

Spyware and Your Computer

Yet another irritant/invasion/security breach for on-line systems is spyware. Spyware is the pejorative label for advertiser/marketer software that sends information on your computer and computer use to some third party over the wire. It spies both by its surveillance of your computer use and by its generally covert nature: most folks aren't aware it's there snooping. It is, at the least, a privacy breach and, at the worst, a security threat that may open your computer to greater compromise.



Michael Losavio

Spyware is usually installed as a component of some other software you meant to install, such as an audio player or file sharing program. Usually buried in the clickwrap End User License Agreement (EULA) you clicked "I Agree" to, so installation would proceed, is language to the effect that you agree to monitoring of your activity, files, computer use, etc...and dissemination of that information in various ways. If you question the chilling enforceability of such clickwrap agreements, the 7th Circuit's opinion in *Pro CD v. Zeidenberg* is informative reading.

Spyware (or adware) may only monitor computer activity for general consumer data not tied to personal identifiers. But there are few technological limits to how much spyware, once on your computer, might review and report back. Spyware technology is like "backdoor" software used for years to crack and exploit computer systems, e.g. "BackOrifice." Some feel spyware opens its own backdoor vulnerability that crackers can use against your computer. This being the greatest risk of all from this "vulnerability."

And the trend towards the incorporation of spyware into other products will, I feel, grow absent legislative

action. The ability to collect accurate, real-time consumer/user/product information may be too valuable for some to resist. For example, on-line users of XP Microsoft products may receive requests to communicate back with Microsoft for some purpose or another, such as error reporting; the difference is that the Microsoft products, unlike much spyware, ask the user if such communication is desired.

There are various ways to see if spyware is running on your system, although some of these, like the Task Manager or process list, may be confusing. Even if you find spyware, you may not be able to get rid of it; some of these programs seem to embed themselves in ways that make removal difficult or potentially damaging to other software.

One of the most effective ways to both detect and remove spyware from Microsoft Windows 98/2000/XP systems is the free on-line program, Ad-aware, from Lavasoft Sweden. Ad-aware says it's a detection and removal utility:

that will comprehensively scan your memory, registry, hard, removable and optical drives for known Datamining, aggressive advertising, Parasites, Scumware, Keyloggers, selected traditional Trojans, Dialers, Malware, Browser hijackers, and tracking components. (Ad-aware 6.0 User's Manual)

Ad-aware acts like an anti-virus program, using a signature file to search and identify known spyware programs by their computer code. As with anti-virus programs, you activate Ad-aware to scan files, folders, the system registry and running programs (processes) and compare items found to the signature file of

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spyware. And, like anti-virus programs, Ad-aware can then delete the spyware and end its surveillance.

I ran Ad-aware against my children's computer. It found 10 purported programs it then enabled me to remove from my system, including several modules of a program often used to support spyware services in downloaded products. It was quick and easy; some of these programs had shown up in firewall alerts but I had otherwise been unable to remove them.

You can evaluate Ad-aware, and possible infestations of your own system, via their web site at <http://www.lavasoftusa.com/>, with a free download of the program. Another free program is Spybot Search and Destroy, at <http://spybot.safer-networking.de>. You might be surprised what you'll find. If not, then you'll have a tool for the future. Remember that, like anti-virus

software, anti-spyware must be continually updated as new spyware is released upon the world.

And also remember that with these free programs you are trusting the authors with your system security, a reasonable trust for programs that have been heavily reviewed on-line and off. Under no circumstances should you accept a program, anti-spyware, anti-virus or whatever, that is of uncertain provenance; such offers are yet another "social engineering" trick to install potential destructive software on your computer.

More information on spyware/malware and anti-spyware programs is available at www.spywareinfo.com.

You must note that some products tie spyware to the proper operation of the software you wanted to install; you must choose whether you want the main program enough to leave the spyware installed, or delete the spyware and disable that the program

you wanted. But at least a knowing and intelligent choice is yours.

Ad-aware is a trademark or registered trademark of Lavasoft of Sweden. Spybot Search and Destroy is a trademark or registered trademark of PapiMK Software of Germany. Microsoft, MS Windows/98/XP/200 are trademarks or registered trademarks of Microsoft Corp.

Kentucky lawyer Michael Losavio thanks the Speed School students at the University of Louisville, and Alaa Shaheen and the Regional Information Technology Institute (RITI) students in Cairo, Egypt for their useful comments on this subject. The views contained herein are his own.



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Across the Great Divide

Continued from page 16

less likely to call upon the police and courts when a subsequent incident of acute violence occurs. The results are not only frustrating for victims and members of the bar, but can have serious long-term societal effects as well.

Potential Solutions

Kentucky has made a bold move to a system of family courts that has enormous potential to benefit victims of intimate partner violence. This system offers an expanded role for victim advocates and social workers to provide needed support for victims and to assist prosecutors and judges in getting a more complete record of the history of abuse between the couple. Having the time and skills to complete in-depth interviews, they can better assist victims and perpetrators in gaining access to needed resources (including counseling, substance abuse and batterers' treatment), and to better understand and navigate the legal system. They can also make recommendations to the court that have the potential to increase the success of restraining orders and batterers' treatment.

Conclusion

Leaving a violent relationship is a process, not an event. Victims tend to leave violent partners an average of five times over eight years before permanently breaking free of the relationship (Goetting, 1999). Each time they leave, they learn something about themselves, the legal system, the resources they need, and where they can get help. Of course, not all victims are at the same point in the process of leaving. But each time they come into contact with the legal system, law enforcement officers, attor-

neys, and judges have an opportunity to empower victims by communicating to them that they are not alone, that there is help available, and that the courts will work with them to make appropriate decisions for their safety. If success in the courts is defined as empowering victims, rather than measured by whether or not a victim returns to an abusive mate, the sanctions available to the courts are likely to be used differently. Victims need to learn what they need to do to be safe and where they can get the resources they need, and the courts are in a unique position to provide this information. The ultimate goal is to end family violence, whether that entails a batterer learning to be non-violent, a victim making a final escape, or both. The courts have scarce resources to work with, but by using those tools more creatively and effectively, they can be part of the solution.

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ENDNOTES

1. The statements and opinions expressed by the authors do not necessarily represent the views of the management or staff of the Office of the Attorney General.
2. Although there are cases in which women are the batterers and their male partners are the victims, in 92 percent of all domestic violence incidents, crimes are committed by men against women. (Violence Against Women, Bureau of Justice Statistics, U.S. Department of Justice, January, 1994).
3. Generally, Kentucky does not distinguish in its criminal laws between acts committed against family members or intimate partners or strangers or other non-family members. Excep-

tions to this include KRS 508.032.

4. In Kentucky, violation of a protective order, whether issued by a Kentucky court or a court in another jurisdiction, may be charged and prosecuted as a Class A misdemeanor, and a warrantless probably cause arrest is permitted. KRS 403.763, KRS 403.7539, KRS 403.760.
5. KRS 403.735(3) provides for 24 hour access to emergency protective orders. Nonetheless, research is needed to determine the extent to which this law is carried out, particularly in rural areas.
6. The Law Information Network of Kentucky (LINK) provides law enforcement access, twenty-four hours a day, seven days a week, to protective orders issued by Kentucky courts. The court clerk must provide the LINK entering agency with a copy of all protective orders, both Kentucky and foreign, within 24 hours of the filing of the order and the orders must be entered into LINK "immediately" upon receipt by the entering agency. Foreign protective orders, those issued by other states, may also be entered into the LINK system but are not required to be entered. Research is needed to determine the effectiveness of this system.

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- Continued on page 36*

Kentucky Lawyer Assistance Program

C. Houston "Hoot" Ebert
Director

Pleasure, Habit, Necessity

Throughout my undergraduate and law school days, I drank my share of alcohol and perhaps more. It was accepted and even encouraged as a part of the social life at school. It seemed a *pleasure*.

After graduation from law school, I started work as an associate of a mid-sized law firm specializing in representing insurance companies. The firm was successful and I was related to the senior partner who, eventually, after a few years, left the firm and he and I set up a practice together. The majority of clients followed him, and our business was hectic and lucrative.

During these years, I got married, had two children, purchased a big house, purchased new cars, joined various civic organizations, joined the local country club, presided over the local bar association, became a trial lawyer with some success and continued to drink alcohol with increased vigor. I used many excuses for drinking, often to excess. These included "stress," "all trial lawyers drink," "it is the macho thing to do," "other lawyers go to the bar after work," "entertain clients," "meet new clients," "demanding wife," etc., etc., etc. There was always an excuse and someone to blame for the excessive drinking that I did.

My wife became more and more concerned about the amount of time I spent away from home drinking and the amount that I drank. I was spending less and less time with my family. She implored me to seek help, but to no avail. I did not realize it at the time, but drinking had become a *habit* and was more important to me than my family. She packed up our children, left the house and divorced me. Now I had a "real" excuse to drink.

The partner with whom I had been practicing law retired and left me with the entire caseload, which was still substantial and successful. Within three years, because of my insistence on my right and *necessity* to drink alcohol to excess, the firm lost the majority of its' clients and I was left with the occasional simple divorce case, district court criminal cases and other rather minor matters. I took a full time job with the state to make ends meet.

I was constantly restless, irritable, discontented, lonely, fearful and confused. I was in total denial about my drinking, knowing that alcohol was my only escape from my feelings. Alcohol and cocaine ceased to be luxuries; they became necessities. I was a liar, cheat and thief. I was

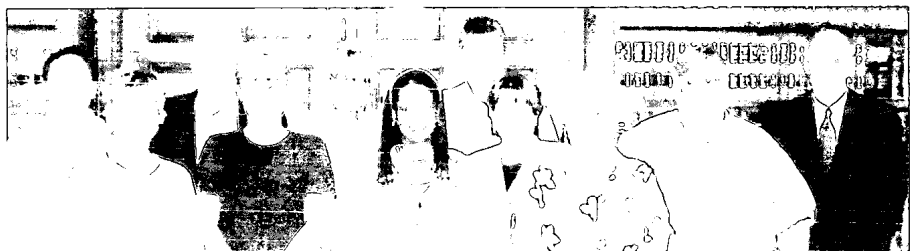
an example of self-will run riot and continued to be in denial. It was not long until I had reached a state of incomprehensible demoralization, because I was sick and tired of being sick and tired and reached out for help.

I went into a 28-day in-patient treatment facility and after completion of my stay started into a recovery program with the help of members of the Lawyers Helping Lawyers (LHL) committee of the Kentucky Bar Association. LHL was the precursor to the Kentucky Lawyer Assistance Program (KYLAP). The LHL members were instrumental in my building a strong foundation in recovery and I have experienced over 17 years of continuous sobriety. I have a wonderful relationship with my children, enjoy my daily activities and have found a new freedom and a new happiness.

I had to go all the way down before I could ask for help. Others do not have to go that far. If you or a fellow lawyer, judge, or law student need assistance or information, please call C. Houston "Hoot" Ebert, director of KYLAP. You may reach him by one of the following:

Director cell phone: 502-545-1801
Director home phone: 502-607-0424
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Quotations

Because law relies so heavily on precedent and *stare decisis*, it often is tempting to string together a collection of quotes to support an argument. This is a lazy method of writing, and is ineffective as a method of persuasion. Follow the following guidelines to help make your use of quotes more persuasive:

1. Minimize Quotations. Readers tend to skip or skim quotes, especially long ones. Legal writing is seldom so eloquent that you cannot say it better in your own words. Moreover, *your* prose is almost always more effective at making *your* point, or at drawing connections between material *you* have presented.

Consequently, with rare exception, I only quote under three circumstances. The first is if the quoted material is particularly poetic or moving – rare in legal writing. The second is if the quoted material is both directly on point and so well-written that it cannot be improved upon – again, a relatively rare confluence in legal writing. The third is when the particular words are critical, as when citing to a legal test.

If you must quote, quote as little as possible. Readers usually skip block quotes, so if you must use a block quote, introduce it with a teaser to try to entice the reader into the quote. Always follow a block quote with a one-sentence summary, so that if your reader skips the quote, she will at least be aware of its content.

Full-sentence quotes present the same problems as block quotes. Instead, quote a phrase and paraphrase the rest. Precede the quoted phrase with a discussion of the relevant law or theory, so the reader has a context for the quoted material.¹ Follow the quoted phrase with a discussion of how the quoted material fits into the argument you are making. Quotes should be part of, not instead of, your explanation.

2. Use Correct Punctuation. Semicolons and colons “go outside ending quotation marks”;² periods and commas “go inside ending quotation marks.”³ Question marks and exclamation points go inside the ending quotation marks only if they are part of the quoted matter, as in *The judge asked, “Do the facts of this case support a finding of ‘clear and present danger’?”*



Rick Bales is an Associate Professor at Chase College of Law.

3. Format Block Quotes. Quotations of more than fifty words should be preceded by an explanatory teaser and a colon. The quoted material should be (1) set off from the previous text by a skipped line, (2) indented on both sides, and (3) single-spaced. It should be followed by a summary sentence. Do not use quotation marks around a block quote. However, if the quoted material itself contains a quote, use double quotation marks within the block quote.

4. Avoid Plagiarism. Whenever facts, language, or ideas⁴ originated somewhere other than in your head, you must acknowledge the source with a proper citation. Failure to do so may constitute an ethical violation,⁵ exposing the attorney to disciplinary sanctions by the Bar.⁶

There are two widely-acknowledged types of plagiarism. The first is the unattributed quotation. Quotation marks must be used whenever you borrow seven or more consecutive words; distinctive wording should be quoted even if fewer than seven words.

The second type of plagiarism is the unattributed paraphrase. When you paraphrase, you express someone else's idea in your own words.⁷ The failure to attribute the idea to its proper source is plagiarism. Never wait until later drafts to add attributive citations; you may forget that the material was borrowed, or you may forget the source from which you borrowed it. Either situation results in plagiarism.

In addition to these two types of plagiarism, I believe there is a third: the unattributed source. This occurs when a writer appropriates the research of an underlying source (such as a treatise or a law review article), but cites only to the cases cited within the underlying source without giving adequate credit to the underlying source itself. I believe this constitutes a third type of plagiarism,⁸ because it holds out as the author's own the research done by the author of the underlying source. Credit should be given where credit is due.

There is never a good excuse for failing to provide an attributive cite for anything borrowed from another source. Citation strengthens prose by indicating breadth of research; plagiarism can damage the writer's reputation or even end the writer's career.

Conclusion

Quotations, like snowstorms, are most appreciated when they occur infrequently. Paraphrasing enables writers to tailor borrowed material to their particular argument, and hence usually is more persuasive.

Paraphrases and borrowed ideas must receive attributive cites in the same way as quoted material.

Footnotes

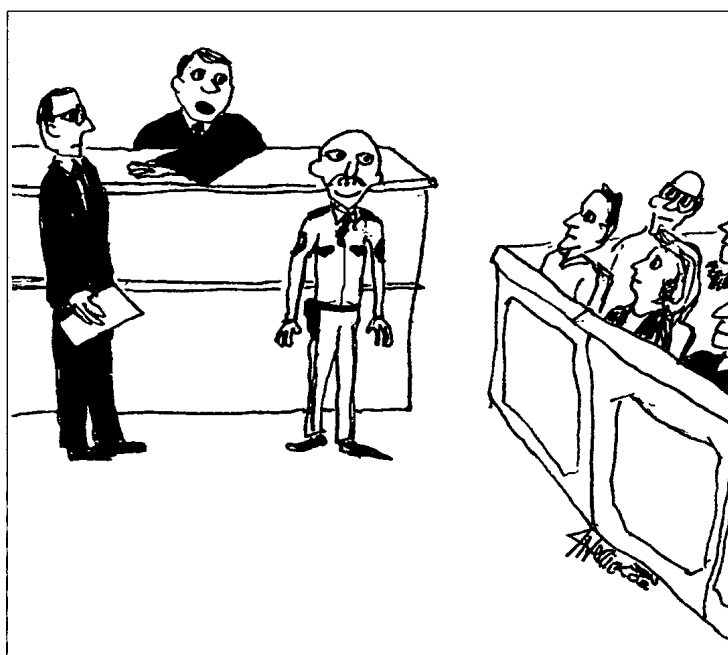
1. TERRI LECLERCQ, *EXPERT LEGAL WRITING* 37 (2000).
2. BRYAN A. GARNER, *THE REDBOOK: A MANUAL ON LEGAL STYLE* 20 (2002). The material quoted in the text is paraphrased; I added the quotes for illustrative purposes only.
3. *Id.*
4. ELIZABETH FAJANS & MARY R. FALK, *SCHOLARLY WRITING FOR LAW STUDENTS* 110 (2d ed. 2000).
5. ABA MODEL CODE OF PROFESSIONAL RESPONSIBILITY DR 1-102 (A) (4) (1981) (prohibiting attorneys from engaging "in conduct involving dishonesty, fraud, deceit or misrepresentation").
6. See Iowa Supreme Court Board

of Ethics & Conduct v. Lane, 642 N.W.2d 296 (Iowa 2002) (suspending an attorney's license for six months because the attorney plagiarized eighteen pages of a brief from a treatise and requested attorney's fees for his "work").

7. Sandy Olken, *Verbatim*, *STUDENT LAWYER* 48, 49 (March 1991).
8. An example is the *Lane* case cited above. When the judge became suspicious that the attorney had plagiarized a brief, the judge ordered the attorney to identify his sources. The attorney "buried" the source of his plagiarism within a list of 200 other sources. The Iowa Supreme Court found that, although this constituted "technical compliance" with the court order, it also indicated the attorney's "continued lack of candor" and "intent to deceive." *Lane*, 642 N.W.2d at 300.

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BY JIM HERRICK



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25 Annual Fall Estate Planning
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26 Appellate Brown Bag
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26 Criminal Law Seminar
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Dates & Locations

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Across the Great Divide

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The Kentucky Bar News

New Chair Elected to State Ethics Committee for Judges

Circuit Judge James L. Bowling of Pineville has been elected chair of Kentucky's Judicial Ethics Committee, announced Chief Justice Joseph E. Lambert. This is the first time in more than 20 years that the chair has changed hands on the state's ethics committee for judges. Bowling, who was elected chair by the Judicial Ethics Committee, replaces the late Bill Westberry, a Paducah attorney who served as chair from 1978 until his death in April 2002.

Judge Bowling currently serves as a circuit judge for Bell County. He earned a bachelor's degree from Western Kentucky University and his juris doctorate from the Salmon P. Chase College of Law. He was a solo law practitioner until his appointment to the District Court bench in 1984. He joined the Judicial Ethics Committee in 1997.

"Judge Bowling is truly one of Kentucky's outstanding judges," noted Chief Justice Lambert. "He has the respect of his colleagues from across the state and will fill this important role well."

In addition to Judge Bowling, three new members have been selected for the Judicial Ethics Committee in the last two years. The committee is composed of Uhel O.

Barrickman, a Glasgow attorney; Judge Mike W. Harrod, vice chief regional district judge for Anderson, Shelby and Spencer counties; Judge Lewis G. Paisley, who sits on the Kentucky Court of Appeals; and Arnold S. Taylor, a Covington attorney. Taylor replaced the late Bill Westberry in May 2002; Judge Harrod replaced Judge Peter Macdonald, who retired in December 2002; and Judge Paisley replaced Judge Joseph Huddleston, who retired in June 2003. Jean Collier, senior staff attorney with the State Law Library, serves as executive secretary for the committee.

The Judicial Ethics Committee consists of three judges and two attorneys. The judges are elected by their peers from the Court of Appeals, Circuit Court and District Court, and the attorney members are appointed by the Kentucky Bar Association's Board of Governors. The committee serves in an advisory capacity by giving judges and judicial candidates guidance on prospective conduct. The committee responds to inquiries regarding a variety of matters, including permissible campaign conduct, when disqualification from a case is

necessary, and other possible conflicts of interest in financial and personal matters.

The committee issues formal opinions only for matters of statewide importance. Recent published opinions can be found online at



Honorable James L. Bowling will serve in the place of Bill Westberry, who served as Chair of the Judicial Ethics Committee for nearly 24 years.

www.kycourts.net (click on the State Law Library tab under the Administrative Office of the Courts menu item), while opinions going back to 1978 are housed in the Capitol Building in Frankfort.



*Salmon
P. Chase
College of Law*

**Professor Nancy Firak
to Serve As
Associate Dean for Academics**

Chase College of Law is pleased to announce that Professor Nancy Firak will be serving as Associate Dean for Academics for the 2003-2004 academic year, while Professor Sharlene Lassiter is on sabbatical. Professor Firak teaches Torts, Remedies, Products Liability, Professional Responsibility and Conflicts of Laws. She received her Juris Doctor degree from Cleveland-Marshall College of Law and has a Master of Laws degree from Harvard Law School. Dean Firak has been at Chase since 1984.

**Professor Schechter Receives
Scripps-Howard Grant**

Professor Lowell Schechter, in conjunction with the Northern Kentucky Children's Law Center, has been awarded a grant from the Scripps-Howard Foundation for a project that focused on legal and policy issues associated with homeless children. Professor Schechter's success in obtaining this grant will provide an excellent opportunity to actively engage with the community to address issues of local and national importance. Recent Chase graduate Marianne Chevalier will serve as director of this effort. Several Chase students will have clerking opportunities through the program.

continued opposite column



*Louis D. Brandeis
School of Law*

**Pirtle-Washer Finals To Dedicate Lively M. Wilson
Oral Advocacy Program and Charles and Brucie Moore Classroom**

The Pirtle-Washer Moot Court competition is the Brandeis School of Law's most prestigious internal oral advocacy competition. A tradition begun in the 1960s to honor the first deans of the Jefferson School of Law and the University of Louisville School of Law, it is a program of long tradition.

This year's panel judging the final round will be Chief Justice of the Kentucky Supreme Court Joseph E. Lambert, U.S. Magistrate Judge Cleveland Gambill, and U.S. Bankruptcy Court Judge David T. Stosberg. The occasion will not only recognize the winning competitors, but will announce and dedicate the Lively M. Wilson Oral Advocacy Program and the Charles and Brucie Moore Classroom.

The Lively M. Wilson Oral Advocacy program provides programmatic support for the oral advocacy competitions, both intramural and extramural, in which Brandeis students participate. Lively Wilson is an admired and respected member of the legal profession who has made a major impact on the judicial system in Southern Indiana and Kentucky. A native of Kentucky, he received his B.A. from Western Kentucky University and his LL.B. from Harvard Law School. Lively Wilson has been an example and mentor to an entire generation of lawyers in the region. He is a member of the firm of Stites & Harbison. He currently serves as the President of the Foundation of the American College of Trial Lawyers, Inc. In 1996, he was named Outstanding Lawyer of Kentucky by the Kentucky Bar Association. He was a founder and president of the Louis D. Brandeis American Inn of Court in 1996 and remains a member of the Inn.

As a tribute to his example and guidance, Ed Stopher (of Boehl Stopher & Graves) and several members of the Stites & Harbison firm (through the leadership of T. Kennedy Helm III, have provided support to create the Lively M. Wilson Oral Advocacy Program. The funding allowed for renovation of the student moot court office and an endowment to fund competitions and other activities within the oral advocacy program.

The occasion will also dedicate the Charles and Brucie Moore classroom. Charles Moore is a 1973 graduate of the Brandeis School of Law and funded the first classroom as part of the law school's building enhancement campaign. A highly regarded and successful attorney from Owensboro, specializing in civil litigation, Charles Moore has served in a number of leadership positions in the Kentucky Bar and in national organizations. He made the gift because "the Brandeis School of Law provided me a sound foundation to practice an extraordinarily rewarding profession." Charles Moore will be honored at the Harlan Dinner on October 17 as a Distinguished Law School Alum.

The final competition and dedication event will take place on Friday, October 10, from 2-4:30 pm in the Allen Courtroom and the classroom wing of the Brandeis School of Law. Guests are welcomed and encouraged to attend. For more information, contact Becky Wimberg at 502-852-6879 or email her at b.wimberg@louisville.edu.



As the summer draws to a close, the Commonwealth's three law schools are engaged in an innovative new cooperative venture, the Kentucky Legal Education Opportunities program. The KLEO program is designed to increase diversity within the Kentucky bar, and to provide Kentucky law students from traditionally educationally deprived communities with opportunities in the law.

The KLEO program is the result of the vision of Chief Justice Lambert and the enthusiastic cooperation of the Commonwealth's three law schools. Each school selects five individuals from its incoming class to participate in KLEO. These participants receive scholarships predicated on their academic achievement. An equally important part of the program, instituted this year, is an educational component.

The educational component of the KLEO program is both innovative and intense. The fifteen students from the three law schools meet together for a nine-day period of orientation, instruction and discussion. The pilot educational program is being held at the University of Kentucky College of Law. The educational program includes traditional classroom instruction in select first-year courses, this year criminal law and contracts. The participants learn how to brief cases, they are exposed to the rudiments of legal analysis, and they are introduced to the rather unique law school classroom experience. I had the opportunity to sit in on a criminal law demonstration class. The fifteen students were well-prepared and eager to participate. They evidenced impressive analytical skills.

The educational component also includes discussions of topics beyond the areas of classroom discussion. Speakers meet with the students to discuss the challenges of law school, from the need to maintain outside involvements to give the students a sense of balance with their studies, to strategies to cope with the conflicting demands of law school studies and family. Outside speakers meet with the students to discuss other matters of importance. For example, Hoot Ebert of the Kentucky Lawyer Assistance Project is meeting with the students to discuss the all too common problems faced by students in the areas of substance abuse. The participants also benefit from the presence of three upperclass student mentors, one from each of the law schools, who give the incoming students an additional perspective on how to succeed at law school.

One of the most innovative parts of the educational program takes place toward the end of the nine-day session, when each KLEO participant is paired with a local practitioner or judge to accompany the mentor through their work day. In this way we begin to get the students thinking about the various paths their legal careers might take, and we reinforce the support for the program and its goals within the local bench and bar. We are tremendously grateful to the local lawyers and judges who answered the request of Chief Justice Lambert to help in this valuable way.

The program at UK was organized by our own Professor Allison Connelly. Her creativity and hard work are much appreciated. The inaugural educational program she created will set a very high bar for future KLEO programs.

Chase, Continued

Additional Nunn Hall Renovations Completed

Additional Renovations to Nunn Hall have been completed recently. A wireless network has been installed for the first four floors of Nunn Hall. This project was designed do provide students maximum flexibility for electronic access to legal materials throughout Nunn Hall. The Bauer Boardroom and the reception area for the student services offices on the fifth floor have been renovated and enlarged. Flooring in the common areas and classrooms has been replaced and upgraded.

Expanded Chase College of Law Alumni Web Site Helps Graduates Stay Connected

The Chase College of Law Alumni Web Site has been expanded to help Chase graduates stay connected with the College of Law. Alumni may use the web site to update personal information, submit class notes for the newsletter, review past issues of the alumni newsletter, get information about the Alumni Board of Governors, or make a donation. Coming soon will be a section with information on Alumni Chapters for specific geographic areas. Access the site at www.nku.edu/~chase.

Before You Move...



Over 13,500 attorneys are licensed to practice in Kentucky, and it is vitally important that you keep the KBA informed of your correct mailing address.*

Pursuant to rule SCR 3.175, all KBA members must maintain "a current address at which he or she may be communicated with by mail."

If you move, you *must* notify the Executive Director of the KBA **within 30 days**.

Send address changes to:
**Kentucky Bar
Association
Executive Director
514 W. Main St.
Frankfort, KY
40601-1883**

* Announcements sent to the *Bench & Bar's Who, What, When & Where* column do not constitute a formal address change with the KBA.

SUMMARY OF MINUTES KBA BOARD OF GOVERNORS MEETING MAY 16-17, 2003

The Board of Governors met on May 16-17, 2003. Officers and Bar Governors in attendance were *President* S. Catron, *President-Elect* J. Stevenson, *Immediate Past President* B. Storm, *House of Delegates Chair* F. Cook, *House of Delegates Chair-Elect* L. York, and *Young Lawyers Section Chair* M. Cox. Also present were *Bar Governors 1st District* C. Woodall, M. Whitlow; *2nd District* – C. English, Jr.; *3rd District* – J. Dyche, R. Madden; *4th District* – J. White, M. O'Connell; *6th District* – B. Bonar, M. Grubbs and *7th District* – D. Combs, J. Rosenberg. Absent were: *Vice President* K. Westberry, *2nd District* – C. Moore and *5th District* – S. Kinkead, Jr. and D. McSwain.

In Executive Session, the Board considered seven (7) defaults cases, involving three attorneys and one (1) restoration case. Robert Coleman of Paducah, John R. Crockett of Louisville, Sheila Mann of Frankfort, and Roger Rolfes of Florence, non-lawyer members serving on the Board pursuant to SCR 3.375 participated in the deliberations.

In Regular Session, the Board of Governors conducted the following business:

- Approved the appointment of Joseph L. White as Chair of the KYLAP Commission and, in addition to Mr. White, approved the appointment of the entire membership of the KYLAP Commission which is as follows: Michael J. O'Connell, Terry Earle, Christopher Rhoads, Mildred Gail Wilson, Kelly Ranvier, Carol Paisley, Cathy M. Jackson, Virginia Baird Gannon, Michael Cox, Pete Gullett, John Walsh, Joni Furlong, Mary Lou Maloney and Mac Bell.
- Approved the reappointment of Larry F. Sword of Somerset to the IOLTA Board of Trustees for another three (3) year term ending June 30, 2006, subject to approval by the Supreme Court.
- Approved the reappointment of Donald L. Stepner of Covington as one of the three KBA representatives to the ABA House of Delegates. The new term of Mr. Stepner will end at the end of the 2005 Annual ABA Meeting.
- Approved the reappointment of Mark Howard of Edgewood and Paula Hansen of Lexington as Trustees of the Clients' Security Fund for respective three (3) year terms ending June 30, 2006.
- Heard a report from Executive Director Bruce Davis regarding the WING II Construction project.
- Heard status reports from the Client Assistance Program, Kentucky Lawyer Assistance Program (KYLAP), Office of Bar Counsel and Rules Committee.
- Heard a report from Fifth Third Bank regarding the KBA's investment management program.
- Heard a report from Michael J. Cox, Chair of the Young Lawyers Section, on activities of the section. Mr. Cox reported that during the KBA 2003 Annual Convention there will be a full day of programming for young lawyers.

- Approved the Donated Legal Services Committee entering into a contract with the Access to Justice Foundation to prepare a communications plan.
- Heard a status report on the new KBA Website from Director for CLE Jan Clark. Ms. Clark reported that the website would be up and running by Friday, May 24, 2003.
- Heard a report from representatives of the Ohio State Bar regarding the CASEMAKER Program. This program offers approximately 75% of one's daily research needs at a cost of approximately 5 cents a day. It also allows the small firms and solo practitioners to compete with the larger firms.

SUMMARY OF MINUTES KBA BOARD OF GOVERNORS MEETING JUNE 10, 2003

The Board of Governors met on June 10, 2003. Officers in attendance were *President S. Catron, President-Elect J. Stevenson, Vice President K. Westberry, Immediate Past President B. Storm, House of Delegates Chair F. Cook, House of Delegates Chair-Elect L. York, and Young Lawyers Section Chair M. Cox.* Bar Governors in attendance were: *1st District C. Woodall, M. Whitlow; 2nd District – C. English, Jr.; C. Moore, 3rd District – J. Dyche, R. Madden; 4th District – J. White, M. O'Connell; 5th District D. McSwain; 6th District – B. Bonar, M. Grubbs; and 7th District – D. Combs, J. Rosenberg.* Absent: *5th District – S. Kinkead, Jr.*

New Officers and Bar Governors taking office on July 1, 2003, in attendance were: *Vice President-Elect David B. Sloan and Young Lawyers Section Chair-Elect Sheila P. Hiestand.*

In Regular Session, the Board of Governors conducted the following business:

- Approved the reappointments and appointments to the Kentucky Bar Foundation (KBF) for three (3) year terms ending on June 30, 2006, as follows: *2nd Supreme Court District John C. Rogers of Glasgow, 3rd Supreme Court District – Winter R. Huff of Somerset and Kathryn G. Wood of Somerset, 4th Supreme Court District – K. Gregory Haynes of Louisville, 5th Supreme Court District – William M. Arvin, Sr. of Nicholasville and Robert C. Moore of Frankfort, 6th Supreme Court District - Stephen D. Wolnitzek of Covington.*
- Approved honorary memberships for 71 KBA members who have reached age 75 or have been admitted to the practice of law for 50 years during the period beginning July 1, 2002 and ending December 31, 2003.
- Heard a report from Richard Bellies, based upon his request to appear before the board, concerning his views on judicial campaign finance.
- Appointed a committee to further investigate the CASEMAKER program presented by the Ohio State Bar Association at the May Board Meeting.
- Heard status reports from the Attorneys' Advertising Commission, Client's Assistance Program and Joint Study Committee on Judicial Concerns.

To KBA Members



Do you have a matter
to discuss
with the KBA's Board
of Governors?

Board meetings are
scheduled on
November 14-15, 2003
and
January 16-17, 2004

To schedule a time on
the Board's agenda
at one of these
meetings, please
contact
Bruce Davis or Melissa
Blackwell
at (502) 564-3795.

ON THE LOGAL SCENE



Women Lawyers Association to Host Annual Dinner

The Women Lawyers Association (WLA) of Jefferson County will hold its annual installation and awards dinner on Tuesday, November 18, 2003.

The event will start at 6:30 p.m. at the Seelbach Hilton Hotel at 500 South Fourth Street in Louisville.

The keynote speaker will be Peter J. Neufeld, cofounder of the Innocence Project at the Benjamin N. Cardozo School of Law of Yeshiva University in New York City.

WLA will also install its new officers for the year 2004 and will honor the WLA member of the year.

To make reservations, call (502) 681-0643 or email wla@stites.com.

The Kentucky Bar Foundation Awards 2003 Grants To Help Our Commonwealth's Citizens Through Law-related Programs

The Kentucky Bar Foundation has recently awarded a total of \$66,750 in grants. Among the recipients are 12 agencies statewide that will receive funding for programs to meet law-related needs of our Commonwealth's citizens. Additionally, scholarships have been provided to Kentucky's three law schools. This represents the largest annual grant awards made by the Foundation in its history.

The following agencies received funding from the Kentucky Bar Foundation for their projects and programs:

CASA of Warren County, Inc., Bowling Green, \$6,000, to provide funds to CASA of Warren County which advocates for abused and neglected children through the child welfare system, the Family Court and the District Courts that serve Warren County. Upon completion of a minimum of forty hours of training, volunteers gather pertinent information, file written reports with the court, and make recommendations regarding the disposition of cases to assist the court in making decisions regarding the welfare of each child served. CASA volunteers are assigned to specific children who are in the court system due to domestic violence, abuse, neglect or dependency.

Department of Public Advocacy, \$10,000, to help fund DNA testing for the Kentucky Innocence Project (KIP). KIP, though a stringent set of acceptance criteria, pursues claims of actual innocence by selected Kentucky inmates, with a goal of exonerating and freeing the wrongfully imprisoned. While DNA cases are common, KIP does not limit itself to DNA cases. The Bar Foundation grant will provide funds to be exclusively used for DNA testing. The total grant amount of \$10,000 is designated to perform four standard sample tests and three mitochondrial tests to help prepare investigations required to bring post-conviction factual claims of innocence due to newly discovered evidence or other factors.

Court's In Session, Lexington, \$7,500, to fund a program designed to educate and enlighten children about the workings of the criminal justice system. The program strives to promote the positive aspects of the justice system as well as acquaint children with the consequences of committing a crime. Taught by a team comprised of a certified teacher and prosecuting attorney, Court's In Session is designed in a four-session format geared for students. The first three sessions are held in the classroom. Students learn about the three branches of government, focusing on the judicial branch, and about the appellate system. The final session is a "mock trial" held in a courtroom at Fayette Circuit Court.

Access to Justice Foundation, \$5,000, to fund a coordinated series of legal education print pieces on consumer issues critical to low-income Kentuckians. The project, Pass the Word, will provide information on Refund Anticipation Loans, Predatory Lending, Consumer Debt, Wage Garnishment, Payday Loans, and Fraudulent Business Practices Targeting Seniors. The

intent is to inform vulnerable citizens of legal remedies and rights as well as offer other avenues of assistance within the Commonwealth. The goal of the project is to publish 10,000 brochures to be distributed through the statewide legal services network, senior centers, libraries, and via other human services providers during the grant period.

Family & Children's Counseling Centers, Louisville, \$7,500, to provide funding for a Forensic Interviewer in the Children First program. Children First primarily serves Jefferson County, with a Forensic Interviewer, Multi-disciplinary Team Coordinator, physicians, child counselors, and family counselors. Case prosecution is fostered by forensic interviews and by collection and review of physical evidence by a medical staff hired through Kosair Children's Hospital. Local police and prosecutors are assisted to expedite findings and make appropriate determinations, reducing the length of the process for children, enhancing family cooperation, and lessening emotional or physical harm. The Bar Foundation Forensic Interviewer grant will help maintain this essential program.

The Family Place: A Child Abuse Treatment Agency, Louisville, \$5,000, to partially fund the salary of The Visitation Center Director so that Family Place can provide a vital service to children and families. The Visitation Center is Family Place's newest program and serves children whose families have received an order from Jefferson County Family Court to participate in supervised visits. The Visitation Center staff and volunteers supervise family visits to ensure that the children's time with their non-custodial parent is safe and enjoyable.

KBA Publications Committee, \$5,000, to provide funds to continue to develop an oral history of the legal practice in Kentucky. The objective of the Oral History Project is twofold: to make knowledge of the history of the legal profession in Kentucky available to the public and to record and preserve the legal experiences of Kentucky's senior attorneys. The project is able to chronicle the advancement of our law schools and the legal education process, changes in our courtrooms and judicial systems, the decline of racism and chauvinism, the advancement of legal technology, and the progression of the practice of law in Kentucky as a whole.

Kentucky River Children's Advocacy Center, Inc., Hazard, \$3,250, to fund its Forensic Interviewer Supervision Project. The most recent addition to the Advocacy Center has been a full-time Forensic Interviewer shared with the Big Sandy Area Child Advocacy Center. State regulations require that a Forensic Interviewer working at a children's advocacy center have clinical supervision with a qualified mental health professional. The Bar Foundation grant will provide funding for payment of a clinical supervisor and allow for provision of forensic interviews to be conducted with sexually abused children in 13 southeastern Kentucky counties.

Northern Kentucky Children's Law Center, Inc., Covington, \$5,000, to fund the development and dissemination of resource and training materials through a manual on child custody, which will enhance the center's Child Custody Pro Bono Project. The manual will serve as a comprehensive guide for attorneys involved in child custody cases. The manual will include a

NEW LAWYERS' PROGRAM REQUIREMENT

New admittees of the Kentucky Bar Association are required to complete the New Lawyer program *within twelve months* of the date of admission unless they have practiced in another jurisdiction for a minimum of five years. For answers to questions about the New Lawyers' Program or your completion deadline, please contact:

Sherry Hayden at
502-564-3795 or
register online at
www.kybar.org.

Upcoming programs are as follows:

APRIL 20-21, 2004
Four Points Sheraton
Lexington, Kentucky



**KENTUCKY BAR
ASSOCIATION**

In Memoriam

William G. Allen
Lexington

Ronald A. Campbell
Louisville

Wallace C. Collins, Jr.
Delaware, OH

Clarence Creech
Longmont, CO

William E. Daly
Springfield, VA

Samuel Alfred Day, II
New Albany, IN

Harold F. Dees
Burnsville, MN

Fred G. Francis
Sarasota, FL

George H. Kunzman
Louisville

James G. Lee
Frankfort

Sherman K. Lower
Louisville

Randal A. Mehler
Louisville

Terrence R. Noe
Louisville

Quinn F. Pearl, Sr.
Radcliff

Christopher F. Polk
Louisville

Wm. G. Reynolds, Jr.
Richmond, VA

Charles W. Rolph
Flemingsburg

Lester H. Spalding
Lebanon

Philip B. Watson, Jr.
Whispering Pines, NC

Rodney Williams, Jr.
Louisville

compilation of existing standards of practice for lawyers representing children in child custody and visitation proceedings as well as other information relevant to such specialized child advocacy practice. Development of the manual will allow for distribution of existing child custody standards to judges throughout the state of Kentucky and to other national organizations involved in child advocacy.

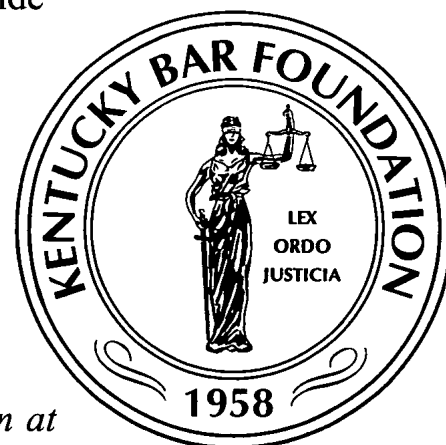
The Nursing Home Ombudsman Agency of the Bluegrass, Inc. (NHOA), Lexington, \$7,500, to fund the development of a training program for local law enforcement to deal with abuse in nursing homes. NHOA has initiated a collaborative effort with the Kentucky Department of Criminal Justice Training at Eastern Kentucky University to develop this program. The goal is to develop a training package which will address the role of law enforcement in upholding KRS 209, including the critical communication and investigation skills needed to effectively protect nursing home residents and assure their access to justice. Law enforcement education will include specific training for dealing with elder abuse when it occurs in a long-term care facility. The Bar Foundation grant will be used to develop and produce the training course and its materials.

The Kentucky Bar Association Outstanding Judge John D. Minton, Jr. donated his \$1,000 award from the Kentucky Bar Foundation to the William E. Biven Forensic Society at WKU in Bowling Green. **Outstanding Lawyer John T. Ballantine donated his \$1,000 award** to the Legal Aid Society, Inc. in Louisville.

The University of Kentucky College of Law, Salmon P. Chase College of Law, and the Louis D. Brandeis School of Law at the University of Louisville received the Kentucky Bar Foundation/Kentucky State Lawyers Auxiliary Scholarships of \$1,000 each. They will be awarded to qualified students based on criteria established by the law schools.

YOUR Kentucky Bar Foundation has now returned over \$608,000 to Kentuckians for funding of statewide programs. Without the generous support of the members of the Kentucky Bar, there would be no ability on the part of the Kentucky Bar Foundation to provide financial support for these worthwhile projects. Your future charitable contributions are vital to the continued success of the Foundation.

For More Information on becoming a Fellow, please contact the Kentucky Bar Foundation at (502) 564-3795.



2003 KENTUCKY BAR FOUNDATION GOLF SCRAMBLE



Friday the 13th is synonymous with “bad luck,” but Friday, June 13, 2003 proved to be a great day for the Kentucky Bar Foundation. Ominous-looking clouds hovered above for much of the day, which concerned the staff and participants in the Kentucky Bar Foundation Annual Golf Scramble. However, as the day progressed, the skies cleared and the scramble was completed without even a drop of rain.

A total of 83 golfers participated in this year’s event, which was held at Quail Chase Golf Club in Louisville. This gorgeous course was well received by all of the golfers, and the Foundation plans to return in two years when the KBA Convention will again be held in Louisville.

The possibility of winning a Hummer 2 with a Hole-in-One contest sponsored by Bachman Auto Group added excitement to this year’s scramble. Unfortunately, none of the golfers were lucky enough on this Friday the 13th to take it home. Another of our gracious sponsors, National Insurance Agency, held an individual Closest to Pin competition, which resulted in an additional contribution of \$600 to the Foundation in addition to its corporate sponsorship. It’s difficult to say who had more

fun with that contest, the golfers or the sponsor — who received quite a workout with some fierce competitors.

This year’s team winners were Brian Clare, John Berry and Steve Berry for Low Gross; and Robert Liberty, Joe Brooks and Bill Mattingly for Low Net. Other contest winners were Kathy Vance for Longest Putt, Eddie Wilson for Closest to Pin, and Ken Kolarcik for Closest to the Rope. Greg Pavey won the second Closest to Pin contest sponsored by National Insurance Agency. Donated door prizes were also awarded after the scramble while the golfers took the opportunity to unwind and take advantage of the hors d’oeuvre buffet.

Nearly \$15,000 was raised from the 2003 Kentucky Bar Foundation Golf Scramble, which has become a major fund-raiser for the Foundation’s Grants Fund. Thanks to all of the golfers and sponsors and, especially, to Golf Scramble Chair Judge James M. Shake and the committee members for all of the hard work in making this year’s outing so successful!



KBA Donated Legal Services Award 2003

Robert L. Caummisar accepted the Donated Legal Services Award from Daniel Mason (L) and John Rosenberg (R) at the 2003 KBA Annual Convention held in Louisville. The information that accompanied this photograph in the July 2003 issue erred in naming Mr. Mason.

NOTICE

AND REQUEST FOR COMMENTS AND/OR SUGGESTIONS

NOTICE is hereby given that the Joint Local Rules Commission has forwarded to the Judges of the United States District Courts of the Eastern and Western District recommended changes to the Joint Local Rules of the federal courts in Kentucky. A Proposed Order reflecting the recommended changes is published herein with notice to the bar and public that comments and/or suggestions on the proposed changes will be accepted by either of the United States District Court Clerk's Offices or Douglas L. McSwain, Chair of the Joint Local Rules Commission, at the law firm of Sturgill, Turner, Barker & Moloney, PLLC, 155 E. Main St., Lexington, KY 40507. Comments and/or suggestions need to be submitted, in writing, on or before October 31, 2003.

Additionally, NOTICE is hereby given that the United States District Courts for the Eastern and Western Districts have entered a "Joint General Order," a copy of which is published below, concerning the filing of papers and pleadings in federal court which may contain private or personal information. The Joint General Order has already been adopted by the Courts and is currently in effect, but the bar and public are encouraged to make comments or suggestions upon the Joint General Order, as same will eventually be adopted as a local rule. Submission of written comments and/or suggestions concerning this Joint General Order should be sent to either of the Clerk's Offices or Douglas L. McSwain, Chair of the Joint Local Rules Commission, at the address listed above.

PROPOSED ORDER

IN THE UNITED STATES DISTRICT COURT

FOR THE

EASTERN AND WESTERN DISTRICTS OF KENTUCKY

* * * * *

Pursuant to LR 83.14 of the Joint Local Rules of the Eastern and Western Districts of Kentucky, and pursuant to the authority granted by Rule 83, F.R.Civ.P., and upon recommendation of the Joint Local Rules Commission, the Judges of the Eastern and Western Districts hereby ORDER that the following amendments be made to the Joint Local Rules:

1. That the current language in LR 5.7 will be stricken in its entirety and replaced with the following local rules:

LR 5.7 FILING OF DOCUMENTS BY ELECTRONIC MEANS

Documents may be filed, signed, and verified by electronic means to the extent and in the manner authorized by further General Orders of the Court. A document filed by electronic means in compliance with this Local Rule constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Civil Procedure. The General Orders of the Court referenced herein may be obtained from the Clerk's office on the following websites:

WDKY – “<http://www.kywd.uscourts.gov/>”;

EDKY – “<http://www.kyed.uscourts.gov/>”.

LR 5.8 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

Documents may be served through the Court’s transmission facilities by electronic means to the extent and in the manner authorized by further General Orders of the Court. Transmission of the Notice of Electronic Filing (NEF) constitutes service of the filed document upon each party in the case who is registered as a Filing User. Any other party or parties shall be served documents according to these Local Rules and the Federal Rules of Civil Procedure.

LR 5.9 TIME OF FILING AND SERVICE

Documents filed under LR 5.7 and served by a party through the Court’s transmission facilities under LR 5.9 shall be deemed filed on the date transmission is received by the Clerk, and be deemed served, as if by mail, such that three (3) days shall be added to any prescribed response period to the document.

**LR 5.10 PRIVACY REQUIREMENTS FOR COURT
FILED DOCUMENTS**

Documents filed with the Court, by traditional paper or electronic means, will be accessible to the public via Public Access to Court Electronic Records (PACER). Parties and counsel are directed to review Joint General Order WD No. 03-01 and ED No. 03-01, or any later amendment thereto, for the Court’s current requirements regarding maintenance of privacy for documents and exhibits filed with the Court. The Joint General Order of Court is available on the Court’s websites at <http://www.kywd.uscourts.gov/>, <http://www.kyed.uscourts.gov/>, or copies of the Order may be obtained from the Clerk.

2. The current language in LCrR 49.3 will be stricken in its entirety and replaced with the following local rules:

LCrR 49.3 FILING OF DOCUMENTS BY ELECTRONIC MEANS

Documents may be filed, signed and verified by electronic means to the extent and in the manner authorized by further general order of the court. A document filed by electronic means in compliance with this Local Rule constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Criminal Procedure. The General Orders of the Court referenced herein may be obtained from the Clerk’s office on the following websites:

WDKY – “<http://www.kywd.uscourts.gov/>”;

EDKY – “<http://www.kyed.uscourts.gov/>”.

LCrR 49.4 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

Documents may be served through the Court's transmission facilities by electronic means to the extent and in the manner authorized by further general order of the court. Transmission of the Notice of Electronic Filing (NEF) constitutes service of the filed document upon each party in the case who is registered as a Filing User. Any other party or parties shall be served documents according to these Local Rules and the Federal Rules of Criminal Procedure.

LCrR 49.5 TIME OF FILING AND SERVICE

Documents filed under LR 5.7 and served by a party through the Court's transmission facilities under LR 5.9 shall be deemed filed on the date transmission is received by the Clerk, and be deemed served, as if by mail, such that three (3) days shall be added to any prescribed response period to the document.

LCrR 49.6 PRIVACY REQUIREMENTS FOR COURT FILED DOCUMENTS

Documents filed with the Court, by traditional paper or electronic means, will be accessible to the public via Public Access to Court Electronic Records (PACER). Parties and counsel are directed to review Joint General Order WD No. 03-01 and ED No. 03-01, or any later amendment thereto, for the Court's current requirements regarding maintenance of privacy for documents and exhibits filed with the Court. The Joint General Order of Court is available on the Court's websites at <http://www.kywd.uscourts.gov/>, <http://www.kyed.uscourts.gov/>, or copies of the Order may be obtained from the Clerk.

Copies of this Order shall be affixed to every copy of the Court's Official Rules Book distributed by the Clerks' Office. Upon the next printing of the Rules Book, all changes in Joint Local Rules as set out in this Order shall be included in the new Rules Book. Copies of this Order shall be made available to the various publishing companies that publish the Joint Local Rules of the Eastern and Western Districts of Kentucky and to the public upon request. The changes noted in this Order shall take effect upon entry of this Order.

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN AND WESTERN DISTRICTS OF KENTUCKY

JOINT GENERAL ORDER NUMBER: WD No. 03- 01 and ED No. 03-01

IN RE: PRIVACY POLICY REGARDING PUBLIC ACCESS TO ELECTRONIC CASE FILES

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002 (Pub.L.No. 107-347), enacted on December 17, 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests,

IT IS HEREBY ORDERED:

That the parties should not include sensitive information in any document filed with the court, including exhibits, unless such inclusion is necessary and relevant to the case. Personal information not otherwise protected will be made

available over the Internet via WebPACER. If sensitive information must be included, the following personal data identifiers must be partially redacted from the document, whether it is filed traditionally or electronically¹:

- A. SOCIAL SECURITY NUMBERS.** If an individual's social security number must be included in a document, only the last four digits of that number should be used.
- B. NAMES OF MINOR CHILDREN.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- C. DATES OF BIRTH.** If an individual's date of birth must be included in a document, only the year should be used.
- D. FINANCIAL ACCOUNT NUMBERS.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

In addition, exercise caution when filing documents that contain the following:

- 1. Personal identifying number, such as driver's license number;
- 2. Medical records, treatment and diagnosis;
- 3. Employment history;
- 4. Individual financial information;
- 5. Proprietary or trade secret information.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the record. **A redacted copy for the public record must be filed along with the unredacted document under seal.**

Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion of certain materials may be made. **It is the sole responsibility of counsel and the parties to be sure that all documents comply with the General Order of this Court, whether it is filed electronically or traditionally. The clerk will not review any document for redaction.**

This General Order is effective immediately and will remain in effect pending further order of the court.

Entered this 1st day of July, 2003.

JOHN G. HEYBURN II, CHIEF JUDGE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

KARL S. FORESTER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY

Footnote

- 1. Electronic access to documents in Social Security cases and Criminal cases through WebPACER will be limited to the parties and counsel, pursuant to privacy policy of the Judicial Conference of the United States. However, when ordered by the court upon the agreement of the parties, a high profile criminal case may be accessed electronically when it is for the convenience of the parties and in the public interest to do so.

WHO, WHAT, WHEN & WHERE

ON THE MOVE



David A. Kelm

David A. Kelm is pleased to announce the opening of **Kelm Law Office PLLC** at 3922B DuPont Square South in Louisville. Kelm is a graduate of the Brandeis School of Law at the University of Louisville and concentrates his practice in the areas of taxation, business and probate law. He may be reached by telephone at (502) 895-1580.

The law firm of **Fulton & Devlin** is pleased to announce that **Colin P. Thomas** has joined the Louisville firm. Thomas received his B.A. from Transylvania University and his J.D. from Brandeis School of Law at the University of Louisville. He concentrates his practice in the area of workers' compensation and insurance defense and subrogation.

Stoll, Keenon & Park, LLP announces that **Eberley Davis** and **Sarah Mills** have recently joined the firm's Lexington office in Of Counsel positions.



Joy R. Kidwell

The Louisville law firm of **Diana L. Skaggs and Associates** is pleased to announce that **Joy R. Kidwell** has joined the firm as an associate. Kidwell is a 2001 graduate of the Texas Tech University School of Law. The firm will continue to limit its practice to divorce and family law.



Donald E. Blair II

Michael R. Campbell and **Earl Rogers III** announce the addition of a new partner, **Donald E. Blair II**, to their law firm. Blair has been an associate with the firm for the past 3 1/2 years and is now a partner at **Campbell, Rogers & Blair, PLLC**. The firm is located at 154 Flemingsburg Road in Morehead. Blair earned his J.D. from Salmon P. Chase College of Law at Northern Kentucky University.



Dana M. Todd

The Frankfort law firm of **Michael L. Hawkins & Associates, P.L.L.C.** is pleased to announce **Dana M. Todd** has joined the firm as an associate. Todd graduated, *magna cum laude*, from Western Kentucky University in 1988, received her M.A. from the University of Kentucky in 1990 and earned her law degree from the University of Kentucky College of Law in 1996. Her primary practice areas include domestic relations, medical negligence, personal injury, adoption and general litigation. In addition to her position with Michael L. Hawkins & Associates, P.L.L.C., Todd is an Assistant Commonwealth's Attorney for Franklin County.

Picklesimer, Pohl & Kiser, P.S.C. is pleased to announce that **Joel W. Aubrey** has become a member of the Lexington firm. The name of the firm has been changed to **Picklesimer, Pohl, Kiser & Aubrey, P.S.C.** In addition, the firm announces the opening of an office in

Louisville located at 303 North Hurstbourne Parkway in Suite 110. The firm's telephone number is (502) 339-7001.

John Tim McCall is pleased to announce that he has returned to his office in Louisville at 730 West Main Street in Suite 200. He may be reached by telephone at (502) 589-6190. His practice areas include criminal law and personal injury law. McCall has been retired from practice for the past three years.

Teresa Buchheit Klinkner, an attorney licensed in California and Kentucky, announces the opening of her law office in Redondo Beach, California at 2110 Artesia Boulevard in Suite 360. She may be reached by telephone at (310) 968-6684. Klinkner concentrates her practice in real estate, redevelopment and business transactions. She was recently appointed to the Real Property Law Section Executive Committee of the State Bar of California. Klinkner also serves as the Managing Editor of the *California Real Property Journal*.

Jude & Associates, PSC is pleased to announce that **Larry E. Jude** has been elected a member in the firm. The firm will continue its practice as **Jude & Jude, PSC** with offices in Versailles, Kentucky and Hattiesburg, Mississippi. Jude received his B.A. from the University of Colorado and graduated from the University of Kentucky College of Law. He is a resident of the firm's Versailles office and concentrates his practice on employment litigation and toxic tort litigation.

Buckingham, Doolittle & Burroughs, LLP announces that **Paul A. Dzenitis** has joined the firm's Medical Malpractice Defense Practice Group as a partner. Dzenitis

is a resident in the Cleveland office. He is a former associate with Phillips, Parker, Oberson & Moore in Kentucky. Dzenitis is a 1989 graduate of Princeton University. He earned his J.D. in 1994 from the University of Kentucky College of Law.



Paul A. Dzenitis

IN THE NEWS

David B. Barber, of the Louisville firm of Celebrezze & Keeler, was recently appointed to the editorial board of *Litigation News*, a publication of the ABA Section of Litigation, as an associate editor. Barber was also recently named a fellow of the ABA Section of Tort, Trial and Insurance Practice.

Michael W. Hawkins, a partner with Dinsmore & Shohl LLP in Cincinnati, was selected by the American National Red Cross as Vice Chair of its International Services Committee. Hawkins is a member of the National Board of Governors for the American



Mike Hawkins

Red Cross. He attended the Inter-American Conference of the Red Cross in Santiago, Chile earlier this year. Hawkins focuses his practice exclusively on representing private and public employers in all phases of employment law and labor relations matters. He earned his undergraduate degree and his law degree from the University of Kentucky.

Thomas E. Rutledge, a member of Ogden Newell & Welch PLLC in Louisville, has been appointed an ABA Section of Business Law Advisor to the Uniform Entity Transactions Act, a project of the National Conference of Commissioners of Uniform State Laws.

Tracy Cowan of Gulf Breeze, Florida recently became a member of the Alabama Bar. Cowan is a 1989 graduate of Western Kentucky University and a 1993 graduate of the Case Western Reserve University School of Law. He has been a member of the Kentucky Bar since 1993, a member of the Tennessee Bar since 1999 and a member of the Florida Bar since 2002. From 1993 until 1998, Cowan served on active duty with the U.S. Army. He has been employed by the Naval Legal Service Office in Pensacola, Florida since 1998, where he is the supervising attorney for medical claims.

Gregg Y. Neal, partner in Neal & Davis, PLLC, has been recertified as a mediator by the Office of the State Courts Administrator, State of Florida. Neal's office is located at 931 Main Street in Shelbyville, Kentucky. He has been in practice in Shelbyville since 1973. Neal is licensed in Kentucky and Florida.

Deters, Benzinger & LaVelle announce that three partners of the Covington firm will write the two-volume civil procedure section of WEST'S KENTUCKY PRACTICE. **Kurt A. Philipps, Jr.**, **David V. Kramer** and **David W. Burleigh** will write the volumes for West Group.

Kurt A. Philipps, Jr., a Covington attorney, has been awarded the 2003 Child Advocacy Award by the Children's Law Center of Covington. Kim



K. A. Philipps, Jr.

Brooks, Executive Director of the Children's Law Center, said that Philipps' contributions stand out because of his drive to become directly involved in cases affecting the legal welfare of children. Philipps has shown a particular interest in cases involving children with disabilities and has spent years volunteering with the Cincinnati Youth Collaborative Mentoring Program for disadvantaged children.

Amy K. Alcoke, a litigation associate at Hunton & Williams in Atlanta, received the H. Sol Clark Award at the State Bar of Georgia Annual Meeting. Alcoke was honored for her professionalism and proven commitment to, and support for, the delivery of civil legal services to the poor through the coordination of the Associates Campaign for Legal Services.

Have an item for Who, What, When & Where?

The *Bench & Bar* welcomes brief announcements about member placements, promotions, relocations and honors. Notices are printed at no cost and must be submitted in writing to: Managing Editor, *Kentucky Bench & Bar*, 514 West Main St., Frankfort, KY 40601-1883. There is a \$10 fee per photograph appearing with announcements. Paid professional announcements are also available. Please make checks payable to the Kentucky Bar Association.

The deadline for announcements appearing in the November edition of *Who, What, When & Where* is October 1, 2003.

WHO, WHAT, WHEN & WHERE

She is the youngest recipient of the award. Alcocke was also presented with the Young Lawyers Division Distinguished Service Award. She earned her J. D. from Washington & Lee University in 1996.

Philip Taliaferro, a Covington attorney, was recently recognized by Centre College as a Distinguished Alumnus.

Taliferro is a 1959 graduate of Centre College. He earned his J.D. at the University of Kentucky College of Law.



Philip Taliaferro

Ben L. Kessinger, Jr. has been awarded the Henry T. Duncan Lifetime Achievement Award by the Fayette County Bar Association.

Kessinger presently serves as Of Counsel to Stites & Harbison in Lexington. He began practicing law in 1948 at Harbison, Kessinger Lisle & Bush, a predecessor firm to Stites & Harbison. He received his B.A. from the University of Kentucky in 1946 and his J.D. from the University of Kentucky College of Law in 1948.



B.L. Kessinger, Jr.

RELOCATIONS

S. Dianne Blanford announces the relocation of her office to 300 West Vine Street at Lexington in Suite 600. She can be



S. Dianne Blanford

reached by telephone at (859) 425-6556. Blanford continues to practice in the areas of estate planning, probate administration, guardianships and tax.

Jill Brady, an attorney licensed in both Kentucky and Tennessee, is pleased to announce the relocation of her law office to 108 North Main Street in Henderson. Brady is an Assistant County Attorney and has a solo practice.

Denise McClelland, an attorney in Frost Brown Todd's Lexington office, has been voted the President-Elect of the Lexington Philharmonic for 2003-2004. **Bart Rogers**, who is also an attorney in Frost Brown Todd's Lexington office, was reelected Vice President of Finance of the Lexington Philharmonic for another 3 year term.

Nadine Albenze-Smith has moved her office from 312 Walnut Street in Cincinnati to Suite 101 at 400 Technecenter Drive in Milford, Ohio. She may be reached by telephone at (513) 576-0111.

Woodson T. Wood announces the relocation of his office. He has opened his own law firm at 33 West Second Street in Suite 300 at Maysville. The name of his firm is Wood, Wood & Young.

Pamela D. Perlman has moved her office to 106 West Second Street in Lexington. At the Law Office of Pamela D. Perlman, her telephone number and email address remain the same; however, the fax number has been changed to (859) 225-1105.

The Louisville law firm of **Schiller, Osbourn & Barnes** is pleased to announce that it has relocated its offices to 1600 One Riverfront Plaza at 401 West Main Street in Louisville.

Owensboro attorney **Charles L. Lamar** announces the new location of his law offices. Charles L. Lamar, PLC has moved to 112 East Fourth Street in Owensboro. His telephone number is (270) 926-3000. Lamar continues to practice in the areas of business, tax and estate planning, wills, trusts and estates, real estate and injury claims, including products liability actions.

AT THE KBA

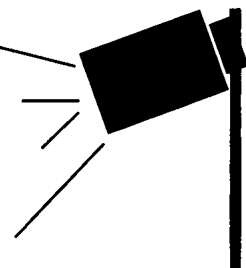
Christy Hornung has been promoted to the position of Assistant CLE Director for the KBA, effective July 1, 2003, replacing J. Lewis



Christy Hornung

Payne who returned to his home in Charleston, West Virginia. Ms. Hornung had served in the CLE Office as Publications and Program Attorney since July 2002 before accepting the Assistant Director position. Ms. Hornung is responsible for many of the CLE regulatory issues and assists the CLE Director with program development and material editing for all KBA seminars and programs. She also serves as liaison for all KBA Section activities with the assistance of other CLE staff. Ms. Hornung received her B.S., with highest honors, from the University of Louisville in 1994, and her J.D. from the Brandeis School of Law at the University of Louisville in 1998. Ms. Hornung practiced family law in Louisville prior to joining the KBA staff.

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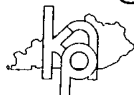
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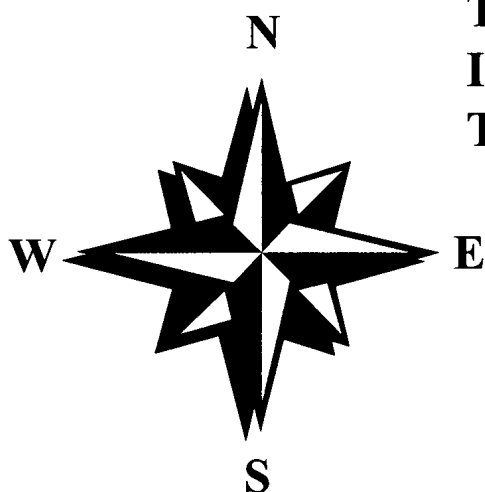
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