

THE LEXINGTON LAWYER

A publication of the
Fayette County Bar Association
2018, Issue 2

**Judicial Reception
Law Day Awards
New President**

THE LEXINGTON LAWYER

A publication of the Fayette County Bar Association

The Lexington Lawyer Article Submission Guidelines

Unsolicited manuscripts are accepted on subjects of interest to the legal profession. Manuscripts should be submitted in MS Word or PDF as an attachment emailed to info@fcba.com. Articles should not exceed 6 typewritten double-spaced pages.

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President's Message: *Marshall Hixon*

The FCBA welcomes its 2018 President, Marshall Hixon. Marshall is Counsel at Stites & Harbison, PLLC in the Torts and Insurance as well as the Business Litigation practice groups. Marshall earned Finance and Accounting Degrees from the University of Kentucky and graduated from the University of Kentucky College of Law in 1997.

Marshall's law practice includes a broad range of civil litigation topics. He recently shared some information about himself, his career, and thoughts as the incoming FCBA President.

Where did you grow up?

I grew up in Bowling Green, Kentucky. I moved to Lexington as a freshman at U.K., and this has been my home ever since.

Why law school?

Growing up, my father was a personal injury attorney as well as a part time corporate jet pilot for Fruit of the Loom. Originally, I thought I would be a pilot. The jet my father flew had a "jump seat" between the pilots, and my father would sometimes let me tag along. I was the only high school student I knew that occasionally missed school to fly to New York or Miami for day trips.

I started flying single engine planes while an undergraduate student at U.K. and earned my instrument rating. To build flight hours, I started flying a local businessman back and forth to Pikeville, Kentucky, splitting the fuel costs with him. However, I quickly realized that I found flying fun because it was only a hobby, and not a job.

After my junior year at U.K., I spent a summer as a clerk/runner for my father's law firm, Hixson, Downey and Travelstead. I spent most of my time driving Penny Travelstead to depositions and court hearings all over Kentucky and listening to her dictate in the car. I soon realized that law school was the path for me.

What is your best memory of law school?

With my apologies to Pierce Hamblin, I cannot say that taking his litigation skills class was my best law school memory. Instead, my best memory is meeting my wife Jeannie Harrod Hixon in the first class (Property I) on the first day of law

school. Her father, Bob Harrod, was an attorney who, like me, had a "maturing" hair line—so I figured I had a shot.

Who is "we"?

My wife Jeannie, our 13-year-old son Lance, our mini golden doodle Rocky, and myself. The hierarchy in my household is simple—Rocky is squarely in charge and I'm usually in a tie for last place.

What has been the best and hardest part of practicing law for you?

The best part is the variety of topics that I get to address every day. I have always been blessed with a diverse litigation practice spread throughout Kentucky and the rest of the country. On any given week, I could be anywhere in Kentucky dealing with anything from a faulty product, to an environmental spill, to the ownership of a thoroughbred horse. I once even represented a man who confused his nephew for a turkey and accidentally shot him. Fortunately, no turkeys or nephews died that day.

The hardest part has been turning off my "lawyer brain" and mindset before going home, and not allowing clients' problems to become my problems. This is a common challenge for our profession.

After practicing 20 years, what advice would you give Marshall the first year attorney?

Do not forfeit your reputation for any client and just relax. When I look back at the most successful attorneys I have worked with over the last 20 years, they are universally civil to each other and do not need to pound on the table or play games get their points across. I wish I had learned these lessons much earlier in my career.

What are your goals for the Fayette County Bar Association for the upcoming year?

I want every member and prospective member of our bar to recognize that there is real value to being part of the legal community and the FCBA. Additionally, I want to continue promoting the social side of the FCBA. I welcome input from any member about how we can better serve them.



Dana Arnold to become FCBA Executive Director on July 1



Dana Arnold will take over as FCBA Executive Director on July 1, 2018 following the retirement of Sheila Isaac, who served in that position from 2013-2018. Dana is well-known and well-liked by members of our association. She has a positive outlook¹, always desires to serve the bar members and has a genuine dedication to the association.

Dana has been the anchor for the FCBA over the past 15 years, having managed the FCBA Lawyer Referral Service, planning and implementing CLEs, including the annual two-day Bench and Bar CLE, Bar social events, and she puts together the BarNews and ENews. The Bar has saved funds over the years because Dana also has quite a creative streak and acts as our in-house graphic designer. The beautiful postcards and flyers you see for all events are designed by Dana².

Dana lives in Winchester with her husband Rob, an elementary school teacher, and their two sons, Hayden, ten and Hudson, six.

¹ Witty and funny AF

² Dana and Sheila have had their differences regarding fonts, so expect more sans-serif fonts going forward.



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Law Day 2018

The 2018 Law Day Celebration and awards ceremony was held May 1, 2018 at the Hilton Downtown Lexington. Sponsors for the event included; Fowler Bell, John Tackett for District Judge, Judge Goodwine for Court of Appeals, Lindsay Hughes Thurston for Fayette District Judge, Judge Glenn Acree, Judge Robert Johnson, Melissa Moore Murphy for Fayette District Judge and Alison Lundergan Grimes, Secretary of State.

Our law day celebration brings together one day a year all the different entities in our county whose work involves some aspect of the law. There is a wonderful feeling in the room that although we all have different roles and sometimes adversarial roles to each other, this is a time of unity and reflection that what we do matters and it inspires us to strive to do our best in our various legal professions.



Past President Lucy VanMeter and President Marshall Hixson

Marshall Hixson of Stites & Harbison was inducted as the 2018-2019 Fayette County Bar Association President by past President Lucy VanMeter, along with six new board members.



2018-2019 Board of Directors

Also attending this event were State Judges of the Circuit and District Courts, Court of Appeals and Supreme Court. The Fayette Circuit Clerk was in attendance as well as As well as members of the Sheriff's and Police Departments.

Other activities at the Luncheon included the presentation of awards: Access to Justice Award – Secretary John Tilley , Outstanding Young Lawyer Award – Preston Worley, Law Enforcement Award –Lieutenant Christopher Van Brackel, Outstanding Citizen-Lawyer Award- Foster Ockerman Jr., Fayette County Bar Association Service Award – Judge Sheila Isaac, and the Henry T. Duncan Award – Guy Colson.



Jim Frazier presents Preston Worley with the Outstanding Young Lawyer Award



Law Enforcement Award presented to Lt. Christopher Van Brackel by Chief of Police Lawrence Weathers



FCBA Special Service Award was presented to Judge Sheila Isaac by Allison Connelly



The Outstanding Citizen-Lawyer Award was presented to Foster Ockerman Jr. by Jay Prather



Access to Justice Award Presented by Josh Crabtree of Legal Aid of the Bluegrass to Secretary John Tilley



The Duncan Award was presented to Guy Colson by Taft McKinstry



LAW DAY 2018



LAW DAY 2018

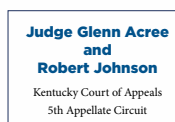
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Annual Bench & Bar CLE June 26-27, 2018



Program includes 12.0 hours (2 Hours Ethics) of CLE Credit. Just in time!

Presented by the Fayette Courts and Fayette County Bar Association

Early Bird Registration Ends June 8

Cost	Early Bird	After 6/8
Members	\$155	\$170
One Day	\$100	\$120
Ethics Only	\$60	\$80
Non-Member	\$255	\$270
One-Day	\$200	\$220
Ethics Only	\$120	\$160



**Annual Bench & Bar CLE
June 26-27, 2018
8:30 a.m. - 4:15 p.m.**

To register, visit www.fcba.com and go to the event date on the calendar.

All handouts will be provided by download prior to the event by email. Wifi will be available for event attendees.

Add \$50 for printed materials, electronic materials are included with registration fees.

Not a member? Join today and select the member rate to attend the Bench & Bar at a significant cost savings.

Questions:
Phone: 859.225.9897
email: info@fcba.com

FCBA Happy Hour

Belle's Cocktail House Rooftop

Tuesday, June 26, 2018

After the Bench & Bar

4:30 p.m. - 6:00 p.m.

Free Appetizers and 2 free drink tickets for Bench and Bar Attendees and FCBA Members

Sponsored by:

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Pro Bono Program



New Opportunities

Legal Aid of the Bluegrass relies on the private bar and its dedicated attorneys to help meet the legal needs of vulnerable people in our community. In the past, we have primarily referred pro bono divorce cases to the domestic relations section of the bar. Our current

Josh Fain,
Pro Bono Coordinator, LABG

focus is to expand the types of cases that we refer. We have already placed several Ch. 7 bankruptcy cases and continue to find volunteer attorneys to help victims of the Eric Conn SSDI redetermination hearings. Our next opportunity to volunteer is a Wills Clinic in collaboration with the FCBA at the Lexington Senior Center on Thursday, July 3. We need volunteer attorneys to assist Kentucky seniors in preparing their wills, living wills, and POAs. This will be a wonderful opportunity to assist elder clients establish their medical and financial plans for the future.

If you are interested in volunteering for our program but do not have expertise in civil legal cases, we can help. With funding from the Kentucky Bar Foundation, Legal Aid of the Bluegrass is hosting a series of Legal Aid University sessions on civil legal topics. Each session provides you substantive training but also equips you with information on local expectations and procedures. This is a great opportunity to learn about civil legal practice areas, meet other legal professionals, and sign up to volunteer. Our next Legal Aid University CLE is on June 20th and will focus on SSI/SSDI benefits. Attorneys who attend this training will be encouraged to accept an SSDI case for the victims of Eric Conn's scheme.

As many of you already know, we take time to thank and acknowledge the work of pro bono attorneys too. We are excited to announce that the **Pro Bono Volunteer Recognition** event will be on the evening of **Thursday, October 25th at The Mane on Main**. Please join us in celebrating the FCBA Pro Bono Program and the impact our pro bono panel has on the poorest and most vulnerable among us. Please subscribe to our FCBA Pro Bono Invite list to ensure you receive the invitation to this year's event.

If you are looking for another opportunity to support Legal Aid of the Bluegrass or the FCBA Pro Bono Program you may be interested in our Pappy for Pro Bono raffle in September. Three bottles of Pappy Van

Winkle Bourbon will be raffled off this year. We have a 12 year, 13 year, and 15 year. All proceeds benefit LABG's Pro Bono efforts.

Follow along on our social media accounts to purchase a ticket for the Pappy for Pro Bono raffle. Don't delay in buying tickets as soon as they become available as we sold out in record time last year.

Interested in attending any of our events, trainings or volunteering at any of our new or existing opportunities? Call Josh at (859) 254-1141 or e-mail jfain@lablaw.org. We are confident that you will find that helping a truly needy individual will be as rewarding as anything else that you have done in your legal career.

VOLUNTEERS NEEDED!

Attorneys needed to assist Kentucky seniors in preparing their wills, living wills, and POAs.
Contact Josh Fain at jfain@lablaw.org



ON NOVEMBER 6TH, ELECT

Melissa Moore
MURPHY

FAYETTE DISTRICT COURT JUDGE

★ MORE EXPERIENCE

- Staff Attorney, Fayette Circuit Court
- Assistant Commonwealth's Attorney for Fayette & McCracken Counties
- Assistant Fayette County Attorney
- Special Assistant United States Attorney, Eastern District of Kentucky
- Attorney Senior, Lexington-Fayette Urban County Government

★ MORE COMPASSION

- Board of Directors, Lyric Theatre & Cultural Arts Center
- Board of Directors, Greenhouse17
- Board of Directors, Downtown Lexington Partnership / Downtown Development Authority
- Member, Prichard Committee of Academic Excellence
- Site-Based Decision Making Councils, Elected Parent Representative for Meadowthorpe Elementary, Lexington Traditional Magnet, Bryan Station High

★ MORE DEDICATION

Melissa has used her platform and education to be a dedicated public servant in the legal community for her 16+ years of practice.

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REASONS TO RENEW YOUR MEMBERSHIP ONLINE TODAY



ON-LINE PHOTO DIRECTORY

Access to our pictorial membership directory is available 24-7. As a member, you have the opportunity to upload your photo, update your bio and browse other member profiles at any time.



COMMUNICATION

The Bar News Magazine is published three times a year. Bi-weekly eNews updates with the ability to RSVP and pay securely online for our events and CLE's. You can find us online through our webpage, Facebook and Twitter.



BUSINESS DEVELOPMENT OPPORTUNITIES

Attorneys on our public service Lawyer Referral Service (LRS) collectively made \$280,000.00 last year! (May 1, 2018 - March 30, 2018). Our LRS is accredited by the ABA for Information and Referral Services.



PERKS

We offer FREE events to members like Judicial Receptions and the Annual Holiday Party. Our members receive deep discounts on CLE, and member benefits from Expedia, Office Depot, and Best Buy just to name a few.

Renew at www.fcba.com or call 859-225-9897.

Fayette Family Court Annouces F.I.T. Program

The Fayette Co. "Families in Transition" staff will hold divorce education classes each month for those parents ordered to attend "Keller's Kids" (Parent Education). For all cases with children ages 6-14, the parties shall register to personally attend the F.I.T. program. They will have 30 days from the receipt of the Order to register by one of three methods:

- Email Steve Watts at skw1@windstream.net or
- Call (859)312-3627 or
- Online at <http://www.familiesintransitionlex.com/>

Attendance: Parents will be normally assigned to separate classes. Either parent may bring the children to F.I.T. classes (assuming this does not contradict any court orders regarding contact/custody). Parents should jointly make this decision before they call to schedule.

Cost: The fee is \$75.00 per parent. Cash payments only are due when parents register at their first session. There is no fee for children. If the petition was filed in forma pauperis the fee may be reduced.

Certificate: Parents will receive the signed certificates upon completion of course requirements. It will be each

parent's duty to file the certificate into the court record.

Children Classes: Children will meet on weeknights at the same time as the adults in their own classrooms.

Locations: Classes will be held at local Lexington Public Library branch locations, churches, and businesses.

Times and Dates: Weeknight classes open at 5:30 p.m. for registration. Classes will be held from 6 p.m. to 8:00 p.m. These classes require you to attend two nights. Parents and their children may attend weeknight classes.

Saturday classes will open for parents' registration at 9:45 a.m. Class time is 10:00 a.m.- 2:15 p.m. (includes short Lunch Break). No Children's Classes on SATURDAYS! This class is for PARENTS only.

For further information please go to the following link: <http://www.familiesintransitionlex.com/>

If you have any questions, feel free to contact Steve Watts, Fayette Co. "F.I.T" Coordinator @ 859-312-3627, or skw1@windstream.net



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 **JOHN TACKETT**
FOR FAYETTE DISTRICT JUDGE

The Bluegrass Committee to Elect John Tackett Thanks the Following Attorneys for Their Support

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College of Law Trial Team Finishes in Final Four at National Competition

Two students on the University of Kentucky College of Law Trial Team finished as one of the top four teams in the nation at the National Trial Competition (NTC) in Austin, Texas.

The NTC was established in 1975 to encourage and strengthen students' advocacy skills through quality competition and valuable interaction with members of the bench and bar. The program is co-sponsored by the American College of Trial Lawyers and is designed to expose law students to the nature of trial practice and to serve as a supplement to their education.

The Texas Young Lawyers Association (TYLA) presents the annual competition, which attracts teams from more than 140 law schools and involves more than 1,000 law students each year. The goal is to provide a meaningful contribution to the development of future trial lawyers. The competition is the most prestigious law school trial competition in the nation.

Third-year student Caleb Taylor and second-year student Matt Boggs, along with teammates Maddie Moss and Vince Taormina, competed against 22 teams at regionals held in Knoxville, Tennessee. Taylor and Boggs clenched first place. Then, the team received a new trial problem. They had less than five weeks to prepare both sides of the case. The top 30 teams competed at nationals where Taylor and Boggs continued to excel.

The students practiced four times a week, including Saturdays and Sundays, and even prepared over Spring Break. Their fellow teammates, Moss and Taormina, were their opponents at every practice and helped them reach the high level of advocacy and evidence law that led them to success. The team was coached by Professor Allison Connelly.

"The work and commitment of many great student advocates brought us to this point. Indeed, all our student advocates have sacrificed a great deal to put our law school in the national spotlight, and they've succeeded," Connelly said. "Not only did Caleb and Matt excel on a national stage, they epitomize the excellence of the college's trial program; a program built on student dedication, sacrifice and persistence. However, I'm even more proud of the way the team of Caleb, Matt, Maddie and Vince, represented our law school. They won and lost with great integrity, professionalism and honor. This

foursome represents the ideal every lawyer strives to achieve."

In a federal courtroom, in front judges and attorneys, compelling arguments would secure Taylor and Boggs a spot in the final four. This is only the second time in 22 years a UK team has reached this level of success in the competition. In addition, Taylor and Boggs will each receive \$750 from the Kansas City, Missouri, law firm of Polsinelli PC.

"I cannot imagine a better way to wrap up my academic career. Mock Trial has always been a huge part of my education. I have a great coach and teammate to thank for our exceptional performance," Taylor said.

"Caleb and I had a great time competing among some of the best student advocates in the country. We were proud to represent the university and the College of Law on a national stage, and to see all the hours of hard work pay off. We had incredible support behind us in our other teammates, Madeline Moss and Vince Taormina, and our unparalleled coach, Professor Connelly," Boggs said.

Since 1998, UK Law's trial teams have achieved a national reputation. In 22 years, they have won the American College regional competition 11 times and have been named five times as one of the top 16 trial teams in the country by the National Institute of Trial Advocacy.

*-Linsey Piercey,
University of Kentucky Public Relations*



(Left to right): Madeline Moss, Matthew Boggs, Caleb Taylor, Professor Allison Connelly and Vince Taormina

The Canaan House/FCBA Connection

Have you ever stayed to the end of one of the many FCBA receptions, CLEs, and social events that go on through the year and happen to see Judge Kim Bunnell collecting the food leftovers?

Yep, that's her... spooning cheese dips, bagging sandwiches, dumping chips into a bag and layering cookies and desserts into some kind of make-shift containers and then precariously carrying them all to her car. You need not worry that she's running a food truck on the side. She delivers these leftovers to The Canaan House and she reports that the residents absolutely love these random, drop-in buffets.

Beginning as a volunteer in 1995 and becoming president of the Board in 1999, Judge Bunnell is a longtime supporter of the Canaan House, a residential facility in Lexington which provides safe and affordable housing for up to 17 persons with severe mental illness who are at risk of being homeless. There are three homes that provide individual bedrooms and a shared living community. Canaan House offers a stable, personal living arrangement that combines individual attention to residents needs with few restrictions. Residents are encouraged to participate in daily living and house operations as one way to begin taking charge of their lives.

Canaan House, Inc. is privately funded solely through the generous contributions of individual and group sponsors. It does not receive any federal or state funding; however, many of the residents qualify for Section 8 funding.

Greg Jackson, Canaan House manager, says that volunteers and sponsors are always welcome and greatly needed in all areas of the program. You may choose an area of interest that requires varying levels of participation and interaction. [thecanaanhouse@yahoo.com or (859) 255-2611 Office].



The FCBA assisted in a Courthouse visit and mock trial for Daisy and Brownie Scouts from Richmond and Midway. Attorneys Stephen Barnes and Sharon Gold helped organize the event and the following attorneys spoke and assisted with the mock trial: Lou Anna Red Corn, Kate Webster, Kami Brumly, Melissa Moore Murphy, Judge Lucinda Masterton and Judge Sheila Isaac.

ELECT
LINDSAY HUGHES THURSTON
FAYETTE DISTRICT JUDGE



I have been committed to public service my entire career. I want to be your next District Judge so that I can continue to serve my fellow Kentuckians by being a fair, independent and impartial judge.

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(1924-2002)
Jack F. Mattingly
(1921-2006)

Founded in 1954, GESS MATTINGLY & ATCHISON, P.S.C. is a mid-size law the firm located in the heart of downtown Lexington. The firm offers a broad range of legal services and represents clients throughout Kentucky and the region. Some of the firm's practice areas include:

- Appellate Law
- Bankruptcy & Financial Restructuring
- Business & Commercial Law
- Commercial & Residential Real Estate
- Criminal Defense
- Equine Law
- Family Law
- Health Care Law
- Litigation
- Mediation
- Tax, Trust & Estate Planning

The Firm is committed to providing high value legal services which will contribute to the success of our clients and the betterment of our community. We pride ourselves on our long-term relationships with our clients and honor our clients' trust and loyalty by endeavoring to ensure that each matter is handled in an expeditious and economical manner and to our client's satisfaction.

Let our tradition of excellence continue with you.

Judicial Reception

The FCBA Judicial Reception honoring the Ky. Supreme Court was held March 13th at Limestone Hall formerly the old courthouse. All members of the Fayette Circuit and District Courts were in attendance along with over 100 members of our bar.



*THANK YOU to our Judicial Reception Sponsors:
Kentuckiana Court Reporters
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New Judges Appointed



Judge Libby Messer being sworn-in by Judge Kim Bunnell



Judge John Reynolds being sworn-in by Retired Judge James Ishmael



HOULIHAN

Dispute Resolution PLLC

Starting mediation practice in 2015 from ground zero, I thought **41 years' experience** litigating and trying - both winning and losing - and also settling a wide range of cases would help me be a **credible mediator or arbitrator** for both **plaintiffs and defendants**.

After three years of devoting 100% of my practice to mediations and a few arbitrations, I have a little over **250 cases under my belt**. I am enjoying this as much as I relished the strategy and combat of active trial practice. I can truthfully say I have hardly had a single bad day out of all those 250 days (and some long nights). The even wider variety of issues and people I see now are invigorating. While experience as an advocate has helped me for sure, the experience I have now as a **full time neutral** is at least equally important.

I take my role as a neutral just as seriously as I did my role as an advocate, and it is my aim to settle every case that walks in my door. I have just recently moved to a more flexible space in The Vine Center. **I invite you to come and see me.**

-Bobby Houlihan

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Congratulations



HENRY T. DUNCAN AWARD

Fowler Bell congratulates attorney **Guy R. Colson** on receiving the 2018 Henry T. Duncan Award for his outstanding leadership, ethics, and contribution to the community.



When life comes at you sideways - you want us on your side.

- ▲ Alternative Dispute Resolution
- ▲ Bankruptcy & Financial Restructuring
- ▲ Collections
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Required Reading at Distilled



Professor Bob Lawson spoke at our event, “Required Reading at Distilled” on March 21, 2018. The audience listened with rapt attention, and you could hear a pin drop while he weaved the tale of an unsolved Lexington murder, which was the basis of his new book, *Who Killed Betty Gail Brown*. Most in the audience felt as if they were back in Law School listening to the master.

Professor Lawson signs Eileen O’Brien’s copy of “Who Killed Betty Gail Brown.” FCBA Board member Matt Boyd and FCBA member Lindsay Thurston look on.



100% CLUB

The FCBA has established the 100% Club, to designate those firms who have made a commitment to have every member join our association. Call or email our office to make sure your firm is recognized. The following firms have joined and shown their commitment to improve our profession by supporting the Fayette County Bar Association.



Barnett Benvenuti & Butler PLLC
 Bingham Greenebaum Doll LLP
 Bluegrass Elder Law, PLLC
 Boehl, Stopher & Graves LLP
 Casey, Bailey & Maines, PLLC
 Clark Law Office, Inc.
 Commonwealth Attorney’s Office
 Dickinson Wright PLLC
 Fowler Bell PLLC
 Frost Brown Todd LLC
 Gess Mattingly & Atchison, P.S.C.
 Golden Law Office PLLC

Jackson Kelly, PLLC
 Kentucky League of Cities
 Kershaw and Baumgardner
 Kessinger Law Group, PLLC
 Kinkead & Stilz, PLLC
 Landrum & Shouse LLP
 Legal Aid of the Bluegrass
 LFUCG-Dept. of Law
 Littler Mendelson, PSC
 Mattmiller Crosbie, PLLC
 McBrayer, McGinnis, Leslie & Kirkland
 Mehr, Fairbanks & Peterson Trial Lawyers

Miller Edwards Rambicure, PLLC
 Miller, Griffin & Marks, PSC
 O’Brien Batten and Kirtley, PLLC
 Rose Grascch Camenisch Mains, PLLC
 Stites & Harbison, PLLC
 Stoll Keenon Ogden PLLC
 Sturgill, Turner, Barker & Moloney, PLLC
 Walters Meadows Richardson, PLLC
 Walther, Gay & Mack, PLC
 Ward, Hocker & Thornton, PLLC
 Williams, Kilpatrick & True, PLLC
 Wyatt, Tarrant & Combs, LLP

FCBA Fur Bab

This is the first in a series of FCBA members and their pets from those who responded to our ENews solicitation with photos. If you'd like to be in our next issue, send us a pic of you and your pet to info@fcba.com.



Shelby Kincaid with his English Labrador, Ruth, at White Lake in South Dakota. After a full day in the field she earned a nap and he, a glass of wine.



David Royse having a Sunday afternoon nap with Tucker and Teddy.



Anne Chesnut and her dog, Duffy, an Old English Sheepdog that she acquired from her UK law school classmate, Charlie Williams.



Judge John Reynolds and his miniature Dachshund, Slinky, a rescue who has been with the family since September of last year and is all of 11 pounds of personality.

Dies



Eddy Thompson with Winnie, a rescue who is part Dachshund and part Jack Russell.



Lucy VanMeter with Annie, her rescue miniature Dachshund, who is 13 years old.



Anita Britton with Teddy and Stuart Bennett with Sophie. Teddy comes to the office with Anita on occasion when Sophie is at the beauty shop.



Atticus Finch Houlihan, age 3, a Portuguese Water Dog and a certified assistant mediator in the office of Houlihan Dispute Resolution, PLLC. He is at work with Bobby most days. A FLSA wage and hour complaint is pending.



Karen Walker (left) and her longtime paralegal, Tracey Kookendoff (right) holding Simba. Six years ago Tracey liked the new puppy that Karen had gotten for her daughter, so Karen bought Tracey one from the same litter and told her to go pick out whichever one she wanted! Tracey chose Simba and he loves his visits to the Walker Law Office!

Pled v. Pleaded

The proofreading site “Pain in the English” states:

Pled versus pleaded

Anyone notice the banishment of “pled” about 5 years or so ago? The newspapers used to say “The defendant pled not guilty.” Suddenly, everything became “pleaded.” I contend that this is an improper imposition of some kind of twisted “grammar correctness,” except it is incorrect. “Pled” is a less emotional word than “pleaded”. I plead when I am begging for something. Unless the defendant is on his knees weeping, he is not pleading; he is entering a plea. In the past tense, he pled, not pleaded.

We asked FCBA members through an online survey, what they preferred? Pled or Pleaded?

* Do you prefer Pled or Pleaded

Answer	0%	100%	Number of Responses	Response Ratio
Pled			19	76.0%
Pleaded			5	20.0%
No Responses			1	4.0%
Totals			25	100%

Pleaded is the best past-tense and past-participial form.

See Bryan A. Garner, A Dictionary of Modern Legal Usage (2d ed 1995).

Also, Bryan Garner is basically a god.

So this might as well be on a stone tablet handed down from Mt. Sinai.

- Trevor Wells

We frequently parrot colleagues whom we respect, believing they know better what to say and how to say it. Too often, however, we find we have been *led* astray.

- Adam Stotts

No question. It's pled.

For the reasons stated, after one enters a plea they have pled because the event has occurred.

- Matt Boyd

From Bryan Gardner's Redbook:

pleaded; pled; plead. A century of pleas to use the correct past tense has had little effect: pled is at least minimally acceptable in American legal usage. Still, pleaded is dominant and best used in legal writing...

- Steven Stadler

With you 100%. I hate pleaded. It is clearly past tense, so why not “He pled”.

- Mark Kearney

I prefer pled but, like the paragraph states above, I have seen an uptick in people using pleaded. Not sure who made the decision to use pleaded, but I use pled.

- Andrea Williams

Pled v. Pleaded: The Debate Continues

We are not sheep calling for the shepherd. Also, do not like bracketing, physicality or criticality. News media gives us new words like advertising where learn new spellings of words like Kool cigarettes and other cute derivations using phonetics. Children already cannot spell. Maybe that's why we get all kinds of slang. Add to your survey the use of "a" or "an" before historic building. I use "an".
Good luck.

- Bill Karutz

Always "pleaded."

"Traditionally speaking, pleaded is the best past-tense and past-participial form."
Garner's Dictionary of Legal Usage 682 (3d. ed. 2011).

The notion that "pled" is less emotional misses the point.

Whether you're begging for your life or admitting guilt in court,

the verb is the same--"to plead." You are, in fact, "pleading" when you enter a guilty plea.

Thus, the judge asks, "How do you plead?" For those usage delinquents using "pled," the only true response is "guilty."

- Shawn Chapman

I believe both "pled" and "pleaded" to be incorrect grammatically.

When I am referring to a plea in the past tense, I always write something like "entered a plea"; "changed a plea", etc.....

Probably more words than what people want to type!

- Shannon English

.....



**Keep up with the FCBA
on social media!**

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facebook.com/FayetteCountyBarAssociation

Follow us on Twitter
twitter.com/FayetteCoBar

Names in the News



Billings Law Firm

Billings Law Firm, PLLC (BLF), is pleased to announce that **Zach Cato** has joined the firm as an associate attorney. Zach received his B.A. from the University of Evansville in Business Administration, his Masters of Business Administration from the University of Kentucky, and his J.D. from the University of Kentucky College of Law. After law school, he served as a law clerk to the Honorable C. René Williams, of the Webster Circuit Court. Zach's practice at BLF will focus on real estate, business, and commercial litigation.

Fowler Bell

Fowler Bell PLLC is pleased to announce the election of attorney **Taft McKinstry** as the 2018-2020 Secretary of the Board of Directors of the American College of Bankruptcy. The newly Elected leadership was voted in at the College's recent annual meeting held this spring in Washington, DC.

Littler Mendelson

Littler Mendelson's Lexington office is pleased to announce that **Michael D. Hornback** has joined the firm as Special Counsel. Michael earned his J.D. from the University of Arkansas and his B.A. degree in Public Relations from Eastern Kentucky University.

During law school he was a member of the Arkansas Law Review and a recipient of the Pearson Fellowship. Michael began his legal career in Nashville, Tennessee, and after 11 years practicing in the Volunteer State, returned home to Kentucky in 2013. His practice focuses on employment and general litigation in state and federal courts in both Kentucky and Tennessee. Michael was accepted in the Commerce Lexington Leadership Lexington Class of 2015. He was also selected as a Rising Star by Kentucky Super Lawyers in 2016 and 2017, and is currently a Fayette County Bar Association Board Member.

Lawyers Mutual Insurance Company

Angela L. Edwards will join Lawyers Mutual Insurance Company of Kentucky on February 5. She will assume the position of Chief Executive Officer on July 1, 2018.

During this interim period Ms. Edwards will work closely with Asa P. "Pete" Gullett, Lawyers Mutual's current Executive Vice President and Chief Executive Officer, the company staff, and the Board of Directors. Upon

assuming the position of Chief Executive Officer, and in partnership with the Board of Directors, Ms. Edwards will be responsible for company policy, planning, and directing day-to-day company operations.

Mr. Gullett will step down from his position on July 1. He will continue to work at Lawyers Mutual as assistant claims counsel, offer CLE presentations, and be a resource on legal malpractice matters for Kentucky lawyers.

Reminger Attorneys at Law

Reminger Co., LPA is pleased to announce that **Anthony Pernice** has joined our Lexington, Kentucky office. Anthony represents corporations and individuals in litigation matters including premises liability, construction negligence, and commercial trucking. Anthony worked previously for more than four years at another regional insurance litigation defense firm, where he was successful at both the trial and appellate level. Anthony has been recognized by Kentucky Trial Court Review as one of the "Most Prolific Trial Attorneys" for 2015. While at the University of Kentucky College of Law, Anthony received multiple honors for his advocacy and was an active member of the National Mock Trial Team.

Anthony began his career in the financial industry as an advisor, equity analyst, and financial institutions examiner before pursuing the field of law. He leverages his analytical skills garnered from his experience in the financial industry in crafting strategic representation for his clients.

Anthony can be reached by emailing apernice@reminer.com or by calling 859.426.4639.

Sturgill Turner Barker and Moloney

Sturgill, Turner, Barker & Moloney, PLLC welcomes **Janet S. Luo** as an associate in the firm's Government & Municipal Law and Torts & Insurance practice groups. At Sturgill Turner, Janet's focus will be on defending municipalities, police departments, public entities and insurance companies in litigation. Prior to joining the firm, Janet's legal experience included employment as an assistant county attorney in the Fayette County Attorney's Office, and as a public defender in the eleventh judicial circuit.

Names in the News, cont.

Janet earned a J.D. from the University of Minnesota in 2014, and a B.A. in Economics and Psychology from the University of Virginia in 2010. She grew up in Lexington, where she is involved with the Lexington Junior League and the Inns of Court.

Wyatt, Tarrant & Combs

Wyatt, Tarrant & Combs, LLP is pleased to welcome **Jonathon P. Nunley** to its Lexington office. Mr. Nunley concentrates his practice in real estate and corporate law. Prior to joining Wyatt, he was a judicial law clerk to Chief Justice John D. Minton Jr. of the Kentucky Supreme Court from 2016-2018. He earned his J.D., cum laude, from the University of Kentucky College of Law and his B.S., magna cum laude, from the University of Kentucky. He is licensed to practice law in Kentucky.



Eloise Bennett Adams was born to Amelia and Will Adams on February 12, 2018. Congratulations Amelia and Will!

JUDGE GLENN ACREE *and* JUDGE ROBERT JOHNSON

KENTUCKY COURT OF APPEALS
5TH APPELLATE CIRCUIT



Alison Lundergan Grimes



Fayette County Bar Association

Fayette County Bar Association
219 N. Upper Street
Lexington, KY 40507

Calendar of Events



June 2018

26-27 Annual Bench and Bar CLE

July 2018

4 Independence Day,
Courts and FCBA Offices Closed