument to Unborn Children" upon completion. Senate amendment 3 urges the state capitol commission to consider placing a monument to be erected on the capitol campus as a reminder of unborn children, rather than calling for a monument to be erected on the capitol campus as a reminder of unborn children.

Status: *Enacted as Public Chapter 1057 effective May 21, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc1057.pdf>

OPIOIDS

SB 2025 by Haile/HB 2440 by Terry - Prescriptions for controlled substances - partial fill allowed. Authorizes a prescription for an opioid to be **partially filled** under certain circumstances. In the case of a partial fill the pharmacy where the prescription was initially filled is required to retain the original prescription. Requires that the prescribing practitioner be notified in the case of partial fill.

Amendment: Senate amendment 1 allows **pharmacist to charge two dispensing fees** if filling a partial fill. Allows pharmacist to decline to provide service if pharmacist will be paid less for partial fill.

Link to Conference Committee Report: <http://www.capitol.tn.gov/Bills/110/CCRReports/CC0025.pdf>

Status: *Enacted as Public Chapter 1007 effective May 21, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc1007.pdf>

SB 2257 by Norris/HB 1831 by Hawk - Requirements for prescribing, dispensing, and reporting of opioids. Authorizes commissioner of health to establish the morphine milligram equivalent calculation for an opioid drug. Requires use of the calculation established by the federal centers for disease control and prevention for that drug, given that there's no such existing rule. Changes requirements of healthcare practitioners to check a controlled substance database when prescribing and dispensing the substances to patients, and to check the database every six months, instead of annually, of the patient's treatment. Provides the health commissioner with control of this database. Forbids practitioners from providing more than a five-day supply of opiates to patients, a ten-day supply in situations where refilling the prescription would prove difficult for the patient. **Governor's opioid bill.**

Amendment: House amendment 1 (1) This amendment adds to the list of information a healthcare practitioner must submit to the controlled substance database the ICD-10 code for any prescription that contains an ICD-10 code (this provision will not be mandatory prior to January 1, 2019, for a dispenser who has not updated the dispenser's software system to enable submission of ICD-10 codes); and a value signifying opioid treatment is occurring pursuant to a medical necessity under this bill for any prescription containing the words "medical necessity." (3) This amendment removes this bill's requirement that the database be checked prior to prescribing to an opioid naive patient or an acute care patient, both before the initial prescription and before a third prescription, and removes other references to and provisions governing opioid naive and acute care patients. (6) This amendment revises the prescribing limits of this bill. Under this amendment, with certain exceptions, a healthcare practitioner may not treat a patient with more than a three-day supply of an opioid and may not treat a patient with an opioid dosage that exceeds a total of a 180 morphine milligram equivalent dose. Also, a patient may not be treated with an opioid more frequently than every 10 days; provided, however, that if the patient has an adverse reaction to an opioid, a healthcare practitioner may treat a patient with a different opioid within a 10-day period under certain circumstances specified in this amendment. Where the treatment provided by a healthcare practitioner is dispensing an opioid, the healthcare practitioner may treat a patient more than once within 10 days; provided, that the healthcare practitioner may not dispense an opioid in an amount that exceeds the greater of: a five-day supply per encounter; or half of the total prescribed amount. The partial fill requirements will not be mandatory prior to January 1, 2019, for a

dispenser who has not updated the dispenser's software system. If a healthcare practitioner treats a patient with more than a three-day supply of an opioid, the healthcare practitioner may treat the patient with no more than a 10-day supply and with a dosage that does not exceed a total of a 500 morphine milligram equivalent dose. In rare cases where the patient has a condition that will be treated by a procedure that is more than minimally invasive and sound medical judgment would determine the risk of adverse effects from the pain exceeds the risk of the development of a substance use disorder or overdose event, a healthcare practitioner may treat a patient with up to a 20-day supply of an opioid and with a dosage that does not exceed a total of an 850 morphine milligram equivalent dose. (7) This amendment revises the exceptions described above in the bill summary in (1)-(6) to specify that the prescriptions must contain the ICD-10 code for the primary disease documented in the patient's chart and the word "exempt" and otherwise revises the exemptions, as follows: (A) This amendment removes the reference to "malignant pain" in regard to those patients undergoing active or palliative cancer treatment or hospice care; (B) This amendment adds an exception for the treatment of patients with a diagnosis of sickle cell disease and for prescriptions issued by healthcare practitioners who are treating patients in an outpatient setting of a hospital exempt from the pain management provisions of present law that holds itself out to the public as a pain management clinic; (C) This amendment adds an exception for the treatment of patients who have been treated with an opioid daily for 90 days or more during the 365 days prior to April 15, 2018, or those who are subsequently treated for 90 days or more under one of the exceptions in this bill; and (D) This amendment adds an exception for the treatment of a patient who has suffered a severe burn or major physical trauma, and sound medical judgment would determine the risk of adverse effects from the pain exceeds the risk of the development of a substance use disorder or overdose event. Any agreement purporting to limit the ability of a pharmacist to discuss any issue related to the dispensing of a controlled substance with a patient is contrary to the public policy of this state and is void and unenforceable.

Status: *Enacted as Public Chapter 1039 effective May 21, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc1039.pdf>

PROFESSIONS AND LICENSURE

SB 2465 by Roberts/HB 2248 by Faison - Fresh Start Act. Prohibits a licensing authority from denying an application for a license, certificate, or registration, or from refusing to renew a license, certificate, or registration, due to a prior criminal conviction that does not directly relate to the applicable occupation, profession, business, or trade. Requires the licensing authority to notify an applicant in writing prior to denial of an application for a license or certificate. Requires the written notification to include the licensing authority's justification for denial or refusal to renew. Clarifies that nothing in this section shall be construed to prohibit a licensing authority from issuing a restricted or conditional license. Establishes other provisions in regard to issuance of licenses, certificates, or registration for persons with a prior criminal conviction.

Amendment: Senate amendment 1 clarifies that this bill applies to administrative actions based on criminal convictions, adds pain management clinic licenses and physician licenses to the types of licenses that this bill does not apply to, removes this bill's requirement that the applicant or licensee be offered an informal interview before a determination is finalized, and extends the period within which a person may appeal a licensing authority's determination from 14 to 30 days.

Status: *Enacted as Public Chapter 793 effective July 1, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0793.pdf>

PROPERTY TAX

SB 2076 by Yager/HB 2038 by Alexander - Taxation of barrels manufactured from timber.

Amendment: Senate amendment 2 Under present law, all growing crops of whatever kind, including, but not limited to, timber, nursery stock, shrubs, flowers, and ornamental trees, the direct product of the soil of this state or any other state of the union, in the hands of the producer or the producer's immediate vendee, and articles manufactured from the produce of this state, or any other state of the union, in the hands of the manufacturer, are exempt from property taxation. This amendment specifies that aged whiskey barrels, during the time in which such barrels are owned or leased by a person that produces or manufactures whiskey in those barrels, are considered, and have always been considered, "articles manufactured from the produce of this state, or any other state of the union, in the hands of the manufacturer", for purposes of exemption from property taxation under this bill. This amendment defines an "aged whiskey barrel" for purposes of the bill as a barrel that: (A) Is comprised of the timber of this state, or any other state of the union; (B) Contains, or has contained, whiskey; and (C) Has changed, or will change, in form or appear-

ance as a result of the unique process of aging whiskey. This amendment further specifies that any action to correct an assessment or request a refund or other relief on the basis of this amendment will be subject to the applicable statutes of limitation, which are not amended under this amendment.

Status: *Enacted as Public Chapter 971 effective May 17, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0971.pdf>

PUBLIC EMPLOYEES

SB 2333 by Green/HB 2312 by Lamberth - Forms of identification accepted by public employees.

Amendment: Senate amendment 1 deletes and replaced language in the original bill to specify that state and local government officials are prohibited from accepting a matricula consular card for use in determining a person's identity or residency.

Link to Conference Committee Report: <http://www.capitol.tn.gov/Bills/110/CCRReports/CC0034.pdf>

Status: *Enacted as Public Chapter 1053 effective May 21, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc1053.pdf>

PUBLIC FINANCE

SB 2552 by Norris/HB 2644 by Sargent - Appropriations - FY 2017 -2018. Makes appropriations for the fiscal years beginning July 1, 2017, and July 1, 2018.

Amendment: House amendment 5 removes the sum of \$250,000 (non-recurring) that had been appropriated to the Department of Tourist Development for the sole purpose of costs associated with municipal bicentennial celebrations of the City of Memphis.

Status: *Enacted as Public Chapter 1061 effective July 1, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc1061.pdf>

TAXES

SB 1763 by Yarbro/HB 1701 by Jernigan - Adult entertainment - tax on each customer entering business.

Fiscal Note: (Dated February 11, 2018) Increase State Revenue \$372,300/Sex Trafficking Victims Fund

Amendment: House amendment 1 deletes and replaces all language after the enacting clause such that the only substantive changes remove all language referencing the Sex Trafficking Victims Fund, remove DHS as the recipient of moneys appropriated from the Fund, establish that all revenue collected from the \$2.00 tax be allocated to the General Fund, instead of the Sex Trafficking Victims Fund, and establish that the intent of the General Assembly is for an amount equal to the revenue collected from the tax be allocated to programs for victims of sex trafficking, subject to inclusion in the General Appropriations Act, and repeals all provisions of this legislation on July 1, 2021.

Status: *Enacted as Public Chapter 764 effective July 1, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0764.pdf>

TENNCARE

SB 1728 by Bell/HB 1551 by Harwell - Work requirements for certain adult enrollees.

Amendment: House amendment 2 rewrites the bill. Deletes and rewrites Section 1 of the bill such that the bill as amended: (1) requires the submission of a TennCare II waiver amendment to CMS imposing reasonable work and community engagement requirements upon able-bodied working age adult enrollees without dependent children under the age of six; and (2) requires the amendment to align any required work and community engagement with the requirements of the temporary assistance to needy families (TANF) program under the Families First Act of 1996 and be consistent with the most recent guidance to state Medicaid directors provided by CMS concerning opportunities to promote work and community engagement in demonstration projects. Implementation of the waiver amendment is contingent upon the use of available TANF funds or other federal appropriations

Status: *Enacted as Public Chapter 869 effective May 3, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0869.pdf>

TORT REFORM

SB 2514 by Ketron/HB 1879 by Travis - Solicitation of accident and disaster victims by health care prescribers. Prohibits health care prescribers, and those associated, from using certain types of solicitation towards victims of an accident or disaster for the purpose of marketing their services within 30 days from the accident.

Amendment: Senate amendment 1 makes this bill applicable to “marketing services of the healing arts related to the accident or disaster.” This amendment also specifies that this bill will apply to violations occurring on or after July 1, 2018.

Status: *Enacted as Public Chapter 638 effective July 1, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0638.pdf>

TRANSPORTATION VEHICLES

SB 2656 by Watson/HB 1782 by Carter - Motor vehicle inspection requirements - counties in attainment status.

Amendment: House amendment 1 rewrites the bill. Prohibits a vehicle inspection and maintenance program from being employed in the state unless one is mandated under the CAA or a local government that has an air pollution control program in place on the effective date of the proposed legislation authorizes the continuation of the program by action of the local legislative body. Effectiveness of the proposed legislation occurs 120 days after the date on which the EPA approves a revision of the state implementation plan consistent with the proposed legislation or if a contract for inspection service exists on such date, then on the date of expiration or termination of contract. Senate amendment 3 adds a section to the proposed legislation prohibiting TDEC from increasing fees against major sources of air pollution under Title V of the Clean Air Act to offset the revenue loss realized from the proposed legislation unless the increases are used to pay for indirect and direct costs related to TDEC’s administration of the Title V program

Status: *Enacted as Public Chapter 953 effective May 15, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0953.pdf>

WORKERS’ COMPENSATION

SB 1967 by Watson/HB 1978 by Marsh - Employment relationships - marketplace contractor. Establishes that a marketplace contractor is an independent contractor, and not an employee of the marketplace platform. ***This bill is trying to make certain that providers of services are independent contractors and thus no workers’ compensation would be required.***

Amendment: House amendment 1 specifies that the marketplace platform does not control the means and methods for the services performed by a marketplace contractor regarding specific instructions governing how to perform services. Specifies that the marketplace may require contractors to meet a certain standard for quality of services. Specifies that the marketplace will not provide any insurance benefits to the marketplace contractor. Specifies that the contract agreed upon from the contractor and marketplace may be terminated by both parties.

Status: *Enacted as Public Chapter 648 effective July 1, 2018.*

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0648.pdf>

2017 LEGISLATION

INSURANCE HEALTH

SB 367 by Green/HB 523 by Ramsey – Coverage for hypofractionated proton therapy. Requires health insurance coverage to cover hypofractionated proton therapy in the same manner as it covers intensity modulated radiation therapy provided that the patient is treated as part of a clinical trial or registry. Specifies other conditions in order for the therapy to be covered.

Fiscal Note: (Dated March 23, 2017) Increase State Expenditures - \$1,802,400/FY17-18
\$1,802,400/FY18-19

Amendment: Senate amendment 1 rewrites this bill to require the state group insurance program to cover a physician prescribed hypofractionated proton therapy protocol to deliver a biological effective

dose by paying the same aggregate amount as would be paid for the delivery of the same biological effective dose with IMRT for the same indication, if certain conditions are satisfied.

Status: Governor vetoed on 5/3/2018.

PROPERTY AND CASUALTY

SB 1086 by Stevens/HB 1020 by C. Sexton - Short-Term Rental Unit Act. Enacts the “Short-Term Rental Unit Act,” which states that a short-term rental unit provider must maintain at least \$500,000 in liability insurance or coverage to cover damage done by any person renting the unit from the short-term rental unit provider. Clarifies the restrictions a local governing body may or may not impose on short-term rental units. ***Air-n-BB bill.***

Link to Conference Committee Report: <http://www.capitol.tn.gov/Bills/110/CCRReports/CC0011.pdf>

Status: Enacted as Public Chapter 972 effective May 17, 2018.

Link to Public Chapter: <http://publications.tnsosfiles.com/acts/110/pub/pc0972.pdf>



Tracy is a 2018-2019 Newsletter Editor. She is an Assistant General Counsel for the Tennessee Department of Health, Office of General Counsel.



Panelists from Left: Mandy HaynesYoung, Erica Bell Vick, and Kim Adkins.

There is Life Outside of Work (Also Known As: Work-Life Balance)

by Tracy Alcock

I have not mastered it. I am a person in training. I have learned some tips, however, about the little phrase that carries a big punch, known as “Work-Life Balance.”

In the last LAW Matters June newsletter, we featured articles on enjoying a solo vacation to Paris, dancing as a way to let loose, get exercise, and enjoy yourself outside of the office, and gardening and enjoying a sunny day outdoors. In the upcoming LAW Matters newsletters, you may see several more articles featuring ways that you can find some inner peace and happiness outside of your office windows. We hope you take the time to read these articles and find some activity that calls your name outside the office. With each new activity you try, you may get one step closer to feeling that work-life balance that you are always wondering about.

Have a wonderful, relaxing, and happy summer!



Tracy is a 2018-2019 Newsletter Editor. She is an Assistant General Counsel for the Tennessee Department of Health, Office of General Counsel.

From the Archives:

Figuring Out What Type of Pole to Be

by Candice L. Reed

Previously published in LAW Matters, July 2012

I suspect that graduation season is a boon to bookstores all over the country. Copies of *Oh, the Places You'll Go!* and *Chicken Soup for the Soul* fly off the shelves, as we attempt to encourage new graduates to dream big and act courageously as they embark upon their lives in the “real world,” the place where they'll have to get a job, pay a mortgage, and actually answer the question, “So what do you want to do when you grow up?”

I noticed a new motivational book on the shelves this season, *I Am A Pole (And So Can You!)* by Stephen Colbert. In this “Caldecott Eligible Book” (as is noted on the cover), the main character . . . a pole . . . contemplates “what type of pole, is it I should be?”

*I know I have a purpose,
I'm sure this may sound odd:
But a pole without a job to do,
Is really just a rod.*

*So I've spent a lot of time,
In pursuit of one clear goal:
Finding out where I fit in.
What is my true pole role?*

He goes on to consider various pole positions (pun intended) – lamp pole, barber pole, ski pole, even stripper pole – before concluding that his strengths and values make him most suited for serving as a (SPOILER ALERT) flag pole. I was so inspired by the end of this soon-to-be-classic that I picked up half a dozen copies as gifts for future graduates.

Finding our true pole role and feeling good about the work that we do are instrumental to overall wellbeing and happiness. But the truth is that determining what kind of pole to be isn't so easy, and many (ahem) *post*-graduates are still considering this question well into their 20s, 30s, 40s, 50s and beyond. Let's be honest, who among us was prepared to identify our dream job or "true pole role" at the age of 18 – or even 22? I believe I went through at least half a dozen majors in college before officially settling on "Undecided" at the end of my sophomore year. And it wasn't until I was about to graduate, with a degree in College Scholars (i.e. "Undecided" for smart kids), that I ultimately decided to attend law school. Yes, I made this profound, life-changing decision after losing patience with one of my College of Education professors over a bulletin board design. So instead of teaching high-school kids iambic pentameter, I started studying for the LSAT.

Fortunately, I loved law school – and most days, I still enjoy practicing law. But a few years into the legal profession, I realized that practicing law exclusively was not my "true pole role." Something was missing. There was stuff inside me that wasn't getting used; I wasn't fulfilled. I felt like an abandoned clothesline pole that only served as a perch for birds. Sure, I was serving a worthwhile purpose, but not necessarily my *full* purpose. I wanted to do something more . . . but what? It only took several years, a handful of jobs, and a Master's degree in Positive Psychology to finally answer this question.

Though many people may arrive at their professional callings with a little more consideration and planning than I did, the truth is that most of us are not very good at choosing a career or deciding among various jobs. We tend to make decisions based on factors (mostly extrinsic rewards) that typically don't lead to job satisfaction – like salary, title, or office location. Perhaps this is why, even as our job opportunities have increased in recent decades, there has been a steady decline in worker happiness.¹

Studies show that job satisfaction generally comes from within – meaning that one pole's true pole role is unique to him or her based upon his or her own individual strengths, values, and goals. This is why most of those lists that claim to compile "the 50 best jobs in the world" are worthless in my opinion. Just because *engineer* or *marketing director* may rank highest on a survey of 1,000 workers doesn't mean that you will love it. And just because you love being an attorney doesn't mean that your kid will. There is no universal "best job," but there likely is a "great job" for each of us . . . our true pole role. We just have to know how to look for it and find it.

So if I were going to write the next motivational how-to, I'd advise graduates *of all ages* to consider the following tips when it comes to their career choices (and I'd spend some time trying to make all of it rhyme because apparently that's key when it comes to creating a graduation best-seller):

1. Identify your strengths and look for jobs that will allow you to use them every day. Using your strengths leads to a sense of personal fulfillment and is an essential element of (what positive psychologists often refer to as) *the good life*.ⁱⁱ Unfortunately, in longitudinal studies by the Gallup Organization, only about one-third of workers report having the opportunity to use their highest and greatest strengths on a daily basis.ⁱⁱⁱ Not surprisingly, people who report not using their strengths on a regular basis also report feeling disengaged from their work. On the other hand, studies indicate that those individuals who are given the opportunity to use their strengths in their jobs are six times more likely to be engaged with their work and are more than three times as likely to report having an excellent (or better) quality of life.^{iv}

2. Look for work that you find inherently meaningful. Participating in activities that you find intrinsically valuable and fulfilling is believed not only to increase your job satisfaction, but also your overall quality of life.^v Sociologists and psychologists claim that there are three orientations that reflect Americans' feelings about work.

In the first work orientation, people view work as a job, focusing on the material [or extrinsic] benefits of work to the relative exclusion of other kinds of meaning and fulfillment. . . . In contrast, those with career orientations work for the rewards that come from advancement through an organizational or occupational structure. . . . Finally, those with calling orientations work not for financial rewards or for advancement but for the fulfillment that doing the work brings.^{vi}

Not surprisingly, people whose work is their *calling* tend to derive the most satisfaction from work, demonstrate better psychological health, and report higher levels of overall wellbeing than those people in *jobs* or *careers*.

3. Consider the community that you will be a part of. In other words, work with and for people you like and respect. In my April 2012 column, I discussed the importance of relationships and how our interactions with others, including those people with whom we work, affect our overall wellbeing. Our coworkers can be a big source of support and learning if our relationships with them are good. However, bad relationships at the office may not only negatively impact our job performance (and satisfaction), but also can negatively impact our relationships at home.^{vii}

4. Ask questions. Many of us assume that we know what is involved with a particular job because we've seen a character on TV pretend to have that job. But did Perry Mason or Ally McBeal accurately portray what most lawyers really do all day? Of course not. So before you head back to graduate school to become a nurse or leave your law firm to go in-house, be sure that you talk to people in those jobs to determine what they really do. What do they like and dislike about their jobs? What strengths and skills do they use routinely to accomplish the required tasks

of their jobs? Why do they do the work they do?

It is equally important to ask questions during the interviewing process when you are applying for a new job. And I'm not talking about the questions that your Career Services counselor suggested you ask at the end of an interview just to show your would-be employer that you read the company's website. Think about what is important to you and ask meaningful questions of both your would-be employer and coworkers. How would you describe the company's culture? Are there opportunities for advancement? How does the firm foster and assist with professional development? How often do coworkers work together on singular projects? Are there any screamers or bad eggs in the office (no need to name names)?^{viii}

And then listen to what people tell you. If advancement is important to you and someone explains that the position for which you are being considered is essentially a dead-end, then walk away. Think about the advice you got as a kid – listen to your gut; if it feels wrong to you, it probably is.

5. Decide what your personal definition of success is and only take a job that leads you closer to this ideal. Simply put, don't settle or work off someone else's game plan.

I know, I know . . . in today's economy, many graduates aren't necessarily focused on finding their dream job, they just want A job. And many of you may feel compelled to stay in your current position for a variety of reasons even if it isn't your "true pole role." Luckily, there are things that you can do to increase your engagement at work even if it's not the place from which you ultimately hope to retire.

- Focus on the good stuff. It may help to even write down the things that you like about your job so that you can refer to this list on a tough day.
- Connect with your co-workers.
- Find ways to use your strengths in accomplishing your work.
- Stretch yourself. Take on new challenges or responsibilities that might allow you to learn something new or accomplish new goals.
- Make a difference. I'm not talking about a "save the world" kind of difference here. But see if you can find a way, every day, to make work or life a little easier for a coworker, a customer, or your company as a whole.

In the end, only you can determine what your true pole role is.
And it's not as easy as the books would have you believe.
But with an open mind, brave heart, and thoughtful course,
There's nothing in this world you can't achieve.

Okay, it needs some work . . . but at least it rhymes.

ⁱ See <http://www.fastcompany.com/1835578/the-sharp-drop-in-worker-happiness-and-what-your-company-can-do-about-it>.

ⁱⁱ Peterson, C., & Seligman, M. E. P. (2004). *Character strengths and virtues: A handbook and classification*. New York: Oxford University Press. Washington, DC: American Psychological Association.

ⁱⁱⁱ Rath, T. (2007). *StrengthsFinder 2.0*. New York: Gallup Press.

^{iv} If you need some help identifying your strengths, I recommend taking the *Values in Action (VIA) Signature Strengths Questionnaire*, available for free at www.authentic happiness.org.

^v Wrzesniewski, A., Rozin, P., & Bennett, G. (2003). Working, playing, and eating: Making the most of most moments. In C. L. M. Keyes & J. Haidt (Eds.), *Flourishing: Positive Psychology and the Life Well-Lived*. (pp.185-204). Washington, D. C.: American Psychological Association.

^{vi} *Id.* at p. 188.

^{vii} See <http://psychcentral.com/news/2011/11/29/problems-with-your-boss-can-strain-marriage/31980.html>.

^{viii} For more powerful questions to ask during a job interview, see <http://positivepsychologynews.com/news/kathryn-britton/200904071593>.



Candice is a LAW Past-President. She currently serves as Senior Vice President & Partner at Latitude, which offers life-changing engagements and permanent positions with companies and law firms to outstanding attorneys and paralegals. She formerly practiced law in-house and with a large regional law firm and started her own consulting firm in 2011. Candice has extensive experience as a trainer and coach for lawyers and their organizations on workplace engagement, professional development, and career satisfaction and transition and now believes her "true pole role" is to help other lawyers thrive in and outside of the office.

LAW Board Member Spotlight – Melanie Gober Grand



LAW Board Role – Executive Director since 2000

Where did you grow up? Tell us about your path to practicing law: I was raised in and around Nashville. My father was a Methodist minister. As a young child, I lived in White House and Chapel Hill. I spent my elementary school years in Hendersonville. I spent middle school and early high school in Pulaski, and my junior and senior years in Franklin. I am not an attorney but have worked in the Nashville banking and legal communities since 1977. In traditional law firms I worked as a legal secretary and office manager before receiving my paralegal certificate. I became a virtual assistant in August of 1994 before the term virtual assistant was a “thing”. I work as a freelance professional and work simultaneously with multiple clients. I started out working with neighbors and offered a variety of services to them as they started and ran their small businesses from home offices. One neighbor owned seven coin-operated laundries across the city. One neighbor started an events company and is known nationwide for her work in the music industry and designing signature weddings. I assisted graduate students in researching legal issues they needed to defend theses and dissertations. I helped a current judge set up her small law office, creating systems and training staff. I have worked for several other small professional organizations. You name it, I’ve done it. Paralegal skills encompass many areas.

What brought you to Nashville? I was born at Vanderbilt Hospital and have lived continuously in Nashville since 1977.

Tell us about your family. My husband, Paul (who is from Long Island) and I will celebrate our 35th wedding anniversary in the fall. We have two (unmarried) sons, ages 29 and 26. During the past 35 years, we have had several fur babies. Currently, we have two cats, Tamikka, a 14-year-old Tortoiseshell, Porque’, a 10-year-old blond and white Maine Coon. (You see me wearing his hair on all of my clothes!) I adopted my sweet baby Rose, who is part Treeing Walker Coonhound/Mastiff and Border Collie, in November when she was eight months old. Her first two families abused her before she was rescued by Proverbs 12:10 last September. I found out that she was looking for a forever family, so I arranged a meeting with her. We had a heart-to-heart talk and it has been a perfect match!

What do you do professionally and what is your favorite part of your job? Currently, I oversee the daily operations of LAW and the Association of Corporate Counsel Tennessee. I promote the board of directors’ engagement in critical thinking, strategic planning, financial and membership development and overall organizational wellness. The most favorite part of my job is observing new lawyers assimilate into the groups. I enjoy watching them mature and gain confidence and wisdom as they develop their leadership skills. I cherish the relationships I have developed with LAW members.

What do you like to do in your spare time (if you have any)? I hike in the Warner Parks with Rose early in the mornings when the deer are eating their breakfast. I also garden – flowers and vegetables. For the first time in decades, the rain and my work schedule this past spring did not align for me to plant a vegetable garden. I look forward to planting a late garden in August.

What books are you reading right now and what is the last book you read? I am currently reading The SOUL OF AMERICA, The Battle for Our Better Angels, written by Nashvillian and Pulitzer Prize winning author, John Meacham (the greatest historian of our time). I am also reading and working through A Year to Clear: A Daily Guide to Creating Spaciousness in Your Home and Heart by Stephanie Bennett Vogt. The last book I read was “They Take Our Jobs!” and 20 other myths about immigration by Aviva Chomsky.

What is your favorite quote, piece of advice, or a motto you try to live by? One of my favorite quotes is by Erma Bombeck, “It takes a lot of courage to show your dreams to someone else.” I live by the Ten Commandments.

Any “fun facts” about you that other LAW members don’t know? Since I work from home, around 3:30 or 4:00 in the afternoon I turn on Andy Griffith reruns and spend some time laughing at Don Knotts as I am finishing up my work and planning for the next day. In my opinion, he was one of the funniest actors in my lifetime.

What woman most inspires you and why? Raising children is the hardest job in the world. Every woman who raises a child from birth to 18 inspires me.

It’s a Saturday in Nashville, what are you doing? If we are not with friends or family, Paul and I are binge-watching something. We recently started Season 1 of Luke Cage.



New Member Spotlight Jessica Lim

Where did you grow up? Tell us about your path to practicing law: I grew up in Nashville with my parents and three brothers, who all still live here. In college, I joined the Mock Trial team and realized I could become a lawyer. I went to law school at the University of Virginia. After law school I moved to Washington, D.C., where I practiced commercial litigation defense at a law firm for several years. I recently moved back to Nashville and joined Leader, Bulso & Nolan.

Tell us about your family. I met my husband in law school at UVA. He is an Assistant Attorney General. We have a 1-year-old daughter and a Shetland sheepdog.

What do you do professionally and what is your favorite part of your job? I'm an attorney at Leader, Bulso & Nolan, where I do plaintiff's side injury, wrongful death, and medical malpractice cases. My favorite part of my job is meeting and checking in on clients, who trust us during what is often the worst period of their lives. It reminds me why I'm working so hard.

If you weren't a lawyer, what would you be and why? I would have tried to work for the U.S. State Department, as a foreign service officer or other type of service abroad.

What is your favorite thing about being a LAW member? I like the "we're all in this together" spirit at the meetings and the encouragement between everyone. I also like reading or hearing about other LAW members' awards, recognition or other successes. Their victories are victories for all of us.

What do you like to do in your spare time (if you have any)? Spending time with my family, going to events and exploring local business in the different Nashville neighborhoods, reading, and planning my next vacation. (All tips and recommendations for traveling in Spain are welcome!)

What books are you reading right now and what is the last book you read? I always have four or five books going at the same time, so I can read the book that matches my mood on any day. Some people get really stressed out that I read books that way, though! I just finished reading "In Cold Blood" by Truman Capote, "Thrive" by Arianna Huffington, and "The Bonfire of the Vanities" by Tom Wolfe. I'm currently reading "Atomic City Girls" by Janet Beard and "A Jury of Her Peers" by Jean Hanff Korelitz.

What is your favorite quote, piece of advice, or a motto you try to live by? "The mind of man plans his ways, but the Lord directs his steps." – Proverbs 16:9. As an over-planner, I always try to remember that even if I set goals and plan out every detail, life will take me on a winding path I could have never expected. Sometimes the best I can do is laugh, work hard, and trust I'll end up where I'm supposed to be.

Any "fun facts" about you that other LAW members don't know? Because of our moving around, I had to be admitted to the bar of three states within three years after graduating from law school. The taking of bar exams, though, was not as fun as this "fun fact."

What woman most inspires you and why? Dolly Parton – a strong, Southern woman with incredible business acumen who has done so much for child literacy and the State of Tennessee.

It's a Saturday in Nashville, what are you doing? I try not to plan dinners or social obligations on week nights, because I tend to work late and never know what surprise might pop up at work. So on Saturdays, if I'm not working, I try to spend the day seeing and catching up with everyone. Our Saturdays are filled with birthday celebrations, brunches, baby and wedding showers, visiting my parents, hosting people at our house, and dinners with friends.

LAW COMMITTEE CORNER

Recent Events

June Networking Event

by Tracy Alcock

LAW's Networking Committee planned its annual Meet the LAW Board Networking Event this year with much success! The Networking Event was held at Rare Bird, one of Nashville's newest downtown rooftop bars and lounges, located on the rooftop of the newly renovated and opened downtown boutique hotel, Noelle. Perched atop downtown Nashville, Rare Bird overlooks the Nashville skyline and the Cumberland River. Rare Bird serves handcrafted cocktails and bites. There was a large LAW turnout at the June Meet the Board Networking Event and everyone enjoyed mingling high above downtown. It also helped that we had wonderful weather that evening!



Upcoming Events

Health & Wellness Book Club

July 11th 6:00—8:00 pm

Hosted by Jenny Charles, 3927 Woodlawn Drive, Nashville, TN 37205

Planning meeting!

Bring a list of book suggestions, your favorite drink and an appetizer to share!

Community Service

Join the LAW Team for the Lawyers for Little Benefitting Big Brothers Big Sisters

July 19, 2018

**Donelson Plaza Strike & Spare
2710 Old Lebanon Road**

Check-In 5:30 pm

Bowling: 6:00—8:00 pm

[Click Here](#) to sign Up or Make a Donation!

Questions? Contact the LAW Community Relations Co-chairs

Brooke Coplon bcoplon@howell-fisher.com

Danielle Nellis pdnellis@gmail.com

A large, colorful, cursive word 'Welcome' in a rainbow gradient, with the 'W' being the largest and most prominent.

The following new members have joined LAW since May 1st!

Nina Barry	Rachel Harris	Berkley Schwarz
Daina Bray	Wil Hicky	Barbara Sidelnik
Alyssa Calhoun	Danielle Johns	Erin Sparks
Shelby Cowman	Ridge Kenny	Katherine Stauffer
Misty Decker	Danielle Nellis	Marcia Stephens
Lauren Erb	Janice Parmar	Joanna Thomson
Sarah Ferraro	Jena Richer	Tyler Valeska
Chelsea Fitzgerald	Jill Roamer	Kasi Wautlet
	Addison Rogers	

**Thank you to our Sustaining Members who support the programs,
mission and purposes of LAW above and beyond the Sliding Income Scale categories.**

Blind Akrawi	Sherie Edwards	Elise McKelvey	Dianna Shew
Anne Arney	Amy Everhart	Lori Metrock	Marietta Shipley
Kristi W. Arth	Amy Farrar	Amy Mohan	Beth Sims
Katherine Austin	Kimberly Faye	Valerie Diden Moore	Liz Sitgreaves
Laura Baker	Mandy Floyd	Marlene Moses	Laura Smith
Rebekah Baker	Shana Foncesbeck	Patricia Moskal	Lucinda Smith
Cindy Barnett	Victoria Gentry	Barbara Moss	Mary Dohner Smith
Kathryn Barnett	Jessica Gichner	Karen Neal	Camille Steward
Margaret Behm	Elizabeth Gonser	Leighann Ness	Mariam Stockton
Jodie Bell	Dana Haas	Judge Alistair Newbern	Grace Stranch
Sonya Bellanfont	Sarah Hannah	Scarlett Nokes	Judge Jane Stranch
April Berman	Laura Heiman	William O'Bryan, Jr.	Allison Thompson
Julian Bibb, Jr.	Lisa Helton	Ashley Odubeko	Scott Tift
Judge Cheryl Blackburn	Jessica Hill	Tony Orlandi	Elizabeth Tipping
Christen Blackburn	Jenny Howard	Janice Parmar	Annie Tipps
Judge Melissa Blackburn	Kyonzte Hughes-Toombs	Andrea Perry	Martha Trammell
Chancellor Claudia Bonnyman	Lynne Ingram	Barbara Perutelli	Judge Aleta Trauger
Jan Bossing	Jessica Jernigan-Johnson	Erin Polly	Byron Trauger
Martha Boyd	Michele Johnson	Sara Anne Quinn	Robert Tuke
Dewey Branstetter	Judge Kelvin Jones	Sharon Ramos	Vanessa Vargas-Land
Hunter Branstetter	Judge Lynda Jones	Jimmie Lynn Ramsaur	Erica Vick
Mary Katherine Bratton	Brendi Kaplan	Sally Ramsey	DarKenya Waller
Lori Brewer	Anne Marie Kempf	Candice Reed	Emily Warth
Josh Burgener	Nina Kumar	Nathan Ridley	Elizabeth Washko
Jean Byassee	Ed Lanquist	Lauren Roberts	Malaka Watson
Karla Campbell	Lynn Lawyer	Jennifer Robinson	Bernadette Welch
Tracey Carter	Haverly MacArthur	Linda Rose	Susan Neal Williams
Margaret Casey	Alexandra MacKay	Rachel Rosenblatt	Helena Walton Yarbrough
Justice Connie Clark	Nancy MacLean	Abby Rubenfeld	Amanda Young
Nancy Krider Corley	Chambre Malone	Jennifer Rusie	Gulam Zade
Carrie Daughtrey	Anne Martin	Joyce Safley	
Judge Martha Daughtrey	Peggy Mathes	Maria Salas	
Ashonti Davis	Kelly McCarthy	Julie Sandine	
Jackie Dixon	Carol McCoy	Carolyn Schott	
Brenda Dowdle	Susan McGannon	Cynthia Sherwood	