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NEW RULE - Permitting Citing

Nonpublished Decisions

by Carol Furnish, Chase College of Law Library

It's official: unpublished Appellate Opinions rendered after January 1, 2003 may be cited for consideration if there is no published opinion on point. The 2006 Amendments to the Kentucky Rules of Civil Procedure (CR) are effective 1/1/2007.

Section (4)(c) of Kentucky Rules of Civil Procedure (CR) 76.28 :

(c) Opinions that are not to be published shall not be cited or used as binding precedent in any other case in any court of this state; however, unpublished Kentucky appellate decisions, rendered after January 1, 2003, may be cited for consideration by the court if there is no published opinion that would adequately address the issue before the court. Opinions cited for consideration by the court shall be set out as an unpublished decision in the filed document and a copy of the entire decision shall be tendered along with the document to the court and all parties to the action.

The new rule (SC Order 2006-09) was published in the latest Kentucky Bench & Bar (Nov. 2006) and can be found on the Supreme Court's Rules and Procedures webpage (http://apps.kycourts.net/Supreme/SC_Rules.shtm) at <http://apps.kycourts.net/Supreme/Rules/2006-9ORDERAMENDING.pdf>

Looking Back:

the Legacy of the Dred Scott Decision

by Faith C. Isenhath

The Northern Kentucky Law Review will host its spring symposium, "Looking Back: the Legacy of the Dred Scott Decision," on Friday morning, March 2, 2007. No case that the Supreme Court of the United States has ever decided has had a greater effect on American law, history, society, and race relations than its 1856 decision in *Dred Scott v. Sandford*. This decision, denying citizenship to African-Americans and overruling the exclusion of slavery from the free territories, was a major cause of the Civil War, and its consequences did not end there. The symposium will look back at the legacy of this important case over the time that has passed up to the present day along legal, historical, political, and social dimensions. It is being co-hosted with the National Underground Railroad Freedom Center in Cincinnati and will be held at the Freedom Center's Harriet Tubman Theater.

Five panelists will be featured, including Dr. Roberta Alexander, former professor and director of the Prelaw Program at the University of Dayton; Professor Mark Graber of the University of Maryland School of Law; the Honorable Nathaniel Jones, former Judge, United States Court of Appeals for the Sixth Circuit; Chase adjunct professor David Singleton, executive director of the Ohio Justice and Policy Center; and Chase professor John Valauri, symposium advisor. Each panelist will focus on a different aspect of the Dred Scott decision.

Judge Jones will discuss the case in general, and historical and contemporary implications. Dr. Alexander will discuss historical implications on politics at the time of the decision, and Singleton will discuss the contemporary problems with the Cincinnati school system. Professors Graber and Valauri will focus on constitutional interpretations.

Faith C. Isenhath is the spring symposium editor for the Northern Kentucky Law Review. She can be reached at isenhathfl@nku.edu.