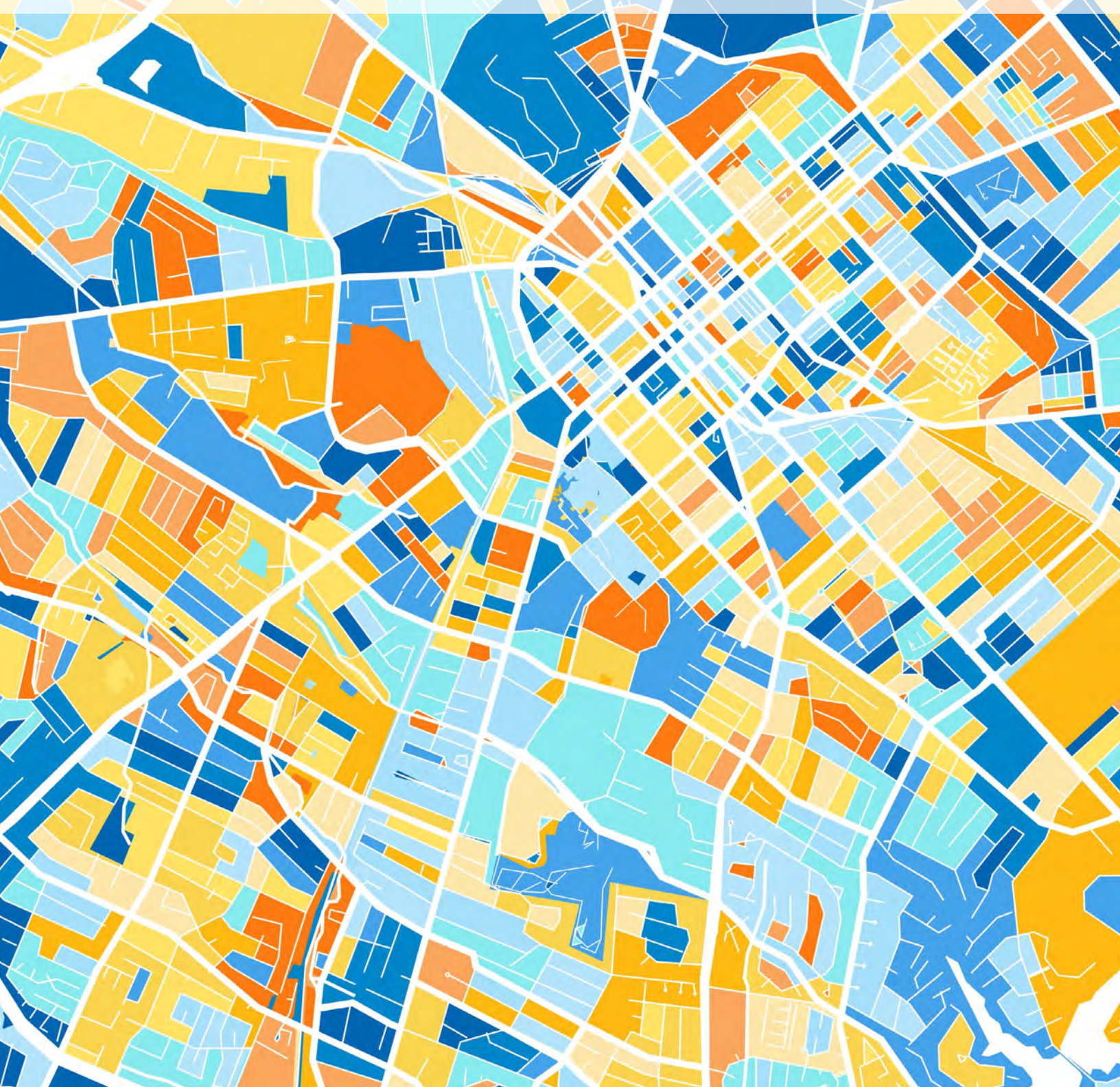


THE LEXINGTON LAWYER

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2024 LAW DAY

The 2024 Annual Law Day Celebration and Luncheon took place at the Carrick House on May 1, 2024. The new venue provided a fantastic opportunity for colleagues to come together, share a meal, and enjoy each other's company. It was a beautiful reminder that despite our different roles and occasional adversarial positions, this event was a time for unity and reflection on the significance of our work. It served as an inspiration for all of us to strive for excellence in our respective legal professions.



Elizabeth Combs takes over as President of the Fayette County Bar Association from **Craig McCloud**.



Legal Aid of the Bluegrass sponsored the **Access to Justice Award** to **Allison Connolly**. The award was presented by FCBA President Elect, Elizabeth Combs.



The **Deputy Clerk of the Year Award** was presented to **Keith Mulligan** by Circuit Court Clerk Vince Riggs.



Detective Jason Newman of the Lexington Police Department was presented with the **Law Enforcement Award** by Chief of Police Lawrence Weathers.



Whitney Rowe was presented with the **Outstanding Young Lawyer Award** by Russ Baldani.



John Hayne presented **Abe Mashni** with the **Outstanding Citizen-Lawyer Award**.



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Mediation of a High Stakes Personal Injury Claim



By Pierce W. Hamblin

Okay. I know. This is an article about the basics. I apologize to anyone who feels this is too bare bones. I do, however, believe it is very important to remind folks of the basics. It is very easy to get wrapped up with technology in preparing and litigating a case. This can result in a loss of concern for the fundamentals or for “the best site on the target”, as they say in the Army. A good understanding of the basics can be a powerful tool for a lawyer’s growth in handling all types of cases.

So, my apologies to the lawyers and litigators who have much experience in mediation and negotiation that this may just be a basic review.

Like most areas of the law, mediation should be and has become specialized. High stakes personal injury and wrongful death litigation is no exception. Hopefully, this article will give some practical observations from the eyes of a trial lawyer and mediator.

In my mind, mediation is a process where an independent third person assists the parties in reaching a mutually satisfactory settlement. The goal of mediation should be to create a settlement option for each party that is preferable to continuing with litigation of the case. Bottom line, there should be an option that would literally hurt the parties to walk away from.

Both sides of the personal injury bar, including myself, have voiced some reasons to refuse to mediate. The first is “we’re going to have our day in Court.” Every litigant has the right and privilege to trial, and that may be the best choice for the case. But remember, fewer than 10%

of civil cases go to trial. The rest are resolved through settlements negotiated by the parties. Too often, these are “eleventh hour” discussions taking place on the courthouse steps. If the case is one that can settle reasonably, the best advocates will make the earliest possible approach to that end.

The next concern is “choosing to mediate is a sign of weakness.” When an attorney thinks about picking up the phone to talk about settlement, here is what goes through the advocate’s mind. The Plaintiff believes this is going to be the triggering event for a low-ball offer. The defense feels it will cause Plaintiff to make a seven-figure offer. Many lawyers do not want to raise the topic of settlement until a judge magically orders mediation and/or a trial date. Choosing to mediate is not a weakness. It indicates a willingness to stare squarely in the face the strengths and weaknesses of your case and those of your adversary. It allows you to set the parameters of settlement. Mediation enables you to have a smart neutral explore with you in confidence the reality of your position. And, if you do not like the terms of the discussion, the talk ends.

The next complaint is “going to mediation means free discovery for the other side.” A good mediator will not allow the process to be abused by a party merely seeking free discovery. He or she will make sure both sides to a dispute have the necessary information to properly evaluate the claim before proceeding with a mediation. To avoid the pitfall of free discovery, obtain a commitment from your adversary for good faith negotiations. The opponent should also clearly state that he or she has all discovery needed to properly evaluate the claim. Remember, you control what to spill about your case, and the mediation can be an informal consensual discovery tool for you too.

I have heard that “litigation is the only game in town, and I don’t want to give up control of my case to a mediator.” That dog will not hunt anymore. A mediator is only a facilitator. If he is not doing a good job bringing the parties toward an agreement, tell him that he is off base and walk out. More states are going to mandatory mediation. Close to 1,000 U.S. corporations have signed agreements to explore ADR. Larger law firms are forming ADR departments. Every piece of litigation is reviewed for amenability to dispute resolution techniques. The word is out. Litigators have to be mediation savvy. Clients are demanding this. It

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is good public relations, as well as good law. There are, however, good reasons to refuse to mediate. Cases are poor candidates for private justice where establishing precedent is critical. Declaratory relief actions and important issues of law (who is an insured, what is an insured event under a contract of insurance, what acts of negligence are covered under an HO policy) are best suited for resolution by the Courts. Next, if the dispute is not mature and discovery has not been taken, mediation is a waste of time for this type of litigation. Further, any party who refuses to come to the mediation table in good faith should raise the red flag. For example, I have seen counsel refuse to bring the person with sufficient authority to settle the case to a mediation. Good Mediators can work wonders, but they cannot work magic. Finally, the attorneys should ensure that all necessary parties have been joined to the dispute before agreeing to negotiate.

I have come to prefer mediation over conventional personal injury negotiations in high exposure cases. Settling a mediation date usually moves the case toward a resolution. The counsel becomes focused on one case. Conventional negotiations involve telephones, deadlines that pass, and interference with other case load. Mediation brings all the parties together in a single negotiation session. Each party is afforded a public opportunity to make a presentation and to emphasize issues that may not be clear by discovery. It also offers an opportunity to educate parties. Plaintiffs usually do have non-economic issues which need to be resolved. The session allows Plaintiffs to work through frustration and rage about the accident. Once that happens, Plaintiffs can relate better to the mediator's unbiased reality check. Defendant insurance adjuster has an opportunity to meet the claimant, observe demeanor, and look at Plaintiff's strength of conviction and opinion. The adjuster can be flexible based upon the credibility of Plaintiff's presentation.

A mediation creates the setting for an adjuster to make a higher offer to settle. But, most importantly, the mediation allows each side to test market settlement proposals privately with a mediator in a confidential setting. The neutral mediator can get each side to objectively analyze the strengths and weaknesses of the claim. Each side should be allowed to give a reasonable anticipated verdict range from a jury. This is a "reality

check." Each party, in private, can candidly discuss its hidden interests. I have found it is important for a mediator to not just develop a monetary figure, but also an understanding of the reasoning for the party's demand. You would be surprised how baring one's soul in private helps all parties work more realistically to a settlement value.

There should be preliminary concerns for a mediator in high stakes damage cases. Most competent personal injury mediators will ask for and review "statement of claim" materials prior to the session. The mediator should also gauge the attitude of the participants toward settlement. Are the parties here voluntarily or by Court order? Do the parties really believe that the case can and should be resolved short of trial? What is the trial date and the status of pretrial discovery? Experience has taught me that the closer one gets to the courthouse steps, the more realistic he becomes, and the more inclined he is to seriously participate in the alternative dispute resolution process.

As a mediator and trial lawyer, I want to know the venue for the injury trial. This tells me about the nature of the jury that will evaluate the case if mediation fails. Good mediators also learn what parties will be present. Each side needs to see and hear their opponent in a mediation context. Plaintiffs realize there are now two sides to the case. Claims representatives can see the need to be flexible in their appraisal based upon the appearance of the Plaintiff and the strength of the claimant's presentation. It is easy to be a "hard ass" behind a telephone.

Lastly, the mediator should be sure there is adequate settlement authority before proceeding with mediation. You would be surprised the number of times I have mediated claims with an adjuster who has come with clearly insufficient authority and cannot or will not call the home office. The residual may well be worse than declining to mediate.

Effective mediation requires attorney preparation. First, you should determine the type of service you need. There are non-profit mediation groups such as the Central Kentucky Mediation Center. This is the least costly, but many times the most proper choice. Speaking strictly from my personal experience and not for the Center, I have seen that the Center

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The third group of mediators come from private practitioners. This is the middle range for cost considerations. The attorneys on both sides of the high stakes dispute should get together and determine the type of mediator needed for the claim. I would look at several factors including professionalism, expertise, and acceptability. The mediator should have ten years of litigation experience, forty hours of mediation training, actual mediation experience and positive references from those mediations, and an absence of any conflict or appearance of conflict. The mediator should be an attorney with an understanding of current damage and insurance law. He or she should have the highest respect of Plaintiff's counsel, defense counsel, and the insurance carriers. It is a general consensus that a mediator must be impartial and fair, patient and civil in dealing with others, someone who can listen, and who is creative and imaginative, articulate and persuasive, and persistent and upbeat in the face of difficulty. It is my own opinion that a mediator is not paid to be a passive facilitator in this type of high stakes litigation. I believe the neutral should use the private caucus method effectively, know at what points to bring the parties back together, encourage lawyer participation, and be willing to speak "very candidly" with Plaintiff and the insurance company one-on-one in private.

I believe these cases need part-facilitator and part-evaluator. Most parties who pay money to mediate high stakes personal injury claims want to hear opinions from an independent observer on issues of liability and damages. Many counsel want someone to tell the client that expectations are too great. So, I feel you need a mediator who has been there at trial, who has faced the demons, who will give opinions on the positions of the parties, and who will give an opinion on value. A word of caution. These beliefs run counter to basic mediation philosophy.

In preparation for a mediation, it is important for counsel to identify the parties. Make sure all necessary parties will be in attendance or available through an authorized representative. Seek a formal commitment from the participants that the actual decision makers will be present.

Next, the advocate should ask himself six questions. The attorney who answers these questions honestly will be prepared to participate effectively in both public and

private mediation sessions.

First: "Is my reasoning logical and free of fallacies?"

Second: "Have I fully investigated all the facts and excluded faulty assumptions?"

Third: "Is my theory of the case supported by credible witnesses?"

Fourth: "Do I have admissible evidence supporting my position?"

Fifth: "Is my reasoning based on common sense and comprehensible to those in my audience?"

Sixth: "How will opposing counsel react to my conclusions?"

Now you are ready to analyze your case in preparation for the mediation. This should always be done with a view toward estimating a range of probable outcomes in the event the case proceeds to trial. The case analysis includes identifying our strengths and weaknesses. What about liability issues? Is there comparative fault between the parties? Does the nature of the liability give rise to punitive damage issues? Have the proper tort-feasors been brought into the litigation?

Look at your damage proof. It is easy to present concrete evidence of past medical expenses. But, have you documented for the mediator and the other party future medical expense? The mediation should highlight neurological, orthopedic, and emotional findings. These should be supported in your presentation with the results of diagnostic tests that backup your physician's opinions and your client's claims. Too often, I see Plaintiff's counsel forget about or avoid the issue of pre-existing medical conditions. These conditions can be a strength for Plaintiff because: (1) aggravation is a compensable jury instruction; and (2) "the increased likelihood of future complications" is also a submittable jury instruction for damages. Make sure your preparation includes looking at wage loss issues. The work history of your client is important to review for the strength and weakness of the damage claim. Unlike trial evidence, collateral source payments to an injured party can become relevant for a mediation. The insurance company will want to close out all possible claims. Prior contact and negotiation with lienholders by plaintiff's counsel is a must for success at mediation. Otherwise, the hope for a mediated resolution may be delayed or diminished. Think about in advance those liens your client can

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satisfy out of settlement proceeds and those liens that should be left with the insurance company for resolution as part of the settlement. Do not be scared to ask the lienholders for compromise but be prepared to state your case for the same. Ask the mediator's assistance in contacting lienholders to address the strengths and weaknesses of your case from an independent viewpoint.

Look at coverage issues. Never go to mediation without a clear understanding of the amount of liability coverage available for the case. The same holds true for underinsured motorist coverage. In Kentucky, Plaintiff can settle a claim for less than liability limits and still maintain a viable UIM claim. Consider the insurance company's risk of exposure to an excess verdict. This may trigger an affirmative duty on the company's part to mediate. Are there legitimate coverage issues? Do not allow the insurer to send the same claims representative to a mediation representing the interests of both its insured and coverage issues between an insured/company. This is an inherent conflict that will not resolve itself, nor guarantee your client top dollar through mediation.

After identifying the strengths and weaknesses of your case, review what evidence you have control over and can present at trial. Then ask yourself what evidence you do not have control over, which you might seek through further discovery before mediation. Estimate the costs to your client and each party of continuing litigation through trial. Compare these costs to the risk of loss and chance of recovery. What is the range of probable outcomes if the case goes to trial? Will a big verdict be against a solvent Defendant?

The next step in preparation for a mediation is the development of settlement options. Based upon your case analysis, what are the interests of each party? What options would be mutually beneficial to both sides? What concessions will your opponent be willing to make? What concessions will your client be willing to go along with? Once you answer these questions, prepare a list with a priority of options that you believe will satisfy all parties. Do not neglect to look at structured settlements.

After identifying the last settlement position of each party, consider a negotiation strategy. You can "test the

waters" during the mediation. But remember, you and your client must accept the fact that the other party will "test the water, too." Mediators must have some idea how to move people. I have found it more difficult to move an insurance company. Trial is not an awful thing for these folks. Usually, the company goes into mediation with the attitude that they have made an evaluation and that the figure was not pulled out of a hat. As part of its business, companies spend enormous sums and resources evaluating claims. So, how do you move these folks? My rule is "if you start out getting stuck on and emphasizing money in a personal injury case, you won't get the case settled." There is a clear agenda to every case and there is also a hidden agenda. The mediator must draw out both before getting into dollars. The mediator should explain that there is a method to Defendant's madness. He or she should have Plaintiff and counsel justify their figures. Get Plaintiff talking about his feelings and what drove him to a particular demand. By allowing Plaintiff to bare his soul, Plaintiff's counsel can see if his client can project pain and suffering effectively for a jury. Ask Plaintiff this – "If you go out, get six people off the street, and tell them about the accident, what do you think their verdict would be?" With regard to an insurance company that frequently low balls evaluations prior to mediation, point out what all at the session have observed – this Plaintiff may exist outside the curve and may be worthy of additional consideration. Good mediators need to create an opportunity for the adjuster to have a hard look at Plaintiff.

What are your options if the mediation comes to an impasse? First, the mediator should consult with attorneys and company adjusters together, but outside the presence of the parties. In the alternative, let the adjuster and Plaintiff meet privately and "talk it out." This may change an adjuster's attitude of "this is just a job, just one of hundreds of thousands." Finally, let the mediator propose a "good faith negotiation range." All parties must agree to this range. Efforts should be made to have each party disclose its bottom line. In other words, make it painful for the parties to walk away from the mediation.

Like it or not, tactics come into play during each mediation session. You should know your target audience. Address your remarks to the decision maker, be it your opponent, a claims adjuster, or opposing

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counsel. Effective communication requires intensive listening. Do not merely “hear out” the decision maker while waiting impatiently for a speaking opportunity. Acknowledge negative facts. Good advocates present negative facts in the most favorable light to take the sting out of the opponent’s presentation. One of the most effective opening remarks I have heard included: “Mr. Jones, I never expected to convince you that Mr. Smith didn’t do anything wrong, but I want to explain to you why I think I can convince a jury that Mr. Smith didn’t do anything wrong.” Never underestimate the power of an apology. This is difficult for many trial lawyers. It must be sincere, or it is not worth doing at all.

Mediation is an incredible opportunity to speak to the client of the opposing attorney. Do not pour fuel on the fire. Take every opportunity to diffuse the situation. Make an early determination whether or not your client should speak at the session. If the client is sincere or articulate, consider letting him or her address the

mediation. This is an opportunity for the Plaintiff or Defendant to state his or her feelings. However, the decision should be left up to the lawyer, not the mediator. In these types of high stakes cases, no mediator should force a party to speak.

Finally, come into the mediation with a plan. Counsel should have established a strategy before the mediation and have a solid idea of the value of his case before the mediation. I have seen instances where the failure to do this has caused counsel to lose credibility with the mediator and the other parties. It can result in counsel leaving a lot of money on the table unnecessarily.

In the upshot, plan for a mediation like you would plan for a trial. Be flexible, a good listener, and willing to explore all options with a strong but fair-minded mediator. ■

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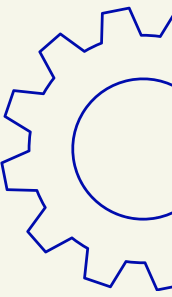
FCBA Summer Picnic

On September 13, members of the FCBA gathered at Tandy Park for our much-anticipated Summer Picnic. Despite the weather not fully cooperating, spirits remained high, and the enjoyment was palpable.

Though the sun might not have shone brightly, the warmth of our members made up for it. The FCBA Summer Picnic turned out to be a successful event, filled with good food, laughter, and a sense of belonging.

We would like to thank everyone who attended and our sponsors who made this picnic memorable. Here's to more gatherings in the future where we can celebrate our FCBA community together!





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New Low-Income Taxpayer Clinic



By Preston Ball

Hello, Lexington lawyers! I am an attorney at Legal Aid of the Bluegrass (LABG) directing our brand-new Low-Income Taxpayer Clinic (LITC). Prior to my new role as LITC Director, I worked as a Staff Attorney in LABG's Lexington office specializing in eviction defense, civil protective order cases for victims of violence, and criminal record expungement. LABG provides free civil legal assistance to low-income and other vulnerable populations in 33 counties in Kentucky. We have offices in Lexington, Covington, Morehead, and Ashland.

The mission of our new LITC is to assist low-income individuals who have a tax dispute with the Internal Revenue Service (IRS) and to provide education and outreach to individuals who speak English as a second language (ESL). We provide pro bono representation for these individuals, educate them about their rights and responsibilities as taxpayers, and identify and advocate about systemic issues impacting these taxpayers. Our tax clinic clients generally must be below 250% of the Federal Poverty Level, meaning our clients cannot afford to pay for legal representation in complex (and often lengthy) tax disputes.

Our LITC works on a wide variety of cases for needy and ESL individuals. These include assisting taxpayers through the audit process over the Earned Income Tax Credit (EITC), negotiating Installment Agreements or Offers in Compromise with the IRS, petitioning for Innocent Spouse Relief, and resolving identify theft issues. To elaborate briefly on one of these examples, the EITC can be crucial in helping lift low-income families out of poverty. This fully refundable tax credit can help families with children afford basic

necessities like housing, food, and healthcare. However, tax returns claiming the EITC have a high audit rate. An overworked single parent may be thrown into the bureaucratic morass of the IRS to prove that she was entitled to claim her child as a dependent simply because her unscrupulous ex-spouse attempted to claim the child first.

LABG is very thankful for the FCBA members who have volunteered with our pro bono program in the past, and we are excited to announce the LITC as a new opportunity for lawyers interested in volunteering! For experienced tax attorneys, our LITC can provide a chance to use your hard-won expertise to make life-changing impacts for Kentucky families who are most in need. For newer lawyers looking to expand their legal expertise, low-income tax cases can provide opportunities to gain valuable experience in administrative law practice and to practice in front of the United States Tax Court. Attorneys of all levels of experience are appreciated and welcome!

By volunteering your skills and expertise for our LITC or for other types of cases in our pro bono program, you can promote access to justice for all and help individuals who would otherwise be denied meaningful access to the legal system. If you have more questions about our LITC or you would like to volunteer, please contact me at pbell@lablaw.org or (859) 757-0253. You can also visit our volunteer information webpage at <https://lablaw.org/volunteer>.



Fayette County Legal Help Center



Donating my time to the Legal Help Center has been one of the most rewarding things I have ever experienced in more than 50 years of law practice. Helping people who are in need and cannot afford a lawyer- WOW!

Pat Moloney

Sturgill, Turner, Barker & Moloney

Come join fellow volunteers such as Pat at the Fayette County Legal Help Center and experience the joy of helping our patrons understand and participate in the legal system. The Center is in the Law Library located in the basement of the Fayette Circuit Courthouse and is open from 11 until 2 on Thursdays. Since 2022, we have served over 2500 patrons. Our volunteers are dedicated to the mission of making sure those without representation are given a fair chance to understand and participate in the judicial system.

Volunteers Needed

The Center cannot meet the demand for its services without the support of volunteers. The Center is seeking attorneys, paralegals and law students to volunteer during the Center's hours of operation. Volunteers will be given an on-site orientation on how the center operates and the scope of services provided. Volunteers will be covered under the KAJC's professional liability policy for the services they provide at the Center. For more information, contact glenda.harrison@kyaccesstojusticecommission.org. or go to Fayette County Legal Help Center. You can sign up there!

How the Legal Help Center Works

The Center is staffed with KAJC staff, volunteer attorneys and trained volunteers. Patrons walk in and are assisted on a first come, first serve basis. They are asked to briefly describe their legal issue and are then assisted by a volunteer. The Center is modeled after similar centers throughout the country.

Volunteers do not give legal advice thus visitors are called patrons. An attorney/client relationship is not formed. Service is limited to a three-hour period on any Thursday you choose to serve. Services include

helping patrons locate and complete the legal forms appropriate to their legal issue. Many of the forms can be completed through user friendly guided interviews with the patron simply answering a series of questions. Once the interview is complete, the program generates the required court documents. In addition to the guided interviews, other sample pleadings are available. There is often a need to explain legal processes.

Our volunteers range from law students to newly minted associates to those in their retirement years. They report that through service at the Center they are able to exercise their legal muscle in areas in which they may not normally practice. Needs have ranged from helping parents in recovery regain visitation with their children to the elderly trying to understand the steps they must take in probate when a spouse passes and all issues in between. As Pat Maloney put it, the Center is about "helping people who are in need" and allowing better access and understanding of the law.

Come and give the Center a try! You will find a welcoming crew of fellow volunteers who are making a difference in lives – one patron at a time. Thank you!

The FCLHC is a collaborative effort consisting of the Kentucky Access to Justice Commission (KAJC), the Fayette County Office of the Circuit Court Clerk, the Fayette County Law Library Trustees, and the Kentucky Administrative Office of the Courts. There is no charge for the information and assistance provided. Although the F'CLHC is located in Fayette County, legal assistance is available to residents of other central Kentucky counties. Since its inception in March 2022, over 2500 patrons have received service.



Volunteers

FAYETTE COUNTY LEGAL HELP CENTER **NEEDED**

The Legal Help Center is staffed with Kentucky Access to Justice Commission staff and volunteers (like you) from **11 a.m. - 2 p.m. ET each Thursday**. While volunteers do not provide legal advice, they do offer legal information, which includes helping patrons locate and fill in the correct legal forms on a variety of topics.

We urgently seek volunteers to join our efforts, even if you can only spare an hour. Regardless of your specific area of law or experience, your assistance will make a significant impact. Every bit of help counts, and we truly appreciate whatever you can offer!

[SIGN UP HERE](#)

Little Free Library Initiative

Little Free Libraries have been popping up in communities, offering a delightful way to promote reading and share books among neighbors. The concept is simple: patrons are encouraged to take a book and/or leave a book, creating an ever-changing selection for the community to enjoy.

In the spirit of promoting literacy, we are excited to announce that Judge Traci Brislin has set up the Fayette County Little Free Libraries in the Fayette Circuit Courthouse on the 4th Floor. We invite you to be a part of this noble cause by donating adult and kids books. Your contributions can be dropped off on the 5th Floor to Judge Brislin. Thanks to the generous support of Kim Michele Richardson, the New York Times best-selling author, we are able to make this initiative a reality.

Our Little Free Library is now listed on the national Little Free Library website, showcasing these small book-sharing hubs across the country and worldwide. Our initiative aims to provide access to quality books for litigants and jurors who may not otherwise have the opportunity to enjoy them.

Kim Michele Richardson has set a goal to establish a Little Free Library in every courthouse in all 120 counties of Kentucky this summer. To support this endeavor, she has graciously offered to underwrite the Little Free Library Charters. Libraries that are chartered are recognized on the Little Free Library website, and stewards receive a plaque to display on the library, identifying it as a “Kentucky Bookwoman” library.

For more information on this initiative, including Kim Michele Richardson’s blog, “COURTHOUSES READING ACROSS KENTUCKY,” visit <https://link.edgepilot.com/s/4c065d24/CYZmLd2tVE6AMl2wScQ03A?u=https://www.kimmichelerichardson.com/courthouses-reading-across-kentucky>. Furthermore, it’s worth noting that the usual \$50 registration fee per library to be listed on the Little Free Library app and web map is covered by Ms. Richardson as she underwrites the libraries.

We look forward to your participation in this fantastic initiative to bring the joy of reading to courthouses across Kentucky.





McBrayer PLLC

Katherine Moore Donnelly joins McBrayer's Lexington office as an Associate from Stites & Harbison PLLC. She practices primarily in intellectual property and transactional work, specifically, trademark and copyright prosecution and enforcement, as well as contract review and negotiation of commercial agreements involving intellectual property assets and supply chain and energy transactions. Donnelly is a graduate of Transylvania University and the University of Kentucky College of Law and is a member of the Kentucky Bar Association's Young Lawyer's Division and Intellectual Property Law Group and of the International Trademark Association

Valerie Michael joins McBrayer's Lexington office in the Healthcare department as an Associate from the Lexington North Trial Office of the Kentucky Department of Public Advocacy. She now brings her experience to bear in the field of healthcare law, dealing with matters in healthcare professional licensure defense and healthcare practices on compliance and regulatory matters. Michael is a member of the Kentucky Bar Association and Fayette County Bar Association, volunteers with NAMI Lexington, tutors with the Carnegie Center for Literacy, and serves as a Silent Auction Committee member for the KET Summer Celebration.

Colin Buckner has joined the firm's Lexington office. He comes to McBrayer from Walters Richardson, PLLC, and has joined the firm's commercial and business litigation practice group as an Associate. Mr. Buckner is a 2019 graduate of Lincoln Memorial University's Duncan School of Law and holds two bachelor's degrees in history and criminal justice from Lincoln Memorial University. He is licensed to practice in Tennessee and Kentucky.

Emily D. Penn joins the firm in its Lexington office as an Associate attorney. She will practice in the firm's litigation group. Penn is a 2022 graduate of the University of Kentucky Rosenberg College of Law and a 2019 graduate of Centre College, where she received her bachelor's degree in economics and finance. Before joining McBrayer, she clerked for two years for Federal Magistrate Judge H. Brent Brennenstuhl in Bowling Green, KY.

Kara N. Legg recently joined our Lexington office as an Associate Attorney. She will be practicing in the firm's regulatory group. Legg came to McBrayer as a 2023 Summer Associate and has clerked with the firm ever since. Legg is a 2024 graduate of the University of Kentucky Rosenberg College of Law and a 2020 graduate of Marshall University, where she received her bachelor's

degree in political science.

Best Lawyers 2025 recognition was awarded to **Stephen G. Amato; Kenton L. Ball; Jaron P. Blandford; Keana Sajadi Boarman; James H. Frazier, III; David J. Guarnieri; Mary Estes Haggin; Lisa English Hinkle; Virginia L. Lawson; Douglas T. Logsdon; Robert E. Maclin, III; Anne-Tyler Morgan; Daniel Luke Morgan; W. Brent Rice; Christopher J. Shaughnessy; Zachary Webster; Luke A. Wingfield; Jon A. Woodall; Preston C. Worley; Brendan R. Yates; and Katherine K. Yunker** in the firm's Lexington office.

Stites & Harbison PLLC

Stites & Harbison, PLLC welcomes attorney **Jessie A. Smith** to the firm based in the Lexington, Ky., office. He joins the Construction Service Group.

Smith's construction practice includes both transactional and litigation matters, with a strength in drafting, reviewing and negotiating construction contracts. Before joining Stites & Harbison, he worked for a material handling automation and software engineering company, where he was primarily responsible for transactional matters and contract negotiations. Prior to that, he worked for the Kentucky Administrative Office of the Courts as a Staff Attorney. Smith earned his J.D. from the University of Kentucky J. David Rosenberg College of Law in 2017. He is admitted to practice in Kentucky.

Leadership Lexington has selected Stites & Harbison, PLLC attorney **Katie M. Glass** as a member of the 2024-25 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.

Glass has been practicing with Stites & Harbison for more than eight years. She is a Member (Partner) based in the firm's Lexington and Frankfort, Ky., offices as part of the Environmental, Energy & Sustainability Group. Over the course of her career, Glass has had a diverse practice involving utility regulation, general civil litigation, appeals, creditors' rights, and bankruptcy. She now regularly advises the firm's clients on utility regulatory compliance and routinely represents electric utilities and individuals before the Kentucky Public Service Commission. Glass also serves on the firm's Lexington Office Recruiting Committee.

Fayette County Bar Association

Holiday
Party

DECEMBER 12, 2024
5-7 P.M.

HIGH PROOF HIDEAWAY
249 W SHORT ST.

\$35 FOR MEMBERS
\$50 FOR NON-MEMBERS

Featuring

Fayette County Bar Foundation
Silent Rare Bourbon Auction

