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The U.S. Code does not include regulations issued by executive branch agencies, decisions of the Federal courts, treaties, or laws enacted by State or local governments. Regulations issued by executive branch agencies are available in the Code of Federal Regulations. Proposed and recently adopted regulations may be found in the Federal Register. [About the United States Code](#).

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*Clicking on the Kentucky Legislative Research Commission seal on the top of any page will return you to the Kentucky Legislature Home Page.*

*The Kentucky legislature convenes in regular session on the first Tuesday after the first Monday in January for 60 days in even-numbered years and for 30 days in odd-numbered years. It convenes in special sessions at the call of the governor. The Kentucky Constitution mandates that a regular session be completed no later than April 15 in even-*

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# Kentucky Legislature

## Kentucky Revised Statutes Unofficial WWW Version

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# Kentucky Legislature

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*Includes enactments through the 2012 Extraordinary Session*

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LEGISLATIVE RESEARCH COMMISSION  
Frankfort, Kentucky

VOLUME 39, NUMBER 9  
Friday, March 1, 2013

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, February 15, 2013.

[ARRS – March 12, 2013. TENTATIVE AGENDA REGULATION REVIEW PROCEDURE](#)

**EMERGENCIES:**

**FINANCE AND ADMINISTRATION CABINET: Department of Revenue: Forms**  
[103 KAR 3:040E](#). Income Tax Forms Manual.

**AS AMENDED:**

**FINANCE AND ADMINISTRATION CABINET: Kentucky Retirement Systems: General Rules**  
[105 KAR 1:140](#). Employer's administrative duties.

**GENERAL GOVERNMENT CABINET: Kentucky Real Estate Appraisers Board: Board**  
[201 KAR 30:030](#). Types of appraisers required in federally-related transactions; certification and licensure.  
[201 KAR 30:050](#). Examination and experience requirement.  
[201 KAR 30:070](#). Grievances.  
[201 KAR 30:110](#). Appraiser roster, transmission, fees, deletions, notification, and hearing.  
[201 KAR 30:190](#). Educational requirements for certification.

**TRANSPORTATION CABINET: Office of Audits: Division of Road Fund Audits: Motor Carriers**  
[601 KAR 1:146](#). Fair market rental or lease value of vehicles operated pursuant to a U-drive-it permit

# **Agencies and Licensing Boards**

# Websites

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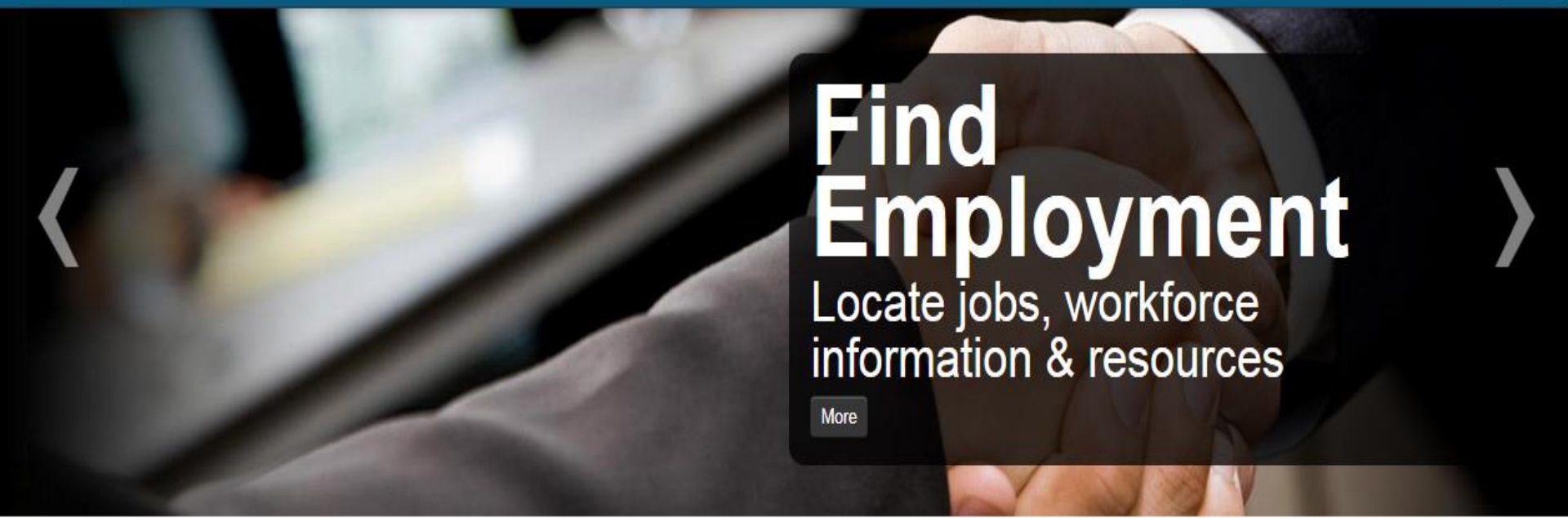
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Kentucky **Board of Medical Licensure** > **Board** Information > Physician Profile/Verification of Physician License: Jump to Main Content. Substance Abuse Tools and Resources.

[Board of Medical Licensure - KDLA - Home](http://kdla.ky.gov/records/recreationschedules/Documents/State%20Records%20Schedules/KYMedical%20licensure%20PDF)

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Volume 62, Number 8 (May 2013)  
Forty-Third Annual Administrative Law Issue: A Happiness Approach to

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  - [Books For Your New Career and Beyond](#)
  - [Kentucky Women's Book Festival](#)
  - [UofL Law Review Publishes Its Golden Anniversary Issue](#)
  - [Support the Law Library](#)
- [more](#)

## Louisville Law News

## New Books

- [lawlibnewbooks: The fall of the house of Zeus: the rise and ruin of America's most powerful trial lawyer by Curtis Wilkie \(Broadway\) KF373.S342 W55 2011](#)
- [lawlibnewbooks: Tax increment financing, edited by David Callies and W. Andrew Gowder, Jr. \(ABA\) KF5733 .T39 2012](#)
- [lawlibnewbooks: Lincoln's forgotten ally: Judge Advocate General Insnh](#)



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Information for:

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- Current Students
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- Employers

Information about:

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- Faculty
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Legal Resources

- Legal History
- Kentucky Resources
- Individual State Resources
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News & Events

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more

Louisville Law News

New Books

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# Criminal Law Library of NYC

## 1st Judicial District - Supreme Court

### Search Engines

**General Search Engines: Provide general or advanced searches of words or concepts in indexed public pages of the world wide web.**

**Google** Google [[www.google.com](http://www.google.com)] is by far the current leader in the field of search engines. Google has indexed billions of pages on the web (They have in fact reached the one trillion mark in 2008) and is the market leader. Additionally, they continue to create search engine products that provide added value, such as Google's U.S. Government [[www.google.com/ig/usgov](http://www.google.com/ig/usgov)] that searches indexed government websites that typically are .gov and .mil website.

**alltheweb** AllTheWeb [[www.alltheweb.com](http://www.alltheweb.com)] searches public web pages indexed by that other world wide web powerhouse Yahoo!.

**bing** Bing [[www.bing.com](http://www.bing.com)] (Formerly Live Search, Windows Live Search and MSN Search) is the current web search engine from Microsoft. It includes the listing of search suggestions as queries are entered by the user and a list of related searches based on semantic technology from Powerset. Bing went fully online on June 3, 2009.

**Meta Search Engines: Meta search engine websites provide searches in multiple indexed search engine sites and aggregates the results.**

- ← Home
- Library Resources
- Legal Research
- NY State Courts
- Judicial Directory
- Search Engines

- General Library Info**
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  - About the Library
  - Photos
  - Staff
  - Public Access Library Documents

- New York State Unified Court System
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  - LITIGANTS
  - ATTORNEYS
  - JURORS
  - JUDGES
  - CAREERS
  - SEARCH

# National Materials

- National Center for State Courts
  - [www.ncsconline.org](http://www.ncsconline.org)
- National Center for State Legislatures
  - [www.ncsl.org](http://www.ncsl.org)



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# The National Center for State Courts Web site has moved!

- NCSC Main
- Associations
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- Consulting
- Education - ICM
- Gov't Relations
- Information
- International
- Research
- Technology

We've redesigned, and moved our site to [www.ncsc.org](http://www.ncsc.org). Please check it out and let us know what you think!

ncsc.org at a glance >



The rotating images at the top left of our new home page highlight our most important recent products, research and services.

The rest of the home page focuses on news, events and online-only features.



Under Information & Resources, our database of court-related topics is reorganized to better showcase deep information resources. A new Services & Experts section highlights NCSC's areas of expertise, research and consulting services. And don't worry, our popular courses and job listings are still here, under Education & Careers.



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Today's Top Policy News

- SPOTLIGHT
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- HEALTH REFORM



State of the states



Online sales tax



Term limits

Click on the large image for full story.

Most states still recovering after recession

The residents of only nine states have returned their economic output to the level that existed before the end of 2007, and most of those states are energy producers. USA Today

- NCSL in the News
- GrassCatcher page

NCSL Latest News

Press Releases

- Capitol Ideas: June 4. More
- Lawmakers Come Together to Build Strong States. More
- Immigration Bills Plummet in 2012. More

Tackling Pensions



Pension reform, a focus in most states during the past two legislative sessions, will be the subject of several sessions at NCSL's Legislative Summit in Chicago Aug. 6-9. NCSL also has a database to search pension legislation. More

Dateline Washington

NCSL Letter Expresses Concerns with Domestic Fuels Protection Act

NCSL sent a letter urging Congress not to infringe on state authority

State Legislatures

Paving the Way

"This bill will enable Pennsylvania to partner with the private sector, and to engage its financial resources and efficiencies to help rebuild our transportation infrastructure."



—Representative Rick Geist (R), Pennsylvania

**BUILD STRONG STATES**

**LEGISLATIVE SUMMIT**  
CHICAGO 2012 • AUGUST 6-9

# Other Resources

- KY Legal Aid
  - [www.kyjustice.org](http://www.kyjustice.org)
- KY Department for Libraries and Archives
  - [www.kdla.ky.gov](http://www.kdla.ky.gov)
- KY Legal Directory Online
  - [www.legaldirectories.com](http://www.legaldirectories.com)





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- Home
- Legal Information
- Helpful Organizations
- Self-Help Forms
- Pro Bono Portal



### Search for Legal Resources

Search for legal resources available in Kentucky with our new online tool that will walk you through the information step by step.

- 1
- 2
- 3

### Search this site:



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### Popular Content

- Today
- All-Time

- General Information About Guardianship of a Child
- Divorce
- Criminal Record Expungement - Frequently Asked Questions

Home

### Homepage

Printer-friendly version

Kentucky's legal services programs use this website to offer information about their programs, offices, services, and legal topics.

Our [Legal Information](#) section has legal education and self-help materials to help you with legal problems. Popular topics include:



# Kentucky Department for Libraries and Archives

Librarians

Archivists

Researchers

State Employees

Records Management

## New State Records



State Records Center

A new State Records Center facility is being built on the site of the old State Records Center. For more information, visit our [Center construction page](#).

Visiting the Archives

Frequently Asked Questions

Records Request Forms

Kentucky County Formation Chart

County Courthouse Disasters in Kentucky

Vital Statistics Records Available for Purchase

Professional Researchers List

Friends of Kentucky Public Archives, Inc.

2013 Public Archives Symposium

## Construction

Construction on the new [State Records Center](#) is well under way. For more information, visit our [State Records Center construction page](#).

- ▶ [KDLA Catalog](#)
- ▶ [e-Archives](#)
- ▶ [Ask a Librarian](#)
- ▶ [Public Library Directory](#)
- ▶ [Kentucky Library Job List](#)
- ▶ [Records Retention Schedules](#)
- ▶ [Kentucky Talking Book Library](#)

## KDLA Online Records Ordering System

The Archives Research Room at the Kentucky Department for Libraries and Archives (KDLA) is pleased to announce a new online records ordering system. Customers can now use a credit card to pay for copies of records ordered from KDLA. [View the new KDLA Records ordering system here.](#)


## Records Request Forms

### [Birth Record Request](#)


- ([click here](#) for a list of birth records for 1852-1910 available at the Archives, by county.)
- ([click here](#) for a list of birth records for 1852-1910 available at the Archives, by city.)

### [Census Record Request](#)

### [Civil Case File Record Request](#)

- ( [click here](#) for a list of dates of civil and criminal case files available at the Archives, by county.)

### [Criminal Case File Record Request](#)

- ( [click here](#) for a list of dates of civil and criminal case files available at the Archives, by county.)

### [Death Record Request](#)

- ([click here](#) for a list of death records for 1852-1910 available at the Archives, by county.)

[Home](#)[KDLA Catalog](#)[e-Archives](#)[Ask a Librarian](#)[Public Library Directory](#)[Kentucky Library Job List](#)[Records Retention Schedules](#)[Kentucky Talking Book Library](#)[Get Adobe Reader](#)

KDLA provides many documents in PDF format, viewable with Adobe Reader. Adobe Reader is free and available



# Kentucky Department for Libraries and Archives

Librarians

Archivists

Researchers

State Employees

Records Management

## 2013 Public Archives Symposium

The 25th annual Public Archives Symposium is scheduled for October 29, 2013, at 2:00 p.m. at KDLA. The Symposium, sponsored by the Friends of Kentucky Public Archives, Inc., in cooperation with KDLA increases the public's awareness of the wide range of historical records available for research in Kentucky repositories.

Featured speaker for the Symposium will be Deirdre Scaggs, Associate Dean of the University of Kentucky Special Collections and, with Andrew McGraw, is the co-author of *The Historic Kentucky Kitchen: Traditional Recipes for Today's Cook*.

[2013 Public Archives Symposium Information](#)

- Ask a Librarian
- Research Databases
- Training Events Calendar
- Archived Webinars
- Library Account Application
- Collections
- Downloading Audiobooks and Ebooks
- Resource Lists
- Government Publications
- KDLA WorldCat Local



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# Kentucky Department for Libraries and Archives

[Librarians](#)[Archivists](#)[Researchers](#)[State Employees](#)[Records Management](#)

## Government Publications

The Kentucky Department for Libraries and Archives maintains collections of federal and state government publications. The Public Records and State Library Services divisions jointly manage these collections and are responsible for their acquisition, organization and preservation. KDLA provides no-fee public access to federal and state publications in an impartial environment with professionally trained archivists and librarians available for expert assistance.

To learn more about KDLA's government collections and participation in the federal depository program, visit the agency's pages for [Federal Government Publications](#) and [Kentucky State Publications](#).

If you have a question or need assistance locating government publications, contact the Archives Research Room at 502.564.8300 ext. 346 or the State Library at 502.564.8300 ext. 342.

[Home](#)[KDLA Catalog](#)[e-Archives](#)[Ask a Librarian](#)[Public Library Directory](#)[Kentucky Library Job List](#)[Records Retention Schedules](#)[Kentucky Talking Book Library](#)



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- Mediator
- Out of State

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Attorneys  Firms

Only with Biographical Data

Select State

Select State

County/Parish	City	Area Code	Phone
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Last Name / Firm Name	First Name	Postal Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

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## Search Results

State of License: KY  
 Attorney Last Name: frazier  
 Results sorted by: Attorneys Last Name

[Return to Search](#)

Displaying Records 1 to 10 of 10

**All | F**



[Frazier, Carl L.](#)

PO Box 36010, Louisville KY, 40233-6010-6010 (Jefferson County)

[Frazier, Carl N.](#)

[Stoll Keenon Ogden PLLC](#)

300 West Vine Street, Suite 2100, Lexington, KY 40507-1801 (Fayette County)

*(Florida Out of State Listing)*

[Frazier, James H, III](#)

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Suite 1000, 201 E. Main St., Lexington, KY 40507-2003 (Fayette County)

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[Frazier, Jennifer S.](#)

700 Capitol Ave, Rm 200A, Frankfort, KY 40601-3415 (Franklin County)

# Public Libraries: Access to Justice

Jennifer Frazier  
State Law Librarian  
502-564-5814  
[jenniferfrazier@kycourts.net](mailto:jenniferfrazier@kycourts.net)



# Topics covered

- What is Access to Justice
- Practicing Law/Giving legal advice
- Reference Interview

# Access to Justice

- The KAJC's primary responsibilities will be to:
  - Identify the needs of the legal services community in providing civil legal services to the poor.
  - Create a statewide plan to deliver the civil legal services.
  - Develop strategies to increase resources and funding for the civil legal services.

# More information on A2J

- Department of Justice Access to Justice.
- American Bar Association resource center.
- National Center for State Courts.

# Why this matters to you?

- Libraries are on the front line of access to justice.
- Study by the Washington University
  - [http://impact.ischool.washington.edu/documents/OPP4ALL\\_Appendix3.pdf](http://impact.ischool.washington.edu/documents/OPP4ALL_Appendix3.pdf)

# Who might your patrons be?

- Lawyers
- Self-represented litigants
  - Educated able to understand complex ideas
  - Less educated but able to find materials
  - Under educated needing guidance to find materials
  - Unable to understand the assistance you are providing.

# Benefits to your library:

- Improve service to customers
- Increased level of comfort for reference staff
- Community outreach to other agencies
  - Courts
  - Legal aid
  - Pro bono programs
- Strengthened community support

# **Why you shouldn't give legal advice**

# The Statutes...

## **524.130 Unauthorized practice of law.**

- (1) Except as provided in KRS 341.470 and subsection (2) of this section, a person is guilty of unlawful practice of law when, without a license issued by the Supreme Court, he engages in the practice of law, as defined by rule of the Supreme Court.
- (2) (not applicable)
- (3) Unlawful practice of law is a Class B misdemeanor.



# The Supreme Court Rule...

- Unauthorized practice of law, Supreme Court Rule 3.020:
- The practice of law is any service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services.

# The Punishment...

A Class B misdemeanor:

A Class B misdemeanor in the state of Kentucky is punishable by up to 90 days in jail, depending on the offender's previous offenses. Up to \$250 in fines may also be subjected to the defendant in addition to court costs, which vary by county.

# The reality...

In reality you would receive a letter demanding that you cease providing legal service.

It is only after that point when any actual legal action might be considered.

# So how can I help?

- Giving legal advice and helping with legal reference are different.
- Just remember to ask yourself when you are answering a self represented litigants question:
  - Am I giving facts or opinions?
  - Am I telling them “the law is...”?

# Cont.

- Am I giving them an answer or showing them the tools to find an answer themselves?
- Most important thing to remember is to guide them to the resources not to the “right answer” and not to interpret the law for them.

# First, a disclaimer...

I am not an attorney. The assistance I am able to provide you is not intended to be legal advice, and should not be taken as such. If you feel you need legal advice you should consult with a licensed attorney.

# **A word about forms**

# Another disclaimer...

- “These are not fill in the blank form books they simply give examples of what different legal documents could look like. I cannot tell you which forms would be best to use.”



# However...

- Forms on the KY Court of Justice website are fill in the blank forms, they do not cover every topic and it is still the responsibility of the patron to determine which form or forms they need.

# Can I help them with the forms?

- “The purely ministerial acts of typing forms, filing in blanks on commercially available preprinted forms, or official forms of the courts, would not constitute the practice of law. However, if the services of these entities are not so limited, the services could violate the prohibition against the unauthorized practice of law.” Kentucky Bar Association , unauthorized practice of law opinion [KBA-U63](#).

# Use extreme caution!

- First there should be a library issued disclaimer read to the patron.
- DO NOT answer any questions about the form beyond reading the form directly to the patron.
- Never answer: "What does that mean?"
- Remember giving opinions, advice or your interpretation of the form is the unauthorized practice of law.

# Sample Disclaimer

- I am not an attorney, I am in no way giving legal advice and nothing that has transpired as part of our transaction should be considered legal advice. I may assist you with the physical requirements of completing a form. I may not instruct you on which forms to complete and any assistance rendered is at your request on a specific form chosen by you. I will not answer any questions about the content of the forms or the terms contained on the form. I will only transcribe what you tell me verbatim.

# Reference Interview

# The language barrier:

- Legal Jargon you don't know it and your patrons don't know it.
- What are you to do?
  - Resources:
    - Online Dictionaries
    - Black's Law Dictionary
    - NOLO print dictionary
    - Self Help or Legal Aid sites
    - Index to the Statutes

# Legal reference for non attorneys

- Generally, requests from non-attorneys will fall into three categories:

# Legal reference for non attorneys

- The first category is the patron who seeks assistance in legal research for academic, historical, employment or other nonlegal purposes. Since a legal opinion or advice is not being requested and the patron does not intend to use the assistance to affect his legal or constitutional rights or to advise others, provision of assistance would not constitute the unauthorized practice of law.



# Legal reference for non attorneys

- The second general category would be the law student, clerk, summer associate, paralegal, etc., who is performing legal research under the supervision of a licensed attorney. However, the supervising attorney retains the ultimate responsibility for his own work product and the accuracy of his advice. Therefore, assistance to his agent or employee would not constitute the unauthorized practice of law.

# Legal reference for non attorneys

- The third category would be inquiries from *pro se* litigants or members of the public seeking legal advice and opinion without the involvement of an attorney. The responses to such inquiries must of necessity be limited since the patron would presumably intend to take positions or actions or advise others in a manner that would affect their legal and/or constitutional rights and which might have grave consequences.

# Legal reference for non attorneys

- In the case of *pro se* requests, the library staff may only respond to specific questions or requests rather than attempt to interpret the patron's need as to do more would constitute the unauthorized practice of law.

# Legal reference for non attorneys

- The verification of the status of the patron is of great importance. The provision of assistance in legal research to a pro se litigant or a patron seeking legal advice, either for themselves or to provide to others, is not only the unauthorized practice of law, but is *fraught with peril* to both the patron and to the person providing the advice if it proves incorrect or if legal rights are affected.

# You are not alone

- Clerk's offices receive questions all the time about how to proceed in legal matters and they can not give legal advice either but you can help each other through partnering and communication.

# Further Reading

- “Clerk’s Office Staff Can’t Give Legal Advice. What Does That Mean.”
  - <http://www.nacmnet.org/publications/Top10CourtMgrArticles/StaffCannotGiveLegalAdvice.pdf>
- “Chicken Little at the Reference Desk”
  - <http://works.bepress.com/aallcallforpapers/41/>

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# Save the Date

Visit KDLA's [Continuing Education Events Calendar](#) to register for more webinars!

## **Girls Who Code Clubs for Kentucky Public Libraries**

Friday, December 1 – 1:00-1:30 pm ET

## **E-rate Form 470 for Category One**

Thursday, December 7 – 2:00-3:30 pm ET

## **Adding it Up: Budgeting for Public Libraries**

Friday, December 8 – 10:00-11:00 am ET

## **Getting Started with Genealogy Basics**

Tuesday, December 12 – 10:00-11:00 am ET

## **Readers' Advisory for All: What Should You Do?**

Wednesday, December 13, 10:00-11:00 am ET



# Thank you for attending!

Jennifer Frazier  
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