

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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Fayette County Bar Association

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info@fcba.com

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Leading the Bar 2019-2020

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The Fayette County Bar Association is deeply troubled by the tragic deaths of Amaud Arbery, Bronna Taylor, and George Floyd and countless others that came before.

We stand with other bar associations and denounce racism, prejudice, and discrimination as they have no place in our society. We stand with the Black community and all other members of our community who condemn actions that are contrary to the ideals put forth by our profession. As a membership organization of lawyers and judges, we are called to exert an influence for good on the life of the community; promote equal administration of justice; elevate the standard of integrity, honor, and equality in the legal profession. As community servants, the FCBA hopes to effect change and make our society less divisive.



President's Message:

Matt Boyd

THE LEXINGTON LAWYER



Matthew Boyd
FCBA President

The FCBA welcomes its 2020 President, Matthew Boyd. Matthew is Counsel at Boyd Law Office, PSC and has been in private practice since 2002. He practices State and Federal Criminal Defense, Personal Injury and Civil Rights. Matthew earned his B.A. in Sociology and History from Hanover College in 1996 and graduated from the University of Kentucky College of Law in 1999.

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

Where did you grow up?

I grew up in Hodgenville, Ky in the Heartland of the State. I attended high school at LaRue County High School. I was raised by an amazing single mother, Linda. She instilled in me the value of hard work, dedication, and perseverance. After graduating as Valedictorian of my class, I attended Hanover College as a Horner Scholar.

Why law school?

As one of the first members of my family to attend college, I developed a relationship, through various community and school activities, with Honorable Judge James E. Bondurant, the local District Judge, gentleman lawyer, and farmer. With the assistance of Judge Bondurant and Hon. Don Cetrulo, then AOC director, I was hired as one of the first college law clerks in Kentucky during the summers of 1993 and 1994. During those two summers, I worked for Judge Bondurant, as well as the District Judges in Nelson, Warren, and Jefferson Counties. Judge Bondurant helped my mother, sister and myself change our last name to Boyd, my mother's maiden name after I reached the age of majority. The invaluable experience, education, and encouragement I received during this time, motivated me to pursue a career in the practice of law. I owe Judge Bondurant a great debt of gratitude for all he did for me.

Who is "we"?

I am the proud and loving father to two children, Elijah James (16) and Katherine Ann (13). They are my world and motivation to be the best father and person that I can be. Eli is a member of the Frederick Douglass Golf team and I serve as the President of the FDHS Golf Boosters. Katie is a member of the EJ Hayes XC team as well and will serve as a WEB leader during her last year of middle school.

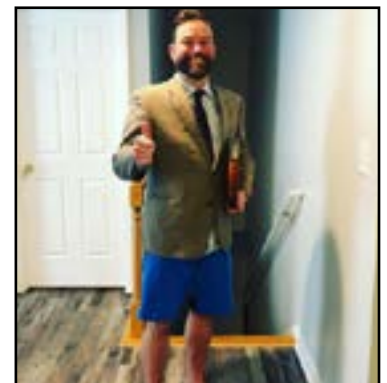
What has been the best and hardest part of practicing law for you?

The best part is an easy answer: Helping people. In criminal law, the satisfaction of successfully defending a client against false charges or seeing a person find a road to a better more productive life is a major motivator for me.

As far as the hardest part, my answer has changed over the past several months, as we have seen our world and the court system turned upside down as we deal with the present reality. It has been quite difficult to not be able to see my clients and colleagues in person. Although, Zoom Court has its upsides, mainly being able to "go to court" from my kitchen table wearing a jacket and tie on top and gym shorts on the bottom.

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

We are living in a time of uncertainty and change; the time is right for us as an organization to stand even taller on the side of equal justice for all. I hope to create opportunities for members of the Bar Association to participate in positive change in the justice system and our community. As a first step in this goal, we will collaborate with the National Bar Association, John Rowe Chapter to put on a series of webinars to provide a forum to listen and learn as we all grow in understanding of the plight of all members of society.





Josh Fain,
Pro Bono Coordinator, LABG

We are living in unprecedented times as the COVID-19 pandemic continues to wreak havoc on our health, safety, and the economy as over 15,000 Kentuckians have now been infected. This virus is changing everything about our daily lives in the process.

Therefore, we need to have an unprecedented response. The

economic impact of this virus spreads far beyond those infected and will mean that even more Kentuckians will be living in poverty and in need of legal services that they cannot afford. Even before this outbreak, Civil Legal Aid programs throughout the country have been turning away approximately half of all eligible applicants that seek their assistance due to limited staffing. Moving forward, the need for volunteer attorneys will be greater than ever to ensure that our fellow Kentuckians are getting the legal assistance that they desperately need and deserve.

Kentucky's legal aid programs have launched Together Lawyers Can to address this anticipated rise in numbers and the need for civil legal aid. Together Lawyers Can is a collaboration of the Kentucky Access to Justice Commission, Appalachian Research and Defense Fund, Kentucky Equal Justice Center, Kentucky Legal Aid, Legal Aid of the Bluegrass, and the Legal Aid Society. It is a virtual CLE series designed to recruit and train volunteer attorneys to assist Kentuckians in the areas of law most impacted by the COVID-19 pandemic. Lawyers Mutual of Kentucky has graciously stepped forward to sponsor the initiative.

The initial phase focuses on unemployment law issues, and the virtual CLE launched on May 1. More than 235 attorneys have already viewed this initial CLE and now have the tools needed to represent Kentuckians facing unemployment law issues. The second phase, which covers housing law issues, launched on July 1st, and it gives volunteers the tools that they need to help Kentuckians who are at risk of losing their housing. We anticipate future phases to include family law and consumer law issues such as bankruptcy and garnishment. The number of individuals needing legal assistance in these areas of law will likely be greater than it ever has been. If you have not already joined up to be a member of our Together Lawyers Can team, I encourage you to do so by signing up at

www.togetherlawyerscan.org. Once registered to be a member of the team, you may view the existing CLE videos as well as all future trainings free of charge. After doing so, we hope that you use this newly acquired knowledge/expertise to volunteer to help those in need due to this pandemic.

We, as attorneys, have a unique ability to help those in need. As U.S. Supreme Court Justice Ruth Bader Ginsburg said, "Lawyers have a license to practice law, a monopoly on certain services. But for that privilege and status, lawyers have an obligation to provide legal services to those without the wherewithal to pay, to respond to needs outside themselves, to help repair tears in their communities." The tears in our community that COVID-19 is creating are great, and we need a great response to repair them.

I hope you have a desire to give back and make meaningful change by answering this call to action. Please sign up to become a member of our Together Lawyers Can team or reach out to me directly at jfain@lablaw.org to discuss how we can work together to help those in need. I am confident that by using your knowledge and expertise to help the less fortunate that you will gain as much from the experience as the client will. Helping others in need is truly a life-changing experience.

Together Lawyers Can

Virtual CLE Series - Landlord-Tenant Law
www.togetherlawyerscan.org

Kentucky is facing an unprecedented challenge. Over 11,000 Kentuckians have been infected with the coronavirus and hundreds of thousands more have been directly impacted in the economic aftershock of the crisis.

Kentucky's legal aid programs have launched Together Lawyers Can to address the anticipated rise in numbers and need for civil legal aid. Together Lawyers Can is a state-wide pro bono based program designed to connect Kentucky lawyers from across the Commonwealth with our neighbors in crisis due to the pandemic.

JOINING AND FREE CLEs

Join the team by visiting www.togetherlawyerscan.org. By signing up you will receive invitations to virtual CLEs on civil legal issues impacting Kentuckians. Our new CLE will train volunteers in the basics of landlord-tenant law and provide tools for volunteers to represent Kentuckians facing the threat of eviction. This two-hour CLE will remain live on the website for a year.

VOLUNTEER TO HELP

Once you've watched the CLE you will be ready to serve as a Together Lawyers Can volunteer by representing Kentuckians who are at risk of eviction due to the Covid-19 pandemic. Attorneys can provide telephonic legal counsel to tenants, negotiating settlements or possibly representing tenants in video conferenced eviction proceedings.

Landlord-Tenant Law Virtual CLE

PART ONE

This session will walk you through the basics of Landlord-Tenant Law in both URLTA and Non-URLTA jurisdictions, with a focus on the Prehearing Notice Requirements, Eviction Hearings, and Eviction Judgement Appeals. Approved for 1 hour of CLE by the KY Bar Association

PART TWO

Initiatives enacted at both the state and national level to combat the effects of COVID-19 related housing instability have created a patchwork of protections for tenants. We will discuss how these protections can be used to ensure that tenants are not evicted unjustly. Approved for .5 hour of CLE by the KY Bar Association.

PART THREE

This session will walk you through the basics of Landlord-Tenant Law in both URLTA and Non-URLTA jurisdictions, with a focus on the Prehearing Notice Requirements, Eviction Hearings, and Eviction Judgement Appeals. Approved for 1 hour of CLE by the KY Bar Association

Together Lawyers Can is a collaboration between the Kentucky Access to Justice Commission, Appalachian Research and Defense Fund, Kentucky Equal Justice Center, Kentucky Legal Aid, Legal Aid of the Bluegrass, and the Legal Aid Society. This series sponsored by Lawyers Mutual of Kentucky.



Robert Joe Turley, Jr.: Passing of an Icon

In our often hectic existence as attorneys, we tend to overlook those giants of our profession who came before us. Too bad. So sad. As we honor them, we learn from them. Bob Turley was my law partner for over twenty years, and my dear friend and mentor for over fifty years. He was an icon, defined as a person that is the best example of a profession or some doing something that exemplifies something personifies.

A tireless advocate for those injured or deceased because of negligence, Bob practiced in almost all counties in Central and Eastern Kentucky for most of his adult life. He was recognized as if not the greatest, one of the greatest trial lawyers of the latter half of the twentieth century. He was the greatest cross-examiner I ever saw. And he never quit. One of his favorite quotes was by Sir Winston Churchill, who famously said:

Never give in! Never give in! Never, Never, Never – in nothing great or small, large or petty – Never give in except to convictions of honor and good sense.

Bob loved to try cases. He loved to tell stories about them. There was the case where a lady was butted by a buffalo at a zoo, and the case where a horse escaped causing a car crash and the farmer with defective fencing claimed no horses had ever been in that pasture. Bob cross-examined with a picture of that pasture showing a fresh horse turd.

Bob was a great teacher. Early in my career, Bob asked me when in our upcoming trial, we should put our plaintiff on the stand. I replied with a strategic dissertation on the order of witnesses. “Damn, Joe,” he laughed, “you put the plaintiff on first because the rules say so.” (No longer the rule). That was the first of many wisdoms that made me and many others better lawyers. Born in 1926, Bob finished Montgomery County High School and then joined the Navy in WW II. He then went directly to UK Law School, where he graduated and was admitted to the Kentucky Bar in 1949 at age 23. He claimed he was the youngest lawyer in Kentucky at that time.



Bob often lectured on the practice of law. He mentored numerous law students and young lawyers. His law partner, Charlie Tackett, and two of his paralegals, Becky Overstreet and Julia Adams, became Circuit Judges. He was a Diplomat of the National Board of Trial Advocacy, a Fellow of the American College of Trial Lawyers, in Who's Who and a recipient of the Henry T. Duncan Memorial Award. Bob served on the KBA ethics hotline for six years. He authored several religious books. He was named the Kentucky Lawyer of the Year in 2001.

Bob was the heart and soul of the Shrine. He was its Chief Counsel and, as a Trustee, helped build hospitals for crippled and burned children all over the United States and Canada. No matter his schedule, he had time to spend countless hours reading to children at our local Shrine Hospital.

Bob was a conservative without apology. We often laughed that while we started from the same self-evident principles of the worth of the individual and the equality of all, he was a conservative, and I was a liberal. Bless his heart. He tried to understand my position. He was a realist born of years of trial practice. He understood the foibles of human behavior. He reminded me that no golfer ever marked his ball on the green further away from the cup.



Bob died on March 15, 2020, leaving a brother, four children, eight grandchildren, nine great-grandchildren, the love of his life, Susan Tebbs, and literally countless judges, lawyers, crippled and burned children, ministers, religious scholars, and friends. His old Fayette County buddies will now move over and make room for him: Judges Scott Reed, George Barker, Charlie Tackett, Mondo Angelucci, L.T. Grant and lawyers Charlie Landrum, Ben Kessinger, Rufus Lisle, Donald Maloney, Herb Sledd, Bill McCann, and Bill Moore, his law partner for years and others far too numerous to mention. They are all gone now. Let us honor and respect them. They were an endless line of splendor upon which we can dedicate our lives to being better lawyers and people.

- Article by Joe Savage



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NPP is a B2B marketplace where association members save on products and services they use every day. Join for free today.

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Staples



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FCBA is offering online
ETHICS Webinars monthly
for members at a
discounted rate.

Check our **calendar** to
sign up.

FCBA has our own YouTube
channel where we post all
of our virtual events.

<https://www.youtube.com/channel/UCsdqb6JKtqRab-907gDHyog>

DIGITAL CLE & EVENTS

FCBA

YOUTUBE CHANNEL



Fayette County Bar Association

4 REASONS TO RENEW YOUR MEMBERSHIP 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 Lexington Lawyer 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) received over 1500 referrals as fiscal year (May 1, 2019 - April 30, 2020). Our LRS is accredited by the ABA for Information and Referral Services.



PERKS

We offer group rate health insurance for our members through a partnership with the LBA and Logan Lavelle Hunt. Our members receive deep discounts on CLE, and member benefits from Expedia, Office Depot, and Best Buy just to name a few.

NEW FCBA Member Benefit

Group Health Insurance

The FCBA has partnered with the Louisville Bar Association and Logan Lavelle Hunt to offer group health insurance as a member benefit. Logan Lavelle Hunt will once again be the agent for the insurance plan underwritten by Anthem.

Requirements to participate include:

- *Firm membership in the FCBA with at least one attorney member
- *Minimum of 2 eligible employees and/or owners (only one would need to participate)
- *Qualified Standard Industrial Classification (SIC) Code related to the legal field
- *Domiciled in Kentucky
- *Pay at least 25% of the employees' single premium
- *All employers in the FCBA health plan renew 1/1 each year

For more information or to see if this plan is right for you and your employees, please contact Leslie French at lesliefrench@lhins.com or (502) 499-6880.

More Great FCBA Member Benefits:

AFLAC

www.aflac.com 859-420-2663

Tony Morris, Jr.

t_morris@us.aflac.com

AFLAC can provide you and your family with coverage and security to help maintain your everyday life in case of illness or injury. It pays cash benefits directly to you, unless otherwise assigned, to help with daily expenses when you're sick or hurt. These benefits are paid regardless of any other insurance you have.

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www.libertymutual.com

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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.



Baldani Law Group
Baldani Law Group
Barnett Benvenuti & Butler PLLC
Benson Law Offices
Bluegrass Elder Law, PLLC
Boehl, Stopher & Graves LLP
Casey, Bailey & Maines, PLLC
Clark Law Office, Inc.
Dentons Bingham Greenebaum LLP
Fayette County Attorney's Office
Fowler Bell PLLC
Frost Brown Todd LLC
Gess Mattingly & Atchison, P.S.C.

Green Chesnut & Hughes, PLLC
Hare, Wynn, Newell, & Newton, LLP
Kentucky League of Cities
Kershaw and Baumgardner
Kessinger Law Group, PLLC
Kinkead & Stilz, PLLC
Kriz, Jenkins, Prewitt & Jones, PSC
Landrum & Shouse LLP
Legal Aid of the Bluegrass
LFUCG-Dept. of Law
Littler Mendelson, PSC
Mattmiller Crosbie, PLLC
McBrayer PLLC

Mehr, Fairbanks & Peterson Trial Lawyers
Miller Edwards Rambicure, PLLC
Miller, Griffin & Marks, PSC
Morgan Pottinger McGarvey
O'Brien Batten and Kirtley, PLLC
Rose Grascam Camenisch Mains, PLLC
Stites & Harbison, PLLC
Stoll Keenon Ogden PLLC
Sturgill, Turner, Barker & Moloney, PLLC
Walters Richardson, PLLC
Walther, Gay & Mack, PLC
Ward, Hocker & Thornton, PLLC
Williams Kilpatrick, PLLC



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receive a \$120,000 settlement
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Central Kentucky Lawyer Referral Service!**

For more information or to join - please email or call Caitlin.

caitlin.collins@fcba.com

859.225.8644



McBrayer

McBrayer continues to attract outstanding legal talent, adding three attorneys to its Lexington office:

Keeana Sajadi Boarman joins as Member from the firm of Frost Brown Todd, where she focused her practice on corporate transactional work and employee benefits. She's a graduate of Duke University and the University of Kentucky College of Law. She is a member of the Junior League of Lexington and the Bluegrass Runners Club, Inc. and is an alumnus of Leadership Lexington (Class of 2011-2012).

David T. Cecil has joined from Kopka Pinkus Dolin. His practice focuses on medical malpractice, professional liability defense and healthcare law. He's a graduate of the University of Pikeville and the Northern Kentucky University Salmon P. Chase College of Law. David has coached youth basketball and mentors kids through the Upward Sports program, and he and his family attend Immanuel Baptist Church, where he plays guitar in the worship choir.

Cassidy L. Sorrells came to McBrayer from Ward, Hocker & Thornton, PLLC, with a practice focusing primarily on insurance defense and civil litigation. She is a graduate of the University of Kentucky and the University of Kentucky College of Law, and has participated in such community events as the Tri for Sight Marathon, the Leukemia & Lymphoma Society's annual Light the Night Walk, and the Special Olympics of Kentucky's Polar Plunge events.

Stites & Harbison

Stites & Harbison, PLLC recently elected three members to the firm's six-member Management Committee, replacing three attorneys who completed their terms of service. The new committee members are attorneys Erika Barnes, Carol Dan Browning and Richard Wehrle; the members rotating off the committee include attorneys Janet Craig, Mandy Wilson Decker and Marjorie Farris. The new committee members will serve a two-year term.

Stites & Harbison, PLLC attorney **Ashley W. Ward** was inducted as a Fellow of the American College of Trial Lawyers (ACTL) on March 7, 2020, at the Annual Meeting in Tucson, Ariz. ACTL is composed of preeminent members of the Trial Bar from the United States and Canada. Founded in 1950, ACTL is an invitation-only fellowship of exemplary trial lawyers from the U.S. and

Canada. Fellowship is awarded to those who demonstrate the highest standards of trial advocacy, ethical conduct, integrity, professionalism and collegiality and have been in practice for at least 15 years. Candidates for Fellowship are nominated by current Fellows and approved by the entire membership. Membership in ACTL is limited to 1% of the total lawyer population in the U.S. and Canada.

Stites & Harbison, PLLC attorney **Cassidy Rosenthal** was inducted as a Fellow of the American College of Construction Lawyers (ACCL) on February 22, 2020, at the Annual Meeting in Tucson, Ariz. ACCL, one of the nation's leading legal associations, only designates the top 1% of the construction bar in the U.S. with this honor.



Pictured: (Left) John Heisse, ACCL President-Elect. (Center) Cassidy Rosenthal. (Right) David Lane, ACCL President.

Stoll Keenon Ogden

Stoll Keenon Ogden PLLC (SKO) is pleased to announce that **Tim Wiseman** has been promoted to Member of the Lexington firm after previously serving as an Associate. Timothy "Tim" R. Wiseman - Building on his wide-ranging experience in corporate restructurings and bankruptcies, Tim is a Member in the Business Litigation, Business Torts, Bankruptcy & Financial Restructuring, and Tort, Trial & Insurance Services practice groups. He was named a Rising Star by Kentucky Super Lawyers® in 2019 and 2020.

The FCBA WOMEN LAWYERS' ASSOCIATION
is proud to announce that they will be funding a
\$500 scholarship through First Generation Women
Achievers of the Bluegrass (FGWAB).

**FGWAB gives scholarships to women who are first
in their families to attend college at UK, BCTC or
Transylvania University. FCBA WLA will be funding a
scholarship of \$500 to aid a female student that
meets the above qualifications with her
textbooks for a semester.**



Institutional Racism in Legal Systems : Criminal Justice, Employment & Housing A Three Part Series presented by:



Part 1 : Understanding the Impact of Race in Criminal Justice Panel Discussion

Judge Melissa Murphy, Fayette District Court

Dr. Melynda Price, UK William L. Matthews, Jr. Professor of Law

Noel Caldwell, Attorney at Law



Thursday, August 13, 2020

Zoom Webinar

12 p.m. - 1:30 p.m.

FREE

This activity has applied for 1.5 hours of CLE Credit
from the KBA CLE Commission

Sign up from the Calendar at [FCBA.com](https://www.fcba.com). Zoom Webinar information
will be sent the afternoon of August 12 to pre-registered attendees.

**Discussion of
the KBA**

DIV ERS ITY

**Survey of
Attorneys and
Judges**

Thursday, August 20, 2020

Zoom Webinar

12:00 p.m. - 1:00 p.m.

\$20 for members

\$25 for non-members

**THIS ACTIVITY HAS BEEN APPROVED
FOR 1 HOUR OF CLE CREDIT BY THE
KBA CLE COMMISSION**



SIGN UP FROM THE CALENDAR AT FCBA.COM

Presented by:

Melanie D. Otis, PhD
Brautigam Professor of Criminal,
Juvenile and Social Justice
UK College of Social Work

Moderated by:

**Fayette Circuit Judge Ernesto
Scorsone & Fayette District
Judge Melissa Murphy**

Panelists Include:

Julie Butcher, Julie
Butcher Law Office

Langdon Worley, FCBA
WLA President, Sturgill,

Turner, Barker, and Moloney

Ron Walker, US Attorney
Eastern District of KY

THE FAYETTE COUNTY BAR FOUNDATION GRANT APPLICATION DEADLINE IS SEPTEMBER 15, 2020.

The Fayette County Bar Foundation is the charitable giving arm of the **Fayette County Bar Association**, and its mission is to raise and distribute charitable funds for law-related projects and education in Fayette County, Kentucky to promote citizen access to the justice system; the delivery of legal services to the poor and indigent; law-related public education; and the improvement of the judiciary and the legal profession.

To apply for a Fayette County Bar Foundation grant, please use the online form accessible at <http://www.fcbf.net/grant-application/>.

You may email additional documents to kmullins@forthepeople.com.

You may also mail completed application forms and additional documents to:

Fayette County Bar Foundation
c/o Fayette County Bar Association
219 North Upper St.
Lexington, KY 40507

Please visit our website at <http://www.fcbf.net> for more information.

THE LEXINGTON
LAWYER

Calendar of Events

August 2020

- 5 The Passion of the Barrister: An Ethical Lawyer is a Happy Lawyer
- 12 From Competence to Excellence: The Ethical Imperative for Excellent Client Servicet
- 19 FCBA Women Lawyers' Association Presents "Shall Not Be Denied or Abridged" The Centennial of Woman Suffrage
If You Can't Say Something Nice, Shut Up: The Ethical Imperative for Civility
- 20 Discussion of the KBA Diversity Survey of Attorneys and Judges
- 26 The Truth, The Whole Truth and Nothing But the Truth: The Ethical Imperative for Honesty in Law Practice

September 2020

- 7 Labor Day, Courts and FCBA Closed