

LAW MATTERS



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PRESIDENT'S MESSAGE

by Kimberly Faye



There's an old saying, "one step forward and two steps back." According to Google, the original phrase came from an anecdote about a frog trying to scale a water well. The frog kept trying to climb up the wall of the well but for every two steps it climbed, it fell back by one step, and the term "two steps forward and one step back" was coined. Regardless of whether it is one step forward and two steps back or two steps forward and one step back, I feel like the frog in many ways with the pandemic. We made progress with vaccine, things began to reopen, life started feeling

somewhat normal again, and then what felt like within a matter of weeks, we began backsliding. It is disheartening, but I have to keep the hope that things will get better again and truly get back to normal. This is not the platform for me to share my opinion on the matter, but I do want to encourage all of our members to adhere to the CDC's guidance and talk to your doctor about the vaccine if you have questions or concerns.

In light of the prevailing COVID-19 conditions in our communities and nationwide, LAW is reconsidering our future in-person events. As of now, we have not cancelled any of our scheduled events, but please rest assured that we are watching conditions closely and will provide additional information should that change. At our August board meeting, the Executive Board discussed implementing a liability waiver and release for participants to agree to if attending an in-person event. The majority of our Executive Board agreed that LAW should have something in place similar to what many other organizations are using. As a result, LAW will have the COVID policy linked [here](#) for review and signature upon registration at our in-person events. Your understanding and patience is appreciated as we are all trying to navigate the appropriate actions to take during this unprecedented time.

Now, onto a lighter and happier note. It was great to see many of our members at the joint NBA and LAW 101 Years of Woman Suffrage Reception on August 18 at the Hermitage Hotel. We heard comments from Chancellor Ellen Hobbs Lyle and Dee Patel, the first female managing director of the Hermitage Hotel. Earlier that day, I had the opportunity to tour the Votes for Women Room at the Nashville Public Library, and it was wonderful! The room was created to mark the 100th anniversary of the ratification of the 19th Amendment to the constitution. The permanent exhibit explores a range of topics surrounding democracy, political movements, and women's role in society through videos, interactive exhibits, a timeline, and interpretative panels. The Votes for Women Room is inside the Nashville Room, and is open during all open hours of Main Library, and I hope you all have a chance to visit. There is a large yellow circle around the room that displays empowering quotes, and I'll end by sharing my favorite. "To the wrongs that need resistance, to the right that needs assistance, to the future in the distance, give yourselves." Carrie Chapman Catt.

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LAW Matters is a monthly publication of the Lawyers' Association for women—Marion Griffin Chapter, P. O. Box 210436, Nashville, Tennessee, 37221-0436. Voicemail: 615.708.1827 Fax: 888.834.7370; www.law-nashville.org.

101 Years of Woman Suffrage

LAW recently celebrated 101 Years of Woman Suffrage by touring the Women's Room at the Downtown Branch of the Nashville Public Library, visiting with friends and colleagues in the ballroom of The Hermitage Hotel, and presenting a wreath at the Woman Suffrage Monument at Centennial Park.



Virtual Marion Griffin Women's Symposium

September 23, 2021

9:00 am—1:00 pm

What We Have Learned From The Past Year And How We Can Grow*

We will look at both substantive law changes that arose from our experience plus look at how we as attorneys can grow both in attorney well-being and personal branding. How can we maintain boundaries in the ever changing remote work environment? How can we increase our business and presence as social interactions increase?



Keynote Speaker

State Representative London Lamar
91st District

For more information and to register click [Here](#)

Outdoor Kick-off Reception, September 22, 2021 5:30—7:30 pm

*2 Hours General Credit CLE and 1 Hour Dual Credit CLE Available



Board Spotlight LAW Treasurer Emily Warth

Where are you from? Tell us about your path to practicing law. I was born and raised in Dallas, Texas. My path to practicing law is fairly boring. My dad's a lawyer, and I started saying I wanted to be a lawyer in elementary school. My only detour was that I majored in music in college, but quickly realized that while I enjoyed singing, I didn't love practicing...or rejection. So, I took the LSAT, and headed to Vanderbilt Law School after college graduation.

What do you do professionally, and what is your favorite part of your job? I am Assistant General Counsel at Asurion, where I oversee our litigation and advise on risk and compliance issues. My favorite part of my job is that there's always something new to learn. When I went in-house, I was worried it would get boring, but each day brings a new question and a new challenge. I also love the people I get to work with. They are smart and driven, but maintain a sense of humor, even in stressful times.

What leadership roles have you had with LAW? I have dabbled in co-chairing many different committees, including Practicing Parents; Judicial Appointments, Elections and Awards Nominations; Breakfast; Membership; and Newsletter. I'm excited to be serving as Secretary this year.

What is your favorite part of LAW? The people. I came to LAW a bit later than some, joining about 6 or 7 years ago, and have made so many connections and friends I wouldn't otherwise have met. And I love the camaraderie of women uplifting other women.

Describe yourself. That's a challenging one! I am a lot of things: mother, wife, lawyer, daughter, sister, friend. To each of those relationships, I like to think I bring smarts, practicality, humor, joy, sarcasm, forgiveness, and occasionally a fiery temper. I'm super easygoing....until I'm not. Probably what makes me a good litigator. 😊

It's a Saturday night in Nashville (pre-COVID-19) - what are you up to? Either at a new or old restaurant with my husband and some friends, or hanging out at a neighbor's house, eating and drinking and laughing while our kids play. It's been nice to start doing a lot of that again!

Facebook or Instagram? Instagram (although I still post on Facebook, so my mom and grandma will see 😊).

Phone call or text? Text. The only person I regularly call is my mom.

Netflix or Hulu? Both! I'm a giant tv watcher, so I subscribe to all the streaming services. If forced to choose, I'd go Netflix, but it's a close call!

July Virtual Monthly Meeting Recap

By Caroline Sapp



From Left: Professor Karla McKanders and Mandy Floyd. Below: Professor Alexis Hoag.

On July 20, 2021, LAW held its virtual monthly membership meeting and CLE: The Future of Qualified Immunity. Mandy Floyd introduced the speakers, Professor Alexis Hoag, Brooklyn Law School, and Professor Karla McKanders, Vanderbilt Law School, and asked questions to the professors regarding qualified immunity and matters surrounding that topic.

Professor Hoag provided an overview of qualified immunity, which is an affirmative defense that was judicially created to protect state actors from frivolous lawsuits.

Professor McKanders discussed George Floyd and how the public has started to question qualified immunity since his death by a state actor, as well as discussing the arguments for removing qualified immunity, including preventing government overreach and to facilitate a way to hold state actors accountable.

Professor McKanders discussed George Floyd and

The professors provided a history behind Section 1983 and why Congress enacted this legislation, i.e. to open the federal courthouse doors to people who were being terrorized, tortured, among other things, by state actors and provide an individual cause of action. They also noted that, this legislation was statutorily created while qualified immunity was judicially created, perhaps cutting against Congressional intent in passing the Section 1983 legislation.

The discussion also included the high bar that qualified immunity created, the threshold for determining whether qualified immunity was applicable to a case, as well as discussed the affirmative defense in the immigration context.

In regards to whether qualified immunity will remain is to be determined, but is important to note the public consciousness since George Floyd's death and the discussion that qualified immunity has sparked, not only in the legal community, but also in the public.



Caroline is a 2021-2022 Newsletter Editor. She is Of Counsel of The Barnes Firm LLC.

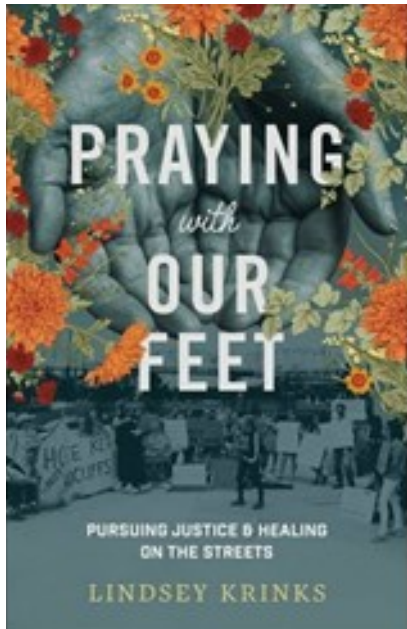
As Lawyers, Do We “Pray With Our Feet”?

By Jane Salem

Before the pandemic, remember going to concerts or sporting events at the Bridgestone Arena when the place was packed? In case you’ve forgotten, it looks like this:



It’s a lot of people.



An organization that serves Nashville’s homeless population estimates that on any given night, *this same number of people, approximately 20,000, are experiencing homelessness. Of them, about 8,000 are children.* These numbers include persons in shelters, encampments, motels, sleeping in cars or on the streets, or staying on a friend’s couch for the night.

It’s a daunting and tragic number, to me at least. If you agree, please keep reading.

This article is about Nashville’s homelessness crisis. And it’s about a remarkable book, “Praying With Our Feet” by Lindsey Krinks, that will inspire you to act.

The reasons a person becomes homeless are myriad: job loss, abuse at home, drugs/alcohol, eviction by a family member, illness or disability, etc. A combination of these factors is common.

Another significant reason is being unable to keep up with bills. The minimum wage in Nashville is \$7.25. A minimum-wage worker would have to work over *140 hours a week, 52 weeks a year*, to afford a one-bedroom apartment at “fair market rent” in Nashville. Nashville has been rated by gobankingrates.com as the city whose cost of living has increased most rapidly of the 50 largest cities examined, primarily due to housing costs.

These statistics come from Open Table Nashville, which Krinks cofounded in 2011. [Fact-Sheet.pdf \(opentablenashville.org\)](https://opentablenashville.org). Open Table Nashville is an interfaith homeless outreach non-profit that

“disrupts cycles of poverty, journeys with the marginalized, and provides education about issues of homelessness.”

Krinks is the organization’s Director of Education and Advocacy. For over a decade, she’s worked on the underside of Nashville—the streets, encampments, jails, slums, and underpasses—while also working with faith leaders, community organizers, and public officials to make the city more hospitable and just. Krinks is also an interfaith street chaplain. On any given day, she can be found in tent cities, washing feet on the streets, marching for change, or foraging for native herbs and plants. She has literally helped bury the dead.

She’s also a mom to a one-year-old, and in 2020, she lost her own home in the March tornado.

The title of Krinks’s memoir refers to a quote from Abraham Joshua Heshel, a Jewish mystic, philosopher and scholar who was also a confidante of Rev. Dr. Martin Luther King, Jr. As Heshel marched with Dr. King from Selma to Montgomery in 1965, he said “he felt as if his legs were praying.”

Krinks came to Nashville from her native South Carolina to attend Lipscomb University. Initially she wanted to pursue a career in physical therapy, get married and enjoy a comfortable life with a house, kids and lots of paid vacation. (Weren’t most of us taught this, in one form or another?)



But after a particularly inspiring course on biblical ethics in her sophomore year, Krinks decided that to truly follow Christ, she needed to forego consumerism and do more. She began organizing campus educational forums and service projects, occasionally raising the ire of administrators.

Near graduation, Krinks and other students coordinated a letter-writing campaign and demonstration at city hall to push for more money for affordable housing in Nashville’s budget. As the demonstration ended, a well-known advocate for the homeless—homeless himself—informed her proudly that she’d become “an activist.”

I’m not going to recount Krinks’ whole story here, because I want you to buy the book for many reasons.

It’s well-written, for starters. It’s clear to me that Lipscomb’s English Department taught her well.

Krinks occasionally quotes scripture, theologians, philosophers and activists, including Dorothy Day, St. Francis of Assisi, Dorothee Soelle, and Slavoj Zizek; she earned her master’s in theological studies from the Vanderbilt Divinity School in 2013. The book is billed in part as about “Christian living,” which ordinarily would send a (lousy) Catholic like myself running the other way. But Krinks uses the quotes strategically and not heavy-handedly. It absolutely works.

“It is the role of people of faith and conscience to stay awake, to raise critical questions about society, to stand on the side of the oppressed, and to refuse to let injustice have the final say.”

—Lindsey Krinks, “Praying With Our Feet.”

Krinks’ story is engrossing. Following her principles hasn’t been easy, to say the least. She was arrested for violating curfew during Occupy Nashville in October 2011. Afterward, her church cancelled her planned reflection on scripture and the Occupy movement at the last minute, leaving her feeling deeply betrayed. She attended the service with her lips duct-taped. And she has lost friends she met on the streets along the way who have inspired her with their courage and kindness.

Perhaps most importantly, the book is worth your time because it might make you question some of your own choices and priorities. We’re lawyers. Some (most?) of us went to law school ... to help people? To make a difference? Are we really doing that these days? Have you ever worked on a case and felt the cognitive dissonance of “I don’t really believe in who/what I represent, but I have student loans to pay, a mortgage, etc.”? Do my values and religious/spiritual beliefs match my words and actions?

Tough questions, but worth considering.

And you can do something to help. Consider the following:

Support Open Table Nashville's annual fundraiser. This year it will on October 21. Attend, invite your friends, and/or ask your employer to become a sponsor at any level.

Volunteer as an individual or a group. Many of Open Table Nashville's past volunteer opportunities have been "paused" due to covid-19. But with a little planning for safety, it might be possible. Contact them: volunteer@opentablenashville.org.

Donate, one-time or monthly. You can also support Open Table Nashville each time you shop at Kroger or on Amazon, or at one of hundreds of stores via Giving Assistant. You can also purchase items from its Amazon Wishlist.

Finally, **don't look away the next time you're stopped at a red light and see a person with a sign.** Give them new socks, food, water, a few bucks, feminine hygiene products or other toiletries, whatever might help. *Validate their humanity.*

I'm so glad that Krinks never became a physical therapist.



Jane Salem is a staff attorney with the Court of Workers' Compensation Claims in Nashville. She is a frequent contributor to LAW Matters.

SAVE THE DATE

2021 New Admittees' Breakfast

November 2, 2021

**Registration and Coffee 7:15—8:00 am
Breakfast and Program 8:00—9:00**

Davidson Ballroom, The Music City Center



Member Spotlight

Bill O'Bryan

Where are you from? Tell us about your path to practicing law. I'm from Evansville, IN. I was born in Comanche County Hospital in Lawton, OK, while my dad was in the army at the artillery base, Ft. Sill, during the Korean conflict. After graduating high school in Evansville, I obtained a liberal arts degree from Wabash College, one of the last three all male colleges in the U.S. With a liberal arts degree, I could either go to grad school, or teach. I chose law school and got married.

What do you do professionally, and what is your favorite part about your job? I had some great mentors and started with a general litigation practice. Over time, I shifted to business dispute resolution, commercial litigation and creditors' rights. At this stage of my career at Butler Snow, the favorite part of my job is working with the other attorneys and mentoring. I still get satisfaction out of helping a client solve a tough issue.

What brought you to Nashville? I entered Vandy Law in the Fall of 1974. Throughout law school, I worked as a runner/law clerk for Trabue, Sturdivant & DeWitt. My wife, Susie, and I wanted to stay in Nashville, and I became the 10th lawyer in the firm. That was a big firm in Nashville at the time.

What's your favorite thing to do in Nashville? I enjoy coaching junior high girls basketball for Christ the King School. I enjoy playing in the NBA Softball League for the comraderie (and beer) mostly ... not so much for the aerobics. My wife and I enjoy ballroom dancing. I prefer the Waltz and East Coast Swing. Summer evenings with big bands at the Pavilion in Centennial Park have been a blast.

Why (and how) did you first get involved in LAW? I first became involved in LAW when I realized that it was Law Association for Women, not of women. My daughter was a young professional in Nashville and I wanted to learn to be more sensitive and supportive of the young women in our firm and the Bar. I held practice group leadership roles at the firm and I felt that I needed to be a LAW member. Plus, I thought that getting CLE while being fed made a lot of sense.

Tell us about your family. Susie and I have two children, Randy and Meg. Randy is a high school teacher and football coach, and Meg is the director of accounting for a health care company.

What are your hobbies? Right now, my hobbies are my grandkids, Annabelle (6) and Liam (2), who belong to Randy and Katie. Meg is married to Seth Williams who is a talented musician and who crafts guitars. I can't think about my grandkids without smiling.

What is your favorite quote, piece of advice, or a motto you try to live by? "If you are still alive, God's not done with you." This has not always been my "go to" saying, but it has more relevance now, and it reminds me to keep learning and trying new things.

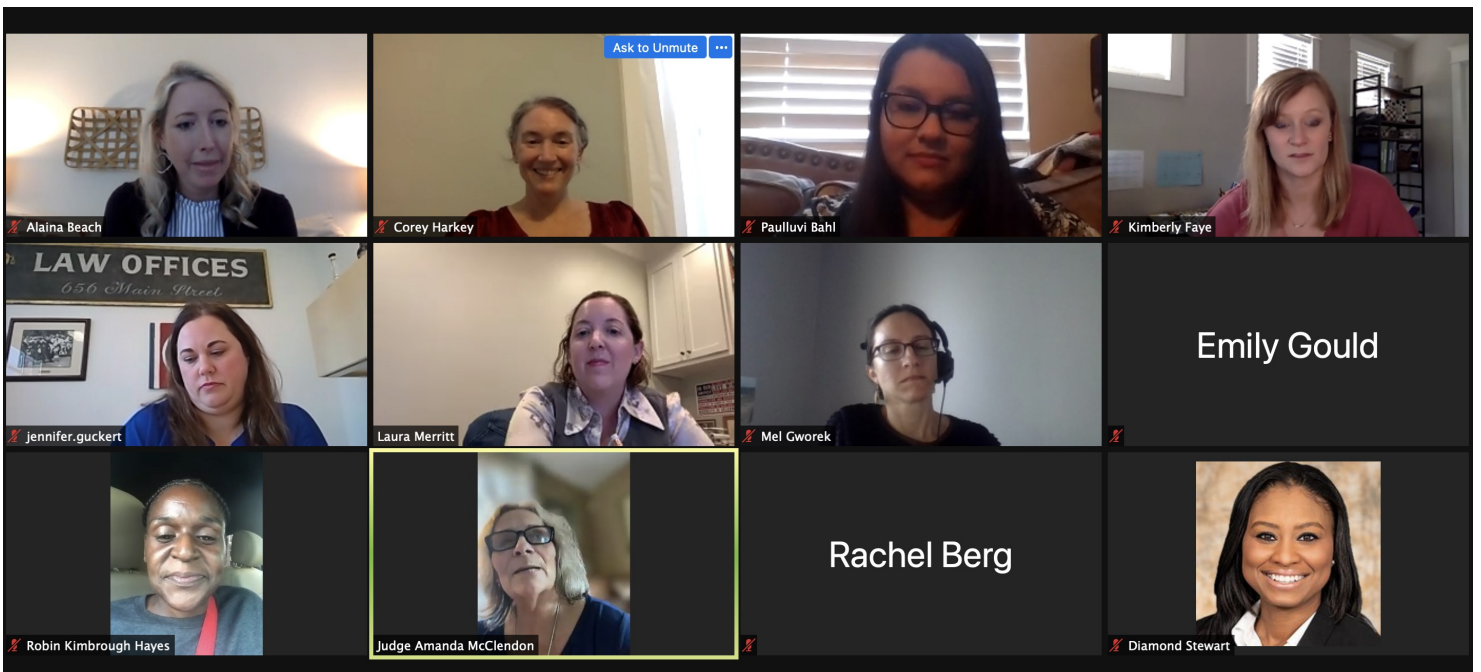
What woman inspires you and why? It may sound trite, but I am inspired by Susie. She is strong, tolerant and a wonderful loving partner. She put me through law school decades ago. She has been a sounding board, and a listener. And, her questions, thoughts and challenges are reminders that we're not done yet.

July Events

Meet the New Board Happy Hour

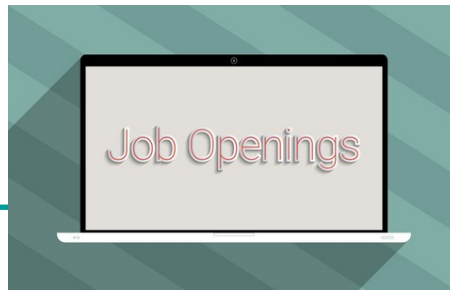


Learn In Circle





. . . to Laura Baker on being named the Chair of the 2021 Campaign for Equal Justice by the Legal Aid Society of Middle Tennessee and the Cumberland, which is Tennessee's largest nonprofit law firm.



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