

October 2014

UK LAW

LAW NOTES ONLINE



College of Law Welcomes Class of 2017!
August 22, 2014

A Note from the Dean

Welcome to the October issue of *Law Notes Online*. It has been quite busy since our summer issue. In June, we partnered with the Fayette County Bar Association to welcome 17 junior and senior high school students to Law Camp. They participated in four days of classes, a day of job shadowing, and a day of oral argument presentations. In July, the Kentucky Legal Education Opportunity (KLEO) Program held its KLEO Summer Institute at the College of Law for the twelfth year in a row. And in August, we welcomed 115 new 1L students.



The fall semester has been just as eventful. We've welcomed former U.S. Attorney for Alabama, Doug Jones, discussing the prosecution of two Ku Klux Klansmen in the re-opened 1963 Birmingham church bombing; a panel of five Turkish judges contrasting the judicial system and legal education in their country and the U.S.; and campaign and election attorney, Trevor Potter, regarding campaign finances. Each of these out-of-classroom experiences is aimed at enriching the learning that takes place inside the classroom. In addition, we will soon announce an institutional structure that recognizes individual out-of-classroom learning in the form of pro bono activity by our students.

We hope you enjoy this edition of *Law Notes Online*. Enjoy the beautiful fall weather and I look forward to seeing many of you at our Homecoming Tailgate on October 25th. Go Cats!

David A. Brennen
Dean and Professor of Law

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Keep in touch!

Alumni Updates
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Richard Ausness' article, *When Is a Trust Protector a Fiduciary?*, was published in 27 QUINNIPIAC PROB. L.J. 277-316 (2014) and *The Role of Litigation in the Fight Against Prescription Drug Abuse*, in 116 W. VA. L. REV. 1118-1165 (2014).

Scott Bauries was the lead author of an amicus brief on behalf of professors of education law and educational measurement in the 11th Circuit appeal of *Cook v. Stewart*; a panelist for a session on labor and employment professors' perspectives on tenure at the SEALS conference; and has a forthcoming article, *A Common Law Constitutionalism for the Right to Education*, 48 GA. L. REV. ___

Jennifer Bird-Pollan participated in the George Mason Law & Economics Center "Economics for Law Professors" Institute and had her article, *Electing Fairness: A Check-the-Box Style Elective Regime for Same-Sex Couple Taxation*, 6 ELON LAW REVIEW 251 (2014) and *Unseating Privilege: Rawls, Equality of Opportunity, and Wealth Transfer Taxation*, 59 WAYNE LAW REVIEW 713 (2014).

Josh Douglas published a case book, *Election Law and Litigation: The Judicial Regulation of Politics* (Aspen 2014) (with Edward B. Foley and Michael J. Pitts). Douglas had two op-eds published, *Hypocrisy on Wisconsin Supreme Court: Why Voter ID Decision is Wrong*, MILWAUKEE JOURNAL-SENTINEL, July 31, 2014 and *Corporations and Personhood: The Supreme Court's Misguided Approach*, THEHILL.COM, July 11, 2014. Douglas also completed a law review article, *State Judges and the Right to Vote*.

Christopher Frost received the 2014 Editors' Prize by the American Bankruptcy Law Journal and was re-elected chair of the board of the Kentucky Equal Justice Center, a non-profit advocacy group.

Brian Frye's article, *Solving Charity Failures*, will appear in the next issue of the OREGON LAW REVIEW and his article, *Andy Warhol's Pantry*, will appear in the next issue of the AKRON INTELLECTUAL PROPERTY LAW REVIEW. He joined the board of directors of LexArts; became a trustee of the Appalshop Charitable Trust; joined the Business Volunteers for the Arts steering committee; presented a talk at the Northeast Historic Film Symposium in Maine; presented *Our Nixon* at Antioch College and taught two classes there; and started a weekly radio show, "The Bindle," on WRFL 88.1 FM.

Alvin Goldman's co-authored revision and update of *Labor and Employment Law in the United States* (2014) was published by Wolters Kluwer Publishing. Goldman also co-authored a chapter, *Settlement of Disputes Over Interests and Rights*, in the treatise COMPARATIVE LABOUR LAW AND INDUSTRIAL RELATIONS IN INDUSTRIALIZED

MARKET ECONOMIES (R. BLANPAIN, ED., WOLTERS KLUWER, 2014).

Louise Graham completed the 2014 update to *Kentucky Domestic Relations*. This is the first edition completed without the help of Judge James E. Keller, who passed away June 2014.

Jane Grisé presented "Teaching Critical Reading Skills" at the 2nd Annual Conference of the Association of Academic Support Educators; "Integrating Academic Success into the Legal Writing Curriculum," at the 16th Biennial Conference of the Legal Writing Institute; had her article, *Teaching First Year Students to Read so Carefully that They Discover a 'Mistake' in a Judicial Opinion*, published in the Summer 2014 Learning Curve (AALS Section on Academic Support); and received the LWI/ALWD National Grant for her article, *Does Critical Reading Instruction Lead to Improved Legal Writing?*

Michael Healy was named University of Kentucky academic ombud for 2014-2015.

Melissa Henke received the UK College of Law's 2014 Duncan Teaching Award.

Nicole Huberfeld presented "Dynamic Federalism in Medicaid Expansion" at the Southeastern Association of Law Schools Annual Meeting and at the ASLME Health Law Professor Conference; presented "Rethinking Health Law Teaching After the ACA" at the ASLME conference; commentated/mentored at the Health Law Scholars Workshop; *Circuit Split in One Day: Tax Credits, Halbig and King (or, The Latest ACA Headache)*, published on the ACS blog; published *Farewell, School House Rock (Understanding Legislative History through the Lens of the ACA)*, reviewing John Cannan, *A Legislative History of the Affordable Care Act: How Legislative Procedure Shapes Legislative History*, 105 L. LIBRARY J. 131 (2013).

Cortney Lollar presented her article, *What Is Criminal Restitution?* at the Southeastern Association of Law Schools conference.

Robert Schwemm presented "Disparate Impact: Its Role in Government and Private Litigation under the Fair Housing Act," at a "The Metrics of Inequality" conference, sponsored by the John Marshall Law School, Chicago, Illinois, September 2015.; "Fair Housing Law: Recent Developments," at a training seminar sponsored by the Office of General Counsel, U.S. Department of Housing & Urban Development, Columbia, South Carolina, August 2014; and "Key Fair Housing Cases," at a plenary session at the annual meeting of the National Fair Housing Alliance, Washington, D.C., June 2014.

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 our website, 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.

Upcoming CLE Events

October 16 & 17, 2014

20th Biennial Workers' Compensation Institute
The Campbell House, Lexington

October 23, 2014

Construction Law Institute 2014
UK College of Law, Lexington

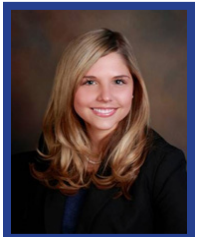


Stephen Houston (2001) was recognized by *Business First* magazine's annual "Forty Under 40," a list that recognizes the achievements of business people younger than 40 in the Louisville area who are making significant, positive impacts in the business community in addition to their strong civic engagement.

J. Michael Hearon (2003) recently joined Quarles & Brady, LLP in Indianapolis, Indiana as a member of the firm's Commercial Litigation Practice Group. In 2013, he completed an extended, full-time secondment during which he provided guidance and assistance in managing the litigation docket of a multinational corporation.



Jason Bailey (2005), counsel at Daniels & Sturges in Grand Junction, Colorado, was named the winner of the 2014 ABA Journal/Ross Short Fiction Contest for his story, "Good News Bad News."



Lindsay Anne Cordes (2010) has joined the Thomas Law Offices firm as an associate.

Thomas E. Rutledge (1990), member of Stoll Keenon Ogden PLLC, has authored an article entitled *A Corporation*



Has No Soul – The Business Entity Law Response to Challenges to the Contraceptive Mandate of the PPACA. It was published in the WILLIAM & MARY BUSINESS LAW REVIEW. This article was cited to the U.S. Supreme Court in an amicus brief submitted in the *Hobby Lobby/Conestoga Specialty Wood Products* cases.

Trey Grayson (1998) moved back to Kentucky from Harvard as the new President/CEO of the Northern Kentucky Chamber of Commerce.



Kevin W. Weaver (1994), managing member of Sturgill, Turner Baker & Moloney, PLLC, was selected to join the Leadership Kentucky Class of 2014 and was appointed by University of Kentucky President Eli Capiluto to serve a four-year term on the UK College of Law Visiting Committee. The Visiting Committee brings together some of its most distinguished graduates to meet regularly with the dean, faculty and students of the College, and to consult with the president, provost and other top administrators of the University.

Janet Norton (1981) has been named chief legal officer and general counsel for Baptist Health. As general counsel, she works with a staff of six attorneys to provide legal services for Baptist Health and its 30 affiliated corporations. She oversees the Baptist Health risk management program and professional liability, workers compensation and general litigation matters.



Dan Kemp (1970), mayor of Hopkinsville, became the newest member of the Murray State Board of Regents. Kemp will fill a six-year term. He was elected in November 2006 as the mayor Hopkinsville.



Buck Hinkle, Jr. (1974), partner at Stites & Harbison, received an honorary Doctor of Public Service degree from Morehead State University in May 2014.

S. Roy Woodall, Jr. (1962) was appointed as a voting member of the Financial Stability Oversight Council in May, 2011, by President Obama, and was confirmed in September, 2011, by the U.S. Senate. Roy serves as the Council's independent member having insurance expertise, a position created by Congress in view of the fact that there is no federal insurance regulator.



Below is a list of alumni who were selected by their peers for inclusion in the *The Best Lawyers in America*® 2015 Lexington list:

Taft A. McKinstry (1972) in Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Litigation – Bankruptcy. **Guy R. Colson (1974)** in Insurance Law, Personal Injury Litigation – Defendants, and Product Liability Litigation – Defendants. **R. David Lester (1975)** in Corporate Law. **Eileen M. O'Brien (1981)** in Insurance Law. **Richard M. Hopgood (1982)** in Real Estate Law. **C. Joseph Beavin (1983)** in Employee Benefits. **Bruce Simpson, Jr. (1983)** in Mediation. **Perry M. Bentley (1984)** in Product Liability Litigation-Defendants. **David T. Royse (1998)** in Litigation-Banking and Finance.

Below is a list of alumni who were selected by their peers for inclusion in the *The Best Lawyers in America*® 2015 Louisville list:

Kendrick R. Riggs (1982) in Administrative/Regulatory Law. **Douglas F. Brent (1986)** in Communications Law. **Paul Dzenitis (1994)** in Medical Malpractice Law – Defendants.