A lawyer’s failure to inform the court when she knows her client intends to commit perjury could lead to disciplinary charges or complicity charges. Read the story on page 6.
Presidents Report Carey K. Steffen

One of my goals as NKBA President is to leave the NKBA stronger than it was when I took office. There is always a goal to increase membership, but the majority of our efforts are targeted at providing tools that will assist our current members. Our hope is that these members will spread the word to non-members about the benefits to NKBA members.

Four of the areas the NKBA is gaining strength in are the Young Lawyers Section, the #MATCH Program, CLE programs, and the development of a new leadership series.

- The Young Lawyers Section continues to see law student members at their events. The section has continued to make the Judicial Reception a successful event. We highly encourage law students’ participation, as they are the future of the bar.

- The #MATCH Program is going strong with its second class of mentees quickly approaching graduation in October. This program would not be where it is today without the dedication of its committee and all of the attorneys who have volunteered to serve as mentors, as well as those attorneys who have volunteered to assist with the various programs.

- The NKBA has continued to provide high quality, low cost CLE programs to our members. We recently collaborated with the Cincinnati Bar Association on a Mental Health Seminar which was held at the Madison Event Center. The biggest bang for your buck as a member is always Annual CLE Day, which was held in June this year. Our Bankruptcy Seminar and Family Law Seminar, which are put on by their respective sections, are not to be missed for individuals practicing in these areas. A huge thank you goes out to the attorneys that organize these events and to our volunteer speakers. We are able to provide these CLEs to our membership because of your service to the bar.

- We have formed a committee to develop a leadership series. While this is still in its infancy stage, I want to provide some insight to our members that this is in the works. This program will highlight the importance of leadership skills in the real world by providing fundamentals of leadership which will enable attendees to excel and lead from anywhere in an organization.

Speaking of great leaders, I want to remind all of our membership that we are accepting nominations for the 2018 Distinguished Lawyer of the Year Award. Nominations must be received by September 15, 2018, so there is still time to submit these.

The #MATCH Program is a Success

Helps Make High School Mock Trial Championship a Success

Our partnership could lead to equally amazing discoveries.

By Kentucky Lawyers. For Kentucky Lawyers.
Many attorneys in Northern Kentucky are familiar with the esteem and reputation of Gerald T. Dusing. He graduated from Thomas More College in 1971 and followed with his graduation from the University of Kentucky College of Law in 1974. He was admitted to practice law in Kentucky, as well as the Sixth Circuit, Eastern and Western Districts of Kentucky, and the United States Supreme Court. He is a member of the Kentucky Bar Association, Northern Kentucky Bar Association, Kentucky School Board Attorneys Association, American Inns of Court, The Best Lawyers in America, and Super Lawyers. Yet, it is not the culmination of his advocacy skills upon which this article focuses. Instead, we will highlight Gerry Dusing’s service to the entire Kentucky Bar and the clients they serve.

Gerry began serving on the Kentucky Board of Bar Examiners (the Board) over twenty years ago. Pursuant to Supreme Court Rule (SCR) 2.020, the Supreme Court of Kentucky appoints seven attorneys to the Board “charged with the responsibility of administering the bar examination to qualified applicants for admission to the bar of the Commonwealth.” The responsibility sounds like a heady goal, but involves the commission and action of multitudinous minute details. Each appointed member serves three-year terms. According to Elizabeth Feeamster, Director and General Counsel for the Kentucky Office of Bar Admissions, the Board itself picks the questions for the bar exam, the subjects to be tested (from the list of subjects authorized by the Kentucky Supreme Court), and assigns the writing of each particular essay question to board members. The seven-person Board rotates out one person per bar exam who does not write a question; there are constantly six members each writing a question for the current bar exam. Each examiner is personally responsible for grading the essay question which he or she authored. The Chair of the Board, also appointed by the Supreme Court pursuant to SCR 2.020, performs a final review of the entire examination before it is printed and prepared for the final test.

In 2017, the Supreme Court appointed Gerry as Chair of the Board. As Chair, Gerry is heavily involved in the administration of the bar examination, including overseeing the qualifications of each applicant and the financial activity for the exam. Gerry served on the finance committee of the Board before his appointment as Chair; now, in his role, he reviews the Board’s budget and heads the committee, answers all annual audit questions, and determines expenditures and relevant spending for the exam. Questions regarding character and fitness of an applicant ultimately go to the Chair. The Chair then determines whether the issue will go before the entire Board. The Chair regulates the subjects for each bar exam, deciding on subjects to add to their biannual meeting’s agenda.

Gerry performs all of these tasks willingly and diligently, all while maintaining a healthy practice at the Adams, Stepner, Woltermann, & Dusing law firm. A champion of education, Gerry has continuously represented Superintendents of Kentucky as well as giving advice to students, teachers, and school personnel on important relevant issues, such as changing educational laws. It is not surprising then that Gerry’s advocacy seems to know no bounds as he works compassionately at every task set before him, whether in private practice or as Chair.

On a personal level, Gerry is a great person to work with and to know. Ms. Feeamster stated that Gerry does “a wonderful job.” “He is always fair, always even-handed,” she added of his service. She stated that she was “very lucky” to work with Gerry as Chair of the Board. “Even when the sky is falling,” Gerry maintains his cool and calm demeanor, a skill which is crucial for a successful trial attorney. Kentucky is lucky to have someone like Gerry dedicate their life’s work to our future lawyers. Thank you, Gerry, for your continued service to our legal profession!

Gerald Dusing: Service to the Bar Examiners by Justice Michelle M. Keller
What should you do when you know that your client is intended to testify in his own defense and commit perjury? The Bill of Rights and the Kentucky Rules of Professional Conduct present a number of important (and competing) considerations to keep in mind. For starters, under the Fifth Amendment, your client has the right to testify in his own defense.1

You cannot preclude him from testifying. That is a right (and a choice) that belongs to him.2 And under the Sixth Amendment, he also has the right to assistance of counsel.3

Further, Rule 1.6 of the Kentucky Rules of Professional Conduct requires you to keep confidential all information relating to the representation of your client, unless the client consents to disclosure.4 At first blush, this would seem to preclude you from advising the court of the client’s intent to commit perjury... but read on.

Despite Rule 1.6’s confidentiality provisions, Rule 3.3(a) prohibits you from offering evidence to the court that you know to be false. It also prohibits you from failing to disclose a material fact to the court when such disclosure is necessary to avoid a fraud being perpetuated upon the court.5 Under Rule 3.3(c), these duties apply even if the information is otherwise protected by Rule 1.6. Our Commonwealth’s Supreme Court has recognized that, “[d]espite the tension between Rules 1.6 and 3.3 and the rights to testify and to counsel, when the false testimony involves the client, Rule 3.3(b) [now 3.3(c)] requires disclosure, even if protected by Rule 1.6.”6

So, practically speaking, what actions should you take when you know your client intends to testify falsely? The first is perhaps the most obvious: be a counselor, and “seek to persuade the client that such evidence should not be offered.”7 In other words: ADVISE YOUR CLIENT TO TELL THE TRUTH!8

In other words: “Your client has the right to testify in his own defense. But read on.”9

By Lee Metzger

In summary, when you know that your client intends to commit perjury, your first reaction should be to attempt to talk him out of it. If that fails, withdraw. If it is too late to withdraw, then advise the court during trial of the conflict without delving into specifics, and follow any instructions the court gives. After you advise the court of the issue, all judges should advise the client of the importance of testifying truthfully. If the client still insists on testifying falsely, you should put him on the stand, ask him his name, and ask him what he wishes to tell the jurors. Do not ask any additional questions. Continue to stand during his narrative, and object during cross-examination (as appropriate) to questions regarding any portion of his testimony you do not believe to be perjured. During closing arguments, omit any reference to your client’s testimony. By following this basic protocol, you can preserve your client’s constitutional right to the assistance of counsel and constitutional right to testify in his own defense, while simultaneously fulfilling your ethical duties under the Rules of Professional Conduct.

**What to Do When Your Criminal Client Intends to Commit Perjury**

**Lee Metzger is a Partner with Adams, Stepner, Woltermann & Dusing, PLLC, where he focuses his practice in federal criminal defense, insurance defense, and personal injury matters. He can be reached at (859) 394-6200 or LMetzger@baslaw.com.**

**References:**
1. Nix v. Whiteside, 401 U.S. 222, 225 (1971) (“Every criminal defendant is privileged to testify in his own defense... But that privilege cannot be construed to include the right to commit perjury.”)
2. Faretta v. California, 475 U.S. 157, 173 (1985) (“Whatever the scope of a constitutional right to testify, it is elementary that such a right does not extend to testifying falsely.”)
3. Id. at 80.
4. Kentucky Rules of Professional Conduct, Rule 1.6, titled “Confidentiality of Information,” provides in pertinent part as follows: “A lawyer shall not reveal information relating to the representation of a client unless the lawyer has obtained the client’s informed consent.”
5. When the client has given informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b) of this Rule... (emphasis added).
6. Id.
7. The client’s constitutional right to the assistance of counsel is a fundamental right essential to a fair trial).
8. Supra 20
10. Faretta v. California, supra note 3, 475 U.S. 157, 173 (1985) (holding that an indigent defendant’s right to have the assistance of counsel is a fundamental right essential to a fair trial).
11. Id.
12. The lawyer learns that the client intends to commit perjury, but read on.
15. Nix v. Whiteside, 401 U.S. 222, 225 (1971) (“Every criminal defendant is privileged to testify in his own defense... But that privilege cannot be construed to include the right to commit perjury.”)
16. Id.
17. Lincoln v. Nix, 770 F.2d 822 (10th Cir. 1985).
18. Id. at 80.
19. Id.
20. See also Supra note 20.
21. Id.
22. See also Faretta v. California, supra note 3, 475 U.S. 157, 173 (1985) (“Whatever the scope of a constitutional right to testify, it is elementary that such a right does not extend to testifying falsely.”)
23. Id.
24. Id.
25. Id.
26. Id.
27. Id.
The Federal Criminal Justice System: A Reflection by Benjamin Dusing & Augustus Flottman

Our criminal justice system is revered around the world. It is the vehicle by which our most sacred democratic ideals are protected. We are blessed to have judges, prosecutors, and law enforcement officers who do a terrific job on the whole and dedicate their lives to serving justice. Having practiced federal criminal law for a long time on both sides of the aisle (as both a federal prosecutor and, now, as a defense attorney), one of the things that is the most apparent to me is the genuine commitment of our system’s judicial and law enforcement officers to fundamental fairness, justice, and equal protection. We are blessed to live in a country with a great system, and with good people working in that system. And yet, there are real problems with our system. It is not perfect by any means. And, insofar as solving any problem starts first with getting honest about the existence of that problem, this article is an attempt to get honest about some of the bigger problems in our criminal justice system.

Perhaps most importantly, we must get honest about the fact that our federal criminal justice system is built on intimidation. In practice, the system essentially dares the accused to exercise his constitutional right to a fair trial and to put the government to its burden. A central premise of our system is the right to trial. But this right is no “right” at all when it amounts to a “choice” between exercising the right to trial at huge potential risk and cost and not exercising that right at far less risk and cost. It serves no one to pretend that at far less risk and cost and not exercising that right is the right to trial. But this right is no “right” at all when it is the genuine commitment of our system’s judicial and law enforcement officers to fundamental fairness, justice, and equal protection. We are blessed to live in a country with a great system, and with good people working in that system. And yet, there are real problems with our system. It is not perfect by any means. And, insofar as solving any problem starts first with getting honest about the existence of that problem, this article is an attempt to get honest about some of the bigger problems in our criminal justice system.

As practitioners, we see up close the everyday problems that result from high level policies drawn up from afar. We, better than anyone, understand the injustice of a system that punishes defendants who proceed to trial far more severely than those who plead guilty. We comprehend the impact of its purpose—to affect real justice. We become blind to the forest for the trees. We tend to get so caught up in the practice of law that we have lost sight of its purpose—to affect real justice. We become blind to the fact that our system of justice has become, from a certain perspective, an assembly line that incentivizes convictions, not justice.

None of the above is to take away from the fact that we should be proud of our federal criminal justice system and continue to praise the public servants who dedicate their lives and careers to serving this system. In fact, that is precisely the point. It is a systemic problem. Our criminal justice system is made up of dedicated public servants committed to the vindication of our constitutional values and the purity of the truth seeking process. But in spite of this, the system yields unjust results more often than we care to admit. The first step in fixing any problem is getting honest about the problem. This article is intended to say out loud that which many privately think, but may not feel comfortable saying: our federal criminal justice system has big problems. We should start to have greater recognition, and greater dialogue, about how to fix these problems.

Ben Dusing is a former federal prosecutor in the Southern District of Ohio and Eastern District of Kentucky. Augustus Flottman is an associate at Farelli & associates in the area of white collar criminal defense. Ben and Augustus have represented several of the most high-profile defendants in some of the most significant white collar matters federally prosecuted in the region in recent years.
DID THE IRS TAKE YOUR CLIENT’S LUNCH MONEY AGAIN?

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It is my honor to write as one of your representatives to the Board of Governors of the Kentucky Bar Association to provide an update on its activities. I have served on the board for one year now. In that time, I have learned much about how our association operates and the needs of attorneys in the Commonwealth. I will continue to do my best to serve your interests on the Board of Governors.

Our last meeting was held on June 12, 2018 at the Hyatt Regency in Lexington. That meeting immediately preceded the start of the Annual Convention. (If you have never attended the KBA’s Annual Convention, you are missing out.) The meeting began with the disciplinary docket. As always, to learn about the mistakes and intentional misconduct of attorneys is a sobering experience. I am convinced that we need to continue to provide timely, firm, and appropriate discipline to protect the good name and reputation of those of us who strive to play by the rules. As we have seen in the media reports of late, organizations that do not police themselves effectively can have one bad apple spoil the entire basket.

One of the highlights of the meeting was the report by the National Task Force on Lawyer Well-Being. That report’s recommendations focus on five central themes: (1) identifying stakeholders and the role each of us can play in their activities, (2) reduce the level of toxicity in our profession, (3) eliminating the stigma associated with help-seeking behaviors, (4) emphasizing that well-being is an indispensable part of a lawyer’s duty of competence, (4) educating lawyers, judges, and law students on lawyer well-being issues, and (5) taking small, incremental steps to change how law is practiced and how lawyers are regulated to instill greater well-being in the profession. Were KYLAP to adopt these recommendations, its work would go beyond traditional alcohol and substance abuse issues and focus on other areas to help lawyers cope with the stresses of the profession. Expect to see more on this topic in the near future.

Another point of interest is the Judicial Evaluations Task Force plan to evaluate Kentucky judges. Task Force Chair Amy Cubbage reported that the task force is reviewing vendors to implement these evaluations this year. She expects to have a recommendation to move forward on this initiative at the July board meeting.

Five hundred or so words is not enough space to share all the Board of Governors has been up to, so I hope this short summary with highlights will give you a flavor for what the board is doing. To that end, the final key event of the meeting was to wish outgoing president, Bill Garmer, well and thank him for his service. It has been my pleasure to serve with Bill and watch him lead the association over the past year. Bill accomplished a lot. One item of special note is that he started the KBA Leadership Conference. This conference was a mechanism to recruit new leadership talent to serve attorneys in the Commonwealth. This kickoff year was a great success, and it will continue in years to come. Bill’s efforts show that a person who dedicates time and effort to a good cause can produce a positive effect for many. Bill will be followed as president by Douglas C. Ballantine. I am confident Doug will continue to positive progress I saw under Bill Garmer’s tenure.

As always, please feel free to contact me with any question.

The Kenton County Law Library Trustees invite you to an Open House
Kenton County Law Library
(located in the Kenton County Justice Center, 2nd floor)
Monday, September 24, 2018
8:30 am – 10:30 am

• Donuts and Coffee provided
• Meet with the Westlaw representative about exciting new research offerings at the Law Library, including Practical Law
• Meet your Law Library Trustees

What is Practical Law?
Thomson Reuters Practical Law™ is legal know-how that goes beyond primary law and traditional legal research to give lawyers a better starting point. We provide standard documents, checklists, legal updates, how-to guides, and more – created and continuously maintained by our 230+ expert attorney-editors.

What’s know-how?
Know-how is having the information you need to start a task without having to search forever to find it. It’s the knowledge that what you have is up-to-date and accurate. And it’s the tools you need to get the job done right, get it done faster, and get it done more efficiently. Know-how helps attorneys provide more matter-level materials without reducing the quality.
Fact Checking Resources by Carol Furnish

Fake news and fabrications are not a new phenomenon. You encounter varying degrees or levels of misinformation on a daily basis. These “stories” take on lives of their own and are accepted as truth after being continuously repeated and passed on. Here is a reference guide to locating facts and checking for falsehoods.

Fact Checking Websites:
FactCheck.org
https://www.factcheck.org/
The focus is U.S. politics.
SciCheck.org
https://www.factcheck.org/scicheck/
The focus is U.S. politics.
Duke Reporter’s Lab
https://reporterlab.org/
Duke University Sanford School of Public Policy. Maintains a database of global fact-checking sites.
The Center for Public Integrity
https://www.publicintegrity.org/
A nonpartisan and nonprofit investigative news organization. Reports on ethical issues, campaign donations, lobbying, and other activities influencing government policy.
Snopes
https://www.snopes.com/
Founded in 1994 by David Mikkelson. Researches urban legends, rumors, and misinformation.
OpenSecrets.org
https://www.opensecrets.org/
The Center for Responsive Politics. Tracks money in U.S. politics and its effect on elections and public policy.
Pew Research Center
http://www.pewresearch.org/
A nonpartisan fact tank that conducts public opinion polling, demographic research, content analysis and other empirical social science research.
PolitiFact
http://www.politifact.com/
Owned by the nonprofit Poynter Institute for Media Studies. A fact checking website that rates the accuracy of claims by elected officials and political pundits.

Tools To Verify Images:
Google Reverse Image Search
To determine the origins of an image and see if the image has been re-purposed. You will find out where else on the web the photo is being used. Drag and drop an image from the web or your computer into the search box on images.google.com.
Foto Forensics
http://fotoforensics.com/
A tool that analyzes digital images, showing the areas where an image could have been altered.
Tin Eye
https://tineye.com/
Search by image and find where that image appears online.

Further Advice on Improving Your Fact Checking:
Fake Or Real? How to Self-Check the News and Get the Facts
https://www.npr.org/sections/alltechconsidered/2016/12/05/503581220/fake-or-real-how-to-self-check-the-news-and-get-the-facts
NPR All Tech Considered by Wynne Davis 12/5/2016.
The Fact Checker’s Bible
The Chicago Guide to Fact Checking

Carol Furnish is a reference librarian at NKU Chase Law Library and she can be reached at furnish@nku.edu or 859-572-5396.
Thank You by Lauren Hudson (Graduating Senior at Dixie Heights High School)

I want to take this opportunity to thank the amazing members and benefactors of the Northern Kentucky Bar Association for their unwavering support of the Dixie Heights High School Mock Trial Program. The NKBA grant allowed our team to travel to Reno, Nevada to compete at the National High School Mock Trial Championship in May 2018.

Our long-time coaches, Matthew Davey and Jim West, worked hard to make this trip the perfect balance of memorable fun and hard work. Upon arrival, our coaches generously offered to take the entire team to Lake Tahoe for a day out in the summer sun. With the warm weather and cool water, this day trip was the perfect way to relax before the big competition started just two days later.

The following day, we got down to business. The morning began with a full-length scrimmage against a strong Missouri defense, and after a short break, we jumped right into a second scrimmage against the formidable Idaho prosecution. The actual competition began on Friday, and the team had back-to-back full days of intense competition.

Dixie’s only two losses were to the defending national champions from North Carolina and the defending national runner-up from Michigan. If we were to have beaten Michigan in the final round, we would have finished in the top ten! However, we lost by just a few points on each ballot against these teams that both finished in the top ten.

One member of the Dixie Mock Trial Team was also honored at the award ceremony with one of the prestigious Best Witness Awards. Sydney Jones, who portrayed an expert witness on both sides of the case, was named one of the top ten witnesses in the country!

I would be remiss if I didn’t also thank three members of the Northern Kentucky Bar Association that contributed to the success of Dixie Mock Trial this year: Hon. Heather Humble, Hon. Anthony Putnam, and Hon. Kevin Martz. Each of these members volunteered to provide hours of assistance in coaching our team either during the season or during the post-season tournament. The NKBA should be proud of its members and their dedication to the education of our youth in professionalism and the American legal system. In fact, Mr. Martz is starting a mock trial team next season at Simon Kenton High School.

Finally, and once again, thanks to the Northern Kentucky Bar Association for its generous grant. Without it, our participation in this outstanding competition would not have been possible.

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Finally, and once again, thanks to the Northern Kentucky Bar Association for its generous grant. Without it, our participation in this outstanding competition would not have been possible.
The Kenton County Pioneer Award was established in 2017 to honor living residents of Kenton County who have a record of outstanding service to the community and who exemplify the highest standards of personal integrity. The Pioneer Award honors those who demonstrate servant leadership combined with awareness of the needs of fellow residents.

Bob heads the firm’s employment law division, representing employers of all sizes, including some of the largest throughout Kentucky and Greater Cincinnati. He has represented hospitals and physicians for over 30 years on employment and medical negligence issues.

Bob has been recognized as Kentucky Super Lawyer and was named the 2012 Distinguished Lawyer of the Year by the Northern Kentucky Bar Association. He is chair of the St. Elizabeth Foundation and a Member of the St. Elizabeth Healthcare Board of Trustees.

The Dan Beard Council, Boy Scouts of America, presented Bob with the Trailblazer Award in 2015. He was recognized by Covington Catholic High School as the Northern Kentuckyian of the Year in 2012. Among his many acts of service, Bob participates in an annual mission trip to Jamaica, helping provide housing and care facilities to disabled adults.

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Burr Jr. Travis has returned to Busald Funk Zevely, P.S.C. in an “Of Counsel” capacity. Mr. Travis was a partner at Busald Funk Zevely from 1981 until January 1, 2015, when he left to serve as an assistant Kenton Commonwealth’s Attorney.

Roetzel & Andress LPA is pleased to announce that Laura E. Salzman has joined the firm’s Transportation and Logistics team as an associate in the Cincinnati, Ohio, office.

Laura’s experience in civil litigation has taken her to over 50 counties in Kentucky and Ohio, where she has defended a litany of cases, ranging from motor vehicle accidents and premises liability matters to commercial trucking, products liability, employment, and medical malpractice cases. Laura has successfully handled dispositive issues, discovery matters, summary judgment, and evidentiary disputes before both state and federal courts in Ohio and Kentucky. In addition, she has served as first-chair during trial, taken extensive discovery and evidentiary depositions, and handled numerous mediations.

Laura earned her J.D. from the University of Kentucky College of Law, graduating cum laude. She is also a graduate of Northern Kentucky University, garnering a B.A. in Political Science and earning summa cum laude honors. Laura is also active in a number of organizations, both personally and professionally. She is a Court Appointed Special Advocate and volunteers with both the Northern Kentucky Women’s Crisis Center and the Brighton Center (Northern Kentucky Scholar House). She is a member of the Ohio, Northern Kentucky, Kentucky, and Cincinnati Bar Associations.


Steven R. Adams recently authored Practice Law Like An Ironman: Unbeatable Checklists for any Lawyer Creating and Building a Solo or Small Practice. The book is a nuts and bolts guide to opening or growing a successful law practice. Adams reflects on his 17 years of private practice and compiled this book as a practical guide of do’s and don’ts on the business side of running a law practice. The book covers everything from marketing and dealing with clients to hiring personnel and choosing software and equipment. Adams believes if he had a handbook like this when he began his practice he would have reached his level of success in a fraction of the time and at a fraction of the cost.

Dressman Benzing Lavelle psc has been selected by Thomson Reuters to be the Kentucky Contributor to its Practical Law Series in the areas of civil litigation and civil appeals. Thomson Reuters Practical Law provides standard documents, checklists, legal updates and valuable, timely information. The book, served with the Thomson Reuters two-volume treatise

Kevin Hoskins is Vice Chair of the firm’s Civil Litigation Practice Group and practices in the firm’s civil litigation, employment & labor and administrative law sections. His practice focuses on cases involving business disputes, zoning issues, product liability claims, and job-related claims such as Title VII discrimination and retaliation.

Chris Markus represents clients in complex litigation before federal and state courts, arbitrators, mediators and administrative agencies. His practice is diverse and he has represented clients in disputes involving construction, banking, insurance, healthcare, trade secrets, manufacturing, bankruptcy, employment, personal injury, estates, wills and trusts.

Judge Anthony W. Frohlich will host a book signing of his most recent book, Serving the Law, on August 22, 2018, 7:00 p.m. at the Boone County Public Library, 1786 Burlington Pike, Burlington, KY.

Serving the Law provides a history of Boone County government from its inception in 1798 to the present time. It contains valuable information on Sheriffs, Jailers, State Representatives, State Senators, United States Representatives and Boone County Police. In addition to the history, it has 271 biographies and over 200 photographs.

Judge Frohlich has authored numerous publications in both history and law and considers this present work to be his best. He is a graduate of Northern Kentucky University where he graduated summa cum laude and received the Outstanding Student in History Award. He graduated first in his class from Salomon P. Chase College of Law and was awarded the Outstanding Student in the History of Anglo American Law. He is working as a Senior Judge for the Commonwealth of Kentucky. He has been awarded Judge of the Year by both the Kentucky Bar Association and the Kentucky Justice Association. Other history related awards include the Anne W. Fitzgerald Research Award, Boone County Preservation Award and the Bruce Ferguson Sustained Excellence in Historical Preservation.

Bob Hoffer, a partner with DBL Law, was recognized by the Kenton County Fiscal Court as one of its 2018 Pioneer Award honorees.

The book, served with the Thomson Reuters two-volume treatise on the Kentucky Rules of Civil Procedure, has been selected by Thomson Reuters to be the Kentucky Contributor to its Practical Law Series and part of the Kentucky Practice Series and is widely regarded as the leading reference on Kentucky civil rules. He has been named one of the Top 50 lawyers in Kentucky by Super Lawyers Magazine.
Grant from the Northern Kentucky Bar Association Helps Make High School Mock Trial Championship a Success by Jim West

For more than 20 years, the Kentucky High School Mock Trial Tournament was administered by the Administrative Office of the Courts (AOC). However, about 10 years ago, funding for the program was cut, and the tournament was at risk to be discontinued. Fortunately, the Eastern Kentucky University mock trial program volunteered to temporarily host the tournament in order to keep high school mock trial alive.

Last year, a group of lawyers, coaches, and teachers formed the Kentucky High School Mock Trial Association, Inc. (KHSMTA), a 501(c)(3), to assume the administration of the Kentucky High School Mock Trial Tournament.

In just one year, KHSMTA increased the number of high school teams participating from 26 to 38 teams. We further expanded the tournament to include two regional tournaments followed by a “Sweet 16” state championship tournament. This championship tournament was held in Covington, Kentucky from March 2-4.

Another goal heading into this revised tournament format was to professionally videotape the championship round. We envisioned the recording would be used to develop video tutorials (such as effective cross examination, opening statements, etc.) which could be posted on our website to assist high schools throughout the Commonwealth who are considering forming teams.

The only way we were able to make these successes possible was through the generous support of the Northern Kentucky Bar Association, its members, and members of this community. In support of this valuable educational program for high school students, the Northern Kentucky Bar Foundation provided a $750 grant. In addition, the members of the Northern Kentucky Bar Association stepped up to volunteer and support this program. While it would be impossible to name everybody who contributed to this tournament, it is important to recognize some important patrons:

- Kenton County Chief Circuit Judge Patricia Summe who coordinated and allowed a group of over 200 high school students from 16 schools to utilize the only courthouse in our region that is able to accommodate eight simultaneous trials over three days.
- Kenton Circuit Judge Greg Bartlett who volunteered on Sunday morning to preside over the championship round.
- All of the judges in the Kenton County Justice Center who allowed these students to use their courtrooms and the courthouse personnel who so courteously accommodated our group.
- Kenton Circuit Clerk John Middleton, Chief Deputy Debbie Vaughn, and their entire staff who donated their time and energy providing on-site staff support as well as DVDs of each round to the participating teams.

continued on page 22
• Northern Kentucky local lawyers who volunteered to act as the judges and jurors on the mock murder trials.

• The all-volunteer board of directors of the Kentucky High School Mock Trial Association.

• Tom Parker, Lynnette Noblitt, Dr. Sara Zeigler, and the Eastern Kentucky University Mock Trial team who have provided immeasurable support to KHSMTA and Kentucky mock trial students.

• Victor Matos, Jason Dudas, Brian Costello, and the Telecommunications Board of Northern Kentucky (TBNK) for planning, professionally videotaping (three separate cameras and additional microphones), and editing a broadcast-worthy video production of the championship round.

• Stephanie Dietz for taking the lead in working with the Courthouse personnel (Judges, county clerk’s office, and maintenance department), coordinating the video production, and working with multiple parents and coaches from the local mock trial teams to provide food and drinks to the volunteers and students over the weekend-long tournament.

I cannot thank you all enough for your generous contributions of money and time so that a large group of high school students could compete in this exciting competition. Thank you!
The Twentieth Annual Red Mass to be Celebrated on Friday, September 28, 2018, at 12:00 PM at Thomas More College Mary, Seat of Wisdom Chapel. Complimentary Luncheon Reception Following Mass. All are welcome to attend.

Each year in cities around the world, lawyers, judges, lawmakers, and those in the legal and law enforcement professions come together to pray for God’s grace and wisdom to assist them in carrying out their professional duties in a faithful and thoughtful way. This service, known as the Red Mass, is well attended by people of all faiths.

This year’s Red Mass will be celebrated on Friday, September 28, 2018, at 12:00 PM at Thomas More College Mary, Seat of Wisdom Chapel in Crestview Hills, KY, representing the twentieth consecutive year there has been a Red Mass held in Greater Cincinnati/Northern Kentucky. Bishop Roger Foys will be the celebrant. Several other dignitaries and special guests will also be in attendance. A complimentary luncheon reception will be provided after Mass in the church undercroft.

The Red Mass and reception are open to the public. This ecumenical celebration is open to all members of the legal profession, public servants and officials, judiciary, their respective families, and the general public who are dedicated to fostering the highest ideals and ethics in the practice of law and administration of justice.

What is a “Red Mass”?

The Red Mass is the Solemn Votive Mass calling upon the Spirit of God for guidance and thanksgiving. It is a Votive Mass because it is celebrated for a special intention, specifically the invocation of God’s blessings and guidance in the administration of justice. The Red Mass is a reminder to all that law is based on the eternal law of God and Divine Justice. The name “Red Mass” is derived from the color of the vestments worn by the celebrants of the Mass, which symbolizes the Christian belief in the tongues of fire present at Pentecost (the coming of the Holy Spirit). Additionally, in the early history of the Red Mass, the robes of the attending royal judges in England were bright scarlet.

The Red Mass originated several centuries ago in Rome, Paris, and London. This ceremony officially opens the judicial year of the Sacred Roman Rota, the tribunal of the Pope. During the reign of Louis IX, Saint Louis of France, La Sainte Chappelle was designated as the chapel for the Mass. This magnificent structure was erected in 1246 and is now only used once annually for the celebration of the Red Mass. The tradition began in England during the reign of King Edward I in the year 1310. Since 1904, the Red Mass has been celebrated annually at the beginning of the Michaelmas term in Westminster Cathedral, even amidst the destruction of World War II.

In 1928, the first Red Mass was held in the United States at St. Andrew’s Church in New York City. It is now celebrated in numerous cities throughout the United States, including Los Angeles, Philadelphia, Little Rock, St. Louis, Dallas, Indianapolis, and Columbus. The Red Mass is celebrated annually in Washington, D.C. at the Cathedral of St. Matthew the Apostle on the Sunday before the first Monday in October (the beginning of the governmental year). In Washington, the Red Mass is typically attended by leading members of the executive, legislative, and judicial branches of government on the federal, state, and local levels, as well as members of the Diplomatic Corps. In other cities, the Red Mass is attended by judges, lawyers, public officials, and other men and women of all religious faiths.

The St. Thomas More Society of Greater Cincinnati expects a strong turnout at this year’s Red Mass once again. All supportive members of the legal community seeking to spread goodwill, regardless of particular faith background, are invited to attend this beautiful celebration.
Leadership in the Making
by Aaron Sutherland, YLS Chair

Partners and Senior Attorneys,

The Young Lawyer’s Section (YLS) is the future of our organization, which has existed for over thirty years. As we move forward, we hope that our young lawyers will participate and take on leadership roles in the NKBA. We hope you will continue to encourage the associates and young lawyers in your offices to participate in this worthwhile organization.

The YLS offers opportunities for young lawyers to network with other attorneys in our region while engaging in social and philanthropic activities. As many of you know, our flagship event, the annual YLS Judicial Reception, provides young lawyers the opportunity to meet and get to know local, state, and federal judges from our region. While the judicial reception this year was a great success with many young lawyers in attendance, in years past there have been occasions where the judges in attendance outnumbered the young lawyers. We hope that when the YLS sends your organization the annual invitation to this event that you will consider sponsoring the event and actively encourage your young lawyers to attend. We really appreciate the sponsors of this year’s judicial reception:

In addition to the annual judicial reception, we have monthly meetings on the second Thursday of each month, normally held on the second floor of Molly Malone’s in Covington, and includes two drink tickets for those in attendance. The monthly meetings provide an opportunity for young attorneys to get to know one another and to discuss legal topics, share experiences, and perhaps even job opportunities. I personally met many of my good friends at these meetings over the years. Sometimes our meetings even have celebrity guest speakers, and we welcome any senior attorney or law partner who would be willing to spend a few minutes talking with us.

Besides our monthly meetings, we host social events throughout the year, including a group outing to the Reds concert series game on July 28 (concert by Walk the Moon to follow); philanthropic events, including a volunteer event at Go Pantry with #MATCH on September 28; and an annual fundraiser on September 13, a bourbon tasting (location TBD).

As the individuals who run your law firms or organizations, you have the unique ability to encourage your associates and young attorneys to get involved with the local bar. Please consider taking time to encourage the young attorneys in your office to attend a meeting or participate in one of our events, because the young lawyers are the future of the NKBA.

Aaron Sutherland is the YLS Chair and serves on the Board of Directors of the NKBA. He is an Attorney Advisor at the Social Security Administration Office of Hearings Operations in Cincinnati.
Dixie Heights High School Championship Team competed at Nationals in Reno