



By Amber Potter
Communications Coordinator

NKU Chase Teams Sweep Regional Arbitration Competition

Northern Kentucky University Chase College of Law's arbitration teams won both brackets of an American Bar Association Law Student Division regional Arbitration Competition in Fort Worth, Texas, November 21-22.

The students spent two months preparing for the competition and were required to prepare and present an arbitration case with two students as the lawyers and two students as the witnesses. The competition included opening statements, witness examinations, exhibit introductions, evidentiary presentations, and summations.

As regional champions, the teams received an automatic invitation to the national Arbitration Competition finals January 22-23 in Orange, California.

The team of Alyse Bender, Jared Burke, Michelle Eviston, and Emily Litzinger defeated teams from Florida A&M School of Law, South Texas College of Law, and Texas Wesleyan University School of Law.

The team of Jessica Biddle, Jon Davis, Erin Kennedy, and MyLinda Sims also won by defeating teams from Florida A&M School of Law, Texas Wesleyan University School of Law, and the University of Oklahoma School of Law.

Professor Rick Bales, director of the



NKU Chase Arbitration Teams.

NKU Chase Center for Excellence in Advocacy, coached the arbitration teams to victory. The center is a skills-based program that ensures that Chase students are practice-ready upon graduation through courses, clinics, externships, competition teams, alumni mentoring, and seminars.

"The arbitration team members earned these victories," Bales said. "These students are hard-working, eager to learn, and driven to succeed. But they couldn't have done it without help from alumni, faculty, and fellow students, all of whom helped the arbitration team members prepare for the competition."

The Chase arbitration teams, in their third year, are familiar with success at the regional competition. Two years ago, Bales coached the teams to first and third place in the regionals (when the brackets were configured differently), and one team made it to the semifinal round of the national competition. Last year, under the guidance of Professor Steve Stephens, one team became a regional semifinalist.

This year's teams owe special thanks to arbitration coaches Rob Altman, Joe Neff, and Elle Peck – all third-year students at Chase. Similar thanks go to the following Chase faculty, NKU faculty, and Chase alumni who judged practice rounds and otherwise helped the teams prepare for competition: University Vice President and General Counsel Sara Sidebottom, Professor Stephens, Professor Kathleen Johnson, Professor Teressa Elliott, Professor Stephen Yungbluth, Zac Corbin, Jim Frooman, Jay Haehlen, and Rick Hamilton. ☺



By Scott R. Bauries
Assistant Professor of Law

The University of Kentucky College of Law at 100 and Rose at 20

In 1989, the Kentucky Supreme Court decided one of the most important cases that had ever come before it, *Rose v. Council for Better Education, Inc.*¹ In

its decision, the Court invalidated the entire system of education in the



Scott R. Bauries

Commonwealth due to the failure of the General Assembly to provide for "an efficient system of common schools," as required by Section 183 of the Kentucky

Constitution. The decision was authored by Chief Justice Robert F. Stephens, a U.K. Law alumnus and frequent participant in the academic life of the College. Chief Justice Stephens' decision set off a wave of litigation among several states in which plaintiffs sued to have education funding in their states declared unconstitutionally "inadequate." Most of the judicial opinions resulting from this wave of litigation have cited *Rose* as the seminal case in the field. The decision also led directly to the enactment of the Kentucky Education Reform Act (KERA), the system of laws currently governing education funding in Kentucky.

Recently, the College of Law, together with U.K.'s College of Education, the *Kentucky Law Journal*, and the Education Law Association, assembled a diverse panel of participants, stakeholders, and scholars to commemorate this momentous event. U.K. Law alumnus and Kentucky Governor Steve Beshear, set forth his compelling vision for education in Kentucky's future. U.K. Law alumna Debra Dawahare, of Wyatt, Tarrant, & Combs, the law firm sponsor of the event, shared her experience of having litigated the case *pro bono* on behalf of the plaintiffs, along with former Kentucky Governor, distinguished jurist, and U.K. Law alumnus Bert T. Combs. The Honorable Ray Corns, the trial judge in the case, shared his inside perspective on the case and the extremely important issues it resolved. Finally, *Rose* and its implications were examined by several highly-regarded academic experts in the area of school finance litigation, including Kern Alexander of the University of Illinois; William Thro of Christopher Newport University; R.

Craig Wood of the University of Florida; and William Koski of Stanford University. The room was filled with the people from the educational and legal communities, signifying the importance of *Rose* and KERA. Videos of the presentations made throughout the evening are available at <http://www.edjurist.com>.

The College of Law takes great pride in the accomplishments of its graduates. The participation of so many civic-minded alumni and friends of the College in bringing the *Rose* case before the public and fostering the environment that led to the enactment of KERA illustrates the source of this pride. As we begin our second century of legal education, we look forward to the great challenges of the future of our Commonwealth, and we look forward to the roles that our graduates will play in addressing these challenges. ☺

ENDNOTE

1. 790 S.W.2d 186 (1989).



University of
Louisville
School of Law

By *Jim Chen*
Dean and Professor of Law

The law is a lonely hunter

"In a sky of iron the points of the Dipper hung like icicles and Orion flashed his cold fires." That celestial image introduces the first chapter of Edith Wharton's *Ethan Frome*, perhaps the saddest of love stories in the American literary canon. In life as in Wharton's story of star-crossed lovers, the constellations of the winter sky dominate the longest nights of the year.

The end of the calendar year and the midpoint of the academic calendar reliably raise the dilemmas and analemmas that vex law students and lawyers across the known reaches of solar and sidereal time. Loneliness and anxiety are familiar companions to all members of the legal profession. These emotions seize us when we ponder whether to study the

law. They seize us as we struggle to render justice one case, one client, one cause at a time. They seize even those of us who have pledged to teach ordinances and laws to our youth and to show them the way in which they must walk.

Midwinter anxiety, however, strikes hardest in one's youth. Waiting is indeed the hardest part. Imagine awaiting word from the admissions office. Awaiting first year grades. Awaiting bar exam results. Awaiting that first job offer, which in the darkest of hours feels elusive at best and illusory at worst. Whatever our station in the legal profession, all of us have walked between the twin shadows of despair and defiance.

Orion, a great hunter in Greek myth, is the namesake in the global west for the northern hemisphere's most distinctive winter constellation. The hunt for professional success and personal satisfaction is our shared source of loneliness. Deep in the heart of winter, sweet is life in our sight. But the law is a lonely hunter that hunts on a starry night.

Our efforts at self-understanding have

no chance of overcoming the mindless buzz of being and doing. We cannot understand feelings of the moment, with deep emotional footprints and even with lasting practical consequences, until we stop acting upon those feelings and seize the opportunity to look backward, in the serenity of solitude.

Traversing the Möbius strip of ancient regret and present ambition can never fully separate fear from desire. At any scale the topology of anxiety and longing dictates an invariable outcome. Such is the manifold destiny of the searching soul. Equal and opposite emotions, one and inseparable, comprise a single surface in the Klein bottle of the human heart in conflict with itself.

No less than their sensory counterparts, the waves of personal remembrance obey Doppler's law. The mind in motion never quite perceives what passes before the mind at rest. Emotional recall obeys the forces that bend the peal of a passing bell and warp the color of distant stars. Race toward the past if you will; yesterday recedes

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KENTUCKY BAR NEWS

SUMMARY OF MINUTES KBA BOARD OF GOVERNORS MEETING SEPTEMBER 18, 2009

The Board of Governors met on Friday, September 18, 2009. Officers and Bar Governors in attendance were *President C. English, Jr., President-Elect. B. Davis, Vice President M. Keane, Immediate Past President B. Bonar, Young Lawyers Section Chair J. Moore, Bar Governors 1st District – D. Myers, J. Freed; 2nd District – R. Sullivan; 3rd District – R. Hay, G. Wilson; 4th District – D. Ballantine, D. Farnsley; 5th District – F. Fugazzi, Jr.; 6th District – T. Rouse, D. Kramer; and 7th District – B. Rowe, W. Wilhoit.* Bar Governors absent were: A. Britton and J. Harris.

In Executive Session, the Board considered two (2) discipline cases, five (5) discipline default cases, involving three lawyers and three (3) restoration cases.

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

- Heard a status report from the 2010-2011 Budget Committee, KYLAP, Rules Committee, and Office of Bar Counsel.
- Approved the creation of a standing committee on Diversity in the Profession, subject to approval of a

By-Law change by the Supreme Court, and that upon such approval the Task Force on Building Blocks in Leadership Diversity will cease and be replaced by the standing committee.

- Approved the implementation of a KBA Facebook Page by way of a Fanpage.
- Young Lawyers Section Chair Jennifer H. Moore reported on the upcoming free CLE events for all lawyers October 12th in Lexington, Louisville and Bowling Green with regard to EPO and DVO hearings. Additional CLE events are being planned for Paducah, Maysville and Owensboro in January, February and March. Ms. Moore distributed a written report regarding the other activities of the section for the Board's review.
- Approved the appointment of an Awards Committee to review the outstanding award nominations. The members of the Committee are as follows: President Buzz English, President-Elect Bruce Davis, Vice President Margaret Keane and Bar Governor Thomas Rouse.
- Approved the appointment of Bar Governors Anita Britton and Jonathan Freed to the KBA Audit Committee.
- Approved the recommendation, for submission to the Supreme Court, the following nominees to fill the remainder of Olu Stevens' term on the CLE Commission for the 4th Supreme Court District: Justice Martin Johnstone, Daniel Goyette and Janet

Jakubowicz.

- President English advised that funds in the amount of \$28,500 had been raised for the KLEO project.
- President English reported that the 2010 Annual Convention Planning Committee had its first organizational meeting on September 17, 2009. Robert Duncan will serve as the Planning Committee Chair. The convention is scheduled for June 16-18, 2010 in Lexington.
- Approved the total reserve/surplus carry forward of 23 section funds for fiscal year ending on June 30, 2009.
- Approved the total reserve/surplus carry forward of the computer/scanning funds for fiscal year ending on June 30, 2009.
- A copy of the CLE Commission Annual Report that is filed with the Supreme Court was distributed to the Board for their information and review.

To KBA Members

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

March 19-20, 2010
May 14-15, 2010

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

Before You Move...

Over 16,000 attorneys are licensed to practice in the state of Kentucky. It is vitally important that you keep the Kentucky Bar Association (KBA) informed of your correct mailing address. Pursuant to rule SCR 3.175, all KBA members must maintain a current address at which he or she may be communicated, as well as a physical address if your mailing address is a Post Office address. If you move, you must notify the Executive Director of the KBA **within 30 days**. All roster changes must be in writing and must include your 5-digit KBA member identification number. There are several ways to do this for your convenience.

VISIT our website at www.kybar.org to make **ONLINE** changes or to print an Address Change/Update Form

EMAIL the Executive Director via the Membership Department at kcobb@kybar.org

FAX the Address Change/Update Form obtained from our website or other written notification to:

Executive Director/Membership Department (502) 564-3225

MAIL the Address Change/Update Form obtained from our website or other written notification to:

Kentucky Bar Association
Executive Director
514 W. Main St.
Frankfort, KY 40601-1812

* Announcements sent to the *Bench & Bar's Who, What, When & Where* column or communication with other departments other than the Executive Director do not comply with the rule and do not constitute a formal roster change with the KBA.

■ In Memoriam

Robert B. Hensley
 Michael L. Judy
 Roger M. Prizant

Horse Cave
 Frankfort
 Louisville

FEATURE YOUR LOCAL BAR ASSOCIATION'S EVENT IN THE KBA e-NEWS

At the beginning of each month, the Kentucky Bar Association features its most up-to-date news and information through the distribution of the *KBA e-News* to our more than 16,000 members across the Commonwealth. Subjects range from discipline alerts, CLE offerings, special events, membership benefits, news from the Board of Governors, volunteer opportunities and much more.

Local and regional bar associations are encouraged to e-mail information regarding upcoming events and educational opportunities for distribution in the *e-News* by contacting Amy Carman, KBA Director of Communications, at acarman@kybar.org by the 20th day of each month for inclusion in the next month's edition.

Please also forward us your suggestions for making the *KBA e-News* a better product for our membership. If you are not receiving the *KBA e-News* and would like to update your e-mail address on file with the KBA, you may do so by completing one of the address change forms located under the Membership menu on the website at www.kybar.org.

To access this month's edition of the *KBA e-News*, visit our website at www.kybar.org.

GO GREEN WITH THE KBA

Please do your part to help the Kentucky Bar Association – and your own law practice – go green! Sign up today to have your CLE records sent to your email address on record with the Kentucky Bar Association.

This action will help eliminate excess paper in your office, create a convenient electronic record for your computer files, and help the KBA save countless trees and thousands of dollars currently allocated to mailing this paper file each year. According to KBA officials, substantial savings would be achieved if even one-third of our members made the move to electronic notification.

Because Ky. Supreme Court rules mandate the confidentiality of KBA CLE records, please email us a brief note at cle_reg@kybar.org indicating "I grant the *KBA permission to email my CLE records to me.*" If you are not sure of the email address on record with the KBA, or if you would like to change it, please log-in the KBA website and look yourself up in the Lawyer Locator, listed under the membership menu, where you'll see your information. The email address listed will be the one used for your CLE records.

If you would like to change your e-mail address on record, please fill out the online address change form by clicking the box marked "Request for Address Change."

Thanks in advance for making this step forward with us!

CERTIFICATION OF CANVASSING BOARD FOR BAR MEMBERS, SPECIAL ELECTIONS FOR THE 18TH JUDICIAL CIRCUIT NOMINATING COMMISSION AND 47TH JUDICIAL CIRCUIT NOMINATING COMMISSION

Pursuant to the provisions of Section 118 of the Kentucky Constitution and SCR 7.040(6), a duly appointed canvassing board, on December 1, 2009, met in the Office of the Executive Director of the Kentucky Bar Association, and tabulated ballots for the special election as reflected above. Pursuant to the provisions of SCR 7.030(11), the following candidates for the designated commission received the indicated number of votes.

18th JUDICIAL CIRCUIT

Raymond S. Bogucki, 1016 Sardis Rd., Mt. Olivet, KY.....18
 Write-In Votes.....2

47th JUDICIAL CIRCUIT

James Wiley Craft II, 21 N. Webb Ave., Whitesburg, KY.....8
 Write-In Votes.....7

Certified as true and correct Election Results Pursuant to SCR 7.030(11), this 1st day of December 2009.
 Karen Cobb, Chairman