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Motion asks Supreme Court to block justice from hearing Louisville case

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The state Supreme Court has been asked to block Justice John Roach from considering a Louisville case because it involves lawyers who are holding a fund-raiser for his 2006 election campaign.

The case involves the estate of David H. Dean Sr., which sued a Louisville law firm on allegations of legal malpractice. Seven members of the firm are co-hosts for the fund-raiser for Roach on Monday.

It is not illegal for lawyers with cases before the court to hold such fund-raisers. But Roach's opponent in the race, Fayette Circuit Judge Mary Noble, has said such circumstances raise an "appearance of improprieties."

Dean's estate is awaiting a decision by the high court on whether it will hear the appeal. The court also has not ruled on whether to block Roach from considering the case.

Peter Ervin, the lawyer for the Dean estate, said in his motion filed Tuesday that the contributions "may affect the public's confidence in this court" and "this kind of campaign assistance would challenge the impartiality of even the most fair-minded jurist."

But Roach's campaign spokeswoman, Carla Blanton, said Roach bases his legal decisions "on the merits of the case and Kentucky law" and would not be affected by whether a lawyer contributed to his campaign.

Roach could not be reached for comment.

Noble said last night that she was not familiar with the estate case.

"But this type of motion illustrates why I have taken the position I've taken in this race, of not looking at who is contributing to my campaign and how much they've contributed," she said.

Roach had been general counsel for Gov. Ernie Fletcher until the governor appointed him to the court in June.

The fund-raiser is to be held at the First Trust Centre in Louisville. Invitations to the event list 26 hosts - defined as someone contributing \$500. Among those listed as hosts are seven members of the Frost Brown Todd law firm.

Frost Brown Todd referred questions yesterday to its lawyer, James Milliman of Louisville, who said there was nothing wrong with the contributions.

"In fact, the ethics rules encourage members of the bar to support candidates for judge or justice. They encourage contributions," Milliman said. "If a judge or justice feels a need to recuse himself in any case where some conflict has been alleged, he will do so."

Ervin said, "I'm in a case representing David versus Goliath -- a mega-corporate law firm. In this country David can win, but he needs a level playing field, and that's what we're seeking with this motion."

The case brought by Dean's daughter and son alleges malpractice by the law firm and two of its members. The firm drafted a 1988 prenuptial agreement for Dean and later represented his wife in some proceedings to settle the estate after Dean's death in 2001.

Milliman said Jefferson Circuit Court and the Kentucky Court of Appeals have ruled against the plaintiffs.

Milliman also is a host of the Roach fund-raiser. He is representing Republican Dana Seum Stephenson in a disputed state Senate election case before the Supreme Court.

"It is the duty of a member of the bar to support the candidates for judge that he feels are most qualified," Milliman said. "Raising this issue is just politics."

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