

LAW MATTERS

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PRESIDENT'S MESSAGE

by Emily Warth



In recognition of Black History Month, I am dedicating this President's message to Lutie Lytle, the first African American woman admitted to the Tennessee bar in 1897, and arguably the first woman to practice law in the state of Tennessee. (That honor typically goes to the esteemed Marion Griffin, for whom our beloved chapter of LAW is named. Marion Griffin began working as a lawyer in Tennessee in 1907, and it appears that Lutie Lytle's legal work in the state was not as a practicing lawyer, and instead was as a law professor and law librarian at Central Tennessee College, where she also got her law certificate and graduated as valedictorian of her class).

My research into Lutie Lytle is admittedly fairly shallow, and more reliant than it should be on Wikipedia, but even that research yielded some interesting facts that resonated with me. First, Ms. Lytle was the daughter of former slaves, who moved to Topeka, Kansas from Murfreesboro, Tennessee in the 1880's. Ms. Lytle's father was a business owner and was politically active in Kansas. He supported his daughter in her education as well as the activism she was involved in throughout her life.

Second, Ms. Lytle likely died in 1955, which means that she was alive when my parents were children. That fact really hit home for me, because I often think of slavery and the Civil War as a very long time ago. However, reading that Ms. Lytle, whose parents lived as slaves into adulthood; who had to fight to be admitted to the bar as an African American woman; who had to fight to have a career as a lawyer; and who could not legally vote until she was in her late 40's, was walking around while my parents, who hopefully have decades left to live, were learning how to read, reminds me of how recent all of those things were.

Third, Ms. Lytle did many impressive things as an African American female attorney in the late 1880's and early 1900's. She taught. She advocated for African American women, working with organizations like the National Association of Colored Women, and gave talks at churches and women's groups. She spent several years practicing law with her first husband, Alfred Cowan, in New York City, and continued to practice for several years alone after his death. She also was the first African American female in the National Bar Association, the professional association for African American lawyers.

When I look at her career, I see a trailblazer in so many ways, for both African Americans and for women. However, with a little projection by me, I also see how hard it was for her to blaze those trails. There were many years in her career, particularly when she was married to her second husband, when she didn't work. Despite fighting to get admitted to the Tennessee bar, she never actually practiced in Tennessee, which I imagine could be due to the challenges of getting work and clients, given her gender and race. I also imagine that she had to be twice as good as any of the men in order to be taken seriously. And yet, she continued to advocate and make a difference, despite these challenges. That is truly inspiring.

I'll end this president's message with a quote from Lutie Lytle, herself, who in an 1897 interview, explained why she became a lawyer:

I conceived the idea of studying law in a printing office where I worked for years as a compositor . . . I read the newspaper exchanges a great deal and became impressed with the knowledge of the fact that my own people especially were the victims of legal ignorance. I resolved to fathom its depths and penetrate its mysteries and intricacies in hopes of being a benefit to my people.

It's clear that Ms. Lytle achieved her goals, and our nation and our profession are better for it.



LAW Remembers Justice Sandra Day O'Connor

“I was in elementary school when I learned about Sandra Day O’Connor. When I found out that she was one of nine judges in the highest court in the land, and that she was the first woman ever to be appointed to that position, well I was immediately struck with admiration for her. Here was a woman who was doing something no one else had before! I didn’t have any lawyers in my family, but as soon as I learned about Sandra Day O’Connor, I knew I wanted to become a lawyer and judge one day. She was a trailblazer for women in the legal field, and she carried herself with such grace and dignity. We have lost a living legend.”

-Amanda Bradley

“On December 1, 2023, we lost one of the most powerful women in America—she blazed the trail for RBG, Sotomayor, Kagan, Barrett and Jackson. Out of 115 justices that have served on the Supreme Court, only six (six!) have been women, and four currently serve. Sandra Day O’Connor forged a legal career when few women did; in fact, she was offered only a secretarial position at a major law firm after graduating top of her class. She ended up taking a government job and working for free until the position received funding. Her ambition and perseverance to overcome the barriers she faced is an inspiration to all women.”

-Morgan Bernard

A CELEBRATION OF MELANIE GRAND

MARCH 26, 2024

5:30-7:30 PM

DODSON PARKER BEHM & CAPPARELLA, PC

1310 6th Ave. N., Nashville TN 37208

After 24 years as the Executive Director of LAW, Melanie Grand is retiring at the end of March. Please join us to celebrate the invaluable contributions she has made to our organization over the years and to wish her well in her well-deserved retirement.

Annual Meeting and Awards Banquet



**SAVE
THE
DATE**

11 APRIL 2024

6:00 PM



MUSIC CITY CENTER, MEETING ROOM 104

LAWYERS' ASSOCIATION FOR WOMEN—MARION GRIFFIN CHAPTER ANNUAL MEETING & AWARDS BANQUET SPONSORSHIP PROSPECTUS

APRIL 11, 2024

HISTORY

On January 27, 1981, the first organizational meeting of the Lawyers' Association for Women was held. This meeting was the result of several months of ground work by a group of women lawyers intent on providing opportunities for women lawyers to become better acquainted with one another on both social and professional levels and to further specific purposes, including working for the selection of qualified women for election and nomination to the bench and for the continuing improvement of the overall quality of the bench, encouraging participation of women lawyers in existing bar organizations at the committee and officer levels, and promoting career opportunities for women lawyers.

PURPOSE

The purpose of this Association shall be to address issues of concern to women within the legal profession and legal issues affecting women generally, including: a. to promote the efficient administration of justice and the constant improvement of the law, especially as it relates to women; b. to advocate for increased numbers of qualified women on the bench and to work for improvement of the overall quality of the bench; c. to encourage the participation of women in local, state, and national bar associations, legislative bodies, and other positions of leadership. d. to monitor and to participate as much curiae in litigation involving issues of concern to women; e. to promote the participation of minority attorneys in the Association; f. to promote the participation of new attorneys in the Association; g. to promote career opportunities for women within the legal profession, including the dissemination of job availability information and the exploration of alternative work options; h. to promote diversity in the legal workplace and within the legal profession generally; i. to foster public dialogue about legal barriers causing unjust societal discrimination and bias; j. to enhance the quality of life in the community by active participation in community service; and k. to enhance the legal knowledge and skills of attorneys in the Association.

SPONSORSHIP BENEFITS	Diamond Sponsorship \$2000	Gold Sponsorship \$1500	Silver Sponsorship \$1000	Bronze Sponsorship \$500
Eight (8) tickets	✓	✓	✓	
Priority seating at banquet.	✓	✓	✓	✓
Verbal recognition at banquet.	✓	✓	✓	
Logo included in program and banquet signage.	✓	✓	✓	✓
Logo displayed on LAW website.	✓	✓	✓	✓
Promotion of sponsorship on LAW social media outlets and in upcoming issues of <i>LAW Matters</i>	✓	✓	✓	✓
Four (4) tickets				✓

*Your sponsorship makes it possible for LAW to honor the recipients of the annual LAW awards.

** To be included in the program, please respond by April 4, 2024.

For questions about Sponsorship Opportunities email info@law-nashville.org.

Recap of January Membership Meeting: The Road Less Travelled

By Morgan Bernard, Newsletter Editor

In January, we heard from four attorneys who pursued non-traditional career paths. Here's what they had to say.

Michelle Kennedy, the current COO and President of the Preds, received her undergraduate degree and CPA in the 90s and graduated from Vanderbilt Law School in 2007. A year later, she joined the Predators as in-house counsel, transitioned to CFO in 2010, then COO in 2017. Prior to the Preds, she worked as an auditor for KPMG and spent several years as the Associate Director of Athletics at Vanderbilt.

Her experience auditing businesses gave her insight into how they should operate, which was immensely helpful in navigating her subsequent jobs. At Vanderbilt, she became proficient at business matters and people would also ask about related legal issues which prompted her to go to law school in her mid-30s. When she started working for the Preds as in-house counsel, she was the sole attorney and noted that most hockey teams at that time did not have a large in-house counsel team. Since she started, the legal department for the Preds has grown to four attorneys who handle anything from slip and falls, licensing agreements, governance issues, data privacy, music rights, social media, and IP issues.

Her advice—she believes that a legal education is not given enough credit as broad-based and versatile as it is and that work experience can help you figure out what areas your passionate in.

The next speaker, Robert (“Bobby”) Perry, is an investor and funding partner for Lumine Capital Partners, a private investment firm that supports entrepreneurs, as well as the sole owner, President and CEO of Three Brothers Mechanical, a Nashville plumbing and mechanical contractor. He has a JD/MBA from Vanderbilt with investment experience in managing a portfolio of operating businesses and due diligence initiatives.

Because of the 2007 crisis, he became motivated to get his business and law degree; he also did not want to pursue a traditional business career. He focuses on turnaround opportunities in closely-held businesses which prompted him to purchase Three Brothers Mechanical. His interests in investing, specifically trades investing, led him to operating the business.

Angie Lawless is the co-founder of Wagon Wheel Title and Lockland Law Group. After graduating from Vanderbilt Law, she practiced as a transactional attorney with Bass, Berry & Sims. In the corporate and securities world, she didn't feel fulfilled, but she gravitated towards the Nashville real estate market and decided she wanted to do something in that arena. She eventually made the jump and started a title company.

She advised not to overthink it; if you want to start a business, you need to give yourself the best shot at success but take the plunge before you lose the nerve to do it. With a law degree, she believes you have a lot of job security and it may not be what you want in the moment, but don't be afraid to put in the work and take a chance.

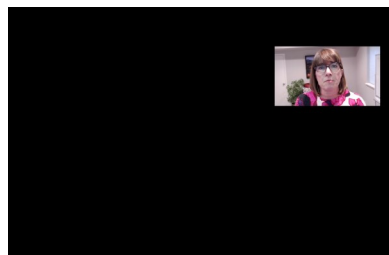
Lastly, Addie Askew spent a decade at the DA's office prosecuting child sex abuse and violent crimes. She recently decided to leave her position to spend more time with her family and small children. She noted that it was the hardest decision she's ever had to make in her adult life, because she always knew she wanted to be a prosecutor and loved her career.

Her advice for attorneys who may be struggling—don't make a quick decision and think about your options. She suggested that you should stay connected and continue to network to keep apprised of any opportunities.

After listening to these attorneys' stories, it's clear that a law degree can be valuable in any career path you choose, and that your work experience can help you determine what you gravitate towards and what's next in your career.

Going All in on Diversity, Equity, and Inclusion

By Ellen Bowden McIntyre, Newsletter Editor



In January, lawyer and author Kathleen Nalty presented to LAW on “Going All in on Diversity, Equity and Inclusion.” Nalty specializes in strategies for creating inclusive cultures that help retain and advance diverse talent. She shared with us her 10 tips that organizations seeking to advance diversity, equity, and inclusion (DEI) should take:

Embedding DEI into Processes/Systems



1. Make DEI a top-level focus and part of the organization’s strategy.
2. Have a top-level executive responsible for leading and sponsoring DEI efforts.
3. Implement behavioral standards, also known as DEI competencies.
4. Use DEI metrics.
5. Hold leaders accountable for results.
6. Train people on unconscious bias.
7. Embed DEI strategies in every process—recruitment, onboarding, performance management, leadership assessment, training, policies, compensation, succession planning, leadership selection.
8. Use employee networks.
9. External awards programs.
10. Have scorecards for DEI goals.

According to Nalty, traditional diversity efforts have never worked and never will. Lawyers from underrepresented groups have more limited access to opportunities critical to career success, which in turn impedes their career progress. For example, Nalty explained that such lawyers have less access to networking, insider information, meaningful work assignments, mentors, training, client contact, social integration, feedback, and promotions.

Female attorneys have materially different experiences than male attorneys, said Nalty. She pointed to a pre-COVID ABA study showing that female lawyers have less access to business development opportunities, are denied promotions, and lack access to sponsors among other things. She added that, in a more recent study, only 55% of female lawyers said that they believed that they had access to the same work experiences as male lawyers. A major cause of these hidden barriers is affinity bias, which amounts to the tendency to gravitate to others who are a lot like yourself. She said that 70% of all law firm partners in the United States are white men.

To address these issues, Nalty recommends that organizations “go all in on DEI” by undertaking a three-phase plan. Phase one involves having good leaders and supervisors, who are inclusive and invested in DEI. Phase two requires “buy in,” where leaders model DEI. Phase three involves “tie in,” when DEI becomes woven into an organization’s DNA by embedding DEI into processes and systems. This could include reviewing leaders for diverse staffing on cases.

Law firms have adopted various strategies to promote DEI. These include a “coaching model,” in which senior attorneys coach other attorneys. Some firms use a “bias buster” cheat sheet. And others have followed the so-called Mansfield Rule, which entails considering a slate of candidates that includes 30% individuals who are diverse, to diversify leadership in law firms.

Nalty challenged listeners to ask what individual actions they will take advance DEI in our own organizations. She urged us to commit to becoming more self-aware and to take actions to advance DEI.

Dispelling the Fear of Pro Bono Volunteering with Legal Aid Society

By Morgan Bernard, Newsletter Editor

On February 15, the Legal Aid Society of Middle Tennessee hosted a CLE with the Community Relations Committee to promote volunteer work at their legal clinics and to alleviate concerns associated with handling pro bono work in an area of practice you may not be familiar with. Rebecca Toca, a lead family law attorney with Legal Aid Society, explained the process of volunteering at the Family Law Clinic at the YWCA Weaver Center and provided some legal background on the types of cases they typically see. In these clinics, Legal Aid gives preference to those victims of ongoing significant violence, and Ms. Toca focused on Orders of Protection, safety planning, victim compensation claims, and divorce to prioritize safety and prevent substantial injustice.

She explained the requirements for Orders of Protection, set forth at T.C.A. 36-3-601, *et seq.* Clients must have filed the initial petition for an order of protection, and then Legal Aid provides assistance for the hearing. The statute is narrow and requires domestic abuse victims to have dated, lived together, be related by blood, adoption or marriage, or be current or former spouses. For stalking victims, one must prove two or more incidents where the respondent has acted in a threatening or intimidating manner. Advice for the hearing can include what to expect and how to prove your case, such as providing proof of threatening text messages, photos of injuries, and call logs. Another big piece of advice Ms. Toca stressed was advising that a rehearing can be requested by either side, as clients may have doubts about moving forward if their case is dismissed. In Davidson County, both sides have an automatic right to request a rehearing.

Legal Aid Society also provides assistance with divorces; even if you don't have experience in family law, you can still walk them through the process of filing for divorce, and the ways most people get divorce—by default, by agreement, and with a trial.

Jordan Stringer, the Director of the Volunteer Lawyers Program, discussed the history of Legal Aid and the Volunteer Lawyers Program, which was founded in 1968 as the Legal Services of Nashville, Inc. Part of the program includes recruiting lawyers to do pro bono work, host monthly legal clinics staffed by volunteer lawyers, and support Legal Aid attorneys by helping to relieve their caseloads. By volunteering, lawyers can receive .2 hours of CLE credit for every hour you volunteer, as well as enhance your skills and learn a new area of the law. Legal Aid Society also provides professional liability insurance to all volunteers, and there is always a Legal Aid attorney helping at clinics and providing support.

To be eligible for services with Legal Aid Society, one must live in one of the 48 counties in the service area, have assets less than \$10,000, and income 125% below the federal poverty level. As an example, one with an annual income limit of \$18,225 would be eligible for legal aid; a household of 6 with an annual income limit of \$50,350 would also be eligible.

As always, they stressed that if you don't know an answer to a client's particular issues, you can always give them general tips on the legal process, such as gathering evidence, testifying in court, and how the legal process works. Even if you feel as though you haven't been able to fully educate them, you are still providing a valuable service by offering an ear, listening to their story, and offering some guidance. Most of these clients are typically told "no" when they ask for help—so any advice they receive will be appreciated, no matter how small you may think it is.

How can you volunteer?

Go to las.org/volunteer/pro-bono-matters/ and review the cases that have been listed. You can filter and search by location or keyword, then click on "Interested" if you think the case is one you would like to take.

You can also attend in-person and virtual clinics. For Nashville, Legal Aid offers monthly in-person clinics and the VLP Registration Form is located at <https://las.org/volunteer/volunteer-lawyers-program/>

The YWCA Weaver Center provides a monthly reoccurring Family Law Clinic, with one upcoming in April, date TBD. Please check the Legal Aid Society website for upcoming events.

Don't be intimidated to volunteer and assist the Legal Aid Society in furthering its mission to advance and defend the legal rights of low-income and vulnerable people!

Types of Cases LAS Can Take

Cases for Legal Aid Attorneys



Cases for Volunteers

1. Divorce/Custody/Family (clinics)
2. Private Landlord/Tenant (clinics)
3. Conservatorships
4. Wills
5. Powers of Attorney
6. Adoptions
7. Bankruptcies (**Chapter 7**)
8. Reverse Referrals and In-House Referrals for Eligible Clients



2024 LAW Diversity Essay Scholarship Contest for All High School Students in Middle Tennessee

The 2024 Law Diversity Essay Contest, presented by the Lawyers' Association for Women's Diversity Equity & Inclusion Committee, is now accepting applications for 2024.

Please click [Here](#) for information on the contest.

LAW Accepting Applications for 2024-2025

Exec. Board and Committee Co-chairs
LAW's fiscal year runs from May 1 through April 30, so it is time to begin planning for the board transition. Deadline for applications March 15, 2024.

If you are interested in serving on the Executive Board click [Here](#). If you are interested in serving as a Committee Co-chair click [Here](#).



The Polar Bear Capital of the World: Churchill, Manitoba

By Laura Smith

I love travel and I love wildlife. Bears are my favorite. Last year, I decided to book a bucket list trip to see polar bears in the wild. Polar bears fascinate me. They look so cute and cuddly, but they are the only bear on the planet which will track, hunt, and kill a human. Adult male polar bears can weigh more than 1500 pounds; they are about five feet tall at their shoulders when standing on all fours; and they are about ten feet tall when they stand on their hind legs.



As it turns out, Churchill, Manitoba is the “Polar Bear Capital of the World.” Churchill is a small town in northern Manitoba, right along the Hudson Bay. There’s a short “polar bear season”—about five weeks—during which the bears begin to gather around the Hudson Bay, waiting for it to freeze so they can go out on the ice to hunt for seals. While polar bears often wander into the town of Churchill, the best place to see the polar bears is on the tundra. Only a handful of companies have permits to venture onto the tundra in specially-designed vehicles. I booked my trip through one of those companies. I flew to Winnipeg, where I connected with the tour group, and I took a charter flight to Churchill.





I was in Churchill for three days, and I saw 15 polar bears...plus two arctic foxes and an arctic hare. The bears were stunning. The closest I got to a bear was about ten feet. He walked right by the vehicle I was in. I could talk about the bears and about the trip for days. Here are what I think are some fun facts:

- A polar bear's skin is black.
- Polar bears have a double-layer coat. The outer layer of hair is coarse and **hollow**. And their hair is **colorless**, not white!
- Churchill has a polar bear holding facility, affectionately called the "Polar Bear Jail," to temporarily house polar bears that are troublesome or dangerous. The bears stay up to 30 days before they are relocated by helicopter back to their habitat...but farther away from town.
- A team of officers—the Polar Bear Patrol—drives around Churchill from morning until about 10 PM at night, looking for polar bears and warning residents about their presence. I happened to be in Churchill on Halloween, and the Polar Bear Patrol and the local police escorted kids who went trick-or-treating in order to ensure their safety.



Laura is a LAW member, and is Vice President and General Counsel for Nashville Electric Service.

KUDOS

To: **Kristi Arth** and her former law partner Todd Presnell of Bradley, who, after years of work on **Privileges and Protections: Tennessee and Sixth Circuit Law**, LexisNexis/Matthew Bender recently added the treatise to its comprehensive collection of legal publications.

To: **Liz Washko**, who took over the helm as the managing shareholder at Ogletree Deakins last month. Liz is the first woman to hold the position at the firm. (Ogletree Deakins has nearly 1,000 attorneys in 55 offices in Europe and North America.)

To: **Blake Howell** on his new position as Director, Talent Solutions, US, at Lawyers On Demand - A Consilio Company.

To: LAW's nominees chosen for the 2024 class of the Nashville Bar Journal's Women of Excellence:

Community Supporter

Alistair Newbern

U.S. District Court for the Middle District of Tennessee, U.S. Magistrate Judge

Public Policy

Sheila Calloway

Davidson County Juvenile Court, Juvenile Court Judge

Although not LAW's nominees, Kudos to **April Berman** and LAW President **Emily Warth** who were chosen under the *Dynamic Duo* category. Both work at Asurion, where April is SVP, Deputy General Counsel, and Emily is Senior Assistant General Counsel.

DID YOU KNOW . . .

According to the National Association of Law Placement in 2023, women account for 16 percent of the partners at large law firms? The number has modestly grown from 10 years ago, when women accounted for 12 percent of partners at those same firms.

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