

SPOTLIGHT ON TENNESSEE LAW SCHOOLS

Memphis Law Professors Defy Lawyer-Legislator Trends

By Chuck Holliday

It is probably no coincidence that traditionally one of the most popular undergraduate majors for law students has been political science. Both livelihoods are inextricably bound to the law – politicians make the law, while lawyers use the law to solve disputes and meet client needs. It is not surprising, then, that many lawyers seek elected office. What is surprising though, is the number of professors from the University of Memphis Cecil C. Humphreys School of Law who were candidates for office this election cycle.

Ask anyone familiar with the law school what is making news these days and you probably would hear two words: “new building.” What hasn’t received much attention is the recent political bug that seems to have infected the faculty. On Aug. 3, Shelby County residents voted on the largest slate of candidates in the county’s history. Included on the ballot were three University of Memphis law professors: Steven Mulroy, Lee Harris and Lawrence Pivnick. Those who have been around the law school 20 or 30 years say that this is the first time they can remember three professors, let alone one, wading into local politics.

Mulroy, the lone candidate of the three to succeed in his election bid, captured a spot on the Shelby County Commission. His victory gave Democrats control of the commission for the first time in recent history. Mulroy said he ran because he “saw an opportunity to make a difference at the county level.” The county commission seat is a part-time position, which allows him to keep his professorship. Mulroy said he was approached about running for a full-time position, but turned it down because he loves teaching and did not want to forfeit that role.

Harris and Pivnick did seek full-time positions, which would have required them to leave teaching. Pivnick, a 30-year member of the faculty who has headed the trial advocacy program in recent years, ran for circuit court judge. Although not a political position in the regular sense of the word, judges in the county are elected by popular vote and must run for re-election every eight years. Pivnick lost his bid to incumbent Judge Jerry Stokes who was appointed by Gov. Phil Bredesen in April 2005.

Harris was just finishing his first year of teaching at Memphis when he threw his hat into the ring with 14 other candidates (four of whom were attorneys) for the Ninth District congressional seat being vacated by Harold Ford Jr. He said he ran because of his commitment to the community and desire to move it forward. “I want to be part of the proverbial solution,” he said.

Both Mulroy and Harris believe that attorneys make good lawmakers because of their legal training. Mulroy says lawyers have a natural skill set that helps in politics: “There is a natural fit. Politics is the process by which we create the law.” Harris says those with legal training are well suited for political office because of their analytical, speaking and writing abilities. He also believes that law professors, in particular, are a good fit because of the nature of their jobs. He describes them as a subset of lawyers who specialize in working for the betterment of the law and said they are often “folks committed to spending all of their time trying to solve issues.”

Mulroy agrees and says professors also possess the benefit of being able to look at problems more holistically, and generally have more independence from outside pressures than practicing lawyers.

What makes these professors' campaigns even more interesting is the fact that came at a time when the number of lawyers running for political office has dwindled. A 1999 *New York Times* article cited a National Conference of State Legislatures study that found the number of lawyer-legislators in state legislatures shrunk from 22 percent in 1976 to 15 percent in 1995.¹ The article noted that, historically, serving in the legislature was good for a lawyer's business because it impressed judges and attracted clients. By contrast, the author suggested that today's lawyers are too busy to balance two careers and surmised that the level of compensation for service in state legislatures plays a factor. The U.S. Congress, however, appears immune from such pressures and remains dominated by those learned in the law. The same *Times* piece reported that 43 percent of the federal legislative branch was composed of lawyers, likely due to the fact that these legislators earn more than \$130,000 a year and enjoy generous expense allowances and benefits.

Whatever the trend is nationally regarding lawyers and politics, three law professors appear to have started a new trend at The University of Memphis.

Notes

1. Richard Perez-Pena, "The Nation: Making Law vs. Making Money; Lawyers Abandon Legislatures for Greener Pastures," *The New York Times*, 21 Feb. 1999: Sec. 4, page 3.

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