

# KENTUCKY LAW UPDATE



# 2024

ADVANCING THE PROFESSION THROUGH EDUCATION

## **You're Fired! Real World Ethics: When a Client of Questionable Capacity Seeks to End Your Representation**

1 Ethics Credit  
Sponsor: NAELA – Kentucky Chapter

**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.

**YOU'RE FIRED!**  
**REAL WORLD ETHICS: WHEN A CLIENT OF QUESTIONABLE CAPACITY SEEKS TO END**  
**YOUR REPRESENTATION<sup>1</sup>**  
Shari Polur

---

## **I. INTRODUCTION**

If you practice law that involves individuals as clients, sooner or later you will have a client who wishes to leave you. You may receive this news by letter or electronic mail, by text or by telephone. In most instances the phrase, "You're fired!" is likely to produce a visceral reaction. It may be shame, dread, confusion, or even relief. Regardless of the emotional response, competent attorneys will take the opportunity to conclude the engagement, produce files for the client, return unearned fees, and inform others, both within and outside their firm. Counsel of record must inform tribunals and may even need permission to withdraw.

For elder law or disability law attorneys, we frequently have more complicated issues to address. When dealing with clients who are aging or perhaps suffering from mental health challenges, attorneys have ethical duties that expand beyond the scope of basic client termination tasks. What follows is a scenario describing how a client both entered and exited a relationship with his elder law attorney, and how the attorney sought to comply with her ethical obligations to the client, the courts, and to her profession.<sup>2</sup>

## **II. GAINING A CLIENT**

Niece Nancy calls me to help her Uncle Donald, an elderly gentleman, who recently lost his wife, Daffy. At present, he is struggling with his three children. They have decided, declares Niece Nancy, that Uncle Donald must leave the home he had shared with Daffy for decades, and move into institutional care. Niece Nancy carefully explains exactly what Uncle Donald wants: a new power of attorney, naming her mother and Uncle Donald's sister, Sister Suzie, as his agent. Niece Nancy also explains that Uncle Donald wants a new will, leaving all his worldly possessions to his sister. Niece Nancy has generously agreed to pay for these legal services and will review the documents with Uncle Donald, before bringing him in to sign them.

Q1: Is Uncle Donald now my client? Can Niece Nancy pay his bill?

A1: Of course Uncle Donald is not my client. I have not met him nor agreed to represent him, nor has he met me and decided to hire me. In point of fact, I do not even know if he is competent to hire me, and I have not yet been able to form an opinion as to whether he

---

<sup>1</sup> This material was previously presented in similar format at the KBA 2024 Elder Law Section seminar; at the National Academy of Elder Law Attorneys 2024 Clifton Kruse Ethics Lecture; and in reduced format in *NAELA News* (Vol. 36, Issue 2).

<sup>2</sup> This scenario is a composite, with no names or identifying information from actual clients.

meets even the low standard of a “lucid interval” required to make a will,<sup>3</sup> much less arguably any higher standard required to execute a power of attorney.

As for whether Niece Nancy can pay his bill, that depends. Do the ethics rules permit a third party to pay an attorney for work produced for a client? In Kentucky the answer is clearly yes, as long as the ethics rules are properly followed, including informed consent by the client and maintenance of ongoing independent professional judgment of the lawyer. [SCR 3.130\(1.8\)\(f\)](#). See also, [SCR 3.130\(5.4\)](#) (Professional independence of a lawyer).

After my firm confirms that there is no conflict with any present or past clients, I suggest to Niece Nancy that Uncle Donald call me directly to explain his legal concerns. Uncle Donald is able to explain his issues and hires my firm (*i.e.*, me) to draft new legal documents for him including a power of attorney, health care surrogate designation, and last will and testament. He declines to review the documents in advance, but meets with me, along with one staffer from my office, to review his documents. He is quite nervous, but after an hour or so, Uncle Donald is calm and reasonable and asks several pertinent questions, allowing me to determine that he is capable of understanding what he asked me to do for him, and confirming for me and the staffer that these are his wishes and no one else’s. Per his directions, I make changes to some of his documents. Uncle Donald ultimately verifies the accuracy of each agent’s and beneficiary’s name and relationship, and then signs and dates each document in triplicate in front of a notary and two independent witnesses. At the end of the meeting, Uncle Donald pays for his legal services himself.

Q2: Is Uncle Donald now my client? Or is it his sister, Sister Suzie, whom he named as his initial agent under his general durable power of attorney, designated as his health care surrogate, and nominated as his executor in his will?

A2: Uncle Donald is absolutely my client. While I may be able to help Sister Suzie perform her role as agent under the power of attorney and health care documents, my duties of loyalty, confidentiality, etc. remain with Uncle Donald. Sister Suzie has not become my client. Uncle Donald’s will, of course, has no legal significance until Uncle Donald passes away. Note: Niece Nancy has no current agency or other legal role.

### **III. KEEPING A CLIENT**

Shortly after this meeting, I receive a call from Sister Suzie, with whom Uncle Donald has been living as he struggles with his new widowhood. Niece Nancy usurps the call and informs me that Uncle Donald’s children are quite angry that Uncle Donald has moved in with Sister Suzie. Niece Nancy continues, stating that certain of Uncle Donald’s children have been removing their father’s funds from his bank account, allegedly for “safekeeping.” I speak with Uncle Donald directly and we decide to pursue curatorship, so that Uncle Donald’s funds will be safeguarded by a court-appointed fiduciary (the curator). Uncle Donald comes to my office to review and sign a petition to have a curator of his choosing appointed by the local district court. Naturally, he nominates his sister, Sister Suzie.

---

<sup>3</sup> *Bye v. Mattingly*, 975 S.W.2d 451 (1998).

Several weeks later, Uncle Donald and I attend a probate court hearing during which the judge examines him and ultimately approves Uncle Donald's request for the appointment of a curator. The judge has Sister Suzie take an oath to properly manage her brother's assets and income under court supervision. In this way, Uncle Donald's financial affairs will be managed without the need for a guardianship, and without the attendant loss of civil rights.

Q3: Is Uncle Donald still my client? Is it the curator? Both?

A3. Uncle Donald remains my client. Query: What obligation do I now have to support Sister Suzie, as well, during the period she controls Uncle Donald's finances – if she contacts me to do so?<sup>4</sup>

Another month passes, with no further contact from Uncle Donald, Niece Nancy, or Sister Suzie. I prepare my usual closing letter to Uncle Donald, reiterating what legal services were provided, explaining that the engagement is complete, and stating that we are closing our file. Nearly simultaneously, Niece Nancy and Sister Suzie call me, as they have just received papers from the local district court and do not understand what the mental health division is. After reminding them that I represent Uncle Donald, they elaborate: the papers were mailed to Uncle Donald, and were forwarded to him at Sister Suzie's house, where he has now been living for months. Upon reviewing Uncle Donald's papers, I explain that Uncle Donald's children have commenced a guardianship proceeding starring Uncle Donald as the Respondent. I remind Sister Suzie and Niece Nancy that I am Uncle Donald's attorney and end the call.

For the next several days, I attempt to contact Uncle Donald directly, but his phone does not seem to be working. In desperation, I reach out to the court-appointed guardian *ad litem* for the guardianship proceeding and learn that Uncle Donald is in Hawaii, at the home of one of his children.

After trying again to contact my client to no avail, I reach back out to the guardian *ad litem*, Goofy, and ask if she would join me in seeking to set aside the petition for guardianship due to Uncle Donald's having already arranged for his housing, medical care, and financial well-being: the epitome of less restrictive alternatives to guardianship. The guardian *ad litem* agrees, and I draft a motion to quash the guardianship, and tender it jointly with Goofy. I attach the health care surrogate and power of attorney documents, along with the curatorship order and an explanation of Uncle Donald's decisions regarding those legal matters and his housing.

We wait.

Several weeks pass and I receive a call from Louise, Uncle Donald's daughter in Hawaii. She was asked by her cousin, Niece Nancy, to have her father call me. Unfortunately, Louise reports, Uncle Donald's phone dropped into the Pacific Ocean. Also, Uncle Donald is . . . somewhere else . . . and unavailable to speak. Louise, however, wants to talk. Louise has been fighting with her siblings, Dewey and Huey, who want to control Uncle Donald's life, take his money, and move Uncle Donald into an old age home. Louise explains that she is trying to keep her father, Uncle Donald, in Hawaii, so as to avoid the impending guardianship hearing. Louise ends by asking if I can have Sister Suzie send

---

<sup>4</sup> Curatorship, and how it functions, is not clearly delineated in Kentucky statute or regulation. It should be.

her some of Donald's money, since caring for him is so costly. I reiterate that I am Uncle Donald's attorney and need to speak with him.

#### IV. LOSING A CLIENT

Without success in speaking directly with my client, I appear at motion hour to defend the motion I tendered with Goofy. Unsurprisingly, Dewey has hired counsel to help pursue guardianship over his father, Uncle Donald. The court passes on our joint motion in favor of a full disability proceeding, that is scheduled already. The court orders that Uncle Donald – who is noticeably absent – contact his private counsel. The court further orders that others present – Uncle Donald's children and their counsel – help effectuate this contact.

Weeks pass and I remain unable to contact Uncle Donald.

I receive a voicemail identifying itself as a "NO CALLER ID" number. The caller sounds like Uncle Donald, parroting exactly what a male voice<sup>5</sup> in the background tells him to say:

Male voice: "Tell her who you are."

Uncle Donald: "I am Donald."

Male voice: "Tell her you're fine."

Uncle Donald: "I am fine"(into the phone) and then, "What do I say next?" (aside)

Male voice: "Tell her you don't need to talk to her."

Uncle Donald: "I don't need to talk to you."

Male voice: "Now hang up!"

Uncle Donald: "OK" (aside) and then "I'm hanging up." (into the phone)

I reach out to the guardian *ad litem*, Goofy, and to opposing counsel, reminding them of the court's admonition that I must speak with my client. I request their help, as Uncle Donald has flown the coop.

Several days before the guardianship hearing to determine whether Uncle Donald is legally disabled and if a less restrictive alternative is available, I receive another telephone call. This time, I recognize the area code: it is from Hawaii. I quickly request that a staffer join me in my office to take notes.

The telephone call connects. There is a brief pause during which a female<sup>6</sup> whispers "Take this" and Uncle Donald asks, "What do I say?" The call, heard on speaker phone in my office, continues much like this:

Uncle Donald: "You're fired."

Me: "Who is this, please?"

---

<sup>5</sup> I suspect it is Uncle Donald's son, Huey, based on recollection of his voice in our prior conversations.

<sup>6</sup> I suspect it is Uncle Donald's daughter, Louise, although I have no proof.

Uncle Donald (aside): "What do I say?"  
Female whisper: (indecipherable)

Uncle Donald, repeating: "You're fired."  
Me: "I'm sorry. Who is this?"

Uncle Donald (aside): "What do I say?"  
Female whisper: (indecipherable)

Uncle Donald, repeating: "It doesn't matter who I am. You're fired."  
Me: "I'll need to know who is calling me."

Uncle Donald (aside): "She's asking who I am."  
Female whisper: (indecipherable)

Uncle Donald: "I am Uncle Donald. You're fired."  
Me: "What are you firing me from?"

Uncle Donald (aside): "What am I firing her from?"  
Female whisper: (indecipherable)

The conversation continues in a similar vein for three-and-one-half painful minutes, during which I try to explain who I am and what legal posture Uncle Donald is in. I try to impress upon him that there will be a court hearing soon to determine if he can make his own decisions about where to live and how to spend his money. Uncle Donald, apparently at the urging of the whispering female, does not reply but rather repeats, "You're fired."

The connection is broken. The line goes dead. I suspect something foul may be afoot.

Q4: Am I still Uncle Donald's attorney?

A4: I believe so, but it is a difficult question. Is my client being unduly influenced? Has he ceased to have decisional capacity? See [SCR 3.130\(1.14\)](#) that imposes various duties upon an attorney who suspects or knows that a client suffers from diminished capacity. See also, KBA Ethics Opinion [KBA E-440](#) (Nov. 18, 2016) (addressing representing clients with diminished capacity), especially at Question 4. See also, ABA Standing Committee on Ethics and Prof'l Responsibility, [Formal Opinion 96-404](#) (Aug. 2, 1996) (Client under a Disability).

Two days after this confusing conversation, I receive an overnight mailer from Hawaii. It contains a typed letter terminating my legal services. It appears to be signed by Uncle Donald. Although the signature looks genuine, it is much shakier than the handwriting with which Uncle Donald signed his name in my office recently.

Q5: Have my services been terminated? If so, what of my pending motion? What about the hearing, now days away? I am baffled as to my duty to Uncle Donald, who is either a client or former client. I do not know what my ethical obligations are to the guardian *ad litem*, who joined me in signing the motion to quash now pending before the court. More critically, I am uncertain with whom I can discuss this matter. Assuming the client is seeking to terminate my services, and I want to be done, can I simply walk away?

A5: One resource, given time, would be to seek guidance in the form of an informal ethics opinion from the Kentucky Bar Association's Ethics Hotline. Trained volunteers in each Supreme Court district staff the hotline to provide personal advice to KBA members seeking guidance on an "ethical course to take in a situation. The informal opinion, if based upon an accurate statement of the facts, and followed, can serve as a defense to a later complaint of misconduct which arises from the same facts."

I cannot ascertain where my client is, or even if he is back in the Commonwealth. I cannot verify whether he is competent, suffering from dehydration or dementia, or challenged by other temporary illnesses.

I have no time to await an ethics opinion.

I research far into the night reviewing Kentucky Supreme Court Rules on professional conduct, American Bar Association guidance, the entire National Association of Elder Law Attorneys website, the National Guardianship Association site, Kentucky Guardianship Association site, numerous ethics opinions, case law, and any relevant publication I can find. I am quacking up.

After a sleepless night, I throw myself on the mercy of the court – the guardianship court. Hearing day has arrived, and I have no idea what my role is, or should be.

## V. REAL WORLD ETHICS IN ACTION

I arrive 30 minutes early to the courthouse, knowing that all of the day's hearings are scheduled to be conducted remotely. I am permitted to enter the empty courtroom, and when the judge arrives, I request to have an *ex parte* communication, regarding an ethical issue. She asks me to confirm that this is not about the instant case and looks shocked when I admit that it is.

Candidly, I share that I am uncertain as to whether I have a client or not, but have not withdrawn my motion challenging the need for a guardianship. We proceed without audio or video access by any others initially, and subject to review by the court later. I attempt to lay out my ethical concerns.

First, I note that I am obligated to act with candor to the tribunal. [SCR 3.130\(3.3\)\(d\)](#): "In an *ex parte* proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer which will enable the tribunal to make an informed decision, whether or not the facts are adverse." See, also *id.* at Comment 15 regarding circumstances wherein lawyer may/must seek to withdraw.

Second, I state that I have concerns about my client being unduly influenced or otherwise manipulated. I express regret that I cannot share the factual bases for these concerns (see *above* at IV.) unless so ordered by the court due to client confidentiality. I affirmatively request the judge to order me to disclose client confidential information. [SCR 3.130\(1.6\)](#) (disclosing confidential client communications.) In particular, I cite to [SCR 3.130\(1.6\)\(b\)](#) that permits a lawyer to disclose confidential client information as reasonably necessary "to secure legal advice about the lawyer's compliance with these Rules" or to "comply with other law or a court order." *Id.* at [SCR 3.130\(1.6\)\(b\)\(2\),\(4\)](#).

The judge orders me to disclose relevant information to the extent necessary. I explain the facts that led to Uncle Donald's hiring me. I replay the voicemail from Uncle Donald which led me to believe my client was at best, being unduly influenced, and at worst, of diminished capacity. I informed the judge of the next (live) call wherein my client told me that I was dismissed, albeit without apparent awareness of who I was or what job I should stop performing. I inform the court that I have an affidavit from the staffer who heard the call, and further that the staffer was available to testify. I then hand over a FedEx envelope mailed from Hawaii containing a notarized letter signed by the client, allegedly terminating my legal services. I express concern that my client has become a person of diminished capacity since the start of our engagement. I cite to [SCR 3.130\(1.14\)](#) (client with diminished capacity) that imposes various duties upon an attorney who suspects or knows that a client suffers from diminished capacity, including acknowledging that the attorney-client relationship must change. *Id.* at Comment 6, regarding communication with a client who suffers from diminished capacity.

Since my extant (joint) motion is before the court, and a guardianship petition has been filed, I ask the judge to advise me on what to do.

The court wisely considers my arguments on the relevant Supreme Court Rules on declining or terminating representation. [SCR 3.130\(1.16\)](#), specifically:

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of the Rules of Professional Conduct or other law; or . . .

(3) the lawyer is discharged.

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

(1) withdrawal can be accomplished without material adverse effect on the interests of the client; or . . .

(7) other good cause for withdrawal exists.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

. . .

[SCR 3.130\(1.16\)\(a\), \(b\), \(c\).](#)

In particular, I share my suspicion that the client now suffers from diminished capacity, and thus lacks "the legal capacity to discharge the lawyer . . ." Per *Id.* at Comment (6). I also explain my concern that firing counsel just prior to the hearing on a motion to avoid being subjected to guardianship would be seriously detrimental to the client's interests. *Id.*

I was, I believe, ethically bound to “make special effort to help the client consider the consequences and . . . take reasonably necessary protective action.” *Id.*

I remind the court of the pending motion jointly filed with the guardian *ad litem*, Goofy, in which we urge the court to acknowledge that a less restrictive alternative to guardianship was already in place. The motion addresses how the client had already arranged for housing, medical and financial care, and provided back-up authority. I ask the court for guidance, and an order, on how I must proceed.

Ultimately, the judge orders me to stay on the guardianship case for the pendency of the hearing and at the end of the proceeding, the judge dismisses me. This result seems to comport with Donald’s “firing me,” but I remain uncomfortable about how things played out. In the end, I am confident that the court and I followed the ethical rules and I believe that I did all that I could do to protect Donald’s interests. Nevertheless, the guardianship system was used as a sword by his children to “attack” Donald and to outmaneuver Sister Suzie and me, as we seek to act as Donald’s shield.

On a personal level, Donald’s situation has weighed heavily on me, although I admit that getting “fired” was not the worst result. So, while the ethical rules provided needed guidance to navigate me in this case, they did not yield an altogether satisfying result. As elder law attorneys, we should do our best to ethically represent our clients, yet we can be stymied to reach a desired result by the court system and by challenging family dynamics. This case will sadly be added to my repertoire of cautionary tales to share with prospective clients about the importance of doing one’s planning early to avoid ending up losing one’s rights.

## VI. ADDITIONAL RESOURCES

KBA Ethics Opinion KBA E-235 (May 1980) (based on older law, concerns discharge by client), [www.kybar.org/resource/resmgr/Ethics\\_Opinions/kba\\_e-235.pdf](http://www.kybar.org/resource/resmgr/Ethics_Opinions/kba_e-235.pdf).

KBA Ethics Opinion KBA E-440 (Nov. 2016) (issues with client with diminished capacity), [www.kybar.org/resource/resmgr/ethics\\_opinions\\_\(part\\_2\)/KBA\\_E-440.pdf](http://www.kybar.org/resource/resmgr/ethics_opinions_(part_2)/KBA_E-440.pdf).

KBA Ethics Opinion E-451 (July 2020) (revealing a client’s confidential information after the client’s death), [www.kybar.org/resource/resmgr/ethics\\_opinions\\_\(part\\_2\)/KBA\\_E-451.pdf](http://www.kybar.org/resource/resmgr/ethics_opinions_(part_2)/KBA_E-451.pdf).

ABA Formal Opinion 96-404 (Aug. 1996) (client under a disability) (withdrawal from the representation of a client with diminished capacity), [https://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/ethics-opinions/96-404.pdf](https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/ethics-opinions/96-404.pdf).

ABA CPR Policy Implementation Committee, *Variations of the ABA Model Rules of Professional Conduct* [Rule 1.14: Client with Diminished Capacity](#) (Dec. 11, 2018).

American Bar Association Model Rules of Professional Conduct (and comments) [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/).

American Bar Association Commission on Law and Aging, *Assessment of Older Adults with Diminished Capacities: A Handbook for Lawyers*, 2nd Edition by the ABA Commission on Law and Aging and the American Psychological Association, [www.americanbar.org/groups/law\\_aging/resources/](http://www.americanbar.org/groups/law_aging/resources/).

National Academy of Elder Law Attorneys, Inc., *Aspirational Standards for the Practice of Elder and Special Needs Law Attorneys* (2d ed. Adopted April 24, 2017), [https://www.naela.org/Web/Who-We-Are/Aspirational\\_Standards.aspx](https://www.naela.org/Web/Who-We-Are/Aspirational_Standards.aspx).

National Guardianship Association Ethical Principles, [www.guardianship.org/wp-content/uploads/2017/07/Ethical-Principles-2017.pdf](http://www.guardianship.org/wp-content/uploads/2017/07/Ethical-Principles-2017.pdf).

## 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 McMurtry 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