

KENTUCKY PRACTICE

Volume 4

Methods of Practice

FOURTH EDITION

2019-2020 Pocket Part
Issued in October 2019

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Chapters 1-12
Tables



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Introduction To 2019-2020 Update

New features and recent developments in this 2019-2020 update include:

VOLUME 4 – Commercial Transactions and Bankruptcy

- General revisions to various sections of the volume resulting from recent court decisions and changes to various sections of Federal or Kentucky law resulting from the 2019 Regular Session of the Kentucky Legislature affecting Commercial Transactions and Bankruptcy.
- New Bankruptcy rules – Recent Changes and pending changes—§ **12:18**
- New Bankruptcy Exemption Schedule—§ **12:41**
- Statutory provisions for perfecting a lien must be strictly followed—§ **12:81**

VOLUME 4A – Business Organizations, Administrative Practice, Workers’ Compensation, Employment Relationships, Wills, Trusts, and Probate

- General revisions to various sections of the volume resulting from recent court decisions and changes to various sections of Kentucky law resulting from the 2019 Regular Session of the Kentucky Legislature General affecting Business Organizations; Administrative Practice; Workers’ Compensation; Employment Relationships; Wills, Trusts, and Probate.
- Merger now allowed between domestic corporations and limited liability companies —§§ **18:41**
- Notices to the employer may be made by registered mail or first-class—§ **20:6**
- Physicians not required to strictly comply with the AMA Guides—§ **20:38**
- Workers’ compensation claim for potential income benefits does not bar claim of deceased spouse for additional claim—§ **20:46**
- As a precondition of employment an employer may require a person seeking employment to sign an agreement for arbitration, mediation or other form of alternate form of alternate dispute resolution —§ **22:12**
- A “verified” unemployment compensation pleading must be signed under oath before an official authorized to administer the oath—§ **24:25**

- Safe-keeping of will no longer offers option of placing with county clerk—§ **25:24**
- Removal of executor requires heightened standard—§ **27:46**

VOLUME 5 – Trial Procedure, Specific Procedures and Practices, Domestic Relations

- General revisions to various sections of the volume resulting from recent court decisions and changes to various sections of Kentucky law resulting from the 2019 Regular Session of the Kentucky Legislature General affecting Trial Procedure; Specific Procedures and Practices; and Domestic Relations
- How process may be made when personal service is authorized—§ **28:3**
- Provision of the National Labor Relations Act does not reflect congressional intention to displace the Federal Arbitration Act and to outlaw class and collective action waivers—§ **44:4**
- Court must determine whether a state rule is preempted by the Federal Arbitration Act when a doctrine is normally thought to be generally applicable is alleged—§ **44:6**
- Savings clause in the Federal Arbitration Act offers no refuge for defenses that apply to arbitration—§ **44:6**
- Statute authorizes appointment of counsel to represent an indigent parent—§ **46:3**
- Involuntary termination of parental rights applies to step-parent adoption proceeding—§ **46:4**
- List of possible persons to be considered in child placements with adult relative or fictive kin is required—§ **46:41**
- Joint tenants are entitled to proportionate reimbursement for payment of liens and encumbrances on property—§ **48:8**
- Cohabitation could constitute a material and substantial change justifying reduction of maintenance—§ **48:9**
- Reference to new child support guidelines—§ **48:10**
- Imputation of income to a disabled parent based on potential income is not warranted; recent work history must be considered—§ **48:10**
- Kentucky court has no authority to modify spousal order issued by another state; court retains authority to enforce spousal support order of another state—§ **48:36**

INTRODUCTION TO 2019-2020 UPDATE

- Foster care, child protection rights—§ **48:42 New Section**

Robert W. Keats – June, 2019



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