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

Monday, June 3, 2024
Live-streamed from the Capitol Annex in Frankfort, Kentucky

MORNING SESSIONS

8:25 AM – 8:30 AM	**Welcome and Introduction**
8:30 AM – 9:30 AM	SESSION 1 **Kentucky Supreme Court Case Update (June 2023 – April 2024)** *Chief Justice Laurance B. VanMeter* *Kentucky Supreme Court*
9:30 AM – 9:40 AM	**Break**
9:40 AM – 10:40 AM	SESSION 2 **The Code of Legislative Ethics: The Law's Impact on Legislators, Lawyers, Lobbyists, and the Public** *Laura H. Hendrix* — *Executive Director* *Emily Dennis* — *Counsel* *Legislative Ethics Commission*
10:40 AM – 10:45 AM	**Break**
10:45 AM – 11:45 AM	SESSION 1 **Senate Bill 319: Expanding the Crime Victims Compensation and Sexual Assault Examinations Programs** *John Hardesty* — *Executive Director* *Shelby Bevins-Sullivan* — *Staff Attorney* *Office of Claims and Appeals*
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 263321

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AFTERNOON SESSIONS

1:00 PM – 2:00 PM	SESSION 4 **Amendments to the Uniform Commercial Code to Accommodate Emerging Technologies** *John McGarvey* *Morgan Pottinger McGarvey PSC*
2:00 PM – 2:10 PM	**Break**
2:10 PM – 3:10 PM	SESSION 5 **Drafting and Formatting Regulations** *Karen S. Howard* — *Committee Staff Administrator* *Emily Harkenrider* — *Analyst* *Administrative Regulations Review Subcommittee*
3:10 PM – 3:15 PM	**Break**
3:15 PM – 4:15 PM	SESSION 6 **The Legislative Research Commission and the Legislative Process** *Joshua Collins* *Legislative Analyst, Education Committee* *Legislative Research Commission*
4:15 PM – 4:20 PM	**Closing**

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SPEAKER BIOGRAPHIES & WRITTEN MATERIAL DESCRIPTIONS

Kentucky Supreme Court Case Update

Chief Justice Laurance B. VanMeter

Laurance B. VanMeter is the sixth Chief Justice of the Commonwealth; the third Justice to have served at all four levels of Kentucky's unified court system and the only one of those to have served as Chief Justice. His degrees are from Vanderbilt University (B.S.), University of Kentucky College of Law (J.D.) and Duke University School of Law (LL.M).

Description – Chief Justice VanMeter will discuss recent Kentucky Supreme Court cases and provide written summaries and descriptions of the cases.

The Code of Legislative Ethics: The Law's Impact on Legislators, Lawyers, Lobbyists, and the Public

Laura H. Hendrix

Prior to being appointed Executive Director in September 2019, she was Counsel to the Commission, joining the staff in May 2018. Previously, she was the General Counsel for the Speaker of the Kentucky House of Representatives, General Counsel for the Legislative Research Commission, Committee Staff Administrator for the Elections, Constitutional Amendments and Intergovernmental Affairs Committee, and a Legislative Analyst for the Health and Welfare Committee. Prior to her 20 years of legislative service, she was the General Counsel for the Executive Branch Ethics Commission, Assistant General Counsel for the Kentucky Higher Education Assistance Authority, and clerked for Judge William L. Graham of the Franklin Circuit Court. She received a BA in history from Washington University in St. Louis in 1989 and a JD from the University of Kentucky College of Law in 1992. She is admitted to practice before the United States Supreme Court, and the Western and Eastern Districts of Kentucky. She is a 2018 Henry Toll Fellow.

Emily Dennis

Ms. Dennis joined the Commission Staff in October 2019. Previously, she served as

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SPEAKER BIOGRAPHIES & WRITTEN MATERIAL DESCRIPTIONS - continued

General Counsel of the Kentucky Registry of Election Finance. She was employed by the Kentucky Justice & Public Safety Cabinet in its Office of Legal Services and served as a Staff Attorney with the Cabinet for Economic Development. Prior to joining state government, she was associated with the Danville law firm of Sheehan, Barnett, Hays, Dean & Pennington, P.S.C. She received her JD in 1998 from the University of Louisville. She earned a BA from Transylvania University, where she was a William T. Young scholar and graduated magna cum laude in 1992. When not practicing law, Emily manages Big Red Stables on her family's third generation farm in Mercer County.

Description – The presentation will discuss and provide an outline of citations to the Code of Legislative Ethics, KRS 6.601 to 6.849, Kentucky Constitutional provisions, Commission Advisory Opinions, Supreme Court Rules, and recent legislative changes to the Code, as well as court rulings with connections to the Kentucky Rules of Professional Conduct. A PowerPoint presentation will also be provided.

Senate Bill 319: Expanding the Crime Victims Compensation and Sexual Assault Examinations Programs

John Hardesty

John Hardesty is the Executive Director of the Office of Claims and Appeals. John is licensed to practice law in Kentucky and Indiana. Before his time at the Office of Claims and Appeals, John served as the General Counsel for the Kentucky Real Estate Authority. Prior to joining state government, John litigated at a law firm in Louisville with a focus on insurance and corporate defense, during which time he tried several cases to a jury. John graduated in 2014 from the University of Louisville Brandeis School of Law.

When not serving the citizens of Kentucky, John enjoys traveling, skiing, attending sporting events and concerts, and spending time with his wife, daughter, and two dogs in Louisville, where he lives.

Shelby Bevins-Sullivan

Shelby Bevins-Sullivan is a Staff Attorney with the Office of Claims and Appeals. She has been with the Office since 2021. Shelby earned her Juris Doctor from the University of

Kentucky J. David Rosenburg College of Law and her Bachelor's in English from the University of Kentucky.

When not serving her fellow Kentuckians, Shelby she enjoys painting, writing poetry, and reading Asian philosophy. Shelby lives in Frankfort, Kentucky with her husband, Joseph, her three blue heelers, and two cats.

Description –The presentation and written materials will describe the operation and functions of the Kentucky Crime Victims' Compensation Board and the changes made in 2024 Regular Session Senate Bill 319.

Amendments to the Uniform Commercial Code to Accommodate Emerging Technologies

John T. McGarvey

John T. McGarvey is a shareholder and chairperson emeritus of Morgan Pottinger McGarvey PSC where he has practiced since 1975. His practice concentrates on the representation of banks and other lenders in litigation, secured transactions, payment systems, and other matters under the Uniform Commercial Code. He is admitted to practice in all state and federal courts in Kentucky, the Southern District of Indiana, the U.S. Courts of Appeals for the Sixth and Eleventh Circuits, and the Supreme Court of the United States.

He attended the University of Missouri and is a graduate of the University of Kentucky (1970) and the UK College of Law (1973), where he was a member of the Moot Court Board. He was inducted into the UK College of Law Hall of Fame in 2011. His legal accomplishments have been recognized by his inclusion in Best Lawyers in America (Louisville Lawyer of the Year: Litigation – Banking and Finance 2012, 2019 and 2023; Banking and Finance Law since 2011), Super Lawyers-Banking Law since 2008, and

Preeminent Attorneys (AV rated for 35 consecutive years). Mr. McGarvey has served as Kentucky's legislative liaison for the Uniform Law Commission since 2006.

SPEAKER BIOGRAPHIES & WRITTEN MATERIAL DESCRIPTIONS – continued

Description – The presentation and written materials will focus on the 2022 Amendments to the Uniform Commercial Code (UCC), which are the first update to the entire UCC that the Uniform Law Commission has offered since Kentucky adopted the UCC in 1958. The session will focus on the changes to the Articles to facilitate commerce in the digital age and the new Article 12 which provides a UCC framework, and the certainty of outcomes that come with that, for digital assets. These changes have an effective date of January 1, 2025.

Drafting and Formatting Administrative Regulations

Karen S. Howard

Karen Howard is the Committee Staff Administrator for the Administrative Regulation Review Subcommittee. Prior to her current position, she served on committee staff as a regulations analyst for over twenty years. She has also worked as an Assistant Public Advocate with the Department of Public Advocacy and as a Staff Attorney and Regulations Coordinator for the Justice and Public Safety Cabinet, Office of Legal Services.

She received her J.D. from the University of Kentucky College of Law and was admitted to the Kentucky Bar in 1997. She graduated from Kentucky Wesleyan College with a B.A. in English.

Emily Harkenrider

Emily Harkenrider moved from Tennessee to Kentucky in 1997 and has worked in state government for the people of Kentucky for over twenty-three years. She is a 1995 graduate of the University of Tennessee College of Agriculture, where her studies emphasized science and the environment. After a stint with the Division of Water, where she worked with administrative regulations, she joined the Legislative Research Commission. Emily has worked with the Administrative Regulation Review Subcommittee for almost twenty

years, serving more than seventeen years of that as an analyst. During legislative sessions, she also assists the General Assembly with technical editing associated with compiling the Legislative Record.

SPEAKER BIOGRAPHIES & WRITTEN MATERIAL DESCRIPTIONS – continued

Description – The presentation will provide an overview of the KRS Chapter 13A requirements for administrative regulations, with a special emphasis on drafting and formatting rules. Other topics covered will include types of regulations, emergency regulations, incorporation by reference, required forms, statements of consideration, and filing regulations with the Legislative Research Commission. Written materials will include a copy of the PowerPoint, a chart of regulation filing and effective dates, a regulation filing checklist, and a regulation writer quick reference sheet.

An Introduction to the Legislative Research Commission and the Legislative Process

Joshua Collins

Joshua Collins has served as a Legislative Analyst for the Education Committee of the Legislative Research Commission since 2015. He earned a J.D. from the Brandeis School of Law at the University of Louisville, a Masters of Arts in Teaching from Morehead State University, and Bachelors of Arts from Western Kentucky University. He holds a Rank I teacher's certification and previously taught K-12 Spanish and 8-12 Social Studies in his hometown of Jackson, KY.

Description – Mr. Collins's presentation will provide an overview of the structure and operations of the Legislative Research Commission and the services the agency provides to legislators and constituents. The presentation will also explain various types of legislative committees and their functions. Lastly, the presentation will provide an explanation of the legislative process in the Kentucky General Assembly, basics of drafting legislation, and how to track legislative actions. Written materials will include resources and links to relevant sections of the Kentucky Constitution, statutes, and LRC publications related to the topics.