

VITA

RICHARD H. UNDERWOOD

W. L. Mathews Professor of Law
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Education:

B.S. *Summa Cum Laude* (1969) The Ohio State University, *Beta Gamma Sigma*, Pace Setters.

[Military Service 1969-73 - see Vita at end]

J.D. *Summa Cum Laude* (1976), The Ohio State University, Order of the Coif

Managing Editor The Ohio State Law Journal

Professional Experience:

Professor since 1980 at the University of Kentucky

Law Clerk to U.S. District Judge David S. Porter, Cincinnati, Ohio 1976-78

Associate, Vorys Sater Seymour & Pease, Columbus, Ohio 1978-80

Member, ABA Standing Committee on Ethics and Professional Responsibility (2011-2014)

Fellow, American Bar Foundation

Life Fellow, Kentucky Bar Foundation

Member of the Kentucky Supreme Court Evidence Rules Review Commission

Board Member, Fayette County Bar Association (Term May 1, 2011 - April 30, 2013)

Chairman, Kentucky Bar Association Ethics Committee 1984-1998

Chairman, Unauthorized Practice Committee 1984-1996

Former Chairman, Kentucky Bar Association Model Rules Committee (Reporter for KRPC, and developer of KBA ethics "Hotline" system)

Teaching Responsibilities: Courses taught - Evidence, Scientific and Forensic Evidence Seminar, Litigation Skills, Professional Responsibility, Civil Procedure, Federal Courts, Insurance, Remedies, Legal History Seminar, Health Law, Bioethics

Publications:

Books:

Modern Litigation and Professional Responsibility (Boston: Little Brown & Co./Aspen, 1996, supplemented yearly)(with William Fortune and Edward Imwinkelried)

Trial Ethics (Boston: Little Brown & Co., 1988)(with William Fortune)

2012 Kentucky Courtroom Evidence Manual (Cincinnati: Anderson, new edition each year)(with Glen Weissenberger)

(Ed.) **Kentucky Legal Ethics Opinions and Professional Responsibility Desk Book** (3d ed. UK: CLE, 1999)

Books Completed and being edited for publication (completed during my “Last Sabbatical”)

Crimesong: Southern Murder Ballads

Gaslight Lawyers

The Kritchman Affair

Book Chapters:

"Medicine and the Law", in Wilson and Polk, **Professional and Practice Development** (Medical Economics, 1990)(sponsored by the AMA)

Law Review Articles:

Something Bad In Your Briefs, 37 *Am. J. Trial Advoc.* 369 (2014)

- Ringers Revisited*, 37 *Am. J. Trial Advoc.* 129 (2013)
- Following The Rules: Exclusion of Witnesses, Sequestration, and 'No-Consultation' Orders*, 35 *Am. J. Trial Advoc.* 513 (2012)
- Making Stuff Up, Revisited: Opening Statement*, ___ *HLJe* ___ (2012)
- When the Law Doesn't Work*, 38 *Fordham Urban Law Journal* 1495 (2011)
- Lawyers, Sex and Technology*, (UK CLE Monograph 2011)
- Making Stuff Up*, *Am. J. Trial Advoc.* 153 (2011)
- The Other Batson Case*, XXXI *The Legal Studies Forum* 765 (2007)
- Mr. Howe's Last Case*, XXXI *The Legal Studies Forum* 801 (2007)
- "Arch and Gordon": The Crime Behind The Ballad*, XXXI *The Legal Studies Forum* 825 (2007)
- The Sad, Sad Story of Lula Viers*, XV *J. of Southern Legal History* 259 (2007)
- Stella Kinney: A Little Problem In Evidence*, XIV *J. of Southern Legal History* 119 (2006)
- Tom Dooley and the Hearsay Rule*, *N.C. State Bar J.* (Spring 2005), p. 33.
- Crimesong: Some Murder Ballads and Poems Revisited*, 13 *J. South. L. Hist.* 5 (2004)
- What Get's Judges In Trouble*, 23 *J. Of Nat'l Assoc. Of Admin. Law Judges* 102 (2003)
- Not So Great Moments In Trial Advocacy: Clement Valandigham*, 13 *Widener L.J.* 113 (2003)
- What I Think That I Have Learned About Legal Ethics*, 39 *Idaho L. Rev.* 246 (2003)
- The Attorney-Client And Work Product Privileges: The Case For Protecting Internal Investigations On The University Campus*, 90 *Ky. L. J.* 531 (2001-2002)
- Administrative Adjudication In Kentucky: Ethics And Unauthorized Practice Considerations*, 29 *N. Ky. L. Rev.* 359 (2001-2002)

Book Review - Moon Light: Abraham Lincoln and the Almanac Trial, by John Evangelist Walsh, 29 N. Ky. L. Rev. 237 (2001-2002)

Evaluating Scientific and Forensic Evidence, 24 Am. J. Trial Advoc. 149 (2000)

The Professional and the Liar, 87 Ky. L. J. 919 (1999)

Perjury: The Charges & Defenses, 36 Duquesne L. Rev. 715 (1998)

The Limits of Cross-Examination, 21 Am. J. Trial Advoc. 113 (1997)

"Worth Reading" - National Law Journal, March 16, 1998, p. A20

Genetics, Genetic Testing, and the Specter of Discrimination: A Discussion Using Hypothetical Cases (with Ron Cadle), 85 Ky. L. J. 665 (1996-97).

Interdisciplinary product arising from participation in UK College of Medicine's "Dean's Colloquium"

Perjury: An Anthology, 13 Ariz. J. Int'l and Comp. L. 307 (1996 -97)

Truth Verifiers: From The Hot Iron to the Lie Detector, 84 Ky. L. J. 597 (1995-96)
Cited in briefs in *United States v. Scheffer*, ___ U.S. ___
(1998).

X-Spurt Witnesses, 19 Am. J. Trial Advoc. 343 (1995).

Logic and the Common Law Trial, 18 Am. J. Trial Advoc. 151 (1994).

Discussed extensively in Stephen Gillers, **Regulation of Lawyers**, 5th ed. (Aspen 1998)

False Witness: A Lawyer's History of the Law of Perjury, 10 Ariz. J. Int'l and Comp. L. 215 (1993-94)

Described as the "authoritative work" on the subject in J. Kevin Quinn, et. al., *Resisting The Individualistic Flavor of Opposition to Model Rule 3.3*, 8 Geo. J. Legal Ethics 901 (1995)

Part-Time Prosecutors and Conflicts of Interest, 81 Ky. L. J. 1 (1993)

Cited in such cases as *Beaver v. Thompson*, 93 F.3d 1186 (4th Cir. 1996).
Reprinted in 6 Crim Prac. L. Rev. 1 (1993)

Confessions of an Ethics Chairman, 16 J. Legal Prof. 125 (1991)

Environmental Ethics: A Panel Discussion, Proc. Of E. Min. L. Found. (1991)(w/ John Leathers)

Symposium on Judicial Discipline and Impeachment: Comments on Professor Rotunda's Essay, 76 Ky. L. J. 733 (1988)

Taking and Pursuing a Case: Some Observations Regarding "Legal Ethics" and Attorney Accountability, 74 Ky. L. J. 173 (1985)

Discovery in Kentucky: An Overview, 72 Ky. L. J. 727 (1984)

Kentucky Law Survey: Insurance, 72 Ky. L. J. 403 (1983)

Legal Ethics and Class Actions, 71 Ky. L. J. 787 (1983)

The "General Reference" in Wright & Miller, *Federal Practice & Procedure* §1769.1

Kentucky Law Survey: Evidence, 71 Ky. L. J. 287 (1983)[w/ Lynn Geisler]

Adversary Ethics: More Dirty Tricks, 6 Am. J. Trial Advoc. 265 (1982)

The inspiration for **Trial Ethics** and **Modern Litigation Ethics**. Cited in such works as Wolfram , *Modern Legal Ethics* (West) , and Morgan and Rotunda's **Professional Responsibility** (Foundation Press). 10 pages of this article were reproduced in Geoffrey Hazard & Susan Koniak, **The Law and Ethics of Lawyering** (Foundation Press 1990). The article was reprinted at 32 Def. L. J. 585 (1983)

Kentucky Law Survey: Insurance, 70 Ky. L. J. 255 (1981)

Curbing Litigation Abuses: Judicial Control of Adversary Ethics, 56 St. John's L. Rev. 625 (1982)

Awarded the NYSBA Sanford D. Levy Prize for writing on Professional Ethics in 1983

The Doctor and His Lawyer: Conflicts of Interest, 30 U. Kansas L. Rev. 385 (1982)

Reprinted at 32 Def. L. J. 25 (1983)

Msc. Awards:

Special Award from the Kentucky Supreme Court for service as Model Rules Committee Chairman and for Drafting of KRPC (1989)

Special Award from the Kentucky Bar Association for service as Chairman of the KBA Ethics Committee for 14 years, and Chairman of the KBA Unauthorized Practice Committee for 12 years (1998)

Recent Professional Conferences Attended or Presentations:

Musicology Lecture, "Murdered Girls," a lecture on the legal cases memorialized in Southern Murder Ballads, in the Colloquia at the John Jacob Niles Center for American Music, December 2, 2011

Presenter, Bob Dylan and the Law Conference, Fordham University Law School, 2011

Presenter (Poster), AALS Professional Responsibility and Legal History Sections, 2003

Speaker - Second World Conference on New Trends in Criminal Investigation and Evidence, December 10-15, 1999, Amsterdam, The Netherlands

Speaker - Worldwide Advocacy Conference, June 29-July 3 1998, Inns of Court Law School, London, England

Speaker - Kentucky Conference on Health Communication, April 23-25, UK Dept. of Communications, Lexington, Kentucky

NHLA Managed Care Conference, Dec. 8-10, 1997, Chicago, Illinois

Cleveland Clinic Medical Institute For Law Faculty, June 5-14, 1996, Cleveland, Ohio

Significant CLE Instruction:

A regular CLE speaker with UL/CLE, Fayette County Bar, Kentucky Bar Association, Kentucky Government Lawyers, Kentucky Defense Council, KBA Corporate Counsel Seminar, etc..

Served as Instructor and Team Leader in 8 of 10 sessions of the

UK/CLE *Intensive Course in Trial Advocacy* [6 to 9 day
NITA style course for practicing lawyers]

UK CLE “Sex with Clients in 3-D” - a Multimedia presentation on the Rules
prohibiting sex with clients. (No sex in it, by the way)

Military Service:

Distinguished Military Graduate, The Ohio State University, 1969

Graduate of US Army Armor Officer Basic Course (2d Honor Graduate)

US Army Intelligence Officer School Basic Course

Military Assistance Security Advisor (MASA) Course, JFK Special Warfare Center, Ft. Bragg,
N.C.

Regular Army Officer, 1969-1973, with rank of Captain. Active duty service in Viet Nam; less
active service in Europe

Decorations include Bronze Star, Army Commendation Medal with Oak Leaf Cluster, Vietnamese
Gallantry Crosses with Bronze Star and with Palm