

# Tennessee Supreme Court

## Boot Camp

November 4, 2020 – Virtual Forum



**Producer:** Kevin Ritz, Office Of U.S. Attorney, W.D. Tenn.

**Total Credits:** 5 General; 1 Dual

The Supreme Court is unfamiliar territory for most lawyers and success in this court requires not only thorough preparation but mastery of oral and written advocacy as well. Brought to you by the TBA Appellate Practice Section, this boot camp allows attorneys to observe oral arguments in real cases being presented to the court, followed by analysis and discussion on preparation, tips and considerations for deciding to seek review in this institution.

**9 – 10:30 a.m. CDT    Observe Oral Arguments in State v. Michael Rimmer**

*A Shelby County jury convicted Rimmer for the 1997 first-degree murder of his former girlfriend, Ricci Ellsworth, and sentenced him to death. He was later granted post-conviction relief in the form of a new trial. A jury again convicted him of first-degree murder and sentenced him to death. He appealed, and the Court of Criminal Appeals affirmed. The case is now before the Tennessee Supreme Court on automatic review. The Court noted in an order that, at oral argument, it is particularly interested in its mandatory proportionality review, a Tenn. R. Evid. 404(b) issue regarding the defendant's prior assaults and rape of the victim as well as his attempts to escape from custody, whether his felony murder conviction violates double jeopardy, and whether the trial court erred in denying the defendant's motion to suppress DNA evidence under State v. Ferguson, 2 S.W.3d 912 (Tenn. 1999).*

(Times subject to change due to length of arguments)

**10:30 a.m. – 12 p.m.    Observe Oral Arguments in Milan Supply Chain Solutions Inc. v. Navistar Inc. et al.**

*Milan Supply Chain Solutions Inc. sued Navistar Inc. regarding the purchase of allegedly defective trucks. Milan raised numerous legal claims, including breach of contract, violation of the Consumer Protection Act, and fraud. Following the pre-trial dismissal of several claims, the remaining fraud and consumer protection claims went to a jury, which awarded Milan compensatory and punitive damages. Navistar appealed, and the Court of Appeals reversed. Among the reasons for reversal, the intermediate court held that Tennessee's economic loss doctrine barred the fraud claim. Milan filed an application for permission to appeal, which the Tennessee Supreme Court granted.*

(Times subject to change due to length of arguments)

- 12 – 12:30 p.m.      **Break**  
 (Times subject to change due to length of arguments)
- 12:30 – 1:30 p.m.      **Oral Argument Debriefing**  
*Join panelists that participated in today's oral arguments who will discuss preparation and best practices when arguing Supreme Court cases.*  
 Leslie Price, Tennessee Attorney General's Office (Moderator)  
 Andrew Coulam, Tennessee Attorney General's Office  
 Donald Capparella, Dodson Parker Behm & Capparella P.C.  
 Roman Martinez, Latham & Watkins LLP  
 Paul Bruno, Bulloch Fly Hornsby & Evans PLLC
- 1:30 – 2:30 p.m.      **Judicial Panel**  
*Former Tennessee Supreme Court justices will discuss judicial considerations and provide a Q&A session for attendees.*  
 Lucy Jewel, University of Tennessee College of Law (Moderator)  
 Justice Gary Wade, London & Amburn PC  
 Justice Janice Holder, Private Legal Solutions  
 Justice William Koch Jr., Nashville School of Law
- 2:30 – 3:30 p.m.  
 (DUAL)      **Ethical Considerations in Appellate Practice**  
*In this interactive program, the presenter and audience will explore ethical dilemmas in appellate practice and discuss the course of conduct that complies with Tennessee Rules of Professional Conduct.*  
 Prof. Paula Schaefer, University of Tennessee College of Law