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Visit www.kybar.org/page/probono to view a complete listing of members who claimed more than 50 hours of Pro Bono on their 2015-2016 dues statement.
TELL US ABOUT YOURSELF: YOUR AGE, WHERE YOU GREW UP, YOUR FAMILY, AND YOUR EDUCATION.

I was born in Wisconsin but am really a Kentucky girl at heart. I grew up in Central Kentucky and attended undergrad and law school at the University of Kentucky. I am 36 and clinging to my status as a young lawyer. My parents are originally from Syria and immigrated to the U.S. in the early 70’s. My five siblings and I were all born in the U.S. and, at one point or another, we each obtained a degree from the University of Kentucky. So, yes, we are a family of Wildcats!

WHERE WERE YOUR PARENTS BORN, AND WHAT IS THEIR EDUCATION AND WORK EXPERIENCE?

My parents were both born and grew up in Syria. My father graduated from medical school in Damascus, Syria and they came to the U.S. when he began his internship and residency. The stories they tell of their first months and years in their new home are scary, heartwarming and inspiring all at the same time. Luckily, my siblings and I had the chance to travel to Syria a few times growing up and developed bonds with our extended family and a connection to the country. The humanitarian crisis in Syria the past few years has been incredibly challenging. Politics aside, millions of innocent people are suffering through unimaginable living conditions. It’s been particularly hard to observe my parents watch the disaster unfold from afar and away from their immediate family members.

WHAT IS YOUR AREA OF PRACTICE AND WHAT DO YOU ENJOY ABOUT YOUR WORK?

I serve as staff counsel for Liberty Mutual Insurance Company, working at the Law Offices of Ray Decker in Cincinnati. My favorite thing about my job is the people I work with and the supportive environment. I enjoy litigation and have appreciated the opportunity to handle jury trials in various counties in Ohio.

WHAT DO YOU DO FOR FUN?

I love being outside and participating in outdoor activities and sports. I grew up in a big family so my competitive side often comes out at those times. I also love to travel, attend musical concerts and theatrical performances. Ultimately, the most fun I have is when I’m spending time with family and friends, especially my adorable and brilliant nieces and nephew.

ARE YOU INVOLVED IN NONPROFIT ACTIVITIES AND/OR IN YOUR MOSQUE?

Yes. I will always consider my home mosque to be Masjid Bilal ibn Rabah in Lexington but I have also become involved in mosques in the Cincinnati area. Since law school, I have volunteered with the Council on American-Islamic Relations (“CAIR”) and am currently...
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honored to serve as chair of our National Board of Directors. CAIR is the largest civil rights and advocacy group for the American Muslim community and it has been a rewarding and humbling experience to serve the community through this organization.

**IT SEEMS IN RECENT TIMES, PARTICULARLY IN THE PAST YEAR OR SO, THERE IS AN INCREASE IN ISLAMOPHOBIC RHETORIC AND ATTACKS AGAINST AMERICAN MUSLIMS AND MOSQUES. HAVE YOU OBSERVED THAT AND, IF SO, HOW HAS IT IMPACTED YOU AND FELLOW MUSLIMS IN KENTUCKY?**

Unfortunately, I have witnessed this increase and Muslims in Kentucky have as well. Studies have shown that in 2015 there was an increase in attacks against mosques across the country and the same was true in the Commonwealth. In the last few months of 2015 alone a mosque in Louisville was vandalized with hateful messages, two mosques in Kentucky were vandalized with pig remains, and a mosque in Lexington received a specific death threat against its members. I believe the spike in these attacks both in Kentucky and across the county comes as a result of the ignorant and bigoted remarks against Islam and Muslims of elected officials, or those seeking to hold elected office. These dangerous comments have empowered people to act on their hate or bias and have caused many in the Muslim community to fear being attacked solely because of their faith.

I personally refuse to live in fear and, while I have at times been singled out in a negative way for my faith, I focus on the opportunities these challenging times present. In my experience, much of the hate and Islamophobic rhetoric comes from misunderstanding of Islam and Muslims. I have had countless people tell me they feared Muslims until they met one. For that reason, I particularly appreciate the opportunity for our fellow Kentucky attorneys to get to know us. I hope if any have specific questions about our faith they will reach out and ask because the better we know one another the less chance there is that we will be divided.

**WHAT WOULD YOU LIKE KENTUCKY’S LAWYERS TO KNOW ABOUT THEIR FELLOW LAWYERS WHO HAPPEN TO BE MUSLIMS?**

That while we may have differences in specifics of our faiths, we are ultimately much more similar than not and share common challenges of practicing law, balancing our career and extracurricular obligations with making time for family and friends, and ensuring we can watch as much basketball as possible during March Madness!

**SOHA SAIYED**

**TELL US ABOUT YOURSELF: YOUR AGE, WHERE YOU GREW UP, YOUR FAMILY, AND YOUR EDUCATION.**

I am old enough to have been practicing law since 2006! That’s as much information as I can publicly admit about my age. I was born in Chicago, lived in that area for several years before moving to Shelbyville, Ky., during high school. After graduating from Shelby County High, I completed my undergraduate degree at Bellarmine University. I majored in history and foreign languages and international studies and minored in Spanish. I then went to and graduated from the Brandeis School of Law at U of L. In 2015, I completed my MBA, also from U of L.

My family consists of my parents, three younger sisters, and a cat named Kennedy. Two of my sisters live in Chicago; one is married and working on a Ph.D. at Northwestern and the youngest on a Master’s at the University of Chicago. Another sister is attending UK Law. Kennedy has no degrees, but understands two languages.

**WHERE WERE YOUR PARENTS BORN, AND WHAT IS THEIR EDUCATION AND WORK EXPERIENCE?**

My parents, Tajoddin and Nazma, were born and raised in India. My dad has a degree in accounting. My mom’s degree is in sociology. My dad immigrated to the U.S. in the 70s and my mom in 1980, after marrying my dad. They have both lived in the U.S. for most of their lives and are U.S. citizens. My dad used to work for the post office, but now he and my mom manage our family business, a small motel, full-time. They have been in the motel business for 30 years. My dad also translates for Gujurati victims of human trafficking.

**WHAT IS YOUR AREA OF PRACTICE AND WHAT DO YOU ENJOY ABOUT YOUR WORK?**

I have a general civil litigation practice in the rural counties around Louisville. There are many things I enjoy about my work. First, I get to be a voice for some of the most vulnerable people in our community. It is a sacrosanct privilege. Second, I have amazing colleagues who are agitators for justice. They inspire me every day. Third, I get to drive around rural Kentucky and experience my clients’ communities firsthand. It’s an educational adventure.

**WHAT DO YOU DO FOR FUN?**

I enjoy working out, spending time with my family, shopping and traveling.

**ARE YOU INVOLVED IN NONPROFIT ACTIVITIES AND/OR IN YOUR MOSQUE?**

I participate in several human trafficking task forces and am the co-chair of the Nelson County Human Trafficking Task Force. I have the opportunity to educate others throughout the state on this topic. I am proud that Kentucky has some of the most comprehensive laws to protect victims of modern day slavery.

**IT SEEMS IN RECENT TIMES, PARTICULARLY IN THE PAST YEAR OR SO, THERE IS AN INCREASE IN ISLAMOPHOBIC RHETORIC AND ATTACKS AGAINST AMERICAN MUSLIMS AND MOSQUES. HAVE YOU OBSERVED THAT AND, IF SO, HOW HAS IT IMPACTED YOU AND FELLOW MUSLIMS IN KENTUCKY?**

Thankfully, I have not been the victim of a hate crime, despite being a visible Muslim in my community. I don’t worry for my well-being, because I refuse to be paralyzed by fear. I do worry for Muslims (and Sikhs) after mass shootings, which we seem to have a lot of. The rhetoric of hate against Muslims is nothing new, but seems to be amplified by more news coverage, social media and our society’s inclination that political correctness is wrong. Hate speech in general seems to be on the rise for these reasons as well. I am
cautious about my surroundings to a certain degree, but I won't live my life in fear. I have observed that many Muslims feel like they need to make additional efforts to show that they're not terrorists. I refuse to be “othered” when I'm an American, just like anyone else in this country.

**WHAT WOULD YOU LIKE KENTUCKY'S LAWYERS TO KNOW ABOUT THEIR FELLOW LAWYERS WHO HAPPEN TO BE MUSLIMS?**

One thing I have learned as a legal aid attorney is that you cannot achieve justice comfortably, so I cannot answer this question. It is asking me to quash this conversation, but instead begin it on equal footing. I really appreciate that you feel compelled to action on this issue. I have experienced micro-aggressions, blatant racism and, recently, a death threat as a Muslim woman of color in the legal field. The fact that you want to address this issue as a person in a powerful position is inspirational. But I think the question should not be what do you want to tell others about Muslims, but rather, how do we all work together as attorneys to create a more just society for everyone.

Certainly this implication was not your intention. My goal is not to quash this conversation, but instead begin it on equal footing. I really appreciate that you feel compelled to action on this issue. I have experienced micro-aggressions, blatant racism and, recently, a death threat as a Muslim woman of color in the legal field. The fact that you want to address this issue as a person in a powerful position is inspirational. But I think the question should not be what do you want to tell others about Muslims, but rather, how do we all work together as attorneys to create a more just society for everyone.

**WHAT IS YOUR AREA OF PRACTICE AND WHAT DO YOU ENJOY ABOUT YOUR WORK?**

I work in the firm's health care service group, where I handle any number of matters affecting health care providers: regulatory and compliance, business/transactional, and administrative law. I particularly enjoy working with young physicians on their employment related matters; thankfully Stites has an excellent employment service group.

**WHAT DO YOU DO FOR FUN?**

I enjoy playing any and all racquet sports. My fall and winters are consumed with squash and platform tennis and my summers are spent playing tennis. I am also a strong supporter of the performing and fine arts, the Louisville Orchestra in particular. I am extremely excited that the Speed Art Museum re-opened on March 12th after a long three-year renovation project that required the museum to remain closed.

**ARE YOU INVOLVED IN NONPROFIT ACTIVITIES AND/OR IN YOUR MOSQUE?**

Currently I am on the boards of the Muhammad Ali Center, Doctors & Lawyers for Kids, the Speed Art Museum, and the Louisville Islamic Center. I am grateful that the practice of law affords me the opportunity to engage in the community on so many levels.

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I am especially concerned about the safety of Muslims in light of this painfully long presidential election cycle. A number of candidates seeking our nation's highest elected office are blatantly and proudly delivering discriminatory rhetoric targeting Muslims abroad and in the U.S. That makes me nervous, not necessarily for myself but for those who are the most vulnerable in our communities. I worry about the safety of young school-age children who are subjected to harassment and bullying in school. I worry about recent immigrants with limited resources, support networks, and language skills. I worry about the increasing “us vs. them” mentality.

**WHAT WOULD YOU LIKE KENTUCKY'S LAWYERS TO KNOW ABOUT THEIR FELLOW LAWYERS WHO HAPPEN TO BE MUSLIMS?**

I may attend a different church than the majority of those reading this, but I can assure you I struggle with last minute client emergencies and drafting appellate briefs just like everyone else. Louisville has been a wonderful place to live and practice law and I look forward to many more years to come. Also, I am thrilled that numerous local attorneys have become good friends of the Louisville Muslim community and hope that my colleagues throughout the state will take the opportunity to get to know their Muslim neighbors; I think they will be pleasantly surprised.

---

**TELL US ABOUT YOURSELF: YOUR AGE, WHERE YOU GREW UP, YOUR FAMILY, AND YOUR EDUCATION.**

I am 30 years old and in my 4th year of practice at Stites & Harbison. My two older brothers and I were born in London, England, where my parents lived for 12 years. My family moved from England to Jeffersonville, Ind., just across the river from Louisville, when I was one-year old. I've spent my entire adult life in the Louisville metropolitan area, but I am proud to call myself a Hoosier after attending Indiana University both for undergrad and law school. My undergraduate majors were in art history, political science, and Middle East and Islamic Studies.

**WHERE WERE YOUR PARENTS BORN, AND WHAT IS THEIR EDUCATION AND WORK EXPERIENCE?**

Both my parents were born in Pakistan. My mother is the daughter of an army General and my father is the son of an Admiral in the Pakistan armed forces. My mother was an exceptional student of an army General and my father is the son of an Admiral in the Pakistan armed forces. My mother was an exceptional student at Stites & Harbison. My two older brothers and I were born in London, England, where my parents lived for 12 years. My family moved from England to Jeffersonville, Ind., just across the river from Louisville, when I was one-year old. I've spent my entire adult life in the Louisville metropolitan area, but I am proud to call myself a Hoosier after attending Indiana University both for undergrad and law school. My undergraduate majors were in art history, political science, and Middle East and Islamic Studies.

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The Kentucky Bar Association invites its members to the 2016 Annual Convention scheduled for Wednesday, May 11 through Friday, May 13, at the Kentucky International Convention Center in downtown Louisville. Convention brochures were included in the January issue of the Bench & Bar. Online registration is now available at: www.kybar.org/2016AC.

Under our convention theme of “Celebrating Kentucky’s Attorneys: Embodying the Ideals of the Profession,” this year’s event will offer more than 50 top-notch CLE programs and provides up to 19.0 CLE credits, including 7.0 in ethics. Howard Fineman, Global Editorial Director of AOL Huffington Post Media Group, former Newsweek Chief Political Correspondent and NBC News Analyst, will open the convention. Ray Kelly, Former Commissioner of NYPD, having served as Commissioner after 9/11, will serve as feature speaker on Thursday of convention. Ari Shapiro, host of NPR’s All Things Considered, will serve as the feature speaker on closing day of the convention, May 13.

In addition to our feature speakers, we also have outstanding “Spotlight” speakers, such as Paulette Brown, American Bar Association president; Robert M. Cary, defense attorney for the late U.S. Senator Ted Stevens, Gregory Gordon, International criminal law and war crimes prosecution expert; Judge Virginia Kendall, United States District Court Judge for the Northern District of Illinois and noted expert on child exploitation and human trafficking; Tom Morris, author and philosopher; Jonathan Tukel, prosecutor of the “underwear bomber” and Dr. Samantha Nutt, founder of the international humanitarian organization, War Child.

For details on their programs, visit: https://www.kybar.org/2016ACPrograms or see pages 9–16 of your preconvention brochure in the January issue of the Bench & Bar.

The convention offers many activities for members to attend throughout the three day event. Annual Convention events and other convention items are highlighted over the next couple of pages. The KBA looks forward to welcoming its members to Louisville!
TUESDAY, MAY 10
MEMORIAL SERVICE
3:30 p.m. – 4:30 p.m.
Christ Church Episcopal Cathedral
421 South 2nd Street, Louisville
The Kentucky Bar Association will celebrate the lives and legacy of those KBA members who have passed since June 1, 2015, during its 25th annual Memorial Service at Christ Church Episcopal Cathedral, 421 South 2nd Street in Louisville.

WEDNESDAY, MAY 11
KICK-OFF EVENT
4:45 p.m. – 6:45 p.m.
The Sports and Social Club
Complimentary with Registration
Pre-Registration Required
Co-Sponsors:
Join us at The Sports and Social Club for an evening of fun as you dine on traditional pub food and mingle with colleagues. This venue boasts top of the line technology for viewing your favorite sporting events and houses its own bowling alley.
The Sports and Social Club is conveniently located at 4th Street Live—which is within walking distance of the Kentucky International Convention Center—getting there has never been so easy! With this incredible facility and all it has to offer its guests, plus complimentary food and beverage throughout the evening, everyone is guaranteed a fantastic time!

THURSDAY, MAY 12
YOUNG LAWYERS DIVISION EVENTS
This year marks the 50th anniversary of the creation of the Young Lawyers Division (YLD) in 1966. Join the young lawyers at their events during the 2016 KBA Annual Convention as they celebrate their semi-centennial anniversary. Lawyers Mutual Insurance Company of Kentucky and the National Insurance Agency, Inc., are proud sponsors of the Young Lawyers Division.

Please plan to join the YLD at their annual luncheon and again at the Bench & Bar Reception, which is being held in conjunction with the Young Lawyers Reception, just prior to the Annual Banquet. These events are open to all YLD members.

YOUNG LAWYERS DIVISION LUNCHEON
12:00 p.m. – 1:30 p.m.
Louisville Marriott Downtown
$20 per person
The Young Lawyers Division wishes to extend an invitation to all KBA members and guests to attend its annual luncheon. The division will honor recipients of the 2016 Outstanding Young Lawyer Award, Service to Young Lawyers Award and Young Lawyer Service to Community Award. Immediately following the luncheon program, all YLD members are invited to remain for the annual meeting of the Young Lawyers Division.

BENCH & BAR AND YOUNG LAWYERS DIVISION JOINT RECEPTION
5:00 p.m. – 6:15 p.m.
Louisville Marriott Downtown
Complimentary with Registration
Pre-Registration Required
The Bench & Bar Reception is a great way for attendees to catch up with justices, judges and attorneys from throughout Kentucky gathering for conversation and refreshments during this time-honored social event.

This year, in conjunction with the Bench & Bar Reception, the Young Lawyers Division is hosting its Young Lawyers Reception just prior to the Annual Banquet. Make time to enjoy complimentary beverages and hors d'oeuvres with colleagues from the Young Lawyers Division as they celebrate their 50th Anniversary and reminisce about all the good work the YLD has done since its creation in 1966.

KBA ANNUAL BANQUET
6:30 p.m.
Louisville Marriott Downtown
$65 per person
Make plans now to attend the 2016 KBA Annual Banquet where you can dine on a delicious meal and enjoy the program as we celebrate the investiture of the KBA’s new Officers and Bar Governors and the presentation of awards for the 2016 Distinguished Judge, Distinguished Lawyer and the Chief Justice’s Special Service Award.

This year we are fortunate to have the Louisville Leopard Percussionists as our entertainment during the Annual Banquet. The group is comprised of over 60 children, ages 7-14, all from Louisville, who gather together to perform many different musical selections. Join us for the Annual Banquet so you won’t miss out on this sensational musical program!

FRIDAY, MAY 13
KBA MEMBERSHIP AWARDS LUNCHEON
12:00 p.m. – 1:00 p.m.
Louisville Marriott Downtown
$30 per person
Let the tributes begin! We’ll honor the recipients of the KBA’s Annual Bruce K. Davis Bar Service Award, Donated Legal Services Award, and Nathaniel R. Harper Award during this traditional luncheon hosted on the convention’s closing day.
We’ll also recognize past KBA presidents, present our annual Law Day Awards, and honor the many Senior Counselors who achieved this special status in 2016.
KBA Set to Unveil New Mobile Meeting App at 2016 Annual Convention

The Kentucky Bar Association is pleased to announce a new mobile meeting app will be unveiled at our 2016 Annual Convention and will significantly change the way we interact with convention attendees. The app allows attendees to view the convention agenda, access materials for programs, view maps for events and receive up to the minute notices on any event or programming changes. More information on the app will be available in future convention materials. Be on the lookout for this exciting new feature!

Barnes & Noble Bookstore at KBA Annual Convention

We invite you to shop the Barnes & Noble Bookstore at the KBA Annual Convention, where you will find several publications from our featured presenters as well as a wide range of topics of interest to the legal community. The bookstore is located in the Exhibit Hall at Booth 15.

Several speakers will be signing books this year, so make sure to check the listing in the onsite guide for who is participating, as well as the sign outside the exhibit hall.
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YLD YOUNG LAWYERS DIVISION
KENTUCKY BAR ASSOCIATION
KBA Young Lawyers Division (Ari Shapiro)

Spotlight Speaker Sponsor

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Stites & Harbison, PLLC (Tom Morris)

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KBA Ethics Committee
KBA Family Law Section
KBA Immigration & Nationality Law Section
KBA LGBT Law Section
KBA Military Law Committee
KBA Probate & Trust Law Section
KBA Public Interest Law Section
KBA Real Property Law Section
KBA Senior Lawyers Section
KBA Small Firm Practice & Management Section
KBA Workers Compensation Law Section
KBA Young Lawyers Division
Kentucky Lawyer Assistance Program
War Child envisions a world where no child knows war. We are an international charity working in conflict zones to help children reclaim their childhood in Africa, South Asia and the Middle East. By providing access to Education, economic Opportunity and Justice, we help children and their families rebuild their communities and break the cycles of poverty and violence that are a result of war.

**Our Access to Justice Program**
War Child is globally recognized as an expert agency in providing Access to Justice in complex humanitarian environments. Breaking the climate of impunity in war-torn environments is essential to ensuring that children are safe from abuse and that girls and women, in particular, are defended against sexual and gender based violence.

War Child rebuilds and improves ravaged JUSTICE systems by:
- Providing legal representation and alternative dispute resolution to women and children who’s rights have been violated;
- Training legal and justice officials like lawyers, judges and police;
- Extensive community outreach, including mobile legal vans and legal advice radio call-in shows;
- Providing psycho-social support and safe spaces for women and children who have been violated or are in unsafe situations.

**Join Advocates for War Child**
Advocates for War Child is a new membership group of lawyers who share War Child’s commitment to providing legal protection for women and children and ending the culture of impunity that prevails in conflict zones. Advocates for War Child supports our Access to Justice work by participating in our legal advisory network, and in fundraising and awareness building campaigns.

Take action, have impact and stand with the legal community in creating lasting change: www.warchildusa.org/justice

Visit booth #6 in the Exhibit Area to learn more.
Hear Founder Dr. Samantha Nutt speak on Thursday, May 12th from 9:40 – 10:40 a.m.
Visit www.warchildusa.org for more information or to donate, or simply Round Up on your registration form.
The Kentucky Bar Association is excited to announce the 2016 Outstanding Award Recipients. These awards will be presented during different events throughout our three-day convention. Make plans now to attend and support the outstanding members of our Bar Association.

The President's Special Service Award will be presented to Dean Susan Duncan from the University of Louisville Louis D. Brandeis School of Law on May 11 at 6:30 p.m. during the Annual Brandeis School of Law Alumni Reception to be held at Stites and Harbison.

The Thomas B. Spain Award will be presented to Kentucky Court of Appeals Judge Denise Clayton, Louisville, on Thursday, May 12, just prior to the Feature CLE Speaker, Former NYPD Commissioner Ray Kelly.

The following awards will be presented at our Annual Banquet on Thursday evening, May 12, at the Louisville Marriott Downtown:

DISTINGUISHED JUDGE AWARDS:
Judge Benjamin L. Dickinson, Circuit Court Judge, Retired, Glasgow.
Judge Benjamin F. Shobe, posthumously, Circuit Court Judge, Retired, Louisville.

DISTINGUISHED LAWYER AWARD:
William E. Johnson with Johnson Bearse, LLP, in Frankfort.

CHIEF JUSTICE’S SPECIAL SERVICE AWARD:
Judge Stephen George, Family Court Judge, Retired, Louisville.

The following awards will be presented on Friday, May 13, at our Membership Luncheon at the Louisville Marriott Downtown:

BRUCE K. DAVIS BAR SERVICE AWARD:
Bonnie M. Brown with BMB Family Law in Louisville.
Jennifer L. Frazier, the State Law Librarian, Frankfort.

DONATED LEGAL SERVICES AWARD:
Glenda J. Harrison with Legal Aid of the Bluegrass in Covington.
Michael A. Taylor with the Appalachian Research & Defense Fund of Kentucky, Middlesboro.
2016 marks the 50th Anniversary for the Young Lawyers Division ("YLD"). Founded in March 1966, the YLD has grown to the largest subsection (and only division) of the Kentucky Bar Association, with a current membership of over 2,000 attorneys.

More important than the number of attorneys is the quality of attorneys and human beings the YLD attracts. The YLD is comprised of countless young Kentucky lawyers who are doing great things to improve their communities, the profession and the Commonwealth.

To recognize this milestone, the Kentucky Bar Association’s Communications & Publications Committee graciously allowed the YLD to develop content for the March issue. The theme behind the issue is celebrating the past and future of the YLD and the many accomplishments of its members.

Instead of devoting the issue to a small number of longer articles, the YLD chose to have a number of shorter articles focusing on the YLD and its programming; the issues faced by young lawyers in today’s world; and the accomplishments of young lawyers around the state, who have chosen to give up private practice in favor of serving the Commonwealth through elected office. Every article is either authored or co-authored by a young lawyer. The topics selected for this issue include:

- A history of the YLD as told through its past chairs.
- Kentucky’s young lawyer elected officials;
- Law school student debt;
- YLD community outreach programming;
- Health and well-being in the profession; and
- The importance of mentoring.

While these articles were chosen for their importance to young lawyers, we believe that all practitioners, regardless of age or experience, will find the contents of this issue both useful and relevant.

Thank you again for your time and attention and support for the YLD. I hope you enjoy.
Past Chairs of the Division Reflect on the Importance of Giving Back to the Profession

CARL N. FRAZIER
Young Lawyers Division Chair, 2013-14
Stoll Keenon Ogden PLLC
Lexington, Kentucky

July 15, 1966: Lyndon B. Johnson was President, Edward T. Breathitt was Governor, and the Kentucky Board of Bar Commissioners approved the creation of the Young Lawyers Section.1 This year marks the fiftieth anniversary of the founding of the precursor to today’s Kentucky Bar Association Young Lawyers Division (“YLD”). Membership in the YLD is open to Kentucky lawyers who have practiced for 10 or fewer years or who are 40 years old or younger. One of the most active organizations within the Kentucky bar, the YLD is dedicated to serving the profession and public through high-quality continuing legal education and programs to deliver legal services to the Commonwealth’s most vulnerable citizens. On this occasion of the fiftieth anniversary of the YLD, some of the organization’s past leaders reflect on the value of bar service and lessons learned during their tenure.

CHARLES E. “BUZZ” ENGLISH, JR.
Young Lawyers Section Chair, 1990-91
English Lucas Priest & Owsley, LLP
Bowling Green, Kentucky

The Young Lawyers Section (“YLS”) of the Kentucky Bar Association represents the heart, soul, and future of the legal profession. I served as chair of the YLS in the early 1990s. So much of what the KBA does today had its genesis in meetings, discussions, and interactions between leaders of the YLS and the Board of Governors. For example, back in the 1990s, the chair of the Ethics Committee received an overwhelming number of calls from all lawyers (not just young lawyers) requesting advice on ethical issues. Through discussions with the Board of Governors and the Supreme Court, the Kentucky Hotline rules were enacted that provide an efficient, practical means for lawyers to obtain advice on ethical issues. The idea for the hotline arose in a YLS meeting. Almost all pro bono and public service projects undertaken by the KBA started with proposals from the YLS. I met so many outstanding lawyers I am still friends with today through the YLS. It was always comforting to walk into a motion hour in some jurisdictions where I had never practiced and see a lawyer that I knew and trusted from my work with the YLS. I cannot tell you how many phone calls I have made to YLS members over the years asking for advice on how to handle a particular issue or judge or pick a jury. I still read YLS publications because they provide the best advice on how to handle a particular legal issue. I try to encourage all new lawyers to participate in the YLS. It is a great way to meet people, learn about the practice of law, have some fun, and do good work for our profession and community.

PALMER G. VANCE II
Young Lawyers Section Chair, 1996-97
Stoll Keenon Ogden PLLC
Lexington, Kentucky

Serving as chair of the KBA Young Lawyers Section (now Division) provided the foundation for my bar service. The experience demonstrated the collective power of the organized bar and its ability to make a difference. I served as chair in 1996–97, and the most significant event during that time was the devastating Ohio River Flood of March 1997—the worst flood in 60 years. One hundred one of Kentucky’s 120 counties were declared disaster areas. The YLS immediately organized to deploy hundreds of volunteer lawyers throughout the Commonwealth to assist flood victims in all manners of legal services—from presenting claims to FEMA to providing advice on dealing with creditors to individuals with income interruption. We conducted training sessions for these lawyers from Ashland to Owensboro and points in between. The service provided by the members of the YLS in those very difficult circumstances convinced me that we lawyers owe an obligation to our communities and that bar service is an important means of fulfilling that obligation. This is how my service as Young Lawyers chair has impacted me the most. The YLD has a greater impact on the KBA that it did when I served as chair. The YLD chair now serves on the Executive Committee and is involved in more of the important decisions about leading the KBA. We also see young lawyers more actively involved throughout the bar—including chairing committees, presenting important convention programs and developing public service programs. There is also much greater emphasis on lasting public service programs now. Our YLD leaders are also very active nationally in the American Bar Association. We should be justly proud of the outstanding leadership provided by our young lawyers.

HON. MARY JANE WILHOIT PHELPS
Young Lawyers Section Chair, 1997-98
District Judge, 14th Judicial District
Versailles, Kentucky

After having been recruited by Buzz English, I began serving on the KBA Young Lawyers Section (“YLS”) Executive Committee in the early 1990s and eventually as the chair in 1997-98. Besides the fun times spent at the annual KBA Conventions and out-of-state meetings, we undertook many worthwhile projects for the benefit of our community and the law profession.
One thing we did that I still occasionally hear lawyers talk about was our service to applicants who were sitting for the bar exam. Our Young Lawyers Section would set up a table at the exam site and provide refreshments to all of the nervous applicants who were arriving to take the bar exam. Then several of us were on hand to help the disabled applicants who needed assistance. I know this was much-appreciated by the applicants at the time. We were also actively involved with the planning and programming for the Young Lawyers CLE Track at the annual KBA Conventions. Then when the Ohio River flooded in 1997, under the leadership of Palmer Gene Vance we organized attorneys who provided legal assistance to flood victims. These are just some of the highlights of the things we did back then. I was positively impacted by all of these experiences and feel that I also obtained valuable leadership experience as well. But most of all, I very much treasure the friendships and contacts that I made while serving in the YLS. It is invaluable to me to be able to reach out to them when I need help or guidance with issues particular to their specialty. I have enjoyed watching those that I served with go on to bigger and better things by serving as leaders in our profession and their respective communities. I am proud to say I know them and I know that they were positively impacted by their service on the YLS as well.

During my time, the YLS was still printing the New Lawyer Skills Handbook. That project took most of our budget and time. I believe that once we converted it to a digital format, it freed the Section to focus on designing CLE programs to benefit young lawyers at the annual convention and enhancing our profession’s reputation throughout the Commonwealth by organizing more charitable projects. Any young lawyer interested in bettering him- or herself as leaders in our profession and their respective communities.

I hung out my shingle in a small town right out of law school. Being involved with the Young Lawyer Section (“YLS”) introduced me to so many exceptional young lawyers from Pikeville to Paducah, Covington to London. The camaraderie and networking that developed with these up-and-coming young lawyers was an immeasurable benefit to my fledgling solo practice. It has been over 15 years since I chaired the section, and I still benefit from those relationships to this day.

During my time, the YLS was still printing the New Lawyer Skills Handbook. That project took most of our budget and time. I believe that once we converted it to a digital format, it freed the Section to focus on designing CLE programs to benefit young lawyers at the annual convention and enhancing our profession’s reputation throughout the Commonwealth by organizing more charitable projects. Any young lawyer interested in bettering him- or herself as an attorney and bettering the profession should look to be involved in the Young Lawyer Section of the KBA.

I mostly remember my YLD days of the 1990s because of the people I met who are still part of my life. YLD, known during my tenure as YLS, has had a much longer-term effect than I imagined it would back then. During my years of participation in YLS and specifically as chair, I remember lots of activities and meetings, and lots of people. While today I do not remember the specific activities or meetings, I do remember the people and many of whom have become lifelong friends. The folks I met were generally active in the Bar or becoming active in the Bar, and many of them have become even more active and instrumental over the years. The ultimate effect is knowing people in all corners of the state and having the ability to pick up the phone or peck out an email to get answers to questions, make case referrals or to just ask for a friendly dose of job and life reality. I believe the role of young lawyers has changed in a positive way since my time as chair as the group has become a more cohesive and driving force in the Bar.

The drive to implement technology to the practice of law seems to have paralleled the surge of young lawyers through the YLD as practitioners. From the advent of computerized research in the early 1990s for law students and practitioners to the Federal CM/ECF implementation in the 2000s to now the State eFiling effort, the force of the YLD and its members has seen a similar upward trend and positive movement. As much as technology has become part of the practice of law, the YLD played a significant part in pushing for and implementing those changes.

**WILLIAM H. WILHOIT**
Young Lawyers Section Chair, 1999-2000
Wilhoit Law Office
Grayson, Kentucky

**CARROLL M. “TRIP” REDFORD III**
Young Lawyers Section Chair, 2000-01
Miller Griffen & Marks, PSC
Lexington, Kentucky

**ANDREW J. SCHAEFFER**
Young Lawyers Section Chair, 2006-07
Diatom Ventures
Burlington, Kentucky

**RYAN C. REED**
Young Lawyers Section Chair, 2007-08
Reed Law Group, PLLC
Bowling Green, Kentucky
now given a chance to see first-hand the exceptional programming options offered there. Plans were also being laid to make the YLS into the Young Lawyers Division (YLD), the configuration it features today. The move from section to division required recognition that the Young Lawyers offered something very special and unique to bar leadership on both a micro and macro level. In the years immediately after my time as chair, the YLD began to recognize young lawyers for exceptional service, and individuals or entities who had been trailblazers in changing the face of the Bar by enhancing participation of various minority groups in the profession. These YLD awards, made independent of the KBA Board of Governors and president, have quickly become as coveted (and respected) as those awarded by the “big bar” each year. All the while, the YLD has continued to develop and/or implement a series of award-winning public service initiatives in every corner of the Commonwealth. This proven record of service to others has been sustained even as YLD leaders have carved out a more significant role for young lawyers in Bar leadership. So, while things look demonstrably different than they did when I was chair, the fundamentals have not really changed: the Young Lawyers are still highly motivated and making a meaningful difference in the profession and in their communities.

HON. REBEKKAH BRAVO RECHTER
Young Lawyers Division Chair, 2011-12
Kentucky Workers’ Compensation Board
Louisville, Kentucky

I am so appreciative of the opportunities afforded to me through my involvement with the Young Lawyers Division. First and foremost, I met so many peers from different parts of the state and from different practice areas, several of whom have become dear personal friends. Having attended an out-of-state law school, and working in a fairly isolated government position, I did not have many opportunities to interact with fellow young attorneys. The networking and collegiality afforded by involvement in the YLD have been invaluable to me and are indicative of the nature of the Kentucky Bar as a whole. I think the YLD fosters a sense of cooperation and a respect for the profession which benefits the entire Bar and, hopefully, endures as young attorneys become more experienced practitioners. I was fortunate to be an officer of the YLD when it made the transition from “section” to “division” status. This change was not simply a matter of semantics. During my eight years of involvement with the Executive Committee of the YLD, I saw the group blossom, especially in its role on the Board of Governors and its public service activities. These opportunities for early involvement ensure there is no shortage of committed, involved attorneys to take on more senior leadership positions within the KBA.

JACKIE SUE WRIGHT SHADOAN
Young Lawyers Division Chair, 2012-13
Fox Wood Wood & Estill
Maysville, Kentucky

I had served on the executive committee as member-at-large and district representative for approximately six years before being encouraged into the leadership tract. As chair of the new YLD in 2012-2013, I had very large shoes to fill, considering what my predecessors had accomplished and the resources, knowledge and ideas they brought to the table, that being the table of YLD and the Board of Governors. Very early in my tenure, I learned that I was able to contribute to issues facing the Bar in ways I had never expected. I led in ways that were different than my predecessors, but useful nonetheless. It renewed my spirit of service to the Bar, both at the state level and locally. My time as chair reinforced my belief that all of our life experiences are important, and the more diverse those experiences, the better. Through it all, I was able to reflect upon my growth as an attorney and consider what I wanted the next phase of my career and personal life to look like, as I aged out of the YLD upon the conclusion of my tenure.

BRADLEY J. SAYLES
Young Lawyers Division Chair, 2014-15
Harwell Howard Hyne Gabbert & Manner
Nashville, Tennessee

As the immediate YLD past chair, if I said, “not enough time has passed for the YLD to have significantly changed or to truly measure the YLD’s impact on me,” it would be believable but not true. The truth is that young lawyers are constantly adapting, questioning, and changing the practice of law; consequences of not knowing any better, I suppose. And the YLD has kept pace. Even with less than a year having passed since I was chair, the YLD has changed how new attorneys become YLD members, is revising its website to better serve members, and is strategically planning for the YLD’s future. A future that will undoubtedly look much different tomorrow than it does today. In an equally short time, the YLD has also had a drastic impact on my practice of law. The community of Kentucky attorneys I have met through the YLD and KBA has provided me with mentors, more work, and a greater sense of community. It has also given me a far different perspective on our profession than I would have had if my involvement with attorneys were limited to only those my practice touched. The time spent in service to the KBA and YLD have been invaluable to the growth of my practice.

ENDNOTES
1. Jackie Sue Wright, Young Lawyers Division column, Bench and Bar, vol. 76, no. 4 (July 2012).
Much has been made about the 2015 election results in Kentucky, with almost all of the spilled ink focusing on voter turnout or the partisan aspects of the election results. After the dust settled, and with the benefit of hindsight, Kentucky’s 2015 election results have the potential to be remembered for something far greater. However, much of how 2015 is remembered will depend upon whether we, as young lawyers, are willing to follow in the footsteps of our colleagues by using our skills and energy to ensure that 2015 is remembered as the year that our generation took ownership of our Commonwealth by stepping forward to make it a better place to live.

In 2015, the Commonwealth of Kentucky elected four Young Lawyers—Alison Lundergan Grimes, Allison Ball, Andy Beshear, and Ryan Quarles—to statewide public office. Because our elected officials live in the limelight and are frequently featured on television programs or quoted in newspaper stories, we sometimes envision them as being larger than life, or, at the very least, hold them in a different regard than ourselves. However, when talking to our newly elected (or re-elected) officials, it quickly becomes apparent that Treasurer Ball, Secretary Grimes, Attorney General Beshear, and Commissioner Quarles are no different than any of us. They are proud Kentuckians, born-and-raised, who, despite possibilities elsewhere, decided to stay home and seize an opportunity to make a difference in the future of Kentucky.

When asked, all four of these individuals quickly and graciously agreed to talk with us about what it means to be a young Kentuckian serving the public. While we all know these elected officials hold varied beliefs, they share certain fundamental ideals and principles that led them to public service—fundamentals and ideals that should inspire all of us to take responsibility for helping Kentucky grow.

At age 37, Secretary of State Alison Lundergan Grimes, a native of Maysville, is the youngest Secretary of State in the United States. Secretary Grimes obtained her Bachelor’s degree from Rhodes College in Memphis, Tenn., and her law degree from American University in Washington, D.C. Even though Secretary Grimes attended universities outside of Kentucky; she never doubted that she wanted to come home to be close to friends and family, and to serve the public. True to this plan, after obtaining her law degree, Secretary Grimes returned to Kentucky where she was in private practice until she was elected Secretary of State in 2011.

Secretary Grimes was driven to public service due to her pro bono work in domestic violence cases as a private attorney, and by community activities outside her law practice, including involvement with the National Kidney Foundation. Secretary Grimes saw the difference she could make by volunteering her legal services and believed running for office would provide her the platform to make large scale changes across the Commonwealth. Finally, Secretary Grimes says that her decision to run for Secretary of State in 2011 was due in part to the fact that, at the time she ran, no women held Constitutional office in Kentucky.

Alison enjoys being Secretary of State because it mirrors many of the passions she pursued in her private practice. For example, her role as Secretary allows her to attempt to make Kentucky as business-friendly as possible, and overseeing elections reminds her of the many times she volunteered as a precinct worker on election day. When asked whether she considered returning to a successful private practice rather than seeking re-election, Secretary Grimes showed no hesitancy in answering that seeking re-election was the obvious choice due to the significant changes she has overseen as Secretary, including historic changes to voting procedures for Kentucky citizens serving in the military, of which she was most proud.

For any young person that is interested in bettering the community, Secretary Grimes suggests finding your passion, and dedicating yourself to that passion, which allows a person to achieve anything. Whether serving on a board, helping a nonprofit, or providing legal services pro bono, Secretary Grimes stresses that lawyers can always make a difference in the community. She further emphasized that youth should not be a deterrent in a world where experience is often stressed, because experience is just a line on a resume and will not guarantee future success.
At age 34, Treasurer Allison Ball, a native of Prestonsburg, is the youngest female to hold a statewide-elected public office in the United States. Additionally, Treasurer Ball received the most votes of any candidate in the 2015 election. Treasurer Ball obtained her college degree from Liberty University in Virginia, and her law degree from the University of Kentucky. Treasurer Ball chose to pursue her legal education at UK because she wanted to continue building a network of friends throughout Kentucky that would allow her to contribute to Kentucky, in whatever form that might take. After obtaining her law degree, Treasurer Ball spent four years serving as the Assistant Floyd County Attorney. Prior to being elected Treasurer, she was in private practice, focusing primarily in bankruptcy law.

Treasurer Ball’s decision to run for public office was most influenced by her years serving as an attorney in a small community. Through her bankruptcy practice, she was able to see exactly what Kentuckians were going through and how the economy was affecting them. Specifically, Treasurer Ball credits her desire to want to seek public office on the fact that coming from a small town allowed her to see the impact a lawyer can make in a person’s life.

For other young attorneys considering becoming involved in the community, whether that be politically, or otherwise, Treasurer Ball says, “Go for it,” and that 90 percent is showing up. She believes others will notice someone involved and always in attendance, especially a young attorney, who has received the best training for public service, by frequently tackling difficult problems, spotting issues, and developing solutions. Treasurer Ball further stressed that any young attorney thinking about seeking political office should not hesitate because a lawyer cannot lose a campaign. No matter what happens an attorney will win by getting their name out in the community, and developing new and stronger relationships.

At age 38, Attorney General Andy Beshear, a native of Lexington, is the second youngest Attorney General in the United States, less than a year older than Nevada Attorney General, Adam Paul Laxalt. Attorney General Beshear obtained his Bachelor’s degree from Vanderbilt University and his law degree from the University of Virginia. After beginning private practice in Washington D.C., he moved back to Kentucky where he continued his practice until he was elected Attorney General.

Attorney General Beshear credits his desire to seek public office, and public service in general, to what he calls the “Beshear family motto” – Family, Faith, Hard Work, and Public Service. For Attorney General Beshear, holding public office is merely one form of public service that can better the community. He sees the importance of the work that is done through state government, and, specifically, through the work of the Attorney General, as he feels he grew up with a front row seat to seeing the impact an Attorney General can make by protecting the most powerless.

While Attorney General Beshear will miss private practice, he is looking forward to serving in his new job because he believes it will be more meaningful. He stressed that he would get to oversee a large staff and push goals, priorities, and a mission throughout the Office of the Attorney General that will impact the lives of those Kentuckians that need help the most. For example, he believes there are changes that can be made in the Office of the Attorney General that will allow for better “customer service” and enable his office to serve the needs of Kentuckians whose needs have not traditionally been met.

Like the others, Attorney General Beshear does not believe he is disadvantaged compared to other public officials who may be older and have more experience. Instead, he believes the energetic, hungry approach he plans to utilize while in office will allow him to take on more tasks that will quickly grow his skills and lead to experience. For those young attorneys considering taking a risk—whether it be running for public office, seeking a position on a non-profit, or even switching careers—Attorney General Beshear suggested to stop thinking about what makes you want to wake up and fight every day. He believes that if you can find the passion that drives you there is no risk because, if you pursue that passion, you can’t make a mistake. Further, he believes having legal skills will help in your effort to give back to the community because charities, non-profits, and legal aid programs are always seeking out individuals with legal skills. However, when it comes to holding public office, Attorney General Beshear stressed that running for an elected position is not about the office or a title; rather it has to be about what you can achieve through the office.

At age 32, Commissioner of Agriculture Ryan Quarles, a native of Georgetown, is the youngest statewide elected public official in the United States. Commissioner Quarles obtained his Bachelor’s degree and two Masters Degrees from the University of Kentucky prior to enrolling at the University of Kentucky College of Law. In the middle of his legal education, Commissioner Quarles was awarded a full scholarship from Harvard University on the Zuckerman Fellowship, which allowed him to obtain his Master’s Degree in education from Harvard. After completing his studies at Harvard, Commissioner Quarles returned to the University of Kentucky College of Law to finish the final year of his legal education while also in the process of being elected to the Kentucky House of Representatives.

Commissioner Quarles knew in high school that he wanted to be involved in politics, but says he decided to run for his first political office at such a young age (and while finishing law school) because he saw where Kentucky was headed, and he was worried. As a millennial, Commissioner Quarles knows his generation is going to inherit Kentucky’s current problems. He saw an opportunity to help Kentucky immediately by seeking a seat in the House of Representatives, and he took a risk. Commissioner Quarles says he was drawn to seek election for Commissioner of Agriculture because he grew up on a family-owned farm and farming defines him. Thus, he understands the unique needs of Kentucky’s Agriculture Department. Furthermore, he stressed that being Commissioner of Agriculture presented a way for him to serve Kentucky on a grander
scale because the Department of Agriculture touches every Kentuckian multiple times, every single day, through the Department’s regulation of gas pumps, grocery stores, crops, and more.

Commissioner Quarles thinks youth is an advantage in public service, including for elected officials. Indeed, through his five years of being a public official, and enduring six elections, Commissioner Quarles says that his youth has never been an issue because Kentuckians see youth as an asset, not a liability. In fact, on the campaign trail, many Kentuckians expressed an appetite for change and were excited to see young people willing to serve. Furthermore, Commissioner Quarles thinks that our state will be served by youthful leadership because there is a different mentality in the younger generation. He noted that the rising generation is tired of partisan politics, and that they want to see cooperation and collaboration that will foster an environment better conducive to solving the problems facing Kentucky—a mindset Kentuckians will see exhibited by all four of the Young Lawyers featured in this article, he believes. It is through this mindset that he, and other millennial office holders, can redefine what government means.

For other young people interested in public service, Commissioner Quarles encouraged everyone to give it a try because public service is rewarding and fulfilling. He further stressed that you do not need to be an elected official to serve the public because there are many ways to affect public policy. Moreover, no matter what you may choose to do, it is important to be engaged and pay attention to local, state, and national politics because the decisions made at each level will impact all of us. Finally, Commissioner Quarles believes that Kentucky voters have shown a willingness to elect young people with new ideas. Thus, Commissioner Quarles hopes, and expects, that the young people of Kentucky will stand up to address the issues our generation will inherit by joining him in being a voice for a new generation.

As you can see, even though all these Young Lawyers come from different backgrounds and hold varied beliefs, a short discussion with any of these leaders highlights fundamental principles they share that we can all admire and emulate. Based on their answers to our questions, it is also abundantly clear that, if we choose, it will not be difficult for us, as Young Lawyers, to use their words of wisdom to contribute to our individual communities and our Commonwealth as a whole. Due to the education and training required to be a member of this profession, we all possess skills that allow each of us to positively affect our local and state community—whether that be in the form of serving on town council, serving on a board, providing pro bono services, or volunteering at a local charity. The only question that remains is whether we will harness our energy and fresh ideas and join our new leaders in making Kentucky a better place to live and work for ourselves, our family, and the Commonwealth.

**ENDNOTES**


**ABOUT THE AUTHORS**

**TANNER WATKINS** is an associate at Dinsmore & Shohl PLLC in the firm’s Louisville office, and chair of the Young Lawyers Division of the Kentucky Bar Association. Admitted to the bar in 2008, Watkins’s practice focuses primarily on civil litigation, including business and fiduciary liability litigation, banking litigation, personal injury litigation, and product liability litigation.

**BROOKS HERRICK** is an associate at Dinsmore & Shohl PLLC in the firm’s Louisville office. Admitted to the bar in 2013, Herrick’s practice focuses primarily on civil litigation, including business and fiduciary liability litigation, consumer defense litigation, personal injury litigation, and product liability litigation.

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It is common knowledge in the legal circles of Kentucky that there has been a significant shift in the pool of our prospective new colleagues. Law school enrollments are down. The number of people sitting for the bar exam is shrinking. In short, the number of people wanting to become lawyers in Kentucky is dwindling.

We know with almost the same certainty the reason for the decline: the tremendous student debt load most young lawyers now incur before entering the practice of law coupled with the scarcity of jobs discourage college graduates considering a career in the law.

At one time, attending law school was a profitable undertaking, especially in the Commonwealth of Kentucky. Schools here were less expensive than many of their counterparts across the country. In better days, not all newly licensed attorneys became wealthy, but the vast majority were able to find jobs making a comfortable living. Law school was essentially an educational assurance to gainful employment.

But today, newly licensed graduates saddled with huge amounts of student loans struggle to find jobs that will allow them to pay back what they owe.

No longer are bright, young students with their newly earned undergraduate degrees clamoring to get into law schools. The high cost and the bleak employment opportunities are causing them to look at other types of education that will provide a better return on their investment. According to the American Bar Association, during the 2011-2012 school year, there were 146,268 students enrolled in J.D. programs. By the 2013-2014 school year, that number had dropped to 128,695. Kentucky is likewise seeing a drop in the number of people taking the bar. The number of people taking the Kentucky Bar Exam went from 690 in 2011 to 569 in 2015.

Across the nation, the cost of attending law school is on the rise. Kentucky is no exception. Though many still consider Kentucky’s
In the last decade, graduates have struggled all over the country to find jobs. According to the National Association for Law Placement (“NALP”), in 2007, nine (9) months after graduation almost 92 percent of all law school graduates nationally had a job. In 2014, only about 87 percent of all graduates were employed 10 months after graduation. And while that number was up slightly for the first time in seven years, NALP noted that the number of jobs found by graduates was actually down by 1,200 from the previous year. That same year, the number of law school graduates decreased by 3,000. So with fewer applicants in the pool, the employment rate increased even as the number of jobs available declined. The NALP noted that “despite the modest improvement, as evidenced in the overall employment and the rate of employment in jobs requiring bar passage, other markers...point to a market that is essentially flat.”

But with the massive amount new lawyers owe in student loans, even graduates with jobs are strained by the debt.

In a 2012 article, then—Dean of the University of Louisville Brandeis School of Law Jim Chen attempted to evaluate the economic benefit of a legal education. Chen’s article analyzed whether a law school graduate could afford the “American Dream” of home ownership considering his or her student debt. Chen’s analysis used estimated debt and income figures that were typical for Kentucky students. He assumed a total student debt of $75,000 ($50,000 for law school and $25,000 for undergraduate). At 6 percent fixed interest over 25 years, the monthly payment on the student loan would be $483.23. Using his calculations, he figured that a graduate earning $36,000 a year (approximately the first-year salary of a Kentucky public defender) could purchase a $100,000 home, but just barely:

[T]he margin for error is razor thin, and even the slightest disturbance in the economic assumptions that make this story possible (such as the realization of obligations to pay consumer debt, alimony, or child support) will push this dream that much closer to the brink. Law schools must continue their commitment to keep legal education affordable and to keep the dreams of a good, complete life within the reach of all graduates.

According to Chen’s analysis, a six-figure educational debt would “extinguish” the dream of owning even a $100,000 home. Chen’s article determined that for graduates to have “good financial viability,” their annual salary must be six times the cost of one year of law school. “Adequate financial viability” requires a salary making three times as much as one year of tuition, and “marginal financial viability” requires a two to one ratio of salary to tuition. Applying that logic to the current cost of a law degree in Kentucky, a recent in-state graduate must earn approximately $60,000 a year to have adequate financial viability. Non-resident students would have to earn significantly more just to attain marginal financial viability.

Students who are fortunate enough to land a job in a large firm may earn enough to qualify for “good financial viability” under Chen’s analysis within a few years of graduation (assuming, of course, they were residential students who came into law school with no undergraduate debt and borrowed only the amount of tuition during law school). But six-figure jobs—especially those for young lawyers—are few and far between in this state. Many Kentucky attorneys start their legal careers in the public sector, as a solo practitioner or at firms with just a handful of other attorneys. While the work young lawyers perform in these positions are equally as important, and the experience and knowledge they gain are equally as valuable, the pay is significantly less.

For many young Kentucky attorneys, a $60,000 salary is hard to come by. With so little income coupled with so much in student loans, the possibility of ever digging out of debt seems nearly impossible. Many graduates don’t even attempt to pay off their student loans, paying only the minimum possible. These minimum payments feel monumental to the graduate’s budget, but in actuality they are microscopic in terms of making a dent on the loan. And
for some the cost of basic necessities, such as food and housing forecloses doing even that. For many, repayment is not a matter of simply “tightening the belt,” as every last penny of a small (or non-existent) paycheck is already spent.

Some graduates are forced to defer their loans or live off credit cards, which only increases what they owe and makes repayment even more difficult to attain. It is a vicious cycle. It is a predicament that Bowling Green attorney Ashlea L. Shepherd is well aware. She is a 2009 graduate of the University of Kentucky. An only child, when Shepherd applied to law school she assumed her parents would help pay her tuition. However, a medical emergency in her family prevented them from being able to financially help her. Shepherd had to borrow money to finance her education. She estimates an obligation of $80,000 in student loans for her undergraduate and law degree when she graduated.

Shepherd is now working on paying off what she has dubbed her “fourth year of law school,” significant credit card debt she incurred when her salary did not cover her expenses. Shepherd was a staff attorney for the 38th Judicial Circuit Family Court. When she resigned in the summer of 2012, she was earning $26,000 a year. Twice a month she received a paycheck of $849. Shepherd’s student loan payments were income-based, but even with her meager salary; she paid more than $300 a month in student loans. Once she paid her loans, her mortgage, and her gas, there was nothing left.

“I had no money. I had nothing,” said Shepherd, who now practices family law as a solo practitioner. “It was bad.”

Shepherd worked four days a week as a fitness instructor at the YMCA, but her parents still had to give her money every week to make ends meet. “I am extremely fortunate to have a family that helped support me for the past year, but please know that it is utterly degrading to have a Juris Doctor degree from the University of Kentucky hanging on your wall and still have to ask your mother for lunch money,” Shepherd wrote in her resignation letter as staff attorney to the Administrative Office of the Courts.

Shepherd said she loved her job. However, she had to leave because she simply couldn’t afford to pay her loans and live on that salary.

Shepherd’s story is not unique. Student loans are the albatross around the neck of many young attorneys. As new lawyers are burdened with this crippling debt, and old ones are unable to work free of it, this burden will hang heavy around the neck of the entire profession if we do not do something about it.

The problem is easy to see, but the solution is far less obvious.

Is there a shortage of lawyer jobs in Kentucky because we have too many lawyers? That is the logical answer. But that is a conclusion to which we may reach without sufficient demographic study.

Are there rural pockets of this state that are underserved? Absolutely. Many of those markets are prime opportunity for the adventuresome young lawyer. There is the challenge for a sole practitioner, to rush in with a small and manageable loan from the bank, hang up his or her own shingle, buy used office equipment, start with a part time secretary, and with a lot of hustle begin an exciting and eventually lucrative practice of law.

But wait. There is the ball and chain of the huge student debt shackling this ambition, and which requires serious attention only six months upon completion from law school. Even married couples with children can endure hard times of Hamburger Helper and crowded apartment for a while, especially if one of the spouses has a regular job. It is a different matter contending with the crippling student debt. In many cases there are two such financial monsters in the same marriage.

So a huge question goes unanswered. How many areas of the state are potentially lucrative redoubts enticing for young lawyers except for the financial impediment which keeps them away?

This is only one part of the insidious affect which huge student debt has upon our profession.

The other one is young lawyers taking jobs where they really have no passion to work in places where they have no desire to live. They are driven to these unhappy circumstances because of the desperate need for an income to service their indebtedness. After a while, the unhappy job situation leads to personal problems such as alcohol abuse, marital problems and an assortment of other mental and emotional burdens.

We have to wonder if the rippling effects of financial stress from the student loan obligations bleed over into the future disciplinary actions arising out of fraudulent transactions with clients and addictions.

The answer to this hovering cloud over our profession is not apparent, but it uniquely affects our young. This is ominous for the future.

There is currently a proposal before the Kentucky Supreme Court which would allow last semester law students to take the bar exam in February. This would allow these financially strapped students to hit the ground running at income producing jobs when they graduate in May. It would eliminate the non-productive time between May and October. A small measure perhaps. But for students facing thousands of dollars in debt, any help is appreciated.

As a group, we lawyers need to confront this growing crisis and begin to talk about it.

ABOUT THE AUTHORS
JUSTICE BILL CUNNINGHAM was elected to the Supreme Court of Kentucky in November 2006 to serve the 1st Supreme Court District. Before becoming a member of the state’s highest court, Justice Cunningham served as a circuit court judge for 15 years. He was elected to the Circuit Court Bench in
November 1991 to serve the 56th Judicial Circuit, which consists of Caldwell, Livingston, Lyon and Trigg counties. He was re-elected in 1999 and served as circuit judge until January 2007. Justice Cunningham served the court system in several capacities before entering his judicial career. He was the Eddsville City Attorney from 1974 to 1991 and the public defender for the Kentucky State Penitentiary from 1974 to 1976. He served as Commonwealth’s Attorney for the 56th Judicial District from 1976 to 1988. During his tenure in that position, he was voted the Outstanding Commonwealth Attorney of Kentucky by his peers. Justice Cunningham also served as a hearing officer for the Kentucky Board of Claims from 1981 to 1985 and as a trial commissioner for Lyon County District Court from 1989 to 1992. Justice Cunningham earned his bachelor’s degree from Murray State University in 1962 and his juris doctor in 1969 from the University Of Kentucky College Of Law. He is a veteran of the U.S. Army, having served in Vietnam, Korea and Germany.

JACINTA PORTER is a senior association at Frost Brown Todd LLC. She is a 2009 graduate of the University of Kentucky College of Law. In law school, she was the managing editor of the Kentucky Law Journal and a member of the Women’s Law Caucus. She also completed a year-long fellowship with the Kentucky Legislative Research Commission, conducting research and drafting legislation primarily in the areas of education law. Prior to joining Frost Brown Todd, Porter was an associate at the Bowling Green law firm Bell, Orr, Ayres & Moore. She is a member of the Kentucky Defense Counsel and the Fayette County Bar Association.

ENDNOTES

2. Id.
8. UK estimates that the total cost for a Full-time resident student is $37,450 a year; UL estimates the total cost for a full-time resident student at $39,094, and Chase estimates the cost for a full-time resident student at $33,402.
12. Id.
14. Id.
15. Id.
16. Id. The NALP further tempered the increase by noting that the reporting standards had changed from 2013 to 2014. In 2013, information was collected regarding student employment on February 15, or nine months after a May graduation. In 2014, the NALP changed it to March 15, or ten months post-graduation. The students in the 2014 survey had an additional month to find employment.
17. Id.
19. Id. at 1201.
20. Id. at 1200.
21. Id. at 1201.
22. Id. at 1202-03.
23. Id. at 1202.
24. Id. at 1203.
26. Id.
28. The author is a prime example of this reality. She and her husband, Sam Porter, both took out loans to fund their education. When they graduated from the University of Kentucky College of Law in 2009, their combined undergraduate and law school loans totaled nearly $170,000.

Nonprofit Organization Law Can Be Complex
My Practice Is Limited to Advising Nonprofits and The Professionals Working With Them

Nonprofit Organization Types
Colleges and Universities
Hospitals & Rural Health Care Organizations
K-12 School Districts
Associations of Members
Social Service Agencies
Government Boards and Agencies
Airport Boards
Economic Development Districts

Conley Salyer, Attorney, J.D., LL.M., Examiner, Malcolm Baldrige National Quality Award (MBNQA). csalyer@nonprofitattorney.net, (859) 281-1171, 710 E. Main Street, Lexington, KY 40502. www.nonprofitattorney.net This is an advertisement.
Throughout its 50-year history, the Kentucky Bar Association Young Lawyers Division (KBA YLD) has been committed to serving the citizens of the Commonwealth through its public service projects. The KBA YLD has been referred to as the public service arm of the bar association. In recent years, in addition to its other endeavors, the KBA YLD has focused on three projects: U@18, Voices Against Violence, and Bullyproof.

U@18 is a program designed to assist Kentucky’s youth in their transition from high school students to young adults by educating them on their basic rights and responsibilities as renters, consumers, property owners, voters, spouses and employees. The KBA YLD hopes the students will be empowered by the information provided to live as engaged and informed citizens. The program involves a one-hour classroom presentation to high school students between 16 and 18 years old, typically led by a young lawyer. As an added bonus, the presenters receive up to two hours of CLE credit for each program.

In the early years of U@18, the young lawyer presenter used a booklet with various real-life scenarios to discuss legal issues and adult responsibilities with the students. Since the program was met with such positive support and feedback from educators, the booklets were reprinted a number of times. Given the widespread interest and, in an effort to be more environmentally conscious, the KBA YLD decided to enhance the program by producing a video presentation in lieu of the printed booklet. The Kentucky Bar Foundation generously approved a grant enabling the KBA YLD to professionally produce the video, which consists of 10 vignettes. Each vignette depicts young adults encountering everyday problems that involve their legal rights and responsibilities. After each vignette is viewed by the group, the young lawyer leads the students in a group discussion of the issues presented.

Since its inception, U@18 has been presented to students across the Commonwealth. U@18 has been recognized with an award of achievement in public service by the American Bar Association Young Lawyers Division (ABA YLD) and has received praise from students and educators alike for its content.

Voices Against Violence is a call to action for young lawyers to raise awareness about and work to prevent domestic violence in Kentucky. Voices Against Violence first began as a national public service project created by the ABA YLD and was adopted and implemented by the KBA YLD in 2009. To meet the goals of the project, KBA YLD members provide pro bono representation to survivors of domestic violence in court proceedings throughout the state, fundraise for nonprofit organizations providing support and services to domestic violence survivors, and educate attorneys and the general public about the realities of domestic violence. The KBA YLD has maintained a list of attorneys wishing to volunteer to represent victims in domestic violence proceedings on a pro bono basis. Since the program was adopted in 2009, the KBA YLD has collaborated with the Bluegrass Domestic Violence Program, Kentucky Domestic Violence Association, Jefferson County Family Court Domestic Violence Intake Center, and Legal Aid of the Bluegrass in matching volunteer lawyers with victims in need of representation and other ventures. The KBA YLD has hosted fundraisers and awareness events throughout the Commonwealth to raise money for these worthwhile community organizations. The KBA YLD partnered with the Lexington Art League to showcase its exhibit of artwork created by survivors of domestic violence during the KBA’s annual convention. The KBA YLD has also presented numerous continuing legal education programs around the state and during the New Lawyers Program and annual convention to instruct attorneys on issues relating to domestic violence and any proposed legislative changes.

Bullyproof: Lawyers Educating and Empowering to End Bullying is a program that originated in the American Bar Association Young Lawyers Division (ABA YLD). The KBA YLD was the first ABA YLD affiliate to adopt the project with many others following suit. The program is cosponsored by the Kentucky Bar Foundation, and the KBA YLD has collaborated with the Foundation throughout the program.

Bullyproof is a comprehensive initiative that provides education and resources to help empower parents, educators, students, and young lawyers to make bullying a thing of the past. The program focuses primarily on providing resources and tools for dealing with bullying to parents and educators, and educating students about bullying through an in-class presentation. The KBA YLD has created a toolkit which leads young lawyer presenters through the Bullyproof program. The program includes a video aimed at capturing the attention of its young audience, with appearances by public figures ranging from elected officials such as President Obama to pop stars including Lady Gaga and Adam Lambert. The video is hosted by a member of the Black Eyed Peas and has a theme of both encouraging students to be proactive and to seek assistance if they witness bullying.

Based on the feedback from the students, the highlight of the Bullyproof program is a Family Feud-style trivia game that encourages student participation while also educating the students about ways to handle bullying. At the conclusion of the presentation, students are given a Know Your Rights handout. Bullyproof also provides educators and administrators insight into bullying at their school.
by having the students complete a survey about their personal experiences. Thus far, the program has been presented in many counties across the Commonwealth with positive results. In one presentation, a student hugged the presenters, thanking them for talking about bullying and giving him hope his situation would improve.

Through each of these three programs, the KBA YLD hopes to encourage its members and the bar at large to serve the greater community while benefiting from the fulfillment such service provides. The programs referenced above are ongoing and continue to need volunteers to implement their activities. Attorneys, whether a KBA YLD member or not, interested in participating are encouraged to contact the KBA YLD. U@18 – Mike Nitardy (MNitardy@fbtlaw.com); Bulleproof – Kate Ward (kward@bgdlegal.com); Voices Against Violence - Elizabeth Reeder (EReeder@aswdlaw.com).

ABOUT THE AUTHOR

ROULA ALLOUCH is an attorney at the Law Offices of Raymond Decker, serving as staff counsel for Liberty Mutual Insurance Company. Alouch earned her undergraduate degree from the University of Kentucky in 2003 and her juris doctor from the University of Kentucky College of Law in 2006. She is licensed to practice in state and federal courts in Kentucky and Ohio. Alouch is an active member of the legal community and the community at large. She currently serves as chair of the National Board of Directors of the Council on American-Islamic Relations, the nation’s largest civil rights and advocacy group for the American Muslim community. She is an at-large member of the Executive Committee of the Kentucky Bar Association Young Lawyer Division and is its delegate to the American Bar Association House of Delegates. She is also on the Leadership Advisory Board for the American Bar Association Young Lawyer’s Division. Alouch was named a Rising Star by the Cincinnati YWCA in 2015 and featured in Cincinnati Magazine’s “The Future of Cincinnati: Ones to Watch” issue.
A comprehensive new survey of lawyer wellness conducted by the American Bar Association’s Commission on Lawyer Assistance Programs and Hazelden/Betty Ford documents that lawyers are at a much greater risk of suffering from chronic anxiety and depression and of suffering from addiction than the general population. Additionally, with the aging bar, Kentucky lawyers now face additional threats of cognitive decline, reduced memory and other decreased executive functioning.

What is the antidote for the heightened levels of stress and anxiety among lawyers? How do we decrease stress levels, alleviate anxiety, and slow down mental decomposition? The answer may surprise you. The activities that improve your physical health can also reduce your stress response and improve your cognitive functioning.

It is impossible to fully eliminate stress from the practice of law, given the adversarial nature of the profession. Physiologically, human conflict always has been and always will be a stressor. However, perhaps eliminating stress altogether is not necessary; perhaps improving the lawyer’s response to stress is the solution. One certainty is that the typical response to a stressful day by hitting happy hour and having a few drinks (a lawyer staple for as long as there have been lawyers and happy hours) is not always appropriate or healthy. It does nothing to improve our stress response and does not alleviate the pressures of the practice. It is time to try something different.

There is a slow but steady movement among young lawyers within the legal community focusing on changing and improving attorneys’ responses to the unavoidable stress within the practice of law. For the past few years, KYLAP has been espousing the benefits of general wellness, mindfulness meditation, yoga, t’ai chi, and other physical methods to improve lawyer wellness, and has been offering opportunities for Kentucky lawyers to participate in these activities.

Law schools, including Kentucky law schools working in conjunction with KYLAP, are following suit by offering wellness opportunities and fitness challenges to their students. This newer generation of lawyers seems unwilling to view stress, chronic anxiety, depression and addiction as conditions to be accepted simply as a lawyer’s occupational hazards.

Younger lawyers are not the only ones taking note, though. Middle-aged lawyers, those “baby boomers” who are quickly aging into the “silver tsunami,” are following suit—not just to improve physical health, but also to maintain mental acuity. Scottsdale real estate and tax attorney Stanley Bronstein, who described himself as “a heart attack waiting to happen,” has written about his own journey of life-threatening habits while practicing law that resulted in his weighing 367 pounds. At age 50, Bronstein decided to reinvent himself. It all started by taking a walk. Now six years later and half his original weight, Bronstein promotes walking for lawyers. Slow walking. Bronstein says, “I’m as steady as a snail.” The movement itself is the key, says Bronstein.

Physical exercise in and of itself is stress relief. Exercise, any exercise, increases the brain’s concentrations of norepinephrine, a chemical that can moderate the brain’s response to stress.

Biologically, exercise seems to give the body a chance to practice dealing with stress. It forces the body’s physiological systems—all of which are involved in the stress response—to communicate much more closely than usual: The cardiovascular system communicates with the renal system, which communicates with the muscular system. And all of these are
hikes adjust my mental and emotional well-being to see the potential solutions or, alternatively, to see how small they are in comparison to my overall life.

Bukulmez explains that the hikes also help her cope with the inevitable stresses a career in law places on an attorney’s life:

“I’ve had to deal with some serious work-related problems, be it an abusive client, an unfavorable decision, or a disrespectful opposing counsel. At the end of a long, challenging hike, none of them survive the mental, physical and emotional adjustments that a hike is able to place on my existence.”

In the upcoming months, KYLAP, in tandem with Kentucky Hiking Lawyers and the KBA Young Lawyers Division, will offer opportunities to get involved in this growing trend of improving lawyers’ mental and physical wellness through increased physical movement. During the Kentucky Bar Association Annual Convention in Louisville this May, we will offer an urban walking experience appropriate for all fitness levels. Watch the KYLAP website, KBA eNews, and Hiking Lawyers Facebook page for more information, and then get moving! 🚶‍♀️

### ABOUT THE AUTHORS

**Yvette Hourigan** is the director of the Kentucky Lawyer Assistance Program (KYLAP). KYLAP provides assistance to all Kentucky law students, lawyers and judges with mental health issues and impairments including depression, substance or alcohol addictions, process addictions and chronic anxiety disorders. KYLAP’s work in the areas of lawyer and law student depression and suicide prevention has been featured nationally in *The Huffington Post*, *USA Today*, and on CNN’s *Legal View with Ashleigh Banfield*. Hourigan is a graduate of the University of Kentucky College of Law, and practiced in all areas of civil litigation in Lexington before she was appointed as the KYLAP Director. In 2014, she was awarded the Dave Nee Foundation's *Uncommon Counselor* Award which is given to a member of the legal profession who exhibits “extraordinary compassion and concern for co-workers, family, friends, and community.” The Dave Nee Foundation is a national educational and charitable program which facilitates mental health education and suicide prevention in law schools, with the goal of serving every law school across the United States. You may contact Hourigan at yhourigan@kylap.org and (502) 564-3795, ext. 265.

**Helen Bukulmez** is an attorney licensed in Kentucky practicing in the areas personal injury, social security disability and immigration. Her law school education at Chase College of Law is preceded by her certification in global arbitration law from Queen Mary University of London in the U.K. and her...
bachelor’s degree in business and economics at Uludag University in Bursa, Turkey. She grew up in Izmir, Turkey, and is fluent in Turkish and conversant in Bosnian. Izmir provided her with the best hiking memories on the mountains and by the Aegean Sea. She is an avid hiker and a founder of Facebook group, Hiking Lawyers, with over 1,000 attorney members in the U.S. The Hiking Lawyers group schedules quarterly group hikes in Kentucky, Ohio, Tennessee, Virginia and other states and shares information, memories and suggestions for hiking venues in the United States and overseas.

ENDNOTES
2. Id.
MENTERING

THE IMPORTANCE OF FINDING A MENTOR

Embracing a legal career is an intimidating and difficult process. Law students spend three years absorbing as much information as they can about legal practices and theories. Suddenly, school and the professors' office hours are over. Obtaining guidance and advice becomes a much more difficult process. However, finding a mentor is an important aspect for the development of a young lawyer. "Perhaps no other factor is more essential to a young lawyer's success than seeking the guidance of a more experienced attorney," says Pierce Hamblin, an attorney and adjunct professor at the University of Kentucky College of Law who has devoted countless hours mentoring students in his litigation skills course.

A mentoring relationship offers numerous benefits to a protégé. Mentors provide young lawyers with guidance in their practice areas. Mentors may have insights or experiences that a young lawyer's co-workers do not have, giving the young lawyer access to new perspectives. The protégé may learn of legal organizations to join, which can be a beneficial tool in career development. Mentors may facilitate valuable introductions to other lawyers, who themselves may become mentors to the protégé. This can be a great opportunity for a young lawyer to expand his or her professional network. Mentors are often a powerful advocate in legal circles, potentially referring clients to the protégé. Finally, mentors may serve as the most convincing reference for a young lawyer seeking his or her first legal position or a new opportunity. A reference from a mentor could be the difference in obtaining a better employment opportunity or not. A potential employer will likely be impressed that a mentoring relationship exists, as it demonstrates initiative on the part of the young lawyer.

FINDING A MENTOR

With all the benefits of mentoring, many young lawyers still find it difficult to find a mentor. The first place to look is within one’s own network. Lawyers are often flattered when asked for their guidance. It may be as simple as requesting to have the occasional cup of coffee or writing an email seeking advice. Such requests are almost exclusively met warmly and positively. The worst case scenario is that the potential mentor states he or she is just too busy or ignores the request.

Outside of one’s own network, potential protégés should look to legal organizations for mentors. Many legal organizations have formal programs to link protégés with mentors. The Kentucky Bar Association has its “Find a Mentor” program (found at kbagps.org/find-a-mentor), which allows potential protégés to search for a mentor by location or practice area. Protégés then have the opportunity to initiate contact with a potential mentor. The contact can be for help with a single issue or for a protégé seeking a longer mentor relationship. Experienced lawyers may also sign up to be a mentor through this program. The American Bar Association offers a mentoring program for lawyers with disabilities (found at americanbar.org/groups/disabilityright/resources/member_program_mentee_information). Ms. JD, a nonprofit organization dedicated to women in the law, offers a program called “The Fellowship,” which links female law students with mentors (found at ms-jd.org/programs/fellowship). The Defense Research Institute has a program linking new committee members with a more senior member. These are just a few of many examples of simple ways to get linked with a mentor through various legal organizations. If the legal organization does not offer a structured mentoring program, a member of the organization with a leadership position should have the proper information to link a protégé with a mentor.

THE MENTORING RELATIONSHIP

Like all relationships, each mentor-protégé relationship is unique. No clear cut standard exists. Some protégés meet their mentor in person, while others communicate via email or through telephone calls. These meetings may occur informally, or in a formal regimen. There is not a cap on the number of mentors. Generally, a protégé should look for a mentor to offer him or her practice-specific or general career advancement advice. A protégé should be clear on his or her career goals and work with the mentor on how to achieve them. This is usually a situation where listening is much more beneficial than speaking. Often the practice of preparing questions for a meeting with a mentor is beneficial to a protégé in and of itself. Furthermore, it might be easier to ask a mentor questions that one would not necessarily want to ask of a co-worker.

Protégés should not overload their mentors with questions and requests for meetings, but should also be careful not to let too much time pass between contacting them. Protégés should make it clear to the mentor that they value his or her time and opinions. Though initial meetings can be intimidating (similar to a first date), initiating and developing mentor relationships is invaluable in advancing a young lawyer’s career. Mentors find passing down wisdom to the next generation of lawyers to be a rewarding process. Those who were once protégés frequently go on to be mentors. Mentoring is a crucial part of advancing the legal practice. Whether you have benefited from the mentoring process or not, please consider working with the Kentucky Bar Association or another legal organization to offer your mentoring services. Young Lawyers seeking a first or additional mentor, take action today to find a mentor and advance your career.

ABOUT THE AUTHOR

DAVID NOBLE is a 2012 graduate of the University of Kentucky College of Law. He is an associate at Landrum & Shouse’s Lexington office. He is an At-Large Representative of the Kentucky Bar Association’s Young Lawyers Division and serves as the Communications Committee chair. His legal practice is devoted to trucking industry defense, products liability defense and insurance defense.
As attorneys, we are encouraged under the ethical rules of our profession to perform pro bono legal services and to give to legal service organizations. A number of young attorneys in Louisville are taking a creative approach to this call to service, working to expand support for Legal Aid Society of Louisville by engaging with young professionals in other fields. The new group, called the Legal Aid Society Young Professionals Association (LAS YPA, for short), has formed for the sole purpose of supporting Legal Aid in its mission to pursue justice for people in poverty. The group held an informal kick-off event on February 11th at Patrick O’Shea’s in Louisville to raise awareness and funds for Legal Aid, as well as attract new members. Their official launch event will take place on April 29th, in the form of an after party to Legal Aid’s annual fundraiser: Brush, Bottle, and Barrel of the Bluegrass.

The idea for the LAS YPA came about when Jim Irving of Bingham Greenbaum Doll approached Legal Aid’s Director of Development, Julia Leist. Jim told Julia about a similar young professionals group he had been involved with in Chicago and said he wanted to help start something like it in Louisville. When asked about the newly formed group, Julia talked about the importance of raising community awareness of Legal Aid outside of the legal profession. “The work of Legal Aid is largely unsung outside the legal community,” Leist said. “Because of the diversity of services we provide, it can be difficult to explain what we do and we’re always trying to communicate with a broader audience. Once people learn what we do, they are immediately interested. I think it taps into people’s core values.” After Jim came to Julia with the idea, about a year ago, they met with, now Executive Director, Neva-Marie Polley and began to plan. Polley and Leist were thrilled. “Jim came to us with the idea and that’s extremely rare,” Leist recalled. “No one asks to fundraise.”

Jim says he’s a big believer in the mission of Legal Aid. “It’s undeniable that Legal Aid is an integral part of the services for our community’s poor, underprivileged, and underrepresented citizens—just like charities that provide for more basic needs, for instance the Cabbage Patch Settlement House or St. Vincent DePaul,” said Irving. Before returning to his hometown of Louisville in the summer of 2014 to work at his current firm, Jim practiced law in Chicago for several years. There, he helped form a young professionals association to support the local legal services organization, the Legal Aid Foundation of Chicago. The group became very successful in its mission and now boasts a broad base of supporters and typically raises six-figure sums on an annual basis. Like Julia, Jim sees the potential for finding untapped sources of support in the community. “The more people learn about Legal Aid, the more inspired they’ll be,” Irving predicts. “The goal is to engage young lawyers in a new way and bring other professionals into the organization. The hope is to have a mix of participation from the business world, nonprofits, and government. We should all be in this together.” Over the past several months, a mixed group of young lawyers, including Jim, and other professionals have been meeting to shape the organization and plan future events.

Legal Aid Society of Louisville directly serves more than four thousand clients each year and offers many legal education opportunities in the community. However, according to Leist, Legal Aid is still forced to turn away one client for every client they take, due to insufficient funds or volunteers. “Every case we take is an impact case,” Leist observes. “For an individual client, getting help from Legal Aid might mean the difference between housing and homelessness, or between safety and domestic violence.” By supporting Legal Aid, the members of the Legal Aid Society Young Professionals Association hope to help fill some of those gaps in service and make a difference for even more clients.

By supporting the mission of Legal Aid, we as attorneys support those without a voice, those who often fall through the cracks, but who are equally deserving of justice. On behalf of the YLD, I am excited to see what this group can do in the coming years and hope to see support of our many legal service organizations around the state grow—both within and beyond our profession. I’m marking my calendar now for the launch event at Marketplace Restaurant in Louisville at 9:00 p.m. on the night of April 29th after the Brush, Bottle, and Barrel of the Bluegrass.

For those interested in joining or learning more about the organization, please contact Julia Leist, Development Director of Legal Aid Society of Louisville, jleist@laslou.org.
FOUR TIPS

Effective advocates are good storytellers. They know how to captivate their readers. Skillful advocates allow their readers to imagine and visualize what is happening in a case. They allow their readers to relate to the characters, and what is happening to them, as the story unfolds. Effective advocates understand the importance of a theme or theory of the case. They also know how to convey information in a way that is easily understood and retained. Below are four tips advocates can use to make their writing more persuasive.

TIP #1: DEVELOP A THEME.

All legal problems arise from stories. Stories can be visualized because they have themes. Those themes anchor the relevant legal rules which resolve the problem in the story. An effective advocate molds arguments around the theme and gives the court reasons to find for the client. A theme is the central idea or ideas explored by a writing. Legal writing might advance multiple themes such as justice and betrayal. The theme may be as simple as a phrase, such as “in the wrong place at the wrong time” in a case involving a mistaken identity. The writer will repeat the phrase throughout the conclusions drawn and selectively use the facts and law to support the theory.

There are two ways an advocate can develop a theme or theory of the case. The first is to tell the reader what happened from the client’s perspective. What happened, according to the client, and why does the client think that he or she is right? The second is to look at court cases involving the same issue where the court reached the desired result. What legal arguments did the winning parties make in those cases and what were their theories?

TIP #2: CHOOSE WORDS CAREFULLY.

Word choice is also very important and a powerful persuasive tool. Word choice is crucial to develop and advance the theme or theory of the case. The advocate can change the entire look of an event through selective use of verbs, adverbs, nouns, and adjectives.

Effective advocates use verbs and adverbs to present the law and factual events in a light most favorable to their clients. For example, compare the use of the verbs stumbled and found in sentences designed to persuade a court to either admit or preclude firearm evidence. In the first sentence, the advocate writes that the police officer stumbled upon the gun. In the second sentence, the advocate writes that the police officer found the gun. The word stumbled advances the theme or idea, in a motion to suppress, that the police officer acted carelessly during the police investigation. In contrast, the word found in the second sentence advances the theme or idea that the police officer acted carefully and deliberately during the investigation. Similarly, to support a motion for summary judgment, the advocate might argue that the police officer acted carefully and deliberately during the investigation. Similarly, to support a motion for summary judgment, the advocate might argue that the police officer acted carefully and deliberately during the investigation. Similarly, to support a motion for summary judgment, the advocate might argue that the police officer acted carefully and deliberately during the investigation.

TIP #3: PERSUADE WITH THE SELECTIVE USE OF ACTIVE OR PASSIVE VOICE AND ACTION VERBS.

Use the active voice to emphasize favorable information and passive voice to deemphasize negative information. Advocates use active voice and action verbs to closely connect the sentence’s actor with the action. For example, the sentence “defendant snatched the purse,” is active, short, and clear. The noun and subject, defendant, appears close to the action verb, snatched.

In contrast, advocates use the passive voice and non-action verbs when they want to distance their client from the action. For example, a sentence that reads, “the police officer found the gun,” is in the passive voice. Look at court cases involving the same issue where the court reached the desired result. What legal arguments did the winning parties make in those cases and what were their theories?

TIP #4: PERSUADE WITH CONCLUSIVE STATEMENTS RATHER THAN WITH OPINION STATEMENTS

Effective advocates use forceful, conclusive statements in their writing rather than statements that appear to be only opinions. Avoid tentative, introductory clauses that make the substance of the sentence conditional and leave the reader in doubt. For example, eliminate from writing phrases like “we contend” and “we argue that.” Compare “we argue that the light was red” with “the light was red.”

ENDNOTES

1. Professor Jennifer Jolly-Ryan teaches writing at Salmon P. Chase College of Law, Northern Kentucky University. She is a member of the Kentucky Bar Association and a graduate of Salmon P. Chase College of Law. She is a former law clerk for Judge S. Arthur Spiegel of the United States District Court, Southern District of Ohio and practiced law with the law firms of Dinsmore & Shohl in Cincinnati, and Jolly & Blau, in Northern Kentucky, before joining the Chase College of Law faculty.


5. Id.

6. One caveat for the legal writer is that verbs, nouns, and adjectives should be used with subtlety. The advocate’s goal is to use words with such subtlety that it suggests the result, rather than screams it. Obviousness can destroy the advocate’s credibility and needlessly reveal the advocate’s strategy.

FOR PERSUASIVE LEGAL WRITING

BY JENNIFER JOLLY-RYAN

EFFECTIVE LEGAL WRITING

BENCH & BAR | 31
The University of Kentucky welcomed Order of the Coif Distinguished Visitor Eugene R. Fidell, of Yale Law School, for a lecture on military justice and its reform on Thursday, February 4. Fidell previously served as president of the National Institute of Military Justice and is currently well-known for representing Army Sgt. Bowe Bergdahl. Fidell addressed UK law students in a noon forum on the topic: “To What Extent Can the Constitution Be Amended?”

Christina Johnson, a third-year law student and immediate past-president of the UK Law Students Veterans Organization, attended the forum. Johnson said she thinks it’s great to bring in visitors such as Professor Fidell because it exposes students to military and international issues surrounding them. “Military law is not as up to date as the civilian side which is apparent by the lower number or jurors required to sentence someone,” she noted.

“I personally thought it was interesting to hear about how crimes committed by military members overseas and stateside affect the local/native community and how they may want justice served on their terms in addition to the JAG Corps’ punishment,” Johnson said. “It has become customary to let the JAG Corps take over as far as punishment, but in each case they are both independent sovereigns who could both punish the crime.”

Professor Fidell also answered several questions from the audience after the forum, including one from Johnson on the topics of DNA evidence and the JAG Corps having jurisdiction over retired military members. In response, Fidell mentioned that there are rare circumstances when the JAG Corps can still have jurisdiction over a retired military member since they are receiving the military retirement benefits. He proceeded to give an example of when jurisdiction was revived against a retired military member for murder.

In addition, Professor Fidell also gave an evening lecture on “Military Justice and Its Reform.”

“Military justice is important because you can’t really have a functional armed force without discipline, and you can’t really be certain that discipline and good order unless you have workable sanctions [sic],” Fidell said. “You can’t have a military workforce in a non-conscription environment (an environment that relies on volunteers) without people being confident in the administration of justice. People won’t sign up. They won’t let their children sign up. They won’t let their loved ones sign up. And those that do sign up, will leave at the first opportunity.”

The public lecture was moderated by Dr. Robert Farley of the UK Patterson School of Diplomacy and International Commerce.

Professor Eugene Fidell graduated from Harvard Law School in 1968 and served in the U.S. Coast Guard from 1969 – 1972 as a judge advocate and continues to be actively involved in military matters. He has also taught at Harvard Law School and the American University Washington College of Law.

We were honored to have hosted Fidell here at UK College of Law.
The University of Kentucky College of Law and the Kentucky Commission on Human Rights were proud to host the “Civil Rights Act Symposium” commemorating the 50th anniversary of the Kentucky Civil Rights Act. The Kentucky Civil Rights Act remains to be one of the most significant pieces of legislation to be passed in the last 50 years. The event brought in nationally respected speakers, judges, lawyers and activists prominent in the civil rights arena.

Honorable Jenean Hampton, Lt. Governor of Kentucky, the first African American to hold statewide office in Kentucky’s history, recalled as a child watching the Civil Rights Movement spread. She indicated that Martin Luther King Jr.’s legacy remains as an inspiration to continue pursuing civil rights and voter participation across the state.

“To be standing here on the 50th anniversary of Kentucky’s Civil Rights Act is phenomenal to me. Really, I can’t tell you how much this law means to me… I stand here as Lt. Governor on the backs of a lot of people, and I recognize that,” Lt. Gov. Hampton said.

Attorney General of Kentucky, Honorable Andy Beshear, also spoke at the symposium. His speech focused on the importance of basic human rights and emphasized how diversity is beneficial to our state. “I believe, as those who have come before me, that our strength lies in our differences. That we as a state become culturally and economically richer as we become more diverse,” he said.

Keynote speaker Honorable Patricia Timmons-Goodson, Vice-Chair of the U.S. Commission on Human Rights and former Associate Justice on the Supreme Court of North Carolina, delivered a powerful speech on how the Civil Rights Movement is something that must be pursued daily. “Friends, today we celebrate, but we should not be content. We’ve made considerable gains in the fight for social justice and equality, but the truthful matter of the fight is that we are only beginning.”

Several discussions occurred throughout the day. One featured topic was on the role of law schools to encourage law students to pursue the practice and advancement of civil rights law. In this segment, the deans of Kentucky’s three law schools discussed which policies, programs and practices were in place to expose students to the challenges and rewards of civil rights law.

Another discussion focused on how state and local agencies can help achieve greater protections for LGBT and immigrant communities, encourage greater integration of neighborhoods, and balance freedom of speech and religion in relation to civil rights.

The College of Law was honored to have the Kentucky School for the Deaf’s Signing Choir perform at the symposium. Also present were students from Fayette County Public School’s Carter G. Woodson Academy, Covington Holmes High School, Woodford County High School and Newport Middle School, who participated in the discussions led by our panelists.

We had an outstanding turnout and were greatly inspired by all of our guest speakers.

Dean David Brennen is currently making his annual visits to different cities to visit alumni and participants in the Dean’s Circle program. The program is an opportunity to thank firms with committed UK Law alumni. In order for a firm to qualify for the Dean’s Circle program, it must meet the following requirements:

- Have at least five UK Law graduates employed at the firm
- Have a percentage of giving participation among the UK Law graduates that reaches one of the following levels: Platinum, 100%; Gold, 90%; and Silver, 85%.

The firms that give at the Platinum level receive a complimentary lunch with the Dean at the restaurant of their choice. In conjunction with the Dean’s Circle visits, alumni in many of the cities will host an evening reception attended by area alumni, the Dean, and UK Law faculty and staff. The lunches and receptions provide the Dean with the opportunity to update and engage alumni regarding UK Law initiatives.

Two alumni receptions have already taken place. The first was in Nashville on February 8. The second was in Bowling Green on February 9. Upcoming events for alumni engagement include:

- Northern Kentucky/Cincinnati Alumni Reception – April 19
- KBA Alumni Reception – May 11
Alumni/Student Golf Tournament and Dinner – May 16
Prestonsburg/Pikeville Alumni Reception – May 18
Paducah Alumni Reception – TBD

UK Law is proud of the generous support from alumni and friends that allows it to produce future leaders of the Commonwealth and Nation, develop faculty research that advances law and policy at all levels in society, and engage the public to better understand and improve the legal system.

Contact Tressa Neal for additional information.
The Salmon P. Chase College of Law at Northern Kentucky University will expand its education of lawyers to an international level when it begins an LL.M. in United States Law for lawyers who have been educated outside the United States. “This program will provide a wonderful opportunity for foreign-trained lawyers to learn about the U.S. legal system and to gain knowledge about particular areas of American law,” Chase Dean Jeffrey Standen says. “The program will also benefit current Chase J.D. students, who will have the opportunity to study alongside people from diverse cultures and to learn how law is practiced in other countries.”

The program, which will be the first LL.M. at a Kentucky law school, will begin in August with introductory classes on U.S. law and the style of instruction at U.S. law schools. Students will be able to choose either to concentrate their studies in specific areas of U.S. law, such as law and informatics and intellectual property, or to obtain a broad overview of several topics of American law. Students in the LL.M. program will attend J.D. classes taught by full-time Chase faculty members or adjunct faculty members.

The number of foreign lawyers interested in studying U.S. law at an American law school has grown with the global economy. Many of them want to be better able to advise clients on matters involving U.S. law and to interact efficiently with lawyers in the U.S.

“Chase graduates have a reputation for starting their law practices with all the essential skills a lawyer requires. Students in the LL.M. program will be able to develop the same skills that will enable them to work most effectively with their U.S. counterparts,” Dean Standen says.

The LL.M. in U.S. Law program will require one academic year to complete. To ease the transition for foreign students new to living in the U.S., Chase administrators have created a welcoming program that includes an introduction to the many amenities in the region, the provision of housing and transportation, and other special acculturation events and programs.

The LL.M. students will join an already internationally diverse J.D. student body that includes students from China, Republic of Georgia, and Canada.

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It’s hard to believe the spring semester is nearly over and commencement is just around the corner. It seems like yesterday the Class of 2015 was walking across the stage of the Brown Theatre downtown. That class, particularly with its 86.5 percent bar passage rate and nearly 9,000 hours of public service, has made us so proud.

We have every reason to believe the Class of 2016 will make us just as proud. Consider, for example, some of our student leaders:

**RUDY JOHN ELLIS III**, SBA president, wanted to get the school more involved in the American Bar Association Student Division at the national level and spearheaded a campaign to elect 1L John Weber as the 6th Circuit Governor for the 2016-17 division.

Ellis has often been asked why he chose law school instead of a medical career like his father and grandfather.

“They exposed me to the power generosity and service play on those in the community and inspired me to do the same. But science had never been an interest of mine and I knew I needed to learn how to better structure arguments and become a more analytical problem solver in order to fulfill my goals,” he said. “My interests more aligned for a career in law and policy and I made the decision to dedicate my career toward helping others weave through the complicated legal system.”

Ellis began law school with his mind on transactional law but is now more open about a possible career in litigation after taking trial practice and participating in oral arguments.

“I would prefer to work in corporate, healthcare, or a combination of the two. Corporate law interests me from studying business in undergrad and participating in Brandeis’ Entrepreneurship Clinic, but health law is such a growing field with an incredible amount of opportunity,” he said. “My mission is to hold a career position where I have the ability to influence the world in an encouraging and insightful way. In working toward that goal, I feel it is important to always be involved in the community.”

**DANIEL REED**, the 2015-16 *Louisville Law Review* editor, helped revamp the publication’s editing processes and online presence, efforts which helped yield its highest national ranking ever last year. Reed said he was drawn to the practice of law from an early age and pursued undergraduate degrees in political science and paralegal studies to pave the way.

“My time as an undergraduate at the University of Louisville would prove to be a highly formative experience for me, as I became captivated by the pursuit of knowledge in a broad range of disciplinary studies. I found solace in thinking and reasoning, taking particular enjoyment in critical thinking and formal logic courses. My newfound dedication to intellectual growth necessitated that my last semester as an undergraduate student not be my last academic exploit,” Reed said.
Law, he adds, provided an opportunity to be challenged and grow intellectually. He focused on understanding the material and taking exams and later took on more work experience.

“As time progressed, it became immediately apparent that law school and the ‘real world’ were much different. Real-world practice was grounded in practicality: How many hours you billed; how you solved the client’s problem; how to maintain client relationships and create new ones,” Reed said.

Reed has been successful in trial settings, winning the Kentucky State Mock Trial Competition and receiving the highest grade in his trial practice course. Accordingly, he will obtain a Certificate of Accomplishment in litigation skills after graduation.

Reed has been contemplative of his imminent graduation. He said he’s made the most of his experience at Brandeis and wouldn’t change a thing.

“I completely bought into the law school experience and I encourage future students to do the same. I read every word of every reading assigned. I sought true understanding of the material. I trusted the professors. I aspired to success outside of the classroom, with mock trial and as editor in chief of the Law Review,” he said. “I was there to learn.”

His biggest goal after law school is simply “To have a long and honorable career in the hopes that I will be respected by my friends and colleagues, and that I will be an example of how law ought to be practiced.”

**SAVE THE DATE:**
The Annual Brandeis School of Law Alumni Reception will be held on Wednesday, May 11 at 6:30 p.m. at Stites and Harbison. Also, Brandeis School of Law Dean Susan Duncan will receive the KBA President’s Special Service Award during the reception.

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**LINDA DIXON,** the Black Law Students Association president, has served as a student liaison for a number of diversity initiatives throughout her past three years. She did so while also working as a student assistant at the law school. Since she was young, Dixon wanted to be a lawyer.

“I knew that it would be a big commitment of time and finances, but I thought the payoff would be equally as big,” she said. “My perspective has changed from being very narrow, only wanting to practice sports law, and has broadened as I have had the chance to study different types of law. Law school has opened my eyes to the many doors a law degree can get you into.”

The former basketball player is now open to sports or business law. She also enjoys transactional work and negotiation.

Dixon’s biggest goal after law school is “continued growth.”

“Law school allows you to grow intellectually and personally. It challenges you to juggle rigorous coursework, deadlines, and extracurriculars in one hand, and your family, social life, and work in the other,” she said. “I think my growth from 1L year has been substantial and I hope in both my career and personal life I continue to grow and produce.”

They are proof positive that the future of the legal field is in very good hands.
NEW TWIST IN THE VOICE TO TEXT TECHNOLOGIES

BY MICHAEL LOSAVIO

As I get old and cranky I sometimes must be forced into new technologies. My reintroduction to voice recognition and natural language processing technologies came about when I fell and sprained both wrists. Being addicted to the written word, a speech to text app was my solution, although I have not used them even with the rise of Siri and Cortana.

I returned to a program I had used in the past with some success, Dragon NaturallySpeaking. When last I had, I was initially amazed but soon lost interest due to, what to me, was an unacceptably high error rate.

The current iteration is equally amazing, but after that initial glow I find that its accuracy and responsiveness are so good that I integrate it into most all of my work. That may range from middle to long form prose, textual analysis notes, whether treatises or cases, and fast response on communications with others, such as email, postings and online discussions.

It does all of this faster than I can type, and with fewer errors. Coupled with large dual monitor screens, I can review, comment and write on documents at nearly the same time, and can switch as needed to other references. Indeed, I can use this to post queries to be searched for additional information on questions that may develop during the session.

Thus in this 225 word section, the only error was that the word “Siri” came out as “Syria.” But once trained on that and other esoteric words, the system performed very well.

Indeed, NaturallySpeaking has helped me meet increasingly tight deadlines on a variety of writing projects that I might otherwise have not been able to complete as completely and comprehensively. But, of course, there are still issues in using the product.

First and foremost, we need to be more aware of how we speak, how we think before we speak and how our oral communications may significantly differ from our written ones. Some linguistics scholars argue that there may be an inherent difference between the two as to precision, the engagement with those to whom we are communicating, and the way those people may retain the information. Some have argued that these characteristics can be found in oral communication, but submit that comes with practice and attention. The use of intonation and gestures that we use in speaking may not translate to the written text, even though we may be emoting as we speak and thus some of what we are trying to communicate may be lost. We pay attention to what we say and how we say it for effective translation into the text medium.

For me this came in a fairly high level “semantic” analysis: I would reread the text and be surprised at my tendency to blather.¹ This highlights a critical need in using a speech to text system: RULE NUMBER ONE: PROOFREAD!

And, yes, we’re all supposed to do that but under the pressures of work it is all too often that the first draft is the final draft. But if you choose to use voice to text, try and take the time you saved to make sure the text says what you wanted to say. And has the precision and conciseness we all wish in our writing.

A related factor is the clarity or sharpness of pronunciation. That still will have an impact on which words are chosen. There is a risk with homonyms and near homonyms in the interpretation by the program so, again, proofreading, including as you are dictating is required. RULE NUMBER TWO: PROOFREAD!

One of the advantages of this and other speech to text programs is that it can integrate with many other programs that require input followed by commands such as query or find. This can increase the utility of this, especially when using multiple programs to create a single work. One issue that developed for which I had difficulty getting a permanent solution was that the add-in programs that would let NaturallySpeaking directly enter the text into whatever program I was using, such as Microsoft Word, Outlook, Excel, Google or LEXIS-NEXIS, would sometimes simply stop working and would have to be reinitiated. I was able to find a solution online which detailed how by selecting the File menu, then selecting Options, then selecting Add-ins one could find the add-in for NaturallySpeaking to reactivate.

Which brings us to the evolution of these products as not simply voice to text solutions but as “intelligent assistants.” These applications use voice is the foundation for data entry and then have a suite of processing options to use that for many functions, from dialing a phone number to searching for information to activating other systems as needed. This integration can cross platforms from the foundations of our legal work into the business of the law such as time management, billing and administration.

This leads to even more involved, and possibly disturbing, questions about computational services in our profession. Law is about processing information at its semantically most sophisticated levels. The future will be very interesting.

Dragon and NaturallySpeaking are the registered trademarks of Nuance Corporation. See www.nuance.com

IN MEMENTO MORI JUDGE BENJAMIN SHOBE: One of the finest and bravest lawyers of the Commonwealth’s 20th century, Benjamin Shobe, recently passed. Judge Shobe worked to tear down the illegal barriers thrown up by racial politics, and succeeded. His work, including that with the future Justice Thurgood Marshall and as a Kentucky jurist, made the Commonwealth a better and more just polity for everyone.

ENDNOTES
1. This is still less painful than the first time, years ago, I read my comments, statements and objections in a trial transcript...
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SUMMARY OF MINUTES KBA BOARD OF GOVERNORS MEETING

NOV. 20, 2015

The Board of Governors met on Friday, Nov. 20, 2015. Officers and Bar Governors in attendance were, President D. Farnsley; President-Elect M. Sullivan; Vice President W. Garmer; Immediate Past President B. Johnson and Young Lawyers Division Chair T. Watkins; Incoming YLD Chair R. Schafer. Bar Governors 1st District – M. Pitman, F. Schrock; Bar Governors 2nd District – T. Kerrick, J. Meyer; 3rd District – M. Dalton, H. Mann; 4th District – A. Cubbage; 5th District – M. Barfield, E. O’Brien; 6th District – G. Sergent; S. Smith and 7th District – M. McGuire, J. Vincent. Bar Governor B. Simpson was absent.

In Executive Session, the Board considered three (3) default disciplinary cases, involving one attorney and two (2) restoration cases. Judy Campbell of Frankfort, Brenda Hart of Louisville, Dotty Moore of Elizabethtown and Dr. Leon Mooneyhan of Shelbyville non-lawyer members serving on the Board pursuant to SCR 3.375, participated in the deliberations.

In Regular Session, the Board of Governors conducted the following business:

• Heard a status report from the 2016-2017 Budget & Finance Committee, Diversity & Inclusion Summit, Rules Committee and Task Force on Proper Compensation of Prosecutors and Public Defenders.

• Jennifer Lewin with the ABA Division of Bar Services facilitated the KBA’s Strategic Planning Session.

• CLE Director Mary Beth Cutter presented a plan to consider decreasing or phasing out over several years CLE printed materials for members attending the Kentucky Law Update and the Annual Convention programs.

• Young Lawyers Division (YLD) Chair J. Tanner Watkins reported on the following activities of the Division: overseeing the March Bench & Bar issue, U@18, Bullyproof, Voices Against Violence, receptions in conjunction with the law schools and the Legal Feeding Frenzy. Watkins also reported that this year YLD will be celebrating its 50th Anniversary and will have a major involvement in the Annual Convention sponsoring Featured Speaker Ari Shapiro, CLE programming, reception in conjunction with the Bench & Bar Reception and the annual luncheon where they will present their awards.

• Approved the appointment of KBA Past President Bruce K. Davis of Lexington to the Audit Committee for a three year term expiring on Dec. 31, 2018.

• Approved the appointment of Judge Denise Clayton of Louisville as a Trustee on the Bar Center Board of Trustees for a three year term expiring on Dec. 1, 2018.

• Approved the appointment of Marisa J. Ford of Louisville, for the Western District to the Joint Local Federal Rules Commission for a four year term expiring on Dec. 31, 2019. Also approved the reappointment of Joseph Raymond Lane of Prestonsburg, for the Eastern District to the Commission for a four year term expiring on Dec. 31, 2019.

• Approved the appointment of President-Elect R. Michael Sullivan of Owensboro to serve as the Board of Governors representative to the Diversity Fund Advisory Board. Also approved the reappointment of Charles E. “Buzz” English, Jr., of Bowling Green and Carl N. Frazier of Lexington as the at-large members.

• Approved the lists of CLE non-compliant and unpaid dues attorneys for Show Cause notices to be sent.

• President Douglass Farnsley reported that the receptions with the local bar leaders and representatives that have been held in conjunction with the KLU programs have been very successful.

• President Farnsley reported that the 2016 Annual Convention will be held in Louisville May 11-13. Featured and spotlight speakers that have been confirmed to date include: Howard Fineman, U of L Brandeis graduate and Huffington Post journalist; Ray Kelly, Former Commissioner of NYPD, Commissioner after 9/11; Ari Shapiro, Host of NPR’s All Things Considered, Advocate for War Child founder Dr. Samatha Nutt and Assistant U.S. Attorney Jonathan Tukel, who prosecuted the “Underwear Bomber.”

• Executive Director John D. Meyers reviewed the results of the Certification of the 2016-2017 Board of Governors elections and advised there were no contested races. Newly elected officers will be President-Elect William R. Garmer and Vice President Douglas C. Ballantine.

• Ratified the email vote for the Judicial Nominating Commission Special Elections in the 41st Judicial Circuit: Kenneth A. Buckle of Hyden and R. Scott Madden of Manchester and in the 43rd Judicial Circuit: Thomas W. Davis of Glasgow and Thomas D. Emberton of Edmonton.

• Approved the Bar Center being closed on Tuesday, Dec. 8, 2015 for the Governor’s Inauguration Day.

• Approved the 2016 Holiday Schedule for the Bar Center staff.
• Approved revisions to the Membership Mailing List Policy to include email addresses with the provision that the membership is notified and is given the chance to opt out.
• Meyers reported on the IT project.
• Approved purchasing tickets/reservations for the Board members to attend the Fayette County Bar Association Holiday Reception, the Louisville Bar Association’s Annual Bench & Bar Event and the Northern Kentucky Bar Association’s Holiday Gala.
• Meyers reported that the Supreme Court reappointed David H. Jernigan of Greenville and John V. Porter, Jr., of Paintsville to a second three year term on the Inquiry Commission. Meyers also reported that the Supreme Court reappointed Lay Members Brenda Hart of Louisville and Dottye Moore of Elizabethtown to the Board of Governors for a second two year term.
• Meyers reviewed the Magna Carta Project final report prepared by the State Fair Board in which the KBA participated and was very well received with very positive feedback. Meyers reported that the storyboards for the project are now the property of the KBA and are available for use by schools or civic clubs.

TO KBA MEMBERS

Do you have a matter to discuss with the KBA's Board of Governors? Board meetings are scheduled on

May 10, 2016
July 22-23, 2016

To schedule a time on the Board's agenda at one of these meetings, please contact John Meyers or Melissa Blackwell at (502) 564-3795.

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Presidents of local bar associations across the Commonwealth should have received their Law Day 2016 celebration planning guides, as well as this year’s Law Day awards competition entry form. This year’s theme is “Miranda: More than Words.”

We encourage each local bar association to participate in the Kentucky Bar Association’s Annual Law Day Awards Competition. The deadline for entries is Wednesday, May 4. The KBA Law Day Committee will award $300 to the first place winner in each of the three—Large, Medium and Small—bar categories. Additionally, representatives from the winning bar associations will be honored at the KBA Annual Convention during the Membership Luncheon scheduled for Friday, May 13, in Salon 6–10 at the Louisville Marriott Downtown in Louisville.

Entries should be emailed to Shannon Roberts at the Kentucky Bar Association. For an entry form and any additional information on the competition, please contact Roberts in the KBA Communications Department at (502) 564-3795 ext. 224 or at sroberts@kybar.org.

“Monster Court”

BOOK REVIEW

BY FRANCES CATRON CADLE

“You know how sometimes when you’re all alone, in your bed, in the dark...and you’re not quite asleep and you hear the floor creak...” So begins Judge Sheila Isaac’s first children’s book, “Monster Court.” “Monster Court” is an old fashioned moral tale with a modern twist using the common childhood fear of monsters as its spring board. The book taps into that old fear and immediately grabs the imagination of the reader. Or in my case, the readers. My two oldest grandchildren and I read it together. Caleb, age 9 and Kaitlyn, age 7, sat next to me so they could see all the pictures and sound out the words. The book is wonderfully illustrated and has just enough big words so that older brother Caleb was soon trying to “show off” to Kaitlyn about how well he could read. Kaitlyn kept up with him, syllable by syllable and soon they were asking all sorts of questions like “what is a bailiff?” and “what is a jury?” Judge Isaac has provided a handy glossary at the end of the book so kids can test their knowledge of some of the legal terms when reading alone. But since grandma is a lawyer, I am happy to report that I could answer their questions without having to sneak a peek at the back of the book!

Like the old Bugs Bunny cartoons, “Monster Court” is written with levels of understanding. The names of many of the characters are a play on words. Most of the time, the character’s name brought a grin to my face or an occasional chuckle, but were lost on Caleb and Kaitlyn. This of course presented a great opportunity for more talking and more questions. For example, one juror is named “Sue Sponte.” I’m not sure I ever got that concept across, but the name of juror “Tess Tumony” was much easier to explain. The grandkids laughed when they understood. I asked Caleb and Kaitlyn to take notes while we read together so that I could give you the child’s perspective. Here’s what they wrote: “scary,” “nerves,” “sad,” “shocked,” “silly,” “happy,” “mean,” “funny,” “bumpy,” “love.” I asked them what there was about the book they thought was mean. They both said the judge. That seemed to be in line with my experiences. I also asked them what there was about the book that they loved, and they said the whole book.

“Monster Court” is a good book. It is silly, scary, shocking, happy, mean, bumpy and kids will love it. For lawyers with children or grandchildren, it creates a wonderful opportunity to sit with the kids and laugh and talk. I would recommend it for younger, school aged children. But, I would wait before introducing Monster Court to preschoolers who may suffer from bed time fears.

“Monster Court” is illustrated by Pam Ryan and published by Whitney Press for Young Readers and will be available for purchase at the 2016 KBA Annual Convention in Louisville, held May 11-13, at the Kentucky International Convention Center. Visit the Barnes & Noble booth to secure your copy! If you are unable to attend the convention, the book is also available at The Morris Book Shop in Lexington, as well as Carmichael’s Kids Bookstore in Louisville and online at Amazon.com.

In 2008, after two decades on the bench, former Fayette Circuit Judge Sheila Isaac retired to senior status and completed that service in 2013. Later that year, Isaac began her current job as Executive Director of the Fayette County Bar Association. While on Senior Status in 2011, there was yet another new vocation brewing for which she had also never planned. Sitting beside a pool on a summer afternoon that year, the first thoughts of a story came to her out of the blue. She began writing notes on a couple of napkins and in the margins of a newspaper she’d been reading. Unartful drawings of a monster who goes to court were scribbled down along with a rough story line. Isaac had never had the first thought that she would ever write a children’s book, but there it was, a story wanting to be told.

After the text was thought to be nearly finished, Isaac began to look for an illustrator. While looking for a gift for a friend, an illustration of a pink teacup with a fairy on the handle popped up on an internet search and she knew that she had found the artist she had been looking for. Isaac traced the illustration back to an Etsy site by a woman who lives in the midlands of England. The woman, Pam Ryan, was a self-taught artist who did portraits and drawings, but had never illustrated a book. After reading the story, she agreed to take it on. The next step was to get the book self-published. Florence Huffman, a Lexington lawyer and Isaac’s friend, who has worked in the publishing field, agreed to act as editor. Huffman chose a designer she knew, Kelly Elliott, who had recently moved to Naples, Italy. It had quickly become an international team and in August of 2015, the book was in hand.

Isaac looks back and can’t believe how much work went into completing a book only 48 pages long. Isaac stated, “And then when you naively think the work is over, you find out you have to market it.” Isaac’s book was chosen for the Kentucky Book Fair in November of 2015 and she also held a book-signing at The Morris Book Shop in Lexington, were it is currently on their best seller list. “I guess it will sell for at least as long as my family and friends keep buying copies,” Isaac joked, “but it has never really mattered if the book sells or not. The prize has been the fabulous and unexpected journey on which the book took me and is still taking me.”
POEM FOR JOHN ROSENBERG

A tribute to John Rosenberg by Kentucky’s 2015-2016 Poet Laureate George Ella Lyon.

THAT MAGDEBURG BOY

― a poem for John Rosenberg

We can follow his outer path:
that Magdeburg boy
roused out of bed
to watch the Torah burn
on Kristallnacht 1938,
the Civil Rights attorney
sent to identify remains—
Goodman, Schwerner, Chaney—
in Mississippi in 1965.

We can lean over his shoulder
as he helps draft the Voting Rights Act,
can imagine his friendship with Jean,
a co-worker in the Justice Department.
We can picture him leaving a restaurant
in Charlotte to call and ask, “Don’t you
think we should get married?”

We can even envision them in 1970,
done with D.C., pitching their tent
near Auxier with baby Michael,
when they came to consider
a job in Prestonsburg.

We can trace his work:
founding AppalReD in Kentucky,
saving the town of David, helping
rid the state of the scourge
of the Broad Form Deed.
We can study all he’s done
to balance the scales of justice
for people whose pockets are empty,
whose lungs crackle with coal dust,
who stand to lose their house,
their health, who have come
to the end of their hope.

But how do we find
the inner way
that seven-year-old took
from the rant and blaze of Hitler’s hate
to become this man whose work has been
to give the voiceless a voice?

They say the Torah is written
in black fire upon white fire
but he saw the scroll itself burn.
He saw his father arrested, taken away,
then given back with thirty days
to leave his poisoned country.
So the family fled to Holland
then to the U.S., to us,
on one of the last boats out.
This boy could have been bitter,
clensed, like a fist.
Could have become a man
greedy to protect his own.

Instead, he opened up
to the suffering around him,
to American injustice
which he saw for what it was:
the Colored car on a southbound train
another kind of ghetto,
the bombing of a Birmingham church
another Magdeburg synagogue
dynamited from inside.

We can track the path of a life
but not the growth of a soul.
Its roots are in his family
reborn in this country,
its branches woven and strengthened
by Jean, her love and work.
But finally we come to its mystery
and to our gratitude

to this man who made
home out of exile
healing out of hate
who has brought justice through law
and equal access to it.
And who is still working!
He could have gone anywhere
but he pitched his tent here.
Stand up. Speak out. Stay on:
John Rosenberg.

― George Ella Lyon

GEORGE ELLA LYON is originally from Harlan County, where she grew up in a house full of stories and music. Lyon attended Centre, the University of Arkansas, and Indiana University, where she received a Ph.D. in English and studied with poet Ruth Stone. Lyon has published numerous books in many genres for readers of all ages. Married to musician/writer Steve Lyon, she lives in Lexington, where she makes a living as a freelance writer and teacher. Lyon acknowledged that it was privilege to work on this poem about John.

Photo credit to Bobbie Combs.
We are pleased to announce that the Closed and Abandoned Practices handbook, assembled by the KBA Task Force on Closed and Abandoned Practices, has been added to our online resources.

Have you thought about how you will protect your clients' interests should something unexpectedly happen to you? Are you thinking about or assisting someone with the closure of a law practice? This guide, available for free download, is designed to assist you and other Kentucky attorneys who may be planning or actively involved in the closure of an existing law practice. Inside this guide, you will find helpful information regarding the following:

- Preplanning the closure of your law office.
- Closing your own law office.
- Closing another attorney’s law office with or without pre-planning in place.

While no single document or checklist can address all the possible questions or circumstances that will be encountered in the process of closing a practice, this handbook attempts to address some of the basic guidelines/recommendations for an effective closure of a law practice. You may access and download the handbook, which includes checklists, FAQs and forms at www.kybar.org/closedpractices. Please note that the guide will remain a work in progress, as we welcome suggestions and feedback.

All of the resources mentioned above can be found under the “Resources” tab on our website, www.kybar.org. Ensure you are taking advantage of all that is available to you - check them out today!
## KENTUCKY BAR ASSOCIATION

### STATEMENTS OF FINANCIAL POSITION

June 30, 2015 and June 30, 2014

Unaudited*

<table>
<thead>
<tr>
<th>ASSETS:</th>
<th>June 30, 2015</th>
<th>June 30, 2014</th>
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<tbody>
<tr>
<td>Cash</td>
<td>$1,767,851</td>
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<td>Certificate of Deposit</td>
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<td>Investments</td>
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<td>Accounts receivable</td>
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<td>Interest receivable</td>
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<td>Prepaid expenses</td>
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<td><strong>Total Current Assets</strong></td>
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<td>Property, building and equipment, net</td>
<td>3,130,641</td>
<td>3,035,668</td>
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<td><strong>TOTAL ASSETS</strong></td>
<td>$13,195,452</td>
<td>$12,235,192</td>
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<table>
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<tr>
<th>LIABILITIES:</th>
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<tr>
<td>Accounts payable</td>
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<td>Accrued expenses</td>
<td>405,714</td>
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<td>Current maturities of bonds payable</td>
<td>125,000</td>
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<td><strong>Total Current Liabilities</strong></td>
<td>846,478</td>
<td>710,507</td>
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<td>Deferred revenue</td>
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<td>Bonds payable, less current maturities</td>
<td>590,000</td>
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<td><strong>Total Liabilities</strong></td>
<td>1,450,844</td>
<td>1,448,971</td>
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| NET ASSETS:                   |              |              |
| Unrestricted -                |              |              |
| Board designated              | 362,682      | 525,547      |
| Undesignated                  | 11,381,926   | 10,260,674   |
| **TOTAL LIABILITIES AND NET ASSETS** | $13,195,452  | $12,235,192  |

The accompanying notes are an integral part of these financial statements.

*Pursuant to SCR 3.120 (8), there shall be an annual audit of the Kentucky Bar Association. The Audited Financial Statement and Report can be found on the website at https://cy.mcdn.com/sites/www.kybar.org/resource/resmgr/Financials/Audited_Financials_06302015.pdf
Supreme Court of Kentucky

IN RE:
ORDER AMENDING
RULES OF THE SUPREME COURT (SCR)

2016-01

The following rule is amended and shall read as follows:

RULES OF THE SUPREME COURT (SCR)

I. SCR 5.030(d) Powers

Section (d) of SCR 5.030 shall read:

(d) In civil proceedings,

(i) To authorize orders of attachment and garnishment and writs of possession;

(ii) To conduct judicial sales if so authorized by the chief judge of the district; and

(iii) To issue emergency protective orders and interpersonal protective orders in domestic violence, interpersonal violence, and abuse cases.

(iv) To issue forthwith orders of arrest in domestic violence, interpersonal violence, and abuse cases.

This Order shall be effective January 1, 2016, nunc pro tunc.

All sitting. All concur.


[Signature]
CHIEF JUSTICE
PROPOSED AMENDMENTS TO THE RULES OF CRIMINAL PROCEDURE (RCr) AND THE PROPOSED JUVENILE COURT RULES OF PROCEDURE AND PRACTICE (JCRPP)

The following Proposed Rules Amendments will be considered in an open session beginning at 8:30 a.m. on Wednesday, May 11, 2016. The hearing will be conducted in Hall I AB at the Kentucky International Convention Center in Louisville.

A. 2016 PROPOSED AMENDMENTS TO THE RULES OF CRIMINAL PROCEDURE (RCr)

I. RCr 4.08 Confidentiality of pre-trial services agency records

The proposed new section (i) to RCr 4.08 shall read:

(i) the risk assessment questions, level and score may be electronically accessed by the prosecutor and counsel for the defendant.

II. RCr 4.38 Mandatory review after twenty-four hours

The proposed amendments to RCr 4.38 shall read:

If a defendant continues to be detained 24 hours without arraignment from the time of the initial imposition of conditions of release because of inability to meet such conditions, the [court] judge that imposed the conditions must review them on defendant’s written application or may do so on its own motion. If the [court] judge declines to modify them, the judge shall record in writing the reasons for that decision. It shall be the duty of the pretrial release officer to inform the [court] judge that set the initial conditions of release of those defendants in custody who are not released from jail after 24 hours and who have not been arraigned.

III. RCr 4.43 Appellate review of bail; habeas corpus

The proposed amendments to section (1), subsections (a), (b), (c), (d) and (e) of section (1) and new subsections (f), (g) and (h) of section (1) to RCr 4.43 shall read:

(1) When a circuit court has granted or denied a motion for a review of a bail bond under RCr 4.38 or 4.40, or has changed a condition of release pursuant to RCr 4.42, a [Any] defendant adversely affected [aggrieved by a decision of the circuit court on a motion to change the conditions of bail] may appeal that decision to the Court of Appeals pursuant to the following procedures:

(a) The notice of appeal from the order of the trial court shall be filed within ten (10) days after the date of entry, subject to Civil Rule 12.06, and shall otherwise be in the manner [and within the time] fixed by Civil Rule 12.04.

(b) Upon the filing of the notice of appeal the clerk of the circuit court shall prepare and certify [the original or] a copy of such portion of the record or proceedings as relates to the question of bail and is needed for the purpose of deciding the issue on appeal, including, but not limited to, the order of the trial court, the motion and any responses thereto, and any video recording of the hearing on the motion being appealed. The abbreviated record shall be filed with the clerk of the appellate court within [30] fourteen (14) days after filing of the notice of appeal.

(c) The appellant shall within [15] ten (10) days after filing of the record file a brief with the appellate court. The brief shall state clearly the procedural history of the case, the factual history of the dispute, and the grounds on which movant’s claim for relief is based and otherwise comply with the statement of appeal and brief required by Civil Rules 76.06 and 76.12. Such [The]
IV. RCr 7.02 Subpoenas

The proposed amendments to section (3) of RCr 7.02 shall read:

(3) A subpoena may also command the person to whom it is directed to produce the books, papers, documents, data and data compilations or other objects designated therein. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents, data and data compilations or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents, data and data compilations or objects or portions thereof to be inspected by the parties and their attorneys.

V. RCr 7.24 Discovery and inspection

The proposed amendments to section (2), subsection (b) to section (3), sections (4), (5), (6), (7), (8), (9) and new sections (10) and (11) of RCr 7.24 shall read:

(2) On motion of a defendant the court may order the attorney for the Commonwealth to permit the defendant to inspect and copy or photograph books, papers, documents, data and data compilations or tangible objects, or copies or portions thereof, that are in the possession, custody or control of the Commonwealth, upon a showing that the items sought may be material to the preparation of the defense and that the request is reasonable. This provision authorizes pretrial discovery and inspection of official police reports, but not of memoranda, or other documents made by police officers and agents of the Commonwealth in connection with the investigation or prosecution of the case, or of statements made to them by witnesses or by prospective witnesses (other than the defendant).

(3)(b) If the defendant requests disclosure under Rule 7.24(2), upon compliance with such request by the Commonwealth, and upon motion of the Commonwealth, the court may order that the defendant permit the Commonwealth to inspect, copy, or photograph books, papers, documents, data and data compilations or tangible objects which the defendant intends to introduce into evidence and which are in the defendant’s possession, custody, or control.

(4)(d) No brief shall be required of the appellant, but the appellee may file a brief within ten (10) days after the date the appellant’s brief is filed. Such brief shall not exceed five (5) double-spaced typewritten pages and shall otherwise comply with the requirements of Civil Rule 76.12. No other briefs shall be filed unless requested by the appellate court. [The appeal shall stand submitted for final disposition 10 days after the date on which the appeal was perfected by the appellant. The court shall proceed immediately to a hearing thereof and complete the same as soon as practicable.]

IV. RCr 7.02 Subpoenas

The proposed amendments to section (3) of RCr 7.02 shall read:

(3) A subpoena may also command the person to whom it is directed to produce the books, papers,
(5) An order granting relief under this rule shall specify the time, place and manner of making the discovery and inspection permitted and may prescribe such terms and conditions as are just. [Except for the Commonwealth’s obligation to provide exculpatory evidence to the defendant, none of the provisions of this rule regarding disclosure of evidence relating to expert testimony shall be deemed to have been violated unless and until the party offering the evidence attempts to introduce it at trial and the opposing party timely objects.

(6) On a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted or deferred, or make such other order as is appropriate. On motion the court may permit the Commonwealth to make such showing, in whole or part, in the form of a written statement to be inspected by the court privately; and if the court thereupon grants relief following such private inspection the entire text of the Commonwealth’s statement shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal by the defendant. If the case has been set for trial, a request for relief under this rule shall be made a reasonable time in advance of the trial date, and the granting of a continuance by reason of such request shall lie within the sound discretion of the court.

(7) One (1) motion shall exhaust the relief available to the movant under this rule, except that a subsequent motion may be sustained on a showing of just cause. An order granting relief under this rule shall specify the time, place and manner of making the discovery and inspection permitted and may prescribe such terms and conditions as are just.

(8) If subsequent to compliance with an order issued pursuant to this rule, and prior to or during trial, a party discovers additional material previously requested which is subject to discovery or inspection under the rule, that party shall promptly notify the other party or the other party’s attorney, or the court, of the existence thereof. On a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted or deferred, or make such other order as is appropriate. On motion the court may permit the Commonwealth to make such showing, in whole or part, in the form of a written statement to be inspected by the court privately; and if the court thereupon grants relief following such private inspection the entire text of the Commonwealth’s statement shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal by the defendant.

(9) If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or an order issued pursuant thereto, the court may direct such party to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as may be just under the circumstances. One (1) motion shall exhaust the relief available to the movant under this rule, except that a subsequent motion may be sustained on a showing of just cause.

(10) If subsequent to compliance with an order issued pursuant to this rule, and prior to or during trial, a party discovers additional material previously requested which is subject to discovery or inspection under the rule, that party shall promptly notify the other party or the other party’s attorney, or the court, of the existence thereof.

(11) If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or an order issued pursuant thereto, the court may direct such party to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as may be just under the circumstances.

VI. **RCr 13.15 Biological and Chemical Evidence**

The proposed new rule RCr 13.15 shall read:

(1) The custodial agency of evidence involved in a death penalty criminal prosecution shall preserve all biological and chemical evidence for as long as the defendant remains incarcerated under a death sentence.

(2) Upon request, all biological and chemical evidence shall be made available to defendants sentenced to death and said defendants may seek appropriate relief notwithstanding any other provision of the law.

(3) “Biological and chemical evidence” includes the content of sexual assault examination kits, and any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or other identifiable biological material that is collected as part of a criminal investigation which may reasonably be used to incriminate or exculpate any person for a criminal offense which may carry a penalty of death.

**B. 2016 PROPOSED JUVENILE COURT RULES OF PROCEDURE AND PRACTICE (JCRPP)**

1. **PURPOSE**

These rules embody the policies set forth in KRS 600.010 which include, but are not limited to, the following:

A. Providing each child a safe and nurturing home;
B. Using in-home interventions and avoiding out-of-home placement to the extent possible;
C. Providing treatment reasonably calculated to bring
about an improvement in the conditions that brought the child before the court;
D. Providing fair judicial proceedings that recognize the rights and interests of all parties; and
E. Serving the best interest of each child.

II. TITLE AND SCOPE OF RULES

JCRPP 1. Title and Scope.
A. These rules shall be known as the Juvenile Court Rules of Procedure and Practice and shall apply in family and district court. They may be cited as “JCRPP.”
B. The JCRPP specifically apply to KRS Chapter 630 on Status Offenders; KRS Chapter 635 on Public Offenders; KRS Chapter 640 on Youthful Offenders; and the introductory, administrative and procedural matters contained in KRS Chapters 600, 605 and 610.
C. The Rules of Criminal Procedure shall apply to these juvenile matters as indicated in KRS 610.080(2).
D. All juvenile cases shall be decided on a case-by-case basis and no local rules, or other orders of the court or local policies may supersede or controvert the JCRPP.

JCRPP 2. Assignment of Cases and Jurisdiction.
A. In jurisdictions having multiple divisions of district or family court, cases shall be assigned as determined by the chief judge.
B. As used in the JCRPP, “pending” means a petition has been filed and the case is awaiting court action. On post-disposition matters a case is “pending” based on the terms set forth in the disposition order. Disposition orders shall not exceed the time limits established for status and public offenses as set forth in these rules and KRS 635.060.
C. Duties of family and juvenile court clerk. Upon the filing of a juvenile status or public offense petition in the family or district court, the clerk shall determine if there are pending cases involving the child in order to assign the case as directed in Subsection D. below.
D. Jurisdiction.
1. Family Court. Pursuant to KRS 23A.100(2)(d), status offense petitions shall be filed and heard in family court, if any, subject to the following:
   a. Pending public offense case. If a public offense case involving the child is pending in district court at any time a status offense case is pending, the clerk shall assign the status offense case to the district court division presiding over the pending public offense case.
   b. Transfer of Pending Status Offense.
      1) If a public offense petition is filed that involves the same child in a pending status offense case, within 30 days after notice from the clerk, the family court judge presiding over the status offense case shall enter an order transferring the status offense case to the district court division presiding over the public offense case(s). The

AOC-JV-54, Notice of Filing of Public Offense Petition and Order Transferring to District Court, shall be utilized by the clerk and the family court judge for the notice of filing and transfer of these cases.
2) Upon entry of such order by a family court judge transferring a status offense case(s) to the district court, the clerk shall consolidate the status offense case and the pending public offense case for purposes of hearing. If the public offense case is dismissed prior to entry of any orders by the district court, the family court’s jurisdiction of the status offense case shall continue. If the public offense case is dismissed after the entry of any orders by the district court, the presiding district judge and the family court judge may agree on a case-by-case basis which court best serves the interest of the child, and the status offense case shall be heard by that court.
3) The status offense case shall be scheduled by the clerk on the next available docket pursuant to local scheduling rules, and notice of the court date shall be sent to the parties.
   c. Interstate Compact on Juveniles. Pursuant to KRS Chapter 615, these cases:
      1) Shall be processed according to the Compact, and
      2) The court shall use the appropriate Compact forms.
2. District Court. Pursuant to KRS 610.010, the following cases shall be filed and/or heard in district court:
   a. Public offense cases.
   b. Status offense cases where there is no family court.
   c. Status offense cases where a family court exists, including:
      1) Any existing status offense case that is consolidated with a pending public offense case.
      2) Any status offense case that is filed while a public offense case is pending, and
      3) The clerk shall consolidate any status offense case transferred to, or filed in, district court with any pending public offense case on the same child, and set the case for a hearing at the child’s next scheduled public offense hearing, if said hearing is set to occur within 15 days; otherwise, the clerk shall set the case on the first available public offense docket of the district judge presiding over that case pursuant to local scheduling rules.
      4) The clerk shall send notice of the hearing date to the parties in the public offense case.
   d. Youthful Offenders.
      1) Prior to indictment,
      2) With authority to set bail.
   e. Interstate Compact on Juveniles. Pursuant to KRS Chapter 615, these cases:
1) Shall be processed according to the Compact, and
2) The court shall use the appropriate Compact forms.

Commentary
Where a status offense case is transferred to district court from a family court because there is a pending public offense case, the status offense case must be consolidated with the public offense case and placed on the public offense docket to be heard at the same time. Additionally, any court order entered should be effective in both cases. If, however, the public offense is dismissed prior to ANY orders being entered by the district court, jurisdiction remains with the family court. If the public offense case is dismissed AFTER orders have been entered by the district court, the jurisdiction of the status case is to be determined by an agreement of the district and family court judges presiding over the case considering the best interest of the child. The district court does not need a separate status offense docket. The public offense case has priority over the status offense case on dispositional matters. If the child is placed on probation, then the disposition of the status offense case will continue in the district court. If the child is placed in detention, that will supersede ongoing orders relating to the status offense case. If the child completes detention, returns to the community, and continues the status disposition (the case may not be sent back to family court once transfer has occurred), and if the court resumes monitoring, then the district court will continue to handle that status case. This could occur with a very short detention.

Generally, a court would merge the status offense with the public offense, and the disposition order would dispose of both cases. When such cases are final (there are no continuing court-ordered terms) any new status offense petition will be filed in family court. Conversely, if a case is not final, any new status offense petition will be filed in district court because the public offense case is still pending.

Since the same social services and community resources are used for status and public offense cases, only one court should be making orders about what the child must do when he or she has both pending at the same time; and, because any public offense order has priority over any status offense order, this avoids confusion and conflicting court orders.

3) Pre-Petition Detention under KRS 610.200 – 610.280. When a peace officer has taken a child into custody on an allegation or belief that the child has committed an offense and has filed a complaint with the court designated worker, a court may order pre-petition detention if it finds that detention is necessary to protect the child or public:
a. A child alleged to be a status offender may be detained not more than 24 hours and a child alleged to be a public offender may be detained not more than 48 hours, to allow for a detention hearing pursuant to KRS 610.265.
b. A detention hearing shall be held within the relevant detention period to determine whether
the child shall be further detained or released.
c. At the detention hearing the Commonwealth must establish probable cause to believe that the child has committed an offense, and the child shall be given the right to confront and cross-examine witnesses.
d. If the Commonwealth establishes probable cause a petition may be filed; however, if the child is eligible for mandatory diversion, the case shall be dismissed, expunged, and returned to the CDW.
e. If a detention hearing is not held within the requisite time, or the court determines there is no probable cause to believe the child has committed an offense, the party having custody of the child shall release the child to the parent(s) or person(s) exercising custodial control or supervision or other persons as appropriate, or the action may proceed as a KRS Chapter 620 or 645 action.
f. If the court finds further detention is necessary for the protection of the child or the community it shall state specific reasons on the record and may order detention utilizing the AOC-JV-34, Juvenile Detention Order Public Offense, or the AOC-JV-35, Juvenile Detention Order Status Offense. KRS 610.280; 630.080(1).

E. Mandatory Diversion of a Misdemeanor. Any petition filed charging a misdemeanor when the child has no prior adjudications and no prior diversions shall be dismissed by the court for lack of jurisdiction and the court shall order the record expunged using the AOC-JV-29, Order for Expungement of Juvenile Record, and the court designated worker shall proceed with the diversion agreement process on the original complaint.

F. A child charged with a status offense may instead be subject to a proceeding under KRS Chapter 620 if the court determines it is in the child's best interest, and the court shall:
1. Amend the petition pursuant to KRS 610.010(13) and order it served, or require a new petition to be filed; and may
2. Direct the Cabinet for Health and Family Services (the Cabinet) to investigate and/or provide services to the child and/or family pursuant to KRS 605.130(3).

Commentary
This rule was previously articulated in FCRPP 37, and has been removed from the Family Court Rules of Procedure and Practice.

G. A public offense petition shall not be amended to a status offense petition and a status offense petition shall not be amended to a public offense petition.

Commentary
The practice of amending the charges in a petition from a public offense to a status offense and vice versa is improper. In the instance that the conduct in the petition actually
constitutes a status offense rather than a public offense or vice versa, the county attorney must move to dismiss the existing petition and may then refile the case under the proper chapter.

A. At the initial appearance the court shall:
1. Inquire whether the child is able to retain counsel, and if not, appoint counsel and order full access to all records.
2. Inform the child of his or her statutory rights provided in KRS 610.060.
3. Before accepting an admission or confession, make a finding on the record that the admission or confession is knowingly, intelligently and voluntarily entered.
B. Before removing a child from his or her family, the court shall first find on the record that less restrictive alternatives have been attempted, are not available, or are not feasible pursuant to KRS 620.140.
C. The court shall ensure prompt and fair hearings, and inform the parties that the rights of the child belong to the child individually and may not be waived by any other party, pursuant to KRS 610.060.

III. PROCESS IN STATUS OFFENSE CASES
JCRPP 4. Pre-Petition Process in Status Offense Cases.
A. Status Offense Complaint. Any status offense complaint shall be received by the court designated worker on AOC-JW-57, Juvenile Complaint (Status Offense), and shall include:
1. The name, address and identifying information of the child, the parent or custodian, and the complainant;
2. The sworn statement of the complainant, as well as any other information required by KRS 610.020, and
3. Shall be accompanied by the appropriate AOC forms completed by the complainant:
   b. Beyond control of school: AOC-JV-38.1, Affidavit and Beyond Control of School Evaluation.
   d. Habitual runaway: AOC-JW-39, Pre-Adjudicative Detention Criteria, if applicable, with attachments.
B. Complete Complaint. Any incomplete complaint shall be returned to the complainant by the court designated worker for additional information.
C. Preliminary Intake Inquiry/Formal Conference. After the complaint is complete, the court designated worker shall conduct a preliminary intake inquiry with the child which shall include administering an evidence-based screening tool, and upon completion may:
1. Determine that no further action be taken and give notice and an opportunity to review that determination to the family accountability, intervention, and response (FAIR) team. KRS 610.030(6); or
2. Conduct a formal conference and enter into a diversion agreement.
D. Diversion Agreement. A child eligible for diversion may enter into a diversion agreement pursuant to 610.030(6)(d).
1. If the child declines a diversion agreement or the needs of the child require, the court designated worker shall refer the matter to the FAIR team;
2. If the child denies the allegations and demands a formal court hearing or does not qualify for diversion, the court designated worker shall refer the complaint to the county attorney to file a formal petition or to dismiss the case.
3. No petition shall be filed in a diversion case unless:
   a. The case is referred to the county attorney by the FAIR team,
   b. The child is not diversion eligible, or
   c. The child denies the allegations and demands a formal court hearing.

Commentary
Effective July 1, 2015, the court designated worker shall conduct a preliminary intake inquiry to determine whether further action must be taken in the best interest of the child and public, because the county attorney is no longer authorized to conduct a reasonable grounds review. Public offense cases, on the other hand, still require an initial probable cause, or reasonable grounds, review.

4. If the child successfully completes the terms of the diversion agreement the court designated worker shall close the case with no official court record having been created.
E. Family Accountability, Intervention, and Response (FAIR) Team. The FAIR team shall conduct enhanced case management only upon referral by the court designated worker, as follows:
1. When the risk and needs assessment indicates high risk;
2. When the child fails to appear for a preliminary intake inquiry or a later conference;
3. When the child declines to enter into a diversion agreement;
4. When the child fails to complete a diversion agreement; or
5. If appropriate, after consultation with the school’s director of pupil personnel (DPP), who shall complete AOC-JV-41 in accordance with the documentation and assessment requirements of KRS 630.060(2); KRS 159.140(1)(c), (d), and (f); KRS 159.140(3).
JCRPP 5. Status Offense Petition.
A. A petition may be filed by the county attorney on AOC-JV-1, Juvenile Petition, to initiate formal court proceedings:
1. When the FAIR team so recommends;
2. When a child demands a formal court hearing; or
3. When the child is ineligible for diversion.
B. The complaint containing the verified signature of the complainant, any supporting documents, and any charging citation shall be attached.

JCRPP 6. First Appearance – Status Offense Case.
A. Pursuant to KRS 610.060, the judge shall explain, on the record, the child's rights and the charge, and shall present AOC-JV-49, Notice of Juvenile Rights and Consequences.
B. A public advocate shall be appointed for the child unless private counsel is retained. See also JCRPP 3.A.1.
C. The court may enter a valid court order utilizing the AOC-JV-36, Pre-Adjudicative Court Ordered Terms Status Offense, placing the child on pendente lite terms which address the child's alleged behavior(s), and may order participation in a service, program or local resource to assist the child.
D. The Commonwealth may move to dismiss the case without prejudice and may reinitiate the original complaint with the court designated worker if the child is eligible for diversion and has not failed a diversion agreement on the same charge.

A pretrial conference to review the evidence and determine whether an agreement may be reached shall be scheduled by the court upon the request of any party.

A record shall be made of all adjudication hearings utilizing the AOC-JV-50, Adjudication Order (Public and Status Offense), which shall include the following, as applicable:
A. Dismissal. Upon motion of the county attorney a status offense case may be dismissed at any time prior to or at the adjudication hearing.
B. Admission. Prior to accepting an admission or confession from a child to the truthfulness of the allegations in the petition or any amendments thereto, the court shall inform the child of his or her rights on the record and present AOC-JV-49, Notice of Juvenile Rights and Consequences, and shall make a finding that the admission or confession is knowingly, intelligently and voluntarily entered. Any admission shall be made utilizing the AOC-JV-51, Admission or Confession and Waiver of Formal Adjudication Hearing, and shall be signed by the child and counsel for the child, and shall be signed as having seen and agreed by the county attorney.
C. Hearing. The court shall conduct an evidentiary hearing unless the case has been dismissed or the court has accepted an admission or confession.
1. The court shall make a written finding that the allegations in the petition are true and set the case for disposition; or
2. The court shall make a written finding that the allegations in the petition are not proven and the case shall be dismissed.
3. The court shall advise the child of his or her right to have the juvenile court record expunged pursuant to KRS 610.330.

D. Predisposition Investigation Report. KRS 610.080 and 610.100.
1. The court shall order a predisposition investigation report (PDI) if a suitable prior PDI is not available, unless appropriately waived by the child.
   a. The court shall order the PDI to be prepared by the Cabinet if commitment to the Cabinet is being considered and the PDI may not be waived without consent of the Cabinet; or
   b. At the discretion of the court, the PDI may be prepared by a suitable public or private agency if commitment is not being considered.
   c. The PDI shall be provided to the court and counsel for the parties three (3) days prior to the disposition hearing, unless the three-day period has been waived; and
   d. The parties shall be afforded the opportunity to examine and controvert the report; and
   e. The report shall be filed in the record.

Commentary
A prior report is “suitable” if the court determines on the record that it is both timely and relevant.

A. The court shall consider all relevant information pertaining to the child.
B. The court shall provide the child, child's attorney, and parent or custodian a written order utilizing the AOC-JV-31, Disposition Order Status Offense, setting forth:
   1. The conditions of the order,
   2. The consequences of violating the order, and
   3. The duration of the order, including the date the order will expire, which shall not exceed the statutory limits.
C. Dispositional Alternatives.
   1. The court may not commit any child to the Department of Juvenile Justice for a status offense.
   2. The court shall first consider all appropriate local remedies to aid the child and the child's family, including:
      a. Community-based, non-secure residential and nonresidential treatment programs; and
b. Non-secure public or private education programs accredited by the Kentucky Board of Education and the Non-Public Schools Commission pursuant to KRS 156.160.

3. Commitment. The court may commit to the Cabinet only after all appropriate resources have been found insufficient to adequately address the needs of the child and family, and any order of removal shall include a determination whether:
   a. Reasonable efforts have been made to prevent the child’s removal from the home; or, that reasonable efforts were not required by state and federal law, and
   b. Continuation of the child’s residence in the home is contrary to the welfare of the child, or
   c. Placement of the child would be in the child’s best interest.

Commentary

While there are no time limits on commitment specified in KRS Chapter 630, it is reasonable that the duration of commitment to the Cabinet should not exceed the time limits placed on public offense commitments (12 months for a misdemeanor offense) unless the court makes findings that a longer period of commitment is necessary.

4. A child may be supervised on probation by the parent or custodian, an appropriate third party, or the court, and the terms and duration of probation and consequences for violation shall be in writing provided to the child.

Commentary

While no probation time limits are specified in KRS Chapter 630, it is reasonable that the duration of status offense probation should not exceed the time limits placed on public offense probation (six (6) months, extended to 12 months if necessary for treatment) unless the court makes findings as to the necessity for a longer period of probation.

5. Finality. A status offense case shall be considered final 30 days after the case is no longer pending. On post-disposition matters a case is “pending” based on the terms set forth in the disposition order, not to exceed the statutory limits. The case shall be considered final no later than 30 days after completion of the terms. Once the case is final the case may not be reopened for any purpose including contempt proceedings.

6. Duties of the clerk. The clerk shall enter information regarding the disposition of the case in the court record, including but not limited to the terms and conditions ordered by the court and the duration of the order.

IV. SUSPECTED RUNAWAYS; HABITUAL RUNAWAY; INTERSTATE COMPACT

JCRPP 10. Initial Contact with Peace Officer

A. After a peace officer has taken a child into protective custody on suspicion of being a runaway the officer shall notify the child's parent, guardian or other person exercising custodial control or supervision of the child; the Cabinet or the Department of Juvenile Justice as appropriate; and the court designated worker as a part of the peace officer's investigation in the attempt to make provisions for the child's release. If the child is not released pursuant to KRS 610.200(2)(d) or (3), and

1. The child is not a habitual runaway as defined by KRS 600.020(30), then the Cabinet shall assist the officer with the temporary placement of the child pursuant to KRS Chapter 620; or
2. The court is a habitual runaway, then the court designated worker shall assist the officer with the release or placement of the child; or
3. The child is currently committed to the Department of Juvenile Justice, then the Department of Juvenile Justice shall assist the officer in the temporary placement of the child; or
4. The child is a suspected runaway from another state, then the child is subject to the Interstate Compact on Juveniles pursuant to KRS 615.010 and

a. The court designated worker shall assist the officer with the temporary placement of the child by contacting a judge for an order for secure detention of the child pending return to the receiving state pursuant to KRS 615.010.

b. The court shall detain the suspected runaway from another state pursuant to the procedures established to manage the movement of juvenile offenders between states. KRS 615.010, Article 1, Subsection 7.

c. Using the appropriate federal form, the court shall detain the child in a secure facility for up to five (5) days unless an agreement is reached with the home state for longer detention.

Commentary

The peace officer may release the child pursuant to KRS 610.200(2)(d) or (3); and, if the peace officer is unable to release the child, the Cabinet, the court designated worker or the Department of Juvenile Justice can exercise the information and resources at their disposal to keep a child out of custody and avoid court involvement as appropriate. However, detention is appropriate when there is no available placement for a child who is a habitual runaway. If the child is subject to the Interstate Compact on Juveniles, then the child must be detained and the court designated worker shall contact the Interstate Compact Office currently housed within the Department of Juvenile Justice as soon as practicable for
further proceedings. The court must use the appropriate Interstate Compact ICJ Form III in order to return the child to the home state. Failure to properly detain a runaway from another state results in expenses for the child being charged to Kentucky rather than the home state.

B. As necessary, the Cabinet may initiate an ex parte request for an emergency custody order under KRS Chapter 620 on behalf of a runaway, other than a habitual runaway.

C. If the child cannot be released to the parent or is not otherwise placed and the child qualifies as a habitual runaway, the peace officer shall initiate a complaint with the court designated worker using the AOC-JV-52, Complaint, Affidavit of Peace Officer, and Order for Emergency Protective Custody of a Child Suspected of Being a Habitual Runaway, to seek an ex parte emergency protective custody order from the court pursuant to KRS 610.012(2), (3).

**Commentary**

KRS 610.012 creates a new form of emergency custody order, the emergency protective custody order, which only applies to habitual runaways. The emergency custody order set forth in KRS Chapter 620 is distinguished from this order as it pertains to emergency custody obtained only under that chapter. KRS 600.020(30) defines “habitual runaway” as a child who has been gone from home for at least three (3) days in a one-year period. Therefore, children who have not been gone from home the requisite three days are simply runaways and are not by definition status offenders. The only route to assist these children is through KRS Chapter 620 relating to dependency, neglect and abuse; KRS 620.029 relating to children who are victims of human trafficking; or, KRS Chapter 17 relating to missing children.

**JCRPP 11. Emergency Protective Custody Order.**

Following an ex parte request for an emergency protective custody order on a suspected habitual runaway, the court shall use the AOC-JV-52, Complaint, Affidavit of Peace Officer, and Order for Emergency Protective Custody of a Child Suspected of Being a Habitual Runaway, for entry of the order, and:

A. The court shall first attempt to place the child in the least restrictive placement alternative available, which may include relative or agency placement.

B. If a less restrictive placement is not available, the court shall next attempt to place the child in a non-secure detention facility for no more than 72 hours, excluding weekends and holidays.

C. Before the court places a child in a secure detention facility, the court shall make a finding that a non-secure detention facility is not available, and then may place the child in a secure detention facility for no more than 24 hours, excluding weekends and holidays.

**JCRPP 12. Emergency Protective Custody Order Hearing on Suspected Habitual Runaway.**

A. A hearing shall be scheduled by the court and held within 24 hours of a child being detained in a secure facility or within 72 hours of a child being detained in a non-secure facility or any less restrictive alternative placement pursuant to KRS 610.012.

B. At the hearing, the court shall use the AOC-JV-52.1, Emergency Protective Custody Release Order (Suspected Habitual Runaway), and either:

1. Return the child to the parent or custodian, and if the child is a habitual runaway the court designated worker shall initiate a status offense case; or

2. Issue an emergency custody order pursuant to KRS Chapter 620, place the child with the Cabinet, and the Cabinet shall file a dependency, neglect and abuse action pursuant to KRS 610.012(4) as a new action.

C. This action shall be final upon entry of the orders set forth in B.1. and B.2. above and the case shall be dismissed.

**V. PROCESS IN PUBLIC OFFENSE CASES**

**JCRPP 13. Pre-Petition Process in Public Offense Cases.**

A. Public Offense Complaint. Any public offense complaint received by the court designated worker shall be on AOC-JW-58, Juvenile Complaint (Public Offense), and shall include:

1. The name, address and identifying information of the child, the parent or custodian, and the complainant,

2. The sworn statement of the complainant, and

3. Any other information required by KRS 610.020.

B. Complete Complaint. Any incomplete complaint shall be returned to the complainant by the court designated worker for additional information.

C. Reasonable Grounds Review – Peace Officer. If a peace officer has issued a citation or has taken a child into custody, the complaint shall state the charges in the citation and the county attorney shall make a reasonable grounds determination whether the alleged facts constitute a public offense.

1. If reasonable grounds do not exist or the county attorney elects not to proceed, the county attorney shall dismiss the complaint and mark the appropriate box on the complaint form. The court designated worker shall close the complaint file and inform the complainant that no further action will be taken. KRS 635.010.

2. If reasonable grounds exist and the county attorney elects to proceed with the complaint, the county attorney shall so indicate on the complaint form.

3. Preliminary Intake Inquiry. If the county attorney finds reasonable grounds exist and does not elect to dismiss the complaint, the court designated worker shall conduct a preliminary intake inquiry with the child, including administering an evidence-based screening tool, and make recommendations to the county attorney as follows:
a. The child is statutorily entitled (mandatory) to diversion under KRS 635.010(4);
b. The child is eligible for diversion for a misdemeanor under KRS 605.030(1)(e) and a diversion agreement is recommended;
c. The child is eligible for diversion on a felony offense that did not involve the commission of a sexual offense or the use of a deadly weapon unless the county attorney has objected to diversion in the case in writing on AOC-JW-12, Public Offense Recommendation to County Attorney; or
d. The child is not eligible for diversion.

4. Mandatory Diversion. If the child meets the criteria for mandatory diversion, no petition shall be filed unless the child declines diversion, fails diversion, or the child denies the allegations and demands a formal court hearing.

5. Notice of Diversion Recommendation. In all diversion cases the court designated worker shall advise the complainant, any victim, and the law enforcement agency with jurisdiction of the offense of the reasons for the diversion recommendation in writing.

6. Formal Conference. In all diversion cases the court designated worker shall proceed with a formal conference and enter into a diversion agreement with the child; and may make a referral to the FAIR team when appropriate.

D. Reasonable Grounds Review – Third Party. If a third party who is not a peace officer files a complaint, the court designated worker shall submit the complaint to the county attorney who shall make a reasonable grounds review, and if reasonable grounds exist, determine the appropriate charge(s) as a result of the facts alleged in the complaint, and the court designated worker shall proceed pursuant to Subsection C. above.

E. Diversion Agreement.

1. Mandatory Diversion. If a child is charged with a misdemeanor and has had no prior adjudications and no prior diversions the court designated worker shall enter into a diversion agreement with the child unless the child declines diversion.

2. Permissive Diversion. If a child is eligible for diversion and the county attorney has not objected to diversion, the court designated worker shall enter into a diversion agreement with the child unless the child declines diversion.

Commentary

The county attorney retains discretion in public offense cases that are not mandatory diversion cases (permissive diversion cases) to object to diversion and file a petition. If the county attorney does not object to the diversion in writing, and the child enters into a diversion agreement, then diversion is no longer a mere recommendation from the court designated worker, and the child can reasonably rely on the opportunity to complete diversion and have the complaint file closed as diverted.

3. If the child successfully completes the terms of the diversion agreement the court designated worker shall close the case with no official court record having been created.

4. If the child fails to successfully complete the terms of the diversion agreement the court designated worker shall notify the county attorney who shall then determine whether to file a petition. KRS 610.030(9)(b)(1).

F. Family Accountability, Intervention, and Response (FAIR) Team. Referral to the FAIR team for enhanced case management may occur:

1. Pre-Petition. When a child who is diversion eligible scores as high-needs on the risk and needs assessment.

2. Post-Petition. When there has been an informal adjustment pursuant to JCRPP 19 but the court refers the case to the court designated worker for diversion under KRS 610.105(3)(a) and the assessment administered by the court designated worker indicates that referral to the FAIR team is appropriate.

Commentary

Diversion through the court designated worker is by definition pre-petition diversion. Only when a child is participating in an informal adjustment and did not participate in a pre-petition diversion agreement may the court refer the child to the court designated worker for diversion if no other diversion programs are available. In the event such a diversion referral is part of an informal adjustment, the court designated worker may refer the case to the FAIR team.


A. A petition may be filed by the county attorney, on AOC-JV-1, Juvenile Petition, to initiate a formal court proceeding:

1. When a child is eligible for diversion but diversion is not mandatory under KRS 635.010;

2. When a child is not eligible for diversion;

3. When a child has failed to complete a diversion agreement; or

4. When a child declines to enter into a diversion agreement.

B. The complaint containing the verified signature of the complainant, any supporting documents, and any charging citation shall be attached to the petition.

JCRPP 15. First Appearance – Public Offense Case.

A. Pursuant to KRS 610.060, at the first appearance the judge shall explain to the child, on the record, his or her rights and the charge, and shall present AOC-JV-49, Notice of Juvenile Rights and Consequences, to the child.

B. A public advocate shall be appointed for the child unless private counsel is retained. See also JCRPP 3.A.1.
C. The court may place the child on pendente lite terms utilizing the AOC-JV-36.1, Pre-Adjudicative Court Ordered Terms Public Offense, which address the child’s alleged behavior(s), and may order participation in a service, program or local resource to assist the child.

D. The Commonwealth may move to dismiss the case without prejudice and may reinstate the original complaint with the court designated worker if the child is eligible for diversion and has not failed a diversion agreement on the same charge. If the court dismisses for lack of jurisdiction pursuant to JCRPP 2.E. the court shall order the record expunged using the AOC-JV-29, Order for Expungement of Juvenile Record, and the court designated worker shall proceed with the diversion agreement process on the original complaint.

A pretrial conference may be scheduled by the court on its own motion or upon the request of any party to allow the county attorney and the parties to discuss the case, review the evidence, and determine whether an agreement may be reached to resolve the case.

A record shall be made of all adjudication hearings utilizing the AOC-JV-50, Adjudication Order (Public and Status Offense), which shall include the following as applicable:

A. Dismissal. Upon motion of the county attorney a public offense case may be dismissed at the adjudication hearing.

B. Admission. Prior to accepting an admission or confession from a child to the truthfulness of the allegations in the petition or any amendments thereto, the court shall inform the child of his or her rights, on the record, as contained in AOC-JV-49, Notice of Juvenile Rights and Consequences, and shall make a finding that the admission is knowingly, intelligently and voluntarily entered. Any admission shall be made utilizing the AOC-JV-51, Admission or Confession and Waiver of Formal Adjudication Hearing and shall be signed by the child and counsel for the child, and shall be signed as having seen and agreed by the county attorney.

C. Adjudication Hearing. The court shall conduct an evidentiary hearing unless the case has been dismissed or the court has accepted an admission or confession.

1. Findings. The court shall make a written finding that the allegations in the petition are true and set the case for disposition; or
2. The court shall make a written finding that the allegations in the petition are not proven and the case shall be dismissed.
3. The court shall advise the child of his or her right to have the juvenile court record expunged pursuant to KRS 610.330.

Commentary
The Adjudication Hearing referenced in this rule is a specific stage of the proceeding which is followed by Disposition, or resolution of the case. The Juvenile Code also refers to “adjudicatory hearings,” which are any hearings where a court considers evidence and enters orders, and should be distinguished from this hearing which is a required step in formal juvenile proceedings.

D. Risk and Needs Assessment. The court shall not make a disposition without reviewing the results of the risk and needs assessment conducted by the Department of Juvenile Justice; the assessment cannot be waived. KRS 15A.0652(1)(b). KRS 610.110(2).

E. Predisposition Investigation Report.
1. The court shall order a predisposition investigation report (PDI) if a suitable prior PDI is not available, unless appropriately waived by the child.
2. The court shall order the PDI to be prepared by the Department of Juvenile Justice if commitment to the Department is being considered and the PDI may not be waived without the consent of the Department of Juvenile Justice; or
3. At the discretion of the court, the PDI may be prepared by a suitable public or private agency if commitment to the Department is not being considered.
4. The PDI shall be provided to the court and to counsel for the parties three (3) days prior to the disposition hearing, unless the three-day period has been waived; and
5. The parties shall be afforded the opportunity to examine and controvert the report; and
6. The report shall be filed in the record.

A. The court shall consider all relevant information pertaining to the child, including the results of the risk and needs assessment, in order to determine the appropriate dispositional alternatives.

B. The court shall provide the child, child’s attorney, and parent or custodian a written order utilizing the AOC-JV-31.1, Disposition Order Public Offense setting forth:

1. The conditions of the order,
2. The consequences of violating the order, and
3. The duration of the order, including the date the order will expire, which shall not exceed the statutory limits.

C. Dispositional Alternatives.
1. Restitution or Reparation.
   a. Any restitution or reparation shall be fixed at a reasonable amount and no child shall be held in contempt if he or she does not have the funds to pay.
   b. The county attorney may request payment of restitution or reparation from the child’s
parent or legal guardian and shall give notice of the hearing and the amount of restitution sought.

c. Unless the parent or legal guardian agrees, before ordering restitution or reparation the court shall make the following findings:
1) The child has admitted or has been adjudicated responsible for causing the damage requiring restitution or reparation; and
2) The failure of the child’s parent or guardian to exercise reasonable control or supervision over the child is a substantial factor in the child’s conduct.

2. Supervision by Parent.

a. A court may order a child to be supervised by his or her parent upon conditions that the court shall determine, when:
1) Services are not needed;
2) Services are already being provided with the parent/custodian with the child’s full cooperation; or
3) Services have already been completed and the child is at a low risk to reoffend.

b. Parent supervision shall not exceed six (6) months for a violation or misdemeanor, nor more than 12 months for a felony, or until the child reaches age 18, whichever first occurs.

c. If the child violates written conditions for supervision by parent, on motion of the county attorney with notice to all the parties, graduated sanctions may be imposed.

d. Graduated sanctions are required prior to imposing detention or commitment, and shall be in writing.

Commentary

Changing probation or supervision from parent-monitored to court-monitored, for example, may be an appropriate graduated sanction. When a court explains the consequences of violating the terms of probation the court may state those consequences generally, such as “community service,” but once a violation occurs the sanction imposed should be described with particularity so that the child understands the expected conduct. Graduated sanctions are so termed because the statute requires first using less restrictive sanctions and graduating to more punitive sanctions should violations increase. Ideally, sanctions should be tailored to suit the nature of the violation.

3. Probate with Court Monitoring.

a. A court may set the terms of probation to be monitored by the court and according to terms set by the court, and shall include periodic review to ensure compliance.

b. The child, parent or guardian and the child’s attorney shall be given notice of any review date and shall be advised in writing of any documentation required to be provided to the court as proof of compliance with court-ordered conditions.

c. Duration of Court-Monitored Probation.
1) Court monitored probation for a violation shall not exceed 30 days unless as a condition of probation the child enters into a treatment program that extends beyond 30 days, in which case court-monitored probation shall not exceed three (3) months.

2) Court-monitored probation for a misdemeanor, other than an offense for which the child has been declared a juvenile sexual offender under KRS 635.510 or an offense involving a deadly weapon, shall not exceed six (6) months unless as a condition of probation the child enters into a treatment program that extends beyond six (6) months. In this event probation shall not exceed 12 months.

3) Court monitored probation for a Class D felony other than a juvenile sexual offense, or an offense which involves use of a deadly weapon, shall not exceed 12 months.

4) Court monitored probation for all other felonies and for misdemeanors involving a deadly weapon, but not for juvenile sexual offenses, shall not extend beyond the child’s 18th birthday, except that if a person is placed on probation after the person reaches the age of seventeen (17) years and six (6) months, the probation shall be for a period not to exceed one (1) year.

4. Detention.

a. The court may impose detention or probate all or part of an order of detention.

b. Detention shall be:
1) No longer than 45 days for a child who is 14 but less than 16 years of age, and
2) No longer than 90 days for a child who is 16 years of age or over.

c. Detention shall not be used as a disposition for a child under 14 years of age.

5. Commitment.

a. A child may be committed to the Department of Juvenile Justice when:
1) The child is adjudicated to have committed what would be a misdemeanor or Class D felony if committed by an adult and:
   a) The child has at least three (3) prior adjudications consisting of what would be misdemeanors or felonies (not violations) which do not arise from the same course of conduct; or
   b) The child has at least four (4) prior adjudications of what would be violations which do not arise from the same course of conduct; or
2) The child is adjudicated to have committed an offense involving a deadly weapon or an offense which would be a class A, B, or C felony if committed by an adult.

b. A child who is adjudicated as a declared juvenile sexual offender under KRS 635.510 shall be committed to the Department of Juvenile Justice as set forth in KRS 635.515.

c. In addition to any other applicable statutory determinations, when the child is committed to the Department of Juvenile Justice and is ordered to be detained pending placement, the court shall determine in the initial court order of commitment whether:
   1) Reasonable efforts have been made to prevent the child's removal from the home, or that reasonable efforts were not required by state and federal law, and
   2) Continuation of the child's residence in the home is contrary to the welfare of the child, or
   3) Placement of the child would be in the child's best interest.

d. If the child is committed but the child is returned to his or her home pending placement or action by the Department of Juvenile Justice, the court shall state in the order of commitment that community placement is authorized until placement is arranged.

e. Term of Commitment. Commitment shall not exceed the time limits set forth in KRS 635.060 unless an extension is allowed by statute, as follows:
   1) For what would be a misdemeanor if committed by an adult, not more than 30 days unless court ordered treatment includes a program lasting longer than 30 days to complete;
   2) For an offense that would be a misdemeanor if committed by an adult, not more than six (6) months unless a court-ordered substance abuse or treatment program requires more than six (6) months to complete;
   3) For an offense that would be a class D felony if committed by an adult, not more than 12 months; or
   4) For an offense that would be any other felony if committed by an adult, up to age 18.

f. Probation Supervision.
   1) The Department of Juvenile Justice or probation officer shall:
      a) Conduct an evaluation of the child;
      b) Develop a case plan to include individualized treatment goals to address the child's risks and needs; and
      c) Provide the case plan to the court and all parties.
   2) The probation plan shall include all conditions imposed by the court and shall not extend beyond the statutory maximum timeframes mandated by KRS 635.060.
   3) Prior to a motion for sanctions being filed, the Department of Juvenile Justice or probation officer shall provide to the county attorney:
      a) The complete terms and conditions of the juvenile's probation;
      b) The specific violation(s) and any supporting documentation; and
      c) The graduated sanctions applied prior
to seeking court action.
g. Probation violation.
   1) The county attorney may file a motion seeking review for violations of probation and shall notice the child (if the child’s whereabouts are known), the parent or the custodian, and the child’s attorney of the hearing date;
   a) The child’s attorney may present evidence on behalf of the child; and
   b) The court shall make a written finding whether the child has violated the court’s orders, and if the court imposes detention, shall also:
      i) Make a finding by clear and convincing evidence that graduated sanctions have been applied and failed; or
      ii) That there are no appropriate graduated sanctions short of detention to address the violation; and
      iii) That the child is an immediate threat to himself or herself or others.
c) A probation violation shall not result in a commitment to the Department of Juvenile Justice unless the child was previously committed to the Department of Juvenile Justice and the commitment was probated.

Commentary
KRS 635.060 is a substantial change from the previous Juvenile Code and contains several new processes. This section establishes the options the court has at the dispositional hearing. The juvenile court must first find that the child falls under this chapter and then may impose any combination of the dispositional options so long as the detention time allowed for various dispositions is not exceeded. For example, a child could be placed in detention for 10 days, and then placed on probation for a period not to exceed one (1) year. If a child is placed in detention for the statutory maximum, 45 days for ages 14 to 16 or 90 days for over age 16, then the dispositional options are complete as far as detention time is concerned unless there is a contempt proceeding.

There are multiple options at disposition, including ordering restitution or reparation in conjunction with another disposition which is too varied to set forth in a rule. The court and practitioners must carefully read KRS 635.060 to determine how these dispositional options may be applied.

One specific option includes giving credit for time a child spends in out of home placement for violating the conditions of a probated or suspended commitment against the maximum time of commitment not to exceed 12 months if the offense would be a misdemeanor if committed by an adult; not to exceed 18 months if the offense would be a class D felony if committed by an adult; or not to exceed up to age 18 if the offense would be any other felony if committed by an adult. This provision does not apply to a child who has been declared a juvenile sexual offender or who committed an offense involving a deadly weapon. These categories of offenses are addressed by other statutes. Successful completion of probation or a commitment shall terminate proceedings on the instant charge(s).

7. Fines. Pursuant to KRS 635.085, a fine may be imposed in lieu of commitment to the Department of Juvenile Justice in the best interest of the child and to aid in his or her rehabilitation, if the child is financially able to pay a fine as follows:
   a. Fine amounts
      1) For a felony offense, not to exceed $500;
      2) For a misdemeanor offense, not to exceed $250;
      3) For a violation, not to exceed $100.
   b. The court shall allow a reasonable time for payment; otherwise fine payment is due immediately.

D. Juvenile Sexual Offenders.
   1. Upon adjudication, the court shall order a juvenile sexual offender assessment be conducted by the Department of Juvenile Justice or other qualified professional.
   2. A copy of the assessment and recommendations shall be provided to the court, the child’s attorney and the county attorney not less than three (3) days prior to the disposition; these copies are confidential and shall be returned to the court at the disposition hearing.
   3. A child may be classified as a juvenile sexual offender based on the assessment and the recommendations and other relevant factors and if it is in the best interest of the child to be so classified.
   4. If the court finds that the child is a juvenile sexual offender and is not actively psychotic or intellectually disabled as defined by KRS 635.505, the child shall be committed to the Department of Juvenile Justice.

E. Finality. A public offense case shall be considered final 30 days after the case is no longer pending. On post-disposition matters a case is “pending” based on the terms set forth in the disposition order, not to exceed the statutory limits. The case shall be considered final no later than 30 days after completion of the terms. Once the case is final the case may not be reopened for any purpose including contempt proceedings.

F. Duties of the clerk. The clerk shall enter in the court record information regarding the disposition of the case, including but not limited to the terms and conditions ordered by the court and the duration of the order.

   A. Upon the motion of any party, as an alternative to formal proceedings and after finding that it is in
the best interest of the child, a case may be resolved by informal adjustment as defined under KRS 600.020(34) and authorized by KRS 610.105.

B. The moving party shall give notice of the motion for informal adjustment to the child, child’s attorney, county attorney, victim, and any other persons entitled to notice pursuant to KRS 610.070 as appropriate.

C. The court shall explain to the child on the record his or her rights and the charge, and shall have the child sign as received the Notice of Juvenile Rights and Consequences, AOC-JV-49.

D. The parties must enter an agreement setting forth the required actions of the child and consequences for failure to comply using the AOC-JV-53, Informal Adjustment Agreement and Order. KRS 600.020(34).

E. If an informal adjustment occurs after adjudication but prior to disposition, the court shall set the adjudication aside and proceed with the informal adjustment. KRS 610.105.

**Commentary**

The definition section of KRS 610.010 states that an informal adjustment must occur prior to formal adjudication and disposition. However, KRS 610.105, a new amendment to the Juvenile Code states that informal adjustment may occur after adjudication. Thus it is now clear that informal adjustment can be an alternative disposition any time prior to formal disposition, including after formal adjudication. Therefore, if an adjudication has occurred in a case which the parties have agreed to informally adjust, the formal adjudication must be set aside as per the above rule. Banishment is not an option. See Q.M. v. Commonwealth, 459 S.W. 3d 360 (Ky. 2015).

F. An informal adjustment order must be entered using the AOC-JV-53, Informal Adjustment Agreement and Order, and may include, in the best interest of the child, any terms appropriate to resolve the issues before the court, including but not limited to:
1. Placing the child on community supervision or monitoring by the court, not to exceed six (6) months unless waived by the child; or
2. Referral of the case to diversion other than any diversion program in which the child has participated prior to the filing of the petition.
3. An informal adjustment case can only be referred to the court designated worker diversion program if the child has not previously entered into a pre-petition diversion agreement on the current charge and no other diversion programs are available; the court designated worker may refer the case to the FAIR team as appropriate.
4. If the informal adjustment includes diversion, which is unsuccessful, the case shall be returned to the court for further action.

G. The child shall be returned to the court upon failure to complete an informal adjustment agreement for imposition of graduated sanctions or the agreed upon consequences. The AOC-JV-53.1, Informal Adjustment Review and Order Redocketing or Order of Dismissal, shall be used for this purpose.

H. Unless otherwise ordered by the court, the informal adjustment shall be re-docketed six (6) months after entry of the informal adjustment agreement order for review to determine if the terms of the informal adjustment are complete. The AOC-JV-53.1, Informal Adjustment Review and Order Redocketing or Order of Dismissal, shall be used for this purpose.

I. Upon completion of the terms of the informal adjustment, an order shall be entered stating that the case has been informally adjusted and is dismissed.

**Commentary**

Diversion through the court designated worker is by definition pre-petition diversion. Only when a child is participating in an informal adjustment and did not participate in a pre-petition diversion agreement may the court refer the child to the court designated worker for diversion if no other diversion programs are available. In the event of such a diversion referral as part of an informal adjustment, the court designated worker may refer the case to the FAIR team. The rationale behind this is that the court designated worker diversion program is a limited resource that is designed to divert children from ever entering the formal court process. For that reason, it should be used in a very limited manner, as set forth in these rules, for post-petition matters.

Also, mere failure to complete the terms of an informal adjustment agreement does not automatically rise to the level of contempt. While the court may still detain for violation of a valid court order, the court is required to use graduated sanctions before it may detain a child. Logically this means that contempt orders are reserved for direct contempt for acts of actual defiance or disrespect for the court.

**JCRPP 20. Youthful Offenders.**

A. For a child who qualifies and is proceeded against as a youthful offender pursuant to KRS 635.020(2–8) and KRS 640.010, the district court shall conduct the appropriate hearings to determine if the child should be transferred to circuit court for grand jury proceedings.

B. If the district court finds that the child qualifies as a youthful offender and transfers the case for grand jury proceedings, the district court shall:
1. First determine whether the child is entitled to release or bail pursuant to Chapter 431, and
2. Set bail or the conditions of release accordingly.

C. Any child that is not released on bail or conditions of release shall be detained in a secure juvenile detention facility or juvenile holding facility, unless the juvenile is 18 years of age or older.

D. The District Court shall retain jurisdiction until the return of an indictment by a grand jury.

E. If a child is transferred to circuit court for grand jury proceedings and the grand jury does not indict the
child as a youthful offender, and
1. Finds that there is probable cause to believe the child committed another criminal offense, then
2. The child shall be returned to district court to be proceeded against as a public offender, and
3. The case shall remain confidential.

**Commentary**

While KRS 640.010 referring to preliminary hearings does not mention KRS 635.020(4) relating to use of a firearm in a felony, the latter section states that a preliminary hearing is required to determine whether there is probable cause to believe that the child committed a felony using a firearm, and that the child was over 14 years of age at the time of the commission of the felony, before the court may transfer the case for grand jury proceedings. Therefore, there is no “automatic transfer” of a firearms felony offense absent a finding of probable cause to believe that the child has committed such an offense. See *K.R. v. Commonwealth*, 360 S.W.3d 179, 185 (Ky. 2012).

**JCRPP 21. Contempt Proceedings for Violation of a Valid Court Order and Direct Contempt.**

A. The court designated worker shall not accept a complaint or process a charge alleging contempt for a violation of a valid court order in a status offense case; violation of terms or conditions of an order in a public offense case; or, for probation violation.

**Commentary**

Contempt is neither a status nor a public offense. KRS 600.020(62) and (49). The court designated worker is authorized to process “complaints” which allege either a public or status offense. KRS 600.020(14). Allegations must be sufficient to initiate formal court action. Contempt is not an offense which initiates a formal court action since the child is already in court.

B. Setting Conditions in Status Offense Cases; Valid Court Order.

1. A court may issue a valid court order or orders setting conditions pending further hearing; as part of an informal adjustment; or for any other reason during the pendency of a case.
2. A “valid court order” as defined in KRS 600.020(66) only applies in a status offense case when:
   a. The child is before the court;
   b. The order regulates future conduct;
   c. The child was given written and verbal warning of the consequences of violation at the time the order was issued;
   d. The child’s attorney or parents or legal guardian was provided with written notice of the consequences of violation of the order; and
   e. The child was given full due process rights guaranteed by the Constitution of the United States.

C. Contempt in Status Offense Cases.

1. Contempt for violation of a valid court order.
   a. Before making a finding of contempt for violation of conditions of a valid court order the court shall conduct a hearing to determine whether the child violated the valid court order.
   b. Upon a finding that the child violated the valid court order the court shall first levy graduated sanctions unless none are available and the child is an immediate threat to himself or others.
   c. If the court finds that graduated sanctions have previously been imposed, or finds that no graduated sanctions are available and the child is an immediate threat to himself or others, then the court may impose a sanction of up to 30 days of detention.
   d. Prior to ordering the child to be securely detained because he or she violated a valid court order pursuant to KRS 610.265(3)(d), the court shall order a written report prepared by an appropriate public agency concerning the behavior of the child, why he or she was brought before the court, and state whether all alternatives short of secure detention have been exhausted or are inappropriate. This information shall be included in the court’s written detention order.

2. Direct contempt. A finding of direct contempt shall only be issued for acts of defiance or inappropriate conduct toward the court.
3. Any detention ordered as a result of direct or indirect contempt shall not exceed 30 days of detention. KRS 600.060 and 635.055.

D. Setting Conditions in Public Offense Cases.

A court may issue an order or orders setting conditions as part of release pending further hearing; as part of an informal adjustment; as part of a grant of probation; as part of a probated commitment; as part of court-monitored probation; or for any other reason during the pendency of a case.

E. Contempt in Public Offense Cases.

1. Contempt for pre- or post- disposition violation of court-ordered terms or conditions or violation of probation.
   a. Before making a finding of contempt for violation of terms or conditions of a court order, either pre- or post-disposition, the court shall conduct a hearing to determine whether the child violated the order.
   b. Upon a finding that the child violated the order the court shall first levy graduated sanctions unless none are available and the child is an immediate threat to himself or others.
   c. If the court finds that graduated sanctions have previously been imposed, or finds that no graduated sanctions are available and the child is an immediate threat to himself or
others, then the court may impose a sanction of up to 30 days of detention.

2. Direct contempt. A finding of direct contempt shall only be issued for acts of defiance or inappropriate conduct toward the court.

3. Any detention ordered as a result of direct or indirect contempt shall not exceed 30 days of detention. KRS 600.060 and 635.055.

F. If the child’s case is informally adjusted then,

1. Violations of the conditions of informal adjustment shall be subject to the consequences agreed upon when the court entered the terms for the informal adjustment, and shall not be subject to contempt.

2. A finding of direct contempt may be issued for acts of defiance or inappropriate conduct toward the court. Any detention ordered shall not exceed 30 days. KRS 600.060.

Commentary

The inherent contempt power of the court is not diminished by the statutes referenced in the JCRPP because the statutory language simply defines the process to be applied in a dispositional option under KRS 635.060, and sets a timeframe for the imposition of detention for contempt. As a matter of policy the graduated sanctions that are to be applied to children on probation shall also be applied by the court on pendente lite orders.

JCRPP 22. Expungement of Juvenile Cases.

A. Any child who has been adjudicated as a status offender or has admitted to committing what would be a misdemeanor or violation if committed by an adult may petition the court for expungement of the record of those offenses:

1. No sooner than two (2) years after the date of termination of the court’s jurisdiction over the child, or

2. Two (2) years after the child’s release from any commitment.

3. This time restriction may be waived by the court.

B. The child shall be informed of the right to expungement at the time of adjudication if eligible.

C. If the court grants the order of expungement sealing the record, all index references shall be deleted, unless otherwise ordered by the court.

JCRPP 23. Use of Restraints on a Child Charged with a Status or Public Offense in Court.

There shall be a presumption that no child shall be restrained upon entry into the courtroom. This presumption may be rebutted with good cause shown.

Commentary

Use of restraints in a courtroom has generally been defined to include handcuffs, waist chains, ankle restraints, zip ties, or other restraints that are designed to impede movement or control behavior. (National Council of Juvenile and Family Court Judges, Resolution Regarding Shackling of Children in Juvenile Court, 2015 [hereinafter NCJFCJ Resolution]).

The Association of Prosecuting Attorneys has issued a Statement of Principles concerning the use of restraints in court that states in part, “[t]here should be a presumption against the use of restraints on juveniles in court without appropriate evidence-based and data-driven assessments indicating that there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, but not limited to, the public, court personnel, law enforcement officers, or bailiffs.” The prosecutors note that minors “are impressionable and the indiscriminate use of restraints in court has been shown to influence juveniles such that it negatively impacts their future behavior and also fosters a negative perception of the criminal justice system, including decreasing their level of cooperation and engagement with courtroom stakeholders.” (Association of Prosecuting Attorneys, Statement of Principles, 2015).

This concern is echoed by the National Council of Juvenile and Family Court Judges as it notes that restraining children in court may infringe upon the presumption of innocence, undermine confidence in the fairness of our justice system, interfere with the right to a fair trial, impede communication with judges, attorneys, and other parties, and limit the child’s ability to engage in the court process. Given that research in social and developmental psychology has indicated that restraints can interfere with healthy identity development, be traumatizing and contrary to the developmentally appropriate approach to juvenile justice; negatively influence how a child behaves as well as how a child is perceived by others; and promote punishment and retribution over rehabilitation and development of children under the court’s jurisdiction, it is critical to recognize the need for continued attention and consistent judicial leadership to ensure that policies regarding treatment of children in juvenile and family court are fair, age appropriate and promote justice. (NCJFC Resolution).

This rule is likewise in accord with the American Bar Association, Criminal Justice Section Resolution 107A, which states thusly: “RESOLVED, That the American Bar Association urges all federal, state, local, territorial and tribal governments to adopt a presumption against the use of restraints on juveniles in court and to permit a court to allow such use only after providing the juvenile with an opportunity to be heard and finding that the restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or others.” (American Bar Association, Criminal Justice Section Resolution 107A, 2015).

The NCJFCJ Resolution supports a presumptive rule or policy against shackling children, recommends that requests for exceptions be made to the court on an individualized basis and that such requests must include a cogent rationale, including the demonstrated safety risk the child poses to him or herself or others. In accord with juvenile and family court practice, JCRPP 23 creates such a rule in its purest and simplest form.
COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

KENNETH L. EASTERLING, DISTRICT COURT JUDGE
16TH JUDICIAL DISTRICT

AGREED ORDER OF PUBLIC REPRIMAND

Kenneth L. Easterling is a District Court Judge for Kentucky’s 16th Judicial District consisting of Kenton County. Judge Easterling has waived formal proceedings and has agreed to the disposition made in this Order.

The Commission received information during a preliminary investigation that on April 30, 2015, Judge Easterling held a preliminary hearing in a case styled as Commonwealth v. Washington, Kenton District Court, Docket No. 15-F-00571. Following the presentation of testimony, Judge Easterling directed several comments and questions towards an investigator of the Kentucky Attorney General’s Office in a hostile and confrontational tone. During the hearing he scolded the investigator for not consulting Judge Easterling or the Commonwealth Attorney in Kenton County in the investigation that led to the arrest and not obtaining a search warrant in Kenton County. Judge Easterling further accused the investigator of making disparaging remarks towards Judge Easterling and the Commonwealth Attorney in a phone call to a Kenton County Pretrial Officer. Judge Easterling went on to accuse the Attorney General’s Office of “political gamesmanship.” When the investigator attempted to respond, Judge Easterling abruptly informed him that he was not allowed to speak.

The Commission concludes that by the conduct described above, Judge Easterling violated SCR 4.300, the Code of Judicial Conduct, Canon 3B(4) which states:

A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials and others subject to the judge’s direction and control.

Based on the foregoing conduct, Judge Easterling is hereby publicly reprimanded. In making the disposition in this Order, the Commission duly considered that Judge Easterling fully cooperated in the matter and had no prior sanctions.

Date: December 18, 2015

/s/ David Boswell, Acting Chair

Chairman Stephen D. Wolnitzek and Judge Karen Thomas recused themselves from any consideration of this matter.

Agreed to:

/s/ Hon. Kenneth L. Easterling
KYLAP HOSTS LAWYERS IN RECOVERY MEETINGS IN NORTHERN KENTUCKY AND LEXINGTON

The Kentucky Lawyers Assistance Program offers weekly open recovery meetings for lawyers, law students and judges in Northern Kentucky and Lexington. The Northern Kentucky Lawyers in Recovery meeting is held 5:00 p.m., on Tuesdays at 510 Washington Avenue, Newport, KY 41071. Please bring your own coffee. The Lexington Kentucky Lawyers in Recovery meeting is held at 7:30 a.m. on Wednesdays at the Alano Club downtown, 370 East Second Street, Lexington, KY 40508.

All meetings are open to law students, lawyers and judges who are already involved or who are interested in a 12-step program of recovery, including but not limited to Alcoholics Anonymous, Narcotics Anonymous, Overeaters Anonymous and Al-Anon. Come meet other attorneys and network. All meetings and contacts are confidential. SCR 3.990. For additional information, please visit www.kylap.org, call (502) 564-3795, ext. 266, or email abeitz@kylap.org.

KENTUCKY LAWYER ASSISTANCE PROGRAM FOUNDATION, INC., (FORGIVABLE) LOAN PROGRAM

The KYLAP Foundation is a 501 (c)(3) non-profit Kentucky Corporation created and approved pursuant to Supreme Court Rule 3.910(8) to promote the mission of the Kentucky Lawyer Assistance Program (KYLAP). KYLAP’s mission is to assist Kentucky’s lawyers, law students and judges who suffer from impairments including drug, alcohol, or other addictions, depression, and other mental health disorders.

The Foundation helps Kentucky’s lawyers, law students and judges seek medical and professional treatment for impairment issues when no other financial resources for treatment exist. The Foundation is premised on the same principle as the Kentucky Lawyer Assistance Program—Lawyers Helping Lawyers.

Your tax-deductible contribution provides direct help for suffering lawyers through the extension of (forgivable) loans for treatment (paid directly to the medical providers). All money given by lawyers goes directly to the treatment of lawyers. For more information on the Kentucky Lawyer Assistance Program Foundation, Inc., please contact KYLAP Director Yvette Hourigan at (502) 564-3795 or at yhourigan@kylap.org.

LMICK AND KYLAP PARTNER TO OFFER FREE SEMINARS AT TWO KENTUCKY LOCATIONS ON MAY 25 AND 26, 2016 3.5 HOURS ETHICS CREDITS

Lawyers Mutual Insurance Company of Kentucky (LMICK) and the Kentucky Lawyer Assistance Program (KYLAP) are offering two free lunch and learn programs in May. The program has been approved for 3.5 hours of CLE (ethics) credits. On Wednesday, May 25, 2016, the presentation will be offered at the Maysville Country Club, 1099 US Highway 68, Maysville, Ky. On Thursday, May 26, 2016, the seminar will be repeated in Hopkinsville, Ky., at the James E. Bruce Convention Center. Each program will begin at 10:00 a.m. and conclude at 2:00 p.m., local time, with lunch provided.

Asa P. “Pete” Gullett, III, Executive Vice-President and Chief Operating Officer of LMICK and Yvette Hourigan, Director of KYLAP, will address the relationship and causal connection between lawyer impairment and ethical violations. A ground-breaking study focused exclusively on lawyer impairment has just been released by the Commission on Lawyers Assistance Programs and Hazelden/BettyFord Foundation, which addresses impairment rates in the legal community, and how we, as practitioners, are peculiarly susceptible to the issues of mental health disorders including depression and addiction. Historically, impairment issues are one of the primary causes of and best indicators for potential ethical violations among practitioners. This program will focus on ways to identify impairment and potential ethical violations in yourself and others, and how to avoid those pitfalls. In addition to this discussion, guest speakers from the Kentucky Supreme Court and the local judiciary will be present to discuss how these issues impact the courts.

Please join LMICK and KYLAP at one of these informative and free events. The program and lunch are free, but space is limited and you must pre-register. Registration is on a first-come first-served basis. To RSVP, please email Ashley Beitz, abeitz@kylap.org, and provide your name, the date and location of the session you wish to attend, your bar address, and any dietary restrictions. We look forward to seeing you there!

KYLAP OFFERINGS AT THE 2016 KBA ANNUAL CONVENTION

KYLAP will be offering FREE yoga classes on Wednesday and Thursday evenings during the 2016 KBA Annual Convention being held May 11-13. KYLAP is also partnering with Hiking Lawyers to offer an “Urban Hike” to the Big Four Bridge. These opportunities are open to anyone interested in getting in a little movement and seeing a beautiful new landmark while in downtown Louisville. Stay tuned for more details!

KYLAP will once again offer open recovery meetings during the 2016 KBA Annual Convention in Louisville. All meetings are open to law students, lawyers and judges who are already involved or who are interested in a 12-step program of recovery, including but not limited to Alcoholics Anonymous, Narcotics Anonymous, Overeaters Anonymous, Gamblers Anonymous and Al-Anon. Come meet other attorneys in recovery from around the state. All meetings and contacts are confidential. SCR 3.990. For additional information, please visit www.kylap.org, call (502) 564-3795, ext. 266, or email abeitz@kylap.org.
We Can Help.

The signs of depression aren’t easy to read. No one is completely immune. If you or a colleague experiences signs of depression, please call.

Kentucky Lawyer Assistance Program

Your call is absolutely confidential as a matter of law. (SCR: 3.990)
Phone: (502) 564-3795 ext. 266 • www.kylap.org
Email: yhourigan@kylap.org or abeitz@kylap.org

A Johns Hopkins study found that lawyers suffer from depression at a rate 3.6 times higher than the general employed population.
Kentucky Bar Foundation 2015 Fact Sheet

The Kentucky Bar Foundation is the nonprofit, charitable arm of Kentucky’s legal community. We educate and support Kentuckians through law-related grants, programs, and other initiatives.

The KBF’s mission is to further the public’s understanding of the judicial system and the legal profession through programs and philanthropic partnerships that help those in need.

People

Founded in 1958
120 Kentucky counties served

33 Board Members
across Kentucky’s seven Supreme Court Districts

2 Staff Members
♦ Amelia Martin Adams, Executive Director
♦ Gwen Smallenburg, Program Manager

www.kybarfoundation.org

Support

4,869 members of the Kentucky Bar supported the KBF as Sustainers in 2015

987 Kentucky attorneys and judges are KBF Fellows

89 Kentucky law firms, attorneys, and friends are members of the KBF’s Partners for Justice Society

2015 Grants

Annual grants of $251,500 awarded to nineteen law-related programs and projects throughout Kentucky in 2015

Total grants of more than $2.7 million awarded to more than 175 law-related programs and projects across Kentucky since 1988

Education

More than 13,000 high school seniors

More than 13,000 high school seniors across the state participated in the CARE financial literacy program that the KBF presents annually through volunteer attorneys and judges

The KBF’s partnership with the KBA Young Lawyers Division helps to present the annual Bullyproof and U@18 Programs to Kentucky students

Several graphics by ©istockphoto.com/JesiWithers, vecteezy.com/members/monoponik, vecteezy.com/members/sunshine, vecteezy.com/members/carterart, and vecteezy.com/members/lavarmsg
Kentucky IOLTA Fund 2015 Fact Sheet

Through the Interest on Lawyers’ Trust Accounts (“IOLTA”) Fund, interest generated by Kentucky lawyers’ pooled client trust accounts is combined and then disbursed in the form of grants to assist or establish:

• legal services and pro bono programs
• other law-related programs for the public’s benefit that are specifically approved by the Kentucky Supreme Court from time to time


www.kybar.org/iolta

People

11 IOLTA Trustees from across Kentucky

Invaluable annual participation in the IOLTA Program by members of the Kentucky Bar

2 Staff Members
♦ Amelia Martin Adams, Executive Director
♦ Gwen Smallenburg, Program Manager

Support

154 banks participated in the IOLTA program in 2015

Interest on IOLTA accounts is paid to the IOLTA Fund either monthly or quarterly

2015 Grants

$500,000 in total grants from the IOLTA Fund awarded to Kentucky’s four regional legal aid programs

$45,000 in total grants from the IOLTA Fund awarded to Kentucky’s three law schools for student public service fellowships

$518,260 in total grants from settlement funds received by the IOLTA Fund awarded to Kentucky’s four legal aid programs for foreclosure prevention and community redevelopment legal services

Total IOLTA Grants

Over $15 million in total grants have been awarded by the IOLTA Fund since 1988

Several graphics by ©istockphoto.com/JesiWithers, vecteezy.com/members/monoponik, vecteezy.com/members/sunshine, vecteezy.com/members/carterart, and vecteezy.com/members/lavarmsg
THE GOOD, THE BAD, & THE FUNNY:
NOTES FROM KENTUCKY LAW UPDATE

BY JASON F. DARNALL

The “bad” comments listed above are a few of the perennial complaints. As for room temperature, please remember that we are in fact residents of Kentucky, where the weather can change from one moment to the next. Thus, dress in layers so you can add on or peel off as necessary. Providing coffee alone at all of the sessions, without any other “nibbles,” would cost somewhere between $50,000 and $60,000. In my district (the far, far away reaches of western Kentucky near Kansas), we almost always have generous sponsors who step up to the plate to procure refreshments. Local bar associations and firms can pool resources to help with this issue. With respect to tables and wi-fi, the CLE Commission always attempts to provide free wi-fi and ample table space, but sometimes we are simply at the mercy of the facility. Unfortunately, some locations are not equipped to handle wi-fi or simply refuse to provide the service, and many times the facility rooms are not big enough to handle the number of attendees if tables are provided.

Not included in the examples above are the comments and critiques of speakers and program topics, and suggestions for future speakers and program topics. Those are given top priority and consideration when planning future Kentucky Law Updates. Therefore, at this year’s Kentucky Law Update, I hope you will all take just a few moments to give us your honest opinions, whether they be in linguistic or illustrative fashion. We really do value your feedback, and try to be responsive as much as possible. As for “Bring Your Dog to CLE Day,” if anyone knows of a suitable location, please contact your local CLE Commission member. Special thanks to Mary Beth Cutter for her assistance in writing this article.

JASON F. DARNALL is a 2003 graduate of Northern Kentucky University Salmon P. Chase College of Law and received a bachelor’s degree from the University of Kentucky. He is a partner in the firm Blankenship, Edwards and Darnall and also serves as Assistant Marshall County Attorney. He was appointed to represent the First Supreme Court District on the CLE Commission last summer. If “Bring Your Dog to CLE Day” ever becomes a reality, look for his two rescue dogs, Jack and Ralph, at the next KLU.
The dates and locations for the 2016 Kentucky Law Update (KLU) are confirmed. The KLU program series is an exceptional benefit of KBA membership and Kentucky is the only mandatory CLE state that provides its members a way of meeting the annual CLE requirement at no additional cost. Registration will be available in June. In the meantime, please visit our website, http://www.kybar.org/?klu for more information.

INTERESTED IN ASSISTING WITH A CLE? HAVE IDEAS FOR A PROGRAM? Contact Mary Beth Cutter, KBA Director for CLE at mcutter@kybar.org, or any member of the Continuing Legal Education Commission.
We would like to thank those individuals and organizations whose contribution of time, expertise and funding helped make the January 2016 New Lawyer Program a success.

MODERATORS, SPEAKERS AND CONTRIBUTING AUTHORS:

Judge Glenn E. Acree
Amelia Martin Adams
Michael L. Baker
Ashleigh N. Bailey
Acena J. Beck
Ryan M. Beck
Kelli E. Brown
Ashley L. Chilton
Judge Sara W. Combs
Colby B. Cowherd
Amy D. Cubbage
Thomas E. Edge
Glenda M. Edwards
Douglass Farnsley
Professor William H. Fortune
Carl N. Frazier
M. Andrew Haile, Jr.
Jane C. Higgins
P. Yvette Hourigan
Cathy M. Jackson
Jane Broadwater Long
Glenn S. McClister
John David Meyer
Jennifer S. Overmann
Melissa A. Pile
Elizabeth M. Reeder
Jonathan S. Ricketts
Shane C. Sidebottom
J. Stephen Smith
Jay R. Vaughn
Judge Jeffrey M. Watson
J. Tanner Watkins
Gary M. Weiss

“Within twelve (12) months following the date of admission as set forth on the certificate of admission, each person admitted to membership to the Kentucky Bar Association shall complete the New Lawyer Program.”
SCR 3.640 New Lawyer Program

Kentucky Bar Association
2016 New Lawyer Program

in conjunction with:

Visit Kybar.org/2016NLP for more information

SPONSORS:

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Lawyers Mutual – YLD Reception Sponsor, Exhibitor

National Insurance – Flash Drive Sponsor, YLD Reception Sponsor, Exhibitor

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Kentucky Bar Foundation

NKBA
Northern Kentucky Bar Association

KYLAP
Kentucky Lawyering Assistance Program

YLD
Young Lawyers’ Section

Legal Aid Society of Louisville

“Thank you for supporting the New Lawyer Program”
Don’t want to travel for “LIVE” CLE credits? The KBA provides you a weekly series of live teleseminars that are as nearby and as convenient as your office or home phone. For the full catalog of offerings in 2016, visit http://ky.webcredenza.com/.

For questions or to register over the phone, please contact Kim at kim@webcredenza.com or (720) 879-4142.

This easy to use search engine contains up to date information on CLE events that have been accredited by the Kentucky Bar Association Continuing Legal Education Commission.

Users can search by program date, name or sponsor for information about future and past events. Program listings include sponsor contact information, approved CLE and ethics credits, and KBA activity codes for filling out the certificate of attendance (Form #3).

Programs are approved and added in the order in which they are received. It may take up to two weeks for processing of accreditation applications. If an upcoming or past event is not listed in the database, check with the program sponsor regarding the status of the accreditation application.

Great Place to Start
Resource Center for New Attorneys in Kentucky

It pays to have a helping hand in the workplace when you’re just starting out in the practice of law. The KBA Find a Mentor program is designed to connect experienced attorneys with new attorneys who are seeking advice and guidance in balancing the personal and professional demands of the practice of law.

How it works:
Qualified mentors sign up and volunteer to participate in the GPS mentor program. New attorneys looking for assistance (mentees) may locate a mentor through the GPS website by the mentor’s location or area of practice. The mentee can view detailed information about potential mentors and then initiate first contact. This self-initiated contact may involve a single issue, or entail a more lasting, formal mentor relationship. The limits of the relationship are determined by the preferences of the participants.

This service is available to new attorneys admitted to practice in Kentucky for five years or less. For more detailed information visit www.kbagps.org and see what the program has to offer.

KBA TELESEMINARS

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Amy Sullivan Cahill has formed Cahill IP, PLLC, an intellectual property law firm located at 4965 U.S. Highway 42, Suite 1000, Louisville, KY 40222 (www.cahill-ip.com). Christina Ryan has joined the firm as counsel.

Fultz Maddox Dickens PLC announces that Jessica C. White has joined the firm as counsel. White brings to the firm extensive knowledge of a wide range of business matters, including real estate development, healthcare, and general corporate matters. She has represented numerous real estate developers, retailers, healthcare REITs, public companies, closely-held entities, and financial institutions throughout her career. She will continue to draw on her extensive experience in all aspects of real estate transactions, including land acquisition, zoning, subdivision, sales, leasing, and real estate finance. White earned a B.A. in political science and a B.S. in public administration from the University of Arizona and her law degree from Cornell Law School. She is admitted to the Bars of both Kentucky and Pennsylvania.

DelCotto Law Group PLLC announces the addition of associate Sara A. Johnston to the firm’s Lexington office. Johnston received her law degree from the University Of Kentucky College Of Law, and her bachelor’s degree, summa cum laude, from Auburn University. She will concentrate her practice on consumer, business and municipal bankruptcies.

Kentucky ElderLaw, PLLC, in Louisville announces its newest associate, Neil Aboulhosn. Aboulhosn will focus solely on assisting older citizens and family members on a wide range of issues, including those related to asset preservation, legal documents focused on the needs of older citizens, nursing home issues, guardianship, probate, Veterans benefits and Medicaid. Aboulhosn is a graduate of the University of Louisville Louis D. Brandeis School of Law and the University of Kentucky.

Jeffrey W. Kibbey has joined Sierra Pacific Mortgage Co., Inc., as its first general counsel and chief compliance officer. He leaves Century Mortgage Company, where he acted as general counsel and director of corporate services. Sierra Pacific is one of the nation’s 10 largest private mortgage bankers, with over 150 branch locations in 48 states. Kibbey has also been selected as the incoming chair of the Board of Directors for the Community Mortgage Lenders of America, the nation’s largest trade group dedicated to preserving the mortgage marketplace for the community lender and preventing consolidation of the mortgage marketplace into the “Too Big to Fail” Big Banks. He has relocated from Louisville to Folsom, Calif., to pursue his duties with Sierra Pacific.

Margo L. Grubbs announces the formation of Grubbs Rickert Landry, PLLC. She is joined by Bonnie J. Rickert and Jennifer B. Landry. The law firm is located at 327 W. Pike Street, Covington, Ky. They may be reached at (859) 341-2500, fax (859) 341-2344 or by visiting their website GrubbsRickertLandryLaw.com. Grubbs Rickert Landry, PLLC, will practice in all areas including, family/domestic relations law, personal injury, criminal litigation, social security disability and probate matters.

The Kentucky Optometric Association (KOA) recently announced that Dinah Bevington has been named as its executive director effective Dec. 14. Bevington joins KOA after serving eight years with the Kentucky Personnel Cabinet, most recently as acting secretary of the cabinet. She earned a law degree from the University of Kentucky and graduated magna cum laude from Western Kentucky University, where she played tennis for four years and earned a bachelor’s degree with a double major in government and communications.

Fultz Maddox Dickens PLC announces that Adam B. Shadburne has joined the firm as counsel. Shadburne will continue to focus his practice in the areas of product liability, toxic/mass tort, personal injury, healthcare litigation and insurance defense. Shadburne has represented various product manufacturers, including automobile manufacturers, heavy equipment manufacturers and safety equipment manufacturers, as well as owners of large assembly plants and chemical plants. He also defends individuals in motor vehicle accident cases on behalf of insurance companies and represents insurance companies directly in coverage disputes, as well as health care providers, including hospitals and nursing homes. He earned a B.S. from the University of Kentucky and his J.D. from the University of Louisville Louis D. Brandeis School of Law and is admitted to the Kentucky Bar.
Richard Dawahare has joined the firm of McClelland and Associates, PLLC. Dawahare has extensive background practice in guardianship and juvenile law issues and will focus on veterans’ benefits law, elder law, estate planning and probate.

Gwin Steinmetz & Baird PLLC announces that Leah Rayfield has joined the firm as an associate. Rayfield focuses her practice in insurance defense litigation.

After a five-month national search, the Legal Aid Society recently announced that Neva-Marie Polley had been selected by the Board of Directors as the Legal Aid Society’s next executive director. Polley began work at Legal Aid in 2005 as a staff attorney in the Family Law Unit, where she served as an advocate for low-income domestic violence victims. In 2013 Polley was named the Legal Aid Society director of Volunteer Services and Community Engagement which places cases with volunteer attorneys in the private bar. Polley began her career as an advocate for the poor at the Louisville Metro Public Defender’s Office in 1999. She received her J.D. from the University of Louisville Louis D. Brandeis School of Law. She also holds M.S. and B.S. degrees in justice administration from the University of Louisville.

Fultz Maddox Dickens PLC announces that Ashley Gillenwater Eade has joined the firm as an associate. Eade will focus on issues related to business, healthcare and employment litigation, personal injury, products liability, and employment law. She earned a B.S. in business management from Indiana University Kelley School of Business and her J.D. from the University of Louisville Louis D. Brandeis School of Law. She is a member of the Bars of Kentucky and Indiana and serves as chair of the Louisville Bar Association Litigation Section.

Gwin Steinmetz & Baird PLLC announces that Jessica D. Burton has joined the firm as an associate. Burton focuses her practice in the nursing home insurance defense practice.

Adams, Stepner, Woltermann & Dusing, PLLC, announces that Elizabeth M. Reeder has been named a partner in the firm effective Jan. 1, 2016. Reeder practices in the firm’s estate planning & probate and business representation practice groups. She focuses on business organization and planning, commercial and contract law, estate planning and probate, and captive insurance advising. She is an active member of the Northern Kentucky Bar Association and serves as its immediate past chair of the Young Lawyers Section. She received her B.A. (magna cum laude) from the University of Kentucky in 2008 and graduated from the University of Kentucky College of Law (J.D.) in 2011.

Edmund J. (“Ned”) Benson is pleased to announce the establishment of Benson Law Offices, PSC, which was formed in late August 2015. Kathryn T. Martin and Laraclay Parker also joined the firm as associate attorneys. The firm focuses on long term care defense as well as general healthcare defense for a variety of healthcare providers and companies. The attorneys also practice in the areas of employment litigation, tort/insurance defense and regulatory compliance, with a specialty in HIPAA security compliance. Visit the firm’s website at www.nedbensonlaw.com. The firm is located at 450 Old Vine Street, Suite 200, Lexington KY 40507.

Stites & Harbison, PLLC, welcomes attorneys Robert Moore and Katie Glass to the Frankfort, Ky., office. Moore joins the firm as a member (partner) while Glass joins as an attorney. Moore’s practice will include estate planning, corporate law, and litigation, as well as representation of the City of Frankfort, while Glass’ practice will focus on business litigation. Moore’s practice focuses on estate planning, civil, OSHA and environmental litigation; administrative law; and corporate general services. He will continue to serve as City Attorney for Frankfort, Ky., a position he has held for the past 12 years. He earned his J.D. from the University of Louisville Louis D. Brandeis School of Law. Glass’ practice focuses on business litigation. She earned her J.D. from the University of Louisville Louis D. Brandeis School of Law in 2015 and a B.A in English from the University of Kentucky in 2012. In 2013, she served as an intern for Judge Karen Conrad, Chief Circuit Judge for the Twelfth Circuit, in LaGrange, Ky. In 2014, Glass interned for the United States Attorney’s Office for the Western District of Kentucky, Louisville Division.

Sturgill, Turner, Barker & Moloney, PLLC, announces that Jessica Droste has joined the firm’s torts and insurance practice group as an associate attorney. Droste earned her Juris Doctor from the University of Kentucky College of Law in 2014 and holds a bachelor’s degree from Centre College. She brings a global perspective to the firm—she studied abroad at Reading College in Berkshire, England, while attending Centre, and worked for an international shipping company in Charleston, S.C., before enrolling at UK Law.

O’Bryan, Brown & Toner, PLLC, announces that Allison Grant Menish has joined their Indianapolis office as an associate attorney. Menish is licensed in both Indiana and Kentucky. Her practice focuses on complex civil litigation and appellate practice in the areas of insurance and medical malpractice defense, nursing home defense, premises liability and products liability. She has successfully defended professional negligence claims in both the state and federal courts, as well as before multiple administrative agencies and professional licensure boards. Menish received her undergraduate...
degree from the University of Virginia. She completed her Juris Doctor at the University of Louisville Louis D. Brandeis School of Law.

Jack A. Wheat has joined the McBrayer Law Firm as a member. He was the founder of the well-respected intellectual property boutique firm of Wheat, Smith & Beres, which merged into Stites & Harbison effective Jan. 1, 2000. Wheat’s practice specializes in trademark, copyright and patent infringement litigation, as well as trademark registration and maintenance. Wheat is also an adjunct professor of intellectual property law at the University of Louisville, Brandeis School of Law, and is coach of its Lefkowitz Trademark Law Moot Court Team. In addition to his J.D., which he received from the University of Louisville in 1979, he has a B.A. in economics from Hanover College. Wheat can be reached at jwheat@mmlk.com or at (502) 599-9520.

Peter Brackney has opened the Brackney Law Office, PLLC, in Lexington, where he practices in the areas of estate planning, bankruptcy and consumer rights, and business law. Brackney is a graduate of the University of Kentucky Gatton College of Business and Economics and the University of Kentucky College of Law. Brackney Law Office, PLLC, is located at 2333 Alexandria Drive, Lexington, Ky., and can be found online at www.brackneylaw.com.

Fultz Maddox Dickens PLC announces that Sharon C. Hardy has joined the firm as counsel. Hardy brings with her more than 35 years’ experience with matters relating to commercial real estate and asset-based lending, including acquisition and construction financing for office, retail, industrial, multifamily, and hospitality projects. Hardy assists institutional lenders in structuring, documenting, closing, modifying, and restructuring loans, and workout transactions. Hardy earned a B.A. from the University of Louisville and her J.D. from the University of Louisville Louis D. Brandeis School of Law and is a member of the Louisville and Kentucky Bar associations.

Stites & Harbison, PLLC, announces the addition of attorneys Kylie Parker Hofmann and Dwight Young to the Louisville, Ky., office. Both attorneys join the firm’s business & finance service group. Hofmann earned her J.D., cum laude, from the University of Louisville Louis D. Brandeis School of Law in 2015. Young earned his J.D., magna cum laude, from the University of Louisville Louis D. Brandeis School of Law in 2015.

Frost Brown Todd (FBT) announces the appointment of two new partners across the firm’s eight-state footprint. The following former managing associates were named partners effective Jan. 1, 2016: Jennifer Y. Barber and Joshua M. O’Bryan in Louisville. Barber is a member of the tax law practice group in Louisville. She focuses in the areas of state and local tax, tax controversy and litigation, as well as economic development and incentives. Barber currently serves on the Kentucky State Fair Board on appointment by former Governor Steve Beshear and on the U.S. Bank Louisville Advisory Board. Barber earned her J.D. at the University of Kentucky in 2008. O’Bryan is a member of FBT’s Mergers and Acquisitions Practice Group and advises clients on a broad range of transactional matters, including business combinations, securities compliance and corporate governance. He also counsels on investor relations and institutional governance, such as charters, codes of conduct, ethics matters and executive compensation. He attended the University of Louisville Louis D. Brandeis School of Law, where he earned his J.D./MBA in 2008.

Adams, Stepner, Woltermann & Dusing, PLLC, announces that Claire E. Parsons has been named a partner in the firm effective Jan. 1, 2016. Parsons practices in the firm’s government practice and commercial litigation practice groups. She focuses her practice on Civil Rights Litigation, school law, special education and domestic relations. She is a 2005 graduate of the University of Louisville and a 2008 graduate of the University of Louisville Louis D. Brandeis School of Law.

Kyle Roby became a partner at English, Lucas, Priest & Owsley, LLP (ELPO), in Bowling Green, Ky., on Jan. 1, 2016. Roby practices primarily as a civil litigator in the areas of medical malpractice defense and personal injury law, concentrating most of his personal injury work on tractor-trailer accidents. A native of Owensboro, he earned a B.A. in English from Centre College and his J.D. from The Thomas M. Cooley Law School in Lansing, Mich. He practiced at Broderick & Davenport, PLLC, in Bowling Green from 2008 to February 2013, primarily as a civil litigator, and joined ELPO after that. He is a member of the American, Kentucky and Bowling Green-Warren County Bar associations.

Stites & Harbison, PLLC, recently announced that 11 attorneys have been promoted within the law firm. Eight have been elected to membership and three have been elected to counsel, effective January 2016. The new members (partners) include: Neal Bailen – Jeffersonville, Ind., office – business litigation service group; Rob Meyer – Jeffersonville, Ind., and Louisville, Ky., offices – real estate and creditors’ rights & bankruptcy service groups; John Pollom – Lexington, Ky., office – business litigation service group, Katie Bell – Louisville, Ky., office – creditors’ rights & bankruptcy service group; Kelly White Bryant – Louisville, Ky., office – health care service group; Michael Denbow – Louisville, Ky., office – business litigation service group and white collar crime practice group; Jeff Haeberlin – Louisville, Ky., office – intellectual property & technology service group; Cassie Wiemken – Louisville, Ky., office – business litigation service group and class action defense practice group. The new counsel include: Laura Mays – Lexington, Ky., office – torts & insurance practice and employment law service groups; Rachel Owsley – Louisville, Ky., office – business & finance service group; Cooper Robertson – Louisville, Ky., office – creditors’ rights & bankruptcy service group.
Hill Hill Carter announces the opening of a new office in Louisville and the addition of Mark M. Sandmann and Robert L. Keisler, Jr., to the firm. The Louisville office will be part of the firm’s health care cost recovery section. Sandmann will be heading the Kentucky office, focusing in the areas of pharmaceutical fraud and antitrust. He will also represent the interests of local, regional and national health insurers in mass tort litigation throughout the country. Sandmann earned his B.A. in political science and international relations from the University of Missouri and received his J.D. from the Syracuse University College of Law. Keisler will join Hill Hill Carter’s Kentucky office with an emphasis in subrogation and reimbursement, particularly in mass tort litigation. Keisler has extensive experience dealing with all types of healthcare subrogation and recovery matters. He earned his B.A. from the University of Louisville and received his J.D. from the Northern Kentucky University Salmon P. Chase College of Law. Hill Hill Carter’s Louisville office is located at 11902 Brinley Avenue, Suite 201, Louisville, KY 40243. The office’s direct phone number is (502) 815-3180.

Morgan & Pottinger, P.S.C., recently announced that Laura Crittenden Tipton has joined the firm as an associate. Tipton will support several of the firm’s practice areas, including government and regulatory litigation, business disputes and litigation, state and federal constitutional litigation and appellate law. Tipton clerked for two federal judges, United States District Judge Gregory F. Van Tatenhove and United States Magistrate Judge Robert E. Wier, in the Eastern District of Kentucky. In her most recent position, she was an assistant Attorney General in the Kentucky Office of the Attorney General, practicing in the Civil and Environmental Division. Tipton will practice in Morgan & Pottinger’s Lexington office. She attended the University of Kentucky College of Law after graduating with honors from Transylvania University.

Barron Peck Bennie & Schlemmer Co., LPA, announces that Sarah M. Houseman has joined the firm as an associate. Houseman is licensed to practice in Kentucky and is studying to sit for the Ohio Bar. She received her B.A. and J.D. from the University of Kentucky. Houseman will focus her practice in the areas of civil litigation and transactional matters.

Seiller Waterman announces that Keith J. Larson has become an associate with the firm. Larson received his J.D. from the University of Maryland School of Law and is licensed to practice law in Kentucky and Iowa. He has extensive experience in state and federal civil litigation at the trial and appellate levels, with a focus on bankruptcy and commercial litigation at Elderkin & Pinnie PLC, Cedar Rapids, IA. Prior to joining Seiller Waterman, Larson served as the communications director for John Sarbanes for Congress and later as a legal assistant for United States Senator Barbara Mikulski. Larson worked as a judicial law clerk to the Honorable Judge Sean D. Wallace, a trial court judge for the State of Maryland.

Dinsmore & Shohl LLP announces two Louisville attorneys have been named partner. Michael P. Abate and Katherine P. Langan were elected to partnership effective Jan. 1, 2016. Fourteen attorneys across the firm have been promoted to partner this year. Abate is a member of the litigation department and healthcare group, since joining Dinsmore in 2013, his practice has concentrated primarily on appellate and healthcare litigation, with a particular focus on representing managed care organizations in connection with issues related to Medicare, Medicaid, and ERISA health plans. Abate has also represented a number of media organizations in open records, open meetings, and other disputes. He earned his J.D. from Stanford Law School. Langan is a member of the corporate department, she is dedicated to helping her clients protect themselves and their loved ones through careful estate planning and estate administration. She routinely advises her clients on issues such as complex wealth and business succession planning, Federal Estate and Gift Tax matters, Kentucky Inheritance Tax issues, strategic IRA and 401(k) planning, complex probate administration, and fiduciary litigation. In addition to assisting individuals with complex wealth planning, Langan is also experienced in representing individual and corporate trustees with respect to trust administration matters. She is a graduate of Vanderbilt University and earned her J.D. from the University of Kentucky College of Law.

The law firm of Goldberg Simpson LLC announces that Troy D. DeMuth has been voted as an equity member of the firm and that Kevin P. Weis has been voted as a non-equity member of the firm.

Stites & Harbison, PLLC, welcomes former Governor Steven L. Beshear as he rejoins the firm after serving two terms as Governor of the Commonwealth of Kentucky from 2007 to 2015. Beshear first joined Stites & Harbison in 1987 and supervised the Lexington office until beginning his first term as Governor in 2007. Beshear will be part of the firm’s Lexington, Ky., office but will use his expertise as both an attorney and a high-level elected official to serve clients throughout the region and in Washington, D.C. Prior to serving as the 61st Governor of Kentucky, Beshear served as Attorney General from 1979 to 1983 and Lieutenant Governor from 1983 to 1987. He was also a member of the Kentucky House of Representatives from 1973 to 1979. During his previous tenure with Stites & Harbison, Beshear handled complex business and bankruptcy litigation matters for a wide variety of clients. He received his J.D. and B.A., with high honors, from the University of Kentucky and served in the U.S. Army Reserve.

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IN THE NEWS

O’Bryan, Brown & Toner, PLLC, announces that Gerald R. Toner, partner, joined the executive committee of the Louisville Bar Association as secretary.
Bradley Arant announces that the firm has elevated D. Bryan Thomas to partner, effective on January 1. Thomas has a background in engineering, making him well suited to serve the full spectrum of construction industry clients. He focuses his litigation practice on construction- and property-related litigation where he represents owners, EPC contractors, general contractors, subcontractors, and suppliers in issues and projects ranging from state-of-the-art power plants to residential homes. He earned his J.D. and his B.S. (summa cum laude) from the University of Kentucky.

McClelland and Associates, PLLC, announces that Robert L. McClelland has received board certification in the area of elder law (CELA) by National Elder Law Foundation (NELF) — the only organization approved by the American Bar Association to offer certification in the area of elder law. He is one of fewer than 500 attorneys in the United States to achieve this certification. McClelland has practiced law for 32 years and for 15 years has focused his practice on elder care issues. He was the first chairman of the Kentucky Bar Association's Elder Law Section.

Dinsmore & Shohl LLP elected Barbara B. Edelman to the firm’s Board of Directors. Edelman is a partner in the Lexington office. She maintains extensive complex litigation experience focusing on commercial litigation and many types of business disputes. Edelman has also litigated many wrongful discharge, non-competition and employment-related cases. She previously served as an assistant United States Attorney and as an assistant Attorney General for the State of Kentucky. Eighteen attorneys make up the Board of Directors. In addition to Edelman, three other partners were also newly elected to the Board of Directors in 2016. Lexington Office Managing Partner Chauncey S.R. Curtz returns to his seat on the Board, as well as Richard H. C. Clay and R. Kenyon Meyer from the Louisville office.

Louisville attorney Craig C. Dilger will begin serving an unprecedented ninth consecutive one-year term as chairman of the Kentucky Registry of Election Finance on Dec. 17, 2015. He was unanimously re-elected to continue to serve in this capacity. His service as chairman continues to mark the longest continuous period of service as chairman in the Registry's history. Dilger is a Louisville native, and a graduate of Bellarmine University and the Northern Kentucky University Salmon P. Chase College of Law. He is a member of the business litigation practice with the law firm of Stoll Keenon Ogden PLLC. Dilger is a member of the American, Kentucky and Louisville Bar associations, and a member of the American Inn of Court, Brandeis Chapter.

Frost Brown Todd LLC (FBT) announces that its partner, Thomas P. O’Brien III, was named chairman of the Bellarmine University Board of Overseers earlier this year for the 2015-2016 and 2016-2017 terms. The Board of Overseers is a group of community leaders comprised of alumni and friends of Bellarmine who assist with the advancement of the university. O’Brien was first appointed to the Board of Overseers in 2007. He has served on the Executive Committee since 2010, as vice-chairman from 2013-2015, and now as chairman for 2015-2017. O’Brien’s legal practice is focused on complex business litigation and intellectual property litigation, including patent, trademark, copyright infringement, unfair competition and trade secrets. O’Brien is a graduate of Washington and Lee University, as well as a graduate of the Washington and Lee University School of Law.

Wyatt, Tarrant & Combs, LLP, announces that Jennifer L. Wintergerst has been selected to the Leadership Louisville Center’s Bingham Fellows Class of 2016. The Bingham Fellows is the leadership-in-action arm of the Leadership Louisville Center. The Bingham Fellows Class of 2016 will focus its efforts on “Empowering Citizens to Live Healthier Lives,” which will allow participants to work together to enhance healthy behaviors in Greater Louisville. Wintergerst is a partner in the firm. She concentrates her practice in the area of health care law. She is licensed to practice law in Kentucky and Florida, and is based in the Louisville office. She earned her undergraduate degree from Indiana University, Phi Beta Kappa, and her law degree from the University of Louisville Brandeis School of Law, cum laude.
Quintairos, Prieto, Wood & Boyer, P.A. (QPWB) announces that it has established a Diversity Committee, which will be managed out of the firm’s Chicago Office. The purpose of the Diversity Committee is simple, to ensure that QPWB continues to embrace and build on the foundation of diverse backgrounds, experiences, and ideas that has led to the firm’s success. In an effort to recognize the critical role that diversity has played in the growth and success of the firm over the years, the Diversity Committee will focus on initiatives concerning recruitment, retention, business development, professional development, and pipeline programs.

O’Bryan, Brown & Toner, PLLC, announces that Holly S. Barger, associate attorney, has been selected to serve on the 2016 Board of Directors for the Women Lawyers Association of Jefferson County.

R. Harvey Johnston, III, has received the Lawrence Grauman Award at the 2015 Alumni Awards Luncheon for the University of Louisville Louis D. Brandeis School of Law. The Lawrence Grauman Award is the Law School Alumni Council’s highest award, honoring a lifetime record of leadership and service to the profession and community. Johnston was also the recipient of a Distinguished Service Medal at the 2015 Western Kentucky University Summit Awards as the Volunteer of the Year for the College Heights Foundation Board of Directors.

Dinsmore & Shohl LLP named Carolyn M. Brown chair of the firm’s environmental group in the litigation department. Brown’s understanding of environmental law makes her an invaluable resource to her clients. Her practice focuses on all areas of environmental law and includes counseling on regulatory requirements, permitting and transactional issues as well as environmental litigation. She is a partner in the firm’s Lexington office. Dinsmore has 17 practice groups that make up five legal departments. Lexington partner Linsey “Lin” W. West continues in his role as co-chair of the tort practice group in the litigation department.

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A native of Louisville, Johnston is a 1969 graduate of Sewanee: The University of the South and received his J.D. from the University of Louisville’s Brandeis School of Law in 1972. A current board member of the Kentucky Bar Foundation, Johnston will serve as its president in 2017.

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The Fayette County Bar Foundation (FCBF) recently announced $27,000 in grants to eight (8) local organizations/projects. The Fayette County Bar Foundation has awarded grants totaling over $197,000 in the eight years since its inception. The FCBF is the charitable giving arm of the Fayette County Bar Association. Its mission is to raise and distribute funds for: delivery of legal services to the poor and indigent, law-related public education, improvement of the judiciary, the legal profession, and citizen access to the justice system. The Foundation awards grants to local not-for-profit organizations each year. The FCBF is supported by contributions from individual attorneys, law firms and corporations.

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A final tribute, the *Bench & Bar* publishes brief memorials recognizing KBA members in good standing as space permits and at the discretion of the editors. Please submit either written information or a copy of an obituary that has been published in a newspaper. Submissions may be edited for space. Memorials should be sent to sroberts@kybar.org.

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<tr>
<th>Name</th>
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<td>Kenneth P. Alexander</td>
<td>Powell</td>
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<td>Raymond R. Ashcraft</td>
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<td>Eugene Goss</td>
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<td>Carol M. Palmore</td>
<td>Frankfort</td>
<td>KY</td>
<td>Dec. 6, 2015</td>
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<td>Benjamin F. Shobe</td>
<td>Louisville</td>
<td>KY</td>
<td>Jan. 29, 2016</td>
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<tr>
<td>John Rucker Todd</td>
<td>Louisville</td>
<td>KY</td>
<td>Dec. 25, 2015</td>
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**Frank V. Benton, III**, 89, loving husband and father, passed away at home on Nov. 1, 2015, surrounded by his loving family. He is survived by his wife of 66 years, Nancy, their children: Frank V. Benton, IV (Lynnette), Marty Victores (Frank), Bill Benton, Janie Coleman and sister, Martha Bennett. Seven grandchildren: Frank V. Benton, V, Thomas Benton, Melissa Dempsey (Jerrod), Bilinda Benton, Taylor Benton, William O. Coleman, III and Allison Coleman. Two great-grandchildren: Cole and Scout Dempsey. Frank was born in Columbus, Ohio, graduated from Manual Arts High School in Los Angeles, CA, after which he served in the US Navy during WWII. He graduated from the University of Kentucky Law School. He started his law practice with his father and grandfather in Newport, Ky., in 1951. He served as Commonwealth Attorney from 1963 to 1976. During his early tenure in that position he was instrumental in ridding Newport, KY and Campbell County of gambling influences. He served as a member of the American College of Trial Lawyers. He retired from his law practice in 1992.

**Steven J. Brewer** was born March 10, 1947 and died on Jan. 24, 2015. Steve Brewer was a man who thought about other people first, and it showed. His beautiful family—from his wife Nancy, to his three sons, Mike, David, and Marc, to his 15 grandchildren—was the focus of his considerable love, devotion. Steve’s career began in Hamilton in 1976. He served on the Butler County Bar Association Grievance & Ethics Committee for about 20 years. He spent about five years with Deters, Benzinger, and LaVelle (now Dressman, Benzinger & LaVelle) and opened a Cincinnati office for the firm. He joined Buckley, King in 2002, where he practiced insurance defense work, before joining Montgomery Rennie & Jonson in 2009. From the time Steve became part of Montgomery Rennie & Jonson, he changed the firm for the better. Montgomery Rennie & Jonson was honored with the Volunteer Lawyer of the Year Award at the May 2015 meeting of the Cincinnati Bar Association. The Award was given to the firm, because it was a firm-wide project and involved the hard work and courage of 17 lawyers. However, the firm’s 25th Anniversary commitment to take on 25 VLP cases in the year 2014 was largely carried out through Steve’s leadership. The VLP award was emblematic of how Steve lived his life: to put others first and to make the world a better place, through humility, compassion, humor, and commitment.

**Gordon Byron Davidson**, 89, passed away at home on Monday, Aug. 17, 2015, with his family by his side. He was born on June 24, 1926 to the late Paul Byron Davidson and Elizabeth Franz Davidson. He was a graduate of Louisville Male High School; B.A. degree, Centre College; J.D. from the University of Louisville Louis D. Brandeis School of Law and LL.M. from Yale University Law School. Between high school and college, Davidson served as a Midshipman in the U.S. Merchant Marine during World War II (1944-1946), then as a first lieutenant in the United States Army’s JAG during the Korean War from 1952-1954. In 1954-1955, he served as law clerk to United States Supreme Court Justice Stanley Reed. Despite receiving numerous offers, Davidson turned them down to return to the city of Louisville which he dearly loved where he began his practice with Wyatt, Grafton & Sloss (now Wyatt, Tarrant & Combs) and lasting for more than 55 years. Devoted to family, his professional career, and community service, Davidson was able to serve effectively as
Managing partner of one of the region’s largest law firms, reside on the boards of directors of more than 20 not-for-profit organizations, and 10 for-profit organizations. During his career, Davidson received numerous honors including Louisville’s Fleur-de-Lis Award, the Governor’s Education, Arts & Humanities Commonwealth Award, Centre College’s Distinguished Alumnus Award, and the Alumni Fellow Award from the University of Louisville Brandeis Law School. He was a member of Second Presbyterian Church. He is survived by his beloved wife of 66 years, Geraldine Geiger Davidson, daughter Sally Davidson Rhodes (Marc B. Rhodes), son Stuart Gordon Davidson, and grandson Stuart Gordon Dederer of Richmond, Va. The family would like express their deep appreciation to his caregivers: Mark Wheeler, M.D.; Paul Loheide, M.D.; the staff at OneMD; Lynnette & Danell Ramsey and Ezell Smith.

Richard E. Fitzpatrick, 71, of Lexington, husband of Maria Parente Fitzpatrick, died Monday, Oct. 12, 2015. He was born March 30, 1944, in West Prestonsburg, Ky., to the late Richard C. Fitzpatrick and Opal Vanderpool Fitzpatrick. He was a graduate of Prestonsburg High School, the University of Kentucky, and the University of Kentucky College of Law. He practiced law in Prestonsburg and Lexington for over 40 years. In addition to his wife he is survived by a daughter, Sarah Harmon Fitzpatrick of Lexington, a son, Jonathan E. Fitzpatrick and his wife Jennifer of Montclair, Va., and two grandchildren, Noah Quinn Fitzpatrick and Alessandra Sandoval. He is also survived by several nephews and a niece. He was predeceased by his sister, Garnett Truckle and his niece, Jayne Ann Ferrell.

B. Rhodes), son Stuart Gordon Davidson, and grandson Stuart Gordon Dederer of Richmond, Va. The family would like express their deep appreciation to his caregivers: Mark Wheeler, M.D.; Paul Loheide, M.D.; the staff at OneMD; Lynnette & Danell Ramsey and Ezell Smith.

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William Anderson “Bill” Logan, 81, of Madisonville, Ky., passed away Wednesday, Dec. 23, 2015, at the Western Kentucky Veterans Center in Hanson, Ky. Born in Brownsville, Ky., to the late Ruth Brooks Logan and V.R. Logan, Bill graduated from Brownsville High School, Murray State University, and after serving in the United States Army, attaining the rank of Captain, he earned his Juris Doctor from the University of Kentucky Law School. Bill had a distinguished legal career, beginning in Frankfort, with the firm of Hazelrigg and Cox, followed shortly thereafter by a move to Madisonville to join the firm of Gordon and Gordon, which in time would become Logan, Morton, and Ratliff. He was elected a Fellow of the American College of Trial Lawyers and was chosen to serve on the Kentucky Board of Bar Examiners. He also had an impressive record of public service, including serving as State Senator for KY-6, followed by a term as chairman of the Kentucky Public Service Commission. He was chairman of the Madisonville Community College Foundation board for 25 years, a former President of the Murray State University Alumni Association, and a licensed pilot and member of the Airport Board in Madisonville, as well as serving on the Board of Traver Foundation. In 2011, the William A. Logan endowed professorship was created at Madisonville Community and Technical College. More importantly, Bill was a loving, kind and wise husband, father, and grandfather. He is survived by his wife of 59 years, Joyce Hight Logan, his son, Dr. William Anderson (Aimee) Logan II, and grandchildren, Eric, Emily, and Benjamin Logan. He is also survived by his brothers, Dr. John A. (Jackie) Logan, and Dr. Thomas B. (Jo) Logan, both of Henderson, Ky., as well as numerous nieces and nephews. In addition to his parents, he was preceded in death by his sister, Emma Elizabeth Logan. The family wishes to express their profound gratitude for the loving and compassionate care given by the dedicated staff of the Grant Unit at the Western Kentucky Veterans Center.

Another of America’s “Greatest Generation” Professor Emmet Mittlebeeler of Washington, D.C., passed this earthly vale, Oct. 28, 2015, at the ripe old age of 100 years. A native Kentuckian and lifelong learner, he earned degrees from the University of Louisville: B.A. and J.D., University of Chicago: M.A. and Ph.D. and the Wesley Theological Seminary: M.A. in Divinity. An Army veteran of WWII, he served in Florida, Brazil, North Africa, Italy and participated in the Liberation of Europe and the Denazification of Germany after the war. His post-war career included a stint with a Kentucky Congressman and work for the Kentucky Attorney General. A professor emeritus at the American University (AU) School of Government, he impacted innumerable students as well as participants in AU’s well regarded Washington Semester. He authored numerous historical articles for publication and a book on the Tribal Judicial System of the country formerly known as Rhodesia. He loved travel and teaching abroad, visiting and living on every continent save Antarctica. He led a large number of study tours to Europe and the former Soviet Union. An enormously talented yet humble man, Dr. Mittlebeeler leaves no immediate family, but a host of former students and friends.

Carol Palmore, died peacefully at home in Frankfort on Sunday, Dec. 6, 2015. Survivors include her husband of 34 years, former Kentucky Supreme Court Chief Justice John S. Palmore, her sister, Robin Pate, step granddaughter Julie Palmore Williams, Julie’s husband Will and their daughters, Lili and Dorsey Williams. She was preceded in death by a brother, Leonard Pate. Carol was born Jan. 13, 1949 in Owensboro, the daughter of P.J. and Carrie Pate. She was a 1971 graduate of Murray State University and completed her law degree at the University of Kentucky in 1977. Immediately after passing the bar exam, she became an associate with the Owensboro law firm of Rummage, Kamuf and Yewell. She was the only female attorney in Owensboro at that time, foreshadowing her future career, in which she often became the first or the only female to hold various offices or positions. A consummate public servant, Carol first began her career as a state social worker and later went on to serve in cabinet level positions under four Kentucky Governors. She served as Labor Secretary under Governors Martha Layne Collins, Wallace Wilkinson and Brereton Jones. And then she served as Secretary of Personnel under Governor Paul Patton, a post from which she retired in 2003. In every position, she was respected and revered by her staff, her colleagues, and leaders in both the executive and legislative branches. Carol was long active in the Democratic Party and a tireless and enthusiastic supporter of numerous candidates for public office. She herself ran for Secretary of State in 1995, and most recently was serving as a member of the Franklin County Democratic Executive Committee. Her dedication to community service was demonstrated in the numerous boards and committees on which she served, including the Frankfort Rotary Club, where she served as president, The Kentucky Women’s Leadership Network Board, and her service as president of the Kentucky Bar Foundation.
IN MEMORIAM CONT.

**Benjamin Shobe**, 95, Distinguished jurist, passed away on Friday, Jan. 29, 2016. He was born on Oct. 2, 1920 in Bowling Green, Ky., and was the son of the late Walter L. and Anna L. Shobe. He had one brother, the late Dr. Walter Shobe of Indianapolis. He practiced law as a trial attorney for many years and served as a Judge in Police and Circuit Court, twice as Chief Judge. In October, 1943, Rucker married Anne Gray Pentecost of Atlanta, Ga., and for 66 years before her death in 2010 they led a wonderful life of deep love and shared interests. In Kingsport, Rucker attended Dobyns Bennett High School. Rucker then attended Emory University, from which he graduated magna cum laude. There he was a member of Phi Beta Kappa and Omicron Delta Kappa, president of the student body, and president of his social fraternity, Chi Phi. During World War II he served as a naval officer aboard the battleship USS Tennessee and participated in a number of invasions in the far Pacific. After the war he attended the Harvard Law School and graduated magna cum laude. At law school he was a member of the Board of Editors of the *Harvard Law Review*. Rucker came to Louisville with the firm of Bullitt, Dawson and Tarrant. In 1972, Rucker, Eli H. Brown, III, and Henry R. Heyburn combined three law firms to form the firm Brown, Todd & Heyburn. Rucker was a member of the firm’s management committee. After the death of Eli Brown, III, in 1974, he became chairman of the management committee and continued in that position until his retirement in 1989. Rucker took a special interest in bringing talented young lawyers into the firm, and Brown, Todd & Heyburn became Kentucky’s leading law firm. Rucker was a member of the Calvary Episcopal Church. Rucker extends deepest thanks to Ann Fey and to Pamela Fey, her daughter-in-law, for their devoted care and attention that added immeasurably to the final years of his life.

**Rucker Todd**, of Louisville, Kentucky, died on Dec. 25, 2015, and was cremated. Survivors include a son, Dr. John Rucker Todd, of Shreveport, La., and a daughter, Katherine Todd, of Naples, Fla. Rucker was born April 17, 1923, in Kingsport, Tenn., the son of Judge and Mrs. John Rucker Todd, Jr. In October, 1943, Rucker married Anne Gray Pentecost of Atlanta, Ga., and for 66 years before her death in 2010 they led a wonderful life of deep love and shared interests. In Kingsport, Rucker attended Dobyns Bennett High School. Rucker then attended Emory University, from which he graduated magna cum laude. There he was a member of Phi Beta Kappa and Omicron Delta Kappa, president of the student body, and president of his social fraternity, Chi Phi. During World War II he served as a naval officer aboard the battleship USS Tennessee and participated in a number of invasions in the far Pacific. After the war he attended the Harvard Law School and graduated magna cum laude. At law school he was a member of the Board of Editors of the *Harvard Law Review*. Rucker came to Louisville with the firm of Bullitt, Dawson and Tarrant. In 1972, Rucker, Eli H. Brown, III, and Henry R. Heyburn combined three law firms to form the firm Brown, Todd & Heyburn. Rucker was a member of the firm’s management committee. After the death of Eli Brown, III, in 1974, he became chairman of the management committee and continued in that position until his retirement in 1989. Rucker took a special interest in bringing talented young lawyers into the firm, and Brown, Todd & Heyburn became Kentucky’s leading law firm. Rucker was a member of the Calvary Episcopal Church. Rucker extends deepest thanks to Ann Fey and to Pamela Fey, her daughter-in-law, for their devoted care and attention that added immeasurably to the final years of his life.

**Clarissa Grace Jackson Wilson, Esq.**, died in El Paso, Texas, following a sudden illness. She was the wife of active duty Army SFC Antonio Michael Wilson of Gadsden, Ala., and the mother of two daughters, Jordan, age 8, and Alexandra, age 3. She is the daughter of Mr. and Mrs. Sherron Jackson, of Frankfort, and sister of Jillian Jackson of Garfield, N.J. Mrs. Wilson was a 1999 graduate of Franklin County High School. Mrs. Wilson completed her college education, majoring in history, at Western Kentucky University in 2003. She married Antonio Michael Wilson in October of 2003 and followed his service career to Colorado Springs, Germany, back to Kentucky, South Korea, and El Paso. In 2007, Mrs. Wilson, was selected as a Kentucky Legal Education Opportunity (KLEO) Scholar at the University of Louisville Louis D. Brandeis School of Law. She served as a mentor for the program the next year, providing guidance to the new KLEO scholars. Mrs. Wilson received her Juris Doctorate in 2010 from the University of Louisville Louis D. Brandeis School of Law. While stationed in Germany and in El Paso, Mrs. Wilson practiced law with the Army and enjoyed sharing her singing talent with the local church choirs, becoming the director of each. Mrs. Wilson is also survived by her mother-in-law, Donna Wilson, El Paso, Texas; grandmothers, Mrs. Ruby N. Winters, Jackson, Miss., and Mrs. Nora G. Jackson, Prentiss, Miss., grandmother-in-law, Mrs. Rebecca Williams, Anniston, Ala., and many aunts, uncles, cousins, and friends.

**Bucky Todd** of Louisville, Kentucky, died on Dec. 25, 2015, and was cremated. Survivors include a son, Dr. John Rucker Todd, of Shreveport, La., and a daughter, Katherine Todd, of Naples, Fla. Rucker was born April 17, 1923, in Kingsport, Tenn., the son of Judge and Mrs. John Rucker Todd, Jr. In October, 1943, Rucker married Anne Gray Pentecost of Atlanta, Ga., and for 66 years before her death in 2010 they led a wonderful life of deep love and shared interests. In Kingsport, Rucker attended Dobyns Bennett High School. Rucker then attended Emory University, from which he graduated magna cum laude. There he was a member of Phi Beta Kappa and Omicron Delta Kappa, president of the student body, and president of his social fraternity, Chi Phi. During World War II he served as a naval officer aboard the battleship USS Tennessee and participated in a number of invasions in the far Pacific. After the war he attended the Harvard Law School and graduated magna cum laude. At law school he was a member of the Board of Editors of the *Harvard Law Review*. Rucker came to Louisville with the firm of Bullitt, Dawson and Tarrant. In 1972, Rucker, Eli H. Brown, III, and Henry R. Heyburn combined three law firms to form the firm Brown, Todd & Heyburn. Rucker was a member of the firm’s management committee. After the death of Eli Brown, III, in 1974, he became chairman of the management committee and continued in that position until his retirement in 1989. Rucker took a special interest in bringing talented young lawyers into the firm, and Brown, Todd & Heyburn became Kentucky’s leading law firm. Rucker was a member of the Calvary Episcopal Church. Rucker extends deepest thanks to Ann Fey and to Pamela Fey, her daughter-in-law, for their devoted care and attention that added immeasurably to the final years of his life.

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Louisville Mega Caverns
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www.louisvillemegacavern.com

Churchill Downs Racing Schedule
Racing Thursday May 12th - evening 5 p.m. first race
Friday May 13th - 12:45 p.m. first race
www.churchilldowns.com/calendar/2016-05

Speed Art Museum
Reopened March 2016
www.speedmuseum.org

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Lyman Sherman Darby
Katherine P. Davenport
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Benjamin K. Davis
Deborah L. Davis
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