



Law Notes Online
December 2013

A Note from Dean Brennen

Happy Holidays! The 2013 academic year is about to come to a close. As I write this, students are finishing up their final exams and in a few days will be enjoying some well-deserved days off. The holiday season is a time when we look back on the year that's passed. When I think back on all that we've done in 2013, I'm filled not just with pride, but with hope for the things that 2014 will bring.

This year we've seen distinguished guest lecturers, conferences and symposia that have reached national audiences, a number of pro bono and community service initiatives by students, and first-rate scholarship and engagement by our faculty. I have delighted in reading of your successes and hope you will continue to keep me updated in 2014. In the meantime, I wish you and your loved ones all the best this season has to offer.



David A. Brennen
Dean and Professor of Law

Talk to us!

Alumni updates:
Christina Briggs
christina.briggs.uky.edu

Follow us on facebook!
facebook.com/ukcollegeoflaw

UK Law Hosts Criminal Law Forum

In November, the *Kentucky Law Journal* teamed up with the Kentucky Bar Association's Criminal Law Section to present the Second Annual Forum on Criminal Law Reform in the Commonwealth of Kentucky. *The Death Penalty in the Commonwealth: What the ABA Kentucky Death Penalty Assessment Team Report on the Administration of the Death Penalty in Kentucky Means* gathered Kentucky judges, lawmakers, professors, and practitioners to explore the findings of the American Bar Association's assessment of capital punishment in Kentucky. The report found serious problems in the implementation of the state's death penalty, including high error rates and inconsistent application.

In 2012, the KY Bar Association Criminal Law Section initiated a Criminal Law Reform Forum series to be held at a Kentucky law school each year in the fall in a way that would be context for the subsequent General Assembly as it considers criminal law issues. Nearly 150 attended this year's talks, many of which will be printed in a special upcoming issue of the *Kentucky Law Journal*.

Faculty Notes

David Brennen has been named to the Lawyers of Color's Third Annual Power List, a catalog of the nation's most influential minority attorneys. In October, his blog, Nonprofit Law Prof Blog, was ranked in the top 50 of blogs edited by law professors for traffic over the last twelve months.

Richard Ausness has two articles now in print: "The Disorderly Conduct of Words: Civil Liability for the Dissemination of False or Inaccurate Information," in the *South Carolina Law Review*, and "The Supreme Court and the PPL Montana Case: Examining the Relationship Between Navigability and State Ownership of Submerged Lands" in the *Virginia Environmental Law Journal*. His article, "When Are Trust Protectors Fiduciaries," has just been accepted for publication by the *Quinnipiac Probate Law Journal*.

Brian Frye participated in a public symposium at Indiana Tech Law School titled "On the Questions of Regulating Guns" and spoke on a panel titled "The Second Amendment: What it Requires and the Supreme Court's Interpretation." He also spoke on a panel titled "Old Films, New Access: Partnerships in Production" at the Association of Moving Image Archivists annual conference in November. His article titled "A Revolution in Favor of Television" on Robert Gardner's *Screening Room* television show will appear in a book on Robert Gardner.

Josh Douglas presented his newest work-in-progress, "(Mis)trusting States to Run Elections," at the University of Washington Faculty Colloquium in November.

Roberta Harding published "Life and Death in Kentucky: Past, Present and Future," in the *Kentucky Law Journal Online*. She gave the opening remarks at a luncheon for the Kentucky Bar Association's Second Annual Forum on Criminal Law Reform in the Commonwealth of Kentucky.

Nicole Huberfeld presented "Dynamic Implementation After NFIB" at the Loyola Chicago Constitutional Law Colloquium and "Where There's a Right, There Must be a Remedy (Even in Medicaid)," at the Florida State University School of Law faculty speaker series. She was quoted in a National Public Radio *All Things Considered* piece on the Pennsylvania Governor's plan to expand Medicaid.

Cortney Lollar was a speaker at a conference held at Washington University School of Law titled "Celebrating 40 Years of Clinical Education and Community Collaborations in the Pursuit of Access to Equal Justice." Her presentation was entitled "Challenging Bail Practices." She was also the moderator of the Second Annual Forum on Criminal Law Reform in the Commonwealth of Kentucky here at the College of Law.

Paul Salamanca presented "Citizens United: If Corporations Lack Souls, Why Does 'Corporate Greed' Yield 417,000 Google Hits?" at a luncheon meeting of the Federalist Society Louisville Lawyers' Chapter earlier this month.

'Tis the Season for Giving!

Just a few of the ways UK Law has given back to the community this holiday season:

- "No-shave November" fundraiser for men's health awareness
- Children's book collection for Baby Health Service
- Toys for Tots collection
- International Law Society Refugee Care Packages
- Legal Clinic Turkey Dinner donation to local families
- Dawg Days of Finals - collecting donations for the Friends of Jessamine County Animals and S.A.V.E.

Career Development Notes

If you have a present need for a recent graduate or experienced attorney and you would like to post a job on our password protected, online job posting system, please go to www.law.uky.edu, select the Careers tab, and go to the For Employers area. Click on the "Post a Position" button. If you prefer to email a job posting or call us with the information, please contact Joan Yocum at 859-257-8959.

Happy Holidays from Career Development!
-Susan, Amy and Joan!

Upcoming UK CLE EVENTS

MARCH 6, 2014

18th Biennial Midwest-Midsouth Securities Law Conference

Marriott Downtown, Louisville, KY

MARCH 27 & 28, 2014

12th Biennial Consumer Bankruptcy Law Conference

Campbell House Crowne Plaza, Lexington, KY

More at www.ukcle.com

Alumni Notes



Otis W. Grigsby (2013) has joined the Cincinnati office of Taft Stettinius & Hollister. He is a member of the Intellectual Property Practice Group. Otis has been a volunteer with Give Back Cincinnati, the Garth Brooks and Troy Aikman Teammates for Kids Foundation, Whiz Kids tutor at Crossroads Oakley, and an “Offensive Coordinator” for the “Touchdown for Hope” 2014 Super Bowl XLVIII event at Great American Ballpark.

Keaton H. Osborne (2013) has joined Bradley Arant Boult Cummings LLP as an associate in the Intellectual Property Practice Group.

Hamid H. Sheikh, Jr. (2013) has joined Wyatt, Tarrant & Combs, as a member of the firm’s Real Estate and Lending Service Team.

Anthony J. Burba (2008) recently joined Barnes and Thornburg as an associate in the Chicago and Washington D.C. offices where he is a member of the Healthcare Department and the White Collar Criminal Defense group. Burba is a former federal health care fraud prosecutor with experience conducting complex criminal and civil investigations of a variety of healthcare providers and suppliers.

John Agnew (2005) was sworn in as President of the Lee County Bar Association at their annual meeting in November. He is an attorney in Henderson, Franklin, Starnes & Holt’s Commercial Litigation division. Agnew is a member of the Greater Fort Myers Chamber of Commerce, having graduated from its Leadership Program and served as a facilitator for other Leadership Program classes. He is also a Fellow of the Florida Bar Foundation.



Jennifer L. Brinkley (2005) has joined the Martin Management Group in Bowling Green as Manager of Human Resource Administration. She is responsible for administration of employee benefit programs and provides guidance on employment related issues. She is also responsible for the organization’s compliance with labor rules and regulations across six states. She

completed her Master of Arts in criminology at WKU and was named Criminology Graduate Student of 2012. Brinkley has also recently published a book titled *Clinging Tightly: The Life of a Second Wife, Stepmom, Adoptive Mom, and Lawyer*.

Matthew D. Ellison (2004) has become a member of Fowler Bell. He joined the firm’s Litigation, Bankruptcy and Creditor’s Rights Groups in 2005.



Andrew Ballard (2003) has joined Anspach Meeks Ellenberger LLP as a partner in its Huntington, West Virginia, office. Ballard’s practice focuses on civil defense litigation in West Virginia and Ohio. Prior to joining Anspach, Ballard was a member of Campbell Woods, PLLC, in Huntington.

Marcus L. Vanover (2000) was sworn in as Family Court judge for Lincoln, Pulaski, and Rockcastle counties in September. Kentucky Chief Justice John D. Minton, Jr. administered the oath of office. Judge Vanover was appointed by Governor Steve Beshear to fill the spot left by Judge Walt Maguire’s retirement in June.

Steven B. Loy (1994), a member of Stoll Keenon Ogden’s Lexington office, argued a case before the U.S. Supreme Court on behalf of Lexmark International, Inc. The issue *Static Control Components v. Lexmark International* is who has standing to sue for false advertising under the Lanham Act, a federal trademark statute.

Kelley M. Goes (1995) is a member of Jackson Kelly’s Charleston, W.Va. firm, practicing in their Environmental Practice Group. Previously, she served as the state director for U.S. Senator Joe Manchin, III.

Lisa E. Underwood (1984), a partner in Wyatt, Tarrant & Combs’ Lexington office, has been elected to a three-year term on the Commerce Lexington Board of Directors. She also leads the Firm’s Equine and Gaming Team. Ms. Underwood represents businesses in pari-mutuel and gaming law matters, as well as legislative, administrative law and regulatory initiatives.



Kendall Robinson (1968) of Booneville, Kentucky will be retiring after a legal career of forty-five years. Mr. Robinson has been Owsley County Attorney, Booneville City Attorney as well as counsel for various institutions and organizations. Mr. Robinson has stated the legal profession is a very rewarding career but he is ready to retire. He is a solo practitioner and will be closing his office effective December 31, 2013. In his retirement, Mr. Robinson hopes to spend more time playing golf!