

*Law Notes Online*  
*October 2013*

Talk to us!

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## A Conversation with Justice Elena Kagan

The University of Kentucky College of Law is pleased to announce Justice Elena Kagan as the fall 2013 Roy R. and Virginia F. Ray Distinguished Lecturer. Justice Kagan visited the College of Law on September 19, 2013.

Justice Kagan's day at the College began with a welcome reception hosted by the Women's Law Caucus and a lunch with the faculty. She then served as guest lecturer in Professor Paul Salamanca's Federal Courts class, answering a series of student questions.

Later that evening, she joined UK Law Dean David A. Brennan before a sold-out crowd at the University of Kentucky Singletary Center Recital Hall for a conversation about her experiences on the nation's highest court. Kagan spoke about her relationships with the other justices, and how "We disagree, but then we put things aside and come back the next day, fresh," she said.



## UK Law Hosts Mountain Caucus Forum

The College of Law's Appalachian Law Caucus, American Constitution Society, and Kentucky Journal of Equine, Agriculture, and Natural Resources Law (KJEANRL) sponsored a Mountain Caucus Forum on September 19. The seven-member panel included Speaker of the House Greg Stumbo, Senator Robin Webb and State Representatives Leslie Combs, Tim Couch, Tanya Pullin, John Short, and Jimmy Stewart.

The lawmakers discussed important issues and public policy concerns facing the Appalachian region of Kentucky, how those issues impact the rest of the state, and legislation intended to improve them.

## KLJ Securities Law Symposium

The *Kentucky Law Journal* hosted a Securities Law Symposium, **The Securities Act of 1933 at 80: Does it Provide a Fair and Efficient Access to Capital?**, on October 11.

Professor Rutheford B Campbell and Professor James D. Cox (Duke University School of Law) served as moderators. Troy Paredes, former Commissioner at the U.S. Securities Exchange, delivered the keynote address over lunch and joined Associate Dean Douglas Michael and Attorney Thomas E. Rutledge as commentators for the presenters, nationally-recognized academicians in the field of securities law.

# Faculty Notes

**Jennifer Bird-Pollan's** article, "Unseating Privilege: Rawls, Equality of Opportunity, and Wealth Transfer Taxation" was accepted for publication in *Wayne Law Review*. She presented "Death, Taxes, and Property (Rights?): Nozick, Libertarianism and the Estate Tax" at the University of Florida as part of their Tax Policy Colloquium.

**Scott Bauries** completed two symposium pieces. "Procedural Predictability and the Employer as Litigator: The Supreme Court's 2012-2013 Term," for the *Louisville Law Review*, and "The Precariousness of Academic Tenure," for the *Mississippi Law Journal*. He presented the latter at the 8th Annual Labor and Employment Colloquium at the University of Nevada, Las Vegas.

**Mary Davis** was invited to become one of the inaugural Academic Fellows of the Roscoe Pound Institute of Civil Justice, a national legal "think tank" dedicated to ensuring access to justice.

**Josh Douglas** published "To HAVA, and Beyond!" in the *Election Law Journal*. He is the program chair for this year's AALS Section on Legislation and Law and the Political Process. He spoke at the University of Kentucky's Constitution Day event on the constitutional right to vote.

In September, **Brian Frye** presented the theatrical opening of *Our Nixon* at the Roxie Theater in San Francisco, at the Wexner Center in Columbus, Ohio, and at the Camden International Film Festival. He presented a paper titled "Collective Amnesia: Nixon & the Historiography of the Presidency" to the faculty of Saint Louis University College of Law.

**Kristin Hazelwood's** article, "Technology and Client Communications: Preparing Law Students and New Lawyers to Make Choices that Comply with the Ethical Duties of Confidentiality, Competence, and Communication," has been accepted for publication in the *Mississippi Law Journal*.

**Melissa Henke** was appointed to the Leadership and Development Committee of the Association of Legal Writing Directors.

**Nicole Huberfeld's** article, "With Liberty and Access for Some: The ACA's Disconnect for Women's Health," was published in July in the *Fordham Urban Law Journal*. She presented at the Health Law Professors Conference and the Southeastern Association of Law Schools Annual Conference.

**Kathy Moore** will be inducted as a Fellow of the American College of Employee Benefits Counsel in November, at the Counsel's Annual Meeting.

**Robert Schwemm** has written a chapter, "The Limits of Litigation in Fulfilling the Fair Housing Act's Promise of Nondiscriminatory Home Loans," in the forthcoming book, *From Foreclosure to Fair Lending: Advocacy, Organizing, Occupy, and the Pursuit of Equitable Credit* (New Village Press, 2013).

**Sarah Welling's** article, "Reviving the Federal Crime of Gratuities," was published in the *Arizona Law Review* in June. In August, she was quoted in the *New York Times* on whether Elliot Spitzer's prostitution activities also constituted the crime of money laundering (they did not).

## Upcoming UK CLE EVENTS

NOVEMBER 7 & 8, 2013

**Kentucky Health Law Institute**  
UK College of Law

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

APRIL 30 AND MAY 1, 2014

**29th Annual National Conference on Equine Law**  
Keeneland Racecourse, Lexington, KY

*More at [www.ukcle.com](http://www.ukcle.com)*

## 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](http://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 the phone number below.

We look forward to hearing from you. Please contact the Career Development office at 859-257-8959 if you have questions or if we can be of assistance.



# Alumni Notes



**Steven Richardson** (2006) has accepted a position as a reference librarian and assistant professor of law with Indiana Tech Law School in Fort Wayne, In. He is a 2012 alumnus of the UK School of Library and Information Science and a 2003 alumnus of the College of Arts and Sciences.

**Mary Beth Stevenson** (2005) has joined Strauss Troy in Cincinnati. She focuses her work on real estate closings, title insurance, escrow services, title insurance defense, contract negotiations and general litigation. She has extensive experience in designing, developing and implementing strategic plans for commercial, residential and REO transactions throughout the region.



**Heather Pack Howell** (2003) has joined Fogle Keller Purdy as director of the Wills, Trusts and Probate Group. Howell's practice will focus on estate planning, probate and estate litigation. Howell also practices in the areas of insurance defense and civil litigation. Prior to joining Fogle Keller Purdy, Howell practiced at Walter and Associates (formerly Todd & Walter) for ten years.

**Allison E. Jones** (2000) has been appointed to the Kentucky Court of Appeals by Governor Steve Beshear. She replaces Justice Michelle M. Keller, who was appointed to the state Supreme Court in April. Jones, who was sworn in July 12, had been serving as an administrative law judge, presiding over workers' compensation claims. She will serve the 6th Appellate District, Division 1, which covers 21 counties in Northern Kentucky.

**Amy D. Cubbage** (1997), of counsel at McBrayer, McGinnis, Leslie & Kirkland, began her term of service among the Kentucky Bar Association's board of governors on July 1. She practices litigation in the areas of complex tort and commercial litigation, including class actions, toxic torts and mass torts. She also litigates and counsels clients in the area of general constitutional and governmental law.

In July, **Chris Ehrman** (1993) was appointed the new director of the Whistleblower Office at the Commodity Futures Trading Commission in Washington, DC.

**Douglas McSwain** (1983), a partner at Wyatt, Tarrant & Combs, was honored for 27 years of service as founder and longstanding Chair of Kentucky's Joint Local Rules Commission. McSwain stepped down earlier this year and was honored in a ceremony at the U.S. federal courthouse in Louisville, receiving an Outstanding Service Award from current Chief Judges Karen Caldwell and Joseph McKinley of the Eastern and Western Districts. McSwain will be succeeded by Brian Haara of Louisville.

**Ray Stewart** (1978) has joined the Management Committee at Thompson Coburn in Washington, D.C. Stewart's practice focuses on corporate and securities, government contracts and tax issues. He has nearly 30 years of experience in providing legal advice on capital formation, mergers and acquisitions, and other types of transactions, with a particular emphasis on the services, technology, manufacturing, franchising and government contracting industries.



**David Porter** (1972) was elected chair of Western Kentucky University's Board of Regents. Porter has been a member of WKU's Board of Regents since he was appointed by Governor Steve Beshear in 2008. He is an attorney at Stites & Harbison where he is chair of the firm's

Trust and Estate Planning Service Group and is an adjunct member of the Business & Finance Service Group.

**William T. "Bill" Robinson III** (1971) of the regional law firm Frost Brown Todd, and immediate past president of the American Bar Association, received the National Center for State Courts' Distinguished Service Award, one of the organization's highest awards. The Distinguished Service Award is presented annually "to those who have made significant contributions to the justice system and who have supported the mission of NCSC."



**Jerry J. Cox** (1968), of Mount Vernon, Ky., was sworn in on Saturday, July 27, as president of the National Association of Criminal Defense Lawyers (NACDL) at its 56th Annual Meeting in San Francisco, California. Mr. Cox has previously served the Association as its president-elect, first- and second vice-president, treasurer, secretary, and parliamentarian, as well as on the Association's Board of Directors.