

BIO

DEAN HILL RIVKIN

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Admitted to Law Practice: Tennessee (1971); Kentucky (1972)

LEGAL EDUCATION

School: Vanderbilt Law School (Class of 1971)

Activities and Honors: Research Editor, VANDERBILT LAW REVIEW; American Jurisprudence Award in Legal Problems of the Poor; Board of Governors, Vanderbilt Bar Association; Board of Directors, Nashville Draft Information Center; Prerelease Program Lecturer, Tennessee State Prison; Legal Aid Society; Law Students' Civil Rights Research Council; Academic Scholarship; Testimony before United States Senate Sub-committee on National Penitentiaries, May 1971.

UNDERGRADUATE EDUCATION

School: Hamilton College (Class of 1968)

Degree: A.B., Government

Activities and Honors: Treasurer, Student Senate; Member, Drug Regulations Revision Committee; Secretary, College Evaluation Committee; Research Assistant, Government Department; Dean's List; Academic Scholarship; Varsity Letterman, Lacrosse.

LEGAL EMPLOYMENT

University of Tennessee College of Law, Emeritus Professor (2017-present)

University of Tennessee College of Law Williford Gragg Distinguished Professor in Law (awarded 2016)

Visiting Professor, American University Washington College of Law (Fall 2008)

Director, Law School Consortium Project, Lawyers Education Advocacy Network (LEARN), University of Tennessee College of Law (2004-09)

Guest Professor (permanent appointment), Southwest University of Political Science and Law, Chongqing, P.R. China (2004)

Visiting Professor, Harvard Law School (Fall/Winter 2002-2003; 2004-2005)

Professor of Law, University of Tennessee, College of Law (1983-Present)
Director, University of Tennessee Legal Clinic (1988-1993)
Visiting Professor, University of Maryland School of Law (1990-91)
Associate Professor of Law, University of Tennessee, College of Law (1979-1983)
Visiting Professor, UCLA School of Law (1980)
Assistant Professor, University of Tennessee, College of Law (1976-77)
Teaching Fellow, Harvard Law School (1975-76)
Directing Attorney, Appalachian Research and Defense Fund of Kentucky, Lexington, Kentucky (1974-75)
Reginald Heber Smith Community Lawyer Fellow, Appalachian Research and Defense Fund of Kentucky, Lexington, Kentucky (1972-74)
Law Clerk, United States Court of Appeals for the Second Circuit (1971-72)
Research Assistant, Professor James F. Blumstein, Vanderbilt Law School (Summer 1971)
Appalachian Legal & Medical Project, Vanderbilt Law & Medical Schools (Summer 1970)
Law Students' Civil Rights Research Council (LSCRRC) Intern, Ratner, Sugarmon & Lucas, Memphis, Tennessee (Summer 1969)

PUBLICATIONS

Rivkin, *The Paradoxes of Law Reform Litigation*, 46 J.L. & Educ. 123 (2018).

Rivkin et al., Symposium, *Dispute Resolution In Special Education*,” 30 Ohio State Journal on Dispute Resolution 89 (2014).

Rivkin & McGee, *Truancy Lawyering in Status Offense Cases: An Access to Justice Challenge*, ABA Section of Litigation, Children’s Rights Litigation Committee (fall 2014).

Rivkin & McGee, *No Child Left Behind? Representing Youth and Families in Truancy Matters*, 47 Clearinghouse Rev. 276 (2013).

Hyman, Rivkin, & Rosenbaum, *How IDEA Fails Families Without Means: Causes and Corrections from the Frontlines of Special Education Lawyering*, 20 A.U. J. of Gender, Social Policy & the Law 107 (2011).

Rivkin, *Truancy Prosecutions of Students and the Right [To] Education*, 3 Duke Forum for Law & Social Change 139 (2011).

Rivkin et al., *The Politics of Protecting Children: Litigation for Change*, 7 TENN. J.L. & POL'Y 160, 229-245 (Fall 2011).

Kotkin & Rivkin, *Clinical Legal Education At a Generational Crossroads: Reflections From Two Boomers*, 17 Clinical L. Rev. 197 (2010).

Rivkin & Irwin, *Strip-Mining and Grassroots Resistance In Appalachia: Community Lawyering For Environmental Justice*, 2 Los Angeles Public Interest Law Journal 101 (2010).

Rivkin, *Decriminalizing Students With Disabilities*, 54 New York Law School Law Review 909 (2010).

Rivkin, *Legal Advocacy and Education Reform: Litigating School Exclusion*, 75 TENNESSEE LAW REVIEW 265 (2008).

Rivkin, *Environmental Justice: A Universal Discourse*, 24 TEMPLE JOURNAL OF SCIENCE, TECHNOLOGY & ENVIRONMENTAL LAW 249 (2005)

Association of American Law Schools, REPORT OF THE EQUAL JUSTICE PROJECT (2002).

Rivkin, *Pursuing Equal Justice: Law Schools and the Provision of Legal Services*, 16 MANAGEMENT INFORMATION EXCHANGE 5 (2002).

Rivkin, EQUAL JUSTICE BIBLIOGRAPHY, Association of American Law Schools, Equal Justice Project (2000).

Rivkin, *Lawyering, Power, and Reform: The Legal Campaign to Abolish the Broad Form Mineral Deed*, 66 TENNESSEE LAW REVIEW 167 (1999).

Rivkin, *Characterizing the Regulatory and Judicial Setting: Decision-maker Response*, in TOOLS TO AID ENVIRONMENTAL DECISION-MAKING (V. Dale & M. English eds. 1999).

Rivkin & McGee, *Disability Advocacy in Juvenile Delinquency Representation*, in Tennessee Association of Criminal Defense Lawyers' A PRACTICAL GUIDE FOR JUVENILE DEFENSE (1997).

Rivkin, *Lawyering For Reform: Is The Highway Alive Tonight*, 64 TENNESSEE LAW REVIEW 1065 (1997).

Rivkin, *Doing Environmental Justice in Appalachia: Lawyers at The Grassroots and Aspirations of Social Change*, 96 WEST VIRGINIA LAW REVIEW 1109 (1994).

Rivkin, *The Evolution of In-House Clinical Field Work Programs* in ABA National Conference on Professional Skills and Legal Education, 19 NEW MEXICO LAW REVIEW 42 (1989).

Rivkin, *The Environmental Impact Assessment Process, Administrative Decision-making, Citizen Advocacy, and the Courts: An Essay on the Evolution of the National Environmental Policy Act of 1969*, in THE ROLE OF ENVIRONMENTAL IMPACT ASSESSMENT IN THE DECISION-MAKING PROCESS (H. Paschen ed., 1989).

Rivkin, *Essay: The Reform Mission of Clinical Legal Education*, in PANEL DISCUSSION, CLINICAL LEGAL EDUCATION: REFLECTIONS ON THE PAST FIFTEEN YEARS AND ASPIRATIONS FOR THE FUTURE, 36 CATHOLIC LAW REVIEW 340 (1987).

Rivkin, *TVA, The Courts, and the Public Interest* in TVA: FIFTY YEARS OF GRASS-ROOTS BUREAUCRACY (P. Conkin & E. Hargrove eds., University of Illinois Press 1983).

Rivkin, *The TVA Air Pollution Conflict: The Dynamics of Public Law Advocacy*, 49 TENNESSEE LAW REVIEW 843 (1982).

Rivkin, *Remarks on Teaching and Testing Clinical Skills* in LEGAL EDUCATION AND LAWYER COMPETENCY: CURRICULA FOR CHANGE (F. Dutile ed., 1981) (University of Notre Dame Press).

Rivkin, *Clinical Legal Education and the Promotion of National Goals*, in PROCEEDINGS, ASSOCIATION OF AMERICAN LAW SCHOOL'S CONFERENCE ON FUNDING OF CLINICAL EDUCATION 1978).

Rivkin, *The Institutional Setting in Appalachia*, in PROCEEDINGS, VIRGINIA POLYTECHNIC INSTITUTE REGIONAL FORUM: APPALACHIA LOOKS AT ITS FUTURE (1975).

Cohen and Rivkin, *Civil Disabilities: The Forgotten Punishment*, 35 FEDERAL PROBATION 19 (June 1971).

Special Project, *The Collateral Consequences of a Criminal Conviction*, 23 VANDERBILT LAW REVIEW 929 (1970).

Case Comment, *Gautreaux v. Chicago Housing Authority*, 23 VANDERBILT LAW REVIEW 131 (1969).

SELECTED PAPERS AND PRESENTATIONS

Presenter, East Tennessee Lawyers Association For Women (ETLAW), "Child Advocacy in Juvenile Justice and Education," (August 2017).

Presenter, UTK Urban Education Mini-Conference, "School-to-Prison-Pipeline," (April 2017).

Presenter, Baker Center Forum and Appalachian Public Interest Environmental Law Conference, "An Ethical Sustainable Energy Industry," (Oct. 2016).

Presenter, Tennessee Bar Association, Juvenile Law Forum, "Representing Juvenile Status Offenders," (Dec. 2015).

Testimony, United States Senate Judiciary Committee, Oversight Hearing on the Juvenile Justice and Delinquency Prevention Act, (April 2015).

Presenter, Appalachian Public Interest Environmental Law Conference, "Ethical Issues in Public Interest Environmental Lawyering," (Oct. 2014 & Oct. 2015).

Presenter, Children's Defense Fund Proctor Institute Workshop, "Keeping Students in School and Out of Court," (July 2014).

Tennessee Bar Association Access To Justice Video, "Unruly Cases in Tennessee: Expanding Access to Juvenile Justice," (May 2014).

Plenary Presenter, National Juvenile Defender Center Leadership Summit, "Renewing Our Commitment: Litigating Status Offender Cases," Scottsdale, Arizona (Nov. 2013).

Presenter, Appalachian Public Interest Environmental Law Conference, "The Ethics of Public Interest Environmental Lawyering" (Oct. 2013).

Presenter, Southern Clinical Conference, "Special Education Law Across the Curriculum: Theory and Practice," University of Arkansas Law School (Aug. 2013).

Presenter, “Systemic Juvenile Justice Reform,” Cardozo Law School (Apr. 2013).

Presenter, Appalachian Public Interest Environmental Law Conference, “Coal, Courts, and Corruption” (Oct. 2012)

Presenter, Southern Clinical Conference, “The Pedagogy of Law Reform: The Education Law Practicum,” University of Tennessee College of Law (Mar. 2012).

Commentator, University of Tennessee, Animals, Law, and Ethics Conference (Mar. 2012).

Co-Organizer and Presenter, Appalachian Public Interest Environmental Law Conference (APIEL), “Taxation of Mineral Lands and Energy Justice,” University of Tennessee College of Law (Oct. 2011).

Organizer and Presenter, Howard Baker Center Interdisciplinary Forum for Energy & the Environment, “Public Interest Environmental Lawyering,” (Oct. 2011).

Presenter, Global Alliance For Justice Education World Conference (Valencia, Spain), “Environmental Justice and Community Lawyering in the USA” (July 2011).

Presenter, American University Washington College of Law, Symposium, Current Issues in Special Education Advocacy, “How IDEA Fails Families Without Financial Means: Causes and Corrections From the Frontlines of Special Education Lawyering” (Feb. 2011).

Presenter, Duke University Law School, Symposium, The Collateral Consequences of Juvenile Adjudication, “Truancy Prosecutions of Students and the Right [To] Education” (Feb. 2011).

Presenter, Tennessee Association of Criminal Defense Lawyers, Juvenile Defenders Seminar, “Decriminalizing Status Offenses” (June 2010).

Presenter, UT College of Law Education Law Practicum CLE Program, “Education Issues in Juvenile Court” (April 2010).

Panelist, UT Howard Baker Center Water Series, “Connecting Water Issues to Regional Policy” (February 2010).

Presenter, UT Howard Baker Center Clean Air Act Conference, “Climate Change Litigation” (October 2009).

Presenter, Tennessee Juvenile Court Services Association, “Dismantling The School-To-Prison-Pipeline in Tennessee” (August 2009).

Panelist, AALS Clinical Conference, “Coaching Millennials: Re-examining the Foundations and Future of Clinical Education in Teaching a New Generation of Law Students” (May 2009).

Panelist, “Special Education Advocacy,” Conference on “Dismantling the School-To-Prison-Pipeline” sponsored by New York Law School and the Racial Justice Project of the national ACLU (April 2009).

Panelist, "Mountaintop Removal and Human Rights," University of Tennessee Energy and Responsibility Conference (April 2008).

Trainer, "Special Education Law," Tennessee Supreme Court Administrative Office of the Courts /Tennessee Secretary of State, Administrative Law Judges (ALJs) (August 30-31, 2007).

"Special Education Advocacy in Juvenile Court Proceedings," Tennessee Juvenile Court Services Association (August 4, 2007)

"Alternative Education Advocacy," presented to National Litigators' Conference on the School-To-Prison Pipeline; sponsored by the Racial Justice Project, ACLU, New York (April 2007).

"Juvenile Justice and Special Education," CLE Program sponsored by the Tennessee Bar Association (July 2004).

Faculty, Temple University Law School, Institute For International Law and Public Policy, Roundtable For Chinese Environmental Law Scholars (July 2004).

Lectures on clinical legal education and environmental justice at five Chinese Law Schools (May 2004) at the invitation of the Research Institute on Environmental Law, Wuhan University Law School, Wuhan, P.R. China.

"Lawyering Amidst Inequality: Complexities and Contradictions in a Galvanizing Case of Special Education," Paper delivered to Harvard Law School Faculty Workshop (November 2002).

"Learning From Clients," Plenary Presentation to Association of American Law Schools (AALS) Clinical Conference (May 2002).

"Nonlawyers and Special Education Advocacy: The Import of the *Arons* Case," Paper Delivered to Council of Parents, Advocates, and Attorneys (March 2000).

"Lawyering For Reform," Paper Delivered to Section on Litigation, AALS Annual Meeting (January 1996).

"The Case Against Disciplinary Exclusion Of Students With Disabilities Through Juvenile Court Prosecutions By School Systems," Paper Delivered to Children's Rights Conference, Temple Law School (September 1995).

"The Ethics of Negotiation," CLE Lecture to Knoxville Bar Association (October 1988).

"Programmatic Environmental Impact Statements, Tiering, and the NEPA Process: A Case Study of the U.S. Army's Chemical Stockpile Disposal Program," Paper Delivered at Institute for Applied Systems Analysis, West German Nuclear Research Center (June 1988).

"The Meaning of Professional Skills," Paper Delivered to Ohio State University Law School (April 1988).

"Climbing the Ladder of Abstraction: Cross-Cutting Themes and Clinical Theory," Paper Delivered at AALS Workshop on Clinical Legal Education (San Antonio, Texas 1987).

"Lawyering Amidst Inequality: Law Reform and the Faces of Power," Paper Delivered at Colloquium Sponsored by Frances Lewis Law Center, Washington and Lee Law School (March 1984).

"The Use of Other Disciplines in Teaching About Practice," Paper Delivered at Meeting of the Southeast Association of Law Schools (August 1982).

“Clinical Education and Law School Pedagogy: From Politics to Skills,” Paper Delivered at the AALS National Clinical Teachers’ Conference (Samoset, Maine 1981).

“Clinical Legal Education and Reform of American Legal Education,” Paper delivered at AALS National Clinical Teachers’ Conference (Big Sky Mountain, Montana 1980).

“Clinical Teaching and Civil Procedure: A Synthesis,” Paper Delivered at AALS Conference on Civil Procedure (Cornell Law School 1979).

SELECTED PROFESSIONAL ACTIVITIES

University of Oregon Law School, Kravchenko Environmental Rights Award (2023).

University of Tennessee Chancellor’s Award For Excellence in Teaching (April 2017).

Public Member, Tennessee Legislature, Juvenile Justice Realignment Task Force (2016-17) (Appointed by Lt. Gov. Ron Ramsey).

College of Law Best Teacher Award (2016).

Spirit of ADA Advocate Award, Knox County disABILITY Resource Center, (2015).

“Champion of Change Award,” Knoxville Community Shares (2011).

Member, AALS Membership Review Committee (2010-12).

Professor, University of Tennessee/University of Mississippi University of Cambridge Summer Session (2006).

Consultant, Harvard Law School, Evaluation of Hale & Dorr Clinical Legal Services Center (2004-05).

Director, Association of American Law Schools, Equal Justice Project (2000-2003).

Columnist, “Green Justice,” The Hellbender Press (East Tennessee’s Environmental Journal) (1999-present).

Thomas Jefferson Prize Award, University of Tennessee (2001).

Member, Board of Directors, Highlander Research and Education Center (1994-2001).

Member, Policy Committee, Southern Appalachian Mountain Initiative (1993-2002).

Consultant, Administration of Justice Project, United States Agency for International Development, La Paz, Bolivia (August 1993).

Vice Chair, Environmental Values Committee, ABA Section of Administration Law (appointed 1992).

Member, Oak Ridge Associated Universities, Environment and Safety Advisory Committee (appointed 1991).

Member, AALS Special Committee on the Professional and Ethical Responsibilities of Law Teachers (1988-90).

Member, Board of Governors, Society of American Law Teachers (1987-1993).

Member, Board of Governors, Society of American Law Teachers (elected to three-year terms in 1987 and 1990).

First Amendment Award, National Society of Professional Journalists (November 1986).

Member, Council, American Bar Association Section of Legal Education and Admissions to the Bar (elected to four-year term at August 1982 ABA Annual Meeting).

Member, AALS Professional Development Committee (appointed in 1981 to a three-year term by AALS President Sanford Kadish).

Member, ABA Accreditation Committee (1981-82).

Planning Chair, 1981 and 1982 AALS National Clinical Teachers' Conferences (appointed by AALS President Albert Sacks).

Co-Chair, ABA Section on Legal Education and Admissions to the Bar, Clinical Committee (1981-82).

Co-Chair, AALS Section on Clinical Legal Education (1981) (elected by members of AALS Section).

Air Conservationist of the Year, Tennessee Conservation League (1979).

Consultant, Oak Ridge National Laboratory (1979).

Consultant, Federal Legal Services Corporation (1977-79).

ABA and AALS Site Teams (selected schools): Texas Southern University Thurgood Marshall School of Law, New York University, CUNY, Catholic University, St. John's, Touro, UNLV, University of Nebraska, American University, George Mason University, Vermont Law School, Pontifical Catholic University of Puerto Rico, North Carolina Central University.

SELECTED PUBLIC INTEREST LITIGATION

Conley v. Spangler, Knox County Chancery Court (2020) (successful suit under the Tennessee Public Records Act against Knox County Sheriff, including significant statutory attorneys' fee component).

SOCM v. Norton, U.S. District Court for the Eastern District of Tennessee (2003-2007) (NEPA challenge to issuance of coal strip-mining permit using mountaintop removal methods).

C.S.C. v. Knox County Board of Education, 2007 WL 1519543 (Tenn. Ct. App. 2007) (class action on behalf of all students expelled or suspended from the Knox County Schools establishing their right to alternative education).

Morgan v. Chris L., 927 F. Supp. 267 (E.D. Tenn. 1994), *aff'd*, 106 F.3d 401 (6th Cir. 1997), *cert. denied*, 520 U.S. 1271 (1997) (school system prohibited from prosecuting a student with disabilities for alleged misconduct when IDEA procedures not followed).

Babb v. Knox County Schools, 965 F.2d 104 (6th Cir. 1992) (student with emotional disabilities entitled to

residential educational placement under individuals with Disabilities Education Act).

Carver v. Knox County, Tennessee, 887 F.2d 1287 (6th Cir. 1989) (constitutionality of state-wide jail overcrowding).

Marcus X. v. Adams, 856 F. Supp. 395 (E.D. Tenn. 1994) (IDEA suit for appropriate educational services for a youth in a State juvenile prison).

Suttles v. City of Chattanooga, No. 86-5897 (6th Cir. 1988) (constitutionality of city's action in death of inmate).

Legal Environmental Assistance Foundation v. Hodel, 586 F. Supp. 1163 (E.D. Tenn. 1984) (Resource Conservation and Recovery Act applies to DOE facilities).

Block v. Neal, 460 U.S. 289 (1983) (claim of negligent inspection of home construction by FMHA cognizable under Federal Tort Claims Act).

Doochin v. Rackley, 610 S.W.2d 715 (Tenn. 1981) (successful defense of Tennessee's Surface Owner Protection of 1977).

American Civil Liberties Union of Tennessee v. Tennessee, 496 F. Supp. 218 (M.D. Tenn. 1980) (successful challenge to Tennessee's barratry statute).

Tennessee Thoracic Society v. Freeman, No. 77-3286 and consolidated cases (M.D. Tenn. Dec. 20, 1980) (successful challenge to TVA's SO₂ control practices under federal Clean Air Act).

Tennessee Valley Energy Coalition v. TVA, No. 81-1069 (M.D. Tenn.) (challenge on behalf of low-income consumer organization to the methods by which TVA finances construction of nuclear power plants).

Scott v. Kentucky Parole Board, 429 U.S. 60 (1976) (due process in parole release proceedings).

North v. Russell, 427 U.S. 328 (1976) (constitutionality of lay judges in lower court criminal proceedings).