

KENTUCKY LAW UPDATE



2024

ADVANCING THE PROFESSION THROUGH EDUCATION

KBA News and Updates

0.25 CLE Credit

**Compiled and Edited by:
The Kentucky Bar Association
Office of Continuing Legal Education
for
Kentucky Bar Association
2024 Kentucky Law Update**

**©2024 All Rights Reserved
Published and Printed by:
Kentucky Bar Association, August 2024**

Editor's Note: The materials included in the following Kentucky Bar Association Continuing Legal Education handbook are intended to provide current and accurate information about the subject matter covered as of the original publication date. No representation or warranty is made concerning the application of legal or other principles discussed by the instructors to any specific fact situation, nor is any prediction made concerning how a particular judge or jury will interpret or apply such principles. The proper interpretation of the principles discussed in a matter for the considered judgment of the individual legal practitioner. The faculty and staff of this Kentucky Bar Association CLE program disclaim liability therefor. Attorneys using these materials, or information otherwise conveyed during these programs, in dealing with a specific legal matter have a duty to research the original and current sources of authority. In addition, opinions expressed by the authors and program presenters in these materials do not reflect the opinions of the Kentucky Bar Association, its Board of Governors, Sections, or Committees.

I. [SCR 3.025](#): KENTUCKY BAR ASSOCIATION

The mission and purpose of the association is to maintain a proper discipline of the members of the bar in accordance with these rules and with the principles of the legal profession as a public calling, to initiate and supervise, with the approval of the court, appropriate means to insure a continuing high standard of professional competence on the part of the members of the bar, and to bear a substantial and continuing responsibility for promoting the efficiency and improvement of the judicial system.

This rule of the Kentucky Supreme Court arises from its authority under the Kentucky Constitution to govern the practice of law. [Section 116](#) states:

The Supreme Court shall have the power to prescribe rules governing its appellate jurisdiction, rules for the appointment of commissioners and other court personnel, and rules of practice and procedure for the Court of Justice. The Supreme Court shall, by rule, govern admission to the bar and the discipline of members of the bar.

The KBA Board of Governors abides by the objectives set forth in the Rules.

The programs of the Bar and its commissions and committees are used to accomplish its goals and mission. The Board is also cognizant of its responsibility to the lawyers of Kentucky as set forth in the requirements of the United States Supreme Court in [Keller v. State Bar of California](#), 496 U.S. 1 (1990) and its progeny. The Board governs the KBA in a manner consistent with those limitations. The guiding standard is whether the program or expenditure of the KBA is necessarily or reasonably incurred for the purpose of regulating the legal profession or improving the quality of the legal services available to the people of the Commonwealth. The discipline and education functions of the Bar as described below illustrate how the KBA accomplishes these goals.

II. DIVERSITY IN THE PROFESSION

The Kentucky Bar Association continues its efforts to create a more diversified legal profession for the Commonwealth. In 2013, the KBA created a Diversity and Inclusion Initiative designed to support the ongoing work of the KBA's Diversity, Equity, and Inclusion in the Profession Committee. In 2014, the KBA supported a move in the General Assembly to allocate funds for scholarships at Kentucky's three law schools for students from underrepresented populations. The General Assembly approved the proposal and those funds are included in the budget for the biennium. In April 2015, the KBA co-sponsored the first Diversity and Inclusion Summit with the Louisville Bar Association and the Louis D. Brandeis School of Law. The most recent third biennium Diversity and Inclusion Summit was held on March 22, 2019, in Covington, KY. The KBA seeks to support all of its members regardless of where they live and work and regardless of their gender, race, religion, national origin, or sexual orientation.

Additionally, the Nathaniel R. Harper Award is presented each year to recognize those individuals or entities who have demonstrated a commitment to diversifying the Kentucky Bar by promoting full and equal participation in the legal profession through the encouragement and inclusion of women, minorities, persons with disabilities, people of all sexual orientations, and/or other underrepresented groups. The award was created by the Young Lawyers Division of the Kentucky Bar Association (YLD) and is presented during the Annual Convention. The award is named for the first African American judge in Kentucky who created the Harper Law School in his Louisville law office at a time when African Americans were prohibited from attending Kentucky's law schools. The YLD named the award for Harper in recognition of his efforts to create opportunities for others.

Created by the YLD in June 2010, the "Why Choose Law: Diversity Matters" program encourages young people from diverse backgrounds to become lawyers and practice in Kentucky. The program identifies high school students from each Supreme Court District to participate in the day-long program focused on the varying functions of the state and federal court systems. The students also participate as a jury in a mock trial demonstration; eat lunch with the KBA's Board of Governors and other attorneys; tour large and small law firms; and hear a panel of practitioners discuss what it is like to practice law. The "Why Choose Law: Diversity Matters" program was created to promote interest among students who belong to groups typically underrepresented in law school classes, including racial and ethnic minorities and those with varied religious, socio-economic, and sexual orientation backgrounds.

III. CLIENTS' SECURITY FUND

The Clients' Security Fund (CSF) is a special fund created by the Supreme Court "for the purpose of providing indemnification to clients who may suffer pecuniary loss by reason of fraudulent or dishonest acts on the part of a member of the Kentucky Bar Association." [SCR 3.820](#). A percentage of the annual KBA dues supports the Fund (\$7 per active members and \$6 for judges). The Office of Bar Counsel (OBC) provides legal and administrative assistance to the Fund. Claims submitted to the Fund are adjudicated by five Trustees. These Trustees consist of lawyer and non-lawyer members and are appointed by the Board of Governors.

The Trustees typically meet twice a year to consider claims but must first decide whether a claim meets jurisdictional requirements. If jurisdiction is accepted, those claims are normally placed in abeyance pending the results of any concurrent disciplinary proceedings. Upon conclusion of the disciplinary case, the Trustees will render a final decision on the claim. As a condition of reimbursement, the claimant must subrogate his or her claims against the lawyer to the Fund. The lawyer is liable to the Fund for restitution. The CSF has awarded over \$1.6 million in the last nine fiscal years.

IV. ATTORNEY ADVERTISING

The OBC also works to support the Attorneys' Advertising Commission (AAC). The AAC consists of up to nine volunteer lawyers. [SCR 3.130\(7.02\)\(5\)](#) requires the Commission be provided with sufficient administrative assistance from time to time as may be required. The Executive Director and the Board of Governors have delegated this function to the OBC.

The Supreme Court Rules do not require all advertisements of legal services to be submitted for review. However, an attorney may submit an advertisement to the AAC for an Advisory Opinion, which may help the attorney avoid future discipline for a noncompliant advertisement. Attorney advertisements include billboard, print, radio, television, websites, and yellow pages, among others.

The full Commission meets at least once a year to discuss issues regarding attorney advertising. Commission members review requests for Advisory Opinions when needed throughout the year, but always within 30 days of receipt of an Advisory Opinion request.

The number of advertisements submitted to the Commission significantly and steadily increased from approximately 2000 through 2015, but then started to decline when the requirement that all advertisements be submitted to the AAC was removed by the Court, effective January 1, 2016.

The AAC, with staff support of the OBC, assists lawyers by providing an Advisory Opinion about whether their advertisement complies with the [Rules of Professional Conduct \(SCR 3.130\(7.01-7.50\)\)](#) and [AAC Regulations](#). The Commission strives to protect the public within the confines of the constraints imposed on it by the U.S. Supreme Court's interpretation of the First Amendment right of free speech, as applied to commercial speech. Its primary concern is whether advertisements may be false, deceptive, or misleading.

V. CONTINUING LEGAL EDUCATION: ADVANCING THE PROFESSION THROUGH EDUCATION

A. Mission

The mission of the CLE Commission is set by Supreme Court Rule: "To initiate and supervise, with the approval of the Court, appropriate means to insure a continuing high standard of professional competence on the part of the members of the Bar." CLE Commission efforts reflect this mission through commitment to the maintenance and improvement of each member's legal competency and professional values, and commitment to a lifetime of learning, reinforcement of professional values and skills development through CLE. These commitments are implemented through a comprehensive program of CLE regulatory activities, programming activities, and special projects aimed at reaching all Kentucky lawyers.

B. Your CLE Requirement

Each Kentucky attorney must earn and report 12 CLE credits annually, with the educational year running from July 1 to June 30. Two of those 12 credits must be accredited as ethics. The KBA CLE Commission tries to make satisfying this mandatory licensure requirement as easy and meaningful as possible by offering high quality, convenient CLE, and through our regulatory accreditation processes. There are many resources available on our website to help you with the CLE requirement. Even more importantly, you can now submit your own CLE credits and apply for accreditation of programs through your member profile on our website. Specific, easy to follow instructions are on the [website](#).

C. [Kentucky Law Update](#)

The Kentucky Bar Association provides a comprehensive survey of the changes in law and rules Kentucky practitioners need to be aware of for their daily practice. The Kentucky Law Update program consists of over 12 hours of CLE credit, including at least 2 ethics hours. In 2022, the KLU program expanded into a hybrid format. A one-day in-person live program is offered at nine different locations across the state, while an on-demand program is offered virtually from September 1 until December 31. Not only does this program series cover important and needed updates, but it also offers special programming options to allow members to focus on certain areas of practice that are of particular interest to them.

D. Annual Convention

The KBA Annual Convention is the flagship CLE offering in Kentucky. The CLE programs offered cover a wide range of topics with provocative speakers, practical information, and over 40 different programs from which to choose. In addition to the CLE programs, the Annual Convention presents an excellent opportunity to socialize and network with fellow attorneys, the judiciary, and nationally renowned speakers. As of 2023, the Annual Convention also offers an on-demand program for those who cannot attend the two-day in-person event. This event takes place in May or June of each year. Be on the lookout for information about the upcoming Annual Convention in Lexington, KY on June 5-6, 2025.

E. [GPS \(Great Place to Start\) Mentoring Program](#)

If you have been a member for five years or less and would like the guidance of a more senior attorney, or if you have been a member for over five years and would like to volunteer to serve as a mentor for newer attorneys, please take a look at our mentoring program and consider participating. It is entirely voluntary and at the discretion of those using the service.

F. Online CLE Opportunities

The KBA offers an extensive and ever-expanding online program catalog available through the [KBA website](#). This is an invaluable service, not only because of its convenience, but also due to the broad spectrum of timely and specific CLE offerings we are now able to make available to KBA members. Through online CLE, last-minute compliance becomes not only easier, but more meaningful as our members can choose programs helpful to their varied practices.

In addition, on July 1st of this year, the KBA launched a new Learn & Earn virtual lunchtime series that takes place the second Tuesday of every month. Each one-hour session features an interesting presentation that is more than your run of the mill, nuts and bolts programming. The Learn & Earn program has already featured speakers like Judge Clifton Newman, the presiding judge over the Alex Murdaugh trials, and Shay McAlister, the award-winning investigative journalist who provided insight and updates on the Crystal Rogers case.

G. Teleseminars

KBA members may utilize their telephones to participate in live, national CLE seminars. A list of available programs and registration are available online at <http://ky.webcredenza.com/>. Materials for the seminars are emailed once registration is completed and can be printed or viewed on your computer. Re-broadcasts of selected teleseminars are available as live or on demand programs as well.

VI. KENTUCKY LAWYER ASSISTANCE PROGRAM

The [Kentucky Lawyer Assistance Program \(KYLAP\)](#) is an agency of the Supreme Court, created by [SCR 3.900, et seq.](#), in 2002. It is a **confidential** program supported by the Kentucky Bar Association which offers help to the Kentucky legal community. KYLAP helps those with a broad range of mental health problems including depression and chronic anxiety, alcohol and other substance use disorders, process addictions like compulsive gambling, and any other conditions which may impair a person's ability to practice law in a competent and professional manner. Lawyers suffer from addiction, depression, and suicidal thoughts at a much higher rate than the general public.

Because of the sensitive nature and ongoing stigmatization of mental health problems, lawyers are often reluctant to seek assistance for themselves, or approach a fellow lawyer who is experiencing these types of problems. Recognizing this concern, and in order to foster early and completely confidential contact with KYLAP, [Supreme Court Rule 3.990](#) guarantees strict confidentiality in all referrals to KYLAP.

Referrals to KYLAP may be in one of several ways: self-referral, third-party individuals, agency (Office of Bar Admissions and Office of Bar Counsel), and the Kentucky Supreme Court. Self and third-party referrals comprise 90 percent of the assistance KYLAP provides. KYLAP provides completely confidential assistance to individuals experiencing problems with mental, psychological, or emotional conditions including chemical dependency or addiction that impairs, or may foreseeably impair, their ability to practice law. Because of the strict confidentiality afforded through [SCR 3.990](#), KYLAP is allowed great flexibility and discretion in the handling of these cases and offering assistance in a variety of methods and modalities without any involvement of bar membership or discipline. You are not "reported" to the bar when you or someone you care about is referred to KYLAP through a self or third-party referral. KYLAP, through its volunteers, offers peer support, referrals to licensed and credentialed professionals (with assistance from our EAP partnership), interventions when required, and sometimes just someone to talk to about the difficult issues that face law students, lawyers, and judges every day.

In cases involving agency referrals (Office of Bar Admissions and Office of Bar Counsel), which are between 5 and 10 percent of KYLAP's referrals, an individual may be required to sign a waiver allowing KYLAP to interview the lawyer involved and give an assessment of the problem to the agency and/or monitor the lawyer's participation with KYLAP (which usually includes a Monitoring Agreement). The same is true for Supreme Court referrals, which comprise about 1 percent of KYLAP referrals. Agency and Court referrals are designed mainly for the protection of the public and to maintain the integrity of the profession and therefore are strictly monitored by KYLAP.

KYLAP offers confidential online recovery meetings for law students, lawyers, and judges three times per week via Zoom at 5:00 p.m. ET on Mondays and Thursdays, and hybrid (live and Zoom) at 7:30 a.m. ET on Wednesday mornings at 370 East 2nd Street, Lexington, KY 40508. Meetings use a typical mutual support format. Invitations must be requested by you by calling KYLAP or emailing abeitz@kylap.org. Invitations are sent directly to your email address individually for each meeting. The URL and password change to maintain confidentiality. If you are a person in recovery and would like to participate in peer-driven recovery meetings, please join us.

The KYLAP Foundation, Inc., is a 501(c)(3) non-profit corporation created to assist lawyers with financial hardship who may be unable to afford treatment. The Foundation offers forgivable loans to qualified individuals for purposes of obtaining mental health and addiction treatment including inpatient care, outpatient treatment, therapy, and medications. Providers are paid directly. All donations to the KYLAP Foundation are used to help Kentucky lawyers get the mental health care they need, as well as providing education and other resources to reduce the stigma of seeking help for mental health issues. More information about the KYLAP Foundation can be found at <https://www.kybar.org/page/kylap>.

KYLAP has more than 120 volunteer lawyers across the state who, when asked, are willing to go to any lengths to assist and carry the message of recovery to those suffering from mental health issues and impairment. These volunteers are the life blood of KYLAP. If you or someone you know is suffering, give us a call or visit the KYLAP website at www.kylap.org for confidential assistance including resources such as self-tests, other websites, and publications that may be helpful for you. If you are a person in recovery for two years or more from any mental health issue, including substance use disorder, process addictions, and depression, and would like to be a KYLAP volunteer, please contact us through our website or by emailing abeitz@kylap.org to request an application. We need your help.

The COVID-19 pandemic caused significant mental health problems across society, and lawyers are no exception. Because of this heightened mental health crisis, KYLAP is providing four (4) free mental health visits to any Kentucky lawyer or judge who requests them. There is no income minimum, and the provider will be paid through our relationship with our EAP provider. You simply need to call or email KYLAP directly to request the benefit, and it will be provided to you at no cost and no obligation. If you or someone you know is in distress, please call us and let us help you navigate this difficult time.

Learn more about the history of KYLAP at <https://www.kylap.org/about-us/>.

Kentucky Lawyer Assistance Program
KYLAP CONFIDENTIAL DIRECT LINE: (502) 226-9373 (Answered 24 hours a day/7 days a week) (more information below)
P.O. Box 1437
Frankfort, KY 40602

If you're having a mental health crisis, dial 988 or go to your nearest emergency room.

VII. KYLAP'S EMPLOYEE ASSISTANCE PROGRAM

The Kentucky Bar Association, through the Kentucky Lawyer Assistance Program partners with an Employee Assistance Program to offer the opportunity for mental health support to Kentucky's lawyers and judges. All of the assistance remains COMPLETELY CONFIDENTIAL, pursuant to [SCR 3.990](#).

This partnership provides mental health support for Kentucky's lawyers and judges. The Employee Assistance Program offers phone assistance 24 hours a day, including evenings and weekends. Simply call the KYLAP office anytime, night or day, on our DIRECT PHONE NUMBER – no operators required – and after hours you will be directly connected to our CONFIDENTIAL Employee Assistance Program. The direct number is (502) 226-9373.

If you need immediate care, KYLAP, with assistance from our Employee Assistance Program, can connect you with one of hundreds of mental health providers across the state (and even across the country). You will have an appointment in your area (or in the area you choose) in as little as 24 to 48 hours. The provider you are referred to will be a licensed professional. If you have insurance or would like to pay privately, that will be accepted (according to the provider's guidelines). If you are unable to pay, as set forth above, you will receive up to four (4) clinical sessions at no charge to you. The Kentucky Bar Association and KYLAP are providing this service to its members free of charge. If you need additional services and are unable to pay for those, additional assistance may be available through the KYLAP Foundation, <https://www.kylap.org/get-involved/#assistance>.

At the Kentucky Bar Association and the Kentucky Lawyer Assistance Program, we recognize that lawyers and judges are suffering from undiagnosed mental health issues, including depression and severe and chronic stress and anxiety, at a rate far higher than the general population. We understand that good mental health and wellness is essential for the sustainability of our profession. We are committed to offering this service to you to help you address mental health issues before you reach a crisis in your life and in your career.¹¹

VIII. KYLAP'S NEW PARTNERSHIP WITH THE AMERICAN FOUNDATION FOR SUICIDE PREVENTION

KYLAP is excited to announce that we have partnered with the American Foundation for Suicide Prevention to provide an online Interactive Screening Program (ISP) as a prevention tool for use by the Kentucky legal community to monitor mental health and well-being, including risk of suicide. THIS IS NOT A CRISIS LINE. FOR A MENTAL HEALTH CRISIS, DIAL 988 OR GO TO YOUR NEAREST EMERGENCY ROOM. Kentucky Lawyer Assistance Program and the KBA are the first and only lawyer assistance and state bar programs in the country to offer this interactive screening prevention program to our lawyers. The screening will be offered at no cost to KBA members. All screenings are confidential, and assistance will be provided independently by mental health professionals through our Employee Assistance Program, who monitor the screenings. This program is part of the larger ongoing response of KYLAP and the KBA to reduce the rate of

¹ Find additional information and advertising about these services at www.KYLAP.org.

depression and suicide in our profession. Interactive screening results are not reported to KYLAP or the KBA. There is a heightened risk for lawyers to develop depression and other serious mental health issues that may lead to thoughts of suicide or a suicide attempt but we are hopeful that through this ISP the risks of lawyers who contemplate or attempt death by suicide will be reduced.

IX. ATTORNEY DISCIPLINE

The Office of Bar Counsel is appointed by the Board and “shall be responsible for investigating and prosecuting all disciplinary cases and such other duties as the Board may designate.” [SCR 3.155](#). There have been significant changes in the discipline system that have been supported by the Inquiry Commission, the KBA Board of Governors, and approved or implemented by the Kentucky Supreme Court. These changes were undertaken to increase the responsiveness to complainants; increase the speed of resolution of many complaints; reduce backlog; increase help to lawyers who demonstrate a lack of understanding of how the rules apply; and to increase public confidence in regulation by the Supreme Court, the KBA, and the Inquiry Commission.

Important elements of the disciplinary system include:

- A. Establishment of a "diversion" central intake system for certain types of bar complaints, providing informal warnings and referrals to resources for education or assistance.

In 2007, amendments to the Supreme Court Rules created a "diversion" alternative which is analogous to similar processes available in some other states. This process is under the direction of the Inquiry Commission and creates a set of more flexible options for resolution of what appear as "low level" ethical violations. The process includes informal "complaints" for review in the diversion process. Key components of the diversion review are:

1. Inclusion of sworn and unsworn complaints in a centralized intake process with assignment of each matter stating a colorable violation to an OBC attorney.
 2. Informal preliminary investigation through contact with the attorney to determine if the matter has been addressed or requires some follow up by the attorney. Such matters include return of client files, refund or clarification of unearned fees, and/or the lawyer communicating with the client about a particular matter.
 3. The option of processing the matter through the formal process to the Inquiry Commission is available if more significant issues appear or the matter cannot be adequately addressed informally.
- B. In 2022-2023, over one-half of all the complaints received in the OBC office were processed through the informal resolution and diversion rule.
 - C. Use of remedial education in ethics, in law office management or in a particular area that the lawyer needs to learn to avoid future difficulties.

1. The Ethics Professionalism and Enhancement Program (EPEP) was initially developed and implemented, in part, through a grant from the Bar Foundation. EPEP is now funded by the fees of attendees. Over 300 lawyers have completed the course. Completion of EPEP, along with a passing test score, results in the dismissal of the diverted complaint. The Supreme Court often refers lawyers to EPEP as part of discipline. This program focuses on the [Rules of Professional Conduct](#).
 2. The Trust Account Management Program (TAMP), however, focuses on issues related to handling lawyer trust accounts. The half-day program includes a deeper dive into the trust account rules and related case law and concludes with a hands-on trust accounting exercise complete with a three-way account reconciliation. In addition to being an option for diversion and a condition in discipline, this program has been made available for CLE credit to attorneys who have not been directed to attend in connection with discipline matters, in hopes that those attorneys would be better equipped to avoid trust account-related violations.
- D. Providing the Inquiry Commission with the ability to conditionally dismiss the bar complaints it reviews to try to correct the problem, rather than relying solely on Private Admonitions or Charges.
 - E. Use of the resources of the [Kentucky Lawyer Assistance Program \(KYLAP\)](#) for disciplinary probation or referral in diversion. This process is separate from its confidential mission.
 - F. Enhanced and more versatile use of probation or suspensions with conditions to help the lawyer overcome the issues which caused the disciplinary issue and thus help both the attorney and future clients.
 - G. Amendment to the fee arbitration and legal negligence arbitration rules to streamline that process for use, not only in voluntary cases, but as a condition of discipline or diversion. Referral is available for resolution of issues arising in complaints, and for other members of the Bar.
 - H. Substantial amendment to [SCR 3.150](#), effective April 1, 2022, generally provides that a disciplinary proceeding becomes public following the filing of a verified answer to a charge or 30 days following service of a charge in cases of default.
 - I. Complaints referred to the Inquiry Commission for review after written response is received and result in a charge of misconduct now average eight months to be processed through the investigation stage. In addition, the Inquiry Commission routinely orders complaints held in abeyance due to pending criminal charges, which implicate the right of the respondent under the Fifth Amendment. Those files may also be held in abeyance due to pending civil litigation on the same matter, which may result in findings relevant to, or conclusive in, the discipline case. In the event a charge is issued, due process rights and the requirements of litigation and appeal result in substantially longer time periods to complete the case.
 - J. Median time for charges submitted to the Court varies from year to year depending on the age and history of particular cases as they move through the system.

However, consistent averages over the past five years indicate less than .30 percent of all licensed Kentucky lawyers have a charge filed against them in a given year.

- K. Amending the [Rules of Professional Conduct](#), which the Court completed in July 2009, to be more in conformity with other states based in large part on the ABA Ethics 2000 Model Rules.
- L. Reference to the [ABA Model Standards of Discipline](#) as another source to assist the Board and the Court in consistency of imposing discipline.
- M. Use of "consensual" discipline, which is an agreed resolution where the lawyer and the KBA come to an agreement for appropriate discipline on a charge, and then ask the Court to approve it. This assists respondents and former clients in getting the case resolved without hearings, appeals, and generally with less expense. In general, approximately half of all charges are resolved in this manner.
- N. Enhancing the ability of complainants to learn about and obtain applications to the Clients' Security Fund (CSF) and reorganizing its procedures to assist victims of theft by their lawyer to recoup losses.
- O. Substantial changes were made to reinstatement procedures, including moving the initial process and investigation to the Inquiry Commission from the Character and Fitness Committee. [SCR 3.501 et seq.](#) New reinstatement and restoration forms are available on the KBA [website](#).

X. THE KBA WEBSITE: AN IMPORTANT TOOL FOR YOUR KENTUCKY PRACTICE

If you haven't checked out the KBA website at <https://www.kybar.org> recently, you are ignoring one of the most important tools you have access to for your Kentucky practice. Not only does the site include invaluable information about KBA programs and who to contact for assistance, it includes the secured options to pay your membership dues online with a credit card or by ACH, register for KBA events, and locate numerous forms needed for requesting information from, or reporting information to, the KBA. You can also find other KBA members through the "[Lawyer Locator](#)" service. You can find links to the [Supreme Court Rules](#), [Civil Rules](#), [Criminal Rules](#), [Rules of Evidence](#), [Ethics Opinions](#), [Ethics Hotline](#), [Closed and Abandoned Practices Information](#), and more on the site. Great reference links will take you to state and federal court sites, the Attorney General's Office, the Legislature and all their activities, administrative regulations, and more!

In addition, did you know that every KBA member has a public member profile on the website? Your public member profile lists your contact information (e.g., email, organization's name, address, and phone number). You have the option to add a headshot image to help others put a face with your name, list your website to give visitors a direct link to additional information about you and/or your firm, add your spoken language(s) and/or sign language credentials to affirm that you are fluent in that specific language group, and add your areas of practice to communicate to the public that you practice particular fields of law.

Don't miss out! Take some time to log in to the KBA website and review its many offerings!

XI. KBA CAREER CENTER

KBA Career Center is the premier resource to connect career opportunities with highly qualified legal talent. Whether you're searching for a new hire or searching for a new career, the KBA Career Center provides avenues to help you achieve your goal. To access the KBA Career Center visit: jobs.kybar.org.

KBA Career Center will allow you to:

- A. Recruit for Open Positions
 - 1. Post your jobs, or your institutions' jobs, where legal professionals will find and apply for them.
 - 2. Email your jobs directly to job seekers.
 - 3. Manage jobs and applicant activity right on our site.
 - 4. Search the resume database and contact qualified candidates proactively.
- B. Manage Your Career
 - 1. Search and apply to fresh jobs on the spot with robust filters.
 - 2. Upload your anonymous resume so employers can contact you, but you maintain control of your information and choose to whom you release your information.
 - 3. Receive an alert every time a job becomes available that matches your personal profile, skills, interests, and preferred location(s).
 - 4. Access career resources and job searching tips and tools.

So, what are you waiting for? Visit the KBA Career Center today and get started!

XII. LEGAL RESEARCH – DECISIS™

The KBA offers Decisis™ as a complimentary legal research member benefit. Decisis™ shares the same parent company as LexisNexis® and offers an expansive library which includes both state and federal cases, statutes, court rules, and more. Decisis™ provides KBA members with an easy-to-use interface, a reliable citator, and seven day a week live customer support.

In 2024, Decisis™ started adding National Trial Court Orders (TCO). So far, more than 5 million new decisions have been added nationwide. In Kentucky, they have added TCOs for Franklin, Jefferson, and Scott Counties. This will continue to be built out over the next year.

For a comprehensive list of libraries, *see below*.

Federal Search Library Contains:

- U.S. Supreme Court Cases
- U.S. Bankruptcy Cases
- U.S. Court of Appeals Cases
- U.S. District Court Cases
- U.S. Tax Court Division Opinions
- U.S. Tax Court Memorandum Decisions
- U.S. Tax Court Summary Opinions
- Court of Appeals for Armed Forces
- Judicial Panel on Multidistrict Litigation Cases
- U.S. Board of Tax Appeals Cases
- U.S. Commerce Court Cases
- U.S. Court Military Commission Review
- U.S. Court of Appeals for Veterans Claims
- U.S. Court of Customs & Patent Appeals Cases
- U.S. Court of Federal Claims, Claims Court & Court of Claims Cases
- U.S. Court of International Trade Cases
- U.S. Customs Court Cases
- U.S. Foreign Intelligence Surveillance Court
- U.S. Foreign Intelligence Surveillance Court of Review
- Constitution of the United States
- United States Code Service Titles 1 through 54
- USCS Public Laws
- Federal Rules
- Code of Federal Regulations (CFR)
- Federal Register
- Benefits Review Board Service Longshore Reporter
- Board of Alien Labor Certification Appeals Decisions
- Department of Labor Administrative Review Board Decisions
- Equal Employment Opportunity Commissions Public Sector Decisions (EEOC)
- Hatch Act Advisory Opinions
- Immigration Non-Precedent Decisions: BIA, AAO/AAU
- Immigration Precedent Decisions: BIA, AAO/AAU
- IRS Private Letter Rulings
- Office of Chief Admin. Hearing Officer Immigration Review Decisions
- Internal Revenue Service Rulings
- Federal Communications Commission
- Energy Regulation Commission
- Federal Sentencing Guidelines
- National Labor Relations Board
- NTSB Decisions
- Federal Energy Regulatory Commission Decisions
- Trademark Decisions

Kentucky Search Library Contains:

- KY Court of Appeals Cases

- KY Supreme Court Cases
- KY Unpublished Cases
- KY Constitution
- KY Revised Statutes
- KY Administrative Regulations
- Attorney General Opinions
- Ethics Opinions
- Workers' Compensation Decisions
- Rules of Evidence
- Rules of Criminal Procedure
- Rules of Civil Procedure
- Family Court Rules of Procedure and Practice
- Juvenile Court Rules of Procedure and Practice
- Rules of the Supreme Court
- Administrative Procedures of the Court of Justice
- Model Mediation Rules
- Special Rules for Self-Consent Abortion by a Minor
- Bylaws of the KY Bar Association
- KY Bar Association Code of Professional Courtesy
- Rules of Procedure for the Trial of Misdemeanors before U.S. Magistrates
- Joint Local Rules for U.S. District Courts of Eastern and Western Districts of KY
- Rules of the U.S. District Court for the Western District of KY
- Rules of the U.S. Bankruptcy Court for the Eastern and Western Districts of KY
- Local Court Rules

All state search libraries are also available and contain at minimum:

- State Case Law
- State Constitution
- State Statutes
- Administrative Code
- Court Rules

State libraries may contain additional content as well, which varies by state.

While the typical fee for Decisis™ is \$1,740 annually, the KBA is proud to offer complimentary access to Decisis™ as an exclusive benefit. As you become more familiar with Decisis™, we encourage you to check out <https://www.kybar.org/page/Decisis> to learn more about the platform, watch videos, or attend a live training session. Decisis™ support is available at (833) 332-4747.

XIII. COMMUNICATIONS

The [*Bench & Bar*](#) magazine, the official publication of the Kentucky Bar Association, is published to provide members of the KBA with information that will increase their knowledge of the law, improve the practice of law, and, in a format that both edifies and entertains the reader, keeps the Bar informed on current issues and events within the legal profession. It is a bi-monthly publication, published in January, March, May, July, September, and November.

The KBA also distributes a monthly electronic newsletter, KBA eNews, by email to provide members with up-to-date bulletins between regular publications of the *Bench & Bar* magazine.

Most recently, the KBA launched a new CLE monthly newsletter where members can find information on upcoming in-person and virtual CLE programs, dates and times of KBA Section seminars, details regarding CLE reporting, and announcements on new and exciting CLE opportunities.

You can also access timely information and photos by “liking” the KBA’s [Facebook page](#) or following the KBA on X ([@KyBarNews](#)) and Threads (<https://www.threads.net/@kybarnews>). The KBA is also on Instagram under [@KyBarNews](#) and on [LinkedIn](#).

XIV. KENTUCKY BAR ASSOCIATION HEALTH PLAN

Now, thanks to the collaboration between the Kentucky Bar Association and the administration of Mercer, you can have the opportunity to provide more affordable health care to your firm. Firms employing at least one owner, and one full-time, W-2 employee are eligible.

This Association Health Plan (AHP) offers Kentucky Bar Association member employers the ability to take greater control over their health care costs while improving the health care solutions for their employees. This exclusive, member-only offering allows you to select among more than 15 medical plan designs, comprehensive dental and vision plans, and group life and disability options.

You can work with your current health insurance broker to obtain coverage through the Kentucky Bar Association Health Plan. For more information visit kybarinsure.com or call (855) 429-8932 to speak with a licensed agent weekdays between 7 a.m. – 5 p.m. CST.

XV. KENTUCKY BAR FOUNDATION: THE CHARITABLE ARM OF THE BAR

The [Kentucky Bar Foundation \(KBF\)](#) was created in 1958 to improve and facilitate the administration of justice, help those in need through law-related programs, and to educate the public about the role of the judicial system and the legal profession in Kentucky. With the financial support of Kentucky attorneys, the Foundation accomplishes these objectives by providing grants for law-related programs and projects throughout the Commonwealth. The KBF awarded grants for 2024 in the sum of \$287,346 and has given nearly \$5 million in total grants since 1988. This has had a positive effect on the lives of many in our communities through the following types of programs:

- educating the public about law and the justice system
- helping at-risk children
- providing funding to assist abused women and children
- assisting veterans with legal problems by funding clinics
- offering free legal services
- providing funding to educate high school seniors about abuse of credit
- preserving legal history

The KBF's Fellows, Partners for Justice, Patrons, and Sustaining Members' charitable contributions have helped to fund KBF grants to nonprofit organizations that have developed the above programs and other projects to better serve our citizens. To participate in the bar's charitable law-related efforts, contact the KBF at 1-800-874-6582.

XVI. IOLTA

One of the most visible programs of the Kentucky Bar Foundation is the [Interest on Lawyers' Trust Accounts Fund \(IOLTA\)](#). IOLTA collects the interest generated from pooled client funds held in trust by lawyers. Routinely, a lawyer may receive money from clients that must be held in escrow for future use. Attorneys deposit small or short-term multiple client funds into an IOLTA interest-bearing account at a participating bank. The interest earned is remitted directly by the bank to the IOLTA Fund. Historically, through its interest revenues, IOLTA has made significant grants to the four regional legal services programs and funded public service fellowships at each of the three law schools in the Commonwealth.

Thanks to your participation, the Kentucky IOLTA Fund has awarded nearly \$22 million in grants since 1988. For more information, call 1-800-874-6582.

FOR YOUR INFORMATION ...

The Kentucky Law Update: Continuing Legal Education for All Kentucky Lawyers

The Supreme Court of Kentucky established the Kentucky Law Update Program as an element of the minimum continuing legal education system adopted by Kentucky attorneys in 1984. The KLU program is now offered in a hybrid format. The 2024 Kentucky Law Update is offered as a one-day, in-person program at nine different locations across the state. The 2024 On-Demand Kentucky Law Update is offered virtually on the Kentucky Bar Association website from September 1st until December 31st. These two programs offer every Kentucky attorney the opportunity to meet the 12 credit CLE requirement, including the 2 ethics credit requirement, **close to home and at no cost!** Judges can also earn continuing judicial education credits at the Kentucky Law Update.

This program was designed as a service to all Kentucky attorneys regardless of level of experience. This service is supported by membership dues and is, therefore, each member's program. The program is a survey of current issues, court decisions, ethical opinions, legislative and rule changes, and other legal topics of general interest that are faced by the Kentucky practitioner on a daily basis. As such, the program serves both the general practitioner and the practitioner who limits his or her practice to a particular field of the law. The Kentucky Law Update program is not intended, nor designed, to be an in-depth analysis of a particular topic. It is designed to alert the lawyers of Kentucky to changes in the law and rules of practice that impact the daily practice of law.

About the Handbooks and Presentations

Handbook materials are the result of the combined efforts of numerous dedicated professionals from around Kentucky and elsewhere. The KBA gratefully acknowledges the following individuals who graciously contributed to this publication:

Nicole S. Bearse	Stephen Embry	Bruce Simpson
Robbie O. Clements	Yvette Hourigan	Rebecca Adams Simpson
Don H. Combs, III	James K. Murphy	Jordyn Smith
Larry C. Deener	Mary Ellis Patton	Henry L. Stephens, Jr.
Laura Day DelCotto	Damon Preston	Robert P. Stith
Haley Dennis	Shari Polur	Eleanore Stoess
Sean Dennis	Lou Anna Red Corn	Judge Thomas Lee Travis
Laurel S. Doheny	Lori J. Reed	B. Scott West
Angela Logan Edwards	Jeffery L. Sallee	

Special Acknowledgments

Special thanks to the following KBA Sections, Committees, and other organizations whose participation and assistance with the 2024 Kentucky Law Update programs have been invaluable:

KBA AI Task Force	KBA Office of Bar Counsel
KBA Alternative Dispute Resolution Section	KBA Well Being Committee
KBA Criminal Law Section	Kentucky Court of Appeals
KBA Elder Law Section	Kentucky Lawyer Assistance Program
KBA Ethics Committee	Lawyers Mutual of Kentucky
KBA Family Law Section	Legislative Research Commission
KBA Law Practice Committee	NAELA – Kentucky Chapter
KBA Military Law Committee	Supreme Court of Kentucky

Presentations are also made on a voluntary basis. To the individuals who volunteer in this capacity, special gratitude is owed. Individuals contributing to this program are contributing to the professional development of all members of the Kentucky Bar Association. We wish to express our gratitude in advance to these individuals.

A special thank you to all of the organizations, authors, presenters, moderators, and other 2024 Kentucky Law Update program volunteers will appear in the January 2025 issue of the *Bench & Bar*.

CLE and Ethics Credit

The one-day, in-person 2024 Kentucky Law Update Program is accredited for 7 CLE credits, including 2 ethics credits. The 2024 On-Demand Kentucky Law Update is accredited for 7.75 CLE credits, including 3 ethics credits. One credit is awarded for each 60 minutes of actual instruction as noted on the agendas provided on the KBA website.

The Kentucky Bar Association 2024 Kentucky Law Update programs are accredited CLE activities in numerous other jurisdictions. Credit categories and credit calculations vary from state-to-state. CLE reporting information for other states will be provided at the registration desk at the in-person programs. The out of state information for the on-demand sessions will be available on the program website.

Kentucky Judges, don't forget you can claim CJE credit for attending this program.

REMEMBER! Reporting attendance credits is now online. Reporting information and activity numbers will be available at each respective in-person event. The on-demand reporting information and activity number will be located on the program website.

Evaluations

The 2024 Kentucky Law Update is *your* program and your input *is* valued and needed. Links to the program evaluations for the live, in-person programs and the on-demand program will be provided to all registrants via email. PLEASE take a few minutes to complete the evaluation questionnaire upon receipt. We appreciate your assistance in improving this service.

Kentucky Bar Association 2024-2025 Board of Governors

Rhonda Jennings Blackburn President Pikeville	Todd V. McMurtry President-Elect Ft. Mitchell	Matthew P. Cook Vice President Bowling Green
W. Fletcher McMurry Schrock Immediate Past President Paducah		Don H. Combs III Chair, Young Lawyers Division Pikeville
Amelia M. Adams Lexington	Douglas G. Bengé London	Miranda D. Click Pikeville
LaToi D. Mayo Lexington	Ryan C. Reed Bowling Green	Jennifer M. Gatherwright Crescent Springs
William M. "Mitch" Hall, Jr. Ashland	Stephanie McGehee-Shacklette Bowling Green	Susan Montalvo-Gesser Owensboro
Susan D. Phillips Louisville	James M. Ridings London	James A. Sigler Paducah
Catherine D. Stavros Ft. Mitchell		J. Tanner Watkins Louisville

2024-2025 Continuing Legal Education Commission

Jennifer S. Nelson First Supreme Court District	Colton W. Givens Second Supreme Court District	Kelly K. Ridings Third Supreme Court District
Eric M. Weihe, Chair Fourth Supreme Court District	Nealy R. Williams Fifth Supreme Court District	Frank K. Tremper Sixth Supreme Court District
Robert Stephen McGinnis Seventh Supreme Court District	Justice Robert B. Conley Supreme Court Liaison	Cassie H. Cooper Director for CLE

Kentucky Bar Association CLE Staff

John D. Meyers Executive Director	Cassie H. Cooper Director for CLE	Lori J. Reed CLE Attorney Editor & Section/Division Program Coordinator
Caroline J. Carter CLE Lead Program Coordinator – Annual Convention & Virtual Education	Laura Cole CLE Program Coordinator – Kentucky Law Update & New Lawyer Program	Coleen Kilgore CLE Compliance Coordinator
Terri Marksbury CLE Regulatory Coordinator		Clifford D. Timberlake CLE Accreditation Coordinator