LAW MATTERS

February 2023

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PRESIDENT'S MESSAGE

by Shellie Handelsman



There is something special about LAW that differs from any other organization in which I've been involved. The members of this organization are so supportive and encouraging to everyone. I remember when I first joined LAW, every time I attended an event, so many members went out of their way to introduce themselves to me, ask me about my life, and genuinely wanted to see how they could help me reach my professional goals and aspirations. It's part of what makes LAW so incredible – the genuine and caring nature of our members.

Driving home after last year's banquet, my mother told me *now*, after hearing everyone's speeches and talking to so many of my friends, she finally understood why I loved LAW so much and why it meant so much to me. She's been involved in many professional and women's organizations, all of which have been truly rewarding in so many ways, and seemed to be just what they were supposed to be – but none had the LAW *wow factor* – intangible yet palpable inclusiveness.

LAW is exceptional in that way. So many of our founders, past presidents, and past board members continue their involvement. LAW is not just a place to pass through – to roll through the chairs and then become a passive member. LAW is 'sticky.' Our members are deeply committed to LAW's purpose to address issues of concern to women within the legal profession and legal issues affecting women generally.

Several of our founders/past presidents serve on this year's board or have actively planned CLEs, events, and community-oriented activities this year. To name a few, these women include Barbara Moss, Jackie Dixon, Chancellor Patricia Moskal, Chancellor Anne Martin, Chancellor Claudia Bonnyman, Judge Marietta Shipley, Margaret Behm, Abby Rubenfeld, Candice Reed, Laura Baker, Liz Sitgreaves, Christen Blackburn, Sara Anne Quinn, and Kimberly Faye. The active involvement of past leadership provides a depth of institutional knowledge not readily available to other organizations. It also encourages and strengthens the meaningful connections and friendships that are legitimately embedded in our culture.

This year [I hope you noticed], I've focused each president's message on at least one of our members to highlight something incredible they've done for LAW and its members. LAW wouldn't be the organization it is without our extraordinary members.

That's why this month, I want to encourage all of you to lift up your incredible friends and colleagues and nominate them for our two annual LAW awards: the Judge Martha Craig Daughtrey Award and the Rising Star Award.

The Judge Martha Craig Daughtrey Award recognizes active LAW members who model personal and professional achievement in the practice of law, promote the visibility of women in the legal field, and have personally encouraged female lawyers to excel. Nominees must have practiced in the legal field at least 15 years, be held in the highest professional esteem, and demonstrate a career-long commitment to personal, professional, and community responsibilities.

The Rising Star Award recognizes active LAW members who truly are "ones to watch" because of their contributions to the profession, the association, and the community. Nominees must have less than 15 years of experience, be held in the highest professional esteem, and show promise of future leadership.

I know we have so many incredible, active LAW members who are deserving of these awards. I hope you will join me in taking a few minutes of your time to nominate someone for each award, someone you believe exemplifies these qualifications. Nominations are due February 20th , and the winners will be recognized and receive their awards at the Banquet on April 13th. I'm looking forward to seeing you there!

You can tell who the strong women are. They're ones building other women up instead of tearing them down. – Unknown

Shellie

Nommate Deserving LAW Members for Our Annual Awards Our Annual Awards

Rising Star Award Recipients













Nominations due February 20, 2023. Link to nomination form <u>Here</u>.

Recap of the Free Member Appreciation CLE: Title IX Gender Equity in Sports

By Amanda L. Bradley

On December 13, 2022, LAW members gathered for our annual member appreciation CLE. The topic was Gender Equity in Sports, presented by LAW member Margaret Behm and Professor Mary Ellen Pethel. Margaret Behm began her presentation by unequivocally announcing that, "No there is no gender equity in sports." 2022 was the 50th anniversary of the passage of Title IX. When it first passed, Behm explained, it wasn't clear that Title IX would apply to sports. Now we immediately associate title IX with sports. The wording of the law is "equitable" not "equal," which means that according to Title IX, we should treat men and women *equivalently*. It is interesting to note that colleges now are composed of 52-57% of female students - so they arguably should have the same proportion of the athletes. As you might guess, currently they do not.

One common misconception is that the National Collegiate Athletic Association (NCAA) must follow Title IX. It does not, because the NCAA is a private entity that doesn't receive federal funds. Behm reminded members of the issue in the news a few years ago where the NCAA tournament exposed the disparity between men's and women's locker rooms during their basketball tournaments. An independent report was done after this story broke about the systemic issues within the NCAA. The report stated the NCAA *promoted* men's basketball and actively *blocked* women's basketball from being able to earn as much.



Behm reminded attendees of another recent story in the news: how the U.S. Women's soccer team sued for equal pay, and the result of that suit is that now the men and women have equal collective bargaining agreements. **Of note to members, the U.S. Women's soccer team will be playing in Nashville in February 2023.** Members may also want to keep an eye on a case out of Knoxville that is scheduled for trial in March 2023 involving a trans student who sued after being prohibited from trying out for the school golf team.

Behm is involved with the Nashville Sports Authority, an organization that is actively trying to get a professional women's sports team to the city. Her parting words to members were, only 5% of media is dedicated to women's sports, and only 0.2% of money spent in sports is on women's sports. Behm challenged members to think about what we can do as lawyers to change the system that's in place. Our next speaker was Mary Ellen Pethel who is an assistant professor of honors and global leadership at Belmont. She spoke to members about her latest book, <u>Title IX, Pat Summitt, and Tennessee's Trailblazers: 50 Years, 50 Stories</u>. Professor Pethel walked us through the history of women's sports in Tennessee as she focused on a few of the individuals featured in her book. One notable woman mentioned was Betty Wiseman. Four years before the passage of Title IX, Wiseman started a women's basketball team at Belmont, the first in the state, and one of the first in the southeast. Other schools soon followed suit. At TSU, the legendary Ed Temple coached the famed Tennessee Tigerbelles, and produced more Olympians than anyone, including Wilma Rudolph and Chandra Cheeseborough.

With women's sports in Tennessee, the smaller schools succeeded first and then the bigger schools got on board and increased their funding so that eventually the big powerhouse schools like UT overtook the small ones. Of course, Professor Pethel discussed the history and rise of hall of fame UT Lady Vols basketball coach, Pat Head Summit. Professor Pethel explained that the rise of women's sports is the most tangible byproduct of Title IX and that Tennessee was a frontrunner in women's sports. Our state had a women's collegiate sports league before the national organization began. It would later be subsumed by the NCAA.

Title IX has given countless women the ability to go to college on athletic scholarships. But the struggle is still ongoing to prove that women's sports are a compliment to, and not a competitor of, men's sports. According to Professor Pethel, "Title IX was the start. It is up to us to finish the race."

After the CLE portion, Members stayed for a holiday mixer and shopping. Professor Pethel sold and personally signed her books, and Thistle Farms was set up with gift items for purchase. Members noshed on appetizers and drinks while catching up with fellow members before the holidays. Thanks to Butler Snow for hosting.







Recap of the January CLE: Developing Your Public Voice;

Tips for Public Speaking

By Amanda L. Bradley

For the January CLE, members convened at Bradley Arant Boult Cummings and enjoyed a networking and happy hour afterwards. Our speakers were Communications Professors Courtney Travers and ML Sandoz from Vanderbilt University. Professors Travers and Sandoz have a combined 55 years studying and teaching communication, rhetoric, public speaking, and debate. As many as 75% of Americans report fearing public speaking more than death, and as lawyers, improving this skill is increasingly important. Their seminar covered practical methods for improving the impact of presentations while decreasing anxiety and fear of public speaking.

Prior to beginning to speak publicly, anxiety and physiological responses are common such as our hearts pounding, losing our breath, or getting dry mouth. Everyone gets nervous to some degree. The key is to practice and build in habits for muscle memory. One trick was to write notes to yourself within your outline such as "BREATHE." Taking that extra second to slow down and take a deep breath can help your brain reset and focus on the task at hand. Another suggestion was to make your body's adrenaline work FOR you! Adrenaline is just a form of extra energy that can be harnessed with practice. Even the mindset of recognizing that your body is giving you extra energy in the moment can be channeled to boost the speaker's confidence. Help minimize your anxiety by making sure you know your material, and don't wait until the last minute to practice it.

Remember to be cognizant of your rate of speech. We often speed up when we get nervous, so adjust for the circumstances and slow down. Use purposeful pauses to help with pacing. Without these built into our speech, we can fall into the habit of using filler words like "Umm" and "like," when we don't take these purposeful pauses.

Gestures and movement should seem natural. Common problems are hands clasped or in pockets, or holding tightly onto the lectern. Beware of what Professor Sandoz calls the bird! That is, flapping your arms while having your hands glued to the lectern, instead of making purposeful gestures. Also avoid rhythmic moves such as swaying from side to side. Professor Sandoz recommended that before you start to speak, start with bent elbow and arms; this allows the body to flow into making natural ges-

-tures and movement should seem natural. Common problems are hands clasped or in pockets, or holding tightly onto the lectern. Beware of what Professor Sandoz calls the bird! That is, flapping your arms while having your hands glued to the lectern, instead of making purposeful gestures. Also avoid rhythmic moves such as swaying from side to side. Professor Sandoz recommended that before you start to speak, start with bent elbow and arms; this allows the body to flow into making natural gestures.



Ensure your volume is loud enough, and use a microphone when available to accommodate for people who are hard of hearing. When creating PowerPoints or other visual aids, Professor Travers gave several tips. For one, use high contrast visual materials. Be cognizant of viewers who may have a visual disability. You may want to avoid using red and green as they are the most common colors affected by color blindness. Second, white writing on a black background is easier to read when being projected rather than black text on a white screen (with the latter, you can get shadows.) Finally, give auditory cues for any visuals you may use; for example, explain the photo you are about to project, or are projecting to the audience to help reinforce what the image is and how it is relevant to your presentation.

Of course, eye contact is important. Avoid the bad advice many of us have been given before to look in the direction of, but over the heads of, your audience. Instead, allow your gaze to span your entire audience, whether that's an entire jury, or one judge. Pay attention to how you subconsciously change your presentation based on who the judge is or how the audience reacts.



Become attuned to visual and material disadvantages. Professor Sandoz gave a great example of this from when she was consulting for former Mayor Megan Barry. Mayor Barry was supposed to perch on a stool for a debate, but Sandoz recognized that this format would not be ideal for Barry who is on the shorter side, or if she were sitting in a skirt, making it potentially uncomfortable for her during the duration of the debate. Because Professor Sandoz was aware of this potential pitfall, the debate format was changed to allow the candidates to stand behind podiums.

One way to get better at public speaking is by emulating the style of a speaker who communicates in a way that you admire. When presented, members agreed these tips seem common sense, but by remembering them and using them in practice, we can always strive to become better at public speaking.

This event was co-sponsored by our networking committee, which provided pizza and drinks after the CLE for an opportunity to socialize and catch up with old colleagues and meet new ones.



Amanda is a 2022-2023 Newsletter Editor. She is Of Counsel with Hartzog & Silva, PLLC in Franklin, Tennessee.





Executive Board Application Click Here Committee Co-chair Application Click <u>Here</u>



Greeting cards have all been sent; the Christmas rush is through. In fact, we're so far into the new year that we all have probably ditched our resolutions by now. We might as well get started on planning for this year's holiday, and Pearl Diver and Hidden Bar's pop-up Christmas bars should be on your list. Here's a recap of two of my favorite holiday experiences from Christmas 2022.

Miracle Bar at Pearl Diver

Pearl Diver is an East Nashville staple. For most of the year, it serves tiki bar classics like piña coladas and mai tais adorned with paper umbrellas. At Christmas, however, Pearl Diver collaborates with Miracle to make your Christmas dreams come true. Miracle is a holiday pop-up bar concept that originated in



2014 in New York City. Miracle's festive décor and holiday-themed drinks were so popular that Miracle expanded to four cities the following year. And after that, Miracle expanded worldwide, including right here in Nashville at Pearl Diver.

Walking into the bar, I was greeted by a barrage of tinsel and flashing lights. The kitschy Christmas décor was so cute that it might even make the Grinch smile. Miracle's drink menu was equally as festive. I ordered the hot buttered rum (served hot with Jamaican rum, velvet falernum, mixed spiced butter, oat milk, and nutmeg), and my friends ordered the mulled wine (served hot with mulled red wine, ruby port, orange liqueur, and Christmas spices.) Other favorites on the menu were the "Christmas Cricket" (blanco tequila, vanilla liqueur, minty amaro, coco pandan, cream, mole bitters, and dark chocolate) and "Grandma Got Run Over by a T-Rex" (vodka, orange liqueur, gentian aperitif, aloe vera, spiced pomegranate and grape-fruit mix, lime, and aromatic bitters). Although the drinks were delicious, perhaps the best part is that they came in Santa mugs. Pearl Diver is a must if you're looking to have a drink during the holidays.

Pro tip: Pearl Diver doesn't accept reservations during the holidays, so go on a weekday and arrive early to get a good table. We arrived at 5:30 p.m. on a Monday, and by the time we left at 7:00, the bar was standing room only.

Christmas Vacation at Noelle's Hidden Bar

If you're a National Lampoon's Christmas Vacation fan, Hidden Bar at Noelle during the holidays is a must. If you've never been to Hidden Bar, it is indeed hidden. After going through two separate entrances to Noelle and traversing multiple floors, we finally found the bar with the help of some kind waiters.

There was no shortage of Christmas Vacation-themed décor throughout the bar, and the attention to detail was impeccable. The entrance to the bar was constructed to look like you're walking through the front door to the Griswold home, down to the pale-yellow siding and quintessential 80s green shutters. Inside, you'll find a mural memorializing the family RV and Clark's feet dangling from the ceiling as a tribute to the attic incident.



My favorite drinks were "That's Good Eggnog" (diplomatico rum, bourbon, sherry, egg, nutmeg, cinnamon, and heavy cream) and "Jolliest Bunch of ***holes" (fig infused Four Rose's bourbon, pear and cinnamon syrup, bitters, and allspice mist). While I didn't order them, I'd be remiss if I didn't mention that there were also drinks named "Squirrel!" and "It's Christmas, and We're All in Misery." You'll be sure to have the hap-hap-happiest Christmas ever at Hidden Bar.



Pro tip: The drinks were delicious, but the food was lackluster. Stick to drinks to maximize your fun.



Tabitha is LAW's Secretary this year, and frequently writes articles on Nashville's food scene. She is an attorney on the legal team at Nashville Electric Service.

<u>PLEASE</u>

UPDATE YOUR DATA IN YOUR LAW MEMBERSHIP ACCOUNT!!

LAW needs your data! Please update your account with your current place of employment and practice areas (and anything else that is missing). Also add a photo!

Please review your information TODAY! If you do not know your password, please email the LAW office at <u>info@law-nashville.org</u> to receive a new one. DOWNLOAD THE WILD APRICOT MEMBERSHIP APP!



Register for LAW events and pay from your mobile device!

(For IOS and Android. Found wherever you get your apps.)

Life + Law: Let's Be Honest

By Amy Everhart



RING RING RINNGGGG! It's my direct work line. I pick up the phone and answer with my standard professional greeting: "Hello! This is Amy!"

On the other line is an enthusiastic almost-college-grad with questions about what it's like to be a lawyer. "I am so excited to talk with you," she says. "I would love to hear how you came to be a successful lawyer with your own law practice."

I glance around my own law practice: A desk decorated with last year's desk calendar and three cans of grapefruit La-Croix emptied that day, a couple of stray salt-and-vinegar pistachios, a foot-high pile of NBA 'zines I plan to read someday, a pink and purple Pop-It keychain, and my MacBook. (I was on a conference call recently where everyone was discussing how many computer screens they use at once. Is that a thing?) Below the desk is my four-seasons space heater, blowing comforting warm air onto a pair of yellow and orange Big Bird-sock-clad lawyer feet.

"WellIII..." I pick up the Pop-It and pop a purple circle with my thumb. Suddenly, my lawyer-life story flashes before my eyes:

Entering law school, not knowing the meaning of the most basic lawyer terminology (*see, e.g.*, "Plaintiff," "Litigation").

On the way to law school graduation in the back seat of my parents' car, tossing my gown onto the floor in protest amidst a full-on panic attack because I am about to be a real lawyer.

Interviewing for my first associate position in an ill-fitting Ann Taylor suit, my future boss asking me: "What makes you think YOU can be a star litigator?"

Starting my first day as a real lawyer with an unfortunate haircut and dye job, rendering me nearly unrecognizable, wondering if the firm will regret hiring me as a result.

In tears in an older associate's office before heading to my first hearing ever where I will be required to stand up by myself and make a motion to reset a trial despite my paralyzing fear of public speaking. Taking a deep breath and doing it anyway.

Calling my boss from outside the courtroom the next town over where I've just argued a motion my boss said was a no-lose, informing him that, as it turns out, no motion is ever a no-lose.

Driving from Nashville to Indiana on the most beautiful sunny blue-sky day, September 12, 2001, to a deposition we could not cancel, scanning the skies for planes and crying every time I read a church or business sign with another message of love and prayers for our country.

Standing by the receptionist's desk at my first law job when a thousand-page Complaint with nearly 500 separate causes of action is delivered that will be the one I cut my lawyer teeth on for the next five years.

Answering, when asked by our Very Important Client if he can speak with the leading lawyer on the case: "You've got her."

Avoiding any food or drink while taking critical depositions in New York City for an entire day thanks to a severe bout of food poisoning from the Greenwich Village seafood paella that seemed like such a good idea the night before.

Whispering to my boss that I need to leave the trial before the verdict is read because my cat is dying at the vet, racing out hoping I won't be held in contempt, then waking up the next morning to open *The Tennessean* and learning from the huge front-page headline at the top of the fold: WE LOST.

Spending a full day in my neighborhood Starbucks drafting and filing a Sixth Circuit brief because sometimes I just need a change of scenery.

Learning the Sixth Circuit brief I've just been assigned on a complicated copyright issue is due to be filed in less than 24 hours, my boss simply responding: "Well, you'd better get to work," so doing exactly that and being proud of my work.

Not a fan of balancing my checkbook much less running a business but opening my own law firm anyway, thinking I might handle a few trademarks, then suddenly calling myself knowledgeable in all sorts of things I still have much to learn.

Getting a call from a Trademark Office Examining Attorney expecting bad news on a tough mark, only for him to say: "I am calling to tell you...I agree with your position. I am passing your mark through for registration. That is all."

Getting a trademark cease-and-desist letter literally from Godzilla and writing back that, respectfully, I realize I am taking on Godzilla, but, respectfully, I disagree.

Standing with mouth open at the podium before the judge who has just ruled against me as my 15-year-old celebrity client runs out of the courtroom sobbing dramatically.

Standing at the podium after the judge rules in my favor and feeling pretty cool, then looking down and realizing the packed courtroom has likely been more focused on my two different-colored shoes.

Waking up in my own drool on the couch around midnight and happening to glance at my emails only to see an opposing law firm has entered an appearance in my case and dared to file a motion to dissolve my hard-won temporary restraining order, staying up the rest of the night drafting and filing a response in opposition with supporting declaration by 7 a.m. because no one is going to mess with my hard-won TRO.

Leading a pre-Zoom-era conference call of ten men in a software license negotiation while in my bed nursing my newborn and praying she won't make a peep. (She doesn't. She's always been a food-ie.)

After a full day of unresolved mediation, revising a settlement agreement on my laptop with my left hand while stirring macaroni noodles in a pot of boiling water with my right, toddlers at my still-heeled feet waiting to be fed like little birds.

Sitting in my car in front of the daycare in sweats awaiting one of my first Zoom calls and picking something out of my teeth, smearing on lipstick, and poofing my hair when I notice my Zoom-savvy client watching all of it and smirking, having already joined the call.

Weighing until the last possible minute whether to risk bringing in an outside sitter to stay with my kids each day due to Covid school closings so I can go to my office and ensure I continue to make a living. "Ms. Everhart?" the almost-college-grad interrupts my flashbacks.

"Oh! Yes!" My eyes refocus on the Pop-It. "Listen. It may be hard to believe, but I am not wearing shoes right now. You see, I am wearing Big Bird socks."

"What?"

"What I mean to say is, I am you, in what will seem like 10 minutes."

"Huh?"

"Listen, here is all you need to know, and never forget it: Be brave. Expect to lose some and win some. Work hard. Fight hard. Be prepared. Play nice. Swallow your pride. Figure out where you can best serve. Do what you love. Expect to drop balls and don't be hard on yourself when you do. Prioritize what's important to you. Enjoy the ride! And above all, laugh. Except when you shouldn't. Do all that, and one day you, too, can have all this." I pop a pistachio into my mouth and cross my Big Bird feet on my desk.

"Wow. Thanks!"

"Sure thing."



Amy Everhart is a professional juggler of life and a Franklin-based intellectual property and entertainment lawyer, PTO Board member, room mom, after-school chauffeur, second-grade math expert, Best Mom Ever, and proud owner of 1 dog, 4 cats, 3 fish (at the time of this writing), and one caterpillar.

Member News!



Bart Pickett was recently named to the position of Trial Court Administrator of the 20th Judicial District.



Callie Hinson was recently elected to the position of partner at Neal & Harwell, PLC.



Katharine Fischman, former Director of Legal Recruiting and Placement at Latitude, recently took the position of judicial clerk for the US District Court for the Middle District of Tennessee.



Rachel Berg recently became a staff attorney for NCLR - National Center for Lesbian Rights.

KUDOS

KUDOS to Mollie Gass Bauer on the birth of Charles James who weighed in at 9 pounds, and was 21 inches long.

2022-2023 LAW BOARD OF DIRECTORS

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YOU ARE CORDIALLY INVITED APRIL 3, 2023

The Judicial Conference Committees on the Administration of the Bankruptcy System and Magistrate Judges System present their national diversity event for which Nashville is one of several host cities.

ROADWAYS TO THE BENCH:

Who Me? A Bankruptcy or Magistrate Judge?

Interested lawyers and law students are invited to observe a national keynote address and panel discussion of the pathways to a federal judicial career. The national panel, which will be moderated by Judge Carl E. Stewart (5th Cir.), is comprised of:

- District Judge Laura Taylor Swain (S.D. N.Y.)
- Bankruptcy Judge Kesha Lyn Tanabe (Bankr. D. Minn.)
- Magistrate Judge Mustafa T. Kasubhai (D. Or.)

Following the panel presentation, attendees can participate in small group discussions with bankruptcy, magistrate, district, and appellate judges, as well as lawyers who have been involved in the appointment process for local magistrate and bankruptcy judges.

- WHEN: Monday, April 3, 2023
- WHERE: Fred D. Thompson United States Courthouse 719 Church Street, Suite 1400 Nashville, Tennessee 37203
- **TIME**: 3:00 p.m. Central Time

Reception to Follow

Registration is now open. Click <u>Here</u> to register.

Questions? Please e-mail them to rsvp@tnmd.uscourts.gov.

There is no charge for this event. Registration may be limited due to space constraints.

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

Elizabeth Alexander Audrey Anderson David Anthony Anne Arney Kristy Arth Gail Ashworth Katherine Austin Catie Bailey Laura Baker Cindy Barnett Kathryn Barnett Lisa Bashinsky Mollie Gass Bauer Annie Beckstrom Margaret Behm Katie Bennett Rachel Berg April Berman Judge Cheryl Blackburn Christen Blackburn Judge Melissa Blackburn Chancellor Claudia Bonnyman Jan Bossing Amanda Bradley **Dewey Branstetter** Hunter Branstetter Mary Barrett Brewer Josh Burgener Taylor Caleb Judge Sheila Calloway Chancellor Rose Cantrell Dr. Tracey Carter Cindy Chappell Jenny Charles Jennifer Cook Brooke Coplon Nancy Krider Corley Jan Margaret Craig Chelsea Curtis Judge Angie Dalton Carrie Daughtrey Ashonti Davis Stacy Davis Jacqueline Dixon Margaret Dodson Elizabeth Donoho Brenda Dowdle Meredith Eason Jennifer Eberle

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