



HARRIS SHELTON
HANOVER WALSH PLLC



On The Docket

January 2016

Harris Shelton Hanover Walsh Firm News

As of Jan. 1, 2016, Harris Shelton has a new managing partner and five new equity members at the firm. [Brett Hughes](#) was named managing member, and [Abby Webb](#), [Laura Martin](#), [Chad Roberts](#), [Tricia Tweel](#) and [William Wyatt](#) became equity members. Congratulations, team!

Last month, the firm sponsored the [13th Annual Duck Classic](#) hosted by the NEA Baptist Charitable Foundation, and had several attorneys attend the event.



Harris Shelton in the News

[Hughes Promoted at Harris Shelton](#)
Memphis Daily News

[Wanda Halbert Case Discussed](#)
WREG

Legal News

[Government Can't Reject Trademarks for Being Offensive, Court Says](#)

Wall Street Journal
Citing free-speech protections, an appeals court judge recently ruled that trademarks cannot be rejected by the government even if they are offensive to some groups. The reversal of the Lanham Act comes after the provision had been in place for nearly 70 years. To read the full article, click the link above.

[Congress Funds 55 New Immigrations Judge Teams-Extensive Backlog Requires More](#)

Huffington Post Politics
A spending bill was recently passed by lawmakers to aid in speeding up the process of immigration cases. The money will be used to fund 55 new immigration judge teams that will help thousands of people seeking asylum to have their pleas heard. To read the full article, click the link above.

Sidebar: 2015 Appellate Court Review by Brett Hughes

Harris Shelton attorney [Brett Hughes](#) provides a recap of some of the more noteworthy 2015 Appellate Court decisions by the Tennessee Supreme Court, Tennessee Court of Appeals and the Supreme Court of the United States.

[Click here](#) to view his complete summaries on our website and [click here](#) for Mr. Hughes' bio page.



Rye v. Women's Care Ctr. of Memphis, M PLLC, TSC returned to a "put up or shut up" summary judgment standard.

Yardley v. Hospital Housekeeping Systems, LLC, TSC held no cause of action exists under Tennessee law against a prospective employer for failure to hire a job applicant because of previously filed workers' compensation claim.

White v. Beeks, TSC held trial court erred by limiting plaintiff's expert testimony to risks of surgery that actually materialized in an informed consent case.

Haynes v. Formac Stables, Inc., TSC held an employee must "blow the whistle" to someone other than the person responsible in order to state a viable claim for retaliatory discharge.

Foster v. Chiles, TSC held plaintiff must give written notice of health care liability claim before re-filing [2] a lawsuit that had been non-suited.

Tatham v. Bridgestone Ams. Holding, Inc., TSC held intentional conduct is not a prerequisite for imposing sanctions for spoliation of evidence, but an important factor to consider.

Ellithorpe v. Weismark, TSC held all claims related to the provision of health care are governed by the Tennessee Health Care Liability Act, which, as amended, statutorily abrogated the Court's previous decision in *Estate of French*.

State v. Herron, TSC held that recorded forensic interviews in child sex cases are subject to the same evidentiary constraints that generally prohibit admitting "prior consistent statements"

Igou v. Vanderbilt Univ., TCA held loss of consortium claim is subject to the pre-suit notice provisions of the Tennessee Health Care Liability Act.

Monypeny v. Kheiv, TCA held trial court should apply comparative fault percentage to jury's award of non-economic damages before adjusting for statutory cap.

State v. Christensen, TCA affirmed denial of motion to suppress where the defendant argued that a posted "no trespassing" sign was sufficient to revoke the implied invitation of the front door.

Community Spotlight: American Heart Association of Memphis, Opera Memphis

As the country's oldest and largest organization dedicated to fighting heart disease, the [American Heart Association](#) is an admirable one.

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Defense
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On Feb. 20, the local chapter will host its annual Memphis Heart Ball. Contributions received from the black tie affair go toward supporting cardiovascular research, community and personal education, and advocacy efforts. Harris Shelton Hanover Walsh, PLLC is an affiliate sponsor and will have several attorneys in attendance. For more information or to purchase tickets, please [click here](#).



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[Opera Memphis](#) is an organization that entertains and inspires the Mid-South through the art of opera. Harris Shelton's [John Ryder](#) has been involved with the group for many years, serving as a past chairman of the board of trustees and currently sits on the host committee of the Wild Game Dinner.

On Feb. 26, Opera Memphis is hosting its annual Wild Game Dinner at Clark Opera Memphis Center. Harris Shelton will be sponsoring the event with many attorneys attending. For more information on the feast worth quacking about, please [click here](#).

Upcoming Events

Jan. 28-30: [Kevin Walsh](#) will speak at the "Eminent Domain and Land Valuation Litigation 2016" seminar in Austin, Texas, as part of the American Law Institute's annual national conference. For more

information about the event, [click here](#).

If you would like an attorney from Harris Shelton to speak at your event, please contact Margaret Vaughn at mvaughn@harrishelton.com.

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