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# Best Lawyers® 2013

## CONTACT INFO

These lists are excerpted from The Best Lawyers in America® 2013, which includes listings for more than 43,000 lawyers in 124 specialties, in all 50 states and the District of Columbia.

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## Methodology

This list is excerpted from the 2013 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 2013 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 30 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 2013 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.

Best Lawyers lists are available at [www.bestlawyers.com](http://www.bestlawyers.com). "Best Lawyers," and "The Best Lawyers in America" are registered trademarks of Woodward/White, Inc.

# Group seeks to match volunteers with legal needs

By Laura Ayo  
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**T**he Knoxville Bar Association has spent the past year finding new ways to help lawyers help their communities.

"I think people in the bar really honestly want to help, but they don't always know how best to help," says Ian Hennessey, an attorney with London & Amburn and co-chair of the bar's Access to Justice Committee.



Ian Hennessey

So the committee turned to its greatest asset for solutions – its own members.

The committee, which connects lawyers with people in need of pro bono legal services and works to ensure people, regardless of income, have access to the justice system, surveyed the bar's 1,600 members to find out which organizations they serve, how many hours they spend volunteering and how much money they donate annually.

The survey showed many lawyers render more than the 50 hours of pro bono legal services recommended annually by the Tennessee Supreme Court.

"I always knew I worked with very fine people in the Knoxville Bar Association, but



Wynne du Mariau Caffey

I don't think I had an understanding of just how much time they spend," says committee co-chair Wynne du Mariau Caffey, a partner with Ramsey, Elmore, Stone & Caffey. "Folks are not involved with just one thing, but two or three. They seem to have their fingers in multiple pots."

Drawing on information obtained from the survey and from the Compassion Coalition's "Salt and Light Guidebook," the committee published a volunteer opportunity handbook and distributed it to bar members in September.



Kati Sanford Goodner

"I'm so excited about this handbook because I can find something in here that strikes a chord with me and my family that we can participate in," Caffey says.

Kati Sanford Goodner, an associate with Paine, Tarwater

& Bickers, uses her law degree to take on pro bono cases, but she also likes volunteering in other capacities outside of her profession, such as by teaching Sunday school at her church or by serving as a court-appointed special advocate for abused or neglected children.

"There are different (members of the bar) involved in the arts or their church or their synagogue or through various civic organizations," she says. "It's a good thing that's being encouraged and recognized."

While the handbook's goal is to help lawyers choose volunteer opportunities that best fit their individual skills and interests, the committee also oversees a program that helps area nonprofits get free advice on minor legal matters.

Through the Nonprofit Referral Program, attorneys with experience in various practice areas meet with qualified nonprofits (those with annual revenue of less than \$1 million) to offer advice and answer their questions about matters ranging from how to draft a waiver to how to handle employment disputes.



Matthew Evans

"A lot of them have questions and they don't know who to turn to," says committee co-chair Matthew Evans, a partner at Paine, Tarwater & Bickers. "This provides them some comfort in terms of operating and helps them continue their mission."

Evans said the response from lawyers willing to donate their time and expertise to the program has been positive.

"We have a fairly good bank of attorneys," Evans says. "We all want to participate in our community and this is a way of doing that."

The committee also piloted a program that pairs veteran attorneys with new-to-practice attorneys or law students to work pro bono cases together.

"We were all young lawyers once and some of us were able to come along in a time when the economic world was very different than what it is today," says Pamela Reeves, a partner with Reeves, Herbert & Anderson, who teamed up with new

attorney and solo practitioner Matt Duggin through the Legal Legacy Project. "We needed help from people in that point in time and now it's time to turn around and help the people who are starting now."



Pamela Reeves

In addition to the hands-on legal experience gained from working with Reeves on a pro bono case, Duggin said he was accepted into the Inns of Court because Reeves introduced

him to the group.

"Every opportunity to learn from somebody who has been at it for awhile has been a big help," he says.



Matt Duggin

Hennessey said partnerships like theirs only benefit the community.

"The essence of the Legal Legacy Project is to ... really facilitate making the local bar a better place, improving it and transferring those things down from one generation to another," he said. "You end up having a better bar, a more experienced group of attorneys and they're giving back at the same time."

Laura Ayo is a contributing writer to the Greater Knoxville Business Journal.





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Dwight E. Tarwater received his undergraduate degree in 1977 from The University of Tennessee, where he was elected a Torchbearer, the University's highest honor. He received his law degree from The University of Tennessee College of Law in 1980. He served as law clerk to the Honorable Houston M. Goddard of the Tennessee Court of Appeals. Dwight has tried cases locally, across the state of Tennessee, and in several other states. On appeal, he has represented clients before the Tennessee Court of Appeals, the Tennessee Supreme Court and in the United States Courts of Appeals for the Fourth, Sixth, Tenth, and Eleventh Circuits.

In 2006, Dwight became a fellow in the American College of Trial Lawyers. He has been a member of the Knoxville, Tennessee and American Bar Associations since his licensure in 1980. He is a member of the Tennessee Trial Lawyers Association, Tennessee Association for Justice, the Defense Research Institute, the International Association of Defense Counsel, Litigation Counsel of America and the Trial Attorneys of America. In 2002, Dwight was first listed in Best Lawyers. For the 2013 edition, he has been selected as Lawyer of the Year in the category Personal Injury - Litigation for the Knoxville area - the only attorney selected. He is listed in a total of four separate categories in this year's edition.

Dwight and his wife, Mary, have three children: Davis, a 2012 Olympic Gold Medalist; Katherine, a 4th Grade Teacher in Knox County; and Dwight, a basketball player at Cornell University.

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Thomas A. Bickers graduated with honors in 1984 from Middle Tennessee State University. He graduated with high honors from The University of Tennessee College of Law in 1987.

Following law school, he served as law clerk to the Honorable H. Ted Milburn of the United States Court of Appeals for the Sixth Circuit. In 1993, Tom was appointed by the United States District Court for the Eastern District of Tennessee to serve as a member of the advisory group tasked with revising the Court's local rules and practices to facilitate a more effective and cost efficient judicial process.

Tom is a member of and has served on committees of the Knoxville and Tennessee Bar Associations, and is a member of the American Bar Association. He has tried cases in federal and state courts throughout Kentucky and Tennessee, and has served as lead trial counsel in toxic tort cases in more than a dozen states. Tom has also represented clients at trial in matters as diverse as intellectual property and domestic relations, and has represented clients in arbitrations before panels appointed by both the NASD and the AAA.

Tom was selected as Best Lawyer of the Year for 2012 in the area of Mass Tort Litigation/Class Actions – Defendants, an honor reserved for only one attorney from the Knoxville area. He was also recognized by Best Lawyers in the area of Commercial Litigation. In addition to his practice, Tom currently serves as the mayor of Louisville, TN. He and his wife, Gloria, have two children.

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Wynne duMariau Caffey is a member in Ramsey, Elmore, Stone & Caffey, PLLC. She received her undergraduate degree, with highest honors, in 1986 from the University of Tennessee, followed by her law degree, with honors, in 1991. She has been licensed in Tennessee since 1991 and in Texas since 1992.

For twenty-one years, Caffey has practiced as a trial attorney litigating medical malpractice defense, products liability, personal injury, wrongful death, employment, insurance defense, consumer protection, contract and construction disputes. She is a member of the International Association of Defense Counsel, the American Trial Lawyers Association, the American Bar Association, and the Tennessee Bar Association. As a member of the Knoxville Bar Association, she co-Chairs the Access to Justice Committee and is a Foundation Fellow. She is the immediate past-President of the statewide Tennessee Lawyers' Association for Women, having previously served as the Chair of its CLE Committee. She is also a past-President of the East Tennessee Lawyers' Association for Women. She was listed in U.S. News - Best Lawyers for commercial litigation and construction litigation. On behalf of the Tennessee Supreme Courts Access to Justice Commission, she serves on the Advisory Pro Bono and Education Committees. Caffey has taught Advanced Trial Practice as an Adjunct Professor at the University of Tennessee College of Law. She has frequently been a guest lecturer to graduate-level students at the University of Tennessee and has given seminars to her colleagues and other professional groups on substantive areas of the law and ethical issues.



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He is a member of the American Society of Mechanical Engineers, Knox Bar Association, Tennessee Bar Association, American Bar Association (Forum on the Construction Industry), Tennessee Defense Lawyers Association, Defense Research Institute, Tennessee Association of Construction Counsel (founding member, treasurer and Governing Board member). He provides arbitrator and mediator services for commercial and construction disputes. He is a Registered Mediator under Tennessee Supreme Court Rule 31, Federal Court Mediator and a member of the Construction and Commercial Arbitration Panels of the American Arbitration Association.

Green, who has practiced law for 37 years, obtained engineering degrees from Iowa State University and the University of Iowa and a law degree from the University of Tennessee. He was admitted to the Bar in Tennessee in 1975 and has been a registered professional engineer in Tennessee since 1972 (currently inactive).

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The firm concentrates on defending individuals charged with white-collar, drug, and violent crimes in state and federal court. Ralph Harwell is one of the most experienced and best known criminal defense attorney in the region. He has been chosen this year by his peers for the distinction of Best Lawyers in America for Criminal Defense/Non-White Collar and DUI/DWI Defense.

The firm also conducts personal injury and civil rights litigation, and handles wills and estates. As a small firm, it is able to provide each client with individualized attention. The firm prides itself on helping defendants facing serious charges, obtain the least-devastating result possible.

Ralph Harwell, a graduate of the University of Tennessee College of Law, is a member of the Knoxville Bar Association. He has been certified as a criminal trial specialist by the National Trial Advocacy Board and the Tennessee Association of Criminal Defense Lawyers. Harwell has served several times as an expert witness. He feels honored that attorneys who are facing matters before the Board of Professional Responsibility have hired him many times over the years to represent them in those matters.

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Egerton McAfee was formed in the 1930s during the Great Depression, so advising clients during economic hard times is nothing new for this firm. With 21 attorneys, including 16 shareholders, the firm is well positioned to handle its clients' business and litigation needs.

Lewis C. Foster Jr., a past president and chairman of the firm, was named a Knoxville Bar Foundation Fellow. Two attorneys, Stephen A. McSween and Jonathan D. Reed, have been selected by their peers each year as among The Best Lawyers in America. The firm has maintained an "AV" designation – the highest rating published by Martindale-Hubbell – for several years.

Egerton, McAfee attorneys represent clients across the spectrum of business and corporate law and are active in a host of community groups, ranging from Appalachian Ballet Co. to Habitat for Humanity to the YWCA and Helen Ross McNabb Center to Wears Valley Ranch.

Egerton, McAfee represents clients primarily in the practice of corporate civil law. Its practice has an emphasis on tax and business matters. The firm's litigation department represents individual and business clients in various litigation matters including business disputes, insurance defense, worker's compensation, bankruptcy, employment issues and personal injury.

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Banking  
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 Construction  
 Corporate/LLC  
 Employment  
 Estate Planning  
 Government  
 Healthcare  
 Mediation  
 Real Estate  
 Securities  
 Taxation  
 Technology/E-Commerce

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Rick Powers is a senior partner with a general civil trial practice in all state and federal courts with emphasis on medical malpractice, insurance defense, personal injury and business and commercial litigation. Powers has presented several seminars to lawyer groups in the areas of automobile defense, confidentiality of medical records, and the defense of medical malpractice actions. Since 1995, he has been listed in The Best Lawyers in America in the area of health care. This year, his peers selected him Best Lawyer of the Year for health care law.

Powers graduated in the top 5% of his class at the University of Tennessee College of Law in 1975 and was elected to the Order of the Coif. He was also a member of the Tennessee Law Review while earning his law degree. During his legal career, Powers has tried over 300 contested jury cases and represented many individuals and health care entities in the East Tennessee area.

Powers is licensed to practice in all Tennessee State Courts and the U.S. District Court, Eastern District of Tennessee, the U.S. Court of Appeals, Sixth Circuit, and the United States Supreme Court. He is a member of the American, Tennessee, and Knoxville Bar Associations, Knoxville Bar Foundation, Tennessee Defense Lawyers Association, International Association of Defense Counsel, Federation of Defense and Corporate Counsel, and the Defense Research Institute.

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In 2006 Hollow started the practice of Hollow and Hollow with his son David, focusing heavily on First Amendment issues. Hollow authored "A Compilation of Tennessee Sunshine Cases 1974-1994" and is the founder of the 1992 Tennessee First Amendment Hot Line.

A graduate of the University of Tennessee College of Law, Hollow was Associate Professor, Communications Law for eighteen years at the University of Tennessee. This is the twentieth year Hollow has been selected for the honor of Best Lawyers of America, Communications Law. The firm of Hollow & Hollow has been selected for four years as a first tier Best Law Firm of America, First Amendment Media and First Amendment Law and Litigation.

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# Integrity, intelligence and industry define Arnett, Draper & Hagood

Since its founding in 1954, Arnett, Draper & Hagood has built its success upon its reliance and commitment to the three "i's": integrity, intelligence and industry. While society and the practice of law may have changed and evolved during the firm's history, its belief that integrity is the most important characteristic of a good lawyer has not.

The values of hard work, preparedness, integrity and service to the client have been the hallmarks of the firm from its beginning until the present day.

The longevity of the firm and the achievements of its attorneys are a testament to the firm's continued focus on the skills, industry and loyalty necessary to successfully address the needs of its clients.

The firm's broad range of practice areas includes aviation, black lung and asbestos defense, construction, corporate, drug and medical devices, hospital law, insurance defense, labor and employment, medical malpractice, personal injury, products liability, trucking, workers' compensation and wrongful death.

The members of Arnett, Draper & Hagood have a solid reputation among their peers in the legal community and the community at large. The firm has earned the distinction of being listed in Martindale-Hubbell's Bar Registry of Pre-Eminent Lawyers. Four of its members are Rule 31 Certified Mediators. Five of its attorneys have been selected this year by their peers as Best Lawyers in America: Dan Rhea and Rick Powers for health care law; Michael



Partners are (left to right) Dan Rhea, F. Michael Fitzpatrick, Lewis Hagood, William Simms and Rick Powers.

Fitzpatrick for health care law and personal injury litigation/defendants; Lewis Hagood for arbitration, employment law individuals and management, labor law/management, labor and employment litigation, and mediation; and William Simms for personal injury litigation/defendants and product liability litigation/defendants. Rick Powers has also been named Best Lawyer of the Year in Knoxville in the area of health care law.

The firm's members have long maintained a strong commitment to the legal profession and the organized bar. Three members have served as president of the Knoxville Bar Association, and several attorneys currently hold various positions in the local Bar Association. Lewis Hagood has served as secretary and President of the Tennessee Board of Law Examiners. Michael Fitzpatrick,

Rick Powers and William Simms are members of the International Association of Defense Counsel and The Federation of Defense and Corporate Counsel. William Simms is a Fellow in the American College of Trial Lawyers and a member of the American Board of Trial Advocates (ABOTA) and served as President of the Tennessee Chapter of ABOTA in 2004. Additionally, two members are Fellows of the Tennessee Bar Foundation.

The philosophy of Arnett, Draper & Hagood in serving its clients is simple, demanding and effective. The firm prides itself on a strong work ethic, commitment to preparation and dedication to high ethical standards. The firm strives to become partners with its clients. Its attorneys place a premium on listening to and learning clients' goals, and doing everything legally and ethically possible to try and achieve those goals.

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Professional Discipline Defense

Environmental Regulatory Defense

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Eldridge has consistently been named in the Best Lawyers in America, Best Criminal Defense Lawyers in the United States, Mid-South Super Lawyers and Top 100 Lawyers in Tennessee. He was named Lawyer of the Year in 2011 in Criminal Defense.

With an extensive skill set in all matters of criminal accusation, Eldridge is well prepared to take on cases, no matter how difficult or challenging.

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- JD, Wake Forest University
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- National Association of Criminal Defense Lawyers, life member
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Trant is very active in the legal community and frequently speaks at continuing legal education seminars. He is a fellow of the American College of Trial Lawyers and a fellow of the International Society of Barristers. He is a life member of the Sixth Circuit Judicial Conference, as well as the National Association of Criminal Defense Lawyers.

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Benjamin M. Davidson has been practicing law as a founding partner in the firm Croley, Davidson, and Huie and its related title firm Tennessee Valley Title Insurance Company for over 30 years. The firm focuses on transactional real estate law encompassing a wide variety of services for both commercial and residential real estate holdings. Mr. Davidson is a long time member of the Knoxville and Tennessee Bar Associations, American Bar Association and the Tennessee Land Title Association (TLTA). He has held various leadership positions in the industry and community including serving as president of TLTA and the Rotary Club of Knoxville.

Mr. Davidson graduated from The University of Tennessee College of Law in 1974 and has been practicing law in East Tennessee since 1975. He has served as an expert witness in matters involving real estate issues and he has presented as Real Estate Law specialist at seminars for the Knoxville Bar Association, Tennessee Bar Association and TLTA. For 2013, Mr. Davidson has been selected by his peers for the honor of Best Lawyers in America.

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Joseph H. Huie has been a member of Croley, Davidson & Huie, PLLC for 33 years, specializing in practice areas of real estate, title, real property and commercial transactions. He is a fellow of the Knoxville Bar Foundation, a member of the Knoxville and Tennessee Bar Associations, American Bar Association and Tennessee Land Title Association, where he served as president.

He received his law degree from the University of Tennessee and served in the United States Army Reserves. He is licensed to practice law by the State Bar of Tennessee and United States Court of Military Appeals.

He is an elder of Sequoyah Hills Presbyterian Church and member of the Board of Directors for Goodwill Industries.

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Anne M. McKinney has more than 30 years of legal and tax experience. McKinney practices in the areas of probate, trusts and wills, nonprofit and charitable organizations, taxation, business formation, and planning. She is a Fellow in the prestigious American College of Trust and Estate Counsel (ACTEC). She has served as an Adjunct Professor of Law in Estate Planning and Wealth Transfer Tax at the University of Tennessee College of Law, and as an Adjunct Professor in Business Law at the University of Tennessee Undergraduate School.

McKinney received her undergraduate degree from Duke University, magna cum laude. In 1976 she earned her law degree at the University of North Carolina School of Law. She is a member of the Knoxville, Tennessee, North Carolina, and American Bar Associations; the Knoxville Estate Planning Council; and the Duke Estate Planning Council.

As a member of the National Speakers Association, McKinney enjoys a busy public speaking schedule and presents highly entertaining and informative speeches on topics that include: asset protection, estate and tax planning, ethics, time management, motivation and women's issues.

McKinney is listed in the Best Lawyers In America in the Trusts and Estates Category. She is also listed in the Martindale-Hubbell Bar Register of Preeminent Lawyers™ in the category of Trusts and Estates, Wills and Probate.

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"Best Lawyers compiles its lists of outstanding attorneys by conducting exhaustive peer-review surveys in which thousands of leading lawyers confidentially evaluate their professional peers. The current, 18th edition of *The Best Lawyers in America* (2013), is based on more than 3.9 million detailed evaluations of lawyers by other lawyers.

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# ERISA claims should be handled by an experienced attorney

Employee Retirement Income Security Act (ERISA) was initially enacted to protect individuals and their beneficiaries who had benefit plans provided by their employer. In 1986, the U.S. Supreme Court extended coverage to include the governing of insurance benefits that are provided by employers. The term ERISA is sometimes used to describe the full body of laws that regulate employee benefit plans.

## **Amendments to ERISA**

ERISA has been amended several times since it was first enacted in 1974 to extend coverage from just pension benefits to include health benefits as well.

These laws were created to be applicable to private employers that offer some type of insurance coverage or employee benefits plan. However, it is important to note that these laws DO NOT apply to privately purchased policies, nor do they require employers to offer these plans to their employees.

## **What To Do If My Claim Was Rejected?**

If your initial ERISA claim was rejected, it is VERY IMPORTANT to note that you only have 180 days to appeal this decision. If you do not claim within this time period, the claimant loses their right to claim benefits.

## **Will My Case Go To Trial?**

As each state generally has different laws that apply to their employee disability benefits plans, any disputes or discrepancies that are governed by ERISA will quite often not go to trial.

## **Contact a Tennessee ERISA Lawyer Today**

If you or your loved one are retired under a Collective Bargaining Agreement, then ERISA governs both your health and pension benefits. Sometimes, obtaining your full benefits can be difficult, and it pays to have an experienced ERISA lawyer by your side to help you navigate the system.

The employee benefits attorneys at Greg Coleman Law are knowledgeable in many aspects of employee benefits law, including general advice and counsel on ERISA, and other laws relating to employee benefit plans, and ERISA litigation and support. With over \$180 million in successful verdicts and settlements for clients, and 25 years serving the citizens of Tennessee, Greg Coleman Law can help by seeking fair and just results. The firm is based in Knox County and licensed to practice law throughout Tennessee.





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**Twelve of the firm's attorneys were recently selected by their peers for inclusion in Best Lawyers in America 2013.**

<b>Beecher A. Bartlett, Jr.</b>	Insurance Law Personal Injury Litigation - Defendants Personal Injury Litigation - Plaintiffs
<b>Charles M. Finn</b>	Trusts and Estates
<b>Warren L. Gooch</b>	Administrative/Regulatory Law Government Relations Practice Health Care Law
<b>Thomas M. Hale</b>	Commercial Litigation Corporate Law Litigation - Land Use and Zoning Litigation - Municipal Litigation - Real Estate
<b>John T. Johnson, Jr.</b>	Bet-The-Company Litigation Commercial Litigation Personal Injury Litigation - Defendants
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