

KACDL NEWS

December 2020



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PRESIDENT'S COLUMN



ANGELA REA

I expected to find that looking back at KACDL's 2020 might be a grim exercise - a bit like an exam of a sick patient. I think that is because the year has been full of tough days. But the work necessitated by the difficult circumstances of this year has yielded positive results. This column is a preface to a newsletter full of forward movement. It is far from the grim farewell that I sat down to write.

We are growing. We have added an impressive number of new members. We have also retained long-term members. We will continue to work to keep all of you.

We are giving you more opportunities. We have increased the educational programs that are available and made sure that they are accessible to you. We will do even more of this in 2021 with a dynamic and busy education schedule.

We are evolving. We have newly elected board members to help us stay vibrant and engaged with the needs of Kentucky criminal defense practitioners. We have also welcomed a new Legislative Agent and a new Executive Director. You met Phillip Lawson, our new Legislative Agent in our last issue. You will meet our new Executive Director, Amy Brann Bloomhuff, later in these pages. We are lucky to have found someone so qualified and so eager to help us continue our progress. Please welcome Amy. She is going to do great work with us.

We are becoming stronger. We have become more adept at using technology to communicate our message and our educational content. We have strengthened

the organization by adding a Communications Committee and increasing the number of volunteers that make up our other committees. And these already hard-working people are doing even more to offer more to members and to make sure that you know about it.

In addition to all of this good news, I will not relinquish my occupation of this space without heaving a deep sigh and saying sad, but grateful goodbyes to Donna Brown, our out-going executive director and to Rebecca DiLoreto, our departing legislative liaison. Our organization has benefitted from their hard work, commitment, wisdom, and tenacity. I thank them for their service to us and am certain that we would not be where we are without them.

Finally, the next person to speak to you in this space is the KACDL's 2021 president, Brad Clark. I look forward to working with him as he leads us next year. He has the skills and the drive to push our success further.

2021 promises more opportunities for KACDL to continue to do more than to survive - to thrive with even more growth, opportunities, evolution, and strength. I hope that you will join me in looking forward to being a part of it.

Angela

Angela Rea currently serves as a Litigation Director at the Louisville Metro Public Defender's Office. During her tenure at the Louisville Metro Public Defender's Office, she has practiced in the Adult and Capital Trial Divisions, as well as in the Appellate Division. In February 2016, Angela received the Law School Alumni Exemplary Public Service Award from Cornell Law School. Later that same year at the Annual Kentucky Public Defender Conference, she was named recipient of the 2016 Professionalism & Excellence Award, co-sponsored and presented by the Ken-

2021 KACDL BOARD

2021 Board of Directors & Standing Committee Chairs

<u>Officers*</u>	<u>Directors-at-Large</u>	<u>Directors ex officio</u>	<u>Directors Emeritus</u>
	Mike Mazzoli	Angela Rea*	William E. Johnson
President	Brent Cox	B. Scott West	W. Robert Lotz
Brad Clark	Patrick J. Renn	David Ward	Bette J. Niemi
President@kacdl.net	Wilbur M. Zevely	Amy I. Hannah	Russell J. Baldani
	Kayla Shea Fugate	David Hoskins	Rebecca B. DiLoreto
President-Elect	Tricia F. Lister	Larry D. Simon	Mark A. Bubenzer
Karen Faulkner	Justin C. Brown (A)	J. Guthrie True	Jerry J. Cox
	Ned Pillersdorf	William G. Deatherage	Daniel T. Goyette
First Vice-President	Christie A. Moore	Ernie Lewis	R. Tucker Richardson
Rachael O’Hearen	Abe Mashni	Edward C. Monahan	###
	Whitney True Lawson		Charles Coy (d.)
Executive Director	E. Seth Combs		Mark Stanziano (d.)
Amy Brann Bloomhuff			Samuel Manly (d)
director@kacdl.net			Frank E. Haddad, Jr. (d.)
			Brad Coffman (d)
Legislative Agent	KY Public Advocate	Louisville Public Adv	
Philip Lawson	Damon Preston	Leo Smith	

KACDL Standing Committees and Chairs*

Amicus Curiae	amicuscuriae@kacdl.net	M. Mazzoli & C. Moore
Lawyers Strike Force	strikeforce@kacdl.net	L. Simon & D. Hoskins
Rules	rules@kacdl.net	W. Deatherage & W. Zevely
Education	education@kacdl.net	B. West & E. Monahan
DUI (Sub Committee of Education)	dui@kacdl.net	Rachael O’Hearen
Finance	finance@kacdl.net	D. Ward & B. Cox
Legislative	legislation@kacdl.net	P. Lawson & R. Diloreto
Membership and Governance	membership@kacdl.net	L. Smith & D. Goyette
Communications **	_____	K. Faulkner & W. Lawson

To view online Calendar, please click [here](#)



Remember, KACDL Members are ALWAYS welcome at Board Meetings!

Our Next Board Meeting is scheduled for:

TBD

KACDL

34 years of advocating for fair and just results

Since 1986 the Kentucky Association of Criminal Defense Lawyers has been working for a more just Kentucky. KACDL's existence was created to counteract unfair laws and procedures. KACDL was formed in 1986 to address the criminal defense bar's lack of influence in the legislature's passage of Kentucky's so-called Truth-in-Sentencing law in reaction to a public outcry following controversial verdicts in two celebrated murder cases. The law radically changed sentencing before juries by allowing introduction of prior offenses into the penalty phases with juries. It had deleterious effects on the fair administration of justice in Kentucky. Defense lawyers were not at the table when the law was created. This unchallenged passage of the law was a call to action.

Attorneys responding to the call

Attorneys who were leaders in KACDL's formation of the statewide criminal defense association included:

Frank E. Haddad, Jr.

KACDL Founding President, 1987, 1988; NACDL President, 1973-74

William E. Johnson	Burl McCoy	Ed Monahan
Charles Coy	Joe Clarke	Brad Coffman
William Deatherage	Allen Holbrook	Dan Goyette
Tom Hectus	Gary Johnson	Phyllis Lonneman
Bob Lotz	Tim McCall	Nora McCormick
Mike Maloney	Tod Megibow	Bill Mizell, Jr.
Bette Niemi	Ned Pillersdorf	Ernesto Scorsone
Maria Ransdell	Vince Aprile	Joe Barbieri
Warren Scoville	Sid Trivette	William Wharton
Wilbur Zevely	Ernie Lewis	Kevin McNally

KACDL's Pledges

- ◆ Promote study and research in the field of criminal defense law
- ◆ Disseminate by lecture, seminars, and publications the advancement of the knowledge of the law as it relates to the field of criminal defense practice
- ◆ Promote the proper administration of criminal justice
- ◆ Foster, maintain and encourage the integrity, independence and expertise of the defense lawyer in criminal cases
- ◆ Foster meetings of the criminal defense lawyers in Kentucky and provide a forum for the exchange of information regarding the administration of criminal justice and thereby concern itself with the protection of individual rights and the improvement of criminal law, its practices and procedures, in all the Courts comprising the Kentucky Court of Justice and in all United States Courts in, or having jurisdiction over, the Commonwealth of Kentucky

KACDL's purpose through the decades

- ◆ KACDL believes that continued recognition and adherence to the Bills of Rights contained in the Constitutions of the US and KY by the Judicial, Legislative and Executive branches of government are necessary to sustain the quality of the American system of justice

KACDL Mission is to:

- ◆ Preserve the adversary system of justice
- ◆ Maintain and foster independent and able criminal defense lawyers
- ◆ Ensure justice and due process of law for those persons accused of crime within KY

COMMITTEE NEWS, Looking forward to 2021



LEGISLATIVE



PHILIP LAWSON AND REBECCA DILORETO

The Legislative Committee has met with President Stivers and Rep. Petrie and on September 17, 2020 presented at the Interim Judiciary. On January 19, 2021 the KACDL Legislative Committee with co-chair Rebecca B. Diloreto facilitating, will be co-hosting a free presentation with the NAACP Ky Chapter *How Racial Bias Creates Injustice in Kentucky's Criminal Justice System and The Pursuit of Remedies*. Several key players have been invited to attend this important discussion. Please mark your calendars to join them. As developed, more information will be placed on the website at www.kacdl.net/kacdlevents

Now is the time to

TAKE ACTION in our KY DEMOCRATIC PROCESS

Calling the Legislative Message Line is one of the most effective ways to share your opinion with lawmakers. The number is 1-800-372-7181.

[FIND YOUR LEGISLATOR](#)



[KACDL 2020 Interim Judiciary Presentation](#)

To reach Philip, message legislation@kacdl.net



AMICUS CURIAE



MIKE MAZZOLI AND CHRISTIE MOORE

MAJOR ACTIVITIES IN 2020: On August 3, 2020, we filed an amicus brief in the Kentucky Supreme Court in Commonwealth v. Ortiz, Case No. 2019-SC-000704. Our brief argues that the Court of Appeals was wrong when it held that drivers are sufficiently “informed” of their implied consent rights as long as the law enforcement officer recites the advisories in English, even when the drivers cannot understand English. The Attorney General has not yet filed a response brief. On November 24, 2020, KACDL joined an amicus brief supporting the Legal Aid Society’s efforts in the Kentucky Supreme Court to establish that judges have authority to waive the \$250.00 fee for expungement applications in KRS 431.073(11) for indigent petitioners. The Attorney General has not yet filed a response brief.

2021 ANTICIPATED ACTIONS AND GOALS: The committee will continue to evaluate involvement in important matters when requested by members. We will also work to reach out to informing the defense bar of KACDL’s interest in participating as amicus curiae in important cases, and will work on recruiting volunteers to write amicus briefs on KACDL’s behalf . If any member is interested in assisting the Amicus Committee or if you have a case that may be of interest, please reach out to Mike at amicuscursuriae@kacdl.net

COMMITTEE NEWS, Looking forward to 2021



MEMBERSHIP & GOVERNANCE



LEO SMITH AND DAN GOYETTE

The Membership & Governance Committee is happy to report that we ended 2020 with 68 more members than when we started. A large part of this increase was new members from the Louisville Metro Public Defender's office. We welcome all the defenders from Louisville, as well as all of our other new 2020 members to KACDL. Because the size of our membership gives us a stronger voice in advocating for a fair and just statewide criminal justice system and provides us with the financial ability to do so, we will be rolling out a 2021 membership drive soon. In the meantime, please encourage your fellow criminal defense practitioners to join KACDL and consider sponsoring a new member. You can do so by visiting our website [here](#).

To reach Leo or Dan, message membership@kacdl.net



EDUCATION



B. SCOTT WEST AND ED MONAHAN

MAJOR ACTIVITIES IN 2020: COVID-19 created significant disruptions for everyone this year. The Education Committee was forced to adapt and so it did. In 2020 we held all but one (1) seminar via Zoom presentations. That one, the DUI Defense Seminar, was held with limited attendees and live streamed to several others. It was a success that we plan to replicate in 2021 not once, but twice. All of these webinar presentations have been converted to an On Demand option, I encourage each of you to sign up for one or all. They all include excellent content and are affordable at \$25/CLE hour and you can watch them on your own time. Some are even free!

ANTICIPATED ACTION IN 2021: The committee has already built a robust CLE schedule for 2021. Seventeen (17) Webinars covering current Kentucky criminal defense practice needs will be offered. In addition to these, KACDL will host two (2) in-person with live streaming DUI Defense seminar events and is actively working on a robust nine (9) week DUI Institute program. And, of course, we will be hosting an Annual Seminar in April. Right now, it is scheduled for in person at the Fayette County Courthouse, Multi-purpose Room and we do plan to livestream. Hopefully, COVID-19 will be under control and we will get the opportunity to meet in person once again. Personal connection is important, we encourage each of you to register today. You may do so [here](#).

2021 COMMITTEE GOAL: The committee will discuss outreach strategies for informing the defense bar of KACDL's interest in providing as needed CLE. We will continue to work on recruiting volunteers to present or help us market and manage the events. If any member is interested in assisting the Education Committee or if you have a suggestion for a CLE, please reach out to Ed or Scott at education@kacdl.net

In the meantime, don't forget to check out our robust, excellent, and affordable CLE content at www.kacdl.net/kacdlevents

COMMITTEE NEWS, Looking forward to 2021



COMMUNICATION



KAREN FAULKNER AND WHITNEY TRUE LAWSON

The Communication Committee is happy to join the ranks of the KACDL Standing Committees and we are excited to get to work in 2021. Working closely with the Education Committee, we have been focusing much of our limited time in 2020 on developing and marketing the KACDL CLE events. We hope you have enjoyed seeing the new fliers and branding. We would like to give a special shout out to Karen's husband, Bill Craig, owner of Craigworks Graphics, for volunteering his time and talents to do this work.

Do you have time and talents and want to assist us? We are always looking for help. Please contact us at Communications@kacdl.net



STRIKE FORCE



LARRY SIMON AND DAVID HOSKINS

In 2020, in order to provide a much more rapid response to member needs, we increased our Committee structure by recruiting members in different regions of the Commonwealth. Currently, the following members are serving these areas: Christie Moore (Jefferson) | Tricia Lister (Jefferson) | Brent Cox (Fayette) | George Bertram (Russell). The Committee would welcome some points of contact in the outlining areas and especially in Western Kentucky. If you are willing and can be of assistance, please contact us.

Moving forward in 2021, I and co-chair David Hoskins, are committed to you. We will regularly be submitting articles for publication in this newsletter. Additionally, members are always welcome to contact Larry for any immediate needs.

Larry D. Simon

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The Lawyers Assistance Strike Force Committee, is authorized only to receive requests from, to consult with, and to provide professional legal assistance and, if warranted, professional legal representation to members when any person or entity interferes or threatens to interfere with the lawyer/client relationship in any way, or when a member's professional responsibility is called into question.

To contact the Committee directly, please send an email to strikeforce@kacdl.net

COMMITTEE Submissions, Strike Force



STRIKE FORCE

LARRY SIMON & DAVID HOSKINS



KNOW YOUR RIGHTS WHEN YOU'RE FACING CRIMINAL CONTEMPT

God forbid you should find yourself in a courtroom with a judge preparing to slam down his or her gavel and find you in contempt of court for conduct that the person wearing the robe views as overbearing, contemptuous, and obnoxiously persistent. Even if you have been cross-examining opposing witnesses and making objections in an effort to defend your client, the determination by your judge that your actions were deliberate and intended to delay and disrupt the orderly business of the courtroom could result in the imposition of a fine and imprisonment up to six months in jail.

Should you be in such an unenviable predicament but have the common sense to be a member in good standing with the KACDL, the Attorney Strike Force Committee members are committed to assist you.

Although the circumstances for the immediate imposition of a jail sentence when an unhappy judge makes such a ruling may be fairly few and far between in these days of COVID-19, let's review some basic principles about courtroom lawyers and criminal contempt.

The seminal case of *Taylor v. Hayes*, 418 U.S. 488, 94 S.Ct. 2697, 41 L.Ed.2d 897 (1974) is our polestar. As you may remember, the late Daniel T Taylor, III, a KACDL Frank E. Haddad, Jr. Award recipient, was the appellant in *Taylor v. Hayes*. He was defending a Black man charged with a co-defendant of murdering two police officers in the course of an armed robbery in Louisville back when almost all of us did not have a drivers license, much less a law license, or were waiting to become a part of the Universe itself (the early 1970's).

The Kentucky Court of Appeals (then the highest Court in the Commonwealth) described Mr. Taylor's conduct as "creating an atmosphere in the Court, if permitted to continue, would have him appearing as the star of a three-ring circus, committing innumerable acts which clearly reflected his contempt for the court as well as the judicial system of this [beloved] Commonwealth." But the compassionate justices that conducted this appellate review of Judge Hayes' Order, which found Mr. Taylor guilty of 8 counts of contempt, to be served consecutively for a grand total of four and a half years, reduced the sentence to 6 months. Additionally, Judge Hayes' Order that prohibited Mr. Taylor from practicing law in his Division of the Jefferson Circuit Court ever again, was reversed.

After granting the certiorari petition, the Supreme Court reversed the judgment of the Kentucky Court of Appeals and vacated the sentence. In so doing, the SCOTUS held that a lawyer's "liberty is valuable and must be seen as within the protection of the 14th Amendment."

The takeaways from the Taylor decision for the purposes of this discussion are as follows:

summarily punishing a person for contempt is disfavored; reasonable notice of a charge and an opportunity to be heard in defense before punishment is imposed are "basic in our system of jurisprudence" and

even though a lawyer's arguably contemptuous conduct does not involve a personal attack on the trial judge, the "likelihood of bias or the appearance of bias" on the part of the judge requires that "the contempt issue be finally adjudicated by another judge"

Know your rights in regard to these situations: (1) request a separate hearing and to be provided advance notice of the grounds for each alleged act of contempt; (2) request the judge to recuse himself/herself from deciding the issue; and (3) contact the KACDL Strike Force to appear on your behalf.

Educating Criminal Defense Practitioners



Mentoring the Future of the Criminal Justice System

BY VINCE APRILE II

Many who have gained some measure of experience in the criminal justice system can identify one or more individuals who have mentored them in their careers. Often that mentor was an undergraduate or graduate school professor. Other mentors may have been colleagues or supervisors at a place of employment. Mentoring relationships can arise from any number of situations and associations. Mentees frequently pay their own mentoring forward by becoming mentors to those who are less experienced.

Mentoring has a longstanding prominent position in various aspects of the practice of criminal law. Experienced lawyers often mentor their less experienced colleagues in law firms, prosecutor's offices, and public defender programs, for example. Members of the bar frequently take on law students as mentees to provide their professional experience and expertise as those students are navigating their academic courses. Other participants in the criminal justice system, such as law enforcement officers, paralegals, victims' advocates, and mitigation specialists, both mentor their colleagues and are mentored by others.

Another often overlooked potential candidate for mentoring is the undergraduate who is considering a career in the criminal justice system. Numerous colleges and universities are fostering mentoring programs to match alums in various professions and occupations with undergraduates interested in the same career path. Often undergraduates are considering a vocation in the criminal justice system as prosecutors, defense attorneys, investigators, law enforcement agents, probation and parole officers, to name but a few. Those undergraduates may evolve into the future of the criminal justice system.

The word mentor is derived from a character in Homer's epic, *The Odyssey*. Odysseus, a/k/a Ulysses, left his infant son, Telemachus, at home as he embarked on what became a twenty-year adventurous journey. Telemachus during his formative years was under the care and guidance of Mentor, a reliable older friend of Odysseus. Eventually the goddess Athena elected to finish young Telemachus' grooming and approached him disguised as Mentor to educate him about his father. Today's modern-day mentors seek to replicate the role of the mythical Mentor in educating their mentees.

The types of mentoring programs that are available at the undergraduate level are numerous and varied. Many colleges and universities create mentoring programs that seek to match their own alums with practical experience in a profession with a student who is considering a career in that same specialty, such as the law, or a subset, such as the practice of criminal law. Some undergraduate programs are not as insular in this regard and will accept qualified and experienced non-alums as mentors for their students.

Some higher education institutions limit eligibility for their mentoring programs to juniors or seniors, while others allow first year students through seniors the opportunity to have a mentor every year of their enrollment. In the latter situation some institutions require the student to have a different mentor each year, while others permit the first mentoring relationship to continue through graduation, should both mentor and mentee so desire. Some institutions encourage long-term mentoring relationships for students who seek them. Importantly, a program may encourage but virtually never require a mentoring relationship to continue beyond the mentee's graduation. Obviously, both the student and the mentor are in a voluntary relationship and either can opt out at any time.

Mentoring can involve face-to-face meetings between student and mentor over the course of a semester or an academic year and even into the summer months. Some programs are limited to or allow mentoring via telecommunication using vehicles such as e-mail, phone calls and Skype visits. Telecommunication mentoring allows alums who reside a substantial distance from their undergraduate campus to share their professional experiences with students attending their alma mater. This approach can be particularly beneficial to a student who desires upon graduation to locate in the same geographical area where the mentor resides. Traditionally the mentoring configuration is one student to one mentor, but a number of variations on that approach have come into play. For example, some programs match a small group of students to one mentor.

VINCENT APRILE II retired after 30 years as a public defender with the Kentucky Department of Public Advocacy and joined Lynch, Cox, Gilman & Goodman, P.S.C., in Louisville, Kentucky, where he specializes in criminal law—both trial and appeal—employment law, and litigation. He is past chair and current member of the editorial board of *Criminal Justice* magazine and a regular columnist. He has argued four cases before the United States Supreme Court. Vince has been a mentor in the mentoring program at his undergraduate alma mater, Bellarmine University in Louisville, Kentucky, since 2014.

Educating Criminal Defense Practitioners

A mentor of an undergraduate mentee is expected to create a reciprocal relationship in which both parties are respectful of each other. This mutual trust develops from both committing to attending agreed upon meetings and promptly responding to each other's communications, whether by phone, e-mail, or text. Both mentor and mentee need to "open up" to each other so that the mentoring experience is truly personal in nature and not sterile. A mentor, despite having the credentials of education, experience and expertise, needs to learn to listen to the mentee to determine what the mentee wants out of the relationship. Often the mentee will wish to hear about the mentor's experiences and what lessons the mentor learned from these diverse situations. Other times the mentor may function as a teacher explaining matters that an apprentice in the criminal law specialty wants or needs to know. A mentor may expose a mentee to a work product, with appropriate deletions, such as a motion, a brief, or a search warrant application, allowing the undergraduate to experience some of the tools of the trade.

Equally important is that the mentee be given the breathing space to share career aspirations, personal perceptions of what a career in this specialty entails, and apprehensions about pursuing this vocation. A mentor does not always need to have the answer to the mentee's question, but should provide a listening post with a perspective born of having worked in the position in question or a similar one.

One potential component of mentoring can be a chance for the mentee to shadow the mentor at work. In some criminal justice career specialties, shadowing could be inviting the mentee to a day at the mentor's office. Should the mentor's office work seem too bland or of limited educational value, inviting the mentee to see the criminal law professional in an outside-the-office environment, such as a court proceeding or a training exercise, may be preferable.

Although not a primary goal of mentoring, a mentor may identify a mentee as a potential candidate for an internship or future employment in the mentor's own office. At the minimum, assuming the mentee desires such assistance, the mentor should be able to provide guidance on networking, identifying internships in the particular field, and traits sought by a future employer in the criminal law specialty. Most importantly, the mentor should not hesitate early on to ask the mentee what is wanted from the relationship.

In many mentoring programs, the educational institution will prescribe a minimum number of contacts between mentor and mentee, while giving the parties the freedom to engage in more than those mandatory contacts. Again the decision to have more frequent contacts must be a joint decision and certainly not a demand by the mentor. Offering additional opportunities for contact demonstrates the mentor's commitment to the process as long as those offers do not seem to be a requirement for continuing the relationship with the mentee.

A successful mentor should be willing to offer the mentee opportunities to meet with other professionals who could provide a somewhat different slant on the career specialty than the mentor. This could include other professionals who perform basically the same type of work as the mentor, such as colleagues. In other instances, the mentor may suggest that the mentee might benefit from meeting the type of professional the mentor interacts with regularly, but who has a different function than the mentor in the criminal justice system. For example, a prosecutor or criminal defense attorney serving as a mentor may offer the mentee an opportunity to meet a trial or appellate judge and have some face time with that judge.

Should a criminal justice professional wish to participate in an undergraduate mentoring program, there are several approaches to take. If that individual resides in the same locale as his or her undergraduate alma mater, the aspiring mentor should reach out to that educational institution and see if it already has an alum mentoring program in place and how to apply. If the individual's undergraduate alma mater is not nearby, the professional should contact a nearby comparable undergraduate institution to determine if it has a mentoring program and whether non-alums may participate as mentors. Another option requires the criminal justice professional to contact that distant undergraduate alma mater to determine whether it has a mentoring program and may an alum participate from afar by use of electronic means without face-to-face contact. Finally, should all of these avenues fail, the criminal justice professional should go to one or more of these colleges or universities and push for the creation of a mentoring program and the right to participate as a mentor.

Those who presently participate in the nation's criminal justice system owe a duty to its future to embrace the role of mentoring undergraduates who are considering taking their place within the system. Today's criminal justice participants should not allow undergraduates contemplating a future in criminal justice to lose interest in that career choice because no participant in the system was available to mentor them. Those undergrads may well be key components of tomorrow's criminal justice system, particularly if mentored early in their academic careers.

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Member News and Information



CONGRATULATIONS!

JUDGE TERESA WHITAKER

After earning an impressive 63 percent of the vote across the 28th Judicial Circuit's three counties in the General Election, KACDL member Teresa Whitaker was recently sworn in as the newest judge for Pulaski, Rockcastle and Lincoln counties. We took the time to ask her a few questions about her career start, her time at DPA, her time as a KACDL member and her perspective on what makes a good judge.

Judge Teresa Whitaker honors KACDL in her ascent to the judiciary in Somerset Kentucky. Teresa was born and raised in Laurel County, Kentucky. She is the first of her family to graduate high school, much less complete college, law school and be elected to the judiciary.

Teresa knew that she wanted to become a lawyer when she started high school. "I wanted to become a lawyer, but I didn't know what kind of lawyer I would become. Of course, when I read *To Kill a Mockingbird*, I made the decision to focus on becoming a criminal defense attorney. I wanted to work with people and to try to help individuals if at all possible."

Teresa attended Western Kentucky University undergraduate school. During that time, she had an internship with the Bowling Green Police Department. "My supervisor told me during that time that there are good people and bad people in every type of position. You have good police officers and bad police officers. You have good lawyers and bad lawyers. You have good judges and bad judges. The positions are not good or bad; it is the people that are in the positions that are either good or bad." Her supervisor told her that "if you are going to be a lawyer, be a good lawyer."

Teresa enrolled at UK College of Law. She had an internship with a circuit court judge one semester and the public defender's office for Fayette County the next semester. Watching the public defenders in that office work long, hard hours, Teresa learned that in the public defenders' view, the hard work was worth it when you had someone's life and liberty at stake. "The public defenders during that time were such good attorneys—I always wondered if I could ever do what they did for their clients."

Teresa began with the DPA Somerset Trial Office and Jim Cox, upon graduation. She handled cases in all of the Wayne County courts by herself. She learned from Jim and from Mark Stanziano. Mark told Teresa and the other young attorneys that if you are going to practice criminal law, you have to put everything you have into it—"your clients deserve to have your best." Teresa spent her first years as an attorney being able to watch Jim Cox and Mark Stanziano practice and try cases—she learned from two of the best.

Teresa and Kelvin Whitaker have been married for 25 years. Together they have raised three children, Deris, Rebekah and Jessica.

Teresa experienced quickly that being a criminal defense attorney is hard work. She appreciates how KACDL seeks to provide unity for criminal defense attorneys. She found it to be a wonderful resource for young attorneys. With KACDL, Teresa's mentors expanded beyond Jim Cox and Mark Stanziano. Every time she needed help, responses came from her sisters and brothers in the criminal defense bar.

Teresa describes for us her decision to become a judge: "I thought that I would always be a public defender. I never dreamed of becoming a circuit court judge. However, everything just seemed to line up. I retired from DPA in August 2019. Judge David Tapp was in the process of receiving an appointment for a federal position and he left the circuit court bench in November 2019. After considerable deliberation, I took the plunge and filed to run for the circuit court position."

We asked Teresa how she would describe a good judge, what qualities are important. Teresa responded, "I have appeared before many judges over the past 30 years of practice. I have seen good judges and I have seen bad judges. The good judges will listen. The good judges will take the time to hear from the parties and the attorneys. The good judges treat everyone fairly and with respect. The good judges try to remain impartial. The good judges can overrule motions without yelling and render decisions without belittling the losing party."

Teresa hopes that in the long run, she will be able to look back at her legal career and recognize that she did help others whenever possible, caring about all individuals, their rights and their dignity.

Congratulations Teresa! KACDL salutes you!



Jerry Cox on Teresa's right.
Judge Jeffrey Burdette on her left, Pulaski Circuit Court



Teresa's husband holding the Bible and KACDL Founding member and Director Emeritus Jerry Cox watching in support.

Member News and Information

SCHOLARSHIP OPPORTUNITIES

Are you a young defender or do you know a young defender who wants to be a member of KACDL? We have sponsorships available.

[Young Defender Scholarship Application](#)



Do you have an intern, friend, or family member graduating from law school? Give that graduating law student a gift of KACDL membership! Law students can join for one year at a rate of \$25 and membership includes FREE CLE registrations! Get a member application [here](#).

KACDL is a 501 (C)(6) non profit and as such relies **deeply** on your donations. Please help us continue our mission.

Donate to KACDL's General Fund

[DONATE NOW](#)

Sponsor a Young Defender

Sponsor a Young Defender today! Your donation is 100% tax deductible and will support a Young Defender desiring to join our organization. Regular Young Defender Membership rate is \$50 per year for Public and \$75 per year for Private.

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EXECUTIVE DIRECTOR'S COLUMN

Greeting Members!

I believe this year will definitely go down in the history books, it has been trying to say the least. We are hoping on a better 2021 for all.

With that said, I have some news. It is time for me to say goodbye to KACDL. I do so humbly as I know I could not have done the work that I have done without those that came before me and without the assistance of the KACDL Board. All of you, and Kentucky really, are definitely blessed to have such wonderfully talented and committed individuals dedicating their time to better our world. I will miss all of you.

I do find comfort in knowing that I leave you in very capable hands and so, I would like to introduce you to your new Executive Director, Ms. Amy Brann Bloomhuff. My statement that Amy's hands are capable are a true understatement. Amy is a Salmon P Chase College of Law graduate, former Senior Legal Editor at Lexis Nexis (formerly Anderson Publishing Company) and most recently, an operational management leader with extensive non profit and corporate organization experience. She is well poised to meet the mission of KACDL.

Last, I would be remorseful if I didn't one last time implore you to consider making an end of year donation to KACDL. We strive hard to keep membership dues reasonable, but that also means we must keep expenses low. It is a difficult thing to do in a technology driven, fast-paced world. Please consider helping us continue to do the good work that we do. If you cannot donate your money, think about donating your time—our committees can use your assistance.

Humbly serving you one last time,

Donna Brown

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