

March / April 2011

BarNews

LAW DAY 2011

*The Legacy of John Adams,
From Boston to Guantanamo*

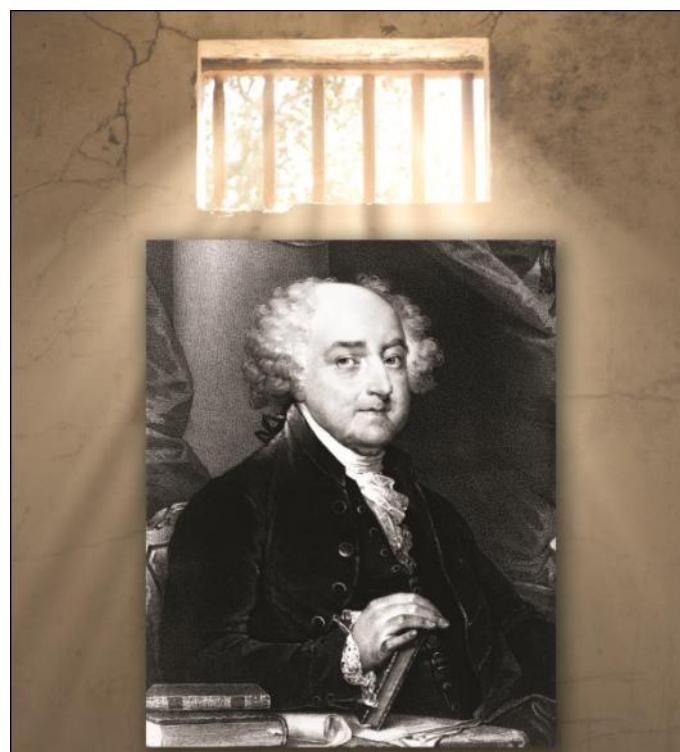
Join us in the Patterson Ballroom of the Hyatt Hotel for the 2011 Law Day Luncheon.

We will honor the 2011 Henry T. Duncan Award Recipient and recognize the 2011 Outstanding Young Lawyer and the Citizen Lawyer of the Year. Presentations will also be made for Law Enforcement Excellence and the Outstanding Deputy Clerk.

To make your reservations go to the FCBA website: www.fcba.com or call (859) 225-9897.

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The Legacy of John Adams
from Boston to Guantanamo

MAY 5, 2011

11:30 A.M. TO 1:00 P.M.

HYATT HOTEL
PATTERSON BALLROOM

BarNews

A publication of the Fayette County Bar Association

Bar News Article Submission Guidelines

Unsolicited manuscripts are accepted on subjects of interest to the legal profession. Manuscripts should be submitted in MS Word or WordPerfect in electronic form either on disk to the attention of Mary Carr, FCBA, 219 N. Upper Street, Lexington, KY 40507 or as an attachment emailed to marycarr@fcba.com. Articles should not exceed 6 typewritten double-spaced pages. For complete set of submission guidelines visit www.fcba.com or contact the FCBA office at (859) 225-9897.

Submission Deadlines:

May/June 2011 issue: **APRIL 25**, dist mid-May

July/Aug 2011 issue: **JUNE 27**, dist. mid-July

Sept/Oct 2011 issue: **AUG 29**, dist mid-Sept.

Nov/Dec 2011 issue: **OCT 24**, dist mid-Nov.

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Erin McMahon

Please join us on May 5, 2011 for the Law Day Luncheon at 11:30 a.m. We are moving to the Hyatt's Patterson Ballroom for this year's luncheon.

The national law day theme this year is "The Legacy of John Adams: From Boston to Guantanamo." The second President of the United States was a lawyer famed for his defense of British

soldiers indicted for murder for their role in the Boston Massacre. Despite Adams' prominent role in colonial resistance to British authority, he took on the defense of these soldiers because he believed they deserved an effective defense. Adams was able to cast doubt on whether the captain of the soldiers gave orders to shoot and won an acquittal for him. Two months later, at the trial of the other soldiers, Adams persuasively argued that the soldiers fired in self-defense and that the protesters they fired upon had turned into a mob. The jury acquitted most of the soldiers and found the two that had fired weapons guilty of manslaughter.

Writing in his diary three years after the trials, Adams recalled:

The Part I took in Defence of . . . the Soldiers, procured me Anxiety, and Obloquy enough. It was, however, one of the most gallant, generous, manly and disinterested Actions of my whole Life, and one of the best Pieces of Service I ever rendered my Country. Judgment of Death against those Soldiers would have been as foul a Stain upon this Country as the Executions of the Quakers or Witches, anciently. As the Evidence was, the Verdict of the Jury was exactly right.

The idea that every person accused of a crime has the right to an attorney is embodied in the Sixth Amendment to the Constitution, but that idea, that right, gets tested when emotions run high. For my generation, and those older and younger than me, some of the most indelible images we carry with us are those from that horrid day of September 11, 2001. We want someone to pay, and pay dearly, for that awful day and the many deaths associated with it. But the lawyers among us, and those sworn to uphold the law, have to ask the question of whether all of those persons held in Guantanamo were responsible

and should be held accountable. This is John Adam's legacy to us.

At the FCBA Law Day Luncheon, we take time to celebrate some of our finest bar members and law enforcement personnel. As in years past, we will recognize the achievements of a law enforcement officer for excellence in the line of duty. We will also honor the Outstanding Young Lawyer, the Citizen Lawyer of the Year, and the Henry T. Duncan Award recipient.

The Outstanding Young Lawyer Award is presented to an attorney who has been practicing in Fayette County for less than 10 years and who has: demonstrated promise in learning the practical application of law to human problems; admirably fulfilled the duties owed by an attorney to the Court, clients and the community the attorney serves; and shown dedication to the justice system through their involvement and enhancement of community life.

The Citizen Lawyer of the Year is awarded to a FCBA member who has: practiced at least 10 years in Fayette County; provides duties as an officer of the Court, fiduciary and advocate of clients; is involved in governmental, civic, charitable or community activities; and has demonstrated a sincere desire to maintain and improve the administration of justice, the quality of legal practice and the quality of life for all residents of Fayette County.

The Henry T. Duncan Award is the FCBA's highest honor, and was created to recognize one or more members of the FCBA who have made an outstanding contribution to the community. Henry T. Duncan III practiced law for many years in Lexington as a founding member of Allen & Duncan and the award was established by his family and the FCBA in 1960. The award is presented to one or more members of the FCBA whose integrity, leadership and professional conduct serves to exemplify the high ethical and professional standards that benefit the community.

In addition, we are establishing a new award this year for the Outstanding Deputy Clerk of the Fayette County Court system. The nominations speak volumes about the wonderful clerks we have here in Lexington and their devotion to helping attorneys and the clients they serve for the betterment of the judicial system.

We hope you can join us at the Law Day luncheon.

Annual Ethics CLE — May 10, 2011

“Adventures in Professional Responsibility”

Presenter: Jane Broadwater Long, VP & Claims Counsel, Lawyers Mutual Insurance

Among the ethical and malpractice issues covered will be:

- Conflicts of interest arising when one firm represents both parties in real estate transactions
- Candor toward the tribunal in the context of an auto accident personal injury case and possible fraudulent evidence
- Basic rules of professional responsibility of counsel to their business entity clients
- Reasonableness of fees charged to business entity clients by outside counsel and the professional responsibility when abuse is suspected
- Client confidentiality and conflicts of interest

Kentucky Theater

214 E. Main Street, Downtown Lexington

11:30 a.m. to 1:30 p.m.

The program has applied for 2.0 hours of ethics CLE credit from the KBA.

Cost: \$40 (Pre-registered FCBA Members)

\$60 (Walk-in FCBA Members)

\$80 (Non-FCBA Members)

Registration information available at www.fcba.com or by calling (859) 225-9897.

Imani Family Life Center Offers Office Space, Meeting and Conference Center

The Imani Family Life Center, Inc. is a 501 (3)(c) non-profit organization. The mission of the Imani Family Life Center, Inc. is to promote educational, health, and social well-being of families in Fayette and surrounding counties; to address the educational, vocational, occupational, social, cultural and recreational needs of today's family. The Imani Family Life Center, Inc. develops a forum for families to discuss and determine the best alternatives for coping with problems that face them daily.

In addition to its mission, the Imani Family Life Center is a state-of-the-art meeting and conference center located at 1555 Georgetown Road, just minutes from downtown. While it houses the Imani Baptist Church, the facility also boasts classroom and meeting space that accommodate groups of any size with commercial-grade kitchen facilities and separate dining room. The Family Life Center has Wi-Fi technology and wireless internet. The newest audio video technology and equipment are on site.

Currently, the Center has 20,000 square feet of space available to be customized for office space. If you have a growing law firm that is looking for space with room to expand, consider this unique opportunity. The unfinished space can be tailored to your firm's needs. Parking is plentiful and full gym facilities are on site. It is easily accessed from New Circle Road and the Interstate, and only a few minutes from the downtown courthouse complex.



Reverend Willis G. Polk I is the Pastor of Imani Baptist Church and is available to meet with anyone interested in learning more about this unique opportunity. Rev. Polk may be reached by telephone: 231-1555 or email: RevWillisPolk@aol.com.

The Imani Family Life Center website is www.Imaniflc.org and has information about the center, however, the space and facility can best

be appreciated by an on-site visit.

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CARE Presenters Needed!



The Credit Abuse Resistance Education (CARE) Program is in need of speakers interested in presenting to students in Fayette County high schools.

The CARE Program is currently in its fourth year in Fayette County, and its mission is to educate high school students about managing their money and

using credit responsibly as they begin their adult lives following graduation.

To do so, CARE presenters may use a combination of written materials, video presentations, and live lectures, with all materials and speaker presentation guides provided by the Kentucky Bar Foundation.

This year, presentations will take place May 4th and 5th, and the CARE Program would like to invite FCBA members to participate as volunteer presenters. The presentations vary in length depending upon the length of the class visited, but most are between 45 minutes to 1 hour.

If you're interested in participating, please contact Jamie L. Harris with DelCotto Law Group PLLC at jharris@dlgfirm.com or (859) 231-5800.

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Calendar of Events

April

- 13 Women Lawyers Meeting, “Rainmaking: Building & Maintaining Your Practice”
Noon-1:00 p.m., Metropol
- 14 “25 Under \$50: Technology Solutions to Make Your Practice More Productive”
Speaker: Trevor Wells
11:30-1:00 p.m., Circuit Courthouse Multipurpose Room
- 20 Domestic Relations Practice Section
11:30-1:00 p.m., Circuit Courthouse Multipurpose Room
- 20 Judge Rebecca Overstreet Portrait Dedication & Reception
Fayette Circuit Courthouse, 3:30 p.m.
- 22 Good Friday
FCBA Office and Courts Close at Noon
- 26 FCBA Board of Directors Meeting
Noon, FCBA Bar Center

May

- 5 Law Day Luncheon, “The Legacy of John Adams from Boston to Guantanamo”
11:30-1:00 p.m., Patterson Ballroom, Hyatt Hotel
- 10 Annual Ethics CLE, “Adventures in Professional Responsibility”
Speaker: Jane Broadwater Long
11:30-1:30 p.m., Kentucky Theater
- 11 Women Lawyers Meeting
- 30 Memorial Day Holiday
FCBA Office and Courts Closed

June

- 3 Fayette County Bar Association Blood Drive
9:00 a.m.- 2:00 p.m., Circuit Courthouse Multipurpose Room
- 28-29 Annual Bench & Bar CLE

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Greetings! Spring is always a busy time of the year for the Greater Lexington Paralegal Association, especially for the board members. Planning for much of the year's activities, events and fundraisers begins now. There will be a spring social at The Crossroad on Southland Drive for GLPA members, an Eastern Kentucky University panel discussion sponsored by the EKV Student Paralegal Association, a student career fair at ITT Technical Institute, the National Federation of Paralegal Association Region III Meeting and a Leadership Conference, and Lexington's AVOL walk. That is just in April!

Last year at this time, we were still excited from our very successful hosting of the National Federation of Paralegal Associations (NFPA) Region III Meeting. This year, the conference is hosted by the Michiana Paralegal Association in South Bend, Indiana. The GLPA will be sending a primary and secondary delegate to the meeting. The events begin on Friday, April 8, with several different speakers discussing topics such as Intellectual Property, Immigration Law and Crime Scene Investigation. On Saturday, the actual Region III meeting begins and will be completed at 4:00 p.m. All delegates will report back to their local associations with any new ideas and information from these events. There are eighteen states in Region III, and these states are represented by approximately 18 paralegal associations.

For the GLPA February CLE, Tammie Haddix, director of the FCBA Pro Bono program, spoke to the members about the program and opportunities that exist for the paralegals to assist. Our organization is very active with philanthropy projects. At the end of the year, the GLPA will give an award to the member who has donated the most hours for pro bono/philanthropy work. During these difficult times, we all need to remember those less fortunate, and that doesn't necessarily mean monetary

assistance. An hour a month at a pro se clinic can make a big difference. If the FCBA and GLPA work together, think about what we could accomplish to help people in need! Please try to donate time to the pro se clinics in the future. The March clinic had a good attendance, so hopefully we will see the same at the April clinic.

Our March CLE had Dan Carman and Blake Brickman sharing some insight on the differences that a paralegal should keep in mind when working with attorneys of all ages. Of course, now that the paralegal profession has been in existence for a while, more and more attorneys are finding that hiring paralegals is the best and most efficient way to assist in serving clients. Especially during difficult economic times, employers are trying to find ways to reduce costs. Despite layoffs, cutbacks, unemployment, etc., the paralegal profession is one of the fastest growing professions today. Why? Because utilizing the skills of a good paralegal can reduce a law firm's expenses, benefiting clients with lower bills, and can actually serve as a profit-center for the firm. Paralegals play a vital role in the legal world with job responsibilities ranging from drafting memos and pleadings, interviewing clients, handling large amounts of data and or documents produced in document productions, and, keeping track of deadlines. A paralegal is the attorney's extra pair of hands and ears. Paralegals in larger firms tend to concentrate in one area of the law but usually paralegals have a varied background and have some experience in many different areas of law. If you are an attorney and you wish more information on how a paralegal can help you, feel free to contact me at president@lexingtonparalegals.com If you need to hire a paralegal, you can **contact job-bank@lexingtonparalegals.com** with your information. The available position will immediately be forwarded to all members of the GLPA.

In closing, I would like to congratulate Megan Haught, RP®, the newest member of the GLPA to obtain RP status. Megan was the winner of a GLPA scholarship for testing fees and the booklet, and she just recently found out she successfully passed the Paralegal Advanced Competency Exam (PACE)! Megan is a paralegal at Stites & Harbison, PLLC.

■ *Melanie H. Sennett, GLPA President*



Fowler Measle & Bell PLLC is pleased to announce that members **Taft A. McKinstry** and **Elizabeth S. Feamster** have been named to The Martindale-Hubbell® Bar Register of Preeminent Women Lawyers. Only those women lawyers that have achieved the AV peer rating and have been designated by their colleagues as preeminent in their field are included. Ms. McKinstry is the only lawyer designated in the field of Bankruptcy for Lexington, Fayette County and Eastern Kentucky. Ms. Feamster is one of only two women designated in the field of medical malpractice for Lexington, Fayette County and Eastern Kentucky.

Littler Mendelson, P.C. (Littler), the nation's largest employment and labor law firm representing management, announced the addition of **LaToi D. Mayo** to the firm. Mayo will be a shareholder in Littler's Lexington office. Ms. Mayo is a former member of **Wyatt Tarrant & Combs LLP's** Labor & Employment Service Team. Her practice focuses on labor and employment, and immigration law. She is a member of the National Bar Association's John Rowe Chapter, was co-chair of the Continuing Legal Education Committee for the 2008 Kentucky Bar Assoc. Convention, and is a former legal writing instructor at the University of Kentucky College of Law. She also acts as a mentor for the Kentucky Legal Education Opportunity Program. Ms. Mayo is a member of the Lexington-Fayette Urban County Ethics Commission and serves on the Legal Aid of Bluegrass Board. She also volunteers her time to the FCBA Pro Bono Volunteer Program, the Lawyers Are Reading to Kids program, and the UK College of Law. Ms. Mayo received her J.D. from the University of Kentucky and B.A., *cum laude*, from the University of Kentucky.

McBrayer, McGinnis, Leslie & Kirkland, PLLC announced that **W. Brent Rice**, partner in the firm's Lexington office, has been appointed by **Mayor Jim Gray** as Chairman to the Arena, Arts and Entertainment Task Force. Mr. Rice was appointed along with 40-plus others to the member task force to study the options for Rupp Arena, the convention space, the Lexington Center and the Lexington Opera House. Mr. Rice is a founding partner of the firm's Lexington office and has spent more than 20 years developing its telecommunications group into one of the largest practices of its kind in Kentucky. He is a native of Richmond, Ky., and a graduate of the University of Kentucky and the University of Louisville School of Law. He practices in virtually every aspect of communications law, including regulatory, transactional, legislative and land use.

McBrayer, McGinnis, Leslie and Kirkland, PLLC also announced that **Stephen G. Amato** and **T. Bruce Simpson, Jr.** have been selected for inclusion on the 2011 *Kentucky Super Lawyers* list. The selection process is based on a state-wide nomination process, review of resumes and peer evaluation by practice area. Mr. Amato was selected for inclusion in the practice area of Civil Litigation Defense. Mr. Simpson was selected for inclusion in the practice area of Land Use/Zoning.

Stoll Keenon Ogden PLLC is pleased to announce that **Eileen O'Brien** has received the 2011 Bluegrass Alliance for Women Impact Award for Fayette County. An Impact Award is bestowed upon just one individual from each county of the 17 counties served, recognizing each woman as an exemplary role model committed to empowering women and girls in the Bluegrass. Ms. O'Brien was nominated for the award for her work as President of the Board of Directors of Chrysalis House, a non-profit organization that helps women with substance abuse problems. She began working with the Chrysalis House in 1986, and was instrumental in implementing the Job Readiness Program. Ms. O'Brien has been with SKO for more than 30 years and is currently the Chair of the firm's Family Law Practice Group. She is actively involved in the community and currently serves on the Editorial Board for *Kentucky Bench & Bar* and as the Vice-President of the Kentucky Bar Foundation Board.

Stoll Keenon Ogden PLLC also announced that 20 SKO attorneys have been selected as "Leaders in Their Field" in the forthcoming *Chambers USA* 2011 edition, which will be published in June. The attorneys selected from the Lexington office are: **P. Douglas Barr**—Intellectual Property; **Richard G. Griffith**—Employment; **Lindsey W. Ingram, Jr.**—Utilities and Natural Resources; **Lindsay W. Ingram III**—Utilities; **R. David Lester**—Corporate/M&A; **Richard A. Nunnelley**—Real Estate; **David T. Royse**—Litigation; **Robert M. Watt**—Utilities; **Frank L. Wilford**—Real Estate.

Stoll Keenon Ogden PLLC announced that the firm has been chosen as a finalist for the "Best Places to Work in Kentucky" 2011 competition. This is the fifth consecutive year that Stoll Keenon Ogden has been a finalist. In 2010, the firm was ranked the number one large-sized company to work for in Kentucky. Also, **Stoll Keenon Ogden PLLC** has been selected by Corporate INTL Magazine as the 2010 Competition/Antitrust Law Firm of the Year in Kentucky.



Laura Day DelCotto of **DelCotto Law Group PLLC** has been selected as a member of the Leadership America Class of 2011. Leadership America was established in 1988 and is one of the longest running national women's leadership programs in the nation with over 1600 graduates. The 2011 Leadership Program runs from March through October, 2011 and focuses on the "Evolution of Leadership" confronting today's interconnected global society in the economic, environmental and social realms.

Greenebaum Doll & McDonald PLLC is pleased to announce that the firm has been nationally recognized for its superior client service in the 2011 *BTI Client Service A-Team* Report. The *BTI Client Service A-Team* survey is conducted by BTI Consulting Group, a leader in strategic research for law firms and General Counsel.

Buckner Hinkle, an attorney in **Stites & Harbison's** Lexington office, was awarded a lifetime achievement award from the largest trade group representing the construction industry in Kentucky: **Associated General Contractors of Kentucky**. The award was presented at a ceremony in Lexington in honor of Hinkle's four decades of service. Mr. Hinkle was instrumental in formulating the Fairness in Construction Act, adopted by the Kentucky General Assembly in 2007. The law covers such issues as construction disputes, timetables for payments to contractors, recovery of costs resulting from delays or bad faith, limits on retainers, and mechanics' liens. Mr. Hinkle represented the association

in a lawsuit against the Carter County school board claiming the district gave improper preference to union contractors when it signed a project labor agreement with a union group for the construction of an elementary school. The school board voted last October to rescind the agreement in order to eliminate delays in building the school.

Stites & Harbison, PLLC, announced that **Gregory P. Parsons** is the new Office Executive Member of the Lexington office. Parsons replaces attorney **Kenneth R. Sagan**, Member of the firm, in this role. Parsons is a member and former chair of the Construction Service Group. He also is a former member of the firm's Management Committee. His practice focuses on litigation, with a particular emphasis on representing clients in construction and business disputes. Parsons also drafts and reviews construction contracts and participates in alternative dispute resolution as an advocate and neutral. He has earned the status of LEED Green Associate. Parsons is a member of the American Bar Association's Forum on the Construction Industry and the CRP Institute for Dispute Resolution.

Greenebaum Doll & McDonald PLLC is pleased to announce that **Jennifer J. Cave** has been elected as Member of the firm. Ms. Cave is based in the firm's Lexington office and is a member of the Environment, Energy & Natural Resources Practice Group. She concentrates her practice on all areas of environmental and natural resources law, including advising and counseling clients on regulatory

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Names in the News

requirements, permitting, transactional issues, and enforcement matters. Ms. Cave received her bachelor's degree, *cum laude*, from the University of Kentucky and her law degree, *magna cum laude*, from Seattle University School of Law.

Morgan & Pottinger announced that **Thomas R. Coffey** has joined the firm as a senior associate. Coffey's practice will focus on commercial litigation, business disputes and criminal defense. He most recently served as an Assistant Commonwealth Attorney for Jefferson County. Prior to moving to Kentucky, he was an Assistant District Attorney for Montgomery County in Pennsylvania. In addition to his litigation experience, he has worked for two U.S. senators and was the Brain Injury Association of America's policy analyst. Coffey graduated in 2006 from Notre Dame Law School where he was named to the school's moot court team. He earned a Bachelor of Arts degree from Providence College in 1995, as well as a Master of Theological Studies

degree from Harvard Divinity School in 2000.

Chauncey Curtz, Managing Partner of **Dinsmore & Shohl's** Lexington office, has been elected to serve on the Board of Directors for the **Kentucky Coal Association**. Mr. Curtz was elected to serve a one-year term as a board member representing the associate members of the association. Mr. Curtz is the Chair of the firm's Natural Resources Practice Group. His experience includes representing clients engaged in every aspect of the ownership, leasing, development, extraction and sale of coal, and mineral properties. Curtz earned his J.D. from the University of Wisconsin Law School and his B.A. from McGill University.

The **American Saddlebred Horse Association (ASHA)** has elected new members to the ASHA Board of Directors. The newly elected members of the ASHA Board are: Bret Day (KY), Lisa Duncan (KY), Robert (Bob) Funkhouser (MA), and **Tandy Patrick (KY)**.



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