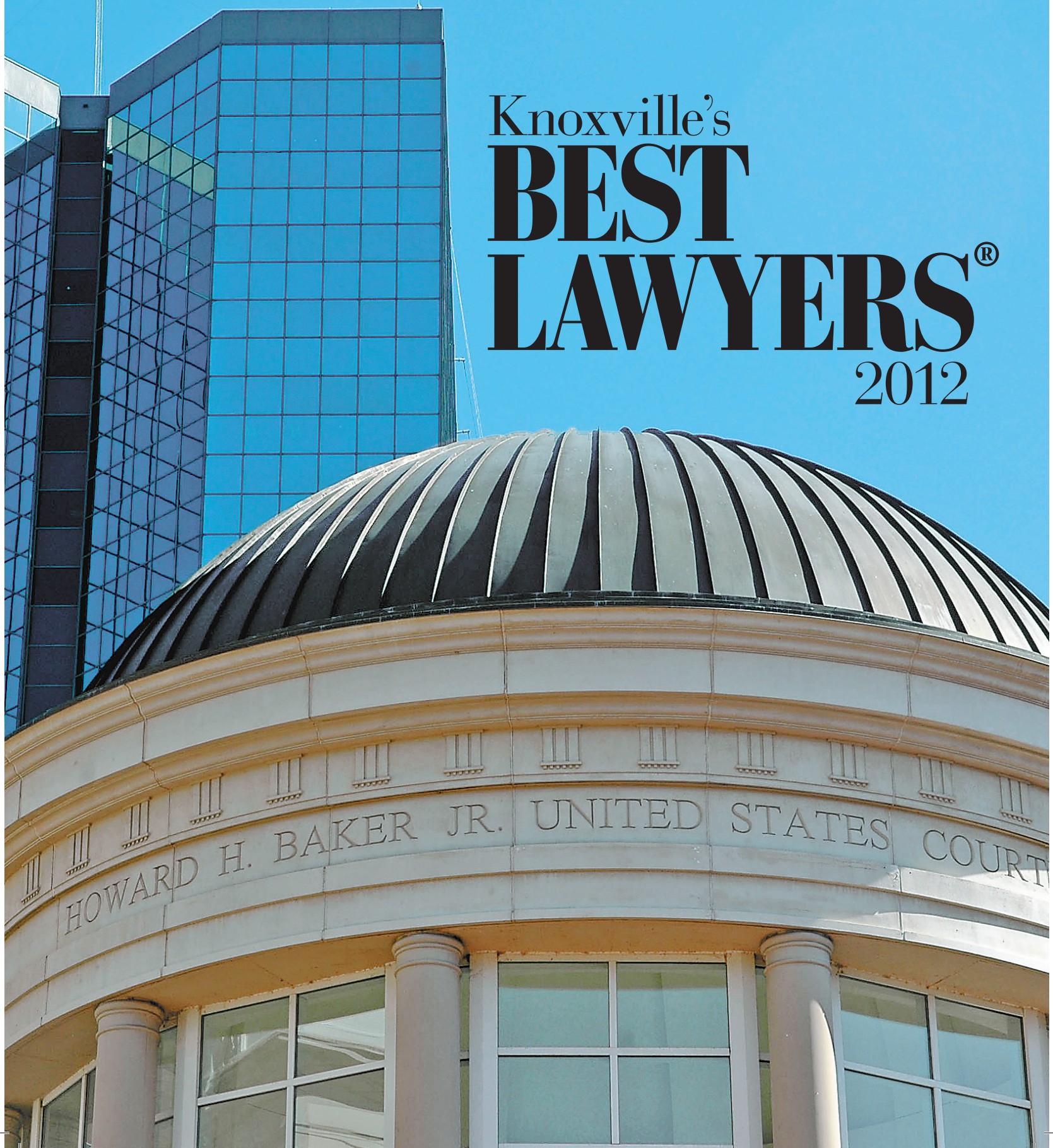


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Best Lawyers®

THE WORLD'S PREMIER GUIDE

Methodology

This list is excerpted from the 2012 edition of The Best Lawyers in America, the preeminent referral guide to the legal profession in the United States. Published since 1983, Best Lawyers lists attorneys in 124 specialties, representing all 50 states, who have been chosen through an exhaustive survey in which thousands of the nation's top lawyers confidentially evaluate their professional peers. The 2012 edition of Best Lawyers is based on more than 3.9 million evaluations of lawyers by other lawyers.

The method used to compile Best Lawyers remains unchanged since the first edition was compiled more than 25 years ago. Lawyers are chosen for inclusion based solely on the vote of their peers. Listings cannot be bought, and no purchase is required to be included. In this regard, Best Lawyers remains the gold standard of reliability and integrity in lawyer ratings.

The nomination pool for the 2012 edition consisted of all lawyers whose names appeared in the previous edition of Best Lawyers, lawyers who were nominated since the previous survey, and new nominees solicited from listed attorneys. In general, lawyers were asked to vote only on nominees in their own specialty in their own jurisdiction. Lawyers in closely related specialties were asked to vote across specialties, as were lawyers in smaller jurisdictions. Where specialties are national or international in nature, lawyers were asked to vote nationally as well as locally. Voting lawyers were also given an opportunity to offer more detailed comments on nominees. Each year, half of the voting pool receives fax or email ballots; the other half is polled by phone.

Voting lawyers were provided this general guideline for determining if a nominee should be listed among "the best": "If you had a close friend or relative who needed a real estate lawyer (for example), and you could not handle the case yourself, to whom would you refer them?" All votes and comments were solicited with a guarantee of confidentiality—a critical factor in the viability and validity of Best Lawyers® surveys. To ensure the rigor of the selection process, lawyers were urged to use only their highest standards when voting, and to evaluate each nominee based only on his or her individual merits. The additional comments were used to make more accurate comparisons between voting patterns and weight votes accordingly. Best Lawyers uses various methodological tools to identify and correct for anomalies in both the nomination and voting process.

Ultimately, of course, a lawyer's inclusion is based on the subjective judgments of his or her fellow attorneys. While it is true that the lists may at times disproportionately reward visibility or popularity, the breadth of the survey, the candor of the respondents, and the sophistication of the polling methodology largely correct for any biases.

For all these reasons, Best Lawyers lists continue to represent the most reliable, accurate and useful guide to the best lawyers in the United States available anywhere.

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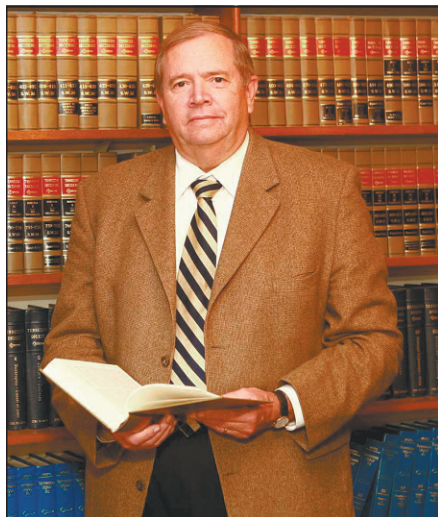
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From left, new Kramer Rayson partners Kate E. Tucker, Betsy J. Beck and Will J. Carver

with more than two honorees.

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John T. "Tom" Johnson, Kramer Rayson managing partner, is among the firm's attorneys named in Best Lawyers for 2011



Kramer Rayson attorneys, from left, Robert E. Bowman, Shannon D. Coleman, Jay G. Kramer, Will J. Carver, John E. Winters, E.H. Rayson, Jack C. Burgin, Beecher A. Bartlett, J. Tom Johnson and J. Matt Brotherton

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tried thousands of civil jury and non-jury cases in state and federal courts throughout the state. The Tennessee Jury Verdict Reporter listed Kramer Rayson as having tried more jury cases than any other Tennessee firm in 2010. Managing Partner Tom Johnson was listed as the individual attorney having tried the second highest number of jury trials in Tennessee over the last six years. Kramer Rayson was listed as having tried the third highest number of jury trials of any law firm in Tennessee over the last six years.

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Things are not always what they seem

By **Greg Coleman**

Greg Coleman Law, P.C.

If a person is injured through no fault of their own, it is important to retain competent legal counsel as soon as practical to locate and interview witnesses and to preserve key pieces of evidence. Once the case is in the hands of an attorney, odds of a positive outcome for the injured party rise dramatically.

Gary West suffered significant injuries when a vehicle driven by Brian Lee Tarver struck his vehicle head-on. Because the investigation started quickly, a key piece of evidence was preserved that led to a successful lawsuit. An interview with an employee of Pioneer Oil, the company that owned the convenience store visited by Tarver shortly before the collision, revealed that she refused to sell beer to Tarver because he was so visibly drunk that he required assistance to exit the store. But the employee did sell \$3 worth of gasoline to Tarver, who actually needed another store employee to pump the gas because he was too intoxicated to do so.

In light of this information, West's attorney, Greg Coleman, purchased Tarver's damaged automobile and had the gas tank removed for analysis. A University

of Tennessee engineering professor determined the vehicle would have run out of fuel approximately a mile before



reaching the scene of the accident if the gasoline had not been purchased and pumped into the vehicle.

After investigations are completed it is sometimes necessary to file a lawsuit. While an attorney will seek to resolve cases quickly, it is not always possible. If a potential defendant or an insurer will not accept responsibility for their role in causing an accident, the only recourse is to file a lawsuit. Hiring the best attorney is crucial because litigation is a complex process. Clients need guidance from the time the complaint is filed, through a discovery process to learn each side's position on the issues, including consultation with technical, medical or scientific experts, and up to the outcome of a trial or arbitration. A case might not be concluded even after the trial, because any party to a case has a right to appeal, ultimately to the Supreme Court.

In the West lawsuit, it took the Tennessee Supreme Court to finally determine that the actions of the employees of Pioneer Oil breached the duty of care they owed the public and West. Prior to this case, no Tennessee law extended the duty of care past the intoxicated driver to someone who contributed to the accident by enabling an impaired driver to operate a vehicle.

An investigative attorney is crucial to the success of a class action suit

Beginning around 2005, jewelry retailers nationwide began selling deep red and deep green gems called andesine. Previously, high-quality andesine stones with natural, vivid color were very rare. As more and more of these stones came onto the market, some members of the gem trade began to question the stones' authenticity.

Marketers stated that these were naturally occurring stones mined in several locations, including China and the Congo. Prior to 2005, the only source for gem-quality andesine in red and green was Oregon. An investigation began to determine if these gems had been enhanced in any manner. Through consultation with numerous

experts, the stones were determined to be gems of inferior color that had undergone a chemical "facelift."

Since consumers across the country had purchased these gems thinking they were the much more valuable naturally occurring stones, a class action lawsuit was instituted. A class action also begins with the filing of a complaint, followed by a discovery process. However, because of the number of potential plaintiffs, the amount of money at stake and the complexities of the issues involved with such large numbers, discovery can be expensive and time-consuming. After extensive discovery had been completed and experts identified, the case was settled prior to a trial. That settlement, in favor of the consumers, included monetary compensation and other benefits. In addition, a disclosure was required for all future sales that the stones were treated to enhance their color and were not naturally occurring gems.

Without a thorough investigation, the nature of the stones might never have

been revealed. Furthermore, had the consumers not had counsel experienced in the intricacies of class action lawsuits, proof of the deception might not have been revealed to the public. A competent attorney versed in the types of questions to be asked – and the best means to get answers – is crucial to the success of a class action.

Having a competent attorney involved early in the process provides the most benefit. Because things are not always what they seem to be, early investigation and analysis provides the best chance for a successful outcome. Make sure you hire a lawyer with the ability to take all necessary steps to represent you.

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Hard work, integrity and service define Arnett, Draper & Hagood

Although Foster D. Arnett, founder of the Knoxville law firm of Arnett, Draper & Hagood, passed away in 2002, his influence remains very much alive and vital to the firm.

"Mr. Arnett impressed on all of us the value of hard work, integrity and service to the client. These remain the hallmarks of the firm," says Rick Powers, a managing partner of the firm.

From its First Tennessee Plaza offices, the firm's ten partners and seven associates engage in a wide range of civil litigation and business law. Health care is an important and growing specialty, with Covenant Health a long-time client for whom Arnett, Draper & Hagood handles defense litigation. The firm also represents National Health Care Corp., the large long-term-care home operator. It also specializes in the growing area of mediation; four of its attorneys are certified under rules of the Tennessee Supreme Court and the U.S. District Court.

Litigation practice includes such areas as aviation, trucking, commercial law, construction, corporate law, products liability, drug, medical devices and hospitals, labor and employment discrimination, wills and estates, insurance, labor, medical and professional malpractice and workers compensation.

While Arnett, Draper & Hagood has maintained a low-key presence as a boutique law firm, eschewing advertising and promotional activities, the firm and its members have a solid reputation among peers and within the community. Arnett served as president of the Tennessee Bar Association and the prestigious International Academy of Trial Lawyers, and five members have served as president of the Knoxville Bar Association. Lewis R. Hagood has served as secretary and as president of the Tennessee Board of Law Examiners. William A. Simms has served as president of the Tennessee Chapter of The American Board of Trial Advocates and, on Oct. 22, 2011, he was inducted as a Fellow in the American College of Trial Lawyers.

Hagood, Simms, Fitzpatrick and Powers have been recognized as among the Best Lawyers in their fields and in the



Managing partners F. Michael Fitzpatrick, left, William A. Simms, Rick L. Powers and Lewis R. Hagood, all recognized as Best Lawyers in their fields and in the communities they serve.

communities they serve. Hagood has been designated as the Best Lawyer in Knoxville for 2012 in his field of Labor and Employment Law; and Simms has similarly been designated as the Best Lawyer in Knoxville for 2012 in the Products Liability Field. Fitzpatrick and Powers have been recognized for their expertise in Health Care Law. The firm has also been listed in Martindale-Hubbell's Bar Registry of Pre-Eminent Lawyers, based on legal ability and adherence to professional standards of conduct, ethics, reliability and diligence.

Arnett founded the firm in 1954 and was joined in 1958 by Jack B. Draper, who today is a retired partner and serves as special counsel to the firm. Hagood joined the firm in 1965.

The firm prides itself on a strong work ethic, commitment to preparation and dedication to high ethical standards, all precepts instilled by the founder.

"Mr. Arnett's requirement of the three 'I's for hiring were intelligence, integrity and industry," says Hagood; "Of those three, integrity is the most significant".

Regarding service to the client, he also notes: "Mr. Arnett used to say that the good Lord can forgive ignorance, but nobody can forgive lack of preparation." In that spirit,

a small plaque inscribed with the Scout motto "Be Prepared" hangs prominently on the wall in Bill Simms' office.

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"Tennessee Supreme Court", a work commissioned by Lewis King created by Knoxville artist Mike Berry.

As creative as our artwork

Lewis, King, Krieg & Waldrop is one of Knoxville's largest law firms. With 58 attorneys in three offices in Knoxville, Sevierville and Nashville, we have a vast and diverse resource of knowledge and experience. Whether you need help with a simple transaction or complex litigation, we stand ready to assist you.



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**Thirteen Lewis King attorneys selected for
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LITIGATION - REAL ESTATE

WARREN L. GOOCH
HEALTH CARE LAW



Twelve of the firm's attorneys were recently selected by their peers for inclusion in Best Lawyers in America 2012.

Beecher A. Bartlett, Jr.	Insurance Law Litigation Personal Injury
Charles M. Finn	Trusts and Estates
Edward G. Phillips	Employment Law - Management Labor Law - Management Litigation - Labor and Employment
Edwin H. Rayson	Employment Law - Individuals Employment Law - Management Labor Law - Management Litigation - Labor and Employment
Jackson G. Kramer	Litigation - Trusts and Estates Trusts and Estates
John E. Winters	Employment Law - Management Insurance Law Labor Law - Management Litigation - Labor and Employment
John T. Johnson, Jr.	Commercial Litigation Personal Injury Litigation - Defendants
Robert W. Knolton	Workers' Compensation Law - Employers
Steven E. Kramer	Employment Law - Management Labor Law - Management Litigation - Labor and Employment
Thomas M. Hale	Commercial Litigation Corporate Law Litigation - Land Use and Zoning Litigation - Municipal Litigation - Real Estate
Warren L. Gooch	Administrative/Regulatory Law Government Relations Practice Health Care Law
Wayne R. Kramer	Trusts and Estates

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