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Best Lawyers® 2014

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These lists are excerpted from The Best Lawyers in America® 2014, which includes listings for more than 50,000 lawyers in 134 specialties, in all 50 states and the District of Columbia.

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On the cover: The Tennessee Supreme Court, photographed on Oct. 30, 2013, at the Historic United States Post Office and Courthouse, is described as “one of the most ornate and beautifully appointed rooms in East Tennessee” by court historian Don Ferguson. Special thanks to Joanne Newsome, chief deputy clerk at the Appellate Court, for access to the court room.

Methodology

This list is excerpted from the 2014 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 134 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 2014 edition of Best Lawyers is based on more than 4.9 million evaluations of lawyers by other lawyers.

The method used to compile Best Lawyers remains unchanged since the first edition was compiled over 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 2014 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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with **Mack A. Gentry** of Gentry, Tipton & McLemore, P.C. listed in *The Best Lawyers in America* for 30 years

What interested you about going into your particular area of law? After graduating from law school in December 1968, I was commissioned as a Second Lieutenant in the United States Army in March 1969. Having been assigned to the staff and faculty of the United States Military Academy, my duties as a football coach for Army included recruiting young men to enter

the academy and participate in the football program. I became aware, during my three year tour of duty as I recruited young men to come to West Point, that a large majority of these bright high school students expressed an interest in becoming an attorney. Therefore, I concluded that at some point the supply of lawyers might exceed the demand for the people entering the profession. Since my undergraduate degree was in accounting, I started giving consideration to practicing in the field of tax law. **What would you say is the most rewarding aspect of practicing in your area of law?** Helping my clients when they feel overwhelmed and helpless to face the Internal Revenue Service, and helping them plan ahead so as not to get into that situation.

Also, helping clients sort out what they have inherited from their family and how to legally and economically handle their inheritance. I really enjoy helping families figure out how to best plan for their future and provide for the future of their children. **What has been the key to your success?** After finishing the LLM Program at New York University in 1976, I have been very fortunate to have had great people around with which to practice. Always associate with the best people you can find; they will make you or break you. **What does being included in Best Lawyers for 30 years mean to you?** I am very honored to have been chosen and included in *Best Lawyers* since its inception.

I personally don't feel I deserve it. Perhaps others around me have a higher opinion of me than I do myself. **What is one piece of advice you would give to new attorneys?** If you are interested in the field of tax law, obtain an LLM degree. The LLM program at NYU gave me the background and confidence to be competitive in the tax law field. Find an activity outside the field of law to distract you from time to time. For me that was officiating football in the South Eastern Conference for 19 years. **What is your favorite law-themed movie?** I really don't have a favorite law-themed movie. I am more of a John Wayne kind of guy. The good guys win in the end and truth and justice prevail.



with **Sidney W. Gilreath** of Gilreath & Associates listed in *The Best Lawyers in America* for 30 years

What interested you about going into your particular area of law? When I got out of law school and was trying to find my interest in a particular area of law, I noticed that representing plaintiffs in personal injury cases contained a lot of drama. It involved the personal lives of people who had been wronged and needed help.

It also allowed me to empathize with those people who were suffering and needed help for themselves and their family. I considered this a challenge which I was glad to serve. **What would you say is the most rewarding aspect of practicing in your area of law?** The most rewarding aspect in my area of the law is the ability to help a family who has undergone a tragedy to get back on their feet and become productive members of society. It allowed me to help their families cope with their suffering and help other members of the family financially. **What has been the key to your success?** The key to the success of any trial

lawyer is dedication, hard work, street smarts, being caring, and developing your credibility with the judge, jury, and other lawyers, along with being a people person and being able to empathize with those people who need help. **What is one example of a case/matter you are particularly proud of?** I am particularly proud of being co-lead counsel in the case of *Sterling v. Velsicol Chemical Corp.*, which was tried in Memphis, Tennessee. This is a case where a whole community of people suffered from physical and emotional injuries as a result of toxic chemical waste being dumped on a farm in their area, which then polluted their drinking water. The case lasted approximately 10 years

before it was finally affirmed on appeal by the Sixth Circuit Court of Appeals. **How has the legal industry in your field changed in the last 30 years?** The most dramatic change in the legal industry has been one in which the practice of law has evolved into a business as opposed to a profession. **What is one piece of advice you would give to new attorneys?** My best advice: be a people person, be caring, empathetic, and if the need arises on behalf of your client, be ready for a fight. **What is your favorite law-themed movie?** "The Verdict," starring Paul Newman.



with **Frederick J. Lewis** of Baker, Donelson, Bearman, Caldwell & Berkowitz listed in *The Best Lawyers in America* for 30 years

What interested you about going into your particular area of law? Employment law is complex and fascinating. "Cookie cutter" solutions don't exist. We literally deal with people's livelihoods. **What would you say is the most rewarding aspect of practicing in your area of law?** Helping businesses become more productive and profitable in ways that also benefit their employees is both challenging and rewarding.

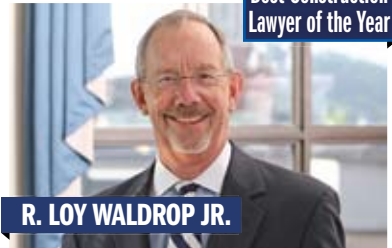
What has been the key to your success? Keeping an eye on the "big picture" while resolving immediate issues to reach practical solutions for a given employer. **What is one example of a case/matter you are particularly proud of?** Helping management at a plant overcome an atmosphere that had become so toxic that success at a Labor Board election was considered hopeless. The company's ultimate two-to-one margin in the vote was rewarding, but even more satisfying was the huge improvement in working relationships and productivity that transpired over the course of the campaign. **How has the legal industry in your field changed in the last thirty years?** The employment laws and regulations are constantly changing. Employment lawyers have had to become more innovative and adaptive to meet new

worker protections and restrictions on employers. "Canned solutions" that might have been effective thirty years ago no longer appeal to savvy employers. **What does being included Best Lawyers for thirty years mean to you?** I have always believed that recognition by one's peers is among the best measures of career achievement. Being listed for that period of time demonstrates a consistency I am proud of, and helps provide credibility when dealing with new clients. It is particularly gratifying to have been selected by *Best Lawyers* as the Lawyer of the Year in differing employment law categories in two different cities. **What is one piece of advice you would give to new attorneys?** Never underestimate the level of commitment that is required to provide successful service to your clients.

What is the biggest obstacle you see for your practice area in the next thirty years? The field of employment law is ever expanding. Maintaining a balance between the rights of employees and the needs of employers is essential to keeping American business competitive. Overreaching by either side can destroy the necessary balance. In particular, outcome oriented actions by regulatory agencies must be resisted. **What is your favorite law-themed movie?** "The Verdict" Watching Paul Newman's character move from a mercenary, self-absorbed alcoholic to an attorney totally focused on achieving justice for his client was enthralling. **Looking back over the last thirty years, what would you do differently?** There are, of course, little things here and there that I would change. However, given the opportunity, I would relive my career over and over again.

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Wynne du Mariau Caffey graduated with highest honors in 1986 from the University of Tennessee and with honors the University of Tennessee College of Law in 1991. Following graduation, she had a judicial clerkship for the U.S. Department of the Interior, and she holds licenses in Tennessee and Texas.

Ms. Caffey is a trial attorney in state and federal courts litigating insurance defense, medical malpractice defense, employment defense, products liability and commercial disputes.

She serves on the Board of Governors for the Knoxville Bar Association, for which she is a Foundation Fellow and co-chairs the Access to Justice Committee. She is a member of the International Association of Defense Counsel, the American Bar Association, the Tennessee Bar Association, and serves on the Advisory Pro Bono Committee to the Tennessee Supreme Court's Access to Justice Commission. She is a past president of both the Tennessee Lawyers' Association for Women and the East Tennessee Lawyers' Association for Women. She was named in U.S. News – Best Lawyers for commercial and construction litigation.

Ms. Caffey taught Advanced Trial Practice as an adjunct professor at the University of Tennessee College of Law and frequently lectures to her colleagues and other professional groups on legal and ethical issues.

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For more than 30 years, Robert H. Green's legal practice has focused on the litigation, arbitration and mediation of complex construction and business disputes. He has also acted as sole arbitrator and member of an arbitration panel (frequently as chairman) for resolution of claims ranging from a few thousand to millions of dollars. He has served as mediator on a wide variety of commercial and industrial disputes including home construction, commercial building construction, precious metals mining processes in Bolivia, South America, construction of major healthcare facility and utility infrastructure improvements.

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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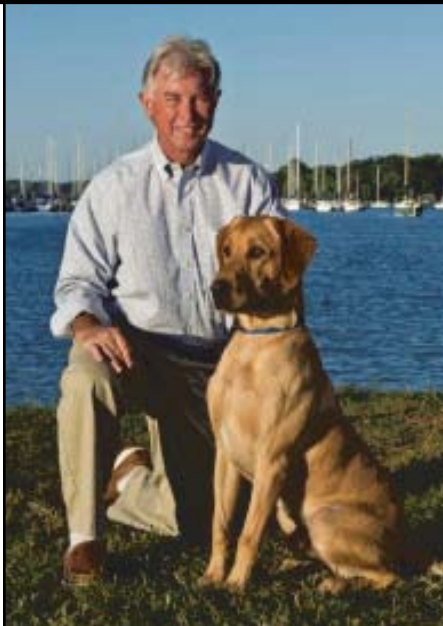
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David M. Eldridge represents individuals and organizations facing criminal investigation and prosecution.

In his 26 years of practice, Eldridge has represented both individuals and corporations in criminal investigations and prosecutions regarding allegations of health care fraud, tax fraud, money laundering, bribery, bank fraud, environmental crimes and other white collar criminal issues. He also has extensive experience defending state misdemeanor and felony criminal prosecutions, including cases of the highest profile. Eldridge is certified as a criminal trial specialist by the National Board of Trial Advocacy and the Tennessee Commission on Specialization.

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. As published in Best Lawyers in America, he was chosen by his peers as Knoxville's Best Lawyer of the Year for 2011 in Criminal Defense: Non-White Collar and Knoxville's Best Lawyer of the Year for 2014 in Criminal Defense: White Collar.

With extensive experience in all matters of criminal accusation, Eldridge is well prepared to undertake the representation of individuals and organizations in the most difficult of matters.

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Service to clients ingrained in Arnett, Draper and Hagood's culture

By Betsy Pickle

Custom Publishing correspondent

Tradition is the unwritten watchword of Arnett, Draper and Hagood.

There's the tradition of hiring University of Tennessee College of Law graduates – something the firm has done with few exceptions since its founding in 1954. There's the tradition of professionalism, which is signaled by everything from the firm's credibility in the courtroom to its courtesy within its offices.

Most of all, there's the tradition of service to its clients, something that is front and center every day.

"The firm's attorneys share a common passion to ethically provide the best legal services for their clients," says senior partner Lewis R. Hagood, who joined forces with Foster D. Arnett and Jack B. Draper in 1965.

The firm's excellence has been recognized repeatedly. Arnett, Draper and Hagood is an AV Preeminent Rated Law Firm. Its



Partners are, from left, Michael Fitzpatrick, Lewis R. Hagood, William A. Simms, Rick L. Powers and Dan D. Rhea.

lawyers consistently are chosen by their peers as Best Lawyers in America. Most recently, partners William A. Simms and Rick Powers were both chosen Best Lawyers in the respective fields of products liability and healthcare law.

Arnett, who passed away in 2002, was president of the Tennessee Bar Association and the Knoxville Bar Association. Four others in the firm also have served as president of the Knoxville Bar, including Draper,

who is retired but continues his association with ADH of-counsel.

Hagood, who was selected for the first edition of Best Lawyers and has been chosen every year since, served as secretary and then president of the Tennessee Board of Law Examiners for 12 years. He was on the first mediation panel selected by the federal court in 1991 and has conducted hundreds of mediations.

Simms, F. Michael Fitzpatrick and Rick L. Powers are members of the International Association of Defense Counsel and the Federation of Defense and Corporate Counsel. Simms, who was inducted into the American College of Trial Lawyers two years ago, is also a member of the American Board of Trial Advocates and was president of the Tennessee chapter in 2004.

With 10 active partners and seven associates, the firm handles a broad range of legal matters, including aviation, commercial law, construction, corporate law, employment discrimination, healthcare, insurance, labor, mediation, medical devices, medical and professional malpractice, products liability, trucking, wills and estates, and workers' compensation.

"We have always combined hard work and zealous representation with professionalism and civility and treating fellow lawyers and the courts with respect," says Simms. "What goes around, comes around."

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Sarah Sheppard is a graduate of the University of Tennessee College of Law, where she served on the Law Review. She has maintained a practice in Knoxville for more than 30 years, focusing on domestic relations, civil litigation, business law, estate planning and probate law.

She is co-author of a major evidence treatise, Tennessee Law of Evidence, now in its sixth edition. She has served as an adjunct assistant professor at the University of Tennessee College of Law, teaching trial practice and domestic relations law. From 1988 to the present, she has been an instructor with the Tennessee Law Institute, teaching at its Annual Review Seminar. She is also a Rule 31 listed mediator, approved by the Tennessee Supreme Court.

Ms. Sheppard has been very active in professional activities, serving as the first female president of the Knoxville Bar Association. She has held numerous roles in the Tennessee Bar Association, including serving as chair of the litigation and as a member of the board of governors. She was the reporter for the TBA's Task Force on the Code of Judicial Conduct, for which she received the President's Award in 2010. She is listed in Best Lawyers In America, the Martindale-Hubbell Bar Register of Preeminent Lawyers and in Superlawyers.

She is also a recipient of the YWCA's Tribute to Women Award.

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For 49 years Richard L. Hollow has been practicing law focusing on First Amendment Law, Communication Law, Litigation, Personal Injury, Medical Malpractice and Contracts. He is a member and past president of the Knoxville Bar Association, member of the Tennessee Bar Association (Communications Law and Litigation Sections); Co-Chairman Commission on Jury Reform). He is a member of American Inns of Court (Master of the Bench Emeritus).

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 nineteen years at the University of Tennessee. For over twenty years, Hollow has been selected for the honor of Best Lawyers of America, Communications Law.

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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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Sidney Gilreath, a graduate of the University of Tennessee College of Law, has spent his entire legal career dedicated to using his skills to help people in need due to the devastating experience of the serious injury or death of a loved one through the negligence or the wrongs of others.

Gilreath has been involved in many landmark cases, in both the trial and appellate courts. His areas of practice include, transportation crashes (automobiles, airplanes, boats, tractor trailers, farm equipment, recreational equipment, construction equipment), railroad injuries, defective products, environmental injuries, and medical and hospital injuries. He is certified as a Civil Trial Specialist by the Tennessee Commission on Continuing Legal Education and Specialization and as a Civil Trial Advocate by the National Board of Trial Advocacy.

Throughout his career, he has worked to promote and improve the legal profession. He holds memberships in and has served in leadership roles in the most prestigious state and national legal organizations including The American College of Trial Lawyers, The International Academy of Trial Lawyers, The International Society of Barristers, American Board of Trial Advocacy, American Inns of Court, American Association for Justice, Tennessee Association for Justice, the Tennessee and American Bar Associations and many others. He also serves on the Board of Directors of the Friends of Literacy and is a strong supporter of adult literacy programs in the greater Knoxville area.

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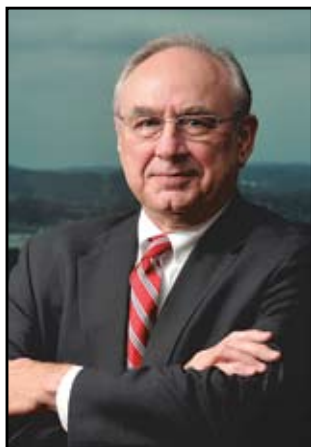
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From Fayetteville, Tennessee, Bill received his bachelor degree in political science from The University of the South at Sewanee and law degree from The University of Tennessee. He joined Arnett Draper & Hagood in 1972 and became partner in 1977.

Bill has been named to Best Lawyers in America in 2007 and 2009-2014, as well as Best Lawyers of the Year 2014 for product liability litigation-defendants. He has also been listed in Premier Who's Who, American's Registry of Outstanding Professionals, Strathmore's Who's Who, Kipling's Who's Who, Presidential Who's Who and Sutton's Who's Who in American Law.

Bill is a member of the Knoxville, American and Tennessee State Bar Associations. He is also a member of the American College of Trial Lawyers, the International Association of Defense Counsel, the Federation of Defense and Corporate Counsel, the American Inns of Court, the Defense Research Institute, the Tennessee Defense Lawyers Association, and the American Board of Trial Advocates, on which he served as President of the Tennessee chapter in 2004. Additionally, Bill is a Fellow in the Knoxville Bar Foundation and the Tennessee Bar Foundation.

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Coleman received his B.A. with highest honors and distinction from Jacksonville State University and his law degree from the University of Tennessee Knoxville. He is admitted to practice in Tennessee state court, the Tennessee Supreme Court, the United States Supreme Court, the United States Court of Appeals for the Sixth Circuit and the United States District Courts for the Eastern District of Tennessee. He is certified as a Civil Trial Advocacy Specialist by the National Board of Trial Advocates and is a member of Tennessee, Knoxville and American Bar Associations.

Coleman has been selected by his peers for Best Lawyers in America in the practice areas of plaintiff personal injury and plaintiff product liability. He has also been named Mid-South Super Lawyer, Top 100 Trial Lawyer, Newsweek Statewide Top Attorney and Martindale Hubbell Bar Registry of Preeminent Lawyers.

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Dryer fires may not be consumer's fault

By Ronda Robinson

Special Publications Correspondent

Ten years ago a clothes dryer caught fire in a Texas trailer, and the house burned down, killing a teenager asleep in his bedroom. The rest of the family escaped, but they were unable to rescue him. A jury later found the manufacturer liable for the boy's death, awarding the family \$14 million in damages.

"There are more of these incidents than people think," says Knoxville attorney Greg Coleman, "and they cause a lot of damage to property, as well as injury and even death in certain circumstances." He notes that research shows fall and winter months are when clothes dryer fires hit their peak in residential buildings.

About 2,900 home clothes dryer fires are reported to U.S. fire departments each year, according to the U.S. Fire Administration's most recent data. From 2008-2010, these fires resulted in five deaths, 100 injuries and \$35 million in property damage.

Reports Coleman: "There was a Consumer



Product Safety Commission report on dryers a few years back. The voluntary minimum standards have been increased to make sure when dryer fires do occur, they don't escape the unit."

A personal injury attorney, he emphasizes that

such fires may not be the consumer's fault.

"Be aware that dryer fires can happen for a number of reasons, not in any way related to what the consumer does. For instance, they may be caused by materials inside the dryer and whether lint accumulates around the heat source in an area that would never be seen by the consumer." Coleman goes on to state, "Additionally, plastic materials within the dryer unit may not have the appropriate level of fire inhibitors, which can result in a larger fuel load that increases the likelihood of damage to property and persons in the event the fire escapes the unit."

Lint build-up in the dryer behind the drum where consumers would never see and in the area of the heating source may spark fires. That's because lint can block the flow of air and cause excessive heat build-up. Lint accumulation within a dryer begins with the first use, and can build up in areas adjacent to the heat source in both a gas and electric dryer.

The cause of a dryer fire should be investigated not only by the fire marshal but also a product liability attorney.

FDA warns against transvaginal mesh

By Greg Coleman

Transvaginal mesh (TVM) is used for women who suffer from Pelvic Organ Prolapse (POP) and Stress Urinary Incontinence (SUI). This is when the bladder, uterus, bowel and/or rectum of a woman drops and pushes against the walls of her vagina. Mesh products were created to relieve pain and alleviate bowel and bladder problems associated with POP and SUI. POP or SUI usually occurs in women who have had vaginal births or surgeries which have caused the pelvic muscles to lose strength.

Complications have resulted from the use of TVM, with the most common being damage to the bladder, bowel and blood vessels, incontinence, urinary problems, infection and pain during sex. Many of these complications lead to removal of the mesh, additional surgeries, IV therapy, blood transfusions, and even drainage of hematomas or abscesses.

On July 13, 2011, the FDA issued a report with the following warnings: Complications with transvaginal mesh are not rare. It is not clear that procedures involving mesh repair are



more effective than non-mesh procedures. The use of transvaginal mesh may expose patients to more unnecessary risk.

Anyone who has experienced complications from TVM should contact a transvaginal mesh injury attorney for more information.

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HOW TO PROTECT YOUR FAMILY FROM ECONOMIC RUIN

By Sidney Gilreath

Back in the 1970s, the Tennessee Legislature considered passing a law requiring mandatory insurance. The law would have required everyone to have insurance before they could buy their license plates. Insurance companies fought that idea. The law that was passed does require everyone to have insurance but does not require proof of it unless there is an accident or a moving violation. As a substitute and a compromise for mandatory coverage, insurance companies permitted the Legislature to allow what is called uninsured or underinsurance coverage. Most people who have automobile insurance do not understand the importance of uninsured motorist policies. **Here are some examples of how an uninsured motorist policy covers an injury:**

No. 1: Your child, a teenager who lives in your home, is riding on a school bus on a trip that the school sponsors out of state. The school bus, which is a privately owned school bus, carries liability-insurance of \$300,000. The school bus driver loses control of the bus and crashes. Your child, who is a passenger on the bus, suffers a broken back and is paralyzed requiring lifetime care. The bus's liability insurance is not enough to cover all the injured children on the bus.

No. 2: Your teenage daughter who lives in your home goes on a field trip to New York and as she is crossing the street on the crosswalk, she is run down by a texting driver. The negligent driver has the required insurance, known as "full coverage," as mandated by New York law. Let's say it is \$25,000/\$50,000 per accident but your daughter's medical expenses are more than a half-a-million dollars.

No. 3: Your grandson, who lives out of state with his parents, comes to visit you in Knoxville. One of your employees is driving your vehicle in which the grandson is a passenger, taking the grandson to the baseball game with some of his friends. Your

vehicle is struck by a drunk driver, and the child is paralyzed and will require significant medical care for the rest of his life.

No. 4: You and your husband go to a neighbor's home for the purpose of going to a picnic. Your husband is riding in the neighbor's vehicle. That vehicle is struck by another vehicle and catches on fire. Your husband is badly burned. The vehicle that struck your neighbor's vehicle in the rear has full coverage under Tennessee law, \$25,000/\$50,000. The medical expenses for your husband exceed that coverage by more than half a million dollars.

In all of the above cases, if you have sufficient uninsured motorist protection, that policy will stand in and allow your uninsured motorist coverage to be applied to the under or uninsured negligent driver. Your uninsured policy only applies to cover damages you sustained that exceed the amount of coverage the negligent driver carries.

As an example, a potential client comes into my office who has been hurt in an accident. The at-fault driver has the state minimum insurance coverage of \$25,000 per person and \$50,000 per accident. The potential client tells me that he has "full coverage including uninsured motorist coverage." When we look at his policy, the potential client also has the state minimum coverage, which means that his uninsured motorist coverage is the same as his liability insurance and the same as the at-fault driver. Tennessee law does not allow this potential client to stack his uninsured motorist coverage on top of the liability coverage of the at-fault driver to reach \$50,000. The only coverage he has for this injury is \$25,000 from the at-fault driver. In most non-injury or small injury accidents the state minimum coverage is more than sufficient to cover damages.

The best way to protect yourself if you or a loved one suffers a major injury by an underinsured driver is to

carry uninsured motorist coverage above the state minimum.

Most people think uninsured motorist coverage is costly; a quick call to your agent can answer that question.

Example No. 1: A Travelers liability policy for \$250,000 per person and \$500,000 per accident with uninsured bodily injury is \$28 for the uninsured motorist coverage per year.

Example No. 2: A Westfield Insurance policy for \$1 million of liability coverage provides uninsured motorist coverage at the cost of \$366 per year.

Many people buy large automobile insurance policies in case they cause an accident and injure someone but fail to buy uninsured coverage to protect themselves and their loved ones. Make sure to ask the amount of uninsured coverage you have on your policy as Tennessee law does not require that the value of the uninsured coverage match the face value of the automobile policy. If you do not ask, your agent may only write you the state minimum for the value of your uninsured policy.

The question is often asked, "Will my insurance company raise my rates for making a claim under uninsured motorist coverage?" See Tennessee Code Annotated Section 56-7-1201(f): No insurer shall increase the automobile insurance rate or premium of an insured with uninsured motorist coverage nor cancel the coverage due solely to the payment of any claim under uninsured motorist coverage.

The law in Tennessee does not allow an insurance company to raise your rates because you buy or make a claim on uninsured motorist coverage. If you really want to protect your family, you should buy an umbrella policy which includes uninsured motorist coverage. In the Travelers example stated above, a \$1 million umbrella policy costs \$180 per year.

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