



THE LEXINGTON LAWYER

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The Lexington Lawyer Article Submission Guidelines

Unsolicited manuscripts are accepted on subjects of interest to the legal profession. Manuscripts should be submitted in MS Word or PDF as an attachment emailed to info@fcba.com. Articles should not exceed 6 typewritten double-spaced pages.

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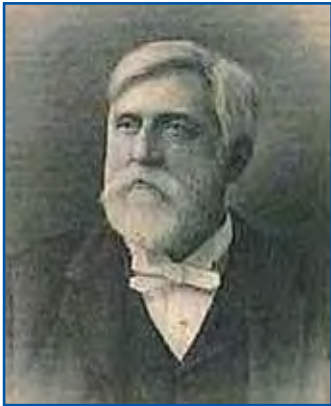
President's Message: *Amelia Adams*



Amelia Adams
FCBA President

Exploring the FCBA's History

The late Michael Crichton said, "If you don't know history, then you don't know anything. You are a leaf that doesn't know it is part of a tree." As one of the leaves of the proverbial FCBA tree, when I became President, I was excited to delve into our archives to learn more about how our Association came to be. What a treasure trove we have!



*W.C.P. Breckinridge
Breckinridge & Shelby, Lawyers,
Lexington, KY.*

The FCBA's roots trace back to the law offices of W.C.P. Breckinridge¹ and John Shelby at 21 East Short Street, where the first organizational meeting was held on March 9, 1887 "to organize the Bar and 'set a schedule of minimum fees to be charged.'"² At that time, "Lexington was a growing southern town of 25,216 people, with 38 lawyers, 42 saloons, 2 breweries, 5 distilleries, 36 doctors, 8 passenger trains daily, 6 newspapers, and 191 retail groceries of different types."³ Interestingly, "13 lawyers had their offices in the Courthouse," where trials were held until it burned in 1897, and all other lawyers "but two had their offices on the north side of the first block of East Short Street."⁴ The two were around the corner on North Upper.

Lexington has enjoyed seven courthouses since the first was built in 1782 at the corner of Main and Broadway, where Urban Outfitters sits today.⁵ What we now affectionately call the "Old Courthouse" was built in 1899 and hosted its first trial beginning on February 3, 1900, the same day that Kentucky Governor William Goebel died from an assassin's bullet in Frankfort.⁶ At that time, the "plaintiff had to pay \$.15 to file its complaint, \$.10 for any other pleading, plus \$.25 for any judge's order, \$.25 to the clerk for swearing the jury, \$.30 for a subpoena, and \$.15 for filing a deposition."⁷ Witnesses earned \$1, and jurors earned \$2 per day.⁸

The FCBA elected its first president in 1926, and a president has been in office every year since. By 1929, Lexington had 68,000 people and 126 lawyers.⁹ Saturday

morning motion hour was a big event of the week, after which attorneys played poker in the Phoenix Hotel or had drinks at The Berlin Café on North Limestone.¹⁰ Lexington attorney and historian Julius Rather shared this story in a Bar News article:

I am reminded of what I was told [attorneys at that time] considered fun. Late, late, and later in the evening, they would get the bartender to call some unsuspecting lawyer at home. "Say, do you do criminal work[?] My brother has just been arrested for bootlegging. I got \$5,000 for the lawyer and bondsman. I want him out of jail tonight. Can you do it?" Then, they would hide out in back of the jail on Short Street and laugh hysterically as the half-dressed lawyer would drive up to the jail, having broken the speed limit every inch of the way.¹¹

Typical fees then were \$10 for a misdemeanor, \$100 for a felony, and as much as \$500 for a murder case.¹² Civil fees ranged from \$3-5 per hour for insurance representation, \$5 for a title exam, and \$15 for a divorce.¹³

Marching forward a few years, we find an entertaining story about attorney Elmer "Ducky" Drake, who practiced from the 1930s to early 1950s, often in a Stetson hat and a bow tie.¹⁴ As Mr. Rather shared:

Ducky was defending a man in Magistrate Doc Jackson's Court in the basement of the Court House, who had been sued for failure to repay a loan. After the plaintiff put on his case, the defendant took the stand.

"Did you borrow the money?" Ducky asked him.

"Yes."

"Now, tell Judge Jackson if you ever had any intention of ever paying it back."

"Of course not."

Lawyer Drake then turned to Judge Jackson. "Move to dismiss, Your Honor; no meeting of the minds." Doc Jackson, who was not a lawyer, agreed and dismissed the case!¹⁵

President's Message (continued)

The FCBA did have a meeting of the minds a few years later in 1959, when it adopted its Constitution and Bylaws. The Association grew steadily over the next two decades and, in 1981, hired its first part-time staff person to produce CLE programs. Nine years later, the FCBA was incorporated as services continued to expand. The FCBA's staff person became full-time in 1991, and it opened a downtown office in 1994. A second full-time person joined in 1996 to manage the Central Kentucky Lawyer Referral Service, which now fields an average of 400 inquiries per month.

Today, the FCBA's dedicated three-person staff and fifteen-person Board of Directors work together to ensure that the Association provides exceptional member service in accordance with its governing documents.

As a Kentuckian, Lexingtonian, and attorney, I take pride in knowing more about the history of our FCBA, and I hope that you enjoyed this walk down memory lane. If you would like to learn more, contact the FCBA office to review Mr. Rather's many articles about our history. By my count, he wrote at least 50 between 1992 and 2005.

¹Breckenridge's daughter, Sophonisba "Nisba" Breckenridge, would become the first woman admitted to the Kentucky bar in 1897.

²Julius Rather, *The Fayette County Bar Association 104 Years Old and Still Growing Part One: The Beginning*, FAYETTE CTY. BAR ASSOC. BAR NEWS, July-Aug. 1992, at 5.

³*Id.* at 6.

⁴*Id.*

⁵Julius Rather, *About the Cover*, FAYETTE CTY. BAR ASSOC. DIR., at 1 (2000).

⁶Julius Rather, *First Trial in Our Courthouse*, FAYETTE CTY. BAR ASSOC. BAR NEWS, May-June 1993, at 5.

⁷*Id.*

⁸*Id.*

⁹Julius Rather, *Practicing Law in a Depression*, FAYETTE CTY. BAR ASSOC. BAR NEWS, July-Aug. 1994, at 20.

¹⁰*Id.*

¹¹*Id.* at 20-21.

¹²*Id.*

¹³*Id.*

¹⁴Julius Rather, *Remembering "Ducky" Drake*, FAYETTE CTY. BAR ASSOC. BAR NEWS, May-June 1993, at 4.

¹⁵*Id.*

12 PAGES
THE SUNDAY LEADER.
2ND PART

15 CENTS A WEEK
LEXINGTON, KENTUCKY, SUNDAY MORNING, FEBRUARY 4, 1900.
PRICE 5 CENTS

Fayette County's New Temple of Justice

Thousands of Citizens Visit It and Express Great Delight.

Fayette county's new court house house is now fully completed and tenanted.

After an absence of nearly three years from court house square, the county of- ficials have returned and are again "do- ing business at the old stand."

The moving to begin during the early part of last week. On Thursday the Fi- scal Court held its first session, but this was only brief and things were hardly in shape for general business.

Friday the officials, got pretty well straightened out and Saturday every- thing was running smoothly.

A perfect stream of people passed through the new building all day Sat- urday. Visitors were admitted also Thursday and Friday, but things were more or less in a lull up condition.

Saturday night the lights were kept on until 10 o'clock, and the building was fairly besieged. The elevator was kept busy and the big marble stair-cases were packed with persons going and coming.

This week the first term of Circuit Court begins. Judge Thurman will ascend the bench in the magnificent court room Monday, it being regular motion day.

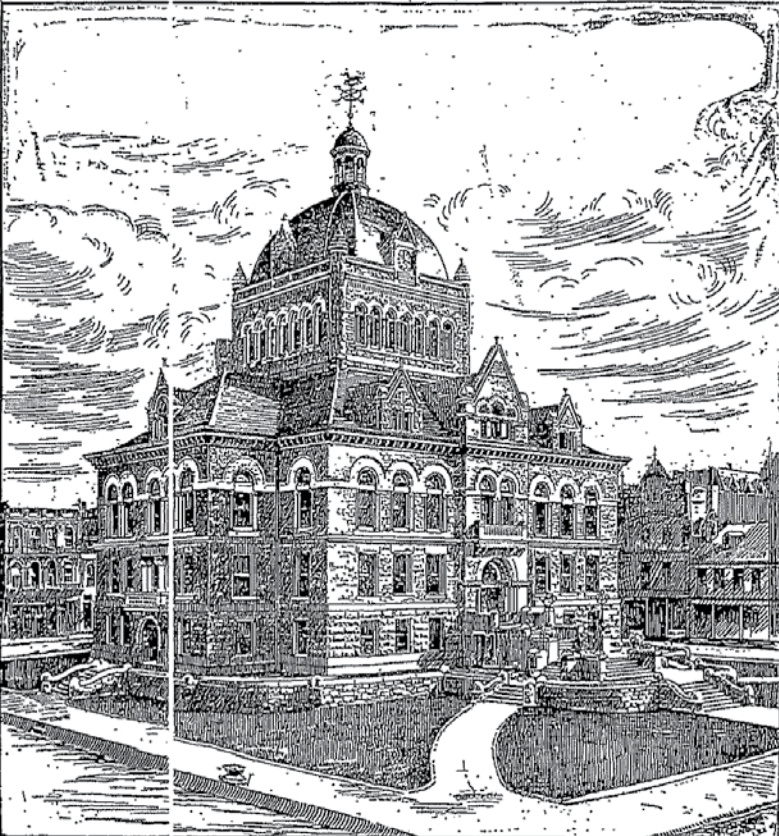
Judge Bullock, speaking of the cost of the new building, said:

"The building itself cost about \$340,000 and the architect's fee will bring the total cost up to about \$350,000."

"This is considerably over our first estimate, but we now have a building modern in every way and I would not have omitted the changes from the original plan for more than their cost."

"I think that our people will find in the end that it is the cheapest build- ing of its character ever built south of the Ohio river, and it is covered by all to be a credit to the city and coun- ty."

On one of the two white marble slabs that adorn the entrance walls just in- side the main entrance the names of the Fiscal Court members under whose ad- ministration the Court House was built appear as follows:



FAYETTE COUNTY FISCAL COURT.

Frank A. Bullock, Judge.

Magistrates.

W. J. McNamara, R. D. Bell, District 1

Lori Royalty, District 2

P. S. Graves, District 3

Abner Oldham, District 4

Charles Lamb, District 5

William Skinner, District 6

Andrew J. Gorham, District 7

Lori Gray, District 8

Charles Chinn, District 9

The following are the first officials occupants of the new court house:

LOWER FLOOR—MAGISTRATES.

Southwest Corner—First Magistrate: District, Van D. Bell, J. P.

Northwest Corner—Second Magistrate: District, L. Royalty, J. P.

Southeast Corner—Third Magistrate: District, P. S. Graves, J. P.

Northeast Corner—Fourth Magistrate: District, Abner Oldham, J. P.

FIRST FLOOR.

Northeast Corner—County Clerk: Charles Chinn; deputies: Felix Poinboe, L. L. Taylor, T. C. Bradley, John Mc- Kenna.

North Side—County Surveyor: W. A. Newman.

Northwest Corner—School Superin- tendent: M. A. Cassady.

Northeast Corner—County Attorney: W. P. Kimball.

West Side—Back Tax Assessor: Willis Wiley.

Southwest Corner—Sheriff's office: H. M. Bowditch, Sheriff; deputies: John McElroy, Frank Rogers, Chas. Bos- worth, Ben Frockman, J. A. Waldman.

South Side—County Assessor's office: R. L. Baker, Assessor; C. J. Reagan, deputy.

SECOND FLOOR.

East Side—Circuit Court room.

Southwest Corner—Commonwealth's Attorney: John R. Allen.

South Side—Law library, two rooms.

Southwest Corner—Circuit Clerk: J. C. Rogers, Clerk; deputies: John Car- ter, Richard Gilbert.

West Side—Two jury rooms.

North Side—Grand jury and witness rooms.

North Side—Ladies' parlor.

North Side—Private rooms of Circuit Judge: Watts Parker.

Northeast Corner—Witness room and prisoners' rooms.

COURT-HOUSE EMPLOYEES.

Electric and Heating Plant—H. W. Hindeaux, engineer; L. D. Harney, as- sistant engineer; Gus McGrath, night fireman.

Watchmen—James Ford, Wm. White, Willard Self.

Elevator Man—Cassell Clay.

December 2000,
The Lexington History Museum

Sketch of the new "Old Courthouse," as published in *The Sunday Leader*, Feb. 4, 1900.

Pro Bono Program: Central Kentucky Volunteer Lawyers Needed to Tip Scales Toward Justice



Josh Fain,
Pro Bono Coordinator, LABG

Rachel didn't know who she could trust after she discovered that her husband sexually assaulted her 11-year-old daughter while she was away for work. She also had reason to believe that her 10-year-old son was being sexually abused. She was in crisis and needed help immediately.

Rachel and her children were living with her in-laws making the situation dire. She knew she had to leave, but that meant leaving her marriage, their home, her job, and making her children leave their friends and switch schools.

Rachel acted quickly relocating to rural Central Kentucky, where she had family to help support her. Her husband was charged and convicted of sodomy, 1st degree, victim under 12 years of age. Rachel's husband was sent to jail, but this was only one piece of the puzzle in permanently freeing Rachel and her children from his grasp. Legal Aid of the Bluegrass (LABG) referred the case to a member of the Volunteer Lawyer Program who stepped up to help Rachel obtain a divorce. Rachel said of her experience, "my lawyer was experienced and kind. He knew the process and made me feel comfortable to share my story in court. I can never thank Legal Aid or my lawyer enough."

Rachel and her children are adjusting to their new lives. The kids are enrolled in a new school and making friends. They receive therapy through the local community care center, where professionals are helping them move on from their trauma. Rachel has found a new job and is working towards purchasing a home for the three of them. She is spending a lot of time with her family and learning to trust again. Rachel and her attorney successfully finalized her divorce case in court. Additionally, the volunteer attorney continues to provide pro bono services to LABG clients.

Rachel's case is just one of the almost 5,200 cases and over 10,000 people served by LABG and volunteer lawyers over the last 12 months. Yet, almost 48% of those persons seeking help, who are financially eligible¹ and who fall within the eligible types of cases handled by LABG, aren't able to be served. Sadly, our justice gap is less than the rest of the country.² Some of those with unmet civil legal needs include seniors, rural residents, veterans, persons with disabilities, parents of children under 18, and survivors of domestic violence or sexual assault.

A lack of available resources, i.e., attorneys or funding, accounts for the vast majority (85%-97%) of the justice gap.³ That is where you come in. You are uniquely able to offer help and make a real difference. You are a lawyer, and the FCBA Pro Bono Program needs you. Whether you provide extended representation for a client, supervise law students at one of our divorce or life planning documents clinics; whether you provide legal information over the phones, represent a survivor of domestic violence, or provide financial support for our program, there is a place for you in the FCBA Pro Bono Program. In the near future we are also looking to begin having pro bono mediation services available and also a self-help desk in the Fayette County Law Library where volunteer attorneys will assist self-represented litigants with available forms and make referrals when necessary.

As we prepare to celebrate Pro Bono service this Fall, please consider how you can participate in the program. Whether you just sat for the bar or been practicing for 50 years, we stand ready to refer you a case in your preferred areas of law or provide training on all areas that we accept cases through our Legal Aid University program. If you are interested in attending any of our events, trainings or volunteering at any of our new or existing opportunities, please give me a call me at (859) 254-1141 or e-mail me at jfain@lablaw.org. There are many clients like Rachel that are waiting on you.

¹ 125% or below the federal poverty guidelines or \$21,138 for 2 people. That means that over 20% of those living in our communities qualify for service.

² See generally, Legal Services Corporation. 2017. The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans. Prepared by NORC at the University of Chicago for Legal Services Corporation Washington, DC.

³ *Id.*



The Pro Bono Recognition Event was held on October 24, 2019 at Mane on Main. From left; Joshua Crabtree, Executive Director LABG; Judge Masterton, Judge Stein and Judge Messer accepted the Trina Clemons Friend of Pro Bono award for the Fayette County Family Court Judges; Mary Patton received the Pro Bono Attorney of Year Award; Brandon Slone was recognized as Law Student of the Year; Marilyn Daniel received the Access to Justice Award; Josh Fain, LABG Pro Bono Coordinator.

Are You Missing Out on Great Podcasts?

On an pre-dawn drive to a out-of-county hearing? Stuck in a motion hour when you're last on the docket? Walking your dog? Desperate to block out the noise of the 22nd guilty plea soliloquy of the day?

How about listening to a podcast? Podcasts are becoming ever more popular. There are so many podcasts that choosing a starting point to start listening can be overwhelming. Kind of like that first time you got on Netflix and were overwhelmed by the selection, that's similar to how it feels to click that little podcast icon on our devices. Wouldn't it be nice to have a little guidance as to where to dip your toe in the proverbial podcast pool? Never fear, to help you out, here's a guide to the best podcasts you should be listening to curated by FCBA Members.

Gwen R. Pinson, FCBA Member:

When I returned to state government in December 2015 (and, thus, began commuting to Frankfort every day), I was listening to audiobooks during my daily drive. But I quickly transitioned to podcasts and became obsessed. Like a lot of people, Serial was my first podcast (season 1 - was not a fan of season 2). From there, I continued following Adnan Syed's story with Undisclosed. Then the Undisclosed crew started covering other wrongful conviction cases, so I kept listening. Next, my friends started recommending podcasts, and my library began to expand. Now I listen so much that I have periods where I catch up on my current shows and - horror of horrors - have nothing to listen to while getting ready in the mornings and during my commute.

Since I cannot narrow my list to recommend only one or two favorites, I decided to do categories.

Fav Podcaster: Lindsay Graham (not that one) is an excellent storyteller, and I love the way his podcasts are structured. I highly recommend American Scandal and American History Tellers. If you are not a sports fan, you may not be into season 1 of American Scandal, which deals with Barry Bonds and BALCO scandal (it is very interesting though). But other season topics include the Iran Contra scandal, Exxon Valdez, the Hare Krishna murders, the Tuskegee Syphilis Study, Wounded Knee, and Enron. Similarly, seasons of American History Tellers cover the Cold War, Prohibition, the Age of Jackson, the Space Race, the formation of political parties in the U.S. and much more. Like I did with a few of these, you may think you know all there is to know about these scandals/events, but these podcasts show there is so much more to learn. (Also check out 1865, which is a dramatization following Secretary of War Edwin Stanton after Lincoln's assassination).

Podcasts that make you think: Malcolm Gladwell's Revisionist History is not only entertaining (because he is such a great storyteller as you know if you have ever read any of his books) but also thought-provoking. Check out episodes 1-2 of

season 4 where he questions why the LSAT is timed and the differences between tortoise and hare test takers.

True Crime: After Serial and Undisclosed, I listened to Up and Vanished. Story is fascinating; it is the host's first podcast, so he isn't as polished as the others I've mentioned. Man in the Window, which deals with the Golden State Killer, is very good - just don't listen to it at night if home alone. Root of Evil deals with the Black Dahlia murder and the Hodel family and is haunting. Uncover, season 3; The Village explores the numerous cases of missing and murdered men in Toronto's gay community, dating back to the 1970s. Looking for more local subject matter, check out Bardstown. Another interesting story that is heartbreaking but which has a satisfying ending is Someone Knows Something, Season 3, about the arrest of two klansmen for murder in Mississippi in 1964 and one of the victim's brother's search for justice.

For Legal Nerds: If wrongful conviction cases interest you, and you want to delve into the details, Undisclosed is for you. Produced by three attorneys, one of whom is an evidence professor, this one can get a bit too into the legal weeds for the average listener, but it is perfect for us legal nerds who care about the process and the procedure.

Pop Culture: If you are a fan of Game of Thrones or Harry Potter, check out Binge Mode. If you are a movie fanatic, subscribe to the Rewatchables.

Honorable mentions:

Slow Burn, which has seasons on Watergate and the Clintons, is great. If you love music, check out Broken Record from Rick Rubin, Malcolm Gladwell, and Bruce Headlam.

Peter Brackney, FCBA Member:

My iPhone is always filled with podcasts to listen to while commuting or traveling to court. A couple of my favorite podcasts right now are Tales from the Kentucky Room, which is produced almost every week by the Lexington Public Library. It contains some great local history! Another favorite podcast is The Daily by the New York Times to give a lot of depth behind important events in the world. A completely different kind of podcast is the serial podcast, which tells a story over a number of episodes - if you haven't listened to S-Town or Bag Man you should. S-Town creates incredible imagery about "the insurmountable challenge of living" while Bag Man delves into the fall of former Vice President Spiro Agnew.

Judge Lucy VanMeter, FCBA Past President:

I've worked my way through several podcasts this summer. Here are a few of my favorites:

Root of Evil: This podcast explores the 1947 Black Dahlia

Podcasts, continued

murder. While officially unsolved, members of the Hodel family investigate their suspicions that the killer was actually their father/grandfather, George Hodel, a prominent physician in Los Angeles. The podcast also explores other shocking family dynamics.

Man in the Window: The true story of the Golden State Killer, his crimes, and how he was eventually caught.

Dirty John: A shocking true tale of a California woman swept away by a man who turned out to have a violent and criminal past.

Dr. Death: An unbelievable true story of a rogue surgeon who causes more harm than good to his patients and the system that allowed it to continue.

22 Hours An American Nightmare: This podcast investigates the 2015 quadruple D.C. murders of the Savopoulos family and their housekeeper, Vera Figueroa. The podcast covers the investigation and trial of the accused, Daron Wint.

Slow Burn: A gripping rehash of the Monica Lewinsky scandal. If you followed the story the first time around, you will enjoy this compelling look back.

Confronting O.J. Simpson: Kim Goldman's podcast about the murder of her brother, Ron Goldman, and Nicole Simpson. Goldman talks with prosecutors, jurors, and witnesses (yes, she talked to Kato) in her compelling piece about the story that gripped the nation in the 1990s.

Gangster Capitalism: An exploration of the college admission scandal that includes the actual transcripts from surreptitiously recorded conversations between the

mastermind and the parents.

Taylor Brown, FCBA Board Member:

I like to listen to the Clark Howard Podcast when I mow the lawn in the summer. His podcast is essentially a condensed version of his syndicated radio show that focuses on consumer news and advice. Episodes are usually topical to current affairs, and he offers great tips on ways to save a buck or two.

Matt Parsons, FCBA Board Member:

"Against the Rules with Michael Lewis" – who decides what's fair, and where did they go? From the bestselling author of "Moneyball" and "The Big Short," this podcast examines "the decline of the human referee in our culture." The episode on student loan servicers might simultaneously outrage you and vindicate your own experience. Legal writing scholar Bryan Garner makes an appearance in another episode about the disappearance of the language referee.

"More Perfect" – a spinoff of NPR's Radiolab, this podcast explores critical moments and decisions of the U.S. Supreme Court, and how those moments have shaped our culture. A Season 1 episode describes how Chief Justice John Marshall used "the force" to transform SCOTUS from a perceived group of partisans with little influence into the powerful arbiter of constitutionality after *Marbury v. Madison*.

"The Shrink Next Door" – was "Easy Mark" Marty Markowitz, a law-trained executive in New York City, an unsympathetic sucker or the victim of three decades of carefully plotted manipulation by his psychiatrist? Journalist Joe Nocera explores this strange tale of power and influence in which a wealthy patient gives control of every aspect of his life – including his Hamptons party house – to his therapist.



If These Walls Could Talk...



Peter Brackney,
Brackney Law Office

Historic buildings help tell stories of people and events that make us who we are today. Sometimes “if these walls could talk” moments can tell stories in ways that pages of a history book cannot. So when a building is torn down, we lose a portion of our history.

Lexington’s incredibly rich history is told by many tangible structures, but others have been lost to history. In my book, *Lost Lexington* (History Press, 2014), I explored the backstories related to some of these lost places. Some may be of interest.

193 North Mill Street



At the southwest corner of Mill and Short Streets was a home once described as “one of Lexington’s oldest, most historic landmarks.” The Hart-Bradford was identified after two of its three most influential residents.

Colonel Thomas Hart served in North Carolina’s provincial congresses in the 1770s prior to fighting for American independence in the Revolutionary War. In 1775, he and other members of the Transylvania Company signed the Treaty at Sycamore Shoals through which leaders of the Cherokee Nation ceded a vast amount of present-day Kentucky and Tennessee to white settlers. What could have resulted in the State of Transylvania was, in fact, illegal under British law. King George III’s Proclamation of 1763 prohibited private companies from purchasing land from Native Americans.

Upon Hart’s 1794 arrival to Kentucky, he commenced several successful industrial and agricultural ventures. He built his home in 1798, and its parlor hosted the nuptials between Hart’s daughter, Lucretia, and a young lawyer named Henry Clay the following year. Hart gave them a neighboring house as a wedding gift, and Clay commuted to his law office (still standing) across the street.

In 1806, Hart’s son sold the property to John Bradford, a “Renaissance man” best known as publisher of the *Kentucke Gazette* (Kentucky’s first newspaper). In its early days, it was the only newspaper within 500 miles of Lexington, and for years, state law required all public notices to be published therein. But by the time Bradford lived at 193 N. Mill, he had ceased his newspaper work. In 1830, Bradford died in his bedroom at the home. A plaque was later added to the home’s exterior, recognizing the “prominent, public-spirited and useful citizen” who once lived there.

The third significant individual to live in and own 193 N. Mill was Miss Laura Clay, who spent her life committed to the causes of suffrage and the equal treatment of women. She founded the Fayette County Equal Rights Association and was the first president of the Kentucky Equal Rights Association, which obtained legislative victories in Frankfort protecting married women’s property and wages, requiring state female asylums to employ female physicians for patient care, and requiring certain male colleges to become coeducational. Laura Clay was nominated for President at the 1920 Democratic National Convention, earning her the honor of being the first woman so nominated at a major political party’s convention.

This historic home met the wrecking ball in 1955, and its site has since been a parking lot. Outrage over the demolition led to the formation of what became The Blue Grass Trust for Historic Preservation. Lexington also updated zoning laws to aid the cause of historic preservation; in 1958, Gratz Park becoming the first district with an H-1 overlay.

The Phoenix Hotel

Captain John Postlethwait opened the first tavern at Main and Limestone’s southeast corner in 1797. Postlethwait was a “suave speaker” and masterfully entertained his guests. On Independence Day 1819, President James Monroe stayed there during his Grand

If These Walls Could Talk, Continued



Tour of the South, joined by war heroes and future presidents Andrew Jackson and Zachary Taylor.

The following year, a fire destroyed the hotel, but hope persisted that a new hotel would “soon rise, like the Phoenix from its ashes.” The line was so catchy, it stuck. The Phoenix Hotel would continue to be rebuilt and renovated until it was demolished in 1981 to make way for the never-constructed World Coal Center. The site is now the home of Phoenix Park and the Lexington Public Library’s Central Branch.

The Phoenix Hotel was also the site of a significant event in our civil rights movement. In October 1961, the Saint Louis Hawks and Boston Celtics were scheduled to play a pre-season rematch of the prior season’s NBA championship at Memorial Coliseum. A few hours before tipoff, the Hotel’s coffee shop refused service to several

black Celtics players. Four players – Bill Russell, K.C. Jones, Sam Jones, and Satch Sanders –boycotted the game. Until then, black athletes were expected to simply ignore such overt acts of discrimination. President Obama, upon awarding Russell the Presidential Medal of Freedom, said that “when a restaurant refused to serve the black Celtics, [Russell] refused to play in the scheduled game.” Segregation in public accommodation was barred by federal law when the Civil Rights Act of 1964 was enacted.

No story of the Phoenix Hotel would be complete without mentioning the poem In Kentucky. James Hilary Mulligan (a “judge” following his short stint as judge of Lexington’s Recorder’s Court) peered over his spectacles at a group of state legislators gathered in the Phoenix Hotel ballroom in February 1902. Known for his witty satire and humor, Mulligan read his newly penned poem, beginning with “the moonlight falls the softest in Kentucky” and concluding by observing that “The landscape is the grandest—and Politics—the damnedest In Kentucky.”

Yes, Lexington’s places – both extant and lost – have many stories to tell. And who among us doesn’t love a good story?

Peter Brackney practices primarily in the areas of bankruptcy, estate planning, and probate at Brackney Law Office, PLLC. In addition, he’s a history buff. His first book, Lost Lexington, is available at Joseph-Beth and anywhere else books are sold. His next book, The Murder of Geneva Hardman and Lexington’s Mob Riot of 1920, is expected to be released in January. He can be reached at (859) 559-4648 or by email at peter@brackneylaw.com.

100% CLUB

The FCBA has established the 100% Club, to designate those firms who have made a commitment to have every member join our association. Call or email our office to make sure your firm is recognized. The following firms have joined and shown their commitment to improve our profession by supporting the Fayette County Bar Association.



Baldani Law Group
Barnett Benvenuti & Butler PLLC
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Bluegrass Elder Law, PLLC
Boehl, Stopher & Graves LLP
Casey, Bailey & Maines, PLLC
Clark Law Office, Inc.
Fowler Bell PLLC
Frost Brown Todd LLC
Gess Mattingly & Atchison, P.S.C.
Green Chesnut & Hughes, PLLC
Hare, Wynn, Newell, & Newton, LLP

Kentucky League of Cities
Kershaw and Baumgardner
Kessinger Law Group, PLLC
Kinkead & Stiltz, PLLC
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New Attorney Swearing In - 2019

On October 23, 2019, Fayette Circuit Chief Judge Kimberly Bunnell presided over the swearing-in of Fayette County's newest attorneys. This ceremony has gone on for decades and may be the only local presentation of new bar members in the state. Judges sat en banc to hear the motions of sponsoring attorneys who presented the new attorneys to the court. Kentucky Court of Appeals Judge Pamela Goodwine administered the constitutional oath of office to the new attorneys who had been formally sworn in at the Kentucky Supreme Court.

FCBA President Amelia Adams spoke on behalf of the FCBA to welcome the new attorneys to the Fayette County Bar. Following the program, the FCBA and Legal Aid of the Bluegrass hosted a reception for the Court and all attorneys attending.



Judge Pamela Goodwine administers the oath to Lexington's newest attorneys.



FCBA Member Martha Rosenberg introduces her son, Alexander Wilcox to the Fayette Circuit Court.



FCBA Past President Brian Gardner introduces his son, Alexander Gardner to the Fayette Circuit Court. Thankfully, no tears were shed.

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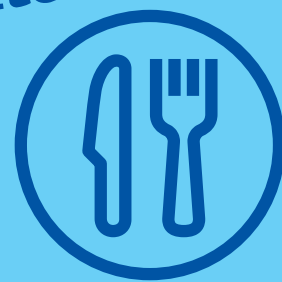
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National Bar Association's John Rowe Chapter First Annual Law Camp

The National Bar Association's John Rowe Chapter hosted their first annual Law Camp from July 15th to July 19th. The camp currently focuses on African-American high school boys between 9th and 12th grades. During the week, campers learned basic legal skills and courtroom decorum which concluded with a mock trial. Each side presented an opening statement, direct examination, cross examination and a closing. All participants exceeded expectations, and have without a doubt developed an interest in litigation. Judge Pamela Goodwine of the Kentucky Court of Appeals presided over the trial, while Neely Williams, associate attorney with Stoll Keenon Ogden PPLC, served as co-counsel and mentor to the students. Landrum & Shouse law clerks Alex Henning, Chynna Hibbitts and Clay Thornton served as members of the jury.

The Law Camp would not have been possible without the hard work and dedication of Ms. Whitney Stepp, attorney with Bubalo Law PLC. A special thank you goes out to all of the local sponsors: Beth Winchell, partner at Landrum & Shouse, LLP; Daniel Whitley of Whitley Law Office; and Josh Hicks & Greg Funfsinn of Hicks & Funfsinn, PLLC for their continued commitment to the development of prospective young lawyers in the Lexington community and throughout the Commonwealth.



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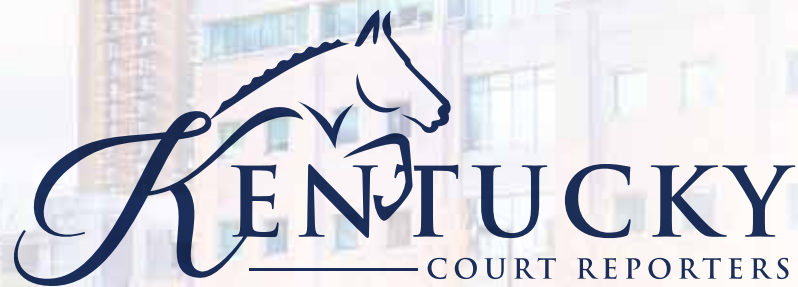
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Names in the News

Dinsmore & Shohl

Forbes has named Dinsmore & Shohl LLP among the nation's best law firms for labor and employment practice in its inaugural America's Top Corporate Law Firms list. Of the more than 400,000 law firms across the country, 243 made the list, and a mere 29 were recognized for their labor and employment work.

The list was compiled by Forbes in partnership with market research company Statista, based on the opinions of 2,500 American lawyers, all of whom were asked to recommend firms in different areas of law. Those lawyers were not permitted to recommend their own firms. Those that received more recommendations than the average made the final list of America's Top Corporate Law Firms.

McBrayer

McBrayer Member and Attorney **Anne-Tyler Morgan** has been appointed by Governor Matt Bevin to the Advisory Council for Medical Assistance (commonly referred to as the "MAC"). The Council participates in Medicaid policy development and program administration and advises the Kentucky Department for Medicaid Services regarding Medicaid health and medical care. She will serve a four year term as one of nineteen Council members, joining the Secretary of the Cabinet for Health and Family Services, representatives of healthcare industry organizations, and healthcare consumer advocates.

In addition to her longtime work as a healthcare attorney at McBrayer, she has previously served as Deputy Commissioner for the Kentucky Department for Medicaid Services and as Senior Advisor to the Secretary of the Kentucky Cabinet for Health and Family Services, in addition to leading health care policy for the Kentucky House of Representatives as Senior Policy Advisor and Deputy General Counsel. Prior to these roles, she led the compliance department of a Fortune 500 managed care organization contracted with Kentucky Medicaid and was engaged in the initial discussions establishing Kentucky's Medicaid managed care system.

Attorney **Drake Staples** joins the experienced team of attorneys in McBrayer's Lexington office. Drake practiced at a small firm in Lexington before joining McBrayer. His practice is focused in the area of general litigation, which includes a large gamut of business disputes, contract issues and employment law matters.

Reminger Co.

Reminger Co., LPA is pleased to announce that **H. Brett Stonecipher** and **Tighe A. Estes** have joined the Lexington office of Reminger Co., LPA.

Brett has centered a 25-year insurance defense practice on timely reporting to clients along with excellence in technical defense. Brett is one of the top Workers' Compensation attorneys in the Commonwealth of Kentucky, and one of the top Federal Black Lung attorneys in the United States, regularly practicing in Kentucky, Indiana, Illinois, Tennessee, West Virginia, Virginia, and Alabama, as well as extensive appellate work in Kentucky, as well as the United States Court of Appeals for numerous circuits. His undergraduate training as a civil engineer has provided an ability to take extremely complex situations and break them down into understandable

concepts, along with the practical approach to problem solving that he learned from running his own family business.

Tighe focuses on administrative law, representing employers in state and federal proceedings involving complex medical and insurance issues, with the majority of his practice focusing on pulmonary issues. In doing so, he has appeared before the Kentucky Supreme Court and the Sixth and Tenth Circuits of the Federal Courts of Appeals. Tighe also represents small businesses in collections proceedings. A lifelong central Kentucky native, Tighe graduated from Georgetown College in 2003 and the University of Kentucky College of Law in 2006. After his admission to the bar, Tighe began his legal career as an assistant County Attorney, before transitioning to private practice in 2007 at which time he served as the Kentucky Bar Associate Young Lawyers Division Third District Representative.

Stites & Harbison

Leadership Lexington has selected Stites & Harbison, PLLC attorney **Emily Larish Startzman** as a member of the 2019-20 Leadership Lexington program. Through the eleven-month program, participants are provided with opportunities to gain a better understanding of Lexington and the challenges it faces by meeting with and learning from today's leaders.

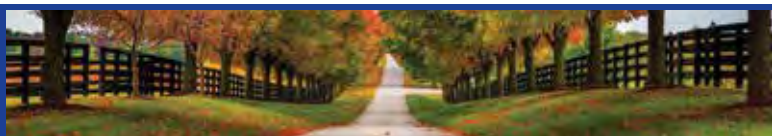
Startzman is an attorney with Stites & Harbison in the Torts and Insurance Practice Service Group based in the Lexington office. She has handled a variety of litigation matters for insurance companies, medical providers, corporations and local businesses. Her focus includes medical malpractice, products liability and a variety of personal injury matters.

Stites & Harbison, PLLC attorney **Cassidy Rosenthal** will be inducted as a Fellow of the American College of Construction Lawyers (ACCL) on February 22, 2020, at the Annual Meeting in Tucson, Ariz. ACCL, one of the nation's leading legal associations, only designates the top 1% of the construction bar in the U.S. with this honor.

Rosenthal is a Member (Partner) of Stites & Harbison and based in the Lexington, Ky., office where she is the Lexington Office Executive Member. Her practice focuses on advising clients throughout all phases of construction projects including planning, contract drafting and negotiation, and project administration. She successfully guides her clients through construction claims and disputes including informal negotiations, mediation, litigation in state and federal courts, and in arbitration throughout the country.

Sturgill, Turner, Barker & Moloney

Sturgill, Turner, Barker & Moloney, PLLC is proud to share that **Langdon Worley** has been accepted into the Leadership Lexington Class of 2019-2020. Leadership Lexington is an 11-month leadership development program sponsored by Commerce Lexington. Langdon is an insurance defense attorney at Sturgill Turner who gives back to the Lexington community by serving in leadership positions with Rotaract (President), the FCBA Women Lawyers Association (Vice-President), Ronald McDonald House of the Bluegrass (Fundraising Committee) and the FCBA Foundation (Board of Directors).



Calendar of Events

November 2019

- 20 Women Lawyers' Association Meeting
- 28-29 Thanksgiving Holiday, *Courts and FCBA Closed*

December 2019

- 10 Domestic Relations Practice Section Meeting
- 12 Annual Holiday Party
- 18 Women Lawyers' Association White Elephant Luncheon
- 20 Winter Blood Drive
- 24-25 Holiday, *Courts and FCBA Closed*
- 31 Holiday, *Courts and FCBA Closed*

January 2020

- 1 Holiday, *Courts and FCBA Closed*

