

# KENTUCKY LAW UPDATE



# 2024

ADVANCING THE PROFESSION THROUGH EDUCATION

## **Two Ways to Save a Veteran**

1 CLE Credit

Sponsor: KBA Military Law Committee

**Compiled and Edited by:  
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2024 Kentucky Law Update**

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**TWO WAYS TO SAVE A VETERAN**  
**THE FIRST WAY: VETERANS TREATMENT COURT**  
**AN EXAMINATION OF THE FAYETTE COUNTY VETERANS TREATMENT COURT**  
Judge Thomas Lee Travis

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**I. THE HISTORY OF VETERANS TREATMENT COURTS**

A. The Concept

1. Treatment for a worthy defendant.
2. Use a multidisciplinary methodology.
3. Add to the existing specialty courts of mental wellness and drug courts.
4. Specialize to acknowledge respect for those who sacrificed by serving our country within a highly disciplined environment.

B. The Inspiration of Judge Robert T. Russell, Jr., City Court, Buffalo, NY<sup>1</sup>

Russell saw a *Nightline* TV program about the first drug court:

1. Judge Stanley Goldstein, Miami created the first drug court in 1989.
2. Russell saw the need for veteran defendants to share their veteran experience with fellow veterans.
3. Judge Russell launched the first Veterans Treatment Court (VTC) in 2008.<sup>2</sup>

C. Aftermath: The National Growth of VTC

1. From one to approximately 500 nationwide.<sup>3</sup>
2. VTCs in most states.

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<sup>1</sup> *Justice Today* podcast, The Story of Veterans Treatment Court: Judge Robert Russell. Official podcast of the United States Department of Justice's Office of Justice Program.

<sup>2</sup> Russell, Honorable Robert T, "Veteran Treatment Courts," *Touro Law Review*, Vol. 31, No. 3, Article 8 (2015).

<sup>3</sup> Miller, Leah, "Veterans Treatment Court: Treatment and Alternatives to Prison," American Addiction Centers, March 19, 2024.

## II. THE METHODOLOGY OF A VETERANS TREATMENT COURT<sup>4</sup>

### A. Four Pillars of Lasting Recovery

1. Home: A stable platform for recovery.
2. Health: Treating both physical and mental health.
3. Purpose: Employment, education, activities creating vision.
4. Community: Family, friends, peers.

### B. The Case Plan: Goals for Each Veteran Participant

1. Find a job.
2. Find housing.
3. Work out family issues including custody of loved ones.
4. Develop good financial habits.
5. Improve time management skills.
6. Engage in society in a positive way.

### C. The Treatment Plan

1. Interaction of the therapist/clinician and the veteran participant.
2. Individual and/or group therapy programs.
3. Collaboration of the therapist with VTC staff.

### D. VTC: The Five-Phase Program

Comment: Veterans Treatment Court is a comprehensive program that combines treatment for substance abuse and addiction with continuous societal integration. The minimum time for a participant charged with misdemeanors is 15 months and the minimum for those charged with felonies is 18 months. A participant cannot skip phases and only progresses from one phase to another after completing all requirements of the current phase.

1. Phase One: Stabilization.
  - a. Treatment assessment for a case plan.
  - b. VTC staff monitors progress.

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<sup>4</sup> *Veterans Treatment Courts Participant Handbook*, Kentucky Department of Specialty Courts, Administrative Office of the Courts, September 2023.

- c. Attend recovery support programs.
    - d. Make all required (2x per week) drug/alcohol screenings.
    - e. Find court-approved housing.
  - 2. Phase Two: Treatment Stabilization.
    - a. Continue to follow the case plan.
    - b. Obtain court-approved employment.
    - c. Enter educational programs.
    - d. Enter community activities.
    - e. Meet with a VTC mentor.
  - 3. Phase Three: Social Development.
    - a. Plan to satisfy court fines and restitution.
    - b. Meet with a mentor weekly.
    - c. Weekly meeting with VTC staff.
    - d. Recovery support system: Groups to address PTSD or using 12-step drug/alcohol recovery program.
  - 4. Phase Four: Self-Motivation.
    - a. A full-time job.
    - b. A court-approved home for an individual or for a family.
    - c. Engagement with the community.
  - 5. Phase Five: Continuing Care.
    - a. Develop a continuing care plan.
    - b. Develop a relapse prevention plan.
- E. Incentives and Sanctions for Participants
  - 1. Incentives: Encouraging the veteran to succeed.
    - a. Praise from the judge, the staff, and mentors.
    - b. Promotions to the next phase.

- c. Reduced supervision.
    - d. Court-approved items, e.g. gift cards and funds for necessary items (food, gas, etc.).
  - 2. Sanctions.
    - a. Warnings by the judge.
    - b. Written homework assignments.
    - c. Home incarceration.
    - d. Incarceration in the local jail.
- F. What is Successful Completion<sup>5</sup>
  - 1. Full compliance.
  - 2. Completion of all five phases.
  - 3. Result:
    - a. The judge may dismiss charges.
    - b. The judge may amend probation terms.

### III. THE MENTOR PROGRAM

Comment: The original concept of a Veterans Treatment Court envisioned by Judge Robert Russell was to provide veterans with a support system of fellow veterans that could help the participant during each of the five phases. Understanding the veteran perspective can only be fulfilled by other veterans.

- A. Five Military Branches (USAF, USA, USMC, USN, USCG)
  - 1. Honorable service and an honorable discharge.
  - 2. Combat and non-combat service.
  - 3. Community leaders.
- B. The Value of a Veteran Mentor
  - 1. Coach: Incentives to overcome obstacles.

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<sup>5</sup> For an analysis of Kentucky's Veterans Treatment Courts, see Meyer, Adam, "Veterans Treatment Courts in Kentucky: Their Success, Their Shortcomings, and What Kentucky Can Do to Further Rehabilitate Veterans," 105 *Ky. L.J. Online* (2017). The article evaluates the success of these programs but also identifies criticism (they create a special class just for veterans). The article also recommends legislative action that would create these courts under the law and identify the authority given to VTC judges.

2. As a guide: Veteran-to-veteran counseling.
3. As a role model: Someone the participant can look up to.
4. As a support system: “*Lean On Me.*”

#### IV. THE FAYETTE COUNTY MODEL

##### A. The **Judge**: Judge Thomas Lee Travis

1. General jurisdiction circuit judge, 8th division.
2. Fayette Circuit Court, Lexington, Kentucky.

##### B. Eligibility Criteria<sup>6</sup>

1. Active-duty service member, a veteran, or in the reserves or National Guard.
2. Court has discretion to decide what constitutes acceptable military discharge.
3. Have a pending eligible misdemeanor or felony offense or be on probation or shock probated for an eligible misdemeanor or felony offense.
4. Exceptions: Felony convictions for crimes that include violence and felony sexual offenses **do not qualify** for the program.
5. Crime victims may give input concerning the veteran’s admission to VTC. The VTC team makes the final determination of eligibility and acceptance.
6. Be a legal resident or citizen of the United States and a resident of the county in which the VTC is located or a contiguous county.
7. Be assessed as having a substance abuse disorder and/or a psychiatric disorder such as post-traumatic stress disorder, traumatic brain injury, depression, anxiety, or other psychological or psychiatric illness.
8. Demonstrate a willingness to fully participate, follow the rules, and understand potential sanctions for violations.

##### C. The VTC Court System Team

Comment: Candidates for VTC are selected through a referral system. Referrals can be made by the prosecutor, judge, defense attorney, probation officer, or any other member of the VTC team. The referral leads to a “referral order” and the

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<sup>6</sup> Kentucky Court of Justice, *Specialty Courts: Eligibility & How to Access*, available at <https://www.kycourts.gov/Court-Programs/Specialty-Courts/Pages/default.aspx> (last visited June 3, 2024).

judge presiding over the charges decides to approve or reject the referral. If approved, the VTC team assesses the candidate for further consideration.

1. **Clinical social worker** assists participants in finding appropriate recovery programs and housing.
2. **Prosecutor** from the county attorney's office monitors progress and any sanctions resulting in incarceration.
3. **Regional Supervisor**, Fayette County Specialty Courts.
4. Two **case managers** advise the judge of progress for each participant and of any violations.
5. **Clinical psychologist**, PsyD, an expert in treatment programs.

D. The Mentor Team

Comment: Judge Robert Russell, founder of the first Veterans Treatment Court, related a story about a veteran brought before him who had trouble communicating with the judge. Judge Russell sent two of his assistants out to talk to this veteran. Both assistants were Vietnam veterans as was the defendant. When they returned, the defendant could talk about his life and the charges because two of his Vietnam veteran peers broke the ice. It was that simple lesson, to use peers and mentors, that led to the first Veterans Treatment Court in 2008.

1. Military experience of our mentors.
  - a. Attorney: Army artillery officer assignments at Fort Sill, Fort Lewis, South Korea. A former elected official and long-time community activist.
  - b. Former local business owner: Army, tanker on M-551 Sheridan tank. Stationed in Fulda, Germany. Arranges for funding to help the participants pay for basic needs.
  - c. Attorney: Air Force. Prior enlisted Russian linguist. Vietnam veteran (airborne crewmember, recon). JAG officer.
  - d. Retired volunteer: Served in the Army in Germany and stateside. Passionate about helping veterans in need and finds community activities for the participants.
2. How mentors help participants.
  - a. Meet with participants prior to court in session.
  - b. Survey needs of the participants.
  - c. Assist with legal and non-legal issues.
  - d. Provide guidance and leadership.

- E. The Inspirational Culmination of VTC: **Graduation**
  - 1. Graduating participant(s).
  - 2. Family members.
  - 3. Certificate of graduation.
  - 4. Fifteen to 18 months or more of hard work.

## V. THE GROWTH OF VETERANS TREATMENT COURTS IN KENTUCKY

### A. Barriers to Establishing a VTC

- 1. Funding.
- 2. Inertia: This is the way we've always done it.
- 3. Community awareness.
  - a. Of the existence of the VTC program.
  - b. Of the location of a VTC.
  - c. Awareness by the general population.
  - d. Awareness by attorneys.

### B. Where They Are Located in Kentucky

- 1. Louisville, Jefferson County: This was the first VTC in Kentucky, began in 2012.
- 2. Elizabethtown, Hardin County.
- 3. Hopkinsville, Christian County.
- 4. Lexington, Fayette County.
- 5. Northern Kentucky VTC – Boone, Kenton, and Campbell counties.

## VI. QUESTIONS, FEEDBACK

- A. For questions regarding Veterans Treatment Courts in general contact: Administrative Office of the Courts, Department of Specialty Courts, Phone (502) 573-2350.
- B. For questions and feedback about this presentation contact: Kentucky Bar Association to the attention of the Military Law Committee.

**I. WHO IS A VETERAN?**

Definition of a veteran: "a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable." [38 U.S.C. §101\(24\)](#).

**A. The Importance of "Active Military, Naval, or Air Service"**

1. Active service contrasts with Reserve or National Guard service.
  - a. Reservists must have been "activated" to full-time duty.
  - b. Members of the National Guard must have been "activated" to federal service.
2. Active Duty for Training (ADT) is not considered active service unless the person was "disabled or died from a disease or injury incurred or aggravated" during ADT.

**B. The Meaning of "Under Conditions other than Dishonorable"**

1. There are five (5) types:
  - a. Honorable (HD);
  - b. Under Honorable Conditions/General (GD);
  - c. Discharge under Other than Honorable Conditions/Undesirable (OTH);
  - d. Bad Conduct (BCD); or
  - e. Dishonorable (DD).
  - f. A separate administrative class of discharges exists for those who received an entry level separation, had their enlistment voided, or were dropped from the rolls. These administrative, or uncharacterized, separations will not be considered in the presentation, but are defined in [38 C.F.R. §3.12\(k\)](#).
2. A discharge that is dishonorable strips the individual of the ability to be recognized by the federal government as a veteran and consequently results in ineligibility for VA benefits.

One notable exception to ineligibility for dishonorably discharged persons is for those who are victims of military sexual trauma (MST). MST-related healthcare, to include counseling, is available at VA facilities or through

contracted and qualified mental health professionals regardless of time in service or the discharge received. MST can result from any type of military activity (active duty, active duty training, or inactive duty training, *i.e.* weekend drills for Reservists and members of the National Guard). [38 U.S.C. §1720D](#).

3. Facts related to a veteran's discharge may also result in the functional equivalent of dishonorable discharge. In these scenarios, certain "separation narratives" or codes on a veteran's DD 214 create statutory or regulatory bars which prevent the veteran from receiving VA benefits. In instances in which the military record does not clearly support a regulatory bar, the benefit of the doubt will be resolved in favor of the veteran. [38 U.S.C. §5107\(b\)](#).

Note: A Final Rule from the VA on 04/26/2024 clarified that if the veteran was allowed to continue serving after the misconduct then the stated misconduct should not preclude benefits eligibility.

a. Statutory bars.

If a veteran was discharged for one of the stated reasons below, then the veteran is barred from VA benefits regardless of having received a discharge that is characterized as other than dishonorable. [38 C.F.R. §3.12\(c\)\(1\)-\(6\)](#).

- i. Conscientious objection and refusal to perform military duty, wear the uniform, or comply with a lawful order from competent military authorities.
- ii. The sentence of a general court-martial.
- iii. Resignation by an officer for the good of the service.
- iv. Desertion.
- v. As an alien during a period of hostilities, where it is affirmatively shown that the former service member requested his or her release.
- vi. A discharge under other than honorable conditions issued as a result of being absent without leave (AWOL) for a continuous period of at least 180 days (unless compelling circumstances warrant the period the service member was AWOL).

b. Regulatory bars.

The VA treats veterans who have been discharged for one of the reasons below as having been dishonorably discharged despite the discharge characterization provided on the DD 214. [38 C.F.R. §3.12\(d\)\(1\)-\(4\)](#).

- i. Acceptance of an undesirable discharge in lieu of a trial by general court-martial.
  - ii. Mutiny or spying.
  - iii. Moral turpitude (generally involves a conviction of a felony).
  - iv. Willful and persistent misconduct.
- c. Note: The Final Rule referenced above resulted in the following:
- i. Further clarification of “willful and persistent misconduct” to only apply if there are (i) instances of minor misconduct (as defined in reference to the Manual for Court-Martial United States) occurring within two years of each other; (ii) an instance of minor misconduct occurring within two years of more serious misconduct; or (iii) instances of more serious misconduct occurring within five years of each other. An individualized review will also be granted to determine whether there were mitigating factors or if meritorious service should outweigh the misconduct.

- ii. The removal of the following as a regulatory bar:

Homosexual acts:

involving aggravating circumstances or other factors affecting the performance of duty. Examples of homosexual acts involving aggravating circumstances or other factors affecting the performance of duty include child molestation, homosexual prostitution, homosexual acts or conduct accompanied by assault or coercion, and homosexual acts or conduct taking place between service members of disparate rank, grade, or status when a service member has taken advantage of his or her superior rank, grade, or status.

## II. UNDERSTANDING THE DD 214

- A. A "DD 214" is simply the Department of Defense (DD) Form Numbered "214"
- B. Its Formal Title is "Certificate of Release or Discharge from Active Duty"
- C. There are Four Key Areas of Interest for Someone Contemplating the Discharge Upgrade Process
  - 1. Field 24. Character of Service. This field will list one of the characterizations of service listed above (I.B. 1.a-f).

2. Field 26. Separation Code. This field will contain three letters such as "FND" or "JFX." The Separation Code should correspond with Field 28 and can generally be searched for online to determine whether there is a correspondence between the two.
3. Field 28. Narrative Reason for Separation. As stated above, this field should correspond with the separation code. The narrative is also an important area to look at to see if there is a statutory or regulatory bar from VA benefits.
4. Field 29. Dates of Time Lost during this Period. This field will indicate how much time, if any, the service member was AWOL (this may include time the service member spent in jail). Keep in mind that if this number is equal to or greater than 180 days then there is a statutory bar from VA benefits.

There are other areas of the DD 214 that are worth significant consideration. For example, Field 13 may indicate that the service member received noteworthy medals or citations that could provide a very different narrative than what is stated as the reason for separation.

- D. If the veteran does not have a DD 214, then one can be requested by completing and mailing a form entitled "SF 180." A copy of this form is also available at <http://www.archives.gov/veterans>. Submitting one of these forms is generally necessary even when the service member has a DD 214 for the purpose of obtaining other military records.

### III. WHY SEEK A DISCHARGE UPGRADE?

- A. Psychological and Societal Issues for Veterans with "Bad Paper" Discharges

For more information on the statistics below see: "Underserved: How the VA Wrongfully Excludes Veterans with Bad Papers" available at <https://www.swords-to-plowshares.org/research-publications/underserved>.

1. Suicide – Veterans with an unfavorable discharge are twice as likely to commit suicide than other veterans.
2. Homelessness – Veterans with an unfavorable discharge are more likely to be homeless.
3. Incarceration – 23 percent of veterans in prison are VA ineligible.

- B. Opportunity to Receive Veterans Benefits by Changing Discharge Characterization

The benefits below indicate the type of discharge a veteran must have in order to be eligible to apply.

1. Compensation for Service-Connected Disability or Death. [38 U.S.C. §1131](#) – Yes for HD and GD/OTH and BCD are TBD.

2. Dependency and Indemnity Compensation for Service-Connected Deaths. [38 U.S.C. §1310](#) - Yes for Other than Dishonorable.
3. Pension for Non-Service-Connected Disability or Death or For Service. [38 U.S.C. §1521](#) – Yes for HD and GD/OTH and BCD are TBD.
4. Vocational Rehabilitation. [38 U.S.C. §3102](#) – Yes for HD and GD/OTH and BCD are TBD.
5. Educational Assistance. [38 U.S.C. §3311](#) – Yes for HD.
6. Home and Other Loans. [38 U.S.C. §3702](#) – Yes for HD and GD/OTH and BCD are TBD.
7. Treatment, Rehabilitation, and Housing Assistance for Homeless Veterans. [38 U.S.C. §2002](#) – Yes for HD and GD/OTH and BCD are TBD.
8. Medical, Dental, Hospitalization and Domiciliary Care. [38 U.S.C. §§1712, 1710](#) – Yes for HD and GD/OTH and BCD are TBD.
9. Civil Service Preference (a benefit of the OPM not the VA). [5 U.S.C. §2108](#) – Yes for HD and GD.
10. For a complete list of federal separation benefits see: [https://www.statesidelegal.org/benefits\\_separation](https://www.statesidelegal.org/benefits_separation).

#### **IV. THE ADMINISTRATIVE AGENCIES FOR REVIEWING UPGRADE REQUESTS**

##### **A. Discharge Review Board (DRB)**

1. Legal references: [32 C.F.R. §70.8](#); [Public Law 95-126](#); [10 U.S.C §1553](#); [DoD Directive 1332.28](#), Discharge Review Board Procedures and Standards; [Army Regulation 15-180](#), Army Discharge Review Board.
2. Limitations.
  - a. Fifteen (15) year statute of limitations. Cannot apply if more than 15 years have lapsed since discharge.
  - b. Original discharge cannot be a BCD or DD.
3. Standards of review.
  - a. Equity.
    - i. New policies and procedures would result in a different outcome for the veteran.
    - ii. Discharge was inconsistent with standards of discipline at that time.

- iii. Other evidence in military records reveals a higher quality of service than portrayed by discharge.
    - iv. Conduct before or after military service reveals inequity of discharge.
    - v. Other considerations: potential inability to adjust to military due to age, education, or medical and/or psychological issues that were present but not fully understood at time of enlistment, PTSD, family and/or personal problems, drug, or alcohol abuse led to discharge but instigated due to circumstances listed above.
  - b. Propriety – the discharge was a result of an error of fact, law, procedure, or discretion.
    - i. Includes whether military authorities acted in arbitrary or capricious manner or with an abuse of discretion.
    - ii. Also includes changes in policy that are expressly made retroactive (example: repeal of DADT).
  - c. Presumptions and burden.
    - i. The DRB presumes the military acted correctly and that the service records are without error.
    - ii. Burden is upon the veteran to overcome the presumption.
    - iii. If the veteran contends that the discharge was a result of both inequity and impropriety, then the DRB will consider both standards in its ruling.
- 4. Necessary documentation.
  - a. DD Form 293 must be submitted – available at <https://www.esd.whs.mil/Directives/forms/>.
  - b. The DRB will also consider:
    - i. Service records that are both available and relevant;
    - ii. Other additional relevant documents submitted by the applicant;
      - (a) Formal rules of evidence do not apply, but supplemental statements made by the veteran or by others should be sworn;
      - (b) Documentation that projects the image of the veteran in the appropriate light, *i.e.* a clean criminal

history, character references, employment records, school degrees, etc. if taking the position that the veteran is far different from what is displayed on the DD 214; if taking the position that the veteran suffers from PTSD, then documentation of counseling, medical prescriptions, and rehabilitation may be necessary to make a persuasive argument.

5. The hearing.
  - a. Five (5) officers from the same branch of service as the veteran comprise the board.
  - b. Mode of review by the hearing officers.
    - i. Record review.
    - ii. Hearing.
      - (a) A hearing can be requested in lieu of a record review.
      - (b) A hearing can also be requested if a record review results in an unfavorable outcome for the veteran.
      - (c) A hearing can also function as a board of reconsideration if there was not a previous hearing but only if still within the 15 years since discharge.
      - (d) Reconsiderations are also permissible where there has been a change in policy that has been made expressly retroactive.
  - c. Appeal process.
    - i. Appealable under the Administrative Procedure Act.
    - ii. Six (6) year statute of limitations.
    - iii. Venue:
      - (a) District court where veteran resides;
      - (b) District court where veteran was discharged;
      - (c) Service Department Secretary (Washington, D.C.);
      - (d) Exhaustion of administrative remedies may be required; thus a BCMR would be necessary prior to appeal.

- B. Board of Corrections of Military Records (BCMR)
1. Legal references: [Public Law 105-261](#); [10 U.S.C. §1552](#); [DoD Directive 1332.41](#).
  2. Limitations.
    - a. Three (3) year statute of limitations since the time the veteran "discovered" the error or injustice, but this is often waived in the interest of justice.
    - b. Unlike a DRB, this board exists so that nearly any military record can be amended or corrected.
    - c. A court-martial can only be discharged through the granting of clemency.
  3. Standards of review.
    - a. Error and/or injustice.
    - b. These two standards closely approximate the standards of equity and propriety in the DRB.
  4. Necessary documentation.
    - a. DD Form 149 must be submitted and is available at <https://www.esd.whs.mil/Directives/forms/>.
    - b. Likely the DRB will consider relevant military records, sworn statements, and other documents supplemented by the veteran.
    - c. The branch of service may request advisory opinions from professionals within the military and have briefs prepared accordingly. These briefs can be requested in advance and responded to if warranted.
  5. The hearing.
    - a. Three (3) or five (5) high-ranking civilians from the veteran's branch of service comprise the board.
    - b. Reconsideration.
      - i. A one (1) year statute of limitations.
      - ii. Based upon the existence of new material evidence that was not available during the original hearing.

- c. Appeal process.
  - i. A six (6) year statute of limitations.
  - ii. Jurisdiction is the same as the DRB venues.

C. Decisions of the Boards, Judicial Review, and DoD Guidance

1. Decisions from DRBs and BCMRs are accessible at <https://boards.law.af.mil/>.
2. BCMR decisions are "subject to judicial review and can be set aside if they are arbitrary, capricious, or not based on substantial evidence." *Chappell v. Wallace*, 462 U.S. 296, 303 (1983).
3. A 2014 letter from Chuck Hagel, then Secretary of Defense regarding special consideration for PTSD claims and discharge upgrades – <https://www.secnav.navy.mil/mra/bcncr/Documents/HagelMemo.pdf>.

Which was upheld by the Department of Defense in a 2016 memorandum that also recognized the role of related conditions such as Traumatic Brain Injury (TBI) – [https://dod.defense.gov/Portals/1/Documents/pubs/Consideration\\_on\\_Discharge\\_Upgrade\\_Requests.pdf](https://dod.defense.gov/Portals/1/Documents/pubs/Consideration_on_Discharge_Upgrade_Requests.pdf).

For questions or to provide feedback please contact the Kentucky Bar Association, Military Law Committee.

## 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

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| 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          |

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### **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**

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## **2024-2025 Continuing Legal Education Commission**

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## **Kentucky Bar Association CLE Staff**

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