



Bench & Bar

Volume 71 Number 4

July 2007



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and sons John and Robert*

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Legal Education

15 Serving all Kentuckians: Making Legal Education Available to our Rural and Minority Communities

By Dean James M. Chen, Dean Dennis R. Honabach and Dean Allan W. Vestal

16 Legal Education and the Building of a Better Commonwealth

By Dean James M. Chen

17 Restructuring Legal Education: The Vital Role of the Bench and Practicing Bar

By Dean Dennis R. Honabach

21 A Short History of Legal Education and Law Buildings at the University of Kentucky: "The special physical facilities required for a modern program of legal education"

By Dean Allan W. Vestal

24 From Fee to Free: A Take on Legal Information Through Technology-Colored Glasses

By Helane Davis

26 IT and Legal Education

By Will Hilyerd, Thomas Hughes, Michael Losavio, and Virginia M. Smith

Departments

3 President's Page *By Jane Winkler Dyche*

30 Three Cheers for Lawyers

By Randy E. Barnett

33 Effective Legal Writing

By Barbara McFarland

36 Advisory Ethics Opinions –

KBA E-426 & KBA E-427

43 CLE

46 Kentucky Bar News

56 Who, What, When & Where

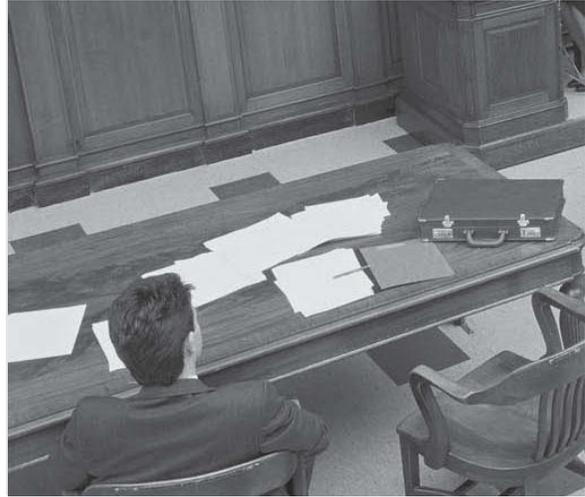


On the Cover: KBA President Jane Winkler Dyche with her husband, Robert W. Dyche III, their sons, Robert and John, and their dog, Jake.

Cover photo by Carl Keith Greene.

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(L to R) Pete Gullett, Jane Broadwater Long,
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Jane Winkler Dyche

Charting Our Course

I want to thank the lawyers of the Commonwealth for allowing me to serve as President of this organization. In a letter to Kentucky lawyers in 2004, during the campaign for vice president of the Kentucky Bar Association, I expressed the need for the voice of many to be heard for the betterment of our profession. This year I want to hear from you, the members of the KBA.

Looking ahead, my goals include developing a strategic plan, based on information gathered from members, that will provide direction for the future of the Kentucky Bar Association. This is a unique opportunity to craft the map, or chart the course, that will lead us into the future. The guiding light for this effort will be the mission and purpose of the bar association as set out in **SCR 3.025**:

to maintain a proper discipline of the members of the bar in accordance with these rules and with the principles of the legal profession as a public calling, to initiate and supervise, with the approval of the court, appropriate means to insure a continuing high standard of professional competence on the part of the members of the bar, and to bear a substantial and continuing responsibility for promoting the efficiency and improvement of the judicial system.

This year will be spent listening and providing feedback and input to a strategic planning committee. That committee, guided by an experienced bar administrator from the ABA Member Services

Division, will then formulate a plan for review by the KBA Board of Governors. The adoption of that plan, hopefully by this time next year, will provide us with a roadmap to an identified destination.

In the coming weeks and months, Kentucky lawyers will have the opportunity to participate in this planning process. We will gather demographic data, conduct surveys, organize focus groups, and encourage Kentucky lawyers, including each Kentucky Law Update participant, to take an active role in the process. The budget for the year that began July 1, 2007 includes funds for this effort.

When I have visited with lawyers across Kentucky, I have heard the concerns and complaints about the KBA being out of touch and failing to meet the needs of its lawyer members. Therefore, during this strategic planning process, we want to hear from the membership – be it the young lawyer in a large firm or a small town solo practitioner. This is your chance to tell us what you think and to provide input.

The night before each Kentucky Law Update (KLU) I am planning to be in the host town available to meet with KBA members, local bar leaders, and stakeholders you identify, to discuss issues facing you in your communities. During the meetings, I will ask questions such as:

- *What challenges are facing our members?*
- *How are you confronting and adapting to technological changes?*
- *What program/activity should the bar association be doing that it isn't?*
- *What should the bar association be doing?*
- *What should the bar association stop doing?*

- *If you could give the Board of Governors one piece (and only one piece) of advice, what would it be?*
- *What keeps you (and other members and colleagues) up at night?*

In an informal group, sometimes talk flows more freely. Let me know when and where we can gather the day before the KLU, or on the first day of the KLU, to spend some time together. You may reach me by email at jwdyche@kybar.org. I want to take your message back to the planning group.

It's hard to know whether you have reached your destination if you don't know where you are going. Without a plan, or map, how do we know if we are there yet? While we haven't been wandering in the wilderness, we have sometimes pursued activities that haven't had the support needed to flourish. Let's look at who we are, what we are about, what we need to do, and how we can do it. You are essential to accomplishing this task.

I find strength in reading and studying and was recently reminded in a book on prayer that Micah, an Old Testament prophet, instructs us "to do justice, and to love kindness, and to walk humbly with [our] God." "To 'walk humbly with . . . God' may mean to carry out daily activities as though we were doing them hand in hand with God, seeking to walk in the world as God would walk. Micah's writings attest to his deep sensitivity to the social ills of his day, especially as they affected the small towns and villages of his homeland."

As a child of southeastern Kentucky, one of the most maligned areas of the state and perhaps the United States, I

Terms Expire on the KBA Board of Governors

On June 30 of each year, the terms expire of seven of the fourteen Bar Governors on the KBA Board of Governors. SCR 3.080 provides that notice of the expiration of the terms of the Bar Governors shall be carried in the *Bench & Bar*. SCR 3.080 also provides that a Board member may serve three consecutive two-year terms. Requirements for being nominated to run for the Board of Governors are contained in Section 4 of the KBA By-Laws and the requirements include filing a written petition signed by not less than twenty (20) KBA members in good standing who are residents of the candidate's Supreme Court District. Any such petition must be received by the KBA Executive Director at the Kentucky Bar Center in Frankfort prior to close of business on the last business day in October. The current terms of the following Board members will expire on June 30, 2008:

- 1st Mark C. Whitlow
Paducah
- 2nd James D. Harris, Jr.
Bowling Green
- 3rd R. Scott Madden
Manchester
- 4th Michael J. O'Connell
Louisville
- 5th Douglas L. McSwain
Lexington
- 6th Margo L. Grubbs
Covington
- 7th John M. Rosenberg
Prestonsburg



Jane Winkler Dyche gave her inaugural address during the Annual Banquet.

understand being part of a group that is looked at as “different” from others. As a woman lawyer, I know what it is like to be looked at as being “different” from and by others. As a bar leader, I know what it feels like to be looked at as being “different” from others. This year I will take the time I have been blessed with to be evermore sensitive to the concerns of those who may be looked at as “different” by others. I will take those interests and concerns to mind and heart as we focus on strategic planning for the Kentucky Bar Association.

Woody Allen says that 90% of life is

showing up, but what you do with the other 10% makes showing up worthwhile. I plan on showing up at many activities in the coming year, and my goal will be to do something worthwhile with the other 10%. I will strive “to do justice, to love kindness and to walk humbly with [my] God.” I need your good thoughts, prayers and energy to do that. ■

This article is an excerpt from KBA President Jane Winkler Dyche's inaugural comments given at the 2007 KBA Annual Banquet.



2006-2007 KBA President Robert C. Ewald passed gavel to 2007-2008 KBA President Jane Winkler Dyche.

CHARTING KENTUCKY'S COURSE

2007 Award Recognitions

The Honorable Boyce F. Martin, Jr. was named Outstanding Judge of the Year, Daniel T. Goyette was named Outstanding Lawyer of the Year, and the Honorable William J. Wehr received the Chief Justice's Special Service Award at the KBA Annual Banquet on June 21, 2007.

2007 Outstanding Judge

Judge Boyce F. Martin, Jr., was named the Outstanding Judge of the Year by the KBA. The award was presented to Judge Martin in recognition of, and in appreciation for, dedicated service to the Kentucky Bar Association and the citizens of Kentucky.

Judge Martin was nominated to the United States Court of Appeals for the Sixth Circuit in the spring of 1979 and was confirmed that fall. He served as Chief Judge of the Sixth Circuit from October 1996 until September 2003, and is now Chief Judge Emeritus. Before his nomination to the U.S. Court of Appeals, Judge Martin was a member of the Kentucky Court of Appeals from its creation in 1976 and served as its first Chief Judge from 1976 to 1979. He also served as a Jefferson Circuit Court Judge. Among his many civic interests,



Judge Boyce F. Martin, Jr. (left) accepted the Outstanding Judge Award from KBA President Robert C. Ewald at the Annual Banquet.

Judge Martin has served as chairman of the board of trustees of the I.W. Bernheim Foundation, which operates the Bernheim Arboretum near Louisville.

2007 Outstanding Lawyer

Daniel T. Goyette, Chief Public Defender for Jefferson County, was named Outstanding Lawyer of the Year in recognition of, and in appreciation for, exceptional public service which has brought honor to the lawyers of Kentucky while achieving the highest quality of professional accomplishment.

Mr. Goyette has served as Executive Director of

2007

Kentucky Bar Association Annual Convention



KBA President Robert C. Ewald presented the Outstanding Lawyer Award to Daniel T. Goyette (right) at the Annual Banquet.

the Louisville-Jefferson County Public Defender Corporation since 1982. He has practiced law in Kentucky for over 30 years and is a current member of the KBA Ethics Committee. This year he served as co-chair of the KBA Annual Convention CLE Committee. Mr. Goyette has been a member of the adjunct faculty at the University of Louisville Brandeis School of Law since 1979. He is a charter member of the Louis D. Brandeis American Inn of Court and serves as its Membership Committee Chair.

Chief Justice's Special Service Award

Judge William J. Wehr, of Fort Thomas, was presented the Chief Justice's Special Service Award in recognition of his distinguished service to the Kentucky Court of Justice, for his leadership as Chief Judge of the Senior Status Program, for his accomplishments in reducing cost and delay in the delivery of justice, and for his role in the construction and renovation of court facilities across our Commonwealth.

Judge Wehr has a history of distinguished service to the Kentucky Court of Justice. He served as Campbell Circuit Court Judge and retired in March of 2004. At that time, he took Senior Judge Status and began service in the Senior Status Program.

Membership Awards

Several members of the Kentucky Bar Association were recognized during the Membership Awards Luncheon for



During the Annual Banquet, Chief Justice Joseph E. Lambert presented the Chief Justice's Special Service Award to Judge William J. Wehr (right).

their leadership and dedicated service within the legal profession and in their communities.

Justice Thomas B. Spain Award

The Justice Thomas B. Spain Award is presented annually by the CLE Commission for outstanding service in the area of CLE for members of the bar throughout the Commonwealth. Justice Martin E. Johnstone, of Louisville, was awarded for his service in helping organize and implement continuing legal education programs for Kentucky attorneys.

CLE Commission Chair Doug Ballantine presented the award to Justice Martin E. Johnstone, who served as the Supreme Court's liaison for the CLE Commission for ten years beginning in 1996. When presenting the award, Mr. Ballantine stated that "Justice Johnstone



CLE Chair Doug Ballantine presented the Justice Thomas B. Spain Award to Justice Martin E. Johnstone (right).

cares about advancing this profession. He cares about the profession as a whole and lawyer, by lawyer, by lawyer." He added, "I can't think of a more deserving person. Justice Johnstone has been an unending supporter for legal education throughout the state. It is truly my honor to give Justice Johnstone the Thomas B. Spain CLE Award."

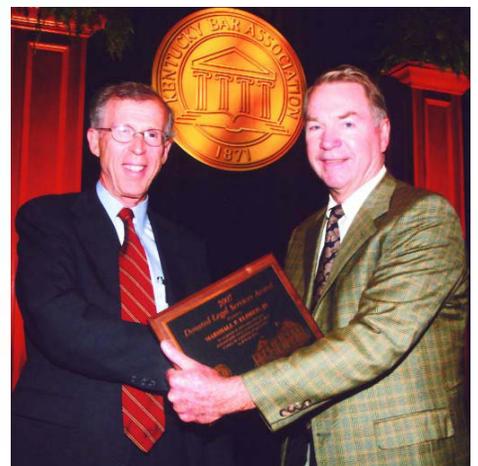
Donated Legal Services Award

This award was presented to Marshall P. Eldred, Jr., a Louisville attorney and a founding partner of Frost Brown Todd LLC, in recognition of, and in appreciation for, dedicated public service in promoting the effort to insure the availability of legal services to all Kentuckians.

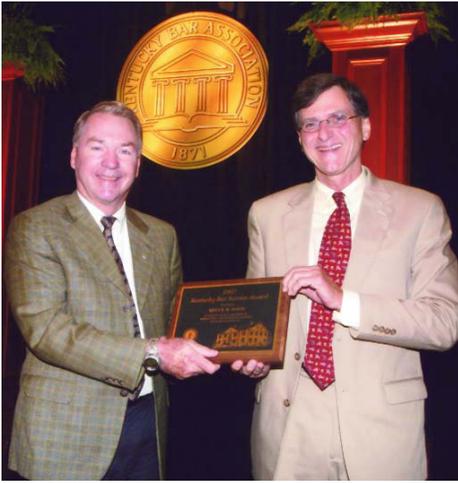
When presenting the award, President Ewald stated that "Marshall Eldred has been Mr. Legal Aid." Upon receiving the award Mr. Eldred said, "I consider it a very high honor coming from Bob Ewald who has spent so many years working on public defender issues and so many years with the civil legal services here in Louisville." Mr. Eldred concluded by stating "whatever you can do for your legal services programs or your local pro bono program of your bar association, please know that you are going to make a significant improvement in somebody's quality of life."

Kentucky Bar Service Award

This Kentucky Bar Service Award was presented to Bruce K. Davis, former KBA Executive Director, in recognition of, and appreciation for, dedicat-



KBA President Robert C. Ewald presented the Donated Legal Services Award to Marshall P. Eldred, Jr. (left).



KBA President Robert C. Ewald presented the Kentucky Bar Service Award to former KBA Executive Director Bruce K. Davis.

ed service to the Kentucky Bar Association and the citizens of Kentucky.

When presenting the award to Bruce K. Davis, President Robert Ewald stated that “Bruce Davis brought us into the 21st century in terms of bar service. Having served as KBA Executive Director for twenty-four years, his life and his career have been the KBA.” President Ewald then announced that “next year this award will be the Bruce K. Davis Bar Service Award.” When accepting the award Bruce Davis said, “Twenty-seven of my thirty-six years as a member of the Kentucky Bar Association have been spent working for the KBA. It has certainly been a great honor and a privilege to serve the lawyers and judges of Kentucky.”



Barbara B. Lewis (left) accepted the President's Special Service Award from KBA President Robert C. Ewald.



Del O'Roark (right) accepted the President's Special Service Award from KBA President Robert C. Ewald.

President's Special Service Awards

Louisville attorneys Barbara B. Lewis and Dulaney L. O'Roark, Jr. were presented with the President's Special Service Award in recognition of their dedication and service to the profession and to the community.

President Robert Ewald presented Barbara Lewis the President's Special Service Award in recognition of dedicated service to the bench and bar of Kentucky for service as professor and dean of the Brandeis School of Law as well as countless other bar related activities that have elevated the standards of the profession, ethics, and competence of the practice of law throughout the Commonwealth. President Ewald said, “Barbara Lewis is a trail blazer.” Upon acceptance of the award she said, “I have always thought that to be a lawyer is a great calling. It is a great service, and to teach lawyers is a great privilege.”

Louisville attorney Dulaney L. O'Roark, Jr. was presented the President's Special Service Award in recognition of the extraordinary and outstanding service he provided to the Kentucky Bar Association compiling and writing a voluminous report which will influence the practice of law for many years in the future. When presenting the award, President Ewald said, “I can't tell you how many hours Del O'Roark put into the Ethics 2000 Report. He deserves this award for extraordinary and outstanding service.” When accepting the



Ryan C. Reed (left) presented the 2007 Outstanding Young Lawyer Award to Chris A. McKinney (right).

award Del O'Roark said, “This award is especially sweet in the twilight of my career.” He added that he would like to recognize paralegal Janice Coffman for her work on the report.

2007 Outstanding Young Lawyer Award

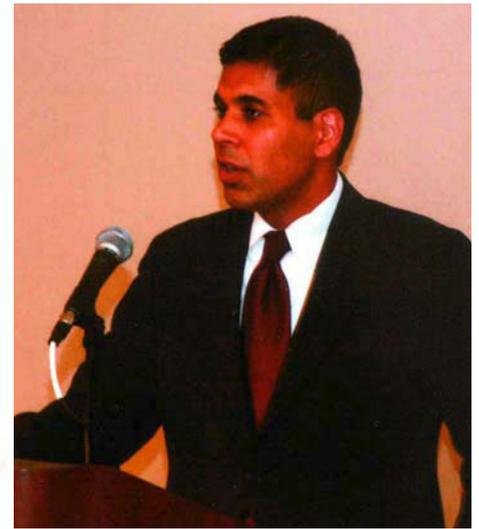
The Kentucky Bar Association's Young Lawyers' Section named Chris A. McKinney as the 2007 Outstanding Young Lawyer. The award is bestowed annually upon a young lawyer who has demonstrated exceptional legal, community and civic accomplishments throughout the past year.

Chris A. McKinney is an associate at the law firm of English, Lucas, Priest & Owsley, LLP in Bowling Green. He focuses his practice in the area of litigation. Mr. McKinney attended the United States Military Academy at West Point and received his B.A. from the University of Kentucky in 1993. He received a master's degree from the University of Kentucky and earned his J.D. in 1996 from Indiana University School of Law. Mr. McKinney has served in both Iraq and Afghanistan as a member of the United States Army National Guard, IN, EN, JAG. From 2003 to 2004, he served as a staff attorney for the National Guard Bureau, Office of Chief Counsel. Prior to that, he worked for the Federal Bureau of Investigation in the Washington Field Office as a special agent and principal legal advisor. ■



KBA Past Presidents

From left to right: Robert C. Ewald, William T. (Bill) Robinson III, David L. Yewell, Ben L. Kessinger, Jr., John G. Prather, Jr., Charles E. English, Marcia Milby Ridings, Stephen D. Wolnitzek, Donald L. Stepner, Norman E. Harned, John W. Stevenson, R. Kent Westberry and David B. Sloan.



Amul R. Thapar, U.S. Attorney for the Eastern District of Kentucky, was the guest speaker at the Young Lawyers' Section Luncheon.



Chief Justice Joseph E. Lambert Administering the Oath to the 2007-2008 Kentucky Bar Association Board of Governors.

Left to right: 2nd Supreme Court District Bar Governor R. Michael Sullivan, President Jane Winkler Dyche, Young Lawyers' Section Chair Ryan C. Reed, Vice President Charles E. English, Jr., 6th Supreme Court District Bar Governor Thomas L. Rouse, President-Elect Barbara D. Bonar, 1st Supreme Court District Bar Governor W. Douglas Myers, 4th Supreme Court District Bar Governor Douglass Farnsley, 3rd Supreme Court District Bar Governor Richard W. Hay, 5th Supreme Court District Bar Governor Fred E. Fugazzi, Jr. and 7th Supreme Court District Bar Governor William H. Wilhoit.



Andrew J. (A.J.) Schaeffer (right), 2006-2007 YLS Chair, passed gavel to Ryan C. Reed (left), 2007-2008 YLS Chair.

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Great American Insurance Group
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2007 Convention CLE

2007 Annual Convention Supreme Court Rules Hearing Formally Considers Ethics 2000 Committee Report

By Jane H. Herrick,

Assistant Director for CLE

On Wednesday, June 20, 2007, the 2007 KBA Annual Convention commenced with the Supreme Court Rules hearing. All seven justices were in attendance at the hearing, where the first formal consideration by the Court of the Ethics 2000 Report occurred. Justice John Minton, Jr., Chair of the Supreme Court Rules Committee, presided over the hearing.

The Ethics 2000 Committee was created in July 2003 by the KBA Board of Governors to review and make recommendations relative to the American Bar Association's report recommending changes to the Model Rules of Professional Conduct. The Kentucky Rules of Professional Conduct, based upon the ABA's Model Rules, have not been substantially altered since becoming effective



Robert O'Bryan Greene portrays Muhammad Ali in "Fighting for a Principle: Muhammad Ali v. United States."

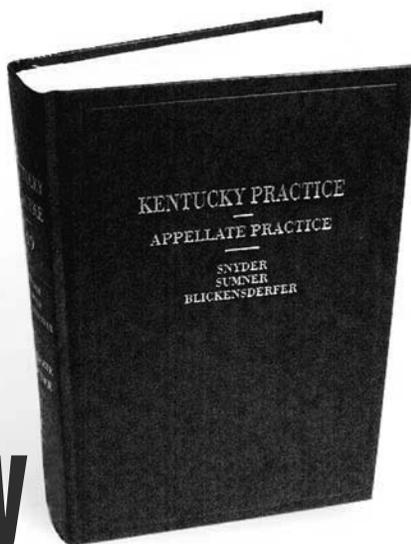
in 1990. Other states are looking at the ABA's recommended changes, and "Kentucky should not be left out of that

process," said Del O'Roark, Chair of the Kentucky Ethics 2000 Committee.

Mr. O'Roark said that the Committee's

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Howard Fineman

recommendations maintained the current “structure” and “values” of the current Rules and the proposed changes are “not revolutionary.” He further described the proposed Rules as a “state of the art set of [disciplinary] Rules.”

The Committee’s report, available online at www.kybar.org (go to lower half of home page for direct link) contains an executive summary and appendix to explain the review process and the proposed changes. Mr. O’Roark urged all KBA members to access the website to review the report, which is detailed and lengthy.

According to Justice Minton, the Supreme Court will continue to review the Committee’s report over the next year. At the 2008 KBA Annual Convention in Lexington, the Court will again hold a public hearing on the proposed changes. A final decision on the report is not expected until late 2008 at the earliest.

Newsweek’s Howard Fineman Speaks at Annual Convention

*By Jane H. Herrick,
Assistant Director for CLE*

Howard Fineman, *Newsweek’s* Senior Washington correspondent, spoke at the 2007 KBA Annual Convention on Thursday, June 21, 2007. The subject of Mr. Fineman’s address was especially timely: “Reporters & Sources: From Branzburg to the Libby Case.”

Mr. Fineman, formerly a reporter for the Louisville *Courier-Journal*, spoke broadly about freedom of the press, noting at the outset of his remarks that in the United States “we are blessed.” Accord-

ing to Mr. Fineman, fifty-five journalists were murdered or died in 2006 “in the line of duty.” Of that number, thirty-two journalists were from Iraq. Additionally, 134 journalists were known to be imprisoned last year for doing their jobs, with “most of those” being from China.

The question Mr. Fineman presented for consideration was the tension between competing needs for information, or, as he put it, what will “the velocity of information” be in our society. Mr. Fineman said that within the last five years, he has noticed an increase in the number of prosecutors obtaining subpoenas for reporters to testify before grand juries. He attributed this change to a number of factors, including corporate news ownership; the global war on terror; journalists becoming less team-oriented; a fall in public support for journalists embroiled in such matters; notable mistakes in reporting (such as the Jayson Blair plagiarism matter and reporting on weapons of mass destruction leading up to the Second Gulf War).

Even in the aftermath of the Libby case, Mr. Fineman declared that there is “no reason for hysteria or alarm” among journalists to feel unprotected. He noted that forty-nine states have reporter “shield laws” and that “reporters have not been cowed.” Mr. Fineman pointed to several recent significant news stories involving leaked information, including the NSA wiretaps, secret CIA prisons, the abuses at Abu Ghraib prison, and the poor conditions at Walter Reed military hospital. All of these stories, according to Mr.

Fineman, originated from leaked information.

Mr. Fineman advocated for a “qualified, measured” privilege for journalists, balancing the “seriousness of the crime,” considering the “alternatives” to obtaining the information the journalist is alleged to have, and also taking into consideration the “impact of the press’ ability to do its job.”

In conclusion, Mr. Fineman noted the unique position his profession occupies in society, but admitted that journalism is “not an art, not a science; it’s barely a craft.”

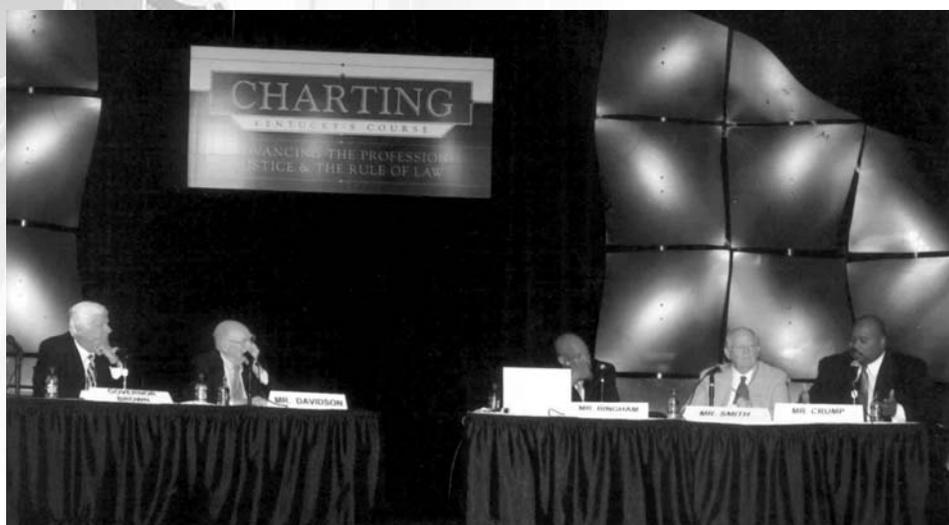
Fighting for a Principle: Muhammad Ali v. United States

*By Jane H. Herrick,
Assistant Director for CLE*

On Friday, June 22, 2007, the KBA 2007 Annual Convention presented a specially-commissioned one-act play and panel discussion regarding the U.S. Supreme Court case about Muhammad Ali’s refusal to be inducted into the armed forces based upon his religious beliefs.

The twenty-minute play was a Kentucky Historical Society Museum Presentation, written by Mike Thomas. The play featured an actor playing Ali and another serving as narrator and sometimes foil for Ali’s reactions and comments. The play contained actual quotes from Ali, and images from his legal battle were shown on large screens.

Following the play, a panel discussion was led by journalist Steve Crump, formerly of Louisville. Included on the panel were former Governor John Y.



Former Governor John Y. Brown, Jr., Gordon B. Davidson, Howard L. Bingham, John L. Smith and Steve Crump discuss the Muhammad Ali case.

Brown, Jr., a friend of Ali; John L. “Jack” Smith, a former federal prosecutor who prosecuted Ali; Gordon B. Davidson, a colleague and supporter of Ali during his conscientious objector fight; and Howard L. Bingham, a close longtime friend of Ali. All shared their own recollections of Ali and his legal fight. At the conclusion of the panel discussion, Mr. Smith said that one lesson to take from the Ali case was “not to rush to judgment” and that “times change.” Former Governor Brown said “America as an ideal and concept of justice [was] upheld” by the Ali decision.

NPR’s Juan Williams Featured at Convention

By *Jamie Brown, KBA CLE*

The distinguished Juan Williams, senior correspondent for National Public Radio, political analyst for FOX television and acclaimed author, was a Featured CLE presenter at the 2007 Convention. His thought-provoking presentation on race relations in the U.S. challenged attorneys, as civic leaders, to take an active role in shaping the future of our evolving nation. Williams contended that our country is on a “journey of change” that is driven by a demographic revolution, which includes the “browning of America” (increasing minority populations), a greater presence of influential females, and growing percentages of the population under the age of eighteen and over the age of sixty-five. The statistics provided by the speaker supported his imperative that now is the time to mobilize young minorities, who face unique challenges including an achievement gap, high poverty and imprisonment rates, and a lack of nuclear family units. He argued that the African-American community has not made the most of the opportunities secured by late civil rights leaders, including a failure to maximize the potential benefits that could have stemmed from the Supreme Court’s 1954 ruling in *Brown*. Williams denounced many members of the African American community who criticize and resist changes touted by leaders like Bruce Gordon, former director of the NAACP, and comedian/activist Bill Cosby. He claimed leaders like Gordon would rather take steps toward solving the problems affecting their race and not simply allocate blame



Juan Williams

for the obstacles facing the black community. Williams condemned “phony leaders” who simply “flag societal problems” and expressed support for empowered leaders who are ready to take the difficult and bold steps towards fixing the ailments of the minority population. “We don’t need to react to change, not even manage it, but be leaders in creating positive change in order to create a stable democratic society,” pleaded Williams. He urged attorneys to “shape what is to come,” claiming that leadership by lawyers is essential as they assume a critical role in any social movement. He implored Kentucky attorneys to recognize this time in American history as a time of rapid change and to be on the cusp of the new wave, bringing about legal and social changes, mentoring youth, securing equal justice, and nurturing change.

Ethical Client Service

By *Jamie Brown, KBA CLE*

By far, the most animated presenter at the Annual Convention was Roy S. Ginsburg, an attorney coach who serves as marketing ethics counsel to *Minnesota Law & Politics* and *Super Lawyers* magazines and Thomson West’s *FindLaw*. His interactive presentation on effective and ethical client service reminded attorneys of the importance of running a client-cen-

tered practice. Ginsburg shared some startling statistics that supported his claim that, “You probably aren’t as good as you think,” including that 70 percent of Fortune 1,000 clients are not satisfied and would not recommend their current legal representation and that only 4 percent of clients are inclined to voice their complaints. Indicators of client satisfaction are more complex than the average attorney initially would believe; in fact, Ginsburg discredited the audience’s traditional conceptions of satisfaction indicators, which included repeat business and lack of complaints. The primary reason Ginsburg claims attorneys should focus on pleasing their clients is that client satisfaction will distinguish them among their colleagues, thereby creating a competitive edge that will result in more referrals and a reduction in marketing costs. Ginsburg also claimed that the majority of bar complaints are service issues including scope of representation, diligence, communication, and fees.

His presentation discussed the three criteria by which a client judges his or her attorney – results, outputs, and service. Ginsburg claims that although clients can evaluate the results of their cases, the attorney is not able to control the outcome; and while the attorney may have control over outputs of his or her legal work, the average client cannot effectively evaluate such outputs. Thus, client service is the only criteria by which clients assess their lawyers, that the attorney has full control over and the client has the ability to meaningfully evaluate. According to Ginsburg, the largest part of providing superb customer service is managing the expectations of clients. The average client has preconceived notions of what his or her case entails and how a lawyer should handle it before they even select representation. He claimed that expectations need to be managed in those areas that determine a client’s satisfaction, including quality of representation, timeliness of communication and rendering services, price (measured against perceived value), and interpersonal skills/treatment of clients. Our speaker recommended managing expectations by clearly outlining what you will do and how you will do it before the relationship with the client begins. ■





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Serving All Kentuckians:

Making Legal Education Available to Our Rural and Minority Communities

By **Dean James Ming Chen**, University of Louisville, Louis D. Brandeis School of Law,
Dean Dennis R. Honabach, Northern Kentucky University Salmon P. Chase College of Law, &
Dean Allan W. Vestal, University of Kentucky College of Law

Kentucky's three law schools serve *all* of the people and communities of the Commonwealth. Our common mission is to make available top quality legal education to all qualified Kentuckians. Over the years, we have sometimes fulfilled that common mission in different ways. Because of their urban settings and their histories, Louisville and Chase have offered part-time programs. UK has established admissions and scholarship programs to serve the rural communities of eastern Kentucky. But all three schools have been successful at drawing students from the Commonwealth and returning graduates to practice across the entire state.

We want to comment briefly on two special challenges we face, making legal education accessible to Kentucky's rural and minority populations, and the steps we are taking to meet those challenges.

As to making legal education available to our rural population, the challenge is both short- and long-term. All three schools have a long history of educating students from rural communities who, upon graduation, return to their homes and become local leaders. But in the short term we are each facing two closely related challenges which affect our ability to serve the rural parts of the Commonwealth: ever-rising tuition and substantial student loan debt on our graduates. And in the long term we each face the challenge of increasing the size of the applicant pool from rural Kentucky.

In the short term, steadily rising tuition rates, resident tuition at our all our schools will exceed \$13,000 next year, clearly impair the ability of Kentucky families, especially rural families of modest means, to send their children to law school. These tuition increases also make it difficult for the three schools to raise enough new money to keep our scholarship funds equal to the task. In the short term, steadily rising tuition has another perhaps less obvious effect on our rural communities. Rising tuition increases our students' loan balances. Our students graduate with an average of about \$50,000 in law school debt. Given the substantial differences in salary between rural and urban job markets, such debt means that students who might otherwise choose to return to their rural communities feel that they cannot do so. As a result, their talents and contributions are lost to rural Kentucky.

There are several ways to address this short-term situation. We shall continue to work to moderate tuition increases at our respective universities. We shall each work to raise scholarship funds to keep pace with the additional need. And we will keep advocating legislation that would relieve educational debt for law students who fill public service positions in rural Kentucky.

There is also a serious long term challenge we face in the rural parts of the Commonwealth. The pool of applicants from rural Kentucky has been relatively steady, and disappointingly small, over the past decade. The demographic data regarding the population of middle school and high school students in rural Kentucky suggests that this problem will

get more severe over time. Simply put, we need to take some creative and innovative steps to increase the number of rural Kentuckians who go to law school.

As to the second challenge, making legal education available to our minority population, each of us has a history to acknowledge and overcome. But those unfortunate histories were reversed long ago. Chase admitted its first African American law student as early as 1931, UK in 1949, and Louisville in 1950. To ensure the diversity of our schools, we have worked jointly with leaders of the bench and bar to recruit and retain minority applicants with undertakings such as the Kentucky Legal Education Opportunities Program which was conceived and implemented through the leadership of Chief Justice Joseph Lambert and Representative Jesse Crenshaw. Each school vigorously pursues diversity in its student body; each has minority enrollments which typically meet or exceed Kentucky's African American population of 7.2%. In each case, our retention and

graduation rates for minority students have been solid and the bar examination passage rate of our minority students has been impressive.

Despite our success in attracting, retaining and graduating minority students, we have been continually frustrated by the number of minority applicants from Kentucky. For all three schools, the pool of Kentucky-resident minority applicants has been relatively steady, and disappointingly small, over the past decade. For each school, the overwhelming majority of our minority applicants are non-residents. We need to take some creative and innovative steps to increase the number of minority Kentucky residents who consider going to law school.

In order to increase the number of law school applicants from Kentucky's rural and minority communities, we must work with students in middle school and high school, to encourage them to think of legal careers. This will undoubtedly involve getting students, lawyers, and judges from their communities to serve as

role models and mentors. We need to demonstrate to these students that others from their communities have achieved successful and rewarding careers in the law. Our three law schools must assure the students that we want them to come to law school and that we will work diligently to make sure that we can make available the resources to allow them to attend.

We intend for this to be a collaborative effort among our schools. It will include the Kentucky Bar Association, local bar associations, and our student bar associations. Its success will depend upon the participation of judges and practitioners, professors and students. After creative and careful planning, we intend to put our ambitious plans into effect. We invite you to join us.

Many years may pass before these efforts will bear fruit. We need to be, and are, as patient as we are determined. These important challenges lie at the heart of our common mission to deliver top quality legal education to all qualified Kentuckians. ■



Legal Education and the Building of a Better Commonwealth

By Dean James Ming Chen

History dies hard in Kentucky. Memories linger, and the dead hand of the past exerts a firmer grip here than it does in many other places. Hope for a brighter future in our Commonwealth lies squarely within the realm of higher education.

The University of Louisville traces its origins to 1798, six years after Kentucky became a state. This university has taught law continuously since 1846. In the century that passed between that milestone and the September 1, 1950, merger of the Jefferson School of Law with the Univer-

sity of Louisville, Kentucky's economy rested on its traditional pillars of bituminous, burley, bourbon, bats, and betting.

Between the Civil War and World War II or, alternatively, during the lifetime of Justice Louis D. Brandeis (1856-1941), civic leadership in the United States was all but coextensive with municipal citizenship. The wealthiest individuals of that era committed their charitable and civic efforts to their cities. Their names – Rockefeller, Ford, Carnegie, Frick, Duke, Vanderbilt, Mellon – endure as the names

of universities, libraries, foundations, and other civic institutions.

Yes, history dies hard in Kentucky, but neither humans nor the institutions they build can endure forever. The extraction industries of Kentucky's past have yielded to today's knowledge-based economy. In a similar fashion, today's corporate owners owe far less fealty to any one community. Institutional and individual investors disperse their wealth across highly diversified portfolios, and corporations correspondingly invest in a broader



Jim Chen became dean of the University of Louisville, Louis D. Brandeis School of Law in 2007. A graduate of Emory University and Harvard Law School, he clerked for Justice Clarence Thomas of the United States Supreme Court. He also served as Associate Dean of the University of Minnesota Law School. His scholarly interests include administrative law, agricultural law, constitutional law, economic regulation, environmental law, industrial policy, legislation, and natural resources law. Dean Chen is also the founder and administrator of the Jurisdynamics Network, a weblog dedicated to the methodological tools and subjects that most vividly depict the law's interaction with societal and technological change.

range of communities.

The modern university, including legal academia, plays a vital role in this dramatically transformed economic and social landscape. In its capacity as a seeker of knowledge and a cultivator of ambitious youth, the university plainly drives the economy of ideas and innovation. Perhaps less well understood is the contemporary university's contribution to civic leadership. Research universities such as the University of Louisville are the last great place-based movers in modern life. Where robber barons once ruled, presidents, provosts, and deans, alongside courageous and generous individuals in the private sector, now hold sway.

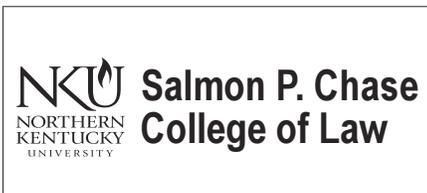
Tomorrow as today, our communities' fortunes lie in biomedical research and health care, in the dissemination and adoption of cutting-edge information technologies, and in the harnessing of the logistical

muscle that powers global business. The overwhelming rate of technological, economic, and societal change places the highest possible premium on law as civil society's primary instrument for avoiding conflict, resolving disputes, and building institutions. Vastly greater progress and prosperity lie in collective, rather than individual, action. By enabling individuals to empower themselves and to form lasting, productive organizations, law makes that progress possible.

Kentucky remains one of the most poorly educated states in the union. Its citizens, however, finish second to those of no other state or country in their fervent wish to educate their children and to secure for posterity a future whose brilliance far outshines that of their collective past. Transforming our community, our Commonwealth, our country, and our world for good is the grandest mission

embraced by the University of Louisville. There simply is no calling more compelling than this.

Grawemeyer Hall, the administration building at the University of Louisville, boasts an inscription that befits an institution whose singular goal is to become the nation's premier metropolitan research university: "Dedicated by the people of Louisville to the higher training and useful education of its aspiring youth." By embracing the aspirations of our students and our constituents at their fullest, we provide hope that cooperation will triumph over conflict and that the people we serve, in the beauty of their diversity, will benefit equally from the progress we enable. Legal education, delivered by the University of Louisville to the community that has nurtured and sustained it, is a beacon of hope and a path to our future. ■



Restructuring Legal Education

The Vital Role of the Bench and Practicing Bar

By Dean Dennis R. Honabach, Northern Kentucky University, Chase College of Law

Traditionally law schools have defined their goal as educating law students to "think like lawyers."¹ By that measure, they have fared well. Today's law students graduate knowing a great quantity of legal doctrine. They understand the nuances of legal argument. They possess the tolerance that comes with understanding that there are strong competing sides to most arguments. They realize that as lawyers they will be called upon to make difficult policy choices. In short, today's graduates indeed do "think like lawyers."

The problem, as many view it, is that while newly minted lawyers "think like lawyers," they lack the skills and values needed to "act like lawyers." As the authors of the recently released Carnegie Foundation report on legal education, *Educating Lawyers – Preparation for the Profession of Law*,² conclude, law schools have failed to provide law graduates with an adequate foundation for their continued professional development. The Report calls for a substantial change in legal education. It challenges

law schools to restructure legal education in a way that both equips graduates with the basic skill sets needed to practice law effectively and ensures that those new lawyers have a deep understanding of the values that underlie the lawyer's role in our society.³

Most legal educators are likely to applaud the recommendations of the Carnegie Report. The bar and the bench will likely lend their imprimaturs as well. The unanswered question, however, is whether law schools will actually implement any of the proposals in a serious fashion that is likely to bring about change at more than a glacial pace.

There is reason to be skeptical.⁴ The barriers to implementing the recommended changes are substantial and many. One obstacle is cost. The economies that exist in the traditional Socratic-doctrinal large classroom course with fifty or more students disappear when faculty members teach skills or values in clinical and simulation courses. There the student-faculty ratio is not likely to exceed 20:1 and may

often be as low as 8:1. With law schools and law students already feeling the pressure of soaring costs, any proposal that calls for law schools to employ more expensive models of teaching – no matter how salutary those models might be – will meet with resistance, even from the students who are likely to be the biggest beneficiaries.⁵

A second obstacle to achieving a fundamental change in legal education is the current format of the bar examination. Passing the bar examination is the top priority for most law students. As rational consumers of legal education, law students rank high those courses and programs that enhance the likelihood they will pass the bar. Pressed for time, they often eschew skills training and other valuable educational opportunities that are not tested on the bar examination. Law schools are equally sensitive to the issue of bar passage.

Unfortunately, while present bar examination formats do test legal reasoning skills, they do not test an applicant's skill

level in other areas nor do they assess the applicant's appreciation of the professional values championed by the Carnegie Report. Even the Multistate Performance Test ("MPT"), used in thirty states and the District of Columbia, has not provided a valid tool for evaluating a candidate's skill level in areas other than legal reasoning.⁶ The same is true for professional values; no bar examination even purports to tease out and assess the professional values of bar candidates.⁷ Until bar examiners employ tools that effectively evaluate lawyering skills and professional values, the pressure of the bar examination will continue to undercut any attempts by law schools to introduce more skills/values components into the curriculum. Although reformers have proposed new bar admission procedures such as those currently being tested in New Hampshire,⁸ change on this front is likely to come slowly.⁹

Perhaps the most important barrier to desirable change, however, is the current uneasy relationship between law professors, jurists and practicing lawyers. Judges and lawyers tend to emphasize the

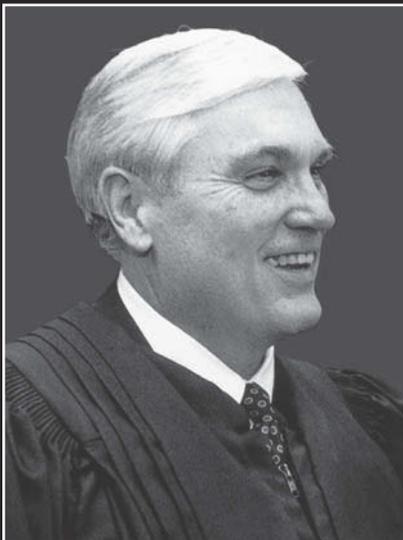
crucial role law schools play as professional training grounds; faculty members, on the other hand, underscore the role that the law school plays within the university. As a result, the bar and bench are often critical of what they perceive to be a focus by legal educators on esoteric topics and theory,¹⁰ while law professors often denigrate skills education and live client training as matters more appropriate for trade schools than law schools. The result is a gulf between law professors on one hand and judges and lawyers on the other that has obscured the critical relationship between theory, values, skills and the practice of law.

That gulf can be bridged only by the development of an effective partnership among legal educators, jurists and the bar. To be sure, jurists and practicing lawyers have always played important roles in legal education. Those roles, however, have generally been limited to appearances as guest speakers, adjunct professors and, occasionally, members of advisory boards. In those capacities, judges and lawyers have benefited law schools and law students immensely. They have

had little real effect, however, on the design of law school curricula. Guest speakers, by the very nature of their limited role, can only have so much effect. Although adjunct professors play a more active role in delivering legal education, they likewise have little effect on curricular design. By necessity, adjunct professors function as shadow faculty members. They arrive early in the morning or, more often, early in the evening. They teach their students and then leave. They rarely interact with members of the regular faculty. While advisory board members may be called upon to discuss the big picture issues such as bar passage, fund raising and the like, they too tend to have little effect on curricular design.

At the same time, most law professors – clinicians being the major exception – have only a minimal relationship with the practicing bar. A few professors do participate on bar committees. A few stay involved in practice at some level (although the current ABA rules and the academic pressures of tenure discourage such practice).¹¹ Outside of attendance at an occasional bar convention meeting or

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Dean Honabach
has served as dean and professor of law at Northern Kentucky University Chase College of Law since 2006. Prior to coming to Chase he had

served as dean at the Washburn University School of Law and Western State University College of Law and as a member of the faculty of Vermont Law School, Rutgers University-Camden School of Law and the University of the District of Columbia School of Law. Dean Honabach received his JD from Yale University in 1973 and his AB in economics from Bucknell University, cum laude, in 1970. He is the co-authored of the D&O Liability Handbook, (West Group 1994-2006 editions) and the Proxy Rules Handbook (West Group 2001-2006 editions). He has also published law review articles on topics ranging from managerial liability to toxic torts and nuisance law.

CLE program, however, most professors have little interaction with practicing lawyers. Most focus almost entirely on their work as teachers and scholars. Consequently, the awareness of the demands of law practice that many law professors bring with them when they join the faculty dulls over time, leaving them effectively detached from the profession.

What is needed is a close working relationship, a partnership, between the law school, the bench and the bar. To put it bluntly – and with apologies to my colleagues in the academy – it is time for all of the players in the legal profession to realize that legal education is much too important a task to be left solely in the hands of law professors. Law professors are very good at what they do. They excel in the classroom. But they – and here I include myself - have much to learn from the practicing bar. That learning can occur only if those in leadership positions within all of the constituencies of the profession forge a dynamic partnership between the academy, the judiciary and the bar.

That partnership must involve much more interaction than the infrequent encounters between law professors, judges and practicing lawyers that occur today. If students are to be given opportunities to integrate their studies, judges and the practicing bar must work closely with law professors to develop courses that both engage students and provide them with experience in applying their knowledge to meet the needs of their clients. Together, the bar and the professoriate must design courses that compel students to experience the human side of the practice of the law. In some instances those courses might take the form of a problem solving simulation course using facts drawn from an actual litigation or transaction. Those courses might require students to split time in the classroom and in the courtroom (or the law office) where law students deal with clients experiencing the types of legal issues being studied in a course. Those courses might be co-taught by a law professor and a practitioner who join forces to bring home to students the importance of professional values or a course in which law professors and practitioners team up to teach students a lawyering skill such as fact-

finding, counseling or interviewing. The possibilities are endless. Law professors might even seek out the guidance of the practicing bar when designing more traditional courses such as torts or contracts. The main point is that by forming a strong partnership, judges, lawyers and law professors can construct a curriculum that provides students real opportunities to learn how to apply the knowledge they have learned to meet the needs of their clients, and at the same time, ensures that students appreciate the important values of the profession.

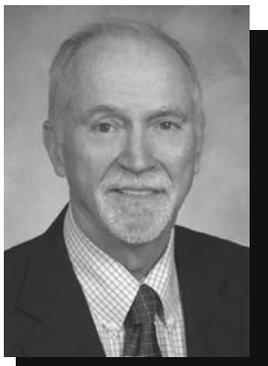
None of this work will be easy; the distance between the professoriate and the bench and bar is wide – wider than one might imagine. But this work is essential. Only by leveraging the energies and knowledge of judges and practicing lawyers can law schools hope to develop a model of legal education that answers the call of the Carnegie Report for an integrated law school curriculum sufficient to educate professionals who possess the understanding, skill and judgment to meet the needs of society. ■

ENDNOTES

1. No better – or perhaps better known - expression of the thought can be found than the famous admonishment from Professor Kingfield to his students in “You come in here with a head of mush and you leave thinking like a lawyer.” *The Paper Chase* (Twentieth Century Fox 1973)
2. William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond and Lee Shulman, *Educating Lawyers – Preparation for the Profession of Law* (John Wiley & Sons, Inc. 2007) (“Carnegie Report.”) A summary of the Carnegie Report is available at http://www.carnegiefoundation.org/files/elibrary/EducatingLawyers_summary.pdf (last visited April 24, 2007).
3. Carnegie Report at 191-192.
4. As many readers may recall, the ABA’s Section on Legal Education and Admissions to the Bar’s *Legal Education and Professional Development – An Educational Continuum, Report of The Task Force on Law Schools and the Profession: Narrow-*

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ing the Gap (ABA 1992) – generally referred to as the MacCrate Report after the chair of the Task Force - issued in 1992, called for similar changes in legal education. As the Carnegie Report attests, not much has changed.

5. The good news is that the use of sophisticated technology may one day reduce the cost of skills training. See Gene Koo, *New Skills, New Learning: Legal Education and the Promise of Technology*, Pub. No. 2007-4 at 20-21 (Berkman Center for Internet Society at Harvard Law School & Res. March 2007) (available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=976646 (last accessed April 24, 2007)).
6. Kentucky does not use the MPT. Neither do two of our neighboring states – Tennessee and Virginia. Ohio, Illinois, Indiana, Missouri and West Virginia do. For a full list of states using the MPT, see <http://www.ncbex.org/multistate-tests/mpt/mpt-faqs/jurs1/> (last visited April 23, 2007).

7. The Multistate Professional Responsibility Examination (“MPRE”) is designed to test an applicant’s knowledge of the disciplinary rules of professional conduct. It does not test the professional values discussed by the Carnegie Report. For a general description of the MPRE, see http://www.ncbex.org/uploads/user_docrepos/MPRE_IB2007.pdf (last visited April 25, 2007).
8. For a discussion of the New Hampshire program to replace the bar examination with a comprehensive educational program taught at the Franklin Pierce College of Law, see <http://www.piercelaw.edu/websterscholar/index.htm> (last visited April 24, 2007).
9. For a thorough discussion of proposed alternatives to the current bar examination process, see *Symposium, Rethinking the Licensing of New Attorneys – An Exploration of Alternatives to the Bar Examination*, 20 Ga. St. L. Rev. 813-1060 (2004)
10. For a classic statement of this sentiment, see Harry T. Edwards, *The*

Growing Disjunction Between Legal Education and the Legal Profession, 31 Mich. L. Rev. 34 (1992).

11. ABA 402 requires law schools to have “a sufficient number of full-time faculty to fulfill the requirements of the ABA Standards.” Standard 402(b) goes on to define a full-time faculty member as “one whose primary professional employment is with the law school ... and whose outside professional activities, if any, are limited to those that relate to major academic interests or enrich the faculty member’s capacity as a scholar and teacher...” Interpretation 402-4 provides that “[r]egularly engaging in law practice or having an ongoing relationship with a law firm or other business creates a presumption that a faculty member is not full time.” The ABA Standards and Interpretations regarding faculty are available at http://www.abanet.org/legaled/standards/20062007StandardsWebContent/B.Chapter%204_20061005150212.pdf (last visited April 24, 2007.)

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A Short History of Legal Education and Law Buildings at the University of Kentucky:

“The special physical facilities required for a modern program of legal education”

By Allan W. Vestal, Dean, University of Kentucky College of Law

The histories of legal education and law buildings at the University of Kentucky are inexorably intertwined. Where we are says a lot about who we are, how we teach, the constraints under which we operate, and how we are viewed. Looking back at the history of law buildings at UK is interesting and produces some surprises.

The UK College of Law has been housed in only five buildings over its century of existence. From 1908 into 1910 the fledgling college was housed in two rooms in Frazee Hall, then the education building. From 1910 to 1926, the College was housed on the third floor of the Natural Sciences building, built in 1898 as Science Hall and now known as Miller Hall. From the summer of 1926 to 1938, the College was in the Law Building, originally built in 1892 as the Agricultural Experiment Station and now known as the Gillis Building. From 1938 through 1965, the College was in Lafferty Hall constructed to be the home of the College of Law and now, still as Lafferty Hall, home to the Anthropology Department and the Webb Museum of Anthropology. In the summer of 1965 the College of Law moved into its present building, to which an addition was built in 1978.

As one would guess, the evolution of our facility tracks increases in the size of the faculty, the size of the library, the number and breadth of class offerings, and, to a point, the number of students. To credit contemporary accounts, each of these homes was initially more than adequate for the then-modern program of legal education. For example, the initial bulletin for the College states:

The College of Law is located in commodious quarters on the University grounds and is supplied with class-rooms, court room, auditorium for lectures, a library room and office.¹

The “commodious quarters” of 1908, two rooms in Frazee Hall, housed Dean Lafferty, two professors, an assistant professor of political economy and sociology, and four resident lecturers. It was reported that “[a] law library is being accumulated.” A year later there were approximately one hundred students enrolled. We taught 30 courses, ten in the first year, ten in the second year, and ten in the third year, all apparently required.

By the mid-1920s the commodious quarters of 1910 – the third floor of the Natural Sciences building – were in need of replacement. The bulletin from 1926 reports:

The College of Law has for many years been housed in the Natural Science Building on the University campus in Lexington, Kentucky. During the summer of 1926, the school will move into its new quarters, the Law Building, just opposite the Administration Building on the campus. This will contain a large library reading room, three large classrooms, offices for faculty members, a rest room for girl students and a smoking room for the men. The building will be equipped with the latest furniture for law school purposes, and the classrooms will be fitted up as court rooms, where the practice and trial courts will meet.²

By 1926 the faculty had expanded to Dean Turck, three professors and ten special lecturers. The College had a staff of three, a librarian, an assistant librarian and a secretary. The curriculum had changed, with some electives in the second and third years, and expanded slightly: we taught eight first year classes, seven second year classes, seven third year classes, and ten second and third

year electives. The student body had apparently declined in size; only 66 students are listed in the catalog. The law library contained some 11,000 volumes.

Barely a decade later, the College of Law was again on the move, this time to newly-constructed Lafferty Hall. The 1939 bulletin contains a description of the new building, apparently especially notable for the sense of light:

In January 1938, the new law building, constructed with the aid of WPA funds, was made ready for occupancy by the law school. On the left from the foyer is a general reading and study room, flanked on all sides with reference books, a part of the walls of which are constructed of glass brick. In this way shadows are avoided and a clear light is produced which does not tire the reader’s eyes.³

The excitement over the light in Lafferty Hall was short-lived. The 1940 bulletin contains a much more prosaic description of the building:

The New Law Building contains a large reading room, two stack rooms, one for reports and one for treatises and periodicals. It also contains nine offices, three classrooms, a locker and lounge, an old book room, a fan room, a Law Journal office, and two storage rooms.⁴

The decade leading up to Lafferty Hall had seen some changes in the College of Law. For example, the library had expanded from 11,000 volumes in 1928 to 30,000 in 1940. The faculty, the dean and four professors in the mid 1920s, grew to eight by 1940. And the staff included four student library assistants, one of whom

was "Paul Oberst, Owensboro."

The final move came in the mid-1960s, as the College vacated Lafferty Hall for the present building:

The College of Law now occupies a handsome new building of contemporary design constructed in 1965. . . . [T]his new law building was planned and designed to provide all of the special physical facilities required for a modern program of legal education.⁵



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was on the faculty of the Washington and Lee University School of Law where he taught in the areas of partnership and corporation law, commercial law, and real estate. Prior to teaching, he practiced law in Wisconsin and Iowa for a total of ten years. He received his B.A. in 1976 and his J.D. in 1979, both from Yale University.

Typical of American law schools, the College of Law at the University of Kentucky grew tremendously in the twenty years following the end of the Second World War. That growth was matched by the new building in 1965. As to most indicators, the growth from 1965 to the present has outpaced that of the earlier period. That growth, of course, has not yet been matched by a new facility:

In 1940 we had a law library of 30,000 volumes. In 1963, just before the move from Lafferty Hall to the present building, we had a law library of 69,000 volumes ("among the largest in the South"). After the move, in 1966, we had 80,000 volumes. Today we have 465,187 total volume and equivalents, 252,651 of which are volumes.

In 1940 the faculty numbered eight. In 1963 we had a faculty of ten; in 1966 we had a faculty of 14. Today we have a faculty of 28, which will grow to at least 32 over the next two years.

In 1940 we had a staff of three. In 1963 we had a staff of five; in 1966 the staff had grown to nine. Today we have a staff of 29.

In 1940 we taught 48 classes and sections, 12 in the first year, and 36 in the upper years. By 1963 those numbers were 37 classes and sections, 11 in the first year, and 26 in the upper years; in

1966 the corresponding numbers were 47 classes and sections, 12 in the first year, and 35 in the upper years. Today we teach 110 classes and sections, 19 first year and 91 in the upper years.

It is probably true that in the mid-1960s, when the UK College of Law moved from Lafferty Hall to the present building, the then-new building was adequate to the existing program of legal education. It was a significant advance over Lafferty Hall, both in terms of space and configuration, although I have never met a faculty member, student or graduate who believes the present building is a triumph of beautiful or inspirational architecture.

If the present building was adequate to the "modern program of legal education" in the mid-1960s, it is most certainly inadequate to the current program. The statistics presented above tell part of the story. Additional perspective is found in the nature of the activities found in the modern day law school. For example:

In the mid-1960s there was no live client clinic. Today, clinical education is central to our teaching, but the clinic is located in a separate building and needs to be expanded.

In mid-1960s we had one law journal and a few co-curricular activities. Today, we have two law journals and almost twenty co-curricular activities.

In the mid-1960s there was no continuing legal education program at the College. Today, UK/CLE is a significant operation with a director and four staff people. Increasingly, it must use venues outside of the law school in order to accommodate CLE program presenters and attendees.

In the mid-1960s there were no computers in the law school. Today, students take class notes and exams on laptop computers, we record and digitize courtroom feeds from across the Commonwealth, Bob Lawson uses PowerPoint in his classes, and almost all our applicants get information about law school admissions on our website. We have an information technology staff of three.

In the mid-1960s the Dean, the faculty and the Dean's secretary did admissions and informal career services. The College of Law had no development or formal alumni relations pro-



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gram. Now, we have staff doing admissions, career services, development, alumni relations and communications, and our staffing levels are far below those of our peers.

There is now a consensus that we require a new building to match the growth since 1965 and to anticipate the growth to come. The architectural firm of Robert A.M. Stern Architects (www.ramsa.com) has been retained to plan the new building. One of the first steps in the planning process is to look back at where we have been, to get a sense of where we are going.

There is a risk in looking back that we characterize our predecessors in ways that lose the rich detail of the past. For example, I think we tend to assume that early legal education consisted of large lectures covering a small number of very basic courses and that the history of the law school is a linear one of adding more courses, decreasing course sizes and abandoning the lecture format. There is some truth in the characterization. Indeed, the curriculum from the first years of the College of Law did include courses in torts, criminal law, contracts, "Bills, Notes and Cheques," partnership, agency, principles of sales, real property, common law pleadings and the like. But a look back at our curriculum includes some surprises. The 1909 curriculum, which included the predictable core courses, also included *required* courses in sociology and international law. By 1929, two years after Lindbergh's flight to Paris, we had an elective on "Law of the Air," dealing with airplane law. Starting in 1933 we had a third year class on "Office Practice" to complement the course on "Practice Court." Students in 1955 could take a course in "International Legislation;" 1967 saw offerings entitled "Criminal Psychopath" and "Law of Developing Countries." In 1975 students could select "Relational Torts," or "Women and the Law." Today's students can select from a rich curriculum including "Children and the Law," "Intellectual Property Drafting," and "Natural Resources Taxation Seminar." We have *always* had innovative courses in our curriculum.

It is also a mistake to think that our

faculty predecessors wanted to teach only in large lecture classes. Guess when the following statement of academic policy – promising small classes structured to facilitate faculty-student interaction – was written:

It is the policy of the law school to secure the largest amount of individual instruction compatible with the progress of the class. To this end, classes are not allowed to include more than fifty students, and the classroom work calls for the participation of a large number out of each class each day. The method of case book instruction in large classes can easily degenerate into a lecture by the instructor, interrupted occasionally by a few of the ablest students. The aim of each member of the faculty is to test out the reasoning powers of each member of the class by repeated cross-questioning in class from day to day. It is believed that such a plan creates more interest and is more stimulating to the student than the more formal lecture or discussion by the instructor alone.⁶

Surprising to some, the statement dates from 1926 and serves as a good reminder that the quality of instruction has *always* been a critical concern of this faculty and that we have *always* realized the individual nature of teaching.

As we begin the serious architectural work on our new building – as we plan and design "all of the special physical facilities required for a modern program of legal education" in the words of our predecessors in 1965 – we will be mindful that where we are says a lot about who we are, how we teach, the constraints under which we operate, and how we are viewed. It should be an interesting time. ■

ENDNOTES

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From Fee to Free: A Take on Legal Information Through Technology-Colored Glasses¹

By Helene Davis

Law and technology have come a long way. Law students no longer use electric typewriters to produce appellate briefs or dedicated terminals (or even proprietary software) to access Westlaw and Lexis. Some — but notably not all — have even abandoned print research entirely in favor of online research.

Today, the use of technology by law students — and by extension, practitioners — starts with word-processed documents and launches in various directions. Westlaw and Lexis play a larger role in legal research, but most access is via Web-based interfaces. The same is true for several other legal publishers and for major non-legal publishers. Once information providers realized they could use the Web but still control access via passwords and other means (e.g., IP-authentication), there was no stopping them.

However, for the technologically inclined, I would suggest that the most fascinating trends don't have much to do with these types of services, but instead have everything to do with other notable ways in which Web-related technology is affecting students and practitioners. This article explores two such areas: free, quality legal (or practice-related) information on the Web, and Web-based legal discourse.

Free and Online

As long as it's accurate, high quality and trustworthy, free online information definitely has a place in the lives of students and practitioners.

A legal research conference I attended recently included a session in which the presenter stressed how lawyers are increasingly turning to free online resources in their research and daily law practice. It's easy to surmise that this trend has much to do with the growing costs of legal materials — in both print and digital formats — but I'd suggest that cost is only part of the picture. Lawyers and law students are already accustomed to using the Web, both for fee-based research and e-mail. They can easily make the mental leap to seeing the Web

as a viable source for work-related information. Naturally, good information that can be had for little or no cost is a plus.

Any more, any discussion of advanced legal research techniques and resources includes information on how to locate free online legal information. Here's a short list of places to start.

Thomas: <http://thomas.loc.gov>. A comprehensive resource for full-text federal legislative information. Includes the text of congressional bills and legislative documents, with most bill-related information, including summaries and full-text, extending back to the 93rd Congress (1973). Users can also find information on nominations, treaties, and the text of the *Congressional Record*.

EDGAR: <http://www.sec.gov/edgar.shtml>. The Web home for SEC company filings filed electronically, by law. This includes registrations, periodic reports for both foreign and domestic companies, third-party filings, and tender offers. Note, not all SEC filings are required to be filed in this manner, so this site doesn't include every filing for a given entity.

GPOAccess: <http://www.gpoaccess.gov/>. The Web home of the Government Printing Office, this site links to full-text versions of the *U.S. Code*, the *Code of Federal Regulations*, and the *Federal Register*. Although historical coverage is not as extensive as coverage via commercial sources and search functionality is not as sophisticated, easy access and lack of cost make this site an attractive online alternative.

LexisOne: <http://www.lexisone.com>. Via this site, Lexis allows free searching of the last five years of federal and state case law. Legal forms are also available, although users are likely to incur a cost to use more sophisticated form-related features.

State Legislatures Internet Links: <http://www.ncsl.org/public/leglinks.cfm>. The National Conference of State Legislatures (NCSL) provides this interface to simplify locating legislative links. One advantage this site holds over using a

search engine is the ability to search more than one state or territory, or limit a search to specific content. For example, a user can limit a search to bill information (as opposed to committee reports, hearings, or transcripts) but still search multiple jurisdictions.

USAGov: <http://www.usa.gov/>. Originally known as FirstGov, this is the Federal government's portal for all things government-related on the web. Both federal and state information is accessible via agency, governmental branch, or topic.

KY Legal Information. No grouping of free online information here would be complete without links to the KY Legislature, including K.R.S., and the KARs. Kentucky Statutes are available at <http://www.lrc.state.ky.us/statrev/frontpg.htm>, and are searchable by keyword as well as browsable by title. Kentucky Administrative Regulations are available at <http://www.lrc.ky.gov/KAR/frntpage.htm>. Additionally, Kentucky Court Opinions are available at www.aoc.state.ky.us, and Attorney General opinions are available at <http://ag.ky.gov/civil/opinions.htm>. From the latter page, users can keyword search or access a list of opinions sorted by year and OAG number.

When in doubt...

Two sites are particularly valuable if you're unsure how to go about finding information online: **LLRX** and **The VirtualChase**.

The VirtualChase: <http://www.thevirtualchase.com>. The VirtualChase is one of the best online sites for information on how to do legal research online. It covers 1) how to do particular types of research — including public records research; 2) trends in online legal research; and 3) advice and techniques on performing topical legal research, background checks, and company research.

LLRX: <http://www.llrx.com>. This site is dedicated to legal information and technology for legal professionals. It is a useful resource for finding information about services marketed to legal profes-

sionals. LLRX can help them cut through the hype when students and practitioners are bombarded by must-have products or services. Additionally, LLRX includes a helpful archive of court rules, forms, and dockets online that is accessible by jurisdiction and document type.

The Web as Town Hall (Yes, Blogs)

The impact of technology doesn't stop with typical research. Technology also enhances how and when legal discourse occurs. For many legal professionals, the more spontaneous ways in which the legal community now interacts online has been quite a surprise.

Yes, I'm referring to the use of blogware (software used to create web-based journals) by law students, lawyers and judges to create online space for discussion and exchange. Blogware wasn't invented for the legal community, but what makes legal Web logs – often known as blawgs – noteworthy is that they facilitate and encourage immediacy, are incredibly egalitarian and accessible, are timelier than most media, and hence add energy to legal discourse that is otherwise difficult to find.

No one should assume that all blawgs are created equal; nor do I claim that blawgs will replace more scholarly publication any time soon. Not all discourse will be of interest to all practitioners, nor valuable, nor even credible. Yet the ability to create a platform for the discussion of legal ideas outside of the traditional peer-reviewed structure has great appeal to many. As new generations of law students – those groups more used to interweaving technology generally, and Web-based technology specifically, throughout their lives – enter the practice of law, technologies like blogging software will continue to have an impact on how legal issues are discussed.

So, why read blawgs? Well, not every-

one will. For many practitioners, the very nature of the medium undercuts any value it might have. Yet, for others, blawgs provide a dynamic forum for discussion. Law students are typically aware of not only fellow law students who maintain blawgs, but professors who contribute to or author blawgs. Subject-specific blawgs have sprung up on nearly every topic, including sentencing law and policy, legal history, legal research, election law, law practice management, appellate practice, Supreme Court practice, constitutional law, legal theory, and corporate law. Law-related organizations also often maintain blawgs to provide their perspective on legal developments as they happen.

And finding law-related Web logs is relatively simple. Blog directories can usually be searched by keyword to find blogs on a particular subject. For example, at one popular directory, www.blawg.com, users can both search and explore via subject categories that lists blawgs covering everything from marketing to bar exams to practice management to law technology. But blawg readers can also find other blawgs of interest by simply noting how blawgs link to each other. To cast the searching net wider, one only need use Google's blog search function.

Not all law professors or law students limit themselves to blogging about the law or legal practice: some tackle politics, current events or news, or interweave these subjects with their discussions about the law. Yet the value of tracking a blawg can be illustrated with one example: nowhere else can a law student or practitioner get the views of a noted constitutional scholar about a court decision within hours after the decision is announced.

Just as technology has facilitated the ability to find, read or print that opinion

almost immediately after it is announced, blawgs have facilitated the ability to exchange opinions about what's happening in the law in real time. The nature of the medium puts a greater burden on the reader when it comes to separating the thoughtful from the trivial (or inane), but as with most technology, the promise and execution has great potential if utilized smartly and wisely.

For more information on blawgs, visit Law.com's Legal Blog Watch at http://legalblogwatch.typepad.com/legal_blog_watch/, or the Blawg Review at <http://blawgreview.blogspot.com/>.

Quality, Quality, Quality

It's not only important but critical for the legal professional to remember the role of quality. That underlying constant applies to *any* information sought, used, or produced by legal professionals. *Quality*, in this context, also represents credibility, accuracy, and comprehensiveness. Whether a law student or legal professional is using free online information or depending on a blawg for legal news and analysis, information quality is all important.

Technology can make both the lawyer's and law student's life much easier, but it can't abrogate the necessity for good judgment. Whether the research is for a fee or for free, some things haven't changed. ■

ENDNOTE

1. Portions of this article were drawn from "Using the Web as a Research Associate: Legal, Medical & Technical Resources" as presented by the author at the KBA New Lawyer's Program held in October 2006. Reprinted with permission from the Kentucky Bar Association Continuing Legal Education Commission.



Helane Davis is the director of the University of Kentucky Law Library. After joining the library in 2005 as the associate director, she became the director and an assistant professor of law in July 2006. Prior to arriving at Kentucky, she was affiliated with the law libraries at Seattle University and Howard University. In addition to teaching Advanced Legal Research at Kentucky and Howard, and Legal Research at University of Maryland University College, Professor Davis has presented on legal research and online legal resources. She holds a J.D. from the University of Iowa and an M.L.I.S. from the University of Washington.

IT and Legal Education

Introduction

Information technology's rapid change profoundly impacts legal education and legal practice. In these pages, technology experts examine the effect of information technology (IT) on Legal Education in the university and in professional education.

IT in Legal Education: Computer Assisted Legal Research

By William A. Hilyerd

Lexis and Westlaw training are both used at the University of Louisville. We teach five key research skills with West-

Law and Lexis.

The first skill is effective use of Shepard's on Lexis and Keycite on Westlaw. Shepardizing (or Keyciting) electronically is much faster than using the printed volumes and offers additional features. While Shepard's lists citing cases in reverse chronological order, Keycite arranges results by the degree to which other cases rely on the cited case.

The second skill we teach is use of Keysearch (Westlaw) and Search Advisor (Lexis). These features have pre-constructed searches that will locate all of the material under the headnote topics that either Westlaw or Lexis designate as important.

Third, we show how to make effective use of the research trail (Westlaw) or history (Lexis). Both services keep a record of the user's searches and the materials used.

Fourth, we teach methods for quick navigation to the databases searched on a regular basis. Both Westlaw and Lexis can create a special page (or pages) that have the databases that are most important to any given user. These pages can be created using the "add / edit tabs" feature in either system and make it much easier to find databases. The tabs can be used to collect all of the databases from a

specific jurisdiction (such as Kentucky) or a particular area of law.

Finally, we teach methods for monitoring specific issues or cases that the user wants to follow on a regular basis. The issue or case can be tracked automatically and the results e-mailed via alerts. Alerts let the user know about new materials that match a specific search criterion or new cases that cite to a case of particular interest.

Other online services offer computer assisted legal research (CALR). For information on free sites, see *From Fee to Free: A Take on Legal Information Through Technology-Colored Glasses* by Helene Davis, elsewhere in this issue. The Kentucky Bar Association offers *Casemaker* at no charge. The login for *Casemaker* is found under the resources menu on the front page of the KBA's website (www.kybar.org). Users who want advanced features like headnotes will probably want to retain a Westlaw or Lexis subscription, but for those who need only the text of a statute or court opinion, *Casemaker* is convenient and sufficient.

CALR and information technology will be part of legal education for a long time to come. ■

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He teaches Legal Research, Advanced Legal Research, and Computers and the Law. He has a B.S., B.A., J.D., and M.B.A from the University of Louisville., and a M.L.S. from the University of Kentucky.

IT and Distance Learning For Legal Education in The Academy

By Dr. Thomas Hughes

“Change is inevitable - except from a vending machine.” Robert C. Gallagher

Many undergraduate and graduate programs have created Internet-based coursework that mirror their brick-and-mortar programs. Web-based instruction in legal education is more limited and complete Juris Doctor Programs via the web have not been accepted in mainstream legal education. The reasons for this are many.

Most significant is the American Bar Association, which has a general policy against “study by correspondence” for accreditation. No ABA-approved school offers a completely web-based degree, although students after their first year of law school may take up to 12 hours of their course requirements via web-based teaching. (ABA standard 306). As most state bar associations require graduation from an ABA accredited school, this further limits use web-based legal education.

Some see web-based instruction as not as rigorous or effective as traditional “on the ground” teaching. Faculty may rightly feel that their efforts in the classroom foster a strong understanding of the material. Yet the more law schools rely on testing and written materials as the actual measures of student understanding, the need for classroom presence wanes as an objection.

Concern about schools’ reputation and rank may also limit adoption of web technology. Prospective law students who seek to market their degrees consider school ranking and reputation. New web-based programs do not enjoy any established reputation. Another concern is that this method offers less physical contact for traditional networking with fellow students or practitioners.

Last, creating and conducting a course in cyberspace requires flexibility and some level of technical knowledge. Developing

Thomas Hughes, a professor of Justice Administration at the University of Louisville, received his law degree from the University of Dayton and his Master’s and Ph.D. in Criminal Justice from the University of Cincinnati. His research interests include police training and liability, and criminal procedure. and he teaches several web-based courses.

courses for web-based instruction is a time-consuming process. For web-based instruction to succeed, faculty must be willing to venture into unknown areas that require substantial trial and error to refine both techniques and courses.

Yet web-based instruction offers many methods for conveying the law to students. In a web-assisted or web-managed face-to-face course, web-based materials let the professor design mini-courses within a larger course.

A constitutional law course could contain a short web-based mini-course in civil rights laws and issues. The web-based platform can save precious class hours and use a variety of content to create context-rich lessons for students. Such mini-courses allow faculty to address new and emerging issues in the law outside the limited number of contact hours.

These smaller topic areas could include substantial participation by subject matter specialists in the field. Such participation would allow the law student to draw upon experts from anywhere in the connected world and to benefit from their experience and expertise. Such a practice may also be a non-traditional way for law school alumni to give back to their alma mater and thus demonstrate to current students the need for and obligations of alumni. A variety of methods can be used to create the necessary knowledge transfer and faculty student interaction.

Professors may provide streaming video of lectures of their courses. This video can be edited to include video or audio of court proceedings. Animations can show fact patterns in many variations. This teaching method allows professors to use the vast resources available on the web to create rich and engaging lesson plans. Faculty may schedule chats via an instant messaging platform. Students can be given a variety of media and then required to report in via the web. This provides a high level in interactivity for students and faculty. Indeed, some introverted students may be more expressive in online chat conversations than they are in the physical classroom.

Virtual worlds like *Second Life* even allow a professor to create a virtual class-

room where each person is represented by an animation figure (avatar.) The avatars conduct class just as in the physical world. The teacher may present material and ask and respond to questions. Similarly, students may consume lecture material, respond to, and ask questions of the professor. In real time this offers the Socratic method but dispenses with issues of physical distance and commuting costs. It may provide opportunities for legal education for busy professionals who are not able to attend a traditional day or night program.

Faculty may also use structured threaded question-and-answer sessions. These allow students to respond to posted questions at their convenience and allow others in the course to react to their classmates’ responses. These non-time sensitive discussions allow people in different time zones to participate clearly and concretely without rigid time restrictions.

From an organizational perspective, the Internet-based platform may allow law schools to combine efforts to offer focused, important courses that have not been offered frequently due to limited faculty resources. Important topic areas that are often condensed into larger courses could be taught in detail. Moreover, a collaborative effort among faculty from one or many institutions would allow a process that maximizes faculty workload. The danger of small enrollments would also be mitigated due to the participation of a number of law schools. Faculty from several institutions could collaboratively design and teach an Internet-based course on the topic.

There is a standardizing requirement in each jurisdiction – the bar examination. If, over time in those jurisdictions that allow it, web-based instruction can be shown to produce similar bar exam results to those of traditional courses, legal educators may be more likely to adopt an Internet-based model. ■

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IT in Continuing Legal Education – Web-Assisted CLE: A Preliminary “Webinar” Experience

By Michael Losavio

Information technologies aid continuing legal education in a variety of forms.

“Webinars,” seminars over the Internet, are available to Kentucky lawyers anywhere in the world. Video and audio may be sent via web pages or in combination with telephone conference services, live or stored for access at any time. Both the Kentucky Bar Association and the Louisville Bar Association offer these.

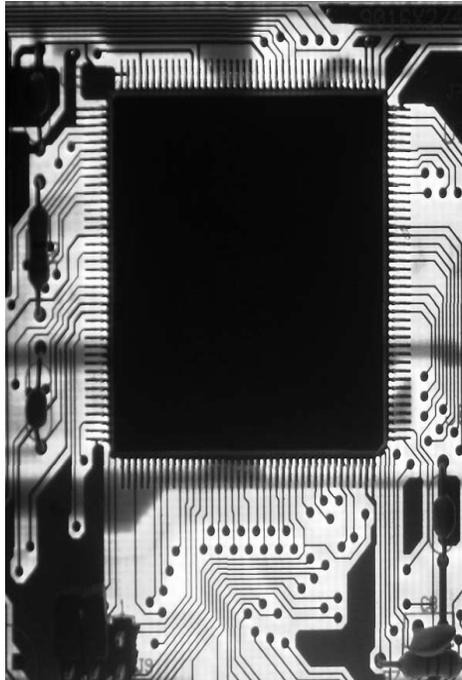
The LBA uses web seminar products from Enunciate.Com. Lisa Maddox, its CLE director, feels it is a valuable service for time-pressed attorneys and those out of state.

My colleagues and I used its combination of web-delivered PowerPoint slideshow with teleconferencing for a program on ethical issues with electronic evidence. Our experiences were good, though different from face-to-face programs. Two-thirds of the 47 participants learned of it via e-mail and a quarter from the LBA website.

The three-person panel included David Elder, retired Special Agent in Charge of the FBI for Kentucky, and attorney Mark Wettle of Louisville. Ms. Maddox navigated.

We used a web-based control pane to move through the PowerPoint with the

logged-in participants listed. A control bar let us use the system. Participants would “raise their hands” but with so many we



missed folks as the list ran well off the monitor. Folks commented verbally via the teleconference and in writing via chat for all or privately for the instructors.

The session felt awkward at first as we spoke into the ether, with no visible audi-

ence except the logged-in listing. Having fellow panelists helped.

But as folks asked questions and offered comments this anxiety lifted. Participation became similar to face-to-face sessions, with excellent comments. I certainly learned new things, as I often do in face-to-face sessions with other lawyers.

The audience program evaluation was positive with 17 of 21 respondents rating the program above-average and included valuable observations on the program format. One suggested more instruction on using the system was needed; another suggested that the program should not last longer than an hour.

The system interface is a bit confusing, and I, too, felt some confusion on my end. Those who log into the session a bit late might not have a context for the discussion or the technology. And shorter is probably better for this kind of production, given the limited interaction with the audience offered by the technology.

We opened with questions of the participants. Several found this disruptive and suggested the audience might be polled by e-mail before the session. This would save time and link early to the audience. E-mail could also be of use in evaluation e-mail 30 and 90 days after the session, to see if the participants gained real, immediate benefit to their practices.

But don't let the technology drive the teaching. Speaking recently on digital forensics and electronic evidence, the teams of Todd Lewis & Jason Snyder, Jefferson Commonwealth's Attorney's Office, and Marisa Ford & Dave Beyer, of the U.S. Attorney's Office and the F.B.I., respectively, did exceptional presentations on this high-tech topic. They used only clear, vivid language and well-conceived scenarios. These are reminders that education must always come first. ■



Michael Losavio is a Kentucky lawyer and a regular contributor to the Bench and Bar with his informative columns regarding technology and the law.



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IT in Law School

By Virginia M. Smith

Most law school students today have grown up surrounded by such wireless devices as cell phones, laptops, and PDAs. Students text message, instant message, and post individual profiles on Facebook. These trends mean law schools have had to address growing technology needs, and our faculty has had to integrate technology into course instruction.

The University of Louisville's Louis D. Brandeis School of Law supports students' use of technology in their studies today and their future practices. The IT team currently consists of Jim Becker, Director of Information Technology, Virginia M. Smith, Computer Services Librarian, Joe Leitsch, Technology Support Specialist, and students Mike Valentine and Josh Edlin.

Computer Labs and Classroom Technology

The law library has two labs with twenty-two networked computers with Microsoft Office and other features. Each student has ten megabytes of space on the network's file server and is encouraged to use USB flash drives for personal file storage. Over half of the students have laptops that can access the encrypted campus wireless network across the university. Students are allowed to use school printers for unlimited printing of school-related work, which is paid for by a student technology fee.



Incoming students attend an orientation to the school's computer policies and system access, including use of Westlaw and TWEN, a web-based course instruction resource. Students use TWEN to view course syllabi and download readings and assignments.

Currently, five classrooms are equipped with wireless Internet access and a projector, screen, whiteboard, and technology station. Each room's technology station has a computer, stereo, DVD/VCR unit, Elmo document camera, and a Symposium™ with SMART Board software that allows professors to draw on projected images. A touch-pad console controls each of these components. Students have access to electrical outlets that provide power for their laptops and frequently use the technology stations for class presentations.

Blogs, Websites, and eResources

The law school employs many web-based technologies for the purpose of promotion, communication, collaboration, and information dissemination, such as its new website and content management system. Each department manages its own web content.

The school's intranet has calendars, faculty resources, a student directory, and a large section dedicated to IT services. Other features include Law Tube, which houses a growing collection of streaming videos and a section for podcasts, making audio and video presentations available for students to access at their convenience.

Word Press, an open-source publishing platform, is used to manage school blogs. Each student organization recently launched its own blog after representatives from each group received training on WordPress. The *Daily Docket* is the law school's daily online news publication. It summarizes recent announcements and upcoming events and is delivered by e-mail to students, staff, and faculty. Students also receive e-mail announcements

from LAWLIST, a listserv administered by the law library.

The school's intellectual property organization was the first to create an online presence with the publication of its magazine, *The Brand*. They hope their website will attract national attention and become a popular destination for intellectual property enthusiasts and attorneys practicing in that field.

Secureexam is used for computerized exams, providing anonymity for the students and security for instructors. It blocks access to the Internet and all files or documents stored on the student's laptop during testing.

Computer-assisted legal instruction software (CALI) is distributed to the students on CD-ROMs that contain over 625 interactive tutorials on thirty-two legal subjects. A CALI password provides access to additional resources online. Some faculty members have integrated these lessons into their courses, particularly the Legal Writing classes.

In addition to Lexis and Westlaw, students can access electronic journals and databases, including Congressional Universe, Index to Legal Periodicals, LegalTrac, Making of Modern Law, BNA, and HeinOnline. To better promote faculty research and publication, the library recently subscribed to ExpressO, an online site through which faculty can submit articles to journals, and the Social Science Research Network (SSRN), a site that houses full-text scholarly articles, including articles by University of Louisville professors. ■

URLS

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The Brand -

<http://www.brandlaw.org/>



Virginia M. Smith is the Computer Services Librarian at the University of Louisville – Louis D. Brandeis School of Law. Ms. Smith served as the Gemini Observatory's

librarian and webmaster in Hilo, Hawaii. She has also worked as an academic librarian for Sullivan University and the University of Hawaii, where she received her MLIS.

Three Cheers for Lawyers

By Randy E. Barnett

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Years ago, I appeared on “The Ricki Lake Show” in an episode about persons who had been freed on appeal after being wrongfully convicted of crimes. As a former criminal prosecutor with the Cook County State’s Attorney’s Office in Chicago, I was there to represent the “prosecution viewpoint” (whatever that might be), along with the leader of New York’s Guardian Angels representing the “victims’ viewpoint.”

The other guests consisted of innocent persons whose convictions had been reversed, their appellate lawyers, their parents and a reporter who had helped vindicate a father wrongfully convicted of murdering his young daughter. As I approached the set, I wondered what I could possibly say that would ward off the hoots of the audience, especially given that I was just as appalled by wrongful convictions and prosecutorial abuses.

The point I decided to make was simple: For better or worse, we have an adversary legal system that relies for its proper operation on having competent lawyers on both sides. In every case I knew about where an innocent person had been convicted, there had been an incompetent defense lawyer at the pretrial and trial stages.

The reaction of the others on the stage with me was stunning. The former defendants all began nodding their heads while their lawyers, who represented them on appeal but not at trial, sat sullenly beside them. Afterwards, some parents even came up to shake my hand.

The crucial importance of defense lawyers was illustrated in reverse by the Duke rape prosecution, mercifully ended last week by North Carolina Attorney General Roy Cooper’s highly unusual affirmation of the defendants’ complete innocence. Others are rightly focusing on

the “perfect storm,” generated by a local prosecutor up for election peddling to his constituents a racially-charged narrative that so neatly fit the ideological template of those who dominate academia and the media. But perhaps we should stop for a moment to consider what saved these young men: defense attorneys, blogs and competing governments.

Our criminal justice system does not rely solely on the fairness of the police and prosecutors to get things right. In every criminal case, there is a professional whose only obligation is to scrutinize what the police and prosecutor have done. This “professional” is a lawyer. The next time you hear a lawyer joke, maybe you’ll think of the lawyers who represented these three boys and it won’t seem so funny. You probably can’t picture their faces and don’t know their names. (They include Joe Cheshire, Jim Cooney, Michael Cornacchia, Bill Cotter, Wade Smith and the late Kirk Osborn.) That’s because they put their zealous representation of their clients ahead of their own egos and fame. Without their lawyering skills, we would not today be speaking so confidently of their clients’ innocence.

These lawyers held the prosecutor’s feet to the fire. Their skillful questioning at pre-trial hearings revealed the prosecutor’s misconduct that eventually forced him to give up control of the case and now threatens his law license. They uncovered compelling exculpatory evidence and made it available to the press; they let their clients and their families air their story in the national media.

There is no rule book for what prosecutors call “heater” cases like this one. Navigating the law, politics and publicity in such case is an art not a science. These fine lawyers displayed all the skills and tenacity that made me want to be a criminal trial lawyer after watching the television series, “The Defenders,” when I was 10 years old.

Do you suppose that lawyers like these

gained their skills only representing the innocent? Criminal lawyers are constantly asked how they can live with themselves defending those guilty of serious crimes. The full and complete answer ought to be that, because we can never be sure who is guilty and who is innocent until the evidence is scrutinized, the only way to protect the innocent is by effectively defending everyone.

As a prosecutor working “felony review,” when I was in a Chicago police station at 3 a.m. deciding whether to approve charges, I had to evaluate the evidence as if I were a defense attorney. Where is the murder weapon? Where are the proceeds of the robbery? How credible are the witnesses? How was the identification of the accused conducted?

In this way, the mere prospect of a competent defense attorney scrutinizing the evidence in the future provides a powerful deterrent to pursuing weak cases even before anyone is charged. Thanks to defense lawyers defending the innocent and guilty alike, prosecutors generally win their cases because they avoid weak cases they may lose. (After the charging stage, a prosecutor’s ability to avoid losing at trial by plea bargaining weak cases is a serious, but separate and complex issue.)

Paradoxically, the system’s overall accuracy makes defending the truly innocent all the harder. While knowing that mistakes do happen, the accuracy of the system leads everyone, including defense lawyers, to assume that anyone who is charged is probably guilty. After all, they usually are. Notwithstanding the legal “presumption of innocence,” in a system that generally gets it right, there is a pragmatic presumption of guilt.

Consequently, effectively defending the innocent usually requires the ability to prove your client’s innocence. And that’s not easy. Further, because representing the guilty consists mainly of negotiating pleas or knocking holes in the prosecu-

tor's case, defense lawyers do not always develop the skills needed to effectively defend the truly innocent or, as important, know when to deploy them. Defense lawyers become as skeptical about their clients' claims of innocence as everyone else, if not more so. All this contributes to inadequate defense lawyering, which thankfully did not occur here.

Good lawyering alone, however, was not enough to free the Duke players. While the "mainstream" press largely swallowed District Attorney Mike Nifong's narrative of racial oppression, the blogs — especially history professor Robert "K.C." Johnson's blog *Durham-in-Wonderland* (durhamwonderland.blogspot.com) — provided the means by which the public could learn about the fruits of the defense's efforts. (Mr. Johnson's own difficulty in 2002 obtaining tenure at Brooklyn College over ideologically-motivated opposition was chronicled on this page by Dorothy Rabinowitz, who also, true-to-form, came to the defense of the Duke

Lacrosse players.)

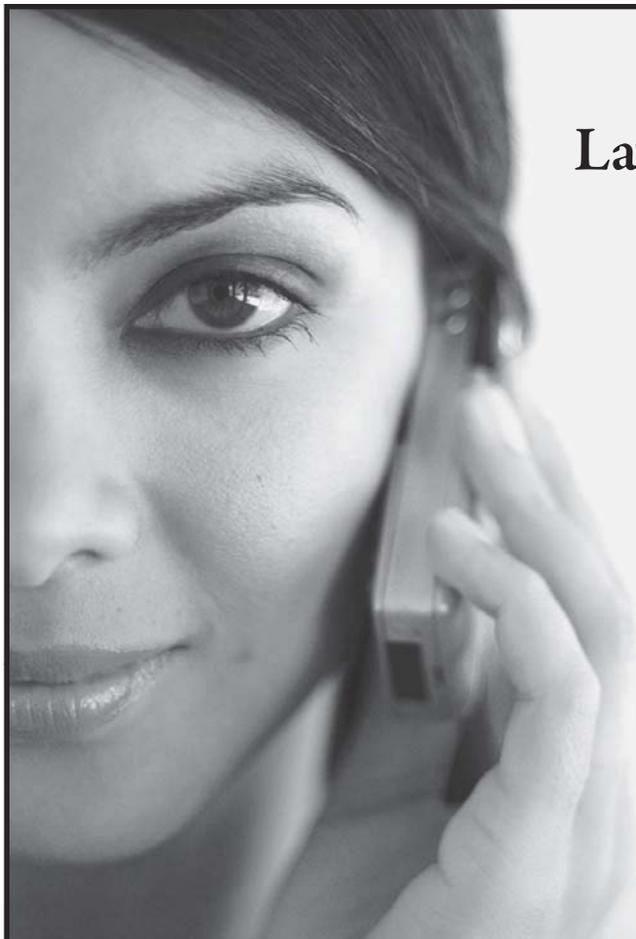
Finally, without the competing governing powers of the North Carolina state bar, the Attorney General's office, and potentially the U.S. Justice Department, there would simply have been no one in authority to rein in this prosecutor. It is worth noting, to those who champion political accountability as the highest form of legitimacy, that District Attorney Nifong was elected by, and presumably "accountable" to, his constituents. Nevertheless, his power needed to be checked by competing government agencies and a free press.

Rather than praising the defense lawyers, some of the same folks who whooped in support of Mr. Nifong's efforts are now bemoaning that it was the supposed wealth of these students' parents that enabled them to mount so effective a defense. Never mind that draining all their savings and putting them in debt is an additional injustice resulting from this wrongful prosecution. Of course, as my grandfather used to say, "rich or poor,

it's nice to have money," but this case shows that wealth is no defense to public ruin. Sometimes it even invites it.

Let us not be distracted all over again. The difficult problem of innocent defendants typically arises in run-of-the-mill cases where prosecutors acting in good faith have no reason to doubt their guilt. It results in part from the pragmatic presumption of guilt, which leads to inadequate defense lawyering, an indifferent press and an oblivious public. There are no easy solutions to this. But refraining from ridiculing lawyers in general, and criminal defense lawyers in particular, would be a nice start, and one that lies within the power of everyone reading these words. ■

Mr. Barnett is the Carmack Waterhouse Professor of Legal Theory at the Georgetown University Law Center and author of "Restoring the Lost Constitution: The Presumption of Liberty" (Princeton, 2004).



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Law Day Awards

KBA Law Day Committee Chair Gailen W. Bridges, Jr. recognized excellent Law Day programs from bar associations across the Commonwealth of Kentucky at the Membership Awards Luncheon and presented awards to the winners of the KBA Annual Law Day Competition.

► The Bowling Green-Warren County Bar Association was the recipient of the Large Bar Award. Martina Guilin, Bowling Green-Warren County Law Day Chair, accepted the award. The Association noted that “this year’s theme, ‘Liberty Under Law: Empowering Youth, Assuring Democracy,’ allowed the legal community and the general public of Warren County to reflect on the need to ensure that today’s youth recognize that both collective and individual liberty is sustained by our legal system, as well as the need to foster an environment wherein today’s youth may develop into effective participants in our nation’s democratic process.” The superintendent of the Bowling Green City Schools, Joseph R. Tinius, was the special guest speaker for their 50th Annual Law Day Ceremony.

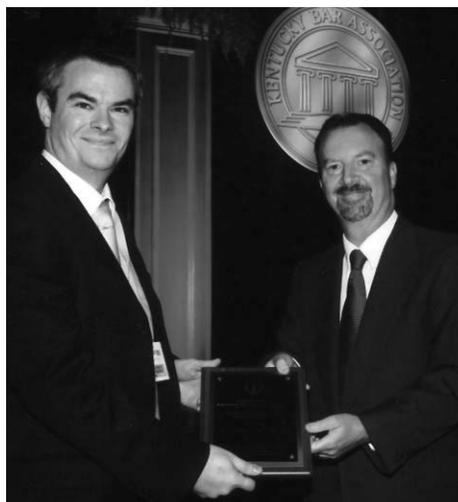
► The Medium Bar Award was presented to the Madison County Bar Association. Jason Colyer, Madison County Bar Association Law Day Committee Chair, accepted the award. Association activities conducted in Madison County included a Kentucky Bar Foundation Speaker Pro-

ject, a Law Day Motion Hour Ceremony, a Law Day Banquet, and an annual Law Day Essay Contest. President Nora Shepherd and Law Day Chair Jason Colyer spoke to the Richmond Rotary Club about the history and purpose of Law Day. Chief Justice Joseph E. Lambert was the guest speaker for the Law Day Banquet. He spoke to the members of the Madison County Bar Association about Law Day and the importance of maintaining an independent judiciary.

► The Clark County Bar Association received the Small Bar Award. Mike Rowady accepted the award. A series of events were held in Clark County to commemorate Law Day 2007. Local attorneys John Keeton, William Elkins, M. Alex Rowady, Gerald Martin, Brian Thomas, Dodd Dixon, David Ward, Nanci House, Elizabeth Elkins Bond, Charles Johnson, Heidi Engle, Judge Jeffrey M. Walson, John Rompf, Carl Gibson and Clark Circuit Court Clerk David Hunt made presentations to eleven elementary schools about the importance of the legal system to young people. Circuit Court Judge William Jennings gave a speech about the benefits of embracing a society based in the law during a special session of the Clark County Circuit Court. During the special session, a Law Day Proclamation was made and a speech was given by Clark County Bar Association President Kimberly Carter Blair. ■



Martina Guilin accepted the Large Bar Award for the Bowling Green-Warren County Bar Association from Gailen W. Bridges, Jr.



Jason Colyer accepted the Medium Bar Award for the Madison County Bar Association from KBA Law Day Chair Gailen W. Bridges, Jr.



Mike Rowady accepted the Small Bar Award for the Clark County Bar Association from Gailen W. Bridges, Jr.



Fun with Word Processors

Professor Barbara McFarland

Imagine the look of surprise on the federal district court judge's face when he was handed a memorandum by a female law clerk, but the "From" line read "Elvis Presley." Or another law clerk's dismay upon realizing that every time she had typed the word "trail" in the long findings of fact and conclusions of law after a bench trial, the word processor had changed it to "trial." Both are true stories, and both illustrate the office humor, and occasional annoyance, possible with the automatic correction feature of both Word and WordPerfect.¹

If you do none of your own typing, stop reading now; give this essay to the person who does your typing, although he or she no doubt is quite familiar with the few functions described here. If you do your own typing, read on for some time-saving tips on using QuickCorrect, if you are a WordPerfect user, or AutoCorrect, if you use Word. While the most common task of the function is to correct commonly misspelled words, you can create your own entries that save you time and errors.

For example, one of my favorite uses of the function is to create my own short forms for abbreviations, phrases, citations, and symbols that I type frequently. See the shaded box for a list of such short forms.

A second productive way to use the correction function is to add to it words you commonly misspell or capitalize incorrectly. Be careful not to create problems for office mates, however, as did the job-sharing law clerk who created an entry to change every "trail" to "trial," inadvertently causing additional work for the clerk with whom she shared a com-

Professor Barbara McFarland is Acting Director of Student Success Initiatives at the Northern Kentucky University Salmon P. Chase College of Law.

<u>What I Type</u>	<u>What the Correction Function Converts it Into</u>
krs	K.R.S. §
usc	U.S.C. §
sw3	S.W.3d
sc	§
frcp	Fed. R. Civ. P.
kca	Ky. Ct. App.
lep	legitimate expectation of privacy
iac	ineffective assistance of counsel
str	Strickland v. Washington, 466 U.S. 668 (1984).
Untied States	United States

puter. A good rule of thumb is not to alter real words that you might someday use, unless they appear as part of a phrase such as the last example above.

When typing a document in which you must frequently type a particularly long or difficult name, you can create a temporary entry in the correction function, so you have to type only the first two or three letters of the name, then hit the spacebar, and the full name, properly spelled, will appear. Also, as you can see from the examples above, if you type a particular phrase often, you can create a shortcut for it.²

A third check you should make on the correction function is to prevent it from changing words you type to words it likes better. The best example I know of this is the word "tortious," which your correction function may change to "tortuous" if you do not prevent it. Another example, if you have ever tried to create an outline or a lettered list, is the automatic changing of "(c)" to a copyright symbol.

Assuming you like the idea of creating your own shortcuts and disabling the automatic correction of legal words not familiar to the creators of the word processing program, creating or deleting entries takes only a few easy steps.

Creating or Deleting an Entry in WordPerfect

First, click on "Tools," then on "QuickCorrect." A box will come up showing you the items that the function is going to automatically correct for you. Scroll through these to find anything you do not want changed without you noticing and delete those entries by highlighting the entry, clicking "Delete Entry," and clicking "Yes." That entry will be gone when you finish making changes and click "OK" to apply them.

To add an entry, type in your chosen shortcut under "Replace," then tab over to "With" and type exactly what you want to come up when you enter that shortcut. Do not put a space after the "With" entry, because you must space after you type your shortcut in a document for the replacement to appear. Click on "Add Entry" and "Yes" to create your shortcut. Click on "OK" to apply the changes you have made.

To check your creation, open a new document, type your shortcut, and hit the spacebar. Your replacement text should appear. Check it to make sure that it is exactly what you wanted, and you are finished. If it is not, go back into the correction function and highlight your creation; it

will automatically appear in the “Replace” and “With” boxes, so you can edit it.

From then on, type just your shortcut, and the full replacement will appear. Should you forget and type the text for which you created the shortcut, nothing adverse will happen. You just will not save those few seconds of typing time.

Creating or Deleting an Entry in Word

Click on “Tools” then on “AutoCorrect Options.” A box will come up showing you the formatting and spelling items that the function is going to automatically correct for you. Scroll through these to find anything you do not want changed without you noticing and delete those entries by highlighting the entry, clicking “Delete,” and clicking “OK.”

To add an entry, type in your chosen shortcut under “Replace,” then tab over to “With” and type exactly what you want to come up when you enter that shortcut. Do not put a space after the “With” entry, because you must space after you type your shortcut for the replacement to appear. Click on “Add” and “OK” to create your shortcut.

To check your creation, open a new

document, type your shortcut, and hit the spacebar. Your replacement text should appear. Check it to make sure that it is exactly what you wanted, and you are finished. If it is not, go back into the correction function and highlight your creation; it will automatically appear in the “Replace” and “With” boxes, so you can edit it.

From then on, type just your shortcut, and the full replacement will appear. Should you forget and type the text for which you created the shortcut, nothing adverse will happen. You just will not have saved those few seconds of typing time.

Other Formatting Changes to Check

If you have ever been annoyed or surprised by a formatting change that you did not request while you were typing, a recent example for me would be trying to type “RCr” and having it changed to “Rcr,” the automatic correction function is what caused that change. While you are in that function adding and deleting items, check all the formatting changes to make sure you want them to happen as you type. If not, click on the “✓” in the box before the description of the formatting change to turn it off. In either pro-

gram, once you have made all your changes, click on “OK” to apply them.

Two Final Suggestions

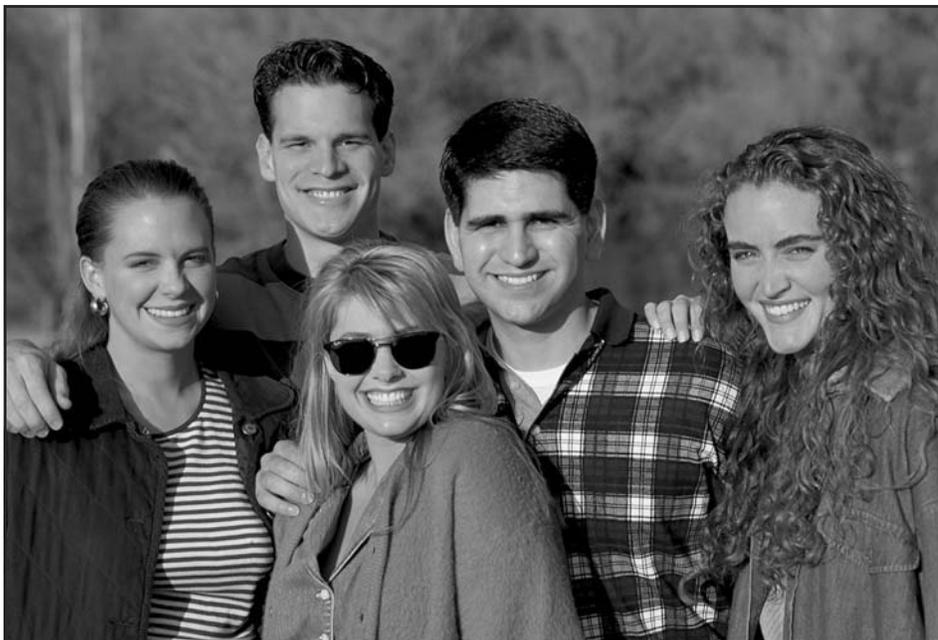
When you first create your shortcuts, write them on a post-it note and affix it to your computer screen, so you remember what you created. If you use them often, you will memorize them quickly.

One other word processing function that came to mind as I was writing this essay is the “Find and Replace” function in WordPerfect, and its counterpart in Word, “Replace,” which you find under “Edit” in either program. This useful function will let you change all the years or names in a document easily and quickly. It helped the law clerk change the word “trial” back to “trail” where needed, but the clerk had to look at each instance of the word and could not simply click to replace all of them. After all, a bench “trial” was mentioned more than once, along with the trails on the property in question.³

So now that you know how to use the automatic correction function in either word processing program, go to a friend’s computer and tell it to type “Elvis Presley” every time your friend types his or her name. Just remember to let the friend in on the joke before the next big assignment is due. ■

ENDNOTES

1. Apparently, law clerks in other chambers play similar practical jokes on each other, or other word processing programs are quite expansive in changing words they do not recognize. In three fairly recent slip opinions, the words “sea sponge” appeared where the words “sua sponte” were intended. See e.g. *Maisano v. Vasquez*, 2007 WL 1140397, at *1 (D. Ariz. Apr. 16, 2007) (“a federal district court has the inherent power to dismiss a case *sea sponge* for failure to prosecute”).
2. Of course, you can create macros to achieve many of these same shortcuts, but I find it easier to keep typing than to call up a macro and simpler to create the shortcuts in the correction function than to create a macro.
3. Yes, I was the law clerk in question in the bench trial example. The clerk in the “Elvis Presley” example knows who she is, and the culprit knows who he is, but they will remain unnamed.



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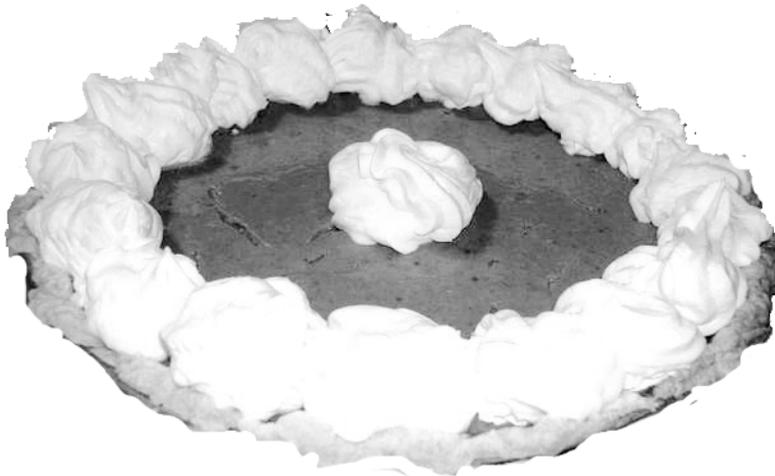
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ADVISORY ETHICS OPINION

FORMAL ETHICS OPINION KBA-E426

March 23, 2007

Subject: The use of credit cards¹ for payment of earned attorney fees, non-refundable retainers, and advances.

Question I: May a lawyer accept credit card payment for both earned fees and non-refundable retainers? If so, must the payment be deposited in the lawyer's office account?

Answer: Yes

Question II: May a lawyer accept credit card payment for advances on either attorney fees or costs and expenses? If so, where must the lawyer deposit the funds?

Answer: See discussion below.

Question III: May the lawyer pass the credit card service charges on to the client?

Answer: See discussion below.

References: KBA E-172(1977); ABA Formal Op. 338(1974); KBA E-380 (1995); Kentucky Bar Ass'n v. Bubenzer, 145 S.W.3d 842 (Ky. 2004); Clendenin v. Kentucky Bar Ass'n, 114 S.W.3d 858 (Ky. 2003); SCR 3.130 (1.4); (1.5), (1.15), (1.16) and (7.05); Geoffrey C. Hazard, Jr., and W. William Hodes, *The Law of Lawyering*, sec. 19.4 (2002 Supplement); Or. Eth. Op.2003-172, WL 22397286 (2003); N.C. Bar Op. 247 (1997); S.C.Op. 98-08 (1998).

Introduction

In 1977, this Committee issued KBA E-172 authorizing Kentucky lawyers to accept credit cards in payment of legal services. The opinion affirmed the position of the ABA, as reflected in Formal Opinion 338 (1974).² These older opinions assumed that the credit card payments were for services that had already been performed by the lawyer. Today's questions involve an extension of earlier

practices and ask whether credit cards may be used to pay non-refundable retainers and advances on fees and expenses that have not been earned or incurred by the lawyer. In addition, there are issues as to what type of account credit card payments are to be deposited in and whether the lawyer can charge the client for bank service charges incurred in connection with the use of a credit card.

It should be noted that many of these issues are not unique to credit card transactions and may be equally relevant when payments are made by check or other electronic transfer. Nevertheless, consumers, including consumers of professional services, increasingly rely upon the use of credit cards to pay for those services. The purpose of this opinion is to address some of the general ethical issues that may arise in conjunction with the use of credit cards. It is not the objective of this opinion to discuss the intricacies of the lawyer's contract with the credit card company, nor to dictate the precise details of how those arrangements should be structured.

I. Credit Card Payment for Earned Attorney Fees and Non-refundable Retainers

KBA E-172 (1977) states that a lawyer may accept credit cards as a method of payment for services that have been performed – earned fees. Once a lawyer has earned a fee, he or she is entitled to payment. If a credit card is used to pay the fee, the funds belong to the lawyer and should be deposited to the lawyer's office account.

On the issue of non-refundable retainers, KBA E-380 (1995), provides that a lawyer may charge a client a reasonable "non-refundable" retainer in order to secure the lawyer's services. In that opinion, the Committee noted that the term "retainer" has come to have several meanings and it emphasized that it was talking about the "true" retainer to secure the lawyer's services, not an "advance" on fees and expenses. The opinion states that a true retainer can only be designated

"non-refundable" if the lawyer complies with the detailed requirements set forth in the opinion.³ KBA E-380 further states that "the lawyer who receives a retainer has earned the fee by promising to be available for future work, and the funds so received need not be put in a trust account." This is true despite the fact that the opinion recognizes that there may be cases where the lawyer may be obligated to return "some portion of the 'non-refundable' fee retainer upon termination of the representation, depending upon all the circumstances; that is, the 'reasonableness' of the fee."

The Committee is unaware of any rule of professional conduct that would prohibit the use of a credit card for the payment of a non-refundable retainer and, like the earned fee, the funds should be deposited in the lawyer's office account. See SCR 3.130 (1.15) prohibiting the commingling of lawyer and client funds.

II. Credit Card Payment for Advances on Attorney Fees, Costs and Expenses

In some areas of practice, it is common for a lawyer to require a client to pay an "advance," before the lawyer commences work on the client's behalf. An advance serves as a fund from which the lawyer may withdraw fees as they are earned, and costs and expenses as incurred. Although there is nothing ethically impermissible about requiring such an advance, the lawyer must comply with the applicable rules of professional conduct. Specifically, the lawyer must have a clear understanding with the client about the purpose of the advance and may withdraw funds only upon proper authorization. These obligations arise from the duty to communicate with the client under SCR 3.130(1.4), the duty to protect and account for client property under SCR 3.130(1.15), as well as the lawyer's duties upon termination of the representation under SCR 3.130(1.16(d)).

Question II asks whether a lawyer may accept credit card payment for advances.

As previously noted, KBA E-172 only addressed the use of credit cards in conjunction with “legal services performed” – earned fees – and it did not consider the use of credit cards for advances to cover unearned fees and expenses.

The Committee is of the view that there is nothing inherently unethical about charging an advance to a credit card, as long as the advance meets the requirements of reasonableness imposed by Rule 1.5 and the lawyer complies with the rules on handling client property contained in Rule 1.15. Unlike earned fees and non-refundable retainers described in Question I, advances serve as security for future charges and, until earned, the funds belong to the client. As a result, the lawyer has a special responsibility to safeguard advances. The lawyer’s fiduciary responsibilities are outlined in SCR 3.130(1.15), and include the duty to segregate client funds in a trust account and to keep complete records. *See generally*, Geoffrey C. Hazard, Jr., and W. William Hodes, *The Law of Lawyering*, sec. 19.4 (2002 Supplement).

The duty to segregate client funds has a number of implications for lawyers who accept credit cards. As noted above, credit card proceeds for advances must be deposited in a trust account. There are number of ways in which a lawyer might deal with his or her “merchant account.”²⁴ One solution is for the lawyer to have two merchant accounts, one would be a business account and the other would be a trust account. The lawyer would have to exercise care to distinguish between various types of charges so that funds were credited to the proper account. *See* Or. Eth. Op. 2003-172, WL 22397286 (2003). The other alternative is to establish a trust account into which all credit card funds flow and if some portion of the deposited funds belongs to the lawyer, it should be withdrawn. *See* Or. Eth. Op., *supra*, (stating that if the bank insists on a single account, it should be a trust account) and N.C. Bar Op. 247 (1997) (stating that if the bank will only deposit funds into a single account, all payments should be deposited into a trust account and funds belonging to the lawyer should be withdrawn). The current rules recognize that there are some occasions where the lawyer’s trust account will, for a peri-

od, contain funds belonging to both the lawyer and the client. This may be unavoidable, as where settlement check is issued in a contingent fee case. In any case, where the lawyer has a right to funds in the trust account, it is critical that the lawyer maintain accurate records, monitor the account scrupulously, and comply with the applicable requirements of SCR 3.130(1.15).

The more difficult issue relates to what are known as a “charge-back.” If credit card proceeds are deposited in a trust account and the client disputes the charge, the disputed amount will be charged back – withdrawn from the trust account. If the lawyer has disbursed the credit card proceeds prior to the charge-back, then the charge-back will be against other clients’ funds. The same is true with a check that is dishonored. Any arrangement that compromises the integrity of the trust account violates SCR 3.130(1.15). A lawyer could avoid the ethical implications of a charge-back by delaying disbursements until after the time a charge-back could occur. Alternatively, the lawyer might negotiate an agreement with the bank whereby any charge-back would be made against the lawyer’s business account, rather than the trust account to which the funds were deposited. It is not the function of the Committee to explore all of the options that might be available for avoiding charge-backs against trust accounts. We merely caution lawyers that any arrangement that could result in charge-back against another client’s funds in a trust account is strictly prohibited.

III. Service Charges

Like a merchant who accepts credit cards in payment of goods, a lawyer who accepts credit cards will be charged a transactional fee by the financial institution processing the charge. The question is whether the lawyer can pass these transactional costs on to the client, assuming that such a practice does not violate the contract with the financial institution or any other law.

A number of ethics committees in other jurisdictions have considered this issue and concluded that lawyers may pass reasonable transactional costs of credit card use on to clients if the client

agrees to such a charge. *See, e.g.*, Or. Eth. Op. 2003-172; N.C. Bar Op. 247; S.C. Op. 98-08 (1998). SCR 3.130(1.5) provides that “the basis or rate of the fee should be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.” Because the practice of passing service charges on to the client deviates so dramatically from the commonly accepted practice in the commercial world, lawyers have an unusually high burden in making sure the client fully understands the consequences of electing to use a credit card. The client must be advised that he or she will be responsible for an amount in excess of the billed charge if a credit card is used and what the additional charge will be, as well as any other information that may be necessary to adequately inform the client of the nature of the payment arrangement.⁵ Moreover, although the current rules do not require that such communications be in writing, it is the Committee’s view that, especially where an additional charge is added for credit card use, both clients and lawyers will be best served if the agreement is in writing.

Conclusion

Consumers rely heavily upon the use of credit cards and other forms of electronic payment and the Kentucky Rules of Professional Conduct authorize lawyers to accept credit cards for the payment of fees. *See* SCR 3.130(7.05) and KBA E-172(1977). As the use of credit cards and other forms of electronic payment become more common, lawyers will need to be increasingly cautious in structuring these arrangements to ensure compliance with all of their ethical obligations, particularly those relating to client communication, segregation of client funds and accounting.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530. Note that the Rule provides: “Both informal and formal opinions shall be advisory only; however, no attorney shall be disciplined for any professional act performed by that attorney in compliance with

an informal opinion furnished by the Ethics Committee member pursuant to such attorney's written request, provided that the written request clearly, fairly, accurately and completely states such attorney's contemplated professional act." ■

ENDNOTES

1. Although this opinion focuses on the use of credit cards, many of the same principles apply to debit cards and other electronic transactions.
2. Both KBA E-172 (1977) and ABA Formal Opinion 338 (1974) expressed various concerns about improper advertising and solicitation under the rules that were in effect at that time. In 2000, the ABA withdrew Formal Opinion 338, and three other opinions relating to the use of credit cards, because the adoption of

the ABA Model Rules of Professional Conduct rendered the guidelines relative to advertising and solicitation contained in those opinions inapplicable. ABA Formal Op. 00-419 (2000).

3. KBA E-380 (1995) provides as follows:
Accordingly, we find that in order for a non-refundable fee retainer to be valid the arrangement must meet the following criteria:
 1. The arrangement must be fully explained to the client, orally, and in a written fee agreement that is signed by the client;
 2. The arrangement must specify the dollar amount of the retainer, and its application of the scope of the representation, and/or the time frame in which the agreement will

- exist; and
3. The total fee to be charged must be "reasonable."
A "retainer" that does not meet these requirements will be treated as an advance and must be deposited in the client trust account. In the event the lawyer is terminated, the unearned portion of the advance must be returned to the client. *See, Kentucky Bar Ass'n v. Bubenzer*, 145 S.W.3d 842 (Ky. 2004); *Cledenin v. Kentucky Bar Ass'n*, 114 S.W.3d 858 (Ky. 2003).
4. As used here, the term "merchant account" is the account in which the credit card proceeds are deposited.
5. If the client is entitled to a refund, it should be processed in such a way so as to return the applicable transactional fee charged, if any.

FORMAL ETHICS OPINION KBA-E427

March 23, 2007

Subject: Lawyer and law firm domain names (web addresses)

Question I: May a lawyer or law firm use a domain name that does not identify the lawyer or firm, but links to a website that clearly identifies the sponsoring lawyer or law firm?

Answer: Qualified Yes

Question II: May a lawyer maintain a website that is identified by domain name only and does not identify an individual lawyer or law firm?

Answer: No

References: SCR 3.130 (7.01-7.60); KBA E-338 (1990); KBA E-302 (1985); Az. B. Ethics Op. 01-05 (2001) (available at www.myazbar.org/Ethics/opinion view); Ass'n of the City B. of N.Y. Op. 2003-01 (available at 2004 WL 837935); N. J. Comm. on Atty. Advt. Op. 32 (available at 2005 WL 3890570); S. C. B. Ethics Adv. Comm. Op. 04-06 (available at 2004 WL 1520110).

Introduction

The Attorneys' Advertising Commis-

sion is responsible for overseeing the regulation of lawyer advertising, which is governed by SCR 3.130 (7.01 - 7.60). Lawyer advertising on the internet raises a broad range of ethical issues, which are not specifically addressed by the rules. The Attorneys' Advertising Commission has asked the Ethics Committee to consider two of those issues; both are related to the use of domain names (web addresses). This opinion is designed to assist the Commission in its work and to alert members of the bar to some of the ethical issues associated with the use of domain names. Lawyers are reminded that Rule 7.05 provides that all advertisements must be filed with the Attorneys' Advertising Commission;¹ lawyers who have ethical questions about lawyer advertising should request an advisory opinion from the Commission, not the Ethics Committee. SCR 3.130 (7.06).

The Kentucky Rules of Professional Conduct contain extensive provisions regulating lawyer advertising. See SCR 3.130 (7.01 - 7.60). Rule 7.02(1) defines advertising as the furnishing of "any information or communication containing a lawyer's name or other identifying information..."² Rule 7.15 prohibits

communications about the lawyer or the lawyer's service that are false, deceptive or misleading. These umbrella provisions are the foundation of lawyer advertising regulation and apply to all advertisements, no matter what form they take. In addition, Rule 7.50(1) prohibits the "use of a firm name, letterhead or other professional designation that violates Rule 7.15." It is against this backdrop that the Committee considers the ethical issues related to lawyer and law firm domain names.

I. Use of a domain name that does not identify the lawyer or law firm, but connects to a website that clearly identifies the sponsoring lawyer or law firm

Various electronic media, including the internet, have become important sources of information for the public, and lawyer websites have become a popular means of communicating with clients and potential clients. Typically, websites contain information about the lawyer or the firm members and the nature of the practice. They are designed to promote the lawyer or the firm and to attract clients. Websites are a form of advertising; they "furnish ... information ... containing a lawyer's name or other identifying infor-

mation....” and are subject to regulation by the bar. SCR 3.130 (7.02(1)).

Just as websites are a type of advertising subject to the Rules of Professional Conduct, so are the domain names that are used to access those websites.

Domain names are a form of communication about the lawyer’s services. Like firm names, they contain “identifying information” and cannot be false, deceptive or misleading. SCR 3.130 (7.15).

Many lawyers use domain names that are related to their own name or that of their firm. Lawyer Joe W. Smith may use the domain name of www.jwsmithattorney.com or www.jwsmithandassociates.com. In the first example, the domain name is that of the lawyer; in the second example, the domain name is that of a law firm. These hypothetical domain names, standing alone, would not be false, deceptive or misleading advertising.³ The webpages to which they link would, of course, be subject to a separate review under the rules.⁴

The issue becomes more complicated when the lawyer selects a domain name that is not related to his or her name, or

that of the firm. Most ethics committees considering this issue have concluded that domain names that do not include the lawyers name are not per se unethical as long as they comply with the general advertising rules.⁵

A domain name must be analyzed under several provisions of the advertising rules. Again, the initial focus will be on whether the domain name is false, deceptive or misleading. Does the name contain a material misrepresentation of fact, create unjustified expectations or compare the lawyer’s services with others? SCR 3.130 (7.15 (a) – (c)). The following examples of domain names, unrelated to the lawyer or the firm, may be helpful in understanding the application of the rules.

Some domain names are targeted to a particular group of potential clients by suggesting an area of concentration. For example, a lawyer who practices family law might use www.divorcelawyer.com. The mere fact that the domain name indicates a field of practice does not, in and of itself, make it false, deceptive or misleading. Although Kentucky does not recognize specialists, Rule 7.40 permits a

lawyer to indicate his or her area of practice as long as long as the advertisement otherwise conforms to the rules.⁶ If a lawyer can state that he or she practices divorce law, there does not appear to be any reason why that same lawyer can not use a domain name that conveys the same information.

This is not to suggest that all domain names will withstand scrutiny under the rules. Just as a lawyer could not say she is the “greatest lawyer in Kentucky,” because that is likely to create unjustified expectations (and compares her services with others), she could not use the domain name www.greatestlawyerinky.com for the same reason. Similarly, any domain name that suggests a connection with a governmental entity would violate Rule 7.15. For example, a private law firm that used a domain name of www.louisvillelegalclinic.com might lead a prospective client to believe that the lawyer is part of a governmental entity or a non-profit organization. Similarly, the Arizona Bar has concluded that the domain name www.countybar.com is misleading because it implies affiliation with a bar

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association and the domain name www.arizonalawyer.org is misleading because the use of the top level domain name “org” implied that the firm is a non-profit organization.⁷ Finally, although a lawyer may use a domain name that indicates an area in which the lawyer practices, Rule 7.40 prohibits the use of any form of the words “certified,” “specialists,” “expert,” or “authority.”⁸ Thus, a domain name of www.accident-specialist.com, would violate Rule 7.40.

Finally, it is important to emphasize that Question . assumes that the domain name links directly to the website of the lawyer or the law firm and that the site clearly identifies the lawyer or firm by name. This satisfies the requirement of Rule 7.20, which provides that “(a)ny communication made pursuant to these Rules shall include the name of at least one lawyer licensed in Kentucky, or law firm any of whose members are licensed in Kentucky, responsible for its contents.” By clearly identifying the lawyer or the firm on the webpage, the user will not be misled about the identity of the lawyers and the services being offered.

II. Maintenance of a website that is identified by domain name only and does not include the name of an individual lawyer or law firm

The second question is a variation on the first. It assumes that the domain name does not include the lawyer’s name

or the name of the firm, that the website is identified by the domain name only and that the identity of the lawyer or law firm is unclear. In the first question, the domain name was a form of communication, but its primary purpose was to attract the user and connect him or her to the lawyer’s website, where the lawyer or the firm was identified. In this question, the domain name is again used to attract the user but, because it connects to a website that does not identify the lawyer or the firm, the domain name becomes the identifier. The current Rules of Professional Conduct were developed long before the internet became a generally accepted means for exchanging information. Nevertheless, the rules contain a number of principles that are relevant to website communications. In applying those principles, it becomes immediately apparent that the practice of not prominently identifying the lawyer or the law firm on the website is problematic on several levels.

First, the overwhelming concern of the rules is that all advertisements be truthful; they cannot be deceptive or misleading. SCR 3.130 (7.15). By failing to identify the name of the firm or the lawyer involved, the public may be misled as to the identity, status and responsibility of those involved.

Second, Rule 7.20(3) requires that every communication made under the rule “shall include the name of at least one lawyer

licensed in Kentucky, or law firm any of whose members are licensed in Kentucky, responsible for its contents.” Failure to prominently identify the lawyer or the firm on the webpage violates this rule.

It has been suggested that when a lawyer maintains a website that does not identify the lawyer or the law firm, but uses the domain name as the identifier, the domain name becomes a tradename. Although the tradename issue may be an interesting one, the Committee is of the view that this question can be resolved on the basis of the two rules described above. It is the Committee’s view that it is a violation of the Rules 7.15 and 7.20(3) to maintain a website that is identified by domain name only and does not include the name of an individual lawyer or law firm.

Conclusion

The Committee has concluded that it is not inherently unethical for a lawyer or a law firm to adopt a domain name, unrelated to the name of the lawyer or the law firm, if the following conditions are met:

- The domain name complies with RPC 7.15; it is not false, deceptive or misleading.
- The website to which the domain name connects prominently identifies the name of the firm or the lawyers involved. The domain name cannot be used as a substitute identity for the lawyer or the firm.
- The domain name does not imply

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that the lawyer is a specialist, except as permitted by Rule 7.40.⁹

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530. Note that the Rule provides: "Both informal and formal opinions shall be advisory only; however, no attorney shall be disciplined for any professional act performed by that attorney in compliance with an informal opinion furnished by the Ethics Committee member pursuant to such attorney's written request, provided that the written request clearly, fairly, accurately and completely states such attorney's contemplated professional act." ■

ENDNOTES

1. Lawyer websites are a form of advertising and are subject to the same rules, including the submission requirements, as other forms of advertising.
2. The rule excludes certain basic kinds

of communication, such as professional cards, professional directory listings and office signs, from the definition of advertising. SCR 3.130 (7.02 (1) (a)-(i)).

3. In the above example, the domain name www.jwsmithandassociates.com would violate the rule if no legal entity actually exists. Rule 7.50(4) provides: "Lawyers may state or imply that they practice in a legal entity only if that is the fact."
4. See SCR 3.130 (7.05) requiring all advertisements to be filed with the Commission.
5. See e.g., N.J. Comm. on Atty. Advert. Op. 32 (available at 2005 WL 3890570); Assn. of the B. of the City of N. Y. Formal Op. 2003-01 (available at 2004 WL 837935) (decided under the Code).
6. SCR 3.130 (7.40) provides: Communication of fields of practice. A lawyer may communicate the fact that the lawyer does or does not practice in a particular field of law.

A lawyer who concentrates in, limits his or her practice, or wishes to announce a willingness to accept cases in a particular field may so advertise or publicly state in any manner otherwise permitted by these Rules. Any such advertisement or statement shall be strictly factual and shall not contain any form of the words "certified", "specialist", or "authority."

7. Az. B. Ethics Op. 01-05 (2001) (available at www.myazbar.org/Ethics/opinionview).
8. SCR 3.130 (7.40), *supra* n. 6.
9. Rule 7.50 generally prohibits communications which state or imply that the lawyer is "certified" or a "specialist" or "expert" in a particular area of practice. The rule contains a narrow exception for licensed patent lawyers, admiralty lawyers and those certified by national organizations qualifying under *Peel v. Attorney Registration and Disciplinary Commission of Illinois*.



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Kentucky Clients' Security Fund

The Kentucky Clients' Security Fund was established by the Supreme Court of Kentucky (Rule 3.820) to be administered by Trustees with the assistance of the staff of the Kentucky Bar Association. It is funded by the Bar dues of the lawyers of Kentucky, to reimburse clients for losses caused by their attorney's dishonest conduct, defined as the wrongful taking of clients' money or other property. The amount of \$7.00 per lawyer, \$6.00 per member of the judiciary, is allocated from member dues by the Kentucky Supreme Court for this Fund. The Fund does not consider losses resulting from negligence. There are caps on recovery.

In the last fiscal year 2005-2006, and in the fiscal year 2006-2007 the Fund has paid \$247,780.72 to victims.

The Fund provides a last-resort avenue for client victims who are unable to get reimbursement for their losses from the responsible lawyer, or from insurance or other sources. There is no charge to the client for this process. The Rule prohibits lawyers from being compensated for assistance in a claim.

Claims are reviewed by a Board of Trustees appointed by the Board of Governors of the Kentucky Bar Association. These five (5) Trustees consist of three lawyers and two lay members who perform their duties as a public service and receive no compensation.

Fund Payments From Start of Fiscal Year 2005 to June 30, 2007

Attorneys Whose Clients Suffered Losses	Total Paid	Number of Clients Reimbursed	
Bryan Kent Burlew.....Burlington, KY.....	\$375.00	1	
Mark B. Geller.....Louisville, KY	\$500.00	1	
Benjamin C. Hall.....Pikeville, KY.....	\$6,800.00	10	
William T. Klapheke.....Glasgow, KY	\$6,426.54	1	
Charles Edward King.....Pine Knot, KY	\$1,000.00	1	
Rodney McDaniel	Frankfort, KY.....\$150.00	1	
Jeffrey C. McKenzie.....Cincinnati, OH	\$400.00	1	
Donna Kay McNew	Covington, KY.....\$29,700.00	4	
Michael B. Roney	Lexington, KY.....\$5,500.00	1	
Kenneth Eugene Rylee	Covington, KY.....\$4,200.00	4	
Leslie Judson Shekell	Paducah, KY	\$48,913.73	3
Tammie Jones Sivals	Mount Sterling, KY ...	\$21,163.45	8
Barry Sloan Smith	Albany, KY	\$318.00	1
David W. Williams.....Simpsonville, KY	\$122,334.00	22	

Further information regarding the Fund can be found on the Kentucky Bar Association website, www.kybar.org under Law & Ethics.

CLEvents

Following is a list of **TENTATIVE** upcoming CLE programs. REMEMBER circumstances may arise which result in program changes or cancellations. **You must contact the listed program sponsor** if you have questions regarding specific CLE programs and/or registration. ETHICS credits are included in many of these programs. Some programs may not yet be accredited for CLE credits— please check with the program sponsor or the KBA CLE office for details.

JULY

- 16-20 General Mediation Training
Administrative Office of the Courts
- 19-21 34th Annual Midwest/Midsouth
Estate Planning Institute
UK CLE
- 19 Summer Video Series -
Professionalism, Ethics and
Substance Abuse Instruction
Cincinnati Bar Association

2007 KENTUCKY LAW UPDATE Dates and Locations

- September 6-7 (Th/F) Lexington
Lexington Convention Center
- September 18-19 (T/W) London
London Community Center
- September 25-26 (T/W) Covington
Northern Kentucky Convention Center
- October 4-5 (Th/F) Ashland
Ashland Plaza Hotel
- October 25-26 (Th/F) Prestonsburg
Jenny Wiley State Resort Park
- October 29-30 (M/T) Bowling Green
Holiday Inn & Sloan Convention Center
- November 7-8 (W/Th) Owensboro
Executive Inn Rivermont
- November 29-30 (Th/F) Louisville
Kentucky International Convention
Center
- December 4-5 (T/W) Paducah
Kentucky Dam Village

AUGUST

- 7 Summer Video Series -
Professionalism, Ethics and
Substance Abuse Instruction
Cincinnati Bar Association
- 9-10 Midwest Regional Bankruptcy
Seminar
Cincinnati Bar Association
- 16 CLE in the Burbs - P.I. Pointers
Cincinnati Bar Association
- 23 Summer Video Series - Nuts &
Bolts of Real Estate Law
Cincinnati Bar Association
- 27-29 Children's Summit
Administrative Office of the Courts

SEPTEMBER

- 6 2007 Juvenile Summit-
Pennyrile State Park
*Kentucky Department of
Public Advocacy*
- 6-7 Kentucky Law Update - Lexington
Kentucky Bar Association
- 11 Fall Video Series - Professionalism,
Ethics & Substance Abuse
Cincinnati Bar Association
- 12 Meet the Judges
*Fayette County Bar Association
Women Lawyers' Association*
- 14 2007 Juvenile Summit-
Lake Cumberland State Park
*Kentucky Department of
Public Advocacy*
- 18-19 Kentucky Law Update - London
Kentucky Bar Association
- 19 All Ohio Annual Institute on
Intellectual Property
Cincinnati Bar Association
- 19 Domestic Relations CLE
Fayette County Bar Association
- 21 ADR Seminar
Cincinnati Bar Association
- 25 Fall Video Series - Professionalism,
Ethics & Substance Abuse
Cincinnati Bar Association
- 25-26 Kentucky Law Update - Covington
Kentucky Bar Association
- 26 Healthcare & Insurance CLE
Fayette County Bar Association

Kentucky Bar Association

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AOC Juvenile Services

Lyn Lee Guarnieri • (502) 573-2350

Louisville Bar Association

Lisa Maddox • (502) 569-1361

KYLAP

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Kentucky Academy of Trial Attorneys (KATA)

Ellen Sykes • (502) 339-8890

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Jennifer Baker • (859) 572-1461

Kentucky Department of Public Advocacy

Jeff Sherr or Lisa Blevins

(502) 564-8006 ext. 236

AOC Mediation & Family Court Services

Malissa Carman-Goode • (502) 573-2350

UK Office of CLE

Melinda Rawlings • (859) 257-2921

Mediation Center of the Institute for Violence Prevention

Louis Siegel • (800) 676-8615

Northern Kentucky Bar Association

Christine Sevendik • (859) 781-1300

Fayette County Bar Association

Mary Carr • (859) 225-9897

Cincinnati Bar Association

Dimity Orlet • (513) 381-8213

Mediation Center of Kentucky

Tami Bowen • (859) 246-2664

Access to Justice Foundation

Nan Frazer Hanley • (859) 255-9913

Administrative Office of the Courts

Malissa Carman-Goode

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- 26 Solo/Small Firm Practitioners
Conference
Cincinnati Bar Association
- 27-28 Annual Convention
Kentucky Justice Association
- 28 Labor & Employment Law
Symposium
Cincinnati Bar Association

Continuing Legal Education Commission welcomes new members

By Beth Barnes

Appointments draw to an end and new faces appear – over the years, the Kentucky Bar Association Continuing Legal Education Commission has said goodbye to many longtime members and hello to a number of new Commissioners. On May 11, 2007, the KBA Continuing Legal Education Commission held its annual meeting and retreat at General Butler State Resort Park in Carrollton. At this meeting Mr. Douglas C. Ballantine was presented with a crystal decanter to commemorate his 2002-07 term of service as CLE Chair. The KBA staff will fondly remember the outstanding service and exceptional insight Mr. Ballantine lent to the CLE Commission. Kim F. Quick, Elizabethtown, retired as well from his position as representative of the Second District.

The Commission also looks forward to new leadership. Effective July 1, 2007, Mr. Olu A. Stevens, Louisville, will represent the Fourth Supreme Court district. He is a member of Stoll Keenon Ogden's office in Louisville, with a practice that concentrates in the areas of domestic, tort and insurance litigation.

The 2007-08 Commission also wishes to welcome Ms. Kerry Morgan as the new representative for the Second



Olu A. Stevens

replaces outgoing member Kim F. Quick. Mr. Stevens and Ms. Morgan will be sworn in at the July CLE Commission meeting scheduled for July 20 at Dale Hollow State Resort Park in Burkesville.

The Commission was pleased to announce that longtime member Ms. Anita M. Britton, Lexington, a partner in the firm of Stoll Keenon Ogden and Fifth District representative, was designated by the Supreme Court as Chair of the Commission. She will serve in this capacity at the pleasure of the Court. Her term expires in 2008.

Ms. Melinda G. Dalton, Somerset, was reappointed for a second term as representative for the Third Supreme Court District. Ms. Dalton is a member of the firm Gillum & Gillum in Somerset,

Supreme Court district. Ms. Morgan is a partner in the firm of Breen & Morgan in Bowling Green, where her practice concentrates in the areas of insurance defense, personal injury litigation and civil practice. She

where her practice focuses on family law.

The Commission has seen a number of additional new appointments of late, welcoming three new members in 2006. Dennis L. Null, Mayfield, serves the First District and maintains a general practice with an emphasis on litigation. Ms. Gabrielle Summe, Ft. Wright, serves as Assistant Kenton County attorney and represents the Sixth District. Ms. Kimberly Scott McCann is a partner in the Ashland firm of VanAntwerp, Monge, Jones, Edwards & McCann, with a practice focusing on corporate law, education, governmental affairs, real estate, business litigation and banking law.

The KBA staff and the CLE Commission salute the outgoing Commissioners once again, and look forward to working with the new members during the upcoming term. ■

The CLE Commission is responsible for the administration and regulation of all continuing legal education activities and programs for the Kentucky Bar Association. A designated individual is appointed from each Supreme Court district to represent that region's Bar Association members. Terms last three years and members are limited to two consecutive terms of service.

Have an item for WHO, WHAT, WHEN & WHERE?

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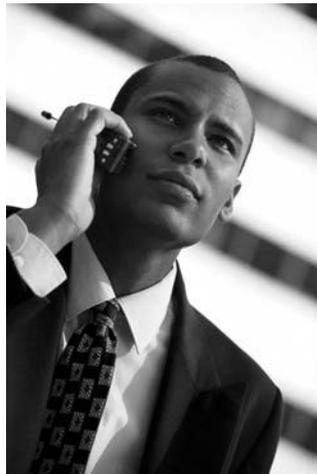
There is a \$10 fee per photograph appearing with announcements. Paid professional announcements are also available. Please make checks payable to the Kentucky Bar Association.

*The deadline for announcements appearing in the next
edition of Who, What, When & Where is August 1st.*

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Chase Alumni Association Presents Annual Alumni Awards

Northern Kentucky University Chase College of Law Alumni Association honored six alumni during its fourth annual Alumni Weekend Gala on Saturday, May 19 at the Northern Kentucky Convention Center in Covington.

The Lifetime Achievement Award was presented to professor emeritus **W. Jack Grosse**, class of 1962, who served as dean of Chase College of Law from 1970 to 1978. In 1972, he presided over



W. Jack Grosse

Chase's merger with what was then Northern Kentucky State College; now Northern Kentucky University. This year marks the 35th anniversary of that historic merger. He later also served as interim dean during the academic year 1992-1993. In 1996,

Professor Grosse co-published *The Lawyers' School – A Centennial History of Salmon P. Chase College of Law*.

During his retirement, he has served as a consultant to prospective law schools on ABA accreditation.

Professional Achievement Awards were presented to **Jakki L. Haussler**,



Jakki L. Haussler

class of 1988, an attorney, CPA and entrepreneur who is chairman and CEO of Opus Capital Management, Inc., a registered investment advisory and asset management firm and to **Henry E. (Hank) Menninger, Jr.**, class of 1977, a partner with the law firm of Wood & Lamping LLP in Cincinnati, where he is chair of the bankruptcy and debtor/creditor rights practice area.



Henry E. Menninger, Jr.

Menninger has served as a past president of

the Chase Alumni Association.

The Exceptional Service Award was given to **Kim Brooks Tandy**, class of 1989, who is the founder and executive director of the Children's Law Center, Inc. in Covington, whose mission is to protect the rights of children in Kentucky through individual and class action representation, through research and policy development and through training and education of attorneys and other professionals concerning the rights of children.



Kim Brooks Tandy



Matthew L. Garretson

Matthew L. Garretson, class of 1998, was the recipient of the Outstanding Recent Alumnus Award. Garretson is the founding partner of The Garretson Law Firm, which provides mass tort/class action settlement allocation and fund administration services.



Michael C. Murray

Also recognized at the event was **Michael C. Murray**, class of 1989, who received the Northern Kentucky University Outstanding College of Law Alumni Award at the NKU Alumni Association's Awards

Banquet held in January. Murray is deputy CEO and general counsel of FirstGroup America, Inc. and is president of First Transit. FirstGroup America is a \$1.6 billion U.S. subsidiary of UK-based FirstGroup PLC, a worldwide passenger transportation company. Murray currently serves as chairman of Chase College of Law's Board of Advisors.

More than 300 alumni and friends of the College of Law participated in one or more of the Chase Alumni Weekend events that also included a continuing legal education program and golf outing.

Alumni Weekend sponsors were: Adams, Stepler, Woltermann & Dusing;

Arnzen, Wentz, Molloy, Laber & Storm; A. Page Beetem, Esq. '95; Belterra Casino; Phyllis G. Bossin Co., LPA '77; Deters, Benzinger & LaVelle; Esquire & Mariemont Theatres; Frost Brown Todd, Honorable Anthony W. Frohlich '80; Honorable J.R. Schrand '77, Honorable Linda Bramlage '89; Honorable Michael Collins '72; Honorable Charles Moore '80; The Horwitz Law Firm; Kelly Farrish, Esq. '78; Lerner, Sampson & Rothfuss; Ed McTigue, Esq. '78; Montgomery, Rennie, Jonson; Northern Kentucky Reporting Service; Parry Deering Futscher & Sparks; ReMax Affiliates; Santen & Hughes; Stephen Schuh, Esq. '78; Eric M. Soper, DMD; David M. Spaulding, Esq. '06; Benjamin L. Rettig, Esq. '02; Iversy "Ivy" Velez, Esq.; Schiff, Kreidler-Shell, Inc.; Sutton, Hicks, Lucas, Grayson & Braden; Taft, Stettinius & Hollister; Turner Construction; Jim Thelen, CPA; United Conveyor & Machinery Installation; and Wood & Lamping.

■ In Memoriam

John Cooper Ellis	La Grange
Stephen W. Fleck	Louisville
Richard Charles Gibson	Louisville
John Scott McGaw	Fairhope, AL
Joseph F. Mooney	Cynthiana
James N. Neel, Jr.	Prospect
Michael Dean Osborne	Paintsville
Lawrence L. Pedley	Louisville
Michael Gregory Rains	Paducah
Donald I. Renau	Louisville
Henry B. Sadlo	Louisville
James Bruce Sparrow	Danville
Joseph Howard Vahlsing	Cincinnati, OH
R. Barry Wehrman	Covington
Suzanne Denise Zolper	Louisville

KENTUCKY BAR NEWS

Kentucky and Louisville Bar Associations Participate in ABA Bar Leadership Institute

Joining some 300 other emerging leaders of lawyer organizations from across the country at the American Bar Association's Bar Leadership Institute (BLI), was KBA President Jane W. Dyche of London, KBA President-Elect Barbara D. Bonar of Covington, KBA Vice President Charles E. English, Jr. of Bowling Green, and KBA Executive Director Jim Deckard of Frankfort. In attendance from the Louisville Bar Association were LBA Interim Executive Director William G. Schneider, Jr., and LBA President Janet P. Jakubowicz.

The BLI is held annually in Chicago for incoming officials of local and state bars, special focus lawyer organizations, and bar foundations. The seminar provides the opportunity to confer with ABA officials, bar leader colleagues, executive staff, and other experts on the operation of such associations.

SUMMARY OF MINUTES KBA BOARD OF GOVERNORS MEETING MARCH 23, 2007

The Board of Governors met on Friday, March 23, 2007. Officers and Bar Governors in attendance were *President R. Ewald, President-Elect J. Dyche, Vice President B. Bonar, Immediate Past President D. Sloan, Young Lawyers Section Chair A. Schaeffer, Bar Governors – 1st District - M. Whitlow, D. Myers; 2nd District - J. Harris, Jr.; 3rd District - R. Madden, M. McGhee, 4th District - M. O'Connell, J. White; 5th District - D. McSwain; 6th District - M. Grubbs, T. Rouse and 7th District - J. Rosenberg, W. Wilhoit. Bar Governors absent were: F. Fugazzi, Jr. and C. Moore.*

In Executive Session, the Board considered one (1) discipline case, as well as seventeen (17) default discipline cases involving two (2) attorneys. Rev. Reggie Dickerson of Sandy Hook, Carol Frederick of Louisville and Steve Langford of Louisville, 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 status reports from the Investment Committee, KYLAP Committee, Long Range & Strategic Planning Committee, Member Services



From left to right: ABA President Karen J. Mathis, Schneider, Jakubowicz, Deckard, Dyche, English, Bonar, and ABA President-Elect William H. Neukom.

Committee, Office of Bar Counsel and Rules Committee; and considered the Ethics 2000 Committee Report.

Andrew J. Schaeffer, Chair of the Young Lawyers Section, reported that the section will have a luncheon on June 21 during the convention as well as a reception that evening at Jeff Ruby's Steakhouse. There will be CLE programs catering to young lawyers also scheduled for Thursday of convention week. The

To KBA Members
Do you have a matter to discuss with the KBA's Board of Governors? Board meetings are scheduled on **September 21-22, 2007 • November 16-17, 2007**
To schedule a time on the Board's agenda at one of these meetings, please contact
Jim Deckard or Melissa Blackwell
at (502) 564-3795.

section will be mailing out a brochure to help recruit members of the KBA to join the section and register for the convention.

John Meyers, Director for CLE, presented a report on behalf of the Mentoring Program Committee asking the Board to consider the implementation of the proposed Mentoring Pilot Program. Implementation of the plan is contingent upon the receipt of a grant from the Kentucky Bar Foundation in the amount of \$12,500 and upon approval of the CLE Commission and the Supreme Court funding the remainder from the CLE Reserve Fund.

Accepted and approved the petition for the creation of the Appellate Advocacy Section.

Bar Governor Wilhoit reported on behalf of the Kentucky Bar Foundation informing the Board that \$106,000.00 had been received from contributions. These contributions could enable funding for the Mentoring Pilot Program. Mr. Wilhoit also reported that applications for Bar Foundation grants are due on April 15, 2007.

Approved the submission of nominees to the Supreme Court of Kentucky for appointment to the IOLTA Board of Trustees for three-year terms ending on June 30, 2010, 1st Supreme Court District Ken Haggard of Hopkinsville; 2nd Supreme Court District Douglas W. Gott of Bowling Green and 6th Supreme Court District John A. Bonar of Covington.

Approved the submission of nominees to the Supreme Court of Kentucky for appointment of one nominee from each District to the CLE Commission for three-year terms ending on June 30, 2010: 2nd Supreme Court District – Kerry Morgan, Bowling Green; Kim Quick, Elizabethtown; and E. Ward Begley II, Bowling Green; 3rd Supreme Court District – Melinda G. Dalton, Somerset; Stephanie L. McKeehan of London; and Jennifer S. Nicholson, London; and 4th Supreme Court District – Olu A. Stevens,

Louisville; Thomas E. Roma, Jr.; Louisville and Walter M. Jones, Louisville.

Approved the payment of expenses for Board members attending the Board of Governors meeting on June 19 and the convention itself June 20-22 as follows: Lodging at the Hyatt Regency Hotel Louisville at a rate of \$128.00 single/double per night for a maximum of four (4) nights. Reimbursement for round trip mileage at a rate of thirty-eight cents (\$.038) per mile.

Reimbursement for meal expenses incurred on Monday, June 18 and Tuesday, June 19 above and beyond group meal functions on those dates.

Approved the recommendation of Kelley, Galloway & Company, P.S.C. to the Supreme Court to perform the audit for the Association and the Foundation

for the Fiscal Year ending June 30, 2007.

Approved the Law Day Awards totaling \$900.00 (3 @ \$300/each).

Approved the Student Writing Competition Awards totaling \$1,000.00 (1st - \$500, 2nd - \$300 and 3rd - \$200).

Approved as a proposed formal ethics opinion KBA E-426 regarding the use of credit cards for payment of earned attorney fees, non-refundable retainers and advances. KBA E-426 will be scheduled for publication in the Bench & Bar magazine under the provisions of SCR 3.530.

Approved as a proposed formal ethics opinion KBA E-427, regarding lawyer and law firm domain names. KBA E-427 will be scheduled for publication in the Bench & Bar magazine under the provisions of SCR 3.530.

Bowling Green-Warren County Bar Association

Ben Crocker was presented with the **Pro Bono Publico Award** at the 2007 Law Day ceremonies conducted by the Bowling Green-Warren County Bar Association. This award is presented each year by the Lawyers Care Volunteer Attorney Program to a member of the bar who has made a significant contribution to the provision of donated legal services to low-income elderly or disabled individuals in their community. Crocker received this award for his continued commitment to the mission of Lawyers Care and pro bono services.



At the 2007 KYLAP Volunteer Gratitude Luncheon held in June at the Kentucky Bar Center, Terry Earle was given the Robert Houlihan Award for outstanding service to KYLAP and Eileen O'Brien and Pete Gullett were recipients of the Trusted Servant Award. Attendees were (from front left to right) Martha Eckert, Cathy Jackson, Norb Bischoff, Grenda Sanders, Pete Gullett, Nick Hawkins, Todd Burris, Dan Albers, Brian Chapman, Rich Bonenfant, Clark Baird, Eileen O'Brien, Lucius Hawes, Vanessa Armstrong, Barbara Frizzell, Hoot Ebert, Tom Lyons, Robin Webb, Anna Columbia, Vicki Coomer, Billy Hoge, Dave Johnstone, Greg Shields, Doug Holiday, John Williams, Terry Earle, Catherine Fuller and Stan Brown.

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KENTUCKY BAR NEWS

THE KENTUCKY BAR FOUNDATION AWARDS \$173,630 FOR LAW-RELATED GRANTS AND PROJECTS IN 2007

The Kentucky Bar Foundation in June 2007 awarded a total of \$173,630 in annual grants, which represents the largest annual grant awards in the Foundation's history. Among the recipients are 20 agencies and programs statewide that will receive funding to meet law-related needs of our Commonwealth's citizens. Included in the total awards are scholarships in the amount of \$5,000 each to Kentucky's three law schools.

GRANTS

Appalachian Research and Defense Fund of Kentucky, Inc., Eastern Kentucky, \$9,500, to develop a community education program about becoming financially independent and self-sustain-

able. The program will address filing tax returns, receiving and managing tax refunds, financial literacy, and additional issues such as employment, housing, transportation, education, and community resources. The general target audience of this program is low income taxpayers but the specific target audiences of the workshops are survivors of domestic violence and high school students. With regard to survivors of domestic violence, the goal is to help such survivors develop a plan to permanently break the cycle of abuse through financial independence and self-sustainability. In educating high school students, the goal is to inform and educate young adults about the rights and responsibilities they will incur upon turning 18 so that they may become contributing members of their communities.

Children's Law Center, Inc., Northern Kentucky, \$8,000, to educate the public at large, including students, parents, and other professionals about the educational rights of students. Through this project, the Center will conduct a thorough assessment of the legal educational issues facing students in Kentucky, research the state and federal laws regarding those issues, and design a "Know Your Rights" manual and supplementary materials to educate the public about these issues. These publications will be distributed across the Commonwealth to legal service organizations, social service organizations, libraries and other entities who have the most contact with the vulnerable populations of students.

Department of Public Advocacy, Statewide, \$5,500, to produce a manual to provide new criminal defense lawyers with a better background to identify issues of racial bias or racial disparity. The manual will be a transportable quick reference guide that will help the criminal defense lawyer to first identify and then begin to develop those issues that might otherwise be overlooked in a case. Essentially, the manual will review a criminal case from the time a person is stopped and questioned about a crime, through arrest, pos-

sible transfer to adult court for a youth, pretrial litigation, motions in limine and sentencing. The grant will pay the publication and distribution costs of the Litigating Race Manual.

The Family Place: A Child Abuse Treatment Agency, Louisville, \$5,000, to help provide a safe, secure child-friendly location to support consistent contact between parent and child through court ordered supervised visitation. Observation reports and documentation of compliance gathered by the staff provide Family Courts with unbiased information. Program design, facility structure and security measures address the special needs and concerns of families and children who have issues of domestic violence, substance abuse, child abuse and neglect. Services are offered at non-traditional hours to best meet family needs. The Visitation Center allows a child to maintain a relationship with their parents while at the same time providing a safe, secure child-friendly place in which to do so. The safety of the participants and the prevention of a reoccurrence of violence are two critical concerns for families served. The expanded services offered by The Family Place will provide visitations to children in foster care settings.

Forget-Me-Not Children's Center, Western Kentucky, \$1,800, to provide and conduct six therapeutic art class sessions for the benefit of elementary, middle and high school age children to be served. Children eligible for the program are referred by judges, attorneys, social services, law enforcement, physicians, guidance counselors, and other professionals required to report abuse. The objective is to provide an outlet for children who have been abused or traumatized, involved in a serious accident, or experienced death of a family.

Kentucky Association of Children's Advocacy Centers (KACAC), Statewide, \$5,000, for a collaborative effort with the Kentucky Association of

What: Red Mass
When: Sunday, September 30, 2007, at 12:30 p.m.
Where: Cathedral of Christ the King in Lexington, 299 Colony Boulevard

All are invited to attend, and a special invitation is offered to those who work in any aspect of the judicial system. The Red Mass will be presided over by Bishop Ronald Gainer. A complimentary reception will immediately follow the Red Mass. For additional information, contact Chuck McQueen at (859) 253-2373 or abmcqueen@wspmlaw.com or Trip Redford at (859) 255-6676 or cmr@kentuckylaw.com.

As a prelude to the Red Mass, this year there will be the Thomas More Lecture on Law and Faith. The guest speaker is Seamus Hasson. He is scheduled to speak at 12:00 noon on Tuesday, September 25th. The topic is the subject of his recent book, *The Right to Be Wrong: Ending the Culture War over Religion in America*. Contact Trip Redford or Chuck McQueen about the location of the Thomas More Lecture.

Sexual Assault Programs (KASAP) to update and reprint the "Sexual Violence Law in Kentucky: A Handbook of Criminal, Civil, and Administrative Laws." This handbook is designed to ensure that non-attorney advocates have accurate and accessible information about those laws most relevant to their work. Originally printed in November 2003, this handbook is an invaluable resource for professionals working daily with crimes of violence within Kentucky. Since its original publication, many laws and regulations have been amended or added. KACAC and KASAP will collaborate on updating, revising and reprinting the handbook to distribute at no cost to professionals requiring a ready reference on laws related to sexual and physical violence.

Kentucky CASA Association, Statewide, \$3,000, to publish a guide of the Family and District/Circuit Court process for families involved in the court system. This guide will explain the roles and responsibilities of all major participants associated with the court process, how a case enters and continues through the court systems, the difference between Family, District and Circuit Courts, and the appellate process. Roles and participants described will include but not be limited to the Judge, the Guardian Ad Litem, the CASA, the parent's Attorney, the Cabinet's Attorney, and County Attorney. This guide will be distributed to the public through the Commonwealth's CASA Programs.

Kentucky River Community Care, Inc., Eastern Kentucky, \$4,700, to update and distribute a resource directory of services that are available to victims of domestic violence. A Kentucky Bar Foundation grant was obtained in 2006 to print 1500 of these resource directories. The purpose of this project is to update the existing directory, deleting resources that no longer exist, and adding new resources that have moved to the area. The directories also have information about obtaining emergency protective orders and domestic violence orders.

National Partnership for Juvenile Services, Inc., Richmond, \$19,000, for its ACES (Advancing Children Through

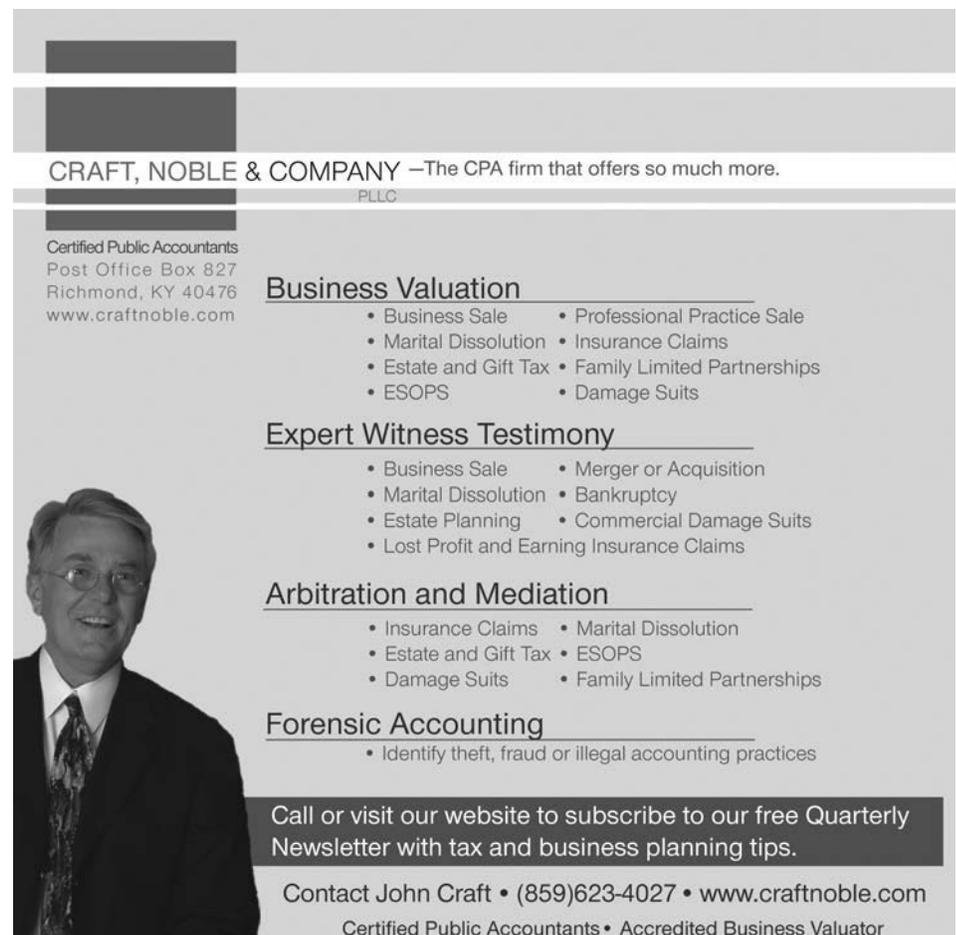
Enhanced Services) Project to disrupt and halt the intergenerational cycle of crime that faces many children of incarcerated parents by addressing the lack of inter-agency coordination of services. The program will provide resources and information to the communities and other professionals working with "at risk" children about the issues facing this population of youth, and to identify and fill gaps in available services and resources when possible by seeking out additional partnering agencies and individuals. The areas of needed support include: Mentoring, After-School Programming, Caregiver Support, Peer Support, Support for Incarcerated Parents, and Community Support.

Pike County Domestic Violence Board, Inc., Pikeville, \$630, to create a brochure to provide step-by-step assistance for families affected by domestic violence after they obtain an emergency protective order. The brochure is comprised of three main sections titled "Getting Safe," "Staying Safe," and "Accessing the Court System," along with a victim quiz and a directory of

commonly used resources for victims. These brochures will be available at the Pike County Circuit Court Clerk's office for petitioners of protective orders and through the offices of Appalred and the Pike County Domestic Violence Shelter.

Prevent Child Abuse Kentucky, Lexington, \$2,500, to coordinate a three-day multi-disciplinary "Kids Are Worth It!" conference focusing on the prevention of child abuse and neglect. Yearly, the conference averages 450 to 500 participants consisting of mental health, education, legal, health department, law enforcement, civic, non-profit, and child welfare representatives. The conference will provide legal and judicial representatives with the opportunity to increase their knowledge as it relates to child predators, child abuse safety on the Internet and other criminal justice issues with federal, state and local ramifications.

Recording for the Blind & Dyslexic, Louisville, \$10,000, to sponsor the recording of four law textbooks through the Adopt-A-Text Program. In addition,



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KENTUCKY BAR NEWS

to fund a pilot project designed to provide outreach to law students with print disabilities who attend, or plan to attend, one of Kentucky's three law schools: the Salmon P. Chase College of Law at Northern Kentucky University, the University of Kentucky College of Law, and the Louis D. Brandeis School of Law at the University of Louisville. The pilot project will be called "Success Through Access to Recorded Textbooks (START) for Kentucky Law Students."

The Sunshine Center, Frankfort, \$4,500, to fund the Motherhood Matters program which offers educational and supportive parenting classes to incarcerated mothers at the Franklin County Regional Jail. It is the sister program to Fatherhood Matters, a program which was funded for two years by the Kentucky Bar Foundation. The goals of the program are to help parents develop and maintain a positive and healthy relationship with their children, to better understand their children's needs, and to learn appropriate ways of communicating, disciplining children, and dealing with common parenting concerns.

Survive and Thrive Foundation, Northern Kentucky, \$15,000, to teach "at risk" children how to survive the situations that are beyond their control and

teach them the "coping skills" and "life skills" they need to thrive. It focuses on children's individual situations and teaches them the life skills needed to survive and create a better future for themselves. The objective of the grant is to help fund this month-long day camp and allow the camp to continue to increase the number of children who participate. The Survive and Thrive Foundation focuses on the Northern Kentucky region, which includes Kenton, Boone, Campbell, Grant, and Pendleton Counties. The camp is designed for children between the ages of 8 and 17. It is a testament to the camp that a majority of the children that participate in the camp are recommended by local Family Court Judges, Circuit Judges, juvenile prosecutors, court appointed therapists, Guardians Ad Litem, school personnel, or the Northern Kentucky Regional Interagency Council.

SPECIAL LAW-RELATED PROJECTS

Administrative Office of the Courts, Frankfort, \$15,000, to support "The Summit on Children." The summit will occur August 2007 in Louisville, Kentucky. Funding provides the Kentucky Court of Justice the necessary resources to develop conference materials for summit participants, publications promoting the summit and necessary sup-

plies. The Kentucky system of care for children who are involved with the court system has come under recent criticism for the way it handles children and families who are before the courts for child maltreatment and juvenile delinquency. The objective of this summit is to educate high-level decision makers about the various issues surrounding a comprehensive continuum of care for children. Participants will also receive information on various programs and support services to address the safety, permanency and well-being of all youth.

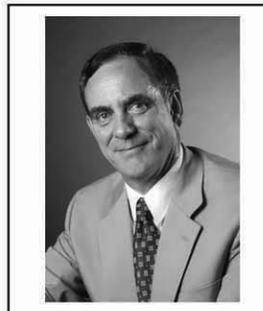
Bowling Green/Warren County Bar Association, Inc., Bowling Green, \$15,500, to present four forums with associated legal clinics. Topics include Pro Se Family Law, Wills, Small Claims Court, and Social Security Disability Benefits. Each forum will consist of a presentation followed by a workshop in which participants will be assisted with simple pleadings and forms and/or will be directed to other programs and resources that might be available. "The People's Law School" will be undertaken by the Bowling Green/Warren County Bar Association, Inc. in partnership with Bowling Green/Warren County Community Education, a chapter of the Kentucky Community Education Association. Funds will be used to present information on paid television and for a direct mail campaign associated with each forum and clinic. The programs will also be promoted through free media and through promotion by community partners, including Community Education, Kentucky Legal Aid and Barren River Area Safe Spaces. In addition to the forums and clinics, the Bowling Green/Warren County Bar Association, Inc. will host a series of two-minute television segments designed to present basic information on a variety of legal topics and to direct the viewers to further resources, including the forums and clinics. Information about legal matters will be presented by local judges and public service attorneys in a question and answer format. Topics will include Wills, Domestic Violence, Pro Se Divorce, Social Security Disability, Small Claims Court, Jury Duty, Default Judgments, Job

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Kentucky Bar Association, Office of Bar Counsel, Statewide, \$12,000, to study, create, develop, and implement an Ethics and Professionalism Enhancement Program under the Kentucky Supreme Court's Disciplinary and alternative disposition rules. The program will be structured as an educational program designed for respondents in disciplinary matters to be educated on the rules and practicalities of being a lawyer in an efficient and ethical law office. It is designed to focus on future public protection rather than punishment and is similar to those operated in many other states. The program will serve to assist attorney respondents who have been ordered by the Supreme Court in discipline cases to take remedial education classes in the field of office management and ethics in order to better serve their clients and avoid further violations of the Rules of Professional Conduct. In the new SCR 3.160(3)(A), effective April 1, 2007, the Office of Bar Counsel may refer a complaint to alternative disposition, which may include remedial ethics or office management education programs.

Kentucky Bar Association, on behalf of the Kentucky Lawyer Assistance Program (KYLAP), Statewide, \$2,000, to disburse funds to lawyers who, because of impairment and adverse and dire financial circumstances, cannot afford to obtain CLE credits and to assist them monetarily with transportation, food, lodging and other necessary expenses directly related to their obtaining CLE credits. All CLE events must qualify for credit toward the KBA's CLE requirements. The funds will be disbursed at the joint discretion of the Director of KYLAP and its Commission Chair upon affidavits evidencing the inability to pay such expenses. The request for assistance will be accompanied by a sworn statement of financial need.

Before You Move...

Over 15,000 attorneys are licensed to practice in the state of Kentucky. It is vitally important that you keep the Kentucky Bar Association (KBA) informed of your correct mailing address. Pursuant to rule SCR 3.175, all KBA members must maintain a current address at which he or she may be communicated, as well as a physical address if your mailing address is a Post Office address. If you move, you must notify the Executive Director of the KBA **within 30 days**. All roster changes must be in writing and must include your 5-digit KBA member identification number. There are several ways to do this for your convenience.

VISIT our website at www.kybar.org to make **ONLINE** changes or to print an Address Change/Update Form

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* Announcements sent to the *Bench & Bar's Who, What, When & Where* column or communication with other departments other than the Executive Director do not comply with the rule and do not constitute a formal roster change with the KBA.

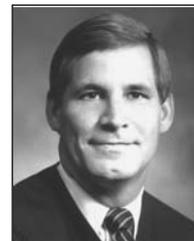
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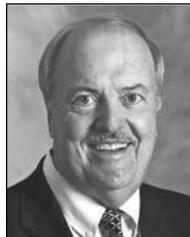
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KENTUCKY BAR NEWS

Kentucky Bar Association, through its Mentoring Committee, Statewide, \$15,000, to assist new lawyers in obtaining the skills, judgment and values that are required to practice law in a highly competent manner through a Mentoring Pilot Program. Fifty newly-admitted lawyers from the February 2008 admittees will be chosen at random by the Kentucky Bar Association Continuing Legal Education (CLE) Commission or its designee to participate. The new admittees will be paired with mentors, experienced attorneys who have completed a short training program and have been approved to participate as mentors. The mentors and their mentees will be required to discuss, review and undertake certain tasks and file interim and final reports. From this data, the Kentucky Bar Association will determine whether to recommend to the Supreme Court that the Mentoring Program be adopted as a requirement for new lawyers. The nature of the Mentoring Pilot Program is to gather data on the desirability and feasi-

bility of requesting a permanent Rule change to incorporate mentoring as a post-admission requirement, similar to the New Lawyer Skills Program.

Northern Kentucky Bar Association (NKBA), Northern Kentucky, \$1,000, in collaboration with the NKBA Young Lawyers Section to stimulate involvement from Northern Kentucky schools in the annual Kentucky High School Mock Trial Tournament. This objective will be achieved by facilitating the recruitment of attorneys and judges to act as attorney coaches for interested schools and providing training as needed for the teachers and attorney coaches. The Mock Trial Tournament trains high school students to interpret facts presented in civil and criminal cases. After a semester of practice, students take part in a mock trial competition where they prepare a court case under the supervision of teachers and attorney coaches. The program culminates with a state championship competition that takes place at the Kentucky

Supreme Court chambers at the Capitol in Frankfort. The program will increase students' comprehension of the historical and philosophical basis of the American judicial system. It will further provide meaningful opportunities for students to develop and exhibit leadership skills, and cultivate partnerships between education and the legal profession.

AWARDS AND SCHOLARSHIPS

The Kentucky Bar Association Outstanding Judge, Boyce F. Martin, Jr., Louisville, donated his \$2,000 award from the Kentucky Bar Foundation to the Legal Aid Society in honor of Marshall P. Eldred, Jr.
Outstanding Lawyer, Daniel T. Goyette, Louisville, donated \$1,000 of his \$2,000 award to the Public Service Fellowship Program at the Louis D. Brandeis School of Law and the remaining **\$1,000** to the Southern Public Defender Training Center at the Southern Center for Human Rights.

The Louis D. Brandeis School of Law at the University of Louisville, Salmon P. Chase College of Law, and the University of Kentucky College of Law each received a **Kentucky Bar Foundation Scholarship in the amount of \$5,000 each**. They will be awarded to qualified students based on criteria established by the law schools.

The Kentucky Bar Foundation remains the Commonwealth's only statewide law foundation. Since 1958, through grants which total over \$1,013,630, the Foundation has funded law-related, community-based programs benefiting citizens in urban and rural counties in every region of Kentucky. A special thanks to the members of the Kentucky Bar whose financial support and volunteer leadership have made these efforts possible.

Legally Insane by Jim Herrick

"He says no settlement unless he gets to repaint your house and name all of your children."



*Resolution in Memoriam
George F. Williamson, Jr.*

At the annual meeting of the Twelfth Judicial District Bar Association in December of 2006, the following resolution was enacted in order to pay tribute to the memory of former Circuit Judge, Honorable George F. Williamson, Jr., to wit: The Twelfth Judicial Bar Association wishes to express profound sympathy to the family of George F. Williamson, Jr., and all who share in the loss of this respected barrister.

George was the son of the late Lera Boyd Wampler Williamson and George F. Williamson, Sr., and he was preceded in death by his cherished wife of 54 years, Ruth Williamson. He is survived by his beloved sons, James and George, III; sisters, Helen and Mary Jane; four grandchildren, four great-grandchildren; good friend and care giver, Billie R. Clark, and a host of other family members, friends, and loved ones.

He attended Williamson High School, Western Kentucky University, Jefferson School of Law, University of Louisville, JD Class of 1948, National Judiciary College in Reno, Nevada in 1972, and the Law Update in 1982. He was a retired Circuit Court Judge of the Twelfth Judicial District comprised of Oldham, Henry, Trimble, Shelby, Anderson and Spencer Counties. After the division of the district in 1972, he was the Circuit Judge in Oldham, Henry, and Trimble Counties. He was Judge from 1970 until his retirement in January of 1983.

He practiced law in Oldham County, Kentucky, in state and federal courts and was a member of the American Bar Association and Kentucky Bar Association. The Kentucky Bar Association honored him in 1994. He was a Senior Counselor until his death. He was elected to the Kentucky House of Representatives from 1948 - 1956, and was Oldham County Attorney from 1958 - 1966.

He was a member of DeHaven Memorial Baptist Church, LaGrange Rotary Club for 54 years, Fortitude Masonic Lodge No. 47, the Valley of Rest Cemetery Board, American Legion Post No. 39, Oldham County History Center, and was a volunteer for the Tri-County Hospital. He was named Oldham County Outstanding Citizen of the Year in 1974 and was a founder of the Oldham County Country Club.

He served in the United States Navy during World War II and was active in the Pacific.

George F. Williamson, Jr., will be deeply missed by all whose lives were touched by his remarkable presence.

Dated this December 19, 2006.

Attorneys' Advertising Commission Recognizes Members for Dedicated Service to the AAC



AAC Chair Michael O'Hara presented a plaque to Lexington attorney Bobby Elliott (*left*) in recognition of nine years of service to the AAC.



Louisville attorney Doug Farnsley (*right*) accepted a plaque from AAC Chair Michael O'Hara in recognition of six years of service on the AAC.



AAC Chair Michael O'Hara presented a plaque to Bowling Green attorney Walter Hawkins (*right*) in recognition of four years of service to the AAC.

WHO, WHAT, WHEN & WHERE

ON THE MOVE



Bill Hollander

Wyatt, Tarrant & Combs, LLP has named its new managing partner and department chairs. **Bill Hollander** has been elected as the firm's new managing partner, effective October 1, 2007. **Franklin K. Jelsma** and **Michael B. Vincenti** will be co-chairs of the Business Law Department and **Donald J. Kelly** will serve as co-chair of the Litigation Department. Hollander concentrates his practice in the areas of intellectual property, unfair competition, privacy, commercial litigation, and labor and employment law. He is licensed to practice in Kentucky and Indiana. Hollander received his A.B., *cum laude*, from Harvard College in 1975 and earned his J.D., *summa cum laude*, from Indiana University School of Law-Bloomington in 1984. Jelsma concentrates his practice in



Franklin K. Jelsma



Michael B. Vincenti



Donald J. Kelly

the areas of general business law, mergers and acquisitions, corporate finance, and venture capital transactions. He received his A.B. from Princeton University in 1986 and earned his J.D. from the University of Kentucky in 1991. Vincenti concentrates his practice in the areas of real estate leasing, development, and lending law. He received his B.A. from John Hopkins University in 1972 and earned his J.D. from New York University in 1975. Vincenti is also a member of the Illinois State Bar Association. Kelly concentrates his practice in the areas of toxic tort litigation, products liability, industrial disputes, and commercial litigation. He received his

B.S.M.E. from Purdue University in 1983 and earned his J.D., *cum laude*, from the University of Louisville in 1988.



Robert L. Maddox, III



Melony J. Lane



Scott D. Budnick



Dwight L. Haygood, Jr.

earned her J.D. from the University of Louisville Brandeis School of Law. Budnick is a member of the firm's Business Law Practice Group. He received his B.A. in 1993 from the College of William & Mary, earned his M.B.A. from Florida Atlantic University in 2001, and graduated, *magna cum laude*, from Nova Southeastern University's Shepard Broad Law Center in 2004. Haygood is a member of the firm's General Business and International Trade Practice Groups. He received his B.A. from the University of North

Wyatt, Tarrant & Combs, LLP is pleased to announce that **Robert L. Maddox, III**, has joined the Business Law Department as a partner, **Melony J. Lane** has joined as counsel in its estate planning practice area, and **Scott D. Budnick** and **Dwight L. Haygood, Jr.** have

joined as associates in its Business Law Department. Maddox, a member of the firm's Business Law Practice Group, practices in the areas of corporate, compliance, securities, tax, and mergers and acquisitions. He received his B.A. in 1982 from Harvard University and earned his J.D. with honors in 1987 from Duke University. Lane focuses her practice on estate planning and estate administration. She received her B.A. from Transylvania University in 1990 and an M.B.A. from the University of Kentucky in 1991. In 1995, she

Carolina at Greensboro in 2001 and earned his J.D. in 2006 from Indiana University School of Law-Bloomington.

Adams, Stepner, Woltermann & Dusing is pleased to announce that **Bryan W. Schaefer** has joined the Covington firm as an associate attorney and will practice in the Commercial Banking Department. Schaefer is admitted to practice in Kentucky, North Carolina, and before the United States Patent Office. He received his B.S. from Centre College and graduated, *cum laude*, from the University of Illinois College of Law in 2003.



Melissa D. Yates

The Paducah firm of **Denton & Keuler, LLP** is pleased to announce that **Melissa D. Yates** has become a partner of the firm. She is a graduate of Southern Illinois University School of Law and has been admitted to practice in Kentucky and Illinois. Her practice is concentrated in business, corporate, elder law, and estate planning.

The Lexington law firm of **King & Schickli, PLLC** is pleased to announce that **Trevor T. Graves** has recently joined the firm. Graves received his B.S. in 2001 and earned his J.D. in 2004 from the University of Kentucky College of Law. He will concentrate his practice in the area of intellectual property.



Rosmond Jones Dolen



Jessica D. Smith

Vaughn & Associates, PLLC, of Louisville, is pleased to announce that **Rosmond Jones Dolen**, **Jessica D. Smith**, and **Robyn J. Bell** have become associated with the firm. Dolen, Smith and Bell earned a J.D. from the University of Louisville Brandeis School of Law. Dolen,

WHO, WHAT, WHEN & WHERE



Robyn J. Bell

a native of London, received her undergraduate degree from the University of Louisville. She will concentrate her practice in the areas of real estate and business litigation. Smith, a native of Murray, received her undergraduate degree from the University of Kentucky. She will concentrate her practice in the areas of real estate and business litigation. Bell, a native of Louisville, received her undergraduate degree from the University of Louisville. She will concentrate her practice in the areas of real estate and business litigation.

The law firm of **Bowles Rice McDavid Graff & Love LLP** has named **Timothy C. Wills** as chairman of the firm's Client Development Department. Wills, who was a founding partner of the law firm



Timothy C. Wills

of Vimont & Wills, is a partner in the Lexington office of Bowles Rice. He concentrates his practice in the areas of labor and employment law, litigation, construction law, and business transactions.

Stoll Keenon Ogden PLLC is pleased to announce that attorney **John O. Sheller** is now a member of the firm. Sheller focuses his practice in the area of labor and employment law representing management in



John O. Sheller

employment litigation, civil rights law, and arbitration. He received his B.A. from Ball State University and earned his J.D. from Indiana University School of Law. Sheller is also member of the Indiana State Bar Association.

Dick Sullivan and **Ken Bohnert** announce the formation of CAMS, Commercial Arbitration & Mediation Service, concentrating in business related arbitration and mediation services. The



Dick Sullivan

business will be conducted at the Louisville office of Conliffe, Sandmann & Sullivan at 325 West Main Street in Louisville at 2000 Waterfront Plaza. The telephone number is (502) 587-7711.



Ken Bohnert

Greenebaum Doll & McDonald PLLC is pleased to announce that **George D. Adams**, **Martin J. Cunningham**, **Jeffrey L. Gehring**, **Andrew D. Stosberg**, and **Kenji Tashiro** have been elected as members of the firm. Adams is a member of the Labor and Employment Practice Group and is the Labor Management Relations Team Chair. He is based in the firm's Louisville office. Cunningham is a member of the Regulatory and Administrative



George D. Adams

Practice Group. His practice focus is on coal law matters including acquisitions and sales, regulatory litigation (environmental and safety), contracts, and property transactions for mineral producers. He is based in the firm's Lexington office. Gehring practices in the areas of estate and wealth transfer planning, including preparing wills, trusts, disability documents and prenuptial agreements; estate and trust administration, including fiduciary representation and tax reporting; and asset protection and small business planning, including family limited partnerships and limited liability companies. He is based in the firm's



Martin J. Cunningham



Jeffrey L. Gehring

Lexington office. Stosberg concentrates his practice on debtors' rights, creditors' rights and bankruptcy litigation. He is based in the firm's Louisville office.



Andrew D. Stosberg

Tashiro is a member of the Corporate and Commercial Practice Group and is the Immigration Team Co-Chair. A Japanese native, Tashiro worked, researched and taught in the areas of international maritime law, international business law and arbitration law for 8 years. He is based in the firm's Louisville office.



Kenji Tashiro

Stites & Harbison has announced that **Amy Sullivan Cahill** and **James Daly IV** have joined the firm in the Louisville office. They are both members of the firm's Intellectual Property & Technology Service Group. Cahill focuses her practice in intellectual property litigation. Cahill is also admitted to practice in Virginia and the District of Columbia. She clerked for Judge Henry R. Wilhoit, Jr., U.S. District Court for the Eastern District of Kentucky, for four years. Daly is a



Amy Sullivan Cahill



James Daly IV

Registered U.S. Patent Attorney. His practice focus is patent preparation and patent prosecution of U.S. and international patent applications in the areas of chemical and biotechnology inventions. After earning his Ph.D., Daly was a post-doctoral Research Fellow in the Department of Microbiology and Immunology at the University of Louisville School of Medicine.

Coffman Law Office in Bowling Green is pleased to announce the association of **Jennifer L. Brinkley** with the firm. Brinkley received her B.A. from Western Kentucky University, *magna cum laude*, and earned her J.D. from the University of Kentucky College of Law

WHO, WHAT, WHEN & WHERE



Jennifer L. Brinkley

in 2005. She focuses her practice on domestic relations and criminal law.

Frost Brown Todd is pleased to announce that attorney **J. Michael Peffer** has



J. Michael Peffer

joined the firm as a member of its Business/Corporate Department and Antitrust Practice Groups and that **LeAnders "Lee" Jones** has joined the firm as an associate of its Litigation Department and Alternative Dispute Resolution Practice Groups. In addition, Frost Brown Todd has announced the grand opening of its eighth office, located in Florence at 7310 Turfway Road in Suite 210. Peffer, a graduate of the University of Kentucky College of Law, formerly served as general counsel of the Valvoline Company, a division of Ashland, Inc., and as senior group counsel and assistant secretary of Ashland, Inc. His practice is concentrated on business transactions, including mergers, acquisitions, divestitures, as well as antitrust and trade regulation. Jones, a graduate of the University of Kentucky College of Law, formerly served as a staff attorney for Clark county Legal Services in Las Vegas, Nevada. **Wm.T. (Bill) Robinson III** is serving as member-in-charge of the firm's new office. **H. Lawson Walker, Philip J. Schworer,** and **Jeffrey S. Rosenstiel** have offices there as recruiting for additional attorneys continues. The firm's main telephone number is (859) 817-5900.



LeAnders "Lee" Jones

Frost Brown Todd has announced that **David L. Beckman, Jr.** is joining **Sitel** as chief legal officer and corporate secretary. As chief legal officer and corporate secretary of **Sitel**, Beckman will have a hand in all aspects of the **Sitel** operation. While at Frost Brown Todd, Beckman's practice

included extensive counseling of closely held and public company clients in connection with mergers, acquisitions, strategic alliances and joint ventures, commercial transactions, and franchise and distribution matters. He is a 1985 graduate of Harvard College and a 1988 graduate of Northwestern University School of Law.

Valarie Hardwick, formerly Valarie Hardin Scaggs, announces that she has retaken her maiden name and is now practicing in Louisa as **Valarie Hardwick, Attorney at Law.** Hardwick, a 1991 graduate of the University of Kentucky



Valarie Hardwick

College of Law, may be reached by telephone at (606) 638-3130.

IN THE NEWS

Retired Kentucky Supreme Court **Justice Donald C. Wintersheimer** of Covington has received the 2007 Lincoln Award from Northern Kentucky University (NKU). Justice Wintersheimer, who served for 24 years on the Supreme Court, 7 years on the Court of Appeals, and 14 years as Covington City Solicitor, was recognized for his outstanding citizenship, distinguished legal professional service and community activities. In presenting the honor NKU President James C. Votruba said, "These qualities clearly epitomize the criteria for the Lincoln Award." NKU and the NKU Foundation bestow the Lincoln Award on individuals who have had a significant and positive influence on their community and who exemplify notable achievement and distinguished contributions to their professions. This was the 16th annual award.



Richard H.C. Clay

Woodward, Hobson & Fulton, LLP has announced that **Richard H.C. Clay**, a partner in the Louisville office, has been named a Fellow in the International Society of Barristers. Created in 1965, the

Society seeks to preserve trial by jury, the adversary system, and independence of the judiciary. Fellows are elected by the Society's Board of Governors on nomination by a Fellow after inquiry directed to other barristers in the nominee's region and to judges before whom the nominee has tried cases.



D. Scott Furkin

D. Scott Furkin has been named executive director of the Louisville Bar Association (LBA). Furkin, a graduate of the University of Louisville Brandeis School of Law, began his legal career as a law clerk to the Kentucky Supreme Court. He was a litigator in private practice for 15 years before becoming executive director of the Brain Injury Association of Kentucky. Most recently he served as general counsel to the Administrative Office of the Courts. In 2004, Furkin served as LBA President.



A.C. Donahue

Somerset attorney **A.C. Donahue**, of Dohnahue Law Group, PSC, has been appointed as director over the Southern Region of the National Association of Subrogation Professionals (NASP). NASP is a non-profit association with a mission to enhance the stature and effectiveness of subrogation and recovery professionals through education, training, and the exchange of information. NASP's Southern Region includes Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. Donahue received his B.A. from the University of Kentucky in 1992 and earned his J.D. from Regent University School of Law in 1995.

Robert A. Wohn, Jr. has been appointed by Florida Governor Charlie Crist to be a Circuit Court Judge for the Eighteenth Judicial Circuit, Brevard and Seminole Counties, Florida. Wohn, a Georgetown native, received his B.S. from the University of Kentucky in 1969

WHO, WHAT, WHEN & WHERE

and earned his J.D. from the University of Kentucky College of Law in 1975. He presently resides in Cocoa, Florida.

Joseph L. Fink III, professor of pharmacy law and policy in the University of Kentucky College of Pharmacy, has been selected to receive the American Society for Pharmacy Law Award for Best Legal Research Paper for work he co-authored with Dr. Jesse C. Vivian entitled "OBRA '90 at Sweet Sixteen - A Retrospective Review" and presented at the American Society's Annual Meeting held March 16-19, 2007 in Atlanta, Georgia. On April 12, 2007, Professor Fink received the President's Award for Diversity at the University of Kentucky. The award was established in honor and appreciation to those who have demonstrated outstanding efforts toward advancing the University's mission of embracing diversity while maintaining academic excellence. On May 3, 2007, Professor Fink received the William E. Lyons Award for Outstanding Service to the University, the community and the Commonwealth at the University of Kentucky.



Judge Stephen M. George

The American Academy of Matrimonial Lawyers Kentucky Chapter is pleased to announce that **Honorable Stephen M. George**, Chief Judge, Jefferson Circuit Court, Family Division, is the 2007 recipient of its first annual Family Court Judge of the Year Award and that **William L. Hoge, III** is the recipient of the first annual Raising the Bar Award. Judge George was honored for his efforts in

improving the excellence of Jefferson Family Court, for addressing the needs of *pro se* litigants and for fostering open lines of communication between the bench and the family law bar. Hoge was instrumental in establishing the AAML Kentucky Chapter, initiating its annual statewide family law seminar and bring-



William L. Hoge, III

ing in nationally renowned speakers for it each year. These awards were presented at the 10th Annual Seminar in April 2007 at the Louisville Bar Association.



Harry D. Rankin

Harry D. Rankin, a member in Greenebaum Doll & McDonald's Covington office and veteran litigator, has been appointed chairman of the Merit Selection Panel for Reappointment of U.S. Magistrate Judge at Covington. The Panel will determine and recommend to the United States District Court for the Eastern District of Kentucky whether or not the current Magistrate Judge should be reappointed.



John W. Ames



Chip Bowles

John W. Ames, a member in Greenebaum Doll & McDonald's Louisville office, has been elected president-elect of the American Bankruptcy Institute (ABI) and **Chip Bowles**, who is also a member in the firm's Louisville office, has been elected to a three-year term on the ABI Board of Directors. Ames and Bowles were elected during the ABI Annual Spring Meeting held in Washington D.C. The ABI was founded in 1982 to provide Congress and the public with unbiased analysis of bankruptcy issues.



Eric L. Ison

Greenebaum Doll & McDonald PLLC and the Legal Aid Society have announced that **Eric L. Ison**, a member in the firm's Louisville office, has been named chair of the Legal Aid Society's 2007 Justice for All Campaign. Proceeds from the Campaign will allow the Legal Aid Society to continue its mission to help low-income peo-

ple resolve legal problems affecting their basic human needs and meet its commitment to securing justice, promoting economic and family stability, and reducing poverty in the community.



Robert D. Hudson

Robert D. Hudson, a member in Greenebaum Doll & McDonald's Covington office, has been named chair-elect of the Northern Kentucky Chamber of Commerce. The Northern Kentucky Chamber of Commerce is a private voluntary, not-for-profit organization of business and professional people dedicated to improving the economic environment of Northern Kentucky. The Chamber represents 6,800 business individuals from more than 2,000 member firms.



Kenneth W. Smith

Kenneth W. Smith, an attorney with the Lexington law firm of Jenkins, Pisacano, Robinson & Bailey, received the 2006 Kentucky Attorney of the Year Award from American Physicians Assurance Corporation. Smith was presented with the award at an honorary dinner held in East Lansing, Michigan, on April 25. He graduated from Murray State University in 1971 and earned his law degree from the University of Kentucky College of Law in 1974.

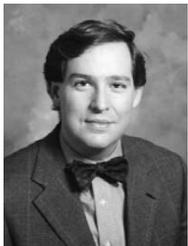
RELOCATIONS

Stephen M. Arnett is pleased to announce that Arnett Law Office, PLLC has moved. The law firm, now located at 109 South Morgan Street in Morganfield, will continue to represent individuals and families in the areas of personal injury, wrongful death, criminal law, estates and probate, deeds and trusts, workers' compensation, alternative dispute resolution assistance, and other general practices of law. The firm's telephone number is (270) 389-2006.

WHO, WHAT, WHEN & WHERE



Frank P. Hilliard



Thomas J.B. Hurst



Victoria E. Griebel

Weber & Rose, PSC is pleased to announce the relocation of its offices to the American Life Building in Louisville at 471 West Main Street in Suite 400, effective July 1, 2007.

The firm also welcomes the following attorneys who have joined the firm: **Frank P. Hilliard, Thomas J.B. Hurst, Victoria E. Griebel and Paul H. Gosnell.** Hilliard, a graduate of Northwestern University and the University of Virginia School of Law, practices primarily in the area of general civil litigation with an emphasis on the defense of claims against hospi-



Paul H. Gosnell

tals and physicians, railroads, and manufacturers and sellers of products. Hurst, a graduate of Vanderbilt University and the University of Louisville School of Law, received his M.B.A. from Indiana University. He practices primarily in the areas of corporate law, real estate development and finance, and secured lending. Griebel, a graduate of Western Michigan University and Washington University School of Law, is licensed to practice law in Missouri and Kentucky. She practices in the areas of commercial litigation, insurance defense, and domestic relations. Gosnell, a graduate of Brigham Young University and the University of Kentucky School of Law, is licensed to practice law in both Kentucky and Indiana. He practices in the areas of real estate, litigation and collections, commercial litigation, and bankruptcy.

tals and physicians, railroads, and manufacturers and sellers of products. Hurst, a graduate of Vanderbilt University and the University of Louisville School of Law, received his M.B.A. from Indiana

Reminger & Reminger Co., LPA is pleased to announce that they are moving and expanding their Lexington office to better serve the needs of their clients and the legal community. Effective June 1, 2007, they will be relocated in Lexington at 269 West Main Street in Suite 700. Their phone and fax numbers will remain the same.



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*There is a \$10 fee per photograph
appearing with announcements.*

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*The deadline for announcements
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Employment

CORPORATE/REAL ESTATE ATTORNEY: Frost Brown Todd LLC, one of the largest regional full service law firms in the Midwest and one of the 150 largest law firms in the United States, seeks a corporate and real estate associate with at least 3 years of experience for its Lexington, Kentucky office. Candidates should have a broad range of experience in general corporate, mergers and acquisitions, banking, commercial and real estate, as well as a strong academic record and excellent research and writing skills. Frost Brown Todd LLC is an equal opportunity employer. Send resume, transcripts and writing sample to Karen Laymance, 2200 PNC Center, 201 E. Fifth Street, Cincinnati, Ohio 45202 or by email to klaymance@fbtlaw.com.

LITIGATION ASSOCIATE: Medium-sized, AV-rated firm concentrating in defense litigation in Cincinnati and Northern Kentucky seeking associates with a minimum of 2 to 5 years of general litigation experience. Candidates must be highly motivated and willing to assume immediate responsibility for legal research and writing, assisting with trial prepara-

tion, taking and defending depositions, and all aspects of case development. Strong academic credentials and litigation experience preferred. Send resume, writing sample and law school academic transcript to: Hiring Partner, FREUND, FREEZE & ARNOLD, 105 E. Fourth St., Suite 1400, Cincinnati, OH 45202.

CORPORATE ASSOCIATE: Frost Brown Todd LLC, one of the largest regional law firms in the Midwest and one of the 150 largest law firms in the United States, seeks an entry-level corporate associate, with emphasis in securities regulation and mergers and acquisitions work, for the Louisville, Kentucky office. Strong academic record necessary. Send resume and transcripts to Karen Laymance, 2200 PNC Center, 201 E. Fifth Street, Cincinnati, Ohio 45202 or by email to klaymance@fbtlaw.com. Frost Brown Todd LLC is an equal opportunity employer.

Office Space

OFFICE SPACE FOR LEASE: Lexington, KY. 15,000+ will divide – located downtown in the Lion Building, 155 Main Street, across from the new Court House, has parking. Contact Mazurka Commercial Realty (859) 296-0414

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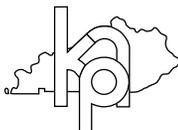
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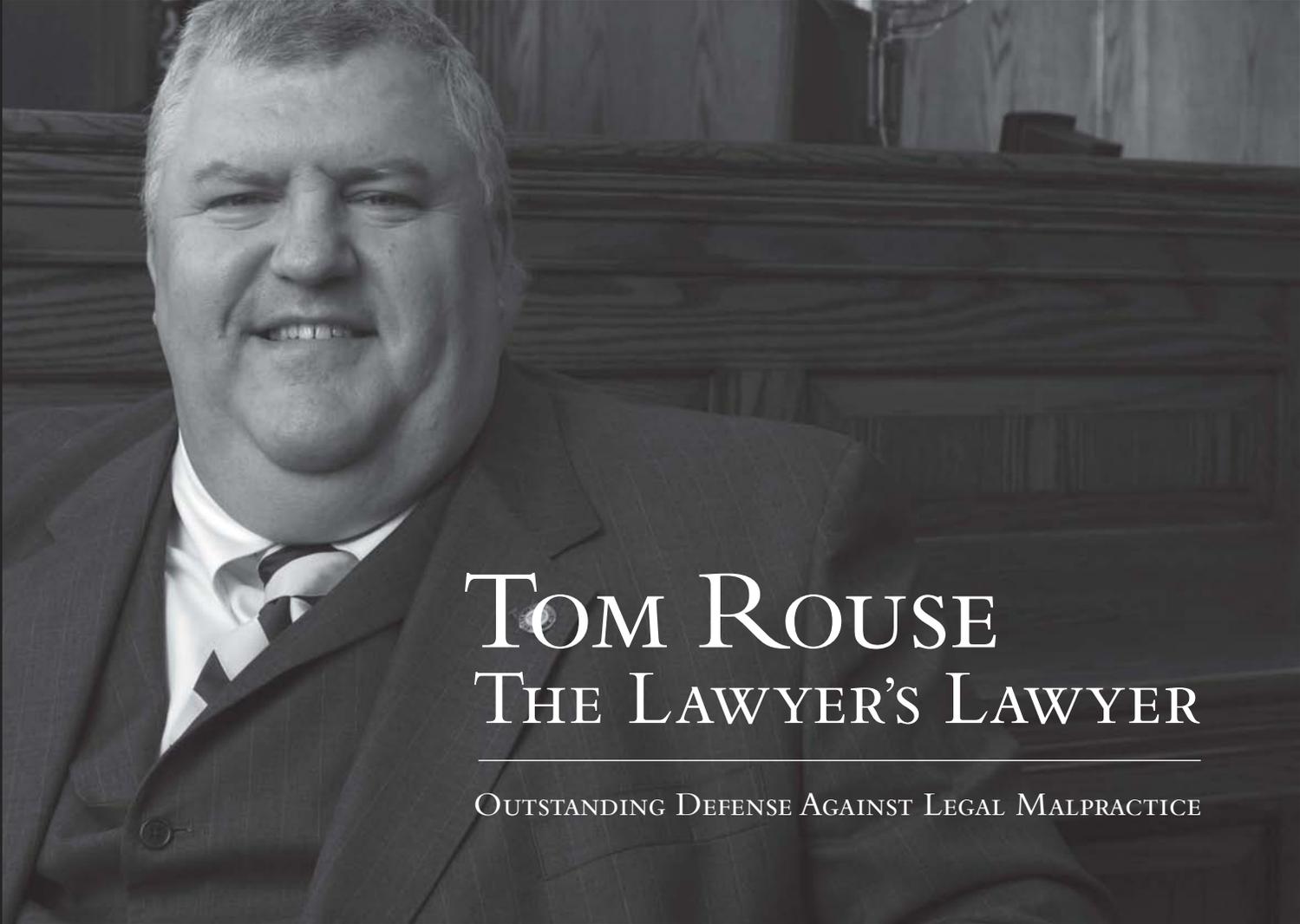
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