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# LAWYER

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INSTITUTE

Exploring the ecology of  
law and informatics

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COLLEGE OF LAW  
NORTHERN KENTUCKY UNIVERSITY

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## From the Dean

**I**t is that time again. Although it seems as if we just held graduation yesterday with then ABA President-Elect Wm. T. (Bill) Robinson III delivering the commencement address, the members of the new incoming class are already on campus. By the time you read this, they'll already have begun classes. With their arrival and the return of the upper division students, there is a definite buzz in the building. An exciting buzz at that! We are looking forward to a truly exciting year!



The members of the incoming class are an immensely talented and diverse group of students. Some are fresh out of undergraduate school; others are launching their second career. Among the many things they share in common, however, is their desire to join the legal profession as one of the many proud Chase alumni.

The new students are joined by new faculty members. We are proud to add Professors Jon Garon, Eric Alden, Amy Halbrook, Jack Harrison and David Singleton to our team. They will bring fresh ideas and energy to our school benefitting our students, our faculty and our alumni in many different ways. You can find more about them in the pages that follow. We are also pleased to have Professors Ursula Doyle and Larry Putt join us for the year as visiting professors. They too will add to the diversity of ideas on campus.

This year we will be launching two new programs. First will be the opening of our Children's Law Clinic in partnership with the Children's Law Center. While we have enjoyed a long relationship with the Children's Law Center, the new program which will be directed by Professor Halbrook, will enable us to have a full-time faculty member who will work hand in hand with Kim Brooks Tandy (Chase '89) and her extraordinary staff to ensure that our students can maximize the value of their time in the clinic.

The second big addition this year is the launch of our new Law & Informatics Institute. The institute, which will be the first of its kind in the nation, will enable us to work closely with the College of Informatics to ensure that Chase students have the opportunity to develop their knowledge and skills in perhaps the most rapidly growing fields of the law. We have recruited Professor Jon Garon, one of the top scholars in the field, to direct the institute. We will be able to offer our students joint degrees in fields of Law & Health Informatics and Law & Business Informatics. The institute will offer certificate programs, seminars and other programs to our students and to our alumni. Even if you are not quite sure what "informatics" is – it is a new term for most of us! – you will understand why we are so excited about this development!

Add new students, new faculty and new programs to the many terrific things being done by our Center for Excellence in Advocacy, the Transactional Law Practice Center, the Pro Bono Program and the many other initiatives at the law school and it becomes quite clear why I am so proud to be part of the Chase family!

None of this success would be possible without the continued support of our many alumni and friends. Thank you for your continued loyalty to Chase. With your help we will continue to move towards our goal of becoming recognized as the top law school in the region!

Dennis R. Honabach  
Dean & Professor of Law

NKU CHASE

# LAWYER

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## EXPLORING THE ECOLOGY OF LAW AND INFORMATICS

**Chase is bringing the emerging field of law and informatics to NKU. Fortunately, some Chase alumni are already leading the way.**



One of the biggest challenges Professor Jon Garon faces when describing NKU Chase College of Law's new Law and Informatics Institute is defining exactly what "informatics" means.

As director of the institute, he explains it like this: "At its heart, informatics is like an ecology of information, just like the study of organisms in their environment is an ecology. It is the interrelationship of information and data systems. Wherever data flows and information can be used, it has effects, and like any ecosystem, there are consequences triggered by the interactions of those systems."

"The field of law and informatics looks beyond the science of information systems to embrace the information ecosystem regarding data within its environmental context," Garon says, "particularly the potential use and abuse of the information."

This applies to the legal environment in a number of ways, both in the practice of law itself and the legal needs of clients in nearly every industry. As Garon explains, "the role of lawyers in informatics is to understand how these systems will be used so that they can develop appropriate regulations to protect the public while encouraging innovation and growth."

Law and informatics, then, involves anywhere that the law, data, and technology intersect – from data security in digital financial records or medical records to copyright and privacy issues on social media sites like Facebook and YouTube, from cloud storage of email to property rights in virtual worlds, and from data encryption to First Amendment protection for video games. It is the study of legal information systems as well as the study of the law governing information, information technology, and the effects of technology on legal doctrine.

BY MEGAN MCCARTY. PHOTOGRAPHY BY JOE RUH





## Hot topic in legal informatics: VIDEO GAMES

There has been debate recently in the courts and state legislatures regarding the nature of video games – whether they should be treated like film and theatre, as a protected form of speech or toys that can be regulated as commercial products.

In June, the Supreme Court struck down a California law banning the sale of video games to children if the video games were deemed too violent. Writing for the majority, Justice Antonin Scalia wrote that the law “abridges the First Amendment rights of young people whose parents (and aunts and uncles) think violent video games are a harmless pastime.”

“Most government regulations pertaining to video games fail due to First Amendment issues, as courts have been more willing to recognize video games as a type of expression that is to be afforded the full protection of the First Amendment, and must survive a strict scrutiny constitutional analysis to be upheld,” says Garon.

First Amendment protections affect not only the regulation of video games, but the practices. In 2008, a Los Angeles business owner sued the makers of the Grand Theft Auto video games for trademark infringement after a business with a similar name appeared in the virtual city of Los Santos, a city designed for Grand Theft Auto to be based on Los Angeles. The Ninth Circuit found in 2008 that the video game’s use of the similar business name was protected by the First Amendment.

California state and federal courts have struggled to reconcile the First Amendment rights of video game producers with the publicity rights of individuals depicted in the games. Lawsuits by former college football players against EA Sports for the unauthorized depiction in video games are still pending.

## INFORMATICS AND THE PRACTICE OF LAW

Information such as medical records, financial records, copyrighted music, personal and professional correspondence, metadata in emails and tweets, scientific research findings, and more will be at the core of many legal issues that new attorneys will face when they enter the legal profession. Because these issues transcend specific types of law and encompass torts, property, contracts, and many other areas of law, today's law students – and practicing attorneys – need to be prepared with knowledge of how



**“The more productive a lawyer can be, the more productive he or she must be in this new order of skills and productivity.”**

laws regarding the digital technology apply and often conflict.

Within the field of informatics, one discipline is legal informatics, which focuses on the study of legal systems, including public access to legislation, the tracking of court activities, implications of sentencing guidelines, and the use of technology in the practice of law. Law itself has been revolutionized by digital information.

In addition, when it comes to the practice of law itself, the business side of running a

law firm is becoming digitized: websites like LexisNexis or the Casemaker online legal library provide many services that at one time were only available through law libraries, and the way attorneys bill for time can be done automatically on phones, with hours being automatically generated. Technology is also changing law office management, litigation support, document management, imaging and animations, case management, and electronic court filings.

Joseph W. Shea III '74, creator of Casemaker, recognized the way technology was changing the industry when he first developed the service back in 1981.

“My first ambition was to level the playing field between the large firms who had access to expensive databases and materials and the small firms and solo practitioners who did not,” says Shea, who is principal with the Cincinnati firm Shea and Associates.

Having established a relationship with the Ohio State Bar Association, Shea first allowed the online version of the service to be made available as a benefit to bar association members. Casemaker now partners with 28 state bar associations through the “Casemaker Consortium” to provide a cost-effective legal research option for more than 450,000 lawyers and judges nationwide.

“When I graduated from Chase in 1974, no lawyer had keyboard skills beyond a high school typing class,” Shea says. “But let’s flash forward to today. Lawyers now create their own documents using multiple monitors on their desk to block and copy research materials into their briefs from one screen to the other. The more productive a lawyer can be, the more productive he or she must be in this new order of skills and productivity.”

Shea hopes that the increase in productivity and availability of services like Casemaker will lower the cost of the administration of justice in America.

“In the end, we go to law school to make our

society served by the equal administration of justice,” he says. “Casemaker may be a significant factor in meeting that goal.”

In the courtroom, using the latest technology is also important. Presenting complicated data to a jury, for example, may require the data to be presented in a way that is equally as sophisticated but still understandable, without being oversimplified. The informatics field of data visualization becomes a vital tool, as it involves analyzing information and rendering and presenting it in a way that is comprehensible.

“An individual cannot fathom artificial intelligence or bioinformatics to understand what they’re looking at, so many law firms work with firms that specialize in data visualization,” says Douglas Perry, former and founding dean of NKU’s College of Informatics, which is partnering with Chase in the development of the institute. “It goes way beyond a PowerPoint slide.” “The notion of digital technology disrupts everything in human life,” Perry says.

## INFORMATICS IN INTELLECTUAL PROPERTY LAW

Perry uses patent law as an example of how clients’ needs are also becoming more digital.

In the United States, where patents had been awarded based on “first to invent,” a pharmaceutical company may spend 10 years and \$2 billion to develop a new drug only to have the license to the drug challenged by a smaller company, resulting in millions of dollars in litigation. In the past, these were defended physically by experiments with lab notebooks, which were signed and countersigned by a supervisor, sealed, and taken to a records area, which became a large warehouse for these notebooks. When a company sued, the notebooks would have to be found and presented.

“Laboratory informatics has circumvented that,” Perry says. “Electronic lab notebooks are both secure and defensible.”

Not only that, but experimental data from machines in laboratories around the world are integrated, automatically analyzed, and stored to be retrieved anywhere on the globe. “Legal firms with these companies as clients have to be just as sophisticated,” Perry says.

## TECHNOLOGY AND ELECTRONIC MEDICAL RECORDS

As partner-in-charge of the Cincinnati office of the law firm Dressman, Benzinger and LaVelle and as head of the firm’s technology law practice group, Alan J. Hartman ’78 says that the bulk of his practice since 1983 has been focused on meeting the legal needs of technology companies.

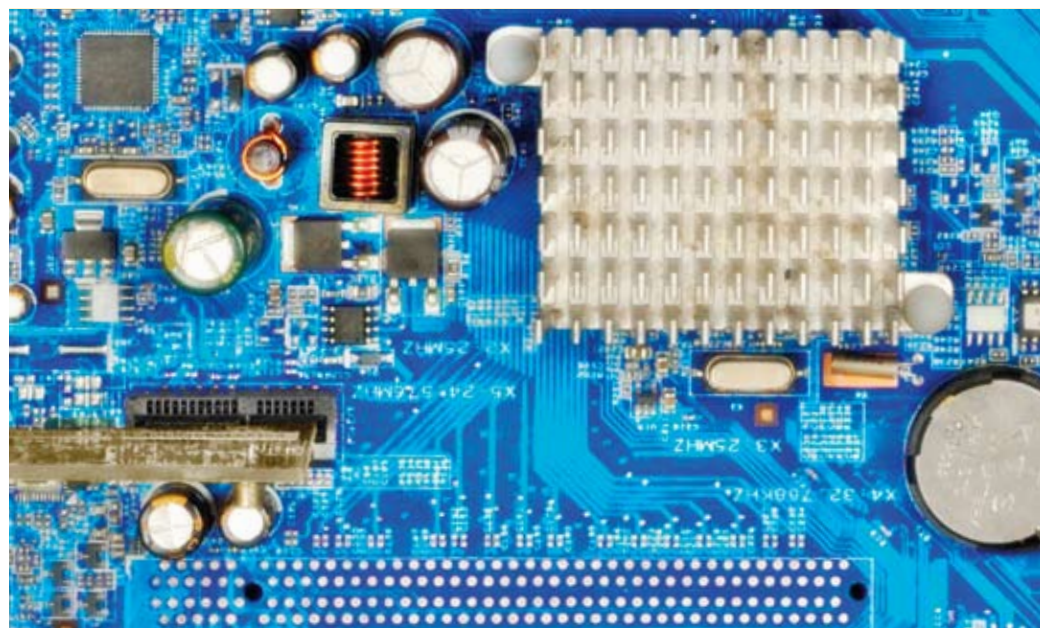
“Technology and the fast pace at which it changes create unique issues that must be appreciated by lawyers to enable them to competently serve the technology client or to competently handle technology-related transactions for the non-technology client,” Hartman says.

That technology, he says, has sparked two major evolutions that require technology lawyers to continually develop new approaches to protecting information technology and to constructing the contractual vehicles that deliver the technology to users. One is the miniaturization of computer equipment that, despite its size, has ever-increasing power.

“It is amazing that what could not be done by a room-sized computer years ago can now be done from a phone in the palm of your hand,” Hartman says.

The second evolution is the creation and expansion of the Internet.

“The objective of the Internet was to create a communications network that would survive a nuclear attack,” Hartman says. “Now we have instantaneous worldwide dissemination of news, social networking, and cloud computing. This fast-paced environment makes for an exciting and challenging legal practice.”



## » Introducing the NKU Chase Law & Informatics Institute

Bringing the cutting edge of law, information and technology to the next generation of lawyers

The Law & Informatics Institute was formed by Chase Law School to address the fundamental shifts digital transactions and communications are having on society. Dennis Honabach, dean of the law school, envisioned the Institute as a natural progression for NKU following the launch of the College of Informatics in 2005. Through the law school’s partnership with the College of Informatics, the Institute will explore key issues facing business and develop original research – a partnership that is the first of its kind in the nation.

The Institute provides education to graduate and law students, as well as lawyers and business leaders, on the best practices involving these evolving digital technologies. In business, for example, mobile apps are changing the ways customers interact with companies; cloud computing is affecting the way businesses engage with their vendors; and evolving federal regulations are revising business practices developed only a few years earlier.

While a number of universities like NKU have developed degree programs in informatics,

Chase is the first law school to begin the systematic analysis of these new digital tools as they apply to existing legal norms.

“The Law & Informatics Institute will provide a critical interdisciplinary approach to the study, research, scholarship, and practical application of informatics, focusing on the regulation and utilization of information – including its creation, acquisition, aggregation, security, manipulation and exploitation – in the fields of intellectual property law, privacy law, evidence (regulating government and the police), business law, and international law,” says Garon.

“Through courses, symposia, publications and workshops, the Law & Informatics Institute encourages thoughtful public discourse on the regulation and use of information systems, business innovation, and the development of best business practices regarding the exploitation and effectiveness of the information and data systems in business, health care, media, and entertainment, and the public sector,” he says.

These two evolutions have had a powerful effect on how health records are stored. Medical records are becoming more digital. Even the federal government is encouraging hospitals and physicians to adopt electronic health records systems. As part of the American Recovery and Reinvestment Act of 2009, the government offered to provide financial incentives under the Medicare and Medicaid programs for digitizing records.

Because of concerns about the security of the information being stored electronically, regulations have been put in place to help

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**“Now we have instantaneous worldwide dissemination of news, social networking, and cloud computing. This fast-paced environment makes for an exciting and challenging legal practice.”**

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abate those concerns, such as through the Health Information Technology for Economic and Clinical Health Act, which became law in 2009.

“The Health Insurance Portability and Accountability Act of 1996 and its implementing regulations include provisions governing the protection of the confidentiality of health information, whether on paper, in electronic format, or some other medium,” Hartman says. “The HITECH Act includes additional provisions, which supplement the HIPAA obligations, to beef up the confidentiality obligations in light of the additional concerns raised by electronic records.”

One of the ways the HITECH Act addresses the security issue is by increasing civil penalties for willful neglect. It also provides requirements for who should be notified in the event of a breach of data and how quickly the information about the breach needs to be shared.

The creation of the Institute is joined by the creation of two new degree programs: the joint J.D./M.B.I. (Master of Business Informatics) and J.D./M.H.I. (Master of Health Informatics), as well as the development of related specialty programs for law students. Curriculum within the J.D./M.B.A. will also be expanded. The possibility for the creation of advanced degrees, certificate programs and additional partnerships are also on the horizon.

Led by its director, Professor Jon Garon, and through partnerships within Chase and KNU, the Institute will stay on the cutting edge of law and technology through its three components: research, curriculum and externships.

## Cutting-Edge Research

With the help of research assistants and student editors, the Institute will conduct cutting-edge research and perform public policy advocacy by serving as a neutral organization that looks at best practices and policies. Working closely with the College of Informatics, the Institute will apply legal analysis and policy analysis to the work that is going on in information systems, new forms of media and everything ranging from privacy issues to cyber security and international regulation of cyber-attacks.

Scholarship will include a broad array of topics, including reviews of existing regulatory regimes; assessment of new technologies that affect business practices and the rights of the public; issues related to data ownership; privacy concerns; and the U.S. response to data integrity policies, including the proposal of laws to foster improved data reliability, integrity and accuracy.

“What I particularly like about the field is that it integrates very practical issues with very theoretical research,” Garon says. “Students will partner with industry, with lawyers and with academics from other areas to develop solutions for people and companies.”

The Institute will eventually also publish its research and communicate with the public via a print newsletter and an online legal blog, which is available and linked to the Institute webpage (<http://chaselaw.nku.edu/centers/law-informatics/>).

One of the services Garon envisions the Institute will provide for the public is helping individuals create do-it-yourself estate plans for digital assets and companies revise their terms-of-use to better reflect the increasing importance of digital estates. As increasingly more important documents and mementos are stored only online, the need for comprehensive digital estate plans has grown substantially. For example, a family wanted to turn the Facebook profile page of a relative who had recently passed away into a memorial page. Through wall postings, status updates and photos, the family had an online record of their relative’s thoughts and emotions that they may want to keep in remembrance. In the early years of Facebook and Myspace, this was not possible.

Finally, in 2009 Facebook amended its policies in response to public demand for this memorial function. It also addressed certain privacy concerns for the memorial sites, but left other questions unanswered. For example, could an estate plan trump the terms-of-service contract, and could those digital assets be labeled as property interests? If so, who has the legal right to control the memorial page? In this particular situation, Facebook established its own rules regarding memorial pages, but these accommodations provide only partial solutions. Through publications and practice guides, the Institute plans to help people avoid these kinds of situations ahead of time.

“Through the Institute, we will create a model estate plan for individuals to provide greater protection, control and predictability,” Garon says. “Working with students and practitioners, the Institute plans to draft a proposed state law that, where enacted, would ensure that a trustee or executor can properly control digital assets and assure the appropriate



disposition of these important parts of decedents' lives, despite end user agreements.”

## Hi-Tech Curriculum

The Institute will supplement the existing curriculum for law students by working with faculty to incorporate informatics education into current classes, bringing in guest lecturers and creating new courses to meet the needs of the changing legal environment. Because informatics touches every area of the law, there are many ways the subject can be incorporated into existing classes: a class on contracts could spend time on electronic signatures, a litigation class could talk about the explosion of e-discovery, and an entirely new “electronic papers” course could be created regarding banking.

“For example,” Garon says, “a short portion of the curriculum of Labor and Employment classes could revolve around informatics, discussing subjects like the NLRB’s series of decisions involving employment discipline for Twitter use.”

In addition to augmenting a variety of classes, the institute would also provide a framework for designing an Intellectual Property curriculum that encompasses privacy, computer security, HIPAA/HITECH Act and other aspects of health law, cyber security, licensing, internet law and electronic media, and cybercrime and digital law enforcement. Because of the inherently interdisciplinary nature of these courses, the Institute will work closely with the College of Informatics to develop them.

To reach out to the legal community, the Institute will be offering symposia, conferences, programs and CLEs. For example, on October 26, 2011, the institute will be partnering with the NKU Small Business Development Center for a day-long program on innovation in small and emerging businesses. Entitled Social, Mobile, Local - Technology Trends, Tools and Strategies for Small Business Success, the program will feature notable speakers from around the region on how best to integrate



technology for managing growth and increasing efficiency. The program is primarily focused for small business owners, but will also be of benefit to the lawyers who serve them.

Another topic Garon sees as an opportunity for educating attorneys is cloud storage of data.

“Some systems now offer secure storage, the idea of storing files in the cloud” Garon says, “so cloud storage is no longer necessarily prohibited under HIPAA, GLBA and the attorney-client privilege. The question is whether the contractual and practical steps taken by the specific service providers meet the obligation to secure the information. And those standards may differ for lawyers, health care providers, and financial service companies.”

Garon is already working with the Northern Kentucky Law Review on a legal informatics symposium to be held March 1-2, 2012. The two day program will present an international symposium featuring speakers from around the world who will present on legal topics surrounding technology, such as net neutrality regulation, radio-frequency identification utilization, cyber security in the U.S., E.U. and Russia, social media, the impact on media in criminal justice, global privacy laws and an array of additional topics.

## Global Externships and Local Clinics

The third of the Institute’s roles will be its partnership with the Chase externship program, which will provide domestic and global opportunities to rising 3Ls to work in law firms and partner with companies. This is an important piece to the Institute, says

Garon, because “the stronger the externship program is, the stronger the program will be globally.” Garon notes that the same is true locally. “Clients for the Chase Small Business & Nonprofit Law Clinic bring a wealth of intellectual property, e-contracting and data security issues to our door. These issues have become central to every business operation and the partnership between the Institute and Clinic enhances student learning, client satisfaction, and the centrality of both programs to the Chase curriculum.”

Garon sees a number of areas where Institute students could prove valuable assets to employers beyond traditional intellectual property departments.

“In the banking sector, there are data security and privacy issues,” Garon says. “In litigation, there are intellectual property and e-discovery issues. In employment and labor law, there are significant issues involving disgruntled employees and trade secrets.”

In addition to its curriculum and research components, by providing clinical and externship opportunities that prepare Chase students for the pervasive and growing digital side of the law, the Law and Informatics Institute positions Chase students well for employment in the modern practice of law. In this, the Institute sits at the heart of the Chase mission to prepare its students and improve the practice of law.



Professor Jon Garon, director of the Law & Informatics Institute, talks with Chase students about the intricacies of intellectual property law.

## About the Director

Jon M. Garon is a nationally recognized authority on intellectual property, particularly copyright law, entertainment practice, cyberspace, and entrepreneurship in the creative industries. His passion for informatics and how the law intersects with technology makes him an ideal choice for serving as director of the institute.

After NKU Chase dean Dennis Honabach described the development of informatics at NKU a few years ago, Garon became interested in the university and came to NKU to give a series of presentations for Chase and the Haile/U.S. Bank College of Business. Garon describes the new set of challenges in the industry and exploring them through the institute “incredibly exciting.”

Garon joins the Chase faculty as professor and director of the new Law and Informatics Institute. He comes to Chase from Hamline University School of Law, where he had served as professor since 2003 and as the law school’s ninth dean 2003-08. In addition, he was appointed interim dean of the Graduate School of Management for 2005-06. He traveled extensively on his post-deanship sabbatical, lecturing in Israel and China at schools including Hebrew University, Haifa University, University of Hong Kong, University of International Business and Economics, Beijing, and East China University of Political Science and Law, Shanghai. Garon returned to the classroom in 2009 to teach intellectual property, copyright, entertainment law, unincorporated business entities and a seminar on informatics policy.

Garon also has extensive practice experience in the areas of entertainment law, business planning, copyright, software licensing, data privacy and security, and trademark law. Working in solo practice and for a number of firms in California, he has specialized in film financing, recording agreements, business formation, and copyright and trademark licensing as well as negotiating and drafting software development, multimedia, and music agreements. He remains an of counsel member of the law firm of Gallagher, Callahan, and Gartrell in New Hampshire.

Garon received his B.A. from the University of Minnesota, Twin Cities, and his J.D. from Columbia University School of Law. He began teaching full time in 1993 at Western State University College of Law in Orange County, Calif. He served as chairperson of



the curriculum committee and as founding president of the Western State Law Foundation. From 1996 to 1998, he served as associate dean of academic affairs. He also served on the dean's advisory board and as a member of the Entrepreneurial Law Center advisory board. In 2000, he joined the Franklin Pierce Law Center in Concord, N.H., and while teaching in New Hampshire also served as chairperson of the New Hampshire Film Commission.

Coming to informatics originally with a theatre background, Garon's interests then progressed to film, then to the Internet and then to data security and privacy in the financial and healthcare fields. In addition to leading the institute, Garon will continue to work in the entertainment industry, primarily assisting independent media producers and artists.

Through his firm's blog, Hartman advises healthcare providers that they need to be aware of the new regulations that have been put in place to protect these medical records.

## INFORMATICS IN MEDIA LAW

Another area of the law that has been profoundly impacted by technology is media law.

Jill P. Meyer '96, who is member-in-charge of the Cincinnati office of Frost Brown Todd and oversees the firm's advertising practice, has extensive experience in the areas of advertising law, intellectual property law, media and First Amendment law, and interactive media and Internet law. She describes a time before the Internet when the practice was divided into two distinct areas: media practice, which represented media companies, publishers, television stations, authors, or anyone publishing content, and advertising practice, which focused on issues like truth in advertising, claim substantiation, and copyright and trademark issues. The media publishing side had strong First Amendment rights and advertisers had lesser First Amendment rights as commercial speech.

"Here's where technology came into play," Meyer says. "Everyone is online now."

Because of the Internet, the adoption of user-generated content has become ubiquitous. On the media side, media clients have "i-reporters," members of the public who report on news going on where they live, collecting news and uploading it to established media websites. In advertising, advertisers are now asking people in the public to create advertisements for them.

"Advertisers will ask people to upload a video telling them why they love their product," Meyer says. "That gets into publishing issues; they're still doing commercial speech, but they've lost control of the content. They have to be aware of defamation, privacy, and publicity rights. Prior to the Internet, advertisers could control these nicely, but now regular people are creating their content for them."

"For example, it's easy for a user to drop music into a video they've made, but if they submit it to an advertiser and the advertiser wants to use it, they may have no rights to the song," Meyer says.

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**"The existing laws were developed long before the Internet; the Copyright Act never contemplated that people would be able to replicate content the way you can do it online."**

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Meyer says that advertisers can be legally protected, but because they have lost control of the process, they have to make sure that the proper legal parameters and frameworks are put into place.

Over the past several years, new laws have been developed to address these issues because, Meyer says, "The existing laws were developed long before the Internet; the Copyright Act never contemplated that people would be able to replicate content the way you can do it online."

One of the new laws is the Communications Decency Act. While much of the CDA has since been declared unconstitutional, one section – Section 230 – has become a strong legal right for publishers of online content. It covers a website that provides a forum for unfettered third-party discussion, saying that online service providers are not liable for any defamatory comments that a third party may publish on the provider's forum. A local news website, for example, that provides a section for comments after every article would not need to be called into court every time a reader posted a defamatory comment.

"In traditional publishing, if you're a newspaper and someone sends a letter to the edi-

tor and you publish it, and the subject wants to sue for defamation, the publisher is a rightful defendant to that lawsuit, even though it was written by a third party,” Meyer says. “Take the exact same scenario online, or via Twitter feeds, when an article is written and, instead of writing a letter to the editor, I jump online and fire off my thoughts about the person who is the subject. Now the medium is not a defendant.”

**“Because of the Internet, the adoption of user-generated content has become ubiquitous. On the media side, media clients have “i-reporters,” members of the public who report on news going on where they live, collecting news and uploading it to established media websites. In advertising, advertisers are now asking people in the public to create advertisements for them.”**

The Digital Millennium Copyright Act is another law that was created to address new issues with online content. It provides protection to those hosting an online site that allows people to upload content so that if some of that content violates a copyright, the host will not be held liable, as long as they have taken certain steps outlined in the law. YouTube, which has more than 24 hours of video uploaded by users every minute, is able to thrive because of this law. Copyright owners can file a copyright infringement notification with YouTube regarding specific user-generated videos, and YouTube will quickly remove those videos.

In advertising, another major development is changes to Federal Trade Commission ad-

vertising laws to address the use of blogs as a source of advertising.

“Advertisers were reaching out to popular bloggers, especially moms, and saying, ‘We’ll send you our products to let you try it, and then you can blog about it,’” Meyer explains. “The FTC said that’s not fair because people reading the blog don’t know that the blogger is incented to write about that particular brand. It’s human nature that people like to take their friends’ opinions higher than a paid endorsement.”

The FTC’s research found that there were more people than not who failed to recognize that the blogs they were reading were biased. To protect consumers, the FTC created rules saying that if a person is blogging or sending out tweets or reaching out in any electronic capacity, and if an advertiser is sending that person a product or they are materially connected to an advertiser in any way, the blogger has to disclose that connection.

## TECHNOLOGY IN LABOR AND EMPLOYMENT LAW

When it comes to Labor and Employment Law, there are four main situations where social media have workplace ramifications, says Colleen P. Lewis ’89, partner in the Labor and Employment Law Department at the Cincinnati firm Dinsmore & Shohl.

These situations include innocuous time wasting by employees (known as “cyber-slacking”); illegal use of the Internet; inappropriate comments made on social networking sites by employees toward their place of employment, supervisors, or coworkers; and the “ill-advised employee” situation.

Lewis explains that the problems with an ill-advised employee revolve around the fact that employers have unprecedented information about applicants and employees.

“There are Fair Credit Reporting Act implications,” she says. “An employer needs to get consent and maintain a record of informa-

## Ready for the Future

NKU’s College of Informatics, which will prove a valuable partner in the future of the institute, describes the study of informatics as becoming part of the “innovation age.” The college offers bachelor’s degrees in business informatics, computer science, electronic media and broadcasting, journalism, library informatics, and public relations. In addition to graduate certificates, five master’s degrees are offered, including a master’s in health informatics, which provides working professionals in the

Northern Kentucky University’s Griffin Hall, home of the College of Informatics.



healthcare industry with the knowledge of technological innovations in their field.

NKU is one of only a few universities in the country with a College of Informatics, and the university has recently completed a state-of-the-art facility, Griffin Hall, that is devoted to the study of informatics. Griffin Hall is situated directly across the lawn from the Chase College of Law, and it offers resources such as a “genius bar” technology help desk and a two-story digitarium, which is a technologically equipped, reconfigurable

space designed for interaction with information.

With the resources provided by Griffin Hall and the College of Informatics, the support and expertise of generous alumni, the dedication of Chase faculty and administration, and the passion and leadership of Garon, the Law and Informatics Institute will propel NKU Chase College of Law into the future as a leader and an innovator in preparing its students for the contemporary practice of law. ■



## Hot topic in legal informatics: CLOUD STORAGE

A significant trend that has been taking place recently is the movement of data storage to “the cloud.” Garon says that the cloud “is actually the storage on giant server farms managed by companies such as Amazon or Google that sell storage and processing on an as-needed basis.” Anyone who has ever posted pictures to Facebook, composed a tweet on Twitter or sent an email through their Gmail account has put data out into the cloud. The problem with the cloud is the potential security issue that could arise with that data being accessed or modified by a third party.

“The protection of data in the shared server farms or cloud represents the hardest challenge and opportunity for the growth of informatics,” Garon says. “If clouds become ubiquitous, their management will shape everything in the ecology. If they become unstable or insecure, the entirety of the system could be at risk.”

Metadata created by activity in the cloud have been used by Google and the U.S. Centers for Disease Control to predict the pattern of the spread of the flu through Google Flu Trends, which exemplifies a positive way this aggregate data can be used for the good of society. However, seemingly less noble uses of cloud data are also becoming more prevalent, as companies track potential customers online and use “behavioral advertising” to serve up an advertisement customized for and targeted to each individual.

“The ability of machines to correlate among the myriad of sources has only just begun,” Garon says. “The time for a new regulatory regime, therefore, is now – before the use of such metadata becomes commonplace.”



PHOTO BY TIM SOFRANCO



## Hot topic in legal informatics: THE PRESENT STATE OF HUMAN TRACKING

In stories that seem to appear out of science fiction magazines, news stories have reported the use of RFID chips being planted into the arms of Mexican businessmen in response to fears of kidnapping risks. These subdural chips are tiny glass capsules containing an RFID antenna. Without a power source, however, each tag can be read from only a few feet away.

The companies who sell these devices do not disclose the rest of their tracking systems. To work, such a system may require the person's home, vehicle and office each contain networked reading devices which are set to alert security if the person has left the field without pre-authorizing the movement. In Mexico, such systems can sell for over \$2,000, plus monthly fees.

For more mundane concerns, a variety of devices are already on the market. To assist seniors who live alone, there are a number of tracking and security devices. Some are little more than pre-programmed phone handsets designed to be worn on pendants in the home. The more sophisticated devices include cellular phone wristbands equipped with GPS and Cell phone services. The equipment knows when it has been removed from the user's wrist, can detect falls, and can be programmed to recognize pre-defined safety zones.

Whether the development of these devices is positive or negative depends on the risks being managed. But the field is changing and fear is a powerful motivator.

tion before taking adverse action if the FCRA is implicated."

The Stored Communications Act also forbids obtaining passwords to access private social networking sites without consent.

In some cases, comments employees make on their social networking sites can get them into trouble with their employers, sometimes leading to an employee's termination.

Recently, the National Labor Relations Board has filed unfair labor practice complaints when employees are seemingly fired because of what they say on sites like Facebook.

Under the National Labor Relations Act, what employees say on these sites or in a blog may be a protected activity if, Lewis says, other employees participate and discuss terms and conditions of employment.

In addition to the four main situations where social media affect the workplace, trade secrets have also become an issue. With more than 100 million members on professional social networking site LinkedIn alone, professional contacts are established and maintained online, making it difficult for companies to establish their customer lists as trade secrets. Without policies in place, disgruntled employees can walk off with a list of the company's clients because they are connected to them online. Even without an established list, someone could easily recreate or build their own through information they find on sites like LinkedIn or Facebook.

"Employers need to protect their trade secrets, which by definition means things not accessible to the public, so they need to build protocols to protect information," Lewis says. "They can't just lock stuff up in the safe anymore, because everyone puts everything in some type of electronic format."

In order to preserve the argument that a piece of information is a "trade secret," Lewis recommends making sure information is security-password protected and limited access is given only to individuals who need to know.

Social networking sites like Facebook come into play in harassment cases, as well.

"In litigation, upon receipt of an employee-filed complaint of discrimination," Lewis says, "as corporate defense lawyers, our team will immediately check MySpace, Facebook, LinkedIn and other social networking sites to see what information is publicly available about the plaintiff that we may be able to use in defending a complaint."

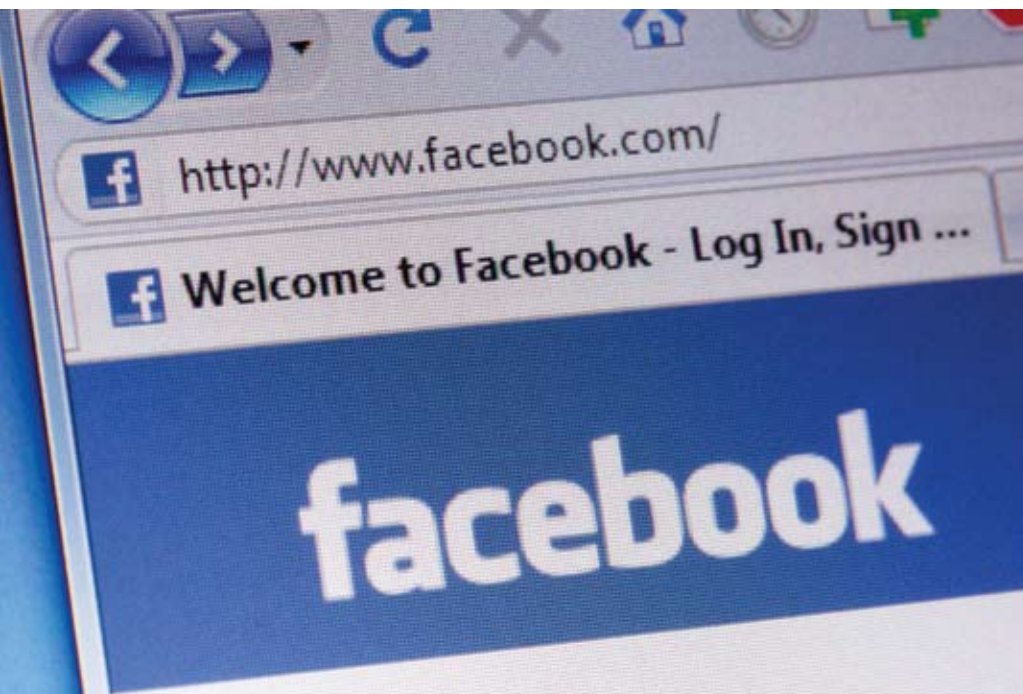
Posts like online profiles, messages, photographs, videos, and online communications that could relate to the employee's emotional or mental state come into focus now, thanks to a 2010 order on discovery issues in a sexual harassment case against a supervisor in the U.S. District Court for the Southern District of Indiana. At issue was whether claimants needed to produce information from their Facebook and MySpace accounts. The court determined the appropriate scope of relevance to include status updates, wall comments, groups or causes joined, blog entries, and more that related to any emotion or mental state.

## DISRUPTIVE INNOVATION

Major technological change, such as in medicine, media, and employment, is called "disruptive innovation" and is a primary interest of Garon's.

"We're starting to see all these technologies affect the way business operates internally, and that has the potential to undermine old business models, creating opportunity for new businesses to emerge, based on how the start-ups manage the chaos of disruptive change," Garon says.

As an example, Garon describes the case of IBM, which had invented the floppy disk in the 1970s and was poised to create a new layer of technology with the personal computer in 1980. However, when the IBM group charged with the project of creating the PC could not get support anywhere within the company because, Garon says, "the idea of reducing sales of mainframe computers put IBM at risk," IBM staff created the first IBM



## » The Social Media Side of Legal Informatics

Legal informatics is the study of legal information systems as well as the study of the law governing information, information technology, and the effects of technology on legal doctrine. In relation to informatics, social media are all about connection and communication. “Social media” is an umbrella term that includes the activities that integrate technology and social interaction. As more and more businesses and individuals begin to utilize social media, this information technology will continue to affect the legal system and the law of technology.

BY EMILY JANOSKI-HAEHLEN

Because of advancements in technology and the Internet, how individuals communicate or wish to communicate has drastically changed in the past few years. The days of picking up a telephone or walking down the office hall to catch up with friends or colleagues are over. Phone calls and in-person communication have been replaced by social media, instant messaging, and text messaging. These types of communication are instant and easy and do not even require the user to leave the comfort of home or office. Discussions on social media sites such as Twitter, Facebook, MySpace,

LinkedIn, and various blogs take place in real time on the Internet.

It is unclear whether social media will have a positive or negative impact on the legal community. The courts argue that social media interfere with the trial process, even though they have created their own social networking sites, while lawyers argue it is pivotal to jury selection and evidence. If communication in this technology-driven world is moving toward being all electronic, then what better way is there

CONTINUED ON PAGE 30

PC with outside technology. Within a short period, a number of competitors were duplicating the PC and eroding IBM’s advantage.

“Today, IBM is primarily a service company because it wasn’t able to embrace the disruption,” Garon says. “This is continuing to happen everywhere, including broadcast companies and film and television companies that don’t know how to distribute content on the Internet.”

**“We’re starting to see all these technologies affect the way business operates internally, and that has the potential to undermine old business models, creating opportunity for new businesses to emerge, based on how start-ups manage the chaos of disruptive change.”**

NKU Chase’s newly created institute will be looking at the effects of technology on businesses like this as well as the law, and in doing so, it will prepare Chase students for the realities of the legal profession as it is today and the challenges and opportunities it will face in the future.

“Studying how informatics applies within the entity setting,” Garon says, “is not going on anywhere else.”

Lawyers need to prepare for the future by learning about what informatics is doing in the universe, like learning about intellectual property law and the new digital technologies designed to authenticate, substantiate, and corroborate. Even attorneys who don’t want to get any more technical than Microsoft Word, Perry says, will need to use digital technology.

CONTINUED ON PAGE 30

## Gregory G. Garre

### 44TH U.S. Solicitor General Inspires the Next Generation of Advocates

**A**s a student-centered law school passionate about preparing students to be practice-ready attorneys, Chase has a tradition of attracting successful and influential members of the profession to come to the college and share their experiences.

In this tradition, Chase welcomed the 44th Solicitor General of the United States, Gregory G. Garre, in April. The presentation was given at a luncheon sponsored by Chase's Center for Excellence in Advocacy, the Chase Student Advocacy Society, and the Chase Federalist Society.

"Mr. Garre, one of this country's foremost advocates, has argued some of the most important cases of the last decade to the U.S. Supreme Court," says Regents Professor Richard Bales, director of the Center for Excellence in Advocacy. Bales says that Garre's visit provided students, faculty, and



Gregory Garre delivers remarks at a luncheon attended by students, faculty and practitioners.

guests who attended with "a tremendous opportunity to learn about practicing law before the U.S. Supreme Court."

Garre is a partner in the Washington, D.C., office of Latham & Watkins and global chair of the firm's Supreme Court and Appellate Practice Group. He served as solicitor general of the U.S. from 2008-09, and prior to that he served as principal deputy solicitor general from 2005-08 and then as acting solicitor general. He has argued more than 30 cases before the Supreme Court and has served as counsel of record in hundreds of cases before the Court. Garre received his J.D. with highest honors from the George Washington University Law School, where he served as editor-in-chief of the law review and was selected to Order of the Coif.

During Garre's luncheon presentation, he talked about cases before the Supreme Court in the most recent term as well as their implications. That same morning, Garre served as the guest lecturer in the Supreme Court seminar course at Chase taught by U.S. District Court Judge Amul Thapar. Garre took student questions and spoke to them on appellate advocacy, discussing how the Office of the Solicitor General works and how he began working there as well as how he prepares for oral arguments in front of the Court. He also talked about clerking for Chief Justice William Rehnquist and working for Chief Justice John Roberts when he was in private practice.

Thapar, who invited Garre to Chase, wanted to give the nine students in his class the opportunity to visit with one of the great Supreme Court advocates in the country in a more intimate environment. In the course of the semester, students in Thapar's class had been studying cases pending before the Supreme Court, reading the briefs for each side, and listening to oral arguments online before discussing and voting on the cases themselves in class. One of the cases the students analyzed was a case that Garre had argued in front of the Supreme Court last fall.

One of the most important influences of Garre's visit, though, was the way it



Judge Amul Thapar, Gregory Garre, Professor Rick Bales, and students Alan Henderson and Lisa Gentry

encouraged students to see the full breadth of opportunities in the profession that lie in the world for them.

"Having a former solicitor general speak to students about the most important legal issues of the day, how they are litigated, and their repercussions in a socio-historical sense was probably a once-in-a-lifetime opportunity," says Gregory Ingalsbe '11.

Sarah Smith '11 was struck by how approachable Garre was. "Not only is Mr. Garre a brilliant appellate advocate, he is also a down-to-earth person who was willing to candidly answer questions from students," Smith says.

As a law student, she says, it is easy to be intimidated by "truly great attorneys," and students or young attorneys may let the opportunity to ask a question or have a conversation pass them by. Because Chase invited Garre to campus, however, that anxiety dissipated as Garre carefully considered the questions of each student.

"I wanted to show my students what a great and humble person he is," Thapar says, "and that you can accomplish so much so quickly and still be humble and have those core American values. He's a great lawyer and also a great person."



## Judge Danny J. Boggs

### U.S. Court of Appeals Judge Delivers Keynote at Chase Advocacy Awards Celebration

For its annual awards celebration in April, the Chase Center for Excellence in Advocacy wanted to feature a keynote speaker who could provide a unique perspective that students may not typically hear in the classroom.

The center invited Judge Danny J. Boggs of the U.S. Court of Appeals for the Sixth Circuit, and in doing so, it introduced attendees to a judge who brought perspective from every side of the law.

“Judge Boggs has an extraordinary record of public service, having held leadership positions in all three branches of our federal government,” says Regents Professor Richard Bales, director of the Center for Excellence in Advocacy. “He is an inspiration to all of us.”

Nominated by President Ronald Reagan, Boggs served as Chief Judge of the U.S. Court of Appeals for the Sixth Circuit from 2003-09. Prior to joining the Court of Appeals, he served as deputy secretary for the U.S. Department of Energy; senior policy advisor, assistant to the president and assistant director for energy, agriculture and natural resources for the Office of Policy Development in the executive office of the President; deputy minority counsel for the



Judge Danny Boggs talks with students at the reception.

Senate Committee on Energy and Natural Resources; assistant to the solicitor general in the U.S. Department of Justice; and attorney-advisor for the U.S. Department of Commerce.

Toward the beginning of his career, Boggs served as legal counsel to Kentucky governor Louie Nunn, who is the namesake of the



Judge Danny Boggs delivers keynote address at the Advocacy Awards Celebration.

building Chase College of Law calls home.

Joe Mooney, who served as student director of the Chase Student Advocacy Society, says that despite Boggs’ “amazing background,” he was extremely humble as he shared how Chase students can achieve similar success. Lisa Gentry, who is the current student director for the center, called his presentation “inspiring.”

“Judge Boggs has seen many facets of the legal process,” Gentry says. “His shared experiences about serving for so many levels of our federal judicial system bring a continuity to how the law changes and the attorney’s role in that process.”

In addition to his experience in the courtroom, Boggs is also a member of the Judicial Conference of the U.S., serves on its executive committee and committee on automation and technology, and is chair of the Sixth Circuit Judicial Council. He previously served as a Bigelow fellow and instructor at the

University of Chicago Law School and is a member of the Philadelphia Society, Mont Pelerin Society, and Brandeis American Inn of Court.

Having the opportunity to meet and learn from someone with such an impressive background and multifaceted experiences, as well as receiving the kind of practice-ready education Chase is known for, is invaluable to its students. Especially, Gentry says, “in our present economic climate.”

“When Chase brings in speakers like Judge Boggs it demonstrates how committed it is to exposing students to how the practice of law really works,” Mooney says. “How the law works in the classroom is very different from how the law works in a courtroom, and Chase works hard to demonstrate these differences and prepare us for future legal practice.”

PHOTOS BY JOHN PETRIC

## Daniel P. Mecklenborg '81

Transactional Law Practice Center's Distinguished Practitioner in Residence

When Chase alumnus Daniel Mecklenborg '81 delivered a presentation to Chase faculty and students on "Wearing Multiple Hats in Today's Business Environment," he had more than a little experience to share. As senior vice president of human resources, chief legal officer and secretary of marine transport company Ingram Barge, he found his company at the center of a well-publicized legal battle over whether one of Ingram's barges had caused the flooding of New Orleans' Lower 9th Ward during Hurricane Katrina.

In the midst of the 2005 hurricane, the barge got loose from its moorings at the facility where it was being kept in New Orleans. When it ended up among the homes in the Lower 9th Ward, some residents accused it of having caused the break in the floodwall. Forbes called the 200-foot barge "a powerful symbol of Katrina's destruction."

"It became a significant focal point," Mecklenborg said. "The barge was photographed, and it appeared on the cover of a number of books."

With Mecklenborg in charge of the legal and claims department, Ingram was able to defend itself against the claims that arose

from Katrina by convincing the federal district court that it was not responsible for causing the floodwall to break.

Mecklenborg talked about this experience, as well as other issues that have arisen over the course of his career, through the Transactional Law Practice Center's Distinguished Practitioner in Residence program, held in April at Chase. The program annually invites accomplished practitioners to share with students, faculty, and alumni their experiences and insights about the realities of transactional law practice.

In addition to speaking about Katrina and its aftermath, Mecklenborg shared more of his legal experiences through a presentation for students on "Exploring the Role of CLO in a Privately Held Company" and a student workshop titled "Ask the Chief Legal Officer."

Mecklenborg's presentations to students on "Critical Skills for Effective Transactional Law Practice" and as the guest lecturer in a contract drafting class on "Transaction Overview: Buying or Selling a Business" related directly to his years of experience in corporate law, including governance and compliance, mergers and acquisitions, employment and labor law, and negotiating and drafting business agreements.



Nate Arnett, president of the Transactional Law Practice Group, presents Dan Mecklenborg with a commemorative plaque.

"I was honored to be asked to come back to Chase," Mecklenborg said. "The Transactional Law Practice Center and the other centers certainly seem to be great initiatives that are consistent with the Chase heritage as providing a very practical, results-driven legal education," he said.



**DANIEL P. MECKLENBORG '81** is senior vice president, human resources, chief legal officer and secretary of Ingram Barge Company in Nashville, Tenn. Ingram is the largest barge transportation company in the country with more than 140 towboats, 4,000 barges, and 2,300 employees. Mecklenborg joined Ingram in 1996 as vice president, general counsel, and secretary. He was promoted to senior vice president, human resources, chief legal officer, and secretary in 2002. Prior to joining Ingram, he served as associate general counsel of The Ohio River Company, a Cincinnati-based barge transportation company that he joined as staff counsel in 1981.

He has been actively involved in civic and professional organizations throughout his career. In 2003 he completed a four-year term as a member and then chairman of the Inland Waterways Users Board. He currently serves as immediate past chairman of Waterways Council, Inc., and as a member of the board of the Tennessee Infrastructure Alliance, through which he is active in working to maintain and modernize the nation's inland navigation system and other facets of our transportation infrastructure. In 2010, Mecklenborg was named a trustee of the Great Rivers Partnership, which since 2005 has worked to promote the sustainable development of great rivers on four continents.

A native of Cincinnati, he received his Bachelor of Arts in economics from the University of Dayton in 1977 and his Juris Doctor from Chase College of Law in 1981. He is licensed to practice law in both Tennessee and Ohio.

## Wm. T. (Bill) Robinson III

Then President-Elect of the American Bar Association

**W**m. T. (Bill) Robinson III received the honorary degree of Doctor of Laws and delivered the keynote address at the Chase College of Law's commencement ceremony on May 8th.

An accomplished lawyer and leader in the legal, business, civic and nonprofit fields, Robinson is Member-in-Charge of the Northern Kentucky office of Frost Brown Todd LLC. For almost forty years, the primary focus of his law practice has been civil litigation at the trial and appellate levels, with extensive experience in commercial litigation, class actions, product liability defense, environmental litigation, and medical malpractice defense.

At the time of the commencement, Robinson was serving as President-Elect of the American Bar Association. In August, he became the 135th President of the ABA, only the third person from the Commonwealth of Kentucky to serve in that office. A member of the ABA since 1972, he has served for seven years on the ABA Board of Governors and twenty-five years in the ABA House of Delegates.

Robinson has been extraordinarily supportive of Chase College of Law and Northern Kentucky University for more than thirty years. He has served on the Adjunct Faculty (teaching at Chase College of Law for nine years); the 1986 and 1993 Dean Search Committees; the Placement Advisory Board; the Benefactors Club; the Law School Fund



President James Votruba, Wm. T. (Bill) Robinson III and Dean Dennis Honabach.

Committee; the Continuing Legal Education Advisory Board; and as a charter member and first Chair of the Visiting Committee. Robinson was Chair of the 1982 Dedication of Nunn Hall after its renovation to house the College of Law. He was also co-founder and first President of the Salmon P. Chase American Inn of Court. In the mid-1980s, Robinson testified in support of Chase College of Law before the Blue Ribbon Committee of the Kentucky Council on Higher Education. He worked diligently to assure that Chase College of Law would continue to serve the legal profession, the university and the community. He received Chase College of Law's Distinguished Service Award in 1987 and its inaugural Honorary Alumnus Award in 2010.

In addition to serving on more than fifty ABA, state and local bar association boards and committees, Robinson has held numerous leadership positions in the legal profession including President of the Kentucky

Bar Association; President of the National Caucus of State Bar Associations; President of the Kentucky Bar Foundation; founding Chair of the IOLTA Fund of Kentucky; and Charter Board Member of the Lawyers Mutual Insurance Company of Kentucky. He has also served on the boards of dozens of civic and charitable organizations and has received many honors and awards for his community service.

"Mr. Robinson is an excellent role model for Chase College of Law graduates – a successful practicing attorney and a bar and community leader who has applied his legal expertise both to the practice of law and to other endeavors," said Dean Dennis Honabach.

"His successes in leadership at the local, state and national level exemplify our vision of enhancing our skill-based legal education at Chase," Honabach said.

## Chase Welcomes Talented New Faculty Members



**ERIC ALDEN** joins the Chase faculty as assistant professor of law, having come from Palo Alto, Calif., where he was a corporate and securities partner at Mayer Brown LLP. He has broad securities regulatory and transactional experience, including public company disclosure counseling; corporate governance; public and private offerings of equity, debt, and hybrid securities; mergers and acquisitions; the formation of private investment funds; and the representation of banks and hedge funds in their interactions with the public markets, with an overall emphasis on technical securities law and SEC compliance matters. He has also taught corporate governance at the University of California Berkeley School of Law, and in fall 2010, Alden joined the Berkeley Center for Law, Business and the Economy as a research fellow in securities regulation and corporate governance.

Prior to joining Mayer Brown, Alden spent a year as an attorney fellow at the Securities and Exchange Commission in Washington, D.C., in the Division of Corporation Finance, Office of Chief Counsel. In that capacity, he oversaw and administered for the 2006 proxy season the agency's shareholder proposal program, the central battleground of recent corporate governance disputes between institutional shareholders and public company boards of directors.

Alden has a B.A. in economics from Harvard College, a Certificat d'Etudes Politiques from the Institut d'Etudes Politiques de Paris (Sciences Po), a Magister Artium (M.A.) from the Freie Universität Berlin, and a J.D. from Columbia Law School.



**URSULA TRACY DOYLE** joins Chase as a visiting assistant professor of law. This fall she is teaching Torts I and International Law. Next spring she will teach Torts II and Mass Torts/Complex Litigation. As a member of the Howard University School of Law faculty, she taught Legal Reasoning, Research and Writing and

Legal Writing. Prior to joining Howard University, she practiced law in the areas of mass tort, individual personal injury, and commercial litigation. She was a law clerk to the Honorable Theodore McKee of the U. S. Court of Appeals for the Third Circuit in Philadelphia, Pa.

Doyle has significant prior teaching experience as an English instructor at Morehouse College in Atlanta, Ga., University of Alabama in Huntsville, Ala., University of Alabama in Tuscaloosa, Ala., and Samford University, in Birmingham, Ala. She also has experience as an adjunct professor of legal writing at Birmingham School of Law in Birmingham, Ala.

She is a graduate of Cornell University (A.B., English) in Ithaca, N.Y., Columbia University (M.A., English) in New York City, N.Y., and Indiana University-Bloomington School of Law in Bloomington, Ind.

She is a member of the bars of Alabama, Mississippi, and New Jersey.



**JON M. GARON** joins the Chase faculty as professor of law and director of the NKU Chase Law & Informatics Institute. He is an attorney and professor of informatics, entertainment, intellectual property and business law. (See page 10 for additional information about his role as founding director of the Law & Informatics Institute.) Garon emphasizes the importance of an interdisciplinary approach to informatics, combining practical solutions with in-depth theoretical inquiry. Through the Institute he researches in the fields of intellectual property law, privacy law, business law, and international law, exploring the regulation and utilization of information – including its creation, acquisition, aggregation, security, manipulation and exploitation.

Garon has written numerous books and articles, including *The Independent Filmmaker's Law & Business Guide to Financing, Shooting, and Distributing Independent and Digital Films* (A Cappella Books, 2d Ed. 2009); *Own It – The Law & Business Guide to Launching a New Business Through Innovation, Exclusivity and Relevance* (Carolina Academic Press 2007); and *Entertainment Law & Practice* (Carolina Academic Press 2005) (supplement 2010). His recent book chapters include "Copyright, Trademark, Trade Secret and Publicity Rights Concerns in Emerging Legal Issues in RFID and Other Contactless Data Exchange Systems: What Lawyers Should Know," "Google, Fairness and the Battle of the Books in The 2010 IP Book," and "Localism as a Production Imperative: An Alternative Framework to For Promoting Intangible Cultural Heritage in Bits without Borders." His article, "Content, Control and the Socially Networked Film" has been republished as a book chapter in the 2011 *Entertainment Media Handbook*.

In addition to service on national committees for various ABA sections, Garon has recently been appointed as director of the Minnesota Film and Television Board. He is licensed to practice law in California, New Hampshire and Minnesota.



**AMY HALBROOK** is joining the Chase faculty as assistant professor of law and director of the NKU Chase Children's Law Clinic. She received her J.D. from Northwestern University School of Law and her B.A. from the University of California at Berkeley. She has practiced in many areas of child and family law and is

committed to helping students become practice-ready attorneys who are confident in their litigation abilities.

Prior to law school, Halbrook was the director of youth development for the Donald P. McCullum Youth Court, a juvenile diversion program in Oakland, Calif. As a clinic student at Northwestern, she represented clients in delinquency matters and advocated against the juvenile death penalty. Upon graduation, she was a litigation associate in a large Chicago law firm where she did extensive pro bono work on family, school, and civil rights matters.

In 2008, she was hired as a clinical teaching fellow in the Loyola University Chicago Civitas ChildLaw Clinic where she co-taught the ChildLaw Clinic course and supervised students in child protection, high-conflict custody, delinquency, and school matters. Upon completion of her Loyola fellowship, she joined the Northwestern University School of Law Bluhm Legal Clinic where she, together with senior law students, did post-dispositional work on behalf of clients who were adjudicated delinquent for sex offenses as juveniles.

Halbrook's interests include positive youth development, balanced and restorative justice, community-based alternatives to incarceration of children, improving conditions of confinement for children, and challenging the disproportionate presence of children of color in juvenile courts.



**JACK B. HARRISON** joins the Chase faculty as assistant professor of law. Prior to beginning his academic career, Harrison spent almost twenty years as a practicing litigator and trial attorney, repeatedly being identified in Best Lawyers in America. Throughout his practice, Harrison represented clients in the areas of

product liability defense, employment defense in class actions and collective actions alleging violations of Title VII and the Equal Pay Act, administrative and regulatory proceedings, and appellate litigation. Harrison was a partner at Frost Brown Todd through 2009, where he was the first openly gay person elected partner at a large Cincinnati law firm. He then moved his active litigation practice to Cors & Bassett.

Harrison has always been active in bar organizations throughout his career, including service on the Board of Trustees, the Admissions Committee, and the Fee Dispute Committee for the Cincinnati Bar Association. He was appointed by Chief Judge Susan Dlott to serve on the U.S. District Court for the Southern District of Ohio Admissions Committee. Beyond the legal community, he has served on Boards of Directors for The Point Foundation, the Cincinnati Opera, Caracole, and the National Gay and Lesbian Law Association.

Harrison currently teaches Civil Procedure and Trial Advocacy. He also serves as the coordinator for the Trial Competition teams at Chase. He has previously taught at the University of Dayton and the University of Cincinnati, teaching litigation related courses, Civil Procedure, Complex Litigation, and Sexual Orientation and the Law.



**LARRY PUTT** joined Chase as a visiting professor of law in 2010, and has agreed to stay for the 2011-2012 academic year. Putt brings to Chase a distinguished career of tenured faculty experience, law school administration, and private practice experience as the managing partner of a

Birmingham, Alabama law firm. He has also taught economic policy on the doctoral level. In addition to teaching, he has served as the dean and associate dean at three different law schools – two of which he was instrumental in leading to ABA and AALS approval. He earned his bachelor's degree in economics and political science from Mississippi State University and J.D. and LL.M degrees from the University of Mississippi. He is a prolific author on water right issues and has been the recipient of two major U.S. government research grants funded through the National Water Resources Research Institute and has helped write Alabama's conservation and natural resource laws. Putt has two works in progress directly related to water resources policy and legislation. He is also the recipient of five different awards for teaching excellence, service, and scholarship. Putt teaches Remedies Corporations, Will and Trusts and Family Law.



**DAVID A. SINGLETON** joins the Chase faculty as assistant professor after serving as a visiting professor since 2007.

He has served as executive director of the Ohio Justice and Policy Center, a nonpartisan, nonprofit, public-interest law office in Cincinnati, since 2002. The center advocates for productive, statewide reform of the criminal justice system. During his time with Chase, he has also supervised the Constitutional Litigation Clinic, which he founded to allow law students to represent the OJPC'S clients in federal and state court litigation. Beginning in the 2011-12 school year he will teach complex problem solving; contemporary issues in criminal justice; and facts, and storytelling and persuasion, in addition to running the clinic.

Singleton received his A.B. in public policy and economics from Duke University and his J.D., cum laude, from Harvard Law School. Upon graduation from law school, Singleton received a Skadden Fellowship to work as staff attorney at the Legal Action Center for the Homeless in New York.

Singleton has served as a public defender with the Neighborhood Defender Service of Harlem and with the public defender service for the District of Columbia. He also practiced at Thompson Hine in Cincinnati.

He was selected by Harvard Law School as a Wasserstein Public Interest Fellow, and he has received many other awards, including the McCrackin Emerging Leader Award and the Canary Award, which was presented by U.S. senator Sherrod Brown in recognition of cutting-edge social or economic justice work.

## Professors David Elder and Lowell Schechter Retire



**DAVID A. ELDER** For 31 years, Professor David Elder has been inspiring classes of future attorneys at Chase College of Law. In that time he has published multiple books and articles and has been extensively cited by courts and scholars alike. He is widely held as an expert in tort law, and he has been involved in groundbreaking litigation on media liability issues. But despite all of the recognition he has received and publications he has written, Elder's most lasting legacy at Chase is the long history of students who owe the success of their legal careers to the guidance and engaging classes Elder provided – classes that proved to be most Chase students' introduction to law school. There is a reason Elder is beloved by his students – so much so that students selected him to be the subject of the first in a series of Chase professor bobblehead figures, in addition to presenting him with the Robert O. Lukowski Outstanding Professor Award at the 2011 commencement. His passion for the subjects he taught and his concern for the students' understanding of them were clear, and his presence in Nunn Hall will surely be missed.

Elder was named regents professor of law in 1997. He taught torts and a constitutional law/media liability seminar in addition to serving as co-advisor to the Northern Kentucky Law Review. His seven books and numerous articles focus primarily on the law of defamation and privacy, with particular emphasis on their intersection with First Amendment freedom of expression. He has written two treatises published by Thompson/West/Reuters and supplemented annually: *Defamation: A Lawyer's Guide* (2003) and *Privacy Torts* (2002), and a leading torts casebook has 12 citations to his work. Some of his major litigation work includes plaintiff victories in media tortious newsgathering and "hidden camera" cases before the California Supreme Court, *Sanders v. American Broadcasting Company* and *Shulman v. Group W Productions*. He was also quoted by *The Wall Street Journal* in an article dealing with electronic surveillance of vacation homes.

Before coming to Chase, Elder taught at Oklahoma City University School of Law and the U.S. Naval Academy (while on active duty in the Navy J.A.G. Corps). He received his B.A. from Bellarmine College, his J.D. from St. Louis University School of Law, and his LLM from Columbia University. He has three daughters – Ellen, Maeve, and Claire – and is married to Monica R. Bohlen, who practices law in Ohio and Kentucky.



**LOWELL SCHECHTER** It was the incredibly positive impression Professor Lowell Schechter made on the faculty and students at Chase during his one-year visiting professor appointment in 1981 that resulted in his position at Chase as professor of law, which he held until his retirement. In his time at the College of Law, he has transformed the school by increasing its connections to organizations that serve some of the neediest members of society. In addition to securing funding for the Chase Public Interest Group and helping create the Children's Law Center, he collaborated with the center and with NKU's Department of Social Work to create a program to aid homeless children in the Northern Kentucky area. He has also served on the board of directors for the Children's Law Center.

Schechter taught family law, juvenile law, constitutional law, international law and conflict of laws at Chase, and he has written a number of articles in the areas of family and international law. He served as associate dean for student affairs from 1985-92 and 1995-2001. Prior to coming to Chase, Schechter spent three years teaching law at the University of Sheffield in England, one year serving as a visiting professor at Duquesne University School of Law, and seven years teaching at Vermont Law School.

He received his B.A. from New York University and his J.D. from Harvard Law School, and he did postgraduate work at the University of Oxford. He and his wife, Judy, have two children, Rhonda '09 and Stuart.



## NKU Chase Establishes Children's Law Clinic

The College of Law has established the NKU Chase Children's Law Clinic, a partnership between the law school and the Children's Law Center in Covington, Kentucky. The Clinic is the brainchild of alumna Kim Brooks Tandy '89, Director of the Children's Law Center, and Professor Emeritus Lowell Schechter. The Clinic will be housed in the Lowell Schechter Student Learning Center, a newly-renovated and fully-equipped 3000+ foot clinic space on the third floor of the Children's Law Center.

Professor Amy Halbrook will direct the Clinic. Professor Halbrook joins the law school after completing clinical teaching fellowships in the Children and Family Justice Center at Northwestern University School of Law and the Loyola University Chicago Civitas Child Law Clinic. "I hope to empower Chase students to become compassionate, dedicated lawyers for children and youth," says Halbrook.

Clinic students will receive specialized instruction and training in child and family law and advocacy, with a focus on abuse and neglect, family law, juvenile justice, education, professional responsibility and advocacy techniques. Under close supervision, students will then provide high-quality legal representation to child clients in child protection, high-conflict custody, school, and other matters. In addition to their litigation duties, students may participate in research, policy development and community education related to children's issues.

"The intensive level of instruction and experiential learning these students will receive is a welcome addition to our student opportunities here," Kim Tandy noted. "We're thrilled that Amy will be joining our team and look forward to how the Clinic will enhance our work." The Clinic will equip the students with the knowledge and skills they will use throughout their professional careers, with a



Professor Amy Halbrook and Director Kim Brooks Tandy '89 at the Children's Law Center

focus on the unique practical and ethical challenges related to representing children. In addition, it will respond to unmet legal needs and improve the quality of legal representation to children and teens.

This fall, Professor Halbrook and three Chase students are working together to plan and develop every aspect of the Clinic. The Clinic will enroll eight students per semester and will begin accepting clients in January.

## Schechter Receives Inaugural Faculty Public Service Award



Professor Lowell Schechter receives the Public Service Award from Dean Dennis Honabach.

Just as Chase College of Law believes in instilling in students a commitment to providing pro bono legal services, the College also values its professors who serve as role models in volunteering their time and services to make the community a better place. To recognize law-related public service to the community, the Chase faculty created the NKU Chase Public Service Award last year to be given annually at commencement. The inaugural award was presented to Professor Lowell Schechter.

"When anyone at Chase College of Law thinks of public interest law and public interest service and outreach, the name that immediately comes to mind is that of Lowell Schechter," says Professor Ljubomir Nacev.

"Professor Schechter did more than just champion public interest law values at the law school. He also inspired those around him, whether colleagues or students, to get similarly involved."

Schechter was instrumental in administering IOLTA funding for the law school's public interest projects, creating the Chase Public Interest Group, and helping to establish and administer the Children's Law Center. Throughout its years of operation, he served as a member of the Center's Board, secured grants and guided many fundraising initiatives for the Center. In the past year, his leadership resulted in the Chase faculty's approval of a hybrid legal clinic to be operated jointly by the Children's Law Center and Chase.

## Recent Faculty Scholarship



**RICHARD BALES**

The U.S. Employment Law Perspective on Protecting Research and Development, chapter in MARILYN PITARD ET AL., PROTECTING RESEARCH AND DEVELOPMENT (Edward Elgar Pty Ltd, forthcoming 2012).

How Congress Can Make a More Equitable Federal Arbitration Act, chapter in THOMAS E. CARBONNEAU & ANGELICA M. SINOPOLE, BUILDING THE CIVILIZATION OF ARBITRATION (co-authored) (Wildy, Simmonds & Hill 2010).

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*A Data-Driven Snapshot of Labor and Employment Law Professors*, 56 ST. LOUIS U. L. J. \_\_\_\_ (forthcoming 2011).

*Defining Independent Contractor Protection Under the Rehabilitation Act*, \_\_ HAMLIN L. REV. \_\_\_\_ (forthcoming 2011) (with Lindsay Mongenas).

*Elections, Neutrality Agreements, and Card Checks: The Failure of the Political Model of Industrial Democracy*, \_\_ INDIANA L.J. \_\_\_\_ (forthcoming spring 2011) (with James Moore).

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*A “Plausible” Defense: Applying Twombly and Iqbal to Affirmative Defenses*, 34 AM. J. TRIAL ADVOC. \_\_\_\_ (2011) (with Melanie Goff).

*Capping the Costs of Consumer and Employment Arbitration*, \_\_ TOLEDO L. REV. \_\_\_\_ (forthcoming 2011) (with Michelle Eviston).

*Much Ado About Nothing: The Future of Manifest Disregard After Hall Street*, 62 S. CAROLINA L. REV. 407 (2010) (with MyLinda Sims).

*Waiving Rights Goodbye: Class Action Waivers in Arbitration Agreements After Stolt-Nielsen v.*

*Animalfeeds International*, 11 PEPPERDINE DISP. RESOL. J. 275 (2011) (with Diana Link).

*Interpreting NLRB v. Burns Int’l Sec. Servs., Inc.: The Not So “Perfectly Clear Successor” Exception*, 7 SETON HALL CIRCUIT REV. 1 (2010) (with Andrew Willis).

*Education for Americans with Disabilities: Reconciling IDEA with the 2008 ADA Amendments*, 37 N. KY. L. REV. 389 (2010) (with Kathryn M. Smith).

*The Federal Arbitration Act Needs a Due Process Protocol*, 29 BANKING & FINANCIAL SERVICES POLICY REPORT 9 (July 2010) (with Michelle Eviston).

*Narrowing Successorship: The Alter Ego Doctrine and the Role of Intent*, 8 DEPAUL BUS. & COM. L.J. 151 (2010) (with Andrew Willis).

*The Validity of the Two-Member NLRB*, 6 SETON HALL CIRCUIT REV. 261 (2010) (with Kelli Kleisinger).

*The Positive Impact of the Convention on the Rights of Persons with Disabilities: A Case Study on the South Pacific and Lessons from the U.S. Experience*, 37 N. KY. L. REV. 363 (2010) (with Paul Harper).

*Plus at Pretext: Resolving the Split Regarding the Sufficiency of Temporal Proximity Evidence in Title VII Retaliation Cases*, 44 GONZ. L. REV. 493 (2009) (with Troy B. Daniels).

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*How Congress Can Make a More Equitable Federal Arbitration Act*, 113 PENN. ST. L. REV. 1081 (2009) (with Sue Irion).

*Disability Claims for Alcohol-Related Misconduct*, 82 ST. JOHN’S L. REV. 699 (2008) (with L. Dustin Riddle).

*Federal Question Jurisdiction and the Federal Arbitration Act*, 80 COLO. L. REV. 89 (2009) (with Jamie Ireland).

*Naming a Defendant in an ERISA Action*, 9 TRANSACTIONS: TENN. J. BUS. L. 317 (2008) (with Candace Budy).

*Explaining the Spread of At-Will Employment as an Inter-Jurisdictional Race-to-the-Bottom in Employment Standards*, 75 TENN. L. REV. 3 (2008).

*Transgender Employment Discrimination*, 17 UCLA WOMEN’S L.J. 243 (2008) (with Katie Koch).



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**DONNA BENNETT**

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**JOHN BICKERS**

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**ROGER BILLINGS**

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**ANTHONY CHAVEZ**

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**DAVID ELDER**

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*Can I See your License?*, CBA REP., June 2008, at 11.

*Career Development Services at Chase*, LEX LOCI, June 2008, at 15.

**CHRISTOPHER GULINELLO**



*The Retail-Investor Vote: Mobilizing Rationally Apathetic Shareholders to Preserve or Challenge the Board's Presumption of Authority*, 2010 UTAH L. REV. 547 (2010).

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**DENNIS HONABACH**



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**EMILY JANOSKI-HAEHLEN**



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**JENNIFER JOLLY-RYAN**

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*Building a Rock Foundation: Using Cases to Support Arguments*, 73 KY. BENCH & BAR 30 (2009).

*Promoting Mental Health in Law School: What Law Schools Can Do For Law Students to Help Them Become Happy, Mentally Healthy Lawyers*, 48 U. LOUISVILLE L. REV. 95 (2009).

**KENNETH KATKIN**

*The Global Broadband Satellite Infrastructure Initiative*, 48 U. LOUISVILLE L. REV. 977 (2010).

**JENNIFER KREDER**

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*Executive Weapons to Combat Infection of the Art Market*, 88 WASH. U. L. REV. 1353 (2011).

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*Guarding the Historical Record from the Nazi-looted Art Litigation Tumbling Toward the Supreme Court*, 159 U. PA. L. REV. PENUMBRA 253 (2011).

*Protecting Property Rights and Unleashing Capital in Art*, 2011 UTAH L. REV. \_\_\_ (forthcoming 2011) (with Benjamin A. Bauer).

*Museums in the Crosshairs: Unintended Consequences of the War on Terror*, 10 WASH. U. GLOBAL STUDIES L. REV. \_\_\_ (forthcoming 2011) (with Kimberly DeGraaf).

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*Coast-to-Coast Developments in Nazi-looted Art Litigation*, LEX LOCI Feb. 2011, at 10.

*Just the Facts Ma'am: SCOTUS Ups the Ante Fifty Years After Conley*, LEX LOCI Aug. 2009, at 14 (with Benjamin A. Bauer).

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**JENNIFER KREDER CONTINUED**

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**SHARLENE LASSITER**

*CONTRACTS LAW IN A FLASH*, Supplemental Materials for Instruction Aspen Publishers Complete update and revision, (Fall 2009).



**MICHAEL MANNHEIMER**

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*Proportionality and Federalism: A Response to Professor Stinneford*, 97 VA. L. REV. IN BRIEF 51 (2011).

*The Impact of Information Overload on the Capital Jury's Ability to Assess Aggravating and Mitigating Factors*, 17 WM. & MARY BILL OF RIGHTS J. 1089 (2009) (co-authored with Katie Morgan).

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**BARBARA MCFARLAND**

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*Five Tips on Writing to a Judge*, 72 KY. BENCH & BAR 31 (Jan. 2008).



**ADRIENNE NOBLE NACEV**

*A Collection of Epigrams – Some Mantras for Legal Writing*, 72 KY. BENCH & BAR 16 (2008).



**SHERRY PORTER**

*NKU Chase Hosts First Business Boot Camp*, 73 BENCH & BAR 42 (Sept. 2009) 42.

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**LAWRENCE ROSENTHAL**

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*Adding Insult to No Injury: The Denial of Attorney's Fees to "Victorious" Employment Discrimination and Other Civil Rights Plaintiffs*, 37 FLA. ST. L. REV. 49 (2009).

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**PHILLIP SPARKES**

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**HENRY L. STEPHENS**

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**JOHN VALAURI**

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**MICHAEL WHITEMAN**

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*Law-Library-Palooza: Academics Connect with Their Colleagues in the High Rise World to Improve Legal Research Skills*, AALL SPECTRUM, April 2008, at 7.



**CARYL YZENBAARD**

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## Law Review Symposium to be presented October 22

### The Legal Heritage of the Civil War

BY PROFESSOR ROGER D. BILLINGS

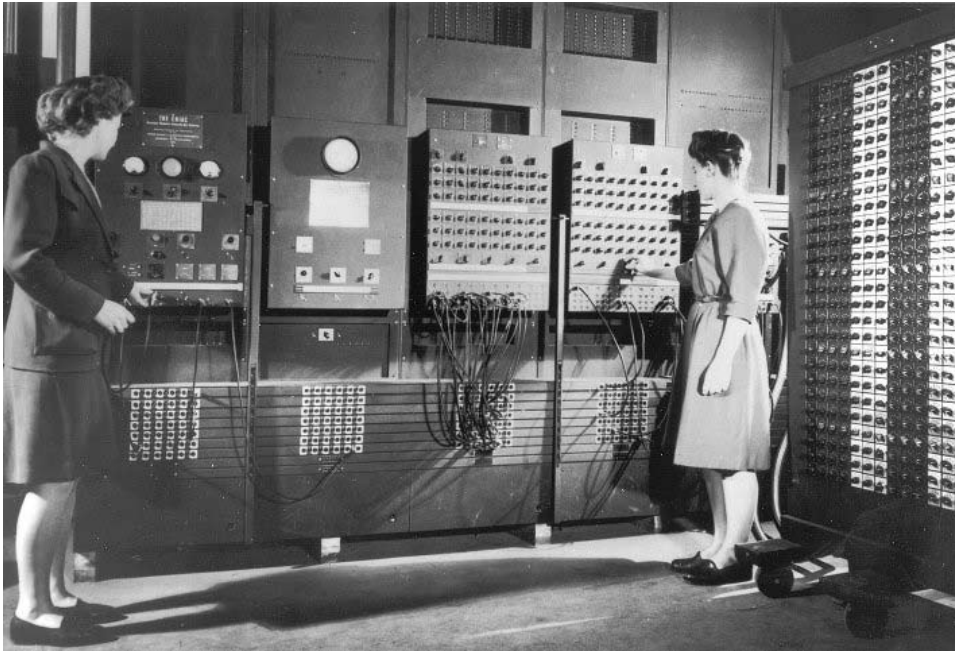
To commemorate the 150th anniversary of the Civil War, the Northern Kentucky Law Review will host its fall symposium titled "The Legal Heritage of the Civil War" on October 22, 2011 from 9:00 a.m. to 12:30 in the NKU Student Union Ballroom. The symposium is an opportunity to exchange ideas and explore current legal issues that originate from the Civil War era. The Northern Kentucky Law Review invites you to attend this unique symposium as the crossroads of history and modern law are explored.

Many alumni many recall the Law Review's fall 2008 symposium on the legal career of Abraham Lincoln. See 36 N. KY. L. REV., 211-348 (2009). It was so successful that this second excursion into Civil War history is in order. The symposium only peripherally focuses on Lincoln. True, he signed the Pacific Railroad Act of 1862 (providing the legal basis for the first transcontinental railroad); the Morrill Act of 1862 (Land-Grant Colleges); The Homestead Act of 1862 (after five years of cultivation a farmer could own a 160-acre farm); the 1862 act establishing the Department of Agriculture; the 1862 law creating a Commissioner of Internal Revenue; An 1861 Act of Congress ordering the issuance of currency (known as greenbacks, the first non-interest bearing U.S. notes); and the National Banking Act of 1863. Lincoln was occupied with the war and left development of these acts to others, notably to our namesake, Salmon P. Chase, but he kept watch on their progress. Presidential scholar Dr. Roger Bridges and I will concentrate on these laws and their lingering influence on American law.

The Honorable Frank Williams, Chief Justice of the Rhode Island Supreme Court (ret.) will address the military trial of the conspirators who assassinated Lincoln and similarities to the trials conducted against Guantanamo internees. Professor Burrus Carnahan, The George Washington University Law School, will discuss Lincoln's General Order No. 100, called the "Lieber Code," the inspiration for the present-day Geneva Conventions. A special guest speaker will be Colonel Michael Bumgarner who, as Commander of the Joint Detention Group at Guantanamo Bay, attempted to implement parts of the Geneva Conventions.

The symposium is free of charge and applications have been submitted for 3 hours of CLE credit in Kentucky, Ohio and Indiana.

“EXPLORING THE ECOLOGY OF LAW AND INFORMATICS”  
CONTINUED FROM PAGE 15



“Sixty years ago, six young women programmed the world’s first all-electronic computer, the ENIAC. Their ballistics program used hundreds of wires and 3000 switches. The ENIAC Programmers created the first sort routine, software application and instruction set, and classes in programming. Their work dramatically altered computing in the 1940s and 1950s, and paved the path to the modern software industry.” ENIAC Programmers Project. Photo courtesy of University of Pennsylvania Archives.

Perry acknowledges that, in a field like law, the shift to a world where everything is digital will be a slow process. “But,” he says, “it will happen.”

**INFORMATICS AND  
TOMORROW’S CHASE  
GRADUATES**

Technology is affecting every facet of the law, and Chase alumni who see its effects every day recognize the need for the next generation of Chase students to prepare for it.

“Technology is not just for technology companies,” Hartman says. “Every business that wants to compete in today’s market must use technology. As a result, every business lawyer should have some familiarity with the legal issues affecting technology – at least enough to know when to ask for help from someone proficient in the area.”

“The Law and Informatics Institute,” he says, “will help foster that familiarity among the students and will enable those students who wish to practice in this area an opportunity to begin to develop the proficiency to do so.”

Meyer believes the knowledge students will acquire through the institute is critical because, while there are some laws that work just fine with technology, there are other laws that either don’t work so well or are not yet in place.

“It’s important to know how to find out all the laws that might be implicated by the new technology,” Meyer says. “Students need to be familiar with not only technology but also existing legal issues around intellectual property, publication issues, and advertising laws to understand how they might be changed or come into play in a whole different way.” ■

» Hot topic in legal informatics:  
**UNDERSTANDING  
STUDENT PRIVACY**

In recent years, managing student privacy has become an increasingly difficult balance between the rights of the students and the needs of educational institutions to protect the community and manage the activities on campus. The law begins with the Family Educational Rights and Privacy Act (FERPA). Since 1974, this federal law has protected the privacy of student education records. The law applies to all schools that receive funds under any applicable program of the U.S. Department of Education.

Since the regulations provide schools the ability to disclose information “to protect the health or safety of the student or other individuals” schools have the ability to disclose information when necessary. But often this is not done. FERPA was made infamous when confusion regarding the law slowed much-needed behavioral intervention of a Virginia Tech student who later went on a shooting rampage.

A presidential report studying the incident stated that “it was almost universally observed that these fears and misunderstandings likely limit the transfer of information in more significant ways than is required by law.” Unfortunately, it took the Virginia Tech attack to make administrations realize that they need to use the exceptions to the law more fully. Since then, schools have developed emergency responses.

**“THE SOCIAL SIDE OF MEDIA INFORMATICS”**  
CONTINUED FROM PAGE 15

to communicate with the public than by using social media?

### What are Social Media?

Social media allow for instant electronic communication to large or small audiences and keep users connected with no regard for location or time. Even though there is no static scientific definition of social media, social media sites usually have three defining characteristics. The first characteristic is that the majority of the content is user generated. Second, there is a high degree of participation or interaction among users. And third, it easily integrates with other sites. By definition, then, social media sites include blogs, social networking (such as Facebook and MySpace), social bookmarking (such as Delicious, Reddit and Digg), news sharing (such as Google+ and Yahoo! Buzz), and photo- and video-sharing sites (such as Flickr, Photobucket, Picasa Web Albums, Vimeo and YouTube).

There are benefits and drawbacks to every new technology, and social media are no exception. The biggest benefits of social media are speed and access. Today’s Internet users want information quickly and often do not care how the information is obtained as long as they have access to it. Social media sites allow users to access information fast and communicate about that information instantly. The biggest drawback to social media is personal information overload. Social media users post their daily activities, “check in” at various locations, update their status constantly and post personal photographs of vacations, new homes, new children, weddings, etc. Once this information is available on a social media site, if the user is not careful with site privacy settings, the information could be accessed and redistributed by anyone with a computer and an Internet connection. Social media users also post proprietary information not otherwise available in electronic format with no regard for copyright laws. Businesses and publishers must then closely monitor sites like YouTube, Facebook and blogs for

unlawful use of their proprietary publications, videos, logos, and any other information.

### Social Media in the Courts

How do social media affect the courts? Social media create a big challenge for courts since a simple “tweet” (a post on Twitter consisting of no more than 140 characters) or “comment” can be posted, copied, and republished around the world within seconds. If said tweet, post, or comment relates to an ongoing case or trial, the availability of such information can cause serious complications for the courts. With the creation of smart phones, access to social media applications has become rampant because most jurors, lawyers, judges, and other court personnel have cell phones, personal computers, or tablets with the ability to text, tweet, or post at any time. Moreover, the unregulated access to social media in the courts can cause ethical problems for judges as well as lawyers. This unregulated access is why the judiciary and state bar associations have begun scrutinizing how members of the legal profession use social media tools. A lawyer understands that communication dealing with a case made outside the courtroom is strictly prohibited under the rules of professional conduct, but jurors are not held to the same standards. Whenever a juror tweets, posts, or blogs about case information on the Internet, there is no standard, other than perhaps the court rules or judicial guidelines, for monitoring or punishing this conduct. If this juror misconduct begins to affect the trial process and a person’s right to trial by an impartial jury, the possibilities of mistrials, motions to dismiss, and motions for new trials could become endless.

Take, for example, the added time the court in *United States v. Fumo*, 639 F.Supp.2d 544 (E.D. Pa. 2009) was required to use in deciding whether or not a juror’s conduct on Facebook and Twitter constituted grounds for removal of the juror and then whether refusing to remove the juror constituted

But privacy is equally important among students. Sometimes labeled cyberbullying, students often learn private information about each other, and less often (but still too frequently) they publicize this information to embarrass, harass or tease their classmates. Last year, a secreted computer video camera in a dorm room led to the outing of a gay Rutgers student. The live video streaming of his sexual encounters resulted in his suicide a few days later. Tyler Clementi’s death gave witness to the pain such invasions of privacy can cause, but less extreme acts and less extreme reactions occur far too frequently.

An even more bizarre invasion of privacy occurred when a Pennsylvania school spied on students using software delivered to the homes. Allegedly to control misconduct by students, the school secretly installed remote webcam software to monitor student’s activity. The practice was discontinued shortly after it came to the public’s attention and lawsuits were filed.

Privacy is a human right and essential to human dignity, self-worth, and a functioning society. While it may have no economic value, it has a profound value to society. FERPA and other laws protect these rights, but they can only manage broad uses and misuse.



grounds for a new trial. The court in *Fumo* issued a separate order addressing the defendant's request to remove a juror and motion for a new trial after juror Eric Wuest posted comments about the trial on Facebook and Twitter. Specifically, juror Wuest posted comments about the trial on his Facebook and Twitter accounts that were picked up by the local media. After reviewing the juror's online comments, the court held that the comments were innocuous and provided no information about the trial, much less his thoughts on the trial, and the juror's statements about the fact of his service on jury duty were not prohibited. Fortunately, the court in *Fumo* was able to examine the juror's conduct and decide what to do about it before the trial ended.

In some instances, however, juror misconduct on the Internet that occurs during a trial does lead to a mistrial. In a Florida federal drug case, after eight weeks of trial, a juror admitted to the judge that he had been doing research on the case on the Internet. Perhaps what was most shocking about this case was after questioning the rest of the jury, the federal judge presiding, Judge William J. Zloch, found that eight other members of the jury had been doing the same thing. Judge Zloch decided that he had no other choice than to declare a mistrial (which has been popularly coined the

"Google mistrial"). After eight weeks of trial, imagine the public and private resources wasted, not to mention the delays caused to other trials. It is not hard to conceive why judges have started banning the use of smart phones in the courtroom. However, a juror on a break can easily search Google, Facebook, Twitter or Wikipedia for information about the case or laws involved. Interestingly, no court has specifically defined what comments on social media sites would be considered enough to warrant a mistrial or new trial. Courts have handled these issues on a case-by-case basis, but with the increase in social media site usage, a uniform standard for determining what types of comments are prohibited is necessary. By amending court rules and jury instructions, the judiciary can begin to regulate the use of social media in the courtroom.

Social media are also being utilized by members of the judiciary. Judges are using social media sites to connect with "friends" and post comments. Whether they are allowed to do so in their personal or professional capacity is still under scrutiny by many states. Many states are amending judicial canons to include rules on communicating on social media tools while other states have remained silent on the issue until a situation calls for an advisory

opinion or public reprimand. For example, in Florida, the Judicial Ethics Advisory Committee and the Supreme Court have issued advisory opinions stating that a judge's conduct on a social media site does affect the judicial system and is prohibited. Judges in Florida are not allowed to be "friends" with practicing attorneys in Florida. Citing Canon 2B of the Florida Code of Judicial Conduct, the Supreme Court emphasized the need to avoid giving the impression that certain lawyers were in a "special position to influence the judge." This is an understandable outcome as judges often recuse themselves from proceedings due to personal relationships with the parties. Other states have decided to remain silent on the issue or are allowing judges to "friend" whoever as long as it does not interfere with the integrity of the court. In August 2010, the Conference of Court Public Information Officers issued a report addressing social media and their impact on the courts. In this report, the CCPIO stressed the importance of maintaining the public trust and confidence in the courts. The CCPIO also recognized how social media use could adversely impact the courts' ability to maintain the high standard of integrity required by the performance standards implemented by the NCSC and the Bureau of Justice Assistance of the U.S. Department of Justice. The CCPIO examined the ideas that social media use by judges allows for collaboration and communication but also creates the risk that the public will view the judges' conduct on the sites negatively. Ultimately the CCPIO report recommended forming a task force to continue to study the presence of social media in the courts.

The Judicial Conference of the United States has also addressed the issue of judicial employees using social media sites, and some federal courts have already implemented rules to safeguard against improper use of social media sites by employees. In 2010, the Judicial Conference Committee on Codes of Conduct published the Resource Packet for Developing Guidelines on Use of Social Media by Judicial Employees. This guide provides information to help courts develop policies on the use of



social media by judicial employees and includes sample policy provisions and existing policy examples from United States district courts. Some of the examples provide disciplinary actions to be taken, including termination, if an employee of the judiciary violates the rules on social media use.

**“Judges in Florida are not allowed to be “friends” with practicing attorneys in Florida. Citing Canon 2B of the Florida Code of Judicial Conduct, the Supreme Court emphasized the need to avoid giving the impression that certain lawyers were in a “special position to influence the judge.”**

It is obvious that social media are already entrenched in the courts and will continue to affect court proceedings and employees of the courts. The judicial system must continue to explore ways to curtail juror use of social media and develop policies for judges and other court personnel.

### Lawyers Using Social Media

Lawyers are facing new challenges in interpreting the law and professional ethics guidelines because of the influence of social media. According to a 2010 ABA survey, 56 percent of lawyers reported having a presence on social media sites. It is no wonder that state bar associations have started to address the issues of lawyers using social media in their practices. Many states have issued new ethical guidelines addressing whether lawyers can advertise on social media sites such as Facebook. For example, in Kentucky, lawyers

who reach out to potential clients through social media such as Facebook may see their comments regulated by the proposed amendments to professional ethics rules from the Kentucky Bar Association. Similarly, lawyers in New York and Pennsylvania will face an ethical violation if they send a “friend” request to a party opponent or potential witness or if they ask a third party to do so. In these states, a person’s social media site must be open to the public in order to view and use the content available. Other states are regulating who a lawyer can associate with on social media sites. For instance, Florida prohibits lawyers and judges from being connected or “friends” on sites like Facebook and MySpace. In some instances lawyers are prohibited from connecting with clients, witnesses, and experts on social media sites as well.

Lawyers have also been sued or fired due to comments made on social media sites. For example, in Florida, two lawyers were sued over their blog posts, which criticized a referral hotline for personal injury cases, and a 19-year assistant public defender lost her job after blogging about “Judge Clueless,” thinly disguised case facts, and client identities. And finally, another Florida attorney blogged about a judge, calling her an “evil, unfair witch,” which the JUDGE (did the judge or the attorney who blogged call it free speech?) later claimed was free speech. The Florida Supreme Court begged to differ. In order to avoid ethical violations, embarrassing reprimands, and loss of employment, it is important for lawyers to follow the advancements in social media and how they affect the legal profession.

Aside from the ethical and professional issues, there are definite benefits for the legal profession in the advancement of social media sites. Social media present a great opportunity for lawyers to have more access to information about their clients, judges, jurors, and the witnesses and experts who might be testifying at trial. Lawyers can now “Facebook” the jury to decide who is and who isn’t suitable to serve on a jury. Spending a little time scouring the Internet

for information on opposing parties, witnesses, potential jurors, and clients might give a lawyer the upper hand in a case because people often speak more openly and uncensored on social media sites. Perhaps the best example of lawyers using social media to monitor jurors is the widely reported case of juror Hadley Jons, who posted “gonna be fun to tell the defendant they’re GUILTY” on her Facebook page. The truly shocking part of the story is that the defense attorney’s son found the post before the defense had even presented its case. Luckily, the defense presented the post to the judge and the juror was removed, fined, and ordered to write an essay on the Sixth Amendment. This is just one of many examples of lawyers using social media to find information that can be used in court. Lawyers can even use social media for discovery and to prepare for trial. Because social media have become so entrenched in our lives, lawyers must be prepared for its impact on the law and the profession. ■



Emily Janoski-Haehlen  
B.A., M.S.L.S., J.D.  
Associate Director of Law Library Services and  
Law & Informatics Librarian

## Class of 2011 commencement ceremony



At Chase College of Law's 2011 commencement Kentucky Center in celebration of the graduates. conferred 178 Juris Doctor degrees, the largest the American Bar Association, delivered the key



ceremony May 8, family and friends joined Chase students, faculty, and staff at The Bank of Northern Kentucky University President James C. Votruba and Dean Dennis R. Honabach number in the history of the College of Law. Wm. T. (Bill) Robinson III, then President-Elect of note address.



## Rick Robinson '83

### Destiny of Robinson's Novel Lies in Hollywood



**“You know, this is actually pretty good!”**

When the wife of attorney Richard “Rick” Robinson '83 recognized the potential of his first novel, a political thriller titled *The Maximum Contribution*, Robinson knew he had a chance at getting it published.

A series of award-winning novels and a six-figure Hollywood film deal later, conversations have turned from kitchen table discussions of how to find a publisher without an agent to whether Tobey Maguire would be a good fit to play the main character when Robinson's latest novel, *Manifest Destiny*, appears on the big screen.

“When I wrote my first book, it was literally going to be one of those bucket list items,” Robinson says. “Pay a client to publish it; make my friends suffer through reading it as Christmas presents.”

**N**ow, Robinson has published a series of three political thrillers with the fourth, *Writ of Mandamus*, currently in progress. The subject of the series is a fictional U.S. Congressman from Ludlow, Ky., where Robinson grew up.

Robinson has been an attorney at the Ft. Mitchell, Ky., firm of Graydon Head since 1993, and prior to that he worked on Capitol Hill as legislative director and ad hoc press secretary for former Senator Jim Bunning (R-Ky.). He also ran for Congress in 1998. These experiences have given his novels an authenticity that is praised by critics and a level of detail that captured the eye of film producer Peter R. J. Deyell.

“When I'm writing, I have a visualization in my head of what a scene looks like.

People tell me my books read like a movie, probably more so than a lot of thriller writers do,” Robinson says. “I put a lot of detail in the scenes. That's the thing that grabbed the producer when he first read it.”

*Manifest Destiny* has won a number of awards, including Best Fiction both at the

Paris Book Festival and at the New York Book Festival. All three books have been on Amazon's Top 100 Best Seller List for Political Fiction.

Despite the media attention and keeping up with two careers, Robinson finds balance by keeping his life as an attorney separate from his life as an author.

“I'm a lawyer by day and a writer by night,” Robinson says. “I have the best of both worlds; I get to practice law with some exceptional attorneys, and then on nights and weekends I get to dress up like an author and go to writer's workshops and book fairs.”

At those book fairs, Robinson advises aspiring authors on how to get published. He tells them that to be a writer, you have to discipline yourself to be a writer.

“Writers are just like lawyers,” Robinson jokes. “They can try to do everything during the day to keep from doing their job.”

But by keeping a notebook in his back pocket in case inspiration hits and by coming home and writing an hour each day, Robinson has been able to find the success he has today.

“Sometimes that hour is a struggle,” he admits, while sometimes that hour turns into Robinson's staying up until three o'clock in the morning.

These days he is staying up to write two new books. One of these, a sports thriller, involves the Cubs being in the World Series. “So you know it's fiction,” Robinson quips. The other novel, *Alligator Alley*, is the book he has always wanted to write.

“Being from Ludlow, I wanted to write about coming of age in a small river town,” Robinson says. “Every writer wants to write the great American novel; that's the book I'm writing now.”

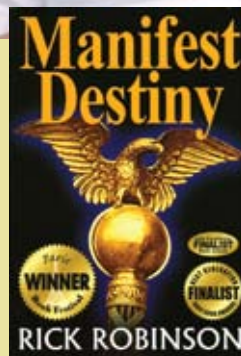
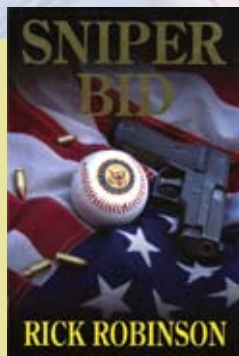
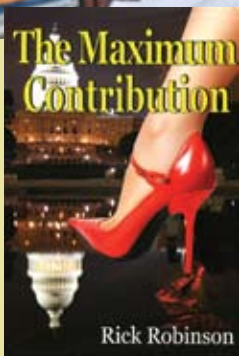
Robinson practices in the banking and financial services and commercial real estate industries. He has served as chairman of the Northern Kentucky Chamber of Commerce, and he writes a weekly column for 24-hour news website The Daily Caller. He is a member of the board of advisors of Chase's Transactional Law Practice Center.

“Every writer wants to write the great American novel; that’s the book I’m writing now.”

-RICK ROBINSON



PHOTOS PROVIDED



Rick Robinson signs copies of his books for Congressman Geoff Davis and Pat Davis.

## Dee Thompson '87

### Thompson Devotes Herself to Service to the Planet and Its People



PHOTO PROVIDED

Thompson is chief counsel for Region VI of the United States Department of Health and Human Services where she manages an office of 21 attorneys practicing primarily in healthcare-related areas of law. Her office provides program advice, administrative litigation and judicial litigation for DHHS in Texas, Arkansas, Oklahoma, Louisiana and New Mexico and serves clients such as the Center for Medicare and Medicaid Services, the Food and Drug Administration, and the Office for Civil Rights. She is part of the Senior Executive Service, which is the most senior nonpolitical position available in the federal government.

She had spent 18 years practicing law with the federal government before going into the

**O**n remote beaches in Central America, plastic bottles from the United States and Europe rush in with the tide and wash up on the shore. Delores “Dee” Thompson (B.S. in accounting from NKU '82 and J.D. from Chase '87) knows because she has watched it happen. Representing the United States State Department, Thompson has traveled to countries like Honduras, El Salvador and Guatemala in search of places where American grant money could make a difference through environmental protection or through programs designed to assist people in the poorest areas of the world.

“There is a finite amount of air, water and land, and what we generate is just a ton of refuse,” Thompson says. “In some places, because there isn’t regulation that we have in the United States, you have manufacturers who are going overseas and developing plants, and rivers will catch on fire where indigenous people get their water and cleanse themselves. These resources need to be preserved not just here but on a worldwide scale.”

Senior Executive Service, but it was a seven-month detail with the Bureau of Western Hemisphere Affairs and Office of Economic Policy and Summit Coordination that took Thompson to South America. The EPSC is engaged in all upcoming free-trade agreements in the western hemisphere, and through this detail Thompson chaired a committee that allocated funds under the NAFTA environmental agreements and made recommendations on what to fund in the following fiscal year. She participated in science and technology consultations with Brazil and developed a contingency plan for an avian influenza outbreak, and she developed environmental cooperation agreements with U.S. Free Trade Agreement

partners Chile, Peru, Colombia and Panama.

Thompson says the most powerful part of the experience was seeing firsthand American taxpayers’ money at work on the ground. Standing on a dirt road in Guatemala, surrounded by forests and “houses” that were nothing more than a stone wall with a rock outside serving as a kitchen, Thompson met a group of women who had previously been totally dependent on the men in the country or the graciousness of others to get by. But thanks

**“The truth of the matter is the education I got there was the foundation of my success.”**

**-DEE THOMPSON**



to grants from the United States, these women were now making food products out of grain that they were selling through international trade.

“It was the most under- and undeveloped civilization I have ever seen, but these people were able to be self sufficient, able to have businesses and support themselves and feed themselves and to educate their children,” Thompson says. “They were developing or doing things to enhance the environment based on the money that was coming in through a grant program, like restoring swamp lands and cleaning them up. It was amazing.”

It is her passion for public service that has driven Thompson’s professional life, and she has always looked for ways to have the biggest impact with the law. At Chase, she had dreams of doing government contract law, but after achieving that goal as an attorney with the Department of Defense’s Defense Logistics Agency Office of Counsel at the age of 30, she found herself increasingly involved with environmental contracts and law. She won an environmental law research fellowship with George Washington University, and as her career progressed she found herself briefing people in the Pentagon, senior officials in the Environmental Protection Agency and members of the White House Office of Science and Technology on issues carrying a major environmental impact.

“If somebody had asked me if I was an environmentalist 30 years ago, I would have said ‘no,’ but it was an awakening and awareness that we have a limited amount of clean air, water and fuel,” Thompson says. “The more I worked in the field, the more appreciative I became of the natural resources that we have. I’m very passionate about all of us being able to live and breathe and continue as a species – whether little



Dee Thompson has watched plastic bottles from the United States and Europe wash up on shores in Central and South America. She has helped further environmental protection programs designed to assist people in the poorest areas of the world.

microorganisms or big old humans, mammals or reptiles – and if we don’t pay attention to our environment, we won’t continue on.”

Thompson says it has been an honor to steward the country’s natural and human resources in service to the U.S. and its citizens over the years.

“It’s public services on the highest level – something I truly believe in,” she says.

Thompson has had the chance to do a little bit of everything from litigation to trade negotiations. She served as deputy general counsel to the inspector general of the Department of the Interior and has also specialized in fiscal and procurement law, natural resource law, Indian law and land management issues. A graduate of the

Harvard University Kennedy School of Government Senior Executive Fellows Program, she says that it was the lessons she learned at NKU and at Chase that prepared her well for the future.

“I could never have imagined when I was at Chase that this is where I would be,” Thompson says. “The neat thing about it as a Chase alumna is how competitive I was with the education I got at Chase. As a student, you feel like you’re in your own little world, and you wonder how you compare with these big schools, but the truth of the matter is the education I got there was the foundation of my success.”

## Chip Harrod '84

### Harrod Brings Peace and Tolerance to a City of Diversity



PHOTO PROVIDED

“I was experiencing some pretty serious social issues, but I was using a lot of the sense of justice that I derived from Chase, like constitutional law or criminal defense,” he says. “I wanted to go to law school not so much to be an attorney as to have those skills and try to do some good.”

In this vein, Harrod dedicated his career to working toward justice and encouraging dialog where there is diversity. He served as national president and CEO of the National Conference for Community and Justice in New York City and spent 27 years directing the local BRIDGES for a Just Community, Inc., in Cincinnati. BRIDGES defines itself as “a human relations organization that brings people together to achieve inclusion, equity, and justice for all.”

**B**efore Robert “Chip” Harrod '84 came up with the idea to create Cincinnati's National Underground Railroad Freedom Center, he went to Chase to become the next Clarence Darrow.

“I wanted to be him for the longest time, even back in my undergrad days,” Harrod says. “I was so impressed by his selfless commitment to the disenfranchised in society.”

As an evening student at Chase, Harrod was working for Cincinnati's Human Relations Commission, investigating cross burnings and other hate crimes in the community and preparing reports for city council during the day while attending classes at night.

“In the aftermath of a police shooting, I would be asked to go into a neighborhood and mediate the feelings of animosity and resentment and help bridge some of the distance between the residents and police officers,” Harrod says. “My experiences during the day were reinforcing in the evenings my understanding of how the law applies.”

He came up with the idea for the National Underground Railroad Freedom Center, which became a reality in downtown Cincinnati in 2004, and served as its founding president. The center's dedication was attended by celebrities such as Oprah Winfrey, Angela Bassett, and Laura Bush, and it brought national attention to the area in a way that reminded the citizens of Cincinnati of their history of inclusion as a major stopping point on the Underground Railroad. The \$110 million museum, which is a Smithsonian Institution affiliate, includes the first permanent museum exhibition in the world on the people affected by modern-day slavery and programs around the globe that have been created to help.

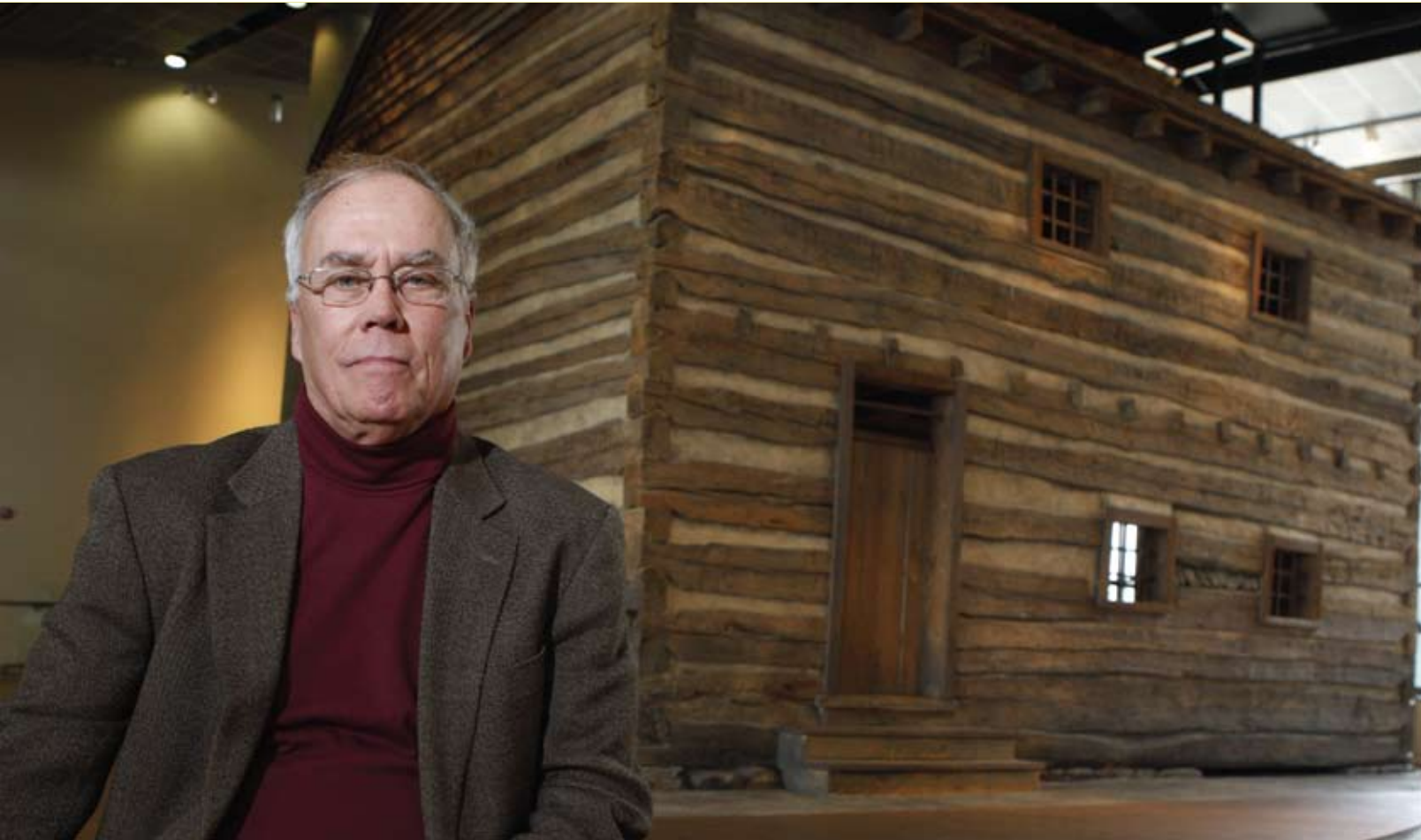
Though Harrod retired as president and CEO of BRIDGES this year, he was able to make great strides toward bringing peace and harmony to the city during his time there. He directed efforts to improve police-citizen relations after the 2001 riots in Cincinnati, led a coalition of religious and civic groups that repealed an anti-gay Cincinnati charter amendment and was awarded a contract by Major League Baseball to conduct cultural diversity training for the Cincinnati Reds, which was the first of its kind for a professional sports franchise.

Beginning in July, Harrod began his tenure as advancement vice president of Wilmington College in Wilmington, Ohio. While he looks forward to his new

**“I credit my law school experience as giving me a lot of the justice inspiration and the thinking disciplines of fairness and balance that helped me in my efforts at bringing diverse people together to work on social problems.”**

**-CHIP HARROD**





Chip Harrod pauses by The Slave Pen exhibit in Cincinnati's National Underground Railroad Freedom Center. The Slave Pen, built in the early 1800's, was recovered from a farm in Mason County, KY, less than 60 miles from the Freedom Center. Photo provided by the *Cincinnati Enquirer*.

responsibilities at the college and loves the academic environment, what he is really excited about is applying his experiences to working with students on civic activism projects and providing lectures on social justice issues.

"Wilmington College is a Quaker school, and one of the testimonies of the Friends religion is social justice and peace, so there was a really comfortable resonance between the leadership of Wilmington and me when we had our initial conversations," Harrod

says. "I'm not going up there just to raise money. I'm going to help actualize its mission even more broadly."

Harrod says his experience at Chase, and particularly the concern that the law professors had for the welfare of all of the students, allowed him to make a difference the way he had always hoped to.

"I credit my law school experience as giving me a lot of the justice inspiration and the thinking disciplines of fairness and balance that helped me in my efforts at

bringing diverse people together to work on social problems," he says. "I'm not sure I would have had near the success I have had, had it not been for my experience at Chase."

## Perspectives from Washington: Chase Alumni Introduce Students to the World of D.C. Lawyers



Janet L. Oliver '91 talks with Chase students in the House Committee on Small Business Hearing Room in the Cannon House Office Building.

**O**n a chilly March afternoon in Washington, D.C., a small group of Chase students gathered around William Suter in the U.S. Supreme Court as the long-time Supreme Court clerk and retired J.A.G. major general shared a favorite story. The subject was an ambitious young lawyer who came to him during his time in the J.A.G. Corps with a detailed plan for the future of his legal career.

Chase student Sean Pharr remembers the rest of the story vividly. "After listening to the grandiose itinerary for his life, Mr. Suter promptly dismissed all he had been told. The young attorney had it all wrong," Pharr recalls. "The way to become a great lawyer, he said, was not to blindly pursue positions of perceived prestige. Rather, becoming a great lawyer is all about 'getting your boots muddy.'"

This story had an impact on Pharr. "From that point on, my focus shifted from pursuing the firms with the greatest name recognition, or the highest paid associate, to positioning myself in such a way that I can get into the courtroom and get my 'boots muddy,'" he says. "The muddier the better."

"It was almost surreal," Chase student Ashley Brucato says of the time the group spent with Suter, which included discussions of his time with the court. "We were gathered around his office engaging in everyday conversation about some of the most monumental moments in Supreme Court history."

This type of perspective-changing experience is part of the reason the Chase Center for Excellence in Advocacy designed the trip to Washington. Led by Regents Professor Richard Bales, the center seeks to give students who are interested in advocacy-related topics and wish to gain valuable litigation and practical legal skills the opportunity to meet alumni and others working in the field.

"The beauty of the program is it opens students' eyes to new ways of using their law degree and advocacy skills," Bales says. "It shows students that they can make it anywhere."

In addition to talking with Suter, the group also had the opportunity to sit in on an active session of the Supreme Court and to spend four days in conversations with Chase alumni practicing in the D.C. area.

Upon the students' arrival March 6, H.M. "Mac" Riley '86 and Michele-Anne Riley hosted a coat-and-tie brunch for the group at the Army and Navy Club. Mr. Riley is president of several businesses in the Washington, D.C., area.

Monday featured a meeting with Jay H. Knight '05, special counsel for the U.S. Securities and Exchange Commission. Knight works in the Division of Corporate Finance's new Office of Structured Finance, which is responsible for matters related to asset-backed securities.

The group next met with Susan Court '80, partner with the international law firm Hogan Lovells. Court focuses her practice on energy issues,

particularly dealing with enforcement of Federal Energy Regulatory Commission regulations. Prior to joining the firm, she had served with FERC since 1982 in legal and executive positions including that of Chief of Staff.

“It means a lot to me to be able to help and encourage current Chase students, as part of practicing law is helping others,” Court says. “Experiences like the visit will help students by giving them some idea of what practicing law means as a practical matter and also what opportunities are available outside their own community.”

Before attending the Chase alumni reception at the Hyatt Regency on Capitol Hill, Chase students had the chance to meet with Janet L. Oliver '91, who is deputy chief counsel for the House Committee on Small Business.

Tuesday's events featured the interview with Suter at the Supreme Court, and tours of the Pentagon and the Capitol.

The last day of the trip allowed the students to meet with three additional alumni. Roderick H. Fillinger '89 met the group in the morning. Fillinger is general counsel for the special inspector general for the Troubled Asset Relief Program. He had previously served as chief counsel to the treasury inspector general for tax administration and litigated on behalf of the IRS in the U.S. Tax Court.

Judge Robert P. Ruwe '70 met with the group of Chase students in the afternoon. Ruwe was appointed by President Ronald



Jay H. Knight '05 talks with Chase students at the Securities and Exchange Commission headquarters.



William K. Suter, Clerk of the United States Supreme Court, meets with the Chase group in his office.

Reagan as judge for the U.S. Tax Court. After retiring, he continues to serve as senior judge.

Finally, the students spent their last afternoon in D.C. with Bernie Robinson '78, partner with the government relations firm The Livingston Group, LLC. Previously, he has served as chief Washington representative and lead lobbyist for Governor George Ryan (R-Ill.) and chief of staff for U.S. Congressman Jim McGovern (D-Mass.).

“Experiences like these are invaluable to students because it shows them in a tangible way how the legal profession is so much more than what you learn in a classroom,” says Knight. “Also, because the legal market is so diverse and specialized, these experiences can often introduce students to a potential opportunity that they never knew existed.”

“I think another reason I want to encourage Chase students to succeed is because I recognize, and have experienced firsthand, that there are no limits to the opportunities that are available to you as a Chase graduate,” he says. “It is important for the students to

know that they can achieve their goals and pursue their passions in whatever part of the country they like.”

Brucato took a lot away from meeting Chase alumni and others who had “taken a unique path” with their law degree.

“It was refreshing to see the countless career opportunities available post-law school,” she says. “I feel that what really distinguishes Chase from other law schools is that it provides students with opportunities to learn about the legal profession outside the classroom. This is so important to a well-rounded legal education.”

The center plans to continue its trip on an annual basis so that when the next class of law graduates with an interest in advocacy enters the legal profession, they will remember to take advantage of all of the opportunities that are available to them.

And to get their boots muddy.

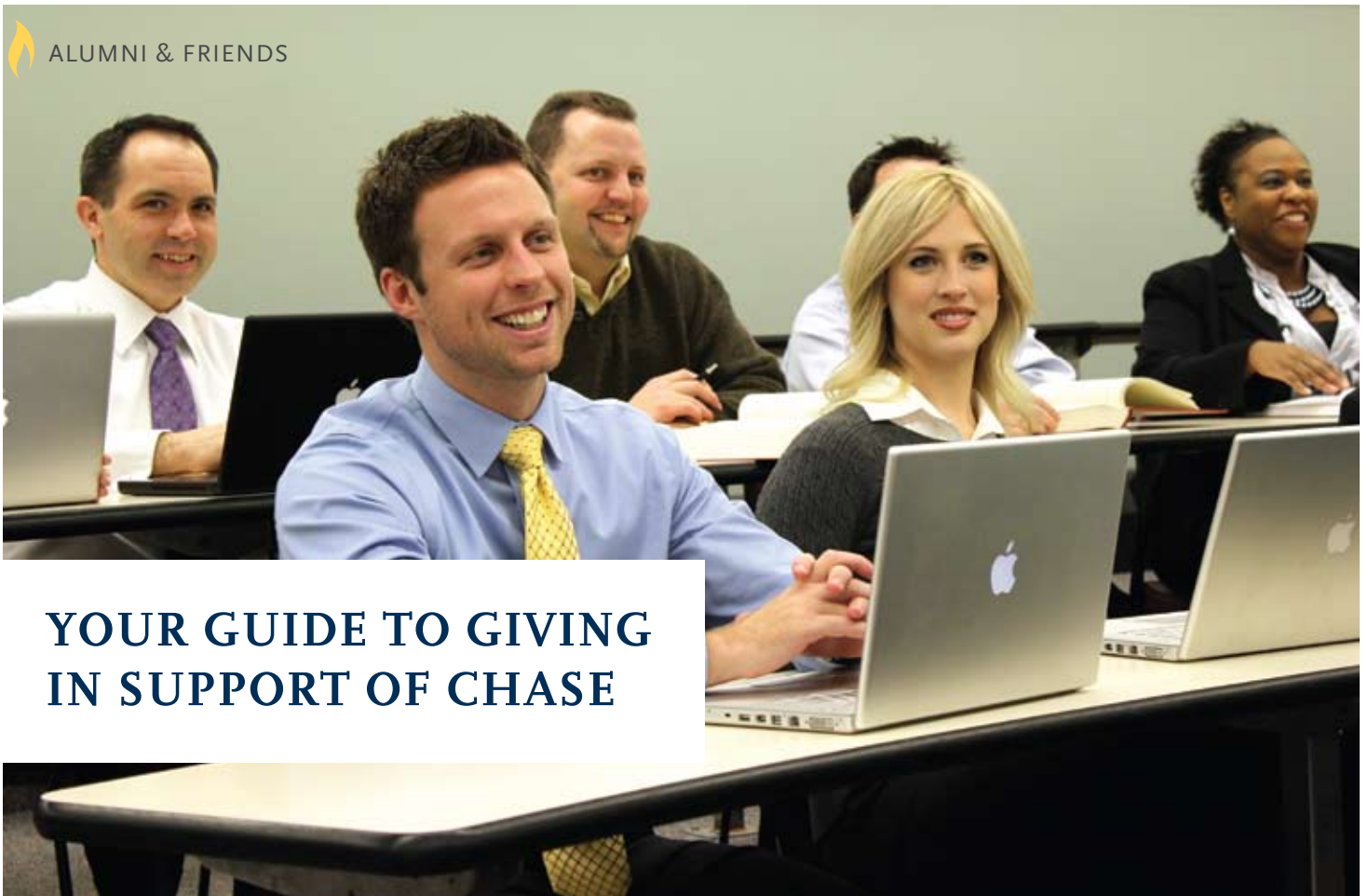
## Alumni gatherings

The Chase Alumni Association hosted a variety of social, networking gatherings for hosted alumni receptions at the Hyatt on Capitol Hill in Washington DC in March, Bar Convention in Lexington in June, and Western Hills Country Club in Cincinnati Bar exam in Louisville and Ohio Bar exam in Columbus.



Chase alumni and activities in support of recent graduates this spring and summer. The association Hyde Park Country Club in Cincinnati in April, Ohio Bar Convention in Columbus in May, Kentucky in July. The association also served breakfast and lunch to Chase graduates taking the July Kentucky





## YOUR GUIDE TO GIVING IN SUPPORT OF CHASE

### Is this a good time?

Most meaningful major gifts are the result of a convergence of motivation and timing. If you have entertained thoughts of making a significant gift to NKU Chase College of Law at some point during your life, this might be a good time to examine the elements that often create a favorable giving opportunity.

#### Questions?

To discuss your interest in providing for the future of Chase, please contact R. Daniel Shephard, CFRE, director of development, at (859) 572-7578 or [shephardr1@nku.edu](mailto:shephardr1@nku.edu).

Triggering life events, whether planned or imposed upon us, necessitate consideration of asset liquidation, which often triggers taxable events. A thoughtfully crafted gift plan, coordinated prior to such a triggering event and liquidation of an asset, can benefit both NKU Chase and the donor. Such life events invite thoughtful planning for asset allocation. Effective charitable gift planning can help minimize exposure to taxes and afford you the opportunity to make the gift of a lifetime.

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then this might be a good time to discuss life events, asset allocation, and your giving interest in support of NKU Chase College of Law with us.

## PROFILES IN GIVING



**LEONARD BRASHEAR '82** has been managing partner of Morgan, Madden, Brashear, Collins & Yeast, PLLC, in Hyden, Ky., since 2002. He also has a wide range of legal experience in the private practice of law, which includes family law, real estate, criminal law, personal injury, workers' comp, and Social Security. For the last two decades, he has served the 41st and 33rd judicial circuits as both a domestic relations commissioner and master commissioner. Brashear is a member of the board of directors for the Middlefork Financial Group, Hyden Citizens Bank, Farmers State Bank, and Farmers and Traders Bank.

*"I have given to the advocacy program since I graduated from Chase. I felt an obligation to support the legal education that Chase provides to students. I wanted to ensure in a small way that students received a legal education as I had been provided by Chase."*



**DAVID CRAWFORD '93** is a partner and patent lawyer at Senniger Powers, LLP, a law firm specializing in the preparation and prosecution of patents, copyrights, trademarks, and related litigation. As a patent lawyer, he has extensive experience preparing and prosecuting patent applications; conducting freedom-to-operate, infringement, and validity studies; preparing and negotiating licenses; and prosecuting trademark and copyright applications. He has provided services in a diverse range of technologies, including medical devices and surgical instruments, aircraft systems and engines, hydraulic systems, semiconductor processing equipment, transmissions, and software. Prior to becoming a patent attorney, Crawford was a design engineer at GE Aircraft Engines for 10 years where he was responsible for numerous military engine components. He is a member and officer of numerous professional, civic, and nonprofit organizations.

*"I was motivated to support the Transactional Law Practice Center because I believe the quality of the education I received from Chase far exceeded the money I paid to attend. It was time to give back to an institution that gave me so much."*



**WILLIAM E. HESCH '80, J.D., CPA, PFS**, is the principal of William E. Hesch Law Firm, LLC, and William E. Hesch CPAs, LLC. He has more than 25 years of legal experience and more than 30 years of CPA experience. His law practice includes the areas of estate planning; elder law planning and issues; estate administration; the purchase and sale of businesses; privately-owned businesses needing operating agreements; employment contracts; leases; and buy/sell agreements. He was named to Cincy business magazine's list of "Leading Lawyers" in the Northern Kentucky/Greater Cincinnati area in 2005, 2006, 2007, and 2008. He has been an adjunct professor at Chase College of Law teaching accounting for lawyers since 1985 and is an active member in several civic and nonprofit organizations.

*"My desire to provide financial support to the Transactional Law Practice Center is rooted in my gratitude for what Chase College of Law has done for me. I am grateful for the education I received from Chase and how it has profoundly enabled me to succeed in my career as a tax attorney and CPA. Chase taught me critical thinking skills and gave me a tax education that allowed me to thrive as a CPA when I got out of law school during the recession in the early 1980s."*

## Dean's Circle "Evening of Wine Under the Stars"

Chase College of Law welcomed Dean's Circle donors and members of Chase's for their gifts and service to the College of Law. Guests enjoyed hors d'oeuvres,





leadership boards to an “Evening of Wine under the Stars” June 25th to thank them wine tasting, music and socializing at Elk Creek Vineyards in Owenton, Kentucky.



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# Jeremiah Schlotman

**Graduation Year: 2012**

**Award: Toyota Diversity Scholarship**



Jeremiah Schlotman is from Virginia Beach, Va., and graduated with degrees in political science, history, and Spanish language and literature. He is the secretary of the Chase Latino Law Students Association, president of the American Constitution Society for Law and Policy, member of the Chase competition trial advocacy teams, and an advocate for the National Latino Law Students Association Moot Court Competition. Recently, he interned with the advocacy department of the New York Civil Liberties Union in New York, N.Y., where he worked on numerous projects including protecting the rights of immigrant populations in New York City. The annual Toyota Diversity Scholarship was established in 2007 by Toyota Motor Engineering & Manufacturing North America, Inc., to increase diversity among the students attending Chase.

“I was incredibly grateful upon learning that I had been awarded the Toyota Diversity Scholarship. I applaud Toyota’s efforts to increase diversity within its own workforce. The gift Toyota was so generous to give me is a concrete way that it continues to recognize the importance of valuing and increasing diversity in all areas of life. The scholarship was a huge help to me as I prepared to move to New York City for the summer to do my part to protect individuals’ civil liberties and civil rights.”



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# Lisa Gentry

**Graduation Year: 2012**

**Award: NKU Chase Summer Public Interest Fellowship Grant**



Lisa Gentry grew up in Tyner, Ky., and is the student director for Chase's Center for Excellence in Advocacy, vice president of the Chase Intellectual Property Law Society, a member of the Intellectual Property Competition Team, and a LexisNexis representative. The NKU Chase Summer Public Interest Fellowship Grant is funded by the U.S. District Court for the Eastern District of Kentucky Bench and Bar Fund, and the goal of the program is to provide Chase students with funding for unpaid public-interest law positions during the summer months. To be eligible for funding, Gentry had to commit a minimum of 350 hours to a public-interest position.

"Without the assistance of the Chase Public Interest Fellowship Grant, I would not be able to take the time to defend liberty as I have been able to this summer. As a single parent, it is necessary for me to balance the needs of my family with my ambition to learn about as many facets of the law as possible during my law school career. The grant made it possible for me to learn about active advocacy without shortchanging my family. The experiences I have been privileged to take part in this summer will certainly bear fruit in my career as advocacy applies to all areas of the law, regardless of whether that advocacy occurs in the courtroom or the boardroom."



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# Christopher Lach

**Graduation Year: 2011**

**Award: Nicholas Bauer Endowed Scholarship**



Christopher Lach is from Lexington, Ky., and attended law school to have the opportunity to do something beneficial for society. While attending Chase, he was the treasurer of the Chase Public Interest Group and a member of Phi Alpha Delta Law Fraternity International and the Constitutional Law Society. He was awarded the Nicholas Bauer Endowed Scholarship for the 2010-11 academic year, which was established in 1986 by Nicholas Bauer, a 1929 graduate of Chase College of Law, to aid students with academic promise.

“While attending law school, I interned with the Lexington public defender’s office my first summer and with the capital trial branch of the public defender’s office my second summer. I also externed with the Lexington public defender’s office with a student license in the first semester of my third year and for Judge Martin Sheehan in Covington my final semester. All of these positions were unpaid, and I would not have had the opportunity to do any of them without the scholarship.”



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Stephen M. Bernat  
Elizabeth Combs Risner  
Brian & Julie Dunham  
William D. Engel  
Matthew L. Garretson  
Kellie D. Lee  
Don & Lisa Moore  
David T. Reynolds

Alan Q. Zaring

**CLASS OF 1999**

Mary J. Colebrook  
Gwendolyn Nalls  
Eliot G. Bastian  
Daniel & Jennifer Jones  
Patrick M. Mohan  
Kimberley L. Naber  
Candace S. Sheridan  
David E. Williamson

**CLASS OF 2000**

Donald B. Smith  
Michael A. Galasso  
Kenneth H. Kinder II  
Matthew E. Mills  
Jennifer C. Mixson  
Theresa M. Mohan  
Janalee Shaw  
Gabrielle A. Summe

**CLASS OF 2001**

Thomas E. Fielder  
E. Douglas Baldrige  
Diane M. St. Onge  
Cynthia & John Clausen  
Jennifer J. Clemons  
Monica L. Dias  
Ashley & James Gray  
Robin R. McCraw

**CLASS OF 2002**

Eric W. Young  
Nancy H. Igel  
Joan M. Ledford  
Jeffrey A. McCormick  
Steven & Arrianna Sacks  
Julia E. Tarvin

**CLASS OF 2003**

Tanner B. McFall  
Matthew L. Benson  
Nathan H. Blaske  
James A. Browning  
Paula J. Dehan  
Michael J. Farris  
Catherine E. Howard  
Justin S. Keown  
Julie A. McGhghy  
M. Suzanne Van Wert  
Joseph C. White

**CLASS OF 2004**

Richard A. Brueggemann  
Jason S. Morgan  
Elizabeth S. & John M. Dunn  
John B. Gardner  
Jay A. Jalovec

**CLASS OF 2005**

Chrissy M. Dunn  
George E. Fee IV  
Jay H. Knight  
Justin & Michelle Lawrence  
Wade T. Napier  
Amy M. Pugh  
Julie A. Schoepf  
Timothy & Meredith Spille

**CLASS OF 2006**

Peter H. Wayne IV  
Lynne A. Daley  
Katherine A. Knaak  
Stephanie Ogg  
Amy E. Pennekamp  
David M. Spaulding

**CLASS OF 2007**

Nicholas C. Birkenhauer  
Robert E. Daye  
Jodie A. Ganote  
Anthony H. Handmaker  
Timothy A. Mattingly

**CLASS OF 2008**

Kevin R. Croslin  
Christopher A. Nitz  
Paul Souleyrette  
Timmy J. Tope  
Sarah E. Henry  
Michael R. Hurter  
Elizabeth A. Huseman  
Jill S. Jones  
Michael E. Jones  
Paul J. Linden  
Megan R. Maxfield  
Kyle D. Murray

**CLASS OF 2009**

Donna M. Schevene  
Daniel A. Hunt  
Helen G. Bukulmez  
Sara M. Caudill  
Zachary A. Corbin  
Jason L. Ellis  
Andrea S. Ewan  
William T. Lunceford  
Vanessa A. Purdom  
Rhonda B. Schechter  
Adam J. Stigall  
Adam L. Towe

**CLASS OF 2010**

Joanna M. Hortillosa  
Timothy M. Maloney  
Victoria L. Norton  
Larry B. West  
Jenny T. White

**CLASS OF 2011**

Jeanine C. Abukhater  
Nathanial J. Arnett  
Patrick M. Crotty  
Brandon D. Daulton  
Deifilia M. Diaz  
Jennifer L. Frank  
Sara B. Kelley  
Andrew M. Powell

# Julie Duncan

**Graduation Year: 2011**

**Award: Brianne E. Hammond  
Endowed Scholarship**



Julie Duncan is a recent graduate of Chase College of Law. During her time at Chase, Duncan was involved with the Kentucky Innocence Project, which, through a partnership between Chase and the Kentucky Department of Public Advocacy, allows students to perform the functions of an assistant public advocate by investigating cases of inmates claiming to be innocent. She also worked for a federal magistrate judge in the Eastern District of Kentucky.

Duncan received the Brianne E. Hammond Endowed Scholarship for the 2010-11 academic year. The scholarship was established in 1999 by Glenn M. Hammond, a 1995 graduate of Chase, to assist the Chase College of Law in attracting and retaining law students who demonstrate a record of sound academic achievement and financial need from certain areas of eastern Kentucky.

“The scholarship enabled me to focus on my school work and externship with the Kentucky Innocence Project because it helped with the expenses of law school.”

## Class notes

### CLASS OF 1966



**STANTON H. VOLLMAN** was inducted as treasurer of the Cincinnati Bar Association at the annual meeting luncheon in April 2011. He is a member of Cohen, Todd, Kite & Stanford, LLC, where he concentrates on estate planning, probate, family businesses, and federal and state taxation.

### CLASS OF 1968



**JUDGE HARVEY BRESSLER** retired from the 12th District Court of Appeals in February 2011 after 29 years of judicial service.

### CLASS OF 1970

**GARY MITCHEL LIPPERT**, who recently retired from a law practice in Hamilton County after 40 years, has opened a new law office in his hometown of Wilmington, Ohio. His focus will be in estate planning, preparation of wills and trusts, and probate areas of the law.

### CLASS OF 1972



**JUDGE W. KENNETH ZUK**, was appointed to the Clermont County Municipal Court in Batavia, Ohio, in January 2011.

### CLASS OF 1974

**GARY A. BILLIG** has started Gary A. Billig, Attorney at Law. His practice focuses on bankruptcy law, criminal law, and on family law.

### CLASS OF 1975



**RICHARD C. GOODWIN**, a U.S. Administrative Law Judge (A.L.J.) in the Office of Hearings, U.S. Department of Transportation, Washington, D.C., was elevated to Chair of the American Bar Association Judicial Division during the recent Annual Meeting in Toronto, Ont., Canada, in August 2011.

### CLASS OF 1977



**JUDGE RICHARD P. FERENC** was elected to the Clermont County Court of Common Pleas General Division in Batavia, Ohio for a term beginning January 2011.



**JUDGE THOMAS R. HERMAN** was elected to the Clermont County Court of Common Pleas General Division in Batavia, Ohio, for a term beginning January 2011.

### CLASS OF 1980



**JUDGE ANTHONY W. FROHLICH** was a visiting professor at Inter American University School of Law in Puerto Rico January 10-14, where he taught a course on judicial decision-making.



**BOB HOFFER**, partner at Dressman Benzinger LaVelle, PSC, was appointed to the board of the Tri-County Economic Development Corporation. It is a nonprofit economic development organization dedicated to expanding the Northern Kentucky economy by providing expert assistance to the manufacturing, professional, technology, and aviation sectors.

**M. GAYLE HOFFMAN** announced the opening of her law office, The Hoffman Firm, PSC, in Newport, Ky. Her practice focuses on adoption, family law, mediation, wills, and probates.

### CLASS OF 1981



**JUDGE RICHARD A. WOESTE** was elected Campbell County Family Court judge for a term beginning in January 2011.

### CLASS OF 1982



**JOHN P. TAFARO**, member of Kohnen & Patton, LLP, was inducted as secretary of the Cincinnati Bar Association at the annual meeting luncheon in April 2011. He also serves as President of Chatfield College.

**PAUL WHALEN** was elected chairman of the Campbell County Democratic Party's executive committee.

### CLASS OF 1984

**JOHN MCGILL III**, has retired as ethics counsel with the office of attorney ethics of the Supreme Court of New Jersey after more than 20 years of service. He has been appointed municipal prosecutor with the Township of Willingboro, N.J. He also has begun a solo private law practice focusing on attorney disciplinary, criminal, and municipal court defense as well as consumer fraud and personal injury matters.

### CLASS OF 1985



**JUDGE KAREN A. THOMAS**, Campbell County District Court, received the Chief Justice's Special Service Award at the Kentucky Bar

Association's annual banquet June 16 in Lexington, Ky.

#### CLASS OF 1986



**JUDGE DENNIS J. ADKINS** was appointed to the Montgomery County Court of Common Pleas General Division in Dayton, Ohio, in June 2011.

#### CLASS OF 1987



**TODD V. MCMURTRY** partner at Dressman Benzinger LaVelle, PSC, completed a course of study at the Harvard Mediation Institute. The course was taught by some of the nation's top authors, leading mediators, and Harvard law professors. Participants learned how to mediate, the law governing mediation, and mediation ethics. In his law practice, he handles complex litigation and mediation cases involving business disputes, lands use, real estate, construction, and personal injury.

#### CLASS OF 1988



**DARRELL PAYNE** was named Louisiana College's new athletics director in June 2011, leading the school's twelve intercollegiate sports programs.

#### CLASS OF 1992



**C. ED MASSEY** of Blankenship Massey & Steelman, PLLC, became the president-elect of the National School Boards Association in April 2011.

#### CLASS OF 1993

**TAMELA J. WHITE**, member of the Huntington law firm Farrell, Farrell & Farrell, has announced the

change of the firm's name to Farrell, White & Legg. She is the manager of the firm's medical malpractice defense and healthcare law practices. White was also awarded the Master of Public Health degree by Johns Hopkins University, Bloomberg School of Public Health in May 2011.

#### CLASS OF 1994

**SUSAN BAILEY-NEWELL**, associate vice president of Human Resources for Cincinnati Children's Hospital Medical Center, is a 2011-12 trustee for the Cincinnati Bar Association.

**DAVID R. VALZ** has joined the Cincinnati office of Thompson Hine, LLP, as a partner in the corporate transactions and securities practice group. He is also a member of the firm's personal and succession planning practice group. His practice involves advising privately held businesses on entity selection, formation, stockholder agreements, operating agreements, corporate governance, general contract review, and other corporate legal matters.



**JOHN MARK WILLIAMS**, principal of the Law Office of John M. Williams LLC, is a 2011-12 trustee for the Cincinnati Bar Association. His practice includes insurance litigation concentrating on disputed and undisputed liability vehicle accidents, homeowners and commercial premises liability, property claims, insurance coverage, and civil litigation. He is also president of the Black Lawyers Association of Cincinnati for 2011-13.

#### CLASS OF 1995

**SEAN RHINEY** has been named director of the Eigel Center for Community-Engaged Learning at Xavier University in Cincinnati. The center works to partner with the broader community of Cincinnati to promote student learning and community well-being.

#### CLASS OF 1996

**MELANIE S. BAILEY** has been appointed shareholder with Burg, Simpson, Eldredge, Hersh & Jardine, PC. Her practice includes complex civil litigation, products liability, and class action litigation.



**JILL MEYER**, member-in-charge at Frost Brown Todd's Cincinnati office, has been appointed to the Hamilton County Board of Developmental Disabilities Services for a four-year term.



**WOODFORD WEBB**, president of The Webb Companies, received the 2010 Public Policy Advocate of the Year Award at the 2011 Commerce Lexington Inc. annual dinner.

#### CLASS OF 1997

**CHRISTOPHER J. ARLINGHAUS** has opened the Law Office of Christopher J. Arlinghaus in Covington, Ky. He is admitted to practice in Kentucky and Ohio.

#### CLASS OF 1998

**BRADLEY M. KRAEMER** has joined Caparella-Kraemer & Associates, LLC. He concentrates his practice in the areas of criminal defense, juvenile law, civil litigation, and domestic relations.

#### CLASS OF 1999

**DENNIS COOK** has been appointed to the position of general counsel and secretary of the members committee of Washington TRU Solutions LLC (WTS) located in Carlsbad, N.M. He is responsible for providing legal advice and services concerning the rights, obligations, and privileges of WTS. He had held the position of associate general counsel since 2008.

## Class notes

**JAMIE LYNN MEISENHELDER** has joined Minnillo & Jenkins, Co., LPA, in Cincinnati. Her practice concentrates on the area of Ohio workers' compensation law.

### CLASS OF 2000

**ANDREW D. ATHERTON**, shareholder in Patla, Straus, Robinson & Moore, PA, in Asheville, N.C., was appointed vice chair of the elder law section for the North Carolina Bar Association. His practice areas include elder law, estate planning, and administration.



**MICHAEL A. GALASSO**, of Robbins, Kelly, Patterson & Tucker, LPA, has been certified as a member of The Million

Dollar Advocates Forum. The forum is limited to attorneys who have won million- and multimillion-dollar verdicts, awards, and settlements. Fewer than 1 percent of U.S. lawyers are members. He practices in the area of civil litigation with a focus on commercial, consumer, bankruptcy, personal injury, employment law, and creditor's rights.

### CLASS OF 2003

**KELLEY RULE**, has joined Goldberg Simpson as an associate in the insurance defense/general litigation area.

### CLASS OF 2004



**M. ERIN WILKINS** was named Lawyer of the Year by the Northern Kentucky Volunteer Lawyers in May 2011. The Law Office of M. Erin Wilkins is a

full-service law firm representing clients in the areas of family law & criminal defense.

### CLASS OF 2006



**LEWIS DIAZ**, associate at Peck Shaffer, was appointed in January to serve on the finance and administration committee of the Northern Kentucky Area Development District board of directors.



**DARREL POWELL** was named as a Mary Lepper Volunteer Income Tax Assistance Program honoree by the Northern Kentucky Volunteer Lawyers in May 2011. The project assists taxpayers with filing their federal and state tax returns.



**MARY M. "MARDEE" SHERMAN** received the Cincinnati Bar Association's Volunteer Lawyer of the Year Award at its annual meeting luncheon. She is an associate with the Cincinnati law firm Robbins, Kelly, Patterson & Tucker, LPA, and her practice primarily focuses in the area of family law. She was recognized for her work done on behalf of low-income clients and her commitment to the Volunteer Lawyers Project.

### CLASS OF 2007



**T. ALEX MATTINGLY**, assistant city solicitor for the city of Covington, received the Northern Kentucky Volunteer Lawyers' Nick of Time Award in May 2011.

**JOSHUA L. NICHOLLS** has started Joshua L. Nicholls, Attorney at Law, in Nicholasville, Ky. His areas of practice include family law, criminal defense, civil litigation, and personal injury.

**VIRGINIA M. RIGGS-HORTON** has relocated The Law Office of Virginia M. Riggs-Horton in Ft. Mitchell effective June 1, 2011.

**TAYLOR P. SORRELS** has joined Schiller, Osbourn, Barnes, & Maloney, PLLC, in Louisville, Ky. His areas of practice include general insurance defense, products liability defense, automobile defense, premises liability defense, and insurance litigation.

### CLASS OF 2008

**JENNY E. BEENE-SKUBAN** has opened the Law Office of Jenny E. Beene-Skuban in Newport, Ky. She primarily practices family law in addition to other areas.

**MICHAEL E. JONES** was sworn in as a special assistant U.S. attorney for the U.S. District Court, District of Guam. He will prosecute civilians accused of committing federal crimes on Naval Base Guam.

### CLASS OF 2009

**IOANNA PARASKEVOPOULOS** is a presidential management fellow and program analyst with the U.S. Department of State.

**KRISTIN M. RUSSELL** has joined Willenborg, Russell & Ireland, PLLC, as a trial attorney with a general law practice focusing primarily on criminal defense and elder law.

### CLASS OF 2010

**W. JOSH BROWN** has opened The Law Offices of Brown & Brown, PLLC, a full-service law firm located in Newport, Ky. He is the managing partner of the firm.

**CHRISTIAN P. FANNIN** has joined Kreindler & Kreindler, LLP, in New York City as an associate. He will be working on the BP Deep Horizon oil spill litigation in New Orleans, La.

## In memoriam

**BRADLEY M. GIBSON** has joined Finney, Stagnaro, Saba & Patterson Co., LPA, where he concentrates in general civil litigation and constitutional law.

**BENJAMIN "TOM" PUGH** has joined O'Hara, Ruberg, Taylor, Sloan & Sergent as an associate. He focuses his practice in the areas of criminal defense, civil litigation, insurance defense, and employment law.

**THE HON. J. WARREN BETTIS '51** passed away June 23, 2011, at the age of 86. Judge Bettis served in the U.S. Marine Corps during World War II and was awarded the Purple Heart for his service. After graduating from Chase, he started a law practice in his hometown of Salineville, Ohio, which was in operation for 20 years. Before being elected in to the judiciary, he served as the Washington Township clerk, solicitor for the villages of Salineville and Hanoverton, state representative from Columbiana County in the Ohio Legislature, village solicitor for Salineville, and Columbiana County prosecutor. He was elected Columbiana County Common Pleas Judge in 1970 and was re-elected twice before resigning in 1986. He then was appointed Ohio Disciplinary Counsel and sat on the Ohio Court of Claims by assignment of the Ohio Supreme Court. While serving as judge, he was an instructor of criminal law, evidence, and trial procedure at Kent State University for 10 years. He was a member of the Salem First Presbyterian Church.

**THE HON. WILLIAM SCHMAEDECKE '62** passed away June 24, 2011, at the age of 75. Judge Schmaedecke was elected to the Kenton County District Court as a district judge in 1977 and served a total of 21 years before his retirement in 1999. He served as chief judge of the Kenton District Court for three terms and as the president of the Kentucky District Judges Association for three years. Before his career in the judiciary, he was elected to the Kentucky House of Representatives from the 63rd House District in 1972. Judge Schmaedecke was a member and officer of several civic and service organizations, including the Covington Kenton Jaycees, Kentucky State Jaycees, Catholic Social Service Auxiliary, Welcome House, Covington Optimist Club, and Kenton County Ethics Commission. He has been recognized for his

community service and leadership with several awards. Judge Schmaedecke was a member of both the Cathedral Basilica of the Assumption and Bishop's Choir for more than 63 years.

**CHARLES H. LYNN '84** passed away July 12, 2011, at the age of 58. After leaving his position as city manager for the city of Ocala, Fla., he served for two years as city manager for the city of Henderson, Ky. He went on to become the manager of the village of Wellington in Palm Beach County, a position he held for 11 years. Following his work in Palm Beach County, Lynn worked briefly as the deputy manager of The Villages, a retirement community in Florida. For the past two years, Lynn was town administrator for Southwest Ranches in Broward County, Fla.

**PHILIP CAHAN '09** passed away May 8, 2011, at the age of 55. He transferred to Chase College of Law in 2008 and graduated in 2009. He passed the Ohio bar exam and moved to Alexandria, Va., to work for the U.S. Patent and Trademark Office.



To submit your classnotes, please visit the Chase website at [chaselaw.nku.edu](http://chaselaw.nku.edu)

## Gift Planning and Chase College of Law: a Winning Tradition

Charitable gift planning offers benefits to both Chase College of Law and to those visionary philanthropists who participate. Chase benefits by having funds which directly support teaching and learning at the highest levels, permitting long-range planning to continue to grow the college.

Donors benefit from the satisfaction of having given back in an especially meaningful way, often by selecting the focus of the gift and its lasting impact on Chase. The beneficial interface between thoughtful gift planning and financial planning also provides tax benefits to the donor.

Please consider what lasting impact you would like to have on Chase College of Law through your own philanthropy – what legacy you would like to leave through your giving. Your gift plan may be outright, it may include lifetime income to you or a loved one, or it may be testamentary. Please contact us to learn more and to explore how you would like to help prepare practice-ready lawyers at Chase.



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