



December 2014

LAW NOTES ONLINE

UK[®] LAW

Election Law Society Hosts Online Analysis Blog

The blog, staffed by upwards of 30 Election Law Society members, received traffic from 45 of the 50 states and visitors from at least four foreign countries. In a five-day period, more than three thousand visitors landed on the blog.

Pictured above are members of the UK Election Law Society and Ohio State University law students via Skype on the television screen. OSU students conducted a similar election analysis blog.

A Note from the Dean

Welcome to the December issue of *Law Notes Online*. The fall semester comes to a close with finals on the horizon. What an incredibly busy fall semester we've had at the College of Law. Since our last *Law Notes Online*, the College of Law has held two symposia with 25 presenters – one on data privacy and another on black childhood; hosted numerous special speakers including Chief Judge Tracey Wise and former Kentucky Secretary of State and United States Senate candidate Trey Grayson; plus welcomed more than 60 prospective College of Law students through our Open House and Law Student for a Day programs. Be sure to mark your calendars for the spring Judicial Conversation Series with Judge Roger Gregory of the United States Court of Appeals for the Fourth Circuit on February 18, 2015. In addition, our *Kentucky Journal of Equine, Agriculture and Natural Resources Law* will host a symposium entitled "Improving or Impeding? The Local & National Effects of State & Federal Regulation" to take place on February 24, 2015.



We hope you enjoyed reading this year's annual magazine, *Law Notes*. As part of the article, *From Classroom to Legal Scholar*, we created a list of alumni who we were able to identify as being on faculty at law schools across the nation. Since the magazine's publication, we have learned of more law alumni faculty! We created a page on our website to reflect this growing list and encourage you to submit others who have yet to be identified. You can submit those names via our alumni email address, uklawalumni@uky.edu. We would love to hear from you!

Best wishes for a pleasant upcoming holiday season and New Year.

David A. Brennen
Dean and Professor of Law

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Keep in touch!

Alumni Updates
Christina Briggs

uklawalumni@uky.edu

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Richard Ausness' work is discussed in the article, *Note: Two Tests Unite to Resolve the Tension Between the First Amendment and the Right of Publicity*, 89 FORDHAM L. REV. 907.

Scott Bauries' work on an amicus brief was highlighted on the Workplace Prof Blog on Sept. 24, 2014 entitled, *Bauries, Sutherland, and Legare Amicus in Eleventh Circuit Teacher Evaluation Case*.

Jennifer Bird-Pollan presented "Utilitarianism and Wealth Transfer Taxation" on Nov. 15, 2014 at the National Tax Association Conference in Santa Fe, NM and again on Nov. 17, 2014 at the Tax Policy Colloquium at Loyola L.A. Law School.

Carolyn Bratt was quoted in a Nov. 7, 2014 article from the *Lexington Herald-Leader*, "U.S. Supreme Court Expected to Accept Appeal of Kentucky's Same-sex Marriage Case." She was also quoted in a *Herald-Leader* article from Nov. 10, "Supreme Court Should Consider Ky. Same-sex Marriage Case Without Delay."

David A. Brennen co-authored, *The Tax Law of Charities and Other Exempt Organizations*, 3rd edition (LexisNexis, 2014).

Allison Connelly was mentioned twice in articles in the *Lexington Herald-Leader* for her role as chairwoman of the Lexington-Fayette Urban County Government Ethics Commission.

Jim Donovan's article that he co-authored on Open Access Scholarship was featured on the Tax Prof Blog on Friday, Oct. 17.

Josh Douglas authored and co-authored several op-eds: *Elections 2014: The Vote You Save May Be Your Own*, N.Y. TIMES Nov. 4, 2014 (with Edward B. Foley); *UK Law Students Offer Free, Quick Analysis on Election-Law Issues*, LEXINGTON HERALD-LEADER, Nov. 4, 2014; *State Courts May Be the Next Frontier for Protecting the Right to Vote*, LONDON SCHOOL OF ECONOMICS USAPP, Nov. 3, 2014 (with Christopher K. Stewart); *The Constitutional Right to a Secret Ballot*, LOUISVILLE COURIER-JOURNAL, Oct. 15, 2014; *The Supreme Court's Last-Minute Voter Rulings Should Be About Access*, TALKING POINTS MEMO, Oct. 10, 2014; *What is a "Burden" on Voters? Reflections on Ohio's Early Voting Litigation*, KENTUCKY LAW JOURNAL ONLINE, Sept. 28, 2014. Douglas was quoted by various media outlets including CNN, *Washington Examiner*, *WUKY*, *Kentucky Kernel*, *Bloomberg BNA U.S. Law Week*, and the *Arkansas Times*. He gave a presentation, "A Checklist Manifesto for Election Day," at the Florida International University College of Law in Sept. 2014.

Bryan Frye's article was published in the OREGON LAW REVIEW, *Solving Charity Failures*, 93 OR. L. REV. 155 and he was quoted in an article from Washington Internet Daily, *Federal Circuit Ruling Seen Influencing Supreme Court's Decision to Hear 'Google v. Oracle'*.

Alvin Goldman's work is discussed in the article *Global Justice Through Global Organizing: How Lessons from our Labor Past Can Turn Rhetoric into Reality*, 18 LEWIS & CLARK L. REV. 767.

Jane Grisé organized a discussion group for the 2015 SEALS Conference on the topic: "Techniques for Teaching Critical Reading in any Law School Course."

Nicole Huberfeld published *Medicaid Expansion as Completion of the Great Society*, 2014 U. ILL. L. REV. SLIP OPINIONS 1 (with J. Roberts), and *Medicaid At 50: From Exclusion To Expansion To Universality*, HEALTH AFFAIRS BLOG (Nov. 14, 2014). She was a panelist at The Law of Medicare and Medicaid at 50, *The Universality of Medicaid*, Yale Law School, Nov. 2014; presenter, *Healthcare As a Vehicle for Constitutional Change: The Supreme Court, Conditional Spending & Medicaid*, Constitutionally Speaking, University of New Hampshire College of Law, Nov. 2014; panelist, *Medicaid Post-ACA: From Welfare to Universality*, at Scalpel to Gavel: Exploring The Modern State of Health Law, University of Toledo College of Law; invited commentator/mentor, Health Law Scholars Workshop (co-hosted by American Society of Law, Medicine & Ethics and St. Louis University Law School), Sept. 2014.

Diane Kraft's article "CREAC in the Real World" has been accepted for publication in the CLEVELAND STATE LAW REVIEW, and her article "Helping International Students Avoid the Plagiarism Minefield: Suggestions from a Second Language Teacher and Writer" has been accepted for publication in *Perspectives: Teaching Legal Research & Writing*.

Bob Lawson was quoted in the WFPL.org article from Nov. 7, *Kentucky's Prison Expenses Boom as Inmate Populations Surge*; quoted in the *Courier-Journal* in an Oct. 18 article, *District judge quits 'Deadbeat' reality show*; and also quoted in an Oct. 10 WDRB.com article, *Bullitt County "Debtor's Prison" Raises Constitutional Questions*.

Cortney Lollar wrote an article, *What Is Criminal Restitution?*, 100 IOWA L. REV. 93.

Karen A. Nuckolls presented on her sabbatical study at a meeting of the Collections and Technical Services Division of the University of Kentucky Libraries. Her topic was "Library of Congress Subject Headings, FAST Headings, Apps: Diversity Can Be Problematic in the 21st Century."

Paul Salamanca was quoted in the *Louisville Courier-Journal* article, *Beshear Appears to have Power to Name Lt. Gov.*

Collin Schueler's article, *A Framework for Judicial Review and Remand in Immigration Law*, was at one point the fifth most downloaded paper according to SSRN.

Bob Schwemm was quoted in an article in ProPublica Investigative Reporting, *How the Supreme Court Could Scuttle Critical Fair Housing Rule from Oct. 2* and was quoted in an American Planning Association news release from Nov. 18, *Supreme Court poised to scuttle fair housing law*. His work is cited in the article *The Untapped Potential of the Fair Housing Act in Addressing Aggressive Enforcement of "Walking While Black or Brown,"* 17 U. PA. J. L. & SOC. CHANGE 383.

Upcoming CLE Opportunities

3rd Biennial Collection Law Conference
UK College of Law
March 5, 2015

15th Biennial Business Associations Law Institute
Campbell House Crowne Plaza, Lexington, Kentucky
March 26 & 27, 2015

William E. Davis (1972) delivered “20 Years in the Making: Principals and Practical Strategies for Justice Sector Reform” at U.S. Agency for International Development on September 17, 2014.



John T. McGarvey (1973) was selected by his peers for inclusion in the 21st Edition of Best Lawyers in America® in the fields of Banking and Finance Law and Litigation – Banking and Finance.

C. David Morrison (1981) celebrates 28 years at Steptoe & Johnson PLLC in Bridgeport, West Virginia. He was recently inducted as a Fellow into the College of Labor and Employment Lawyers. He is the former President of the Energy & Mineral Law Foundation, which is headquartered in Lexington.

John G. McNeill (1982) received the Upholding the Torch of Excellence Award at the 24th Annual Lyman T. Johnson Awards Celebration on October 24, 2014 as part of the University of Kentucky Homecoming festivities. The Lyman T. Johnson Award goes to an “African-American alumnus, faculty or staff person whose faith, hard work, and determination has positively impacted the lives of people on the UK Campus, the city, state or nation.” The College of Law nominated McNeill for the Torch of Excellence Award for numerous reasons including his involvement with young people in the community, more than thirty-one years of experience as a trial attorney in the Commonwealth, and many contributions of his time and energy to the College of Law and broader legal community.



Scott White (1986) has been awarded the 2014 Robert F. Houlihan Memorial Award. The Kentucky Lawyer Assistance Program (KYLAP) established the Robert F. Houlihan Memorial Award, which is given annually to the outstanding KYLAP Volunteer. The award reflects Mr. Houlihan's years of service to the lawyers of the Commonwealth, and is presented annually to the attorney who best exemplifies that ideal.

Yvette Hourigan (1988) received the Dave Nee Foundation's national David S. Stoner Uncommon Counselor Award on October 11, 2014, for her efforts educating the legal community in combatting depression and suicide through her work as director of the Kentucky Lawyer Assistance Program (KYLAP).



Amy Sullivan Cahill (1994 - Left) and **Mandy Wilson Decker (2002 - Right)** were included in *Managing Intellectual Property* magazine's second edition of “Top 250 Women in IP.” Cahill and Decker were the only IP women attorneys honored from Kentucky.



Honorable Brian C. Edwards (1996), Jefferson Circuit Court Judge in Louisville, Kentucky, was awarded the Henry V. Pennington Trial Judge of the Year award by the Kentucky Justice Association. Judge Edwards presides over felony criminal trials, civil trials and Jefferson County's Drug Court. He has served as a Circuit Court Judge since 2009.

Heather (Whitney) Culp (1997) has joined Essex Richards, P.A., in Charlotte, North Carolina. Her practice focuses on bankruptcy, debtor/creditor relations, and business litigation. She is also serving a second term as Secretary of the Mecklenburg County Bar.



Melissa Moore Murphy (1998) has joined the Lexington Fayette Urban County Government as an attorney senior. She will work primarily with the Department of Social Services and Community Development.



Alan Donohue (2001) was elected in early October as the U.S. representative to the International Code of Conduct Association (ICoC). The purpose of the ICoC Association is to promote, govern and oversee implementation of the International Code of Conduct for Private Security Service Providers and to promote the responsible provision of security services and respect for human rights and national and international law in accordance with the Code of Conduct.



Lee Weatherly (2003) has joined the Claims and Litigation Management (CLM) Alliance. CLM is an alliance of insurance companies, corporations, corporate counsel, litigation and risk managers, claims professionals and attorneys.

Melinda Sunderland (2003) was selected by Business First of Louisville as a “Forty Under 40” honoree, an achievement that recognizes people under the age of 40 who are leaders in the business community in addition to their strong civic engagement. Nearly 500 young professionals were nominated for the honor this year.



Jennifer Barber (2008 - Left) was appointed in October 2014 by Governor Steve Beshear to the Kentucky State Fair Board.

Tiffany Williams (2009) was promoted to Director of Admissions and Diversity Services at George Mason University School of Law in October 2014.



Max Bridges (2014 - Right) joined Wyatt, Tarrant & Combs, LLP as part of their Natural Resources and Environmental Service Team.



The following College of Law graduates were named “Local Stars” in Kentucky by Benchmark Litigation 2015:

Perry Bentley (1984) in the area of Insurance Litigation; **Steven Loy (1994)** in the areas of Antitrust, Construction, General Commercial, Real Estate, and Securities Litigation; **David Royse (1998)** in the areas of General Commercial, Real Estate, Equine, Banking and Lender Liability, and Personal Injury Litigation; and **Walter Sales (1973)** in the areas of Appellate and General Commercial Litigation.

Career Development

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.