

Updates from the Capitol: Part I
*A Continuing Legal Education Seminar Sponsored by
the Kentucky Legislative Research Commission*

Monday, June 2, 2025
Live-streamed from the Capitol Annex in Frankfort, Kentucky

MORNING SESSION

8:25 AM – 8:30 AM	Welcome and Introduction <i>Katie Comstock</i> <i>Deputy Director for Committee & Staff Coordination</i> <i>Legislative Research Commission</i>
8:30 AM – 9:30 AM	Estate Planning Basics: Documents Your Clients Truly Need, Evaluating the Need for More Extensive Planning, and Pitfalls to Avoid <i>Katie E. Finnell</i> <i>Bluegrass Elderlaw PLLC</i> <i>Mary Ellis Patton</i> <i>Bluegrass Elderlaw PLLC</i>
9:30 AM – 9:40 AM	Break
9:40 AM – 10:40 AM	Kentucky Court of Appeals Update (June 2024 – April 2025) <i>Chief Judge Larry E. Thompson</i> <i>Kentucky Court of Appeals</i>
10:40 AM – 10:45 AM	Break
10:45 AM – 11:45 AM	Legislative Update of the 2025 Regular Session of the Kentucky General Assembly <i>Sen. Brandon Storm</i> <i>Senate Judiciary Chair</i> <i>Rep. Daniel Elliott</i> <i>House Judiciary Chair</i>
11:45 AM – 1:00 PM	Break

Agenda continues next page

*This activity has been approved by the Kentucky Bar Association (KBA) Continuing Legal Education (CLE) Commission for a maximum of 6.00 credits, including 1.00 ethics credit.

It is each attorney's duty to report and certify attendance directly to the KBA CLE Commission through the Member CLE Portal at www.kybar.org or by submitting a completed Form #3.

KBA Activity Number - 275693

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AFTERNOON SESSION

1:00 PM – 2:00 PM	From Disclosure to Disposition: Kentucky Law in Child Sexual Abuse Prosecutions Relating to Victims <i>Denise T. Durbin</i> <i>Special Counsel, Kentucky Office of the Attorney General</i>
2:00 PM – 2:10 PM	Break
2:10 PM – 3:10 PM	The First Amendment: Recent Trends <i>Brett Nolan</i> <i>Senior Attorney, Institute for Free Speech</i>
3:10 PM – 3:15 PM	Break
3:15 PM – 4:15 PM	I (Can't) Challenge You to a Duel: Kentucky Attorneys and the Ethical Implications of Dueling <i>Anna Girard Fletcher</i> <i>Executive Director, Energy and Mineral Law Foundation</i>
4:15 PM – 4:20 PM	Closing

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SPEAKER BIOGRAPHIES & WRITTEN MATERIAL DESCRIPTIONS

Estate Planning Basics: Documents Your Clients Truly Need, Evaluating the Need for More Extensive Planning, and Pitfalls to Avoid

Katie E. Finnell

Katie Finnell is a member of Bluegrass Elderlaw in Lexington, Kentucky. She graduated from the University of Kentucky and earned her law degree from Northern Kentucky University, Chase College of Law. She earned her LLM in Estate Planning and Elder Law from Western New England University in 2016. Katie is a member of the Kentucky Bar Association and the Fayette County Bar Association, the National Academy of Elder Law Attorneys. She has served as CLE Committee Chair, President of the KBA Elder Law Section, Board Chair of The Kentucky Conference for Community and Justice, Chair of the Citizens Foster Care Review Board, as well as a member of the CFCRB Legislative Committee. Katie is a sought-after presenter and has numerous publications relating to elder law matters.

Mary Ellis Patton

Mary Ellis Patton is a member of Bluegrass Elderlaw in Lexington, Kentucky. She is licensed to practice law in both Kentucky and Ohio. She earned her B.A. in Communication magna cum laude from the University of Kentucky and her J.D. from the University of Dayton School of Law. Mary has served as a board member of the Fayette County Bar Association, Chair of the Kentucky Guardianship Association, Chair of the Elder Law Section of the Kentucky Bar Association, and in 2019 was named Pro Bono Attorney of the year by Legal Aid of the Bluegrass. She is a graduate of Leadership Lexington and a community volunteer. Mary has authored chapters in the Kentucky Practice Series, Elder Law Volume, the UK/CLE Elder Law Handbook, and the UK/CLE Estate Planning Handbook.

Description – Ms. Finnell and Ms. Patton will discuss necessary estate documents, when more extensive estate planning may be indicated, and pitfalls to avoid as a general practitioner. Written documents will include forms and examples of estate planning tools.

Kentucky Court of Appeals Update

Chief Judge Larry E. Thompson

After 23 years as a trial court judge, Larry E. Thompson was elected to the Kentucky Court of Appeals in November 2018. He serves Division 2 of the 7th Appellate District, which is made up of 22 counties in Eastern Kentucky. He began serving as chief judge of the Court of Appeals in

January 2023 after his fellow judges elected him to the position. The chief judge provides administrative oversight to the Court of Appeals.

Judge Thompson came to the Court of Appeals from Pike Circuit Court where he was a circuit judge for the Family Court Division from his election in 1999 until December 2018. During that period, he served as chief circuit judge for a time and was president of the Kentucky Circuit Judges Association for two years. In 1995, he was appointed to fill a vacancy on Pike District Court and held that position until he was elected to Circuit Court in 1999. While on the district bench, he served for a period as chief district judge. He was in private practice from 1987 to 1995.

Judge Thompson earned a bachelor's degree from Eastern Kentucky University in 1983 and a juris doctor degree from the Northern Kentucky University Salmon P. Chase College of Law in 1986. He is a member of the Kentucky Bar Association and West Virginia Bar Association.

Judge Thompson grew up in Belfry, which is in Pike County, Ky. He is married to Kelli Thompson and has a daughter, Larrin Thompson, and a stepdaughter, Taryn Cantrell. He resides in Pikeville and is a member of the Pikeville Main Street Church of Christ.

Description – Chief Judge Thompson will discuss recent Kentucky Court of Appeals cases and provide written summaries and descriptions of the cases.

Legislative Update of the 2025 Regular Session of the Kentucky General Assembly

Senator Brandon Storm

Senator Storm represents Senate District 21 which includes Casey, Laurel, Lincoln, and Rockcastle counties. He was elected to the General Assembly in 2020, and became Chair of the Senate Judiciary Committee in 2025. He also serves as a member on the Banking and Insurance Committee, the Transportation Committee, the Artificial Intelligence Task Force, and serves as Co-Chair of the Juvenile Justice Oversight Council. Senator Storm is an active member of the National Conference of State Legislatures.

Senator Storm received a Bachelor of Science Degree in Police Administration from Eastern Kentucky University and received his J.D. from the Mississippi College School of Law. He has been an active member of the Kentucky Bar and is in private practice in London, Kentucky. Senator Storm has served as a Criminal Justice Act Panel Representative, United States District Court, Eastern District of Kentucky, Southern Division, in addition to coaching South London Little League and being active in his church.

Representative Daniel Elliott

Representative Daniel Elliott represents House District 54 which includes Boyle and Casey counties. He was elected to the General Assembly in 2016, and became Chair of the House Judiciary Committee in 2023. He also serves as a member on the Family & Children Committee, the Transportation Committee, the Economic Development & Workforce Investment Committee; and serves as Co-Chair of the Juvenile Justice Oversight Council. Representative Elliott also serves as a member of the Intergovernmental Affairs Committee of the Council of State Governments,

and as a member of the Standing Committee on Health and Human Services with the National Conference of State Legislatures.

Representative Elliott received a Bachelor of Arts Degree in Political Science from Bellarmine University, graduating magna cum laude, and received his J.D. from the Louis D. Brandeis School of Law at the University of Louisville. He has been an active member of the Kentucky Bar since 2011 and is in private practice in Danville, Kentucky. Prior to his successful law career, Representative Elliott interned in the United States Senate in Washington, DC, by serving U.S. Senator Jim Bunning of Kentucky during college and he clerked for the Commonwealth Attorney's office in law school.

As an attorney, Daniel Elliott represents children, parents, and individuals without a voice and with nowhere else to turn. His practice areas include Criminal Defense, Domestic Relations, Estates, General Practice, Personal Injury, Workers' Compensation, Administrative Law, and Social Security Disability.

Description – Senator Storm and Representative Elliott will discuss legislation that was enacted during the 2025 Regular Session of the General Assembly and provide written summaries and descriptions of the legislation.

From Disclosure to Disposition: Kentucky Law in Child Sexual Abuse Prosecutions Relating to Victims

Denise Durbin

Denise Durbin serves as Special Counsel for the Kentucky Attorney General Russell Coleman. Denise was formerly the Executive Director of the Office of Victims Advocacy, where she provided training and technical assistance to criminal justice system professionals. In her role with the Office of Victims Advocacy, she also provided trauma-informed information and referrals to crime victims. Before joining the Kentucky Office of the Attorney General, Durbin was the lead attorney for the Crime Victim Project at Children's Law Center in Covington, Kentucky. In this role, she provided legal representation for child and adolescent survivors of family, dating, and sexual violence and abuse. Most of Denise's work at Children's Law Center included serving as court-appointed guardian ad litem in criminal prosecutions for child abuse. Prior to her work as a crime victim attorney, Denise served for eight years as an Assistant Commonwealth's Attorney in Northern Kentucky. As a felony prosecutor, she primarily prosecuted criminal offenses involving domestic violence, sexual assault, and child abuse.

Denise obtained a Bachelor of Arts in Psychology from the University of Kentucky, graduating summa cum laude, and a Master of Science in Education, Counseling Psychology, from the University of Kentucky, graduating summa cum laude, before obtaining her Juris Doctor, cum laude, from the University of Cincinnati where she was as an Associate Member of the University of Cincinnati Law Review and a Glenn M. Weaver Institute of Law and Psychiatry Fellow.

Denise is the author of numerous publications and a member of numerous professional and philanthropic organizations.

Description – Denise will discuss reporting duties and walk attendees through the process and laws relating to child sexual abuse prosecutions, beginning when a child makes a disclosure. She will address best practices once a report is made toward conclusion of the case. Material will include local multi-disciplinary team protocols, forensic interviews, and the broader investigation. Material will also include appointment of a guardian ad litem and will address testimonial accommodations and requests for confidential records. Written materials will include applicable statutes, forms, and reports.

The First Amendment: Recent Trends

Brett Nolan

Brett Nolan is Senior Attorney for the Institute for Free Speech. Before joining IFS, Brett served as the Principal Deputy Solicitor General of Kentucky, where he represented the Commonwealth in a wide variety of high-stakes litigation at every level of state and federal court. He also served as the Deputy General Counsel to a former Governor of Kentucky where he advised the governor and other executive branch officials on legal and policy issues. Brett clerked for Judge John Nalbandian of the U.S. Court of Appeals for the Sixth Circuit and Judge Karen K. Caldwell of the U.S. District Court for the Eastern District of Kentucky. He has also been in private practice.

Brett attended the University of Chicago Law School where he served as an editor of The University of Chicago Law Review, graduating with High Honors, Order of the Coif. He is admitted to practice in the District of Columbia and Kentucky as well as federal court bars of the U.S. Supreme Court, the U.S. Court of Appeals for the First, Sixth, Ninth, Tenth, Eleventh, and D.C. Circuits, as well as several district courts.

Description - Brett will address recent trends, including judicial decisions, relating to the First Amendment. He will provide specific information relating to the interaction of the First Amendment with social media and religious freedom. Materials will include case materials and a summary of court rulings.

I (Can't) Challenge You to a Duel: Kentucky Attorneys and the Ethical Implications of Dueling

Anna Girard Fletcher

Anna Girard Fletcher has been the Executive Director of the Energy & Mineral Law Foundation since 2018. Previously, she was an attorney with the Commonwealth of Kentucky Energy and Environment Cabinet practicing environmental protection and natural resources law, and law clerk to the Honorable Phillip J. Shepherd. She is a former national Chair of the Conference of Government Mining Attorneys and was chosen for the Kentucky Bar Association's inaugural leadership class in 2018. She is a former president of the Fayette County Bar Association Women Lawyers Association, and is a member of the Women's Energy Network. She serves on the Fayette County Bar Association Board of Directors.

Anna is a graduate of the University of Kentucky Rosenberg College of Law where she served as Student Bar Association president and was a member of Phi Alpha Delta. Her writing has been featured in such publications as the National Law Journal, and she is a former editor of the Kentucky Journal of Equine, Agriculture, & Natural Resources Law, and current Editor-in-

Chief of the Energy & Mineral Law Institute, the flagship publication of the Energy & Mineral Law Foundation. She resides in beautiful Lexington, Kentucky, with her husband and two children.

Description - “I... have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending...” New Kentucky attorneys have giggled their way through this oath for generations, but few have become borderline obsessed with figuring out how it even got in the Constitution in the first place, why we still say it today, and wondering whether the Model Rules or the Kentucky Supreme Court Rules would prevent us from dueling without it. Fortunately, Anna, through a series of historical anecdotes, pop culture references, attorney discipline cases, and absurd hypotheticals will lead attendees on a journey through Kentucky’s dueling past, and a discussion of the ethical implications of the way we “duel” today. The presentation will specifically:

1. Examine the purpose behind the enactment of Kentucky’s statutory oath barring dueling.
2. Consider the ways in which modern attorneys “duel” through use of litigation tactics, personal attacks, and general incivility.
3. Apply the Model Rules of Professional Conduct and Kentucky Supreme Court practice rules to dueling, and to certain modern day attorney uncivil actions.
4. Introduce the very serious issue of the way attorneys treat each other and the potential ethical implications through the use of humor and historical anecdotes.

Written materials will include applicable rules, opinions, and examples.