

The State Journal

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No Monday paper

The State Journal will not publish a Monday edition, and our business office will be closed Monday. Normal publication schedule and business hours will resume Tuesday. We wish our readers a Happy New Year.



UK, U OF L FALL IN BOWL GAMES
(Sports, B1)

Dem files charter school bill

Louisville state senator's human rights legislation among 2017 bills to watch

By Brad Bowman
@bradleybowman

With Republican control of both legislative chambers bolstered by the support of a Republican governor, the first pro-charter school bill of the 2017 legislative session has been drafted, perhaps surprisingly, by a Democrat. Sen. Gerald Neal, D-Louisville, has filed some of the most progressive human rights bills ahead of the 2017 session, and many in Kentucky's African-American urban communities have expressed their support of charter schools in past Education Committee hearings.

See BILL, A4

Sower outspent May 7-to-1

Finance reports available for city commission, mayoral candidates in general election

By Rosalind Essig

rosalind.essig@state-journal.com

Unsuccessful Frankfort mayoral candidate John Sower outspent incumbent Mayor Bill May nearly 7-to-1 in a race that May won narrowly.

The Kentucky Registry of Election Finance's 30-day post-general election reporting deadline has passed, and re-

ports reflect the fundraising and spending of Frankfort City Commission and mayoral candidates in the Nov. 8 general election.

Sower, a current city commissioner and former mayor, spent more than any candidate by far at \$47,335.52. He lost the contest by 149 votes.

Sower raised \$47,791.98, includ-

ing two contributions from himself to his campaign: \$25,000 on Oct. 27 and \$10,000 on Dec. 7.

Sower said he primarily spent the money for his campaign on direct mail and cable TV advertisements. He chose to spend that much, including a significant amount of his own money, because

See REPORT, A8

Judge Shepherd named Newsmaker of the Year



| MORE INSIDE

• To find out the top five stories of The State Journal's Top 10 stories of 2016 countdown, turn to State & Local, A6

Photo by Rosalind Essig/rosalind.essig@state-journal.com

Franklin Circuit Judge Phillip Shepherd says early exposure to 'really good lawyers' in Frankfort inspired him.

Editor's note: For his central role in a number of high-profile state and local issues in 2016, The State Journal has named Franklin Circuit Judge Phillip Shepherd its Newsmaker of the Year. Shepherd made pivotal rulings in several cases deciding the scope of the governor's power. Closer to home, he rebuked the Frankfort Police Department for its conduct in a 2015 homicide investigation, causing the city to agree to a thorough independent review of the department.

By Rosalind Essig

rosalind.essig@state-journal.com

Phillip Shepherd's father was the minister in residence at Frankfort United Methodist Church. It's there that Shepherd met some of the people who would influence the course of his life, ultimately bringing him to where he is today: a 10-year veteran judge in a busy circuit in the seat of state government.

"There were a lot of really good lawyers who attended that church — people like Bill Johnson and Morris Burton and others. And they were people who taught my Sunday school classes when I was a kid; I always looked up to them. And I always was interested in the work that was done in the court system," Shepherd said. "I think that's probably what sparked my interest in the law."

Though it was a "natural progression" for a lawyer to

See JUDGE, A3

Local figures share their New Year's resolutions

Franklin County Judge-Executive Huston Wells

My resolution is to bring in more exciting companies like West Sixth (Brewing) to our community. Local businesses, such as West Sixth, bring employment opportunities to our community while also enhancing tourism and driving economic development. I want to make Franklin County an active, fun destination where people want to establish their homes and enjoy life.



Huston Wells



Larry Cleveland

Commonwealth Attorney Larry Cleveland

My resolution is to try to find the good in everyone, regardless of what kind of waste of oxygen they are.

Franklin County District 1 Magistrate Michael Turner

My resolution is to make better food choices in the new year.

See NEW, A2

JUDGE

CONTINUED FROM PAGE A1

consider becoming a judge at some point, Shepherd was influenced by judges he learned from. When in law school, he did an internship with the circuit judges in Frankfort — Henry Meigs and Squire Williams — who he said were two of the best trial judges in Kentucky. He also did a clerkship with U.S. District Judge Ed Johnstone — “another great judge” — after law school.

Shepherd graduated from Frankfort High School in 1973, received an undergraduate degree from Asbury University in Wilmore in 1977 and graduated from the University of Kentucky College of Law in 1980.

After clerking with Johnstone in western Kentucky for two years, Shepherd came back to Frankfort to go into private practice at the firm of distinguished lawyer Ed Prichard. Though it was a small firm, Shepherd gained experience working on cases involving state government — something he now does regularly in his role as a circuit judge.

During that time, Shepherd also did a lot of work in environmental law, representing citizen groups in cases challenging permits for things like landfills and strip mines. In 1991, newly elected Democratic Gov. Brereton Jones appointed him secretary of the Natural Resources and Environmental Protection Cabinet, a position he held until 1995 — the duration of the Jones administration.

Shepherd then returned to private practice until he was elected to his current judgeship in the 48th Judicial Circuit in 2006. He was re-elected in 2014 — circuit judges serve eight-year terms — and has now been on the bench for a decade, alongside fellow Franklin Circuit Judge Thomas Wingate.

The human element

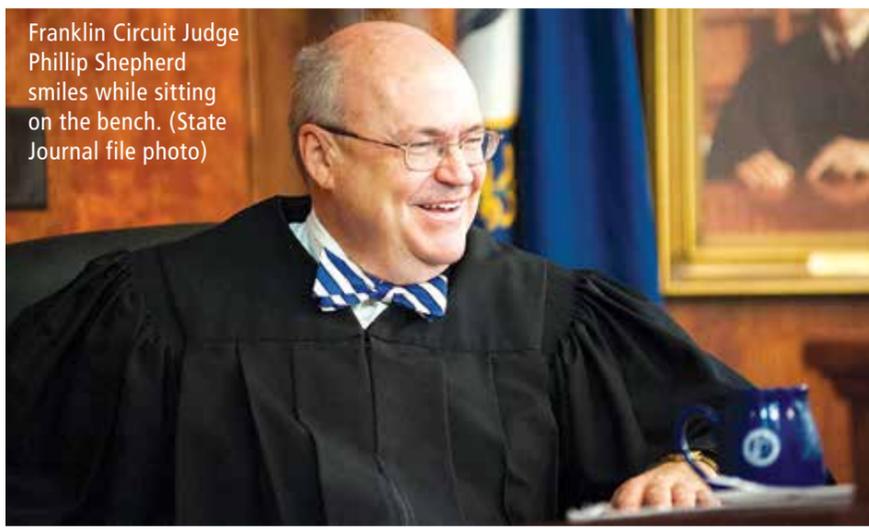
Shepherd's interest in the work of the court system isn't technical or political; it's human. The drama of the courtroom intrigued him as a young person. He remains intrigued by how the judicial system affects the lives of the people who go through it.

“There's great human tragedy and great human stories that play out in the courtroom every day,” he said. “So, you see the struggles that people deal with — how some people are successful in overcoming them and others aren't — and, you know, it's a very challenging kind of work. But it's also a very rewarding type of work, too.”

When Shepherd sees the people who come into his courtroom, there's a weight he feels for how his action can affect the direction of their lives.

“There's a lot of responsibility that comes with the job,” he said. “And there's also the responsibility that — I

Franklin Circuit Judge Phillip Shepherd smiles while sitting on the bench. (State Journal file photo)



think Judge Wingate and I are always cognizant of the fact that — the people of this community have put their trust in us to make those kinds of calls.”

From his courtroom, Shepherd has watched the drug epidemic grow and take hold in Franklin County, just as it has in other parts of the state and nation. Shepherd can't remember even one homicide during his first four years on the bench. In the last few years, however, he said there have been “numerous” homicides and “of the ones that have been adjudicated, every one of them has been drug-related.”

Currently, Shepherd said, a very high percentage of the cases on the criminal docket in Franklin Circuit Court is directly related to drugs. He estimated that more than 90 percent of the remaining criminal cases are indirectly drug-related, involving thefts and other crimes committed by addicts who, in some cases, are trying to get money or items to pay for drugs.

Over the last 20 years, it's gotten “worse and worse,” he said. In 2008, there were no heroin-related drug cases reported in Franklin County, The State Journal reported in a 2014 story about addiction. The Franklin County coroner's office recorded 37 heroin-related deaths from 2011 through March 2014 — two-thirds of which were in 2013 and the first three months of 2014, according to the story.

“It ruins the lives of people every day,” Shepherd said. “I think that is the most challenging and most frustrating part of our job, because I think Judge Wingate and I are in agreement that the criminal justice system by itself really can't ... solve the drug crisis. So, we're left with very inadequate tools to deal with this unfolding tragedy. And it's very frustrating to see a parade of wasted lives that we see on our criminal docket.”

Shepherd's observation of the pattern of addiction that comes through the court system has given him a sort of expertise on the shortcomings of how the drug epidemic has been handled. Shepherd's insights culminate in the conclu-

sion that a holistic approach is needed to make a breakthrough. Treatment, community groups, law enforcement, the courts, probation and parole, social services, and early intervention with abandoned and neglected children and students dropping out of school must all be incorporated, he said.

“I think we're blessed in this community to have very, very dedicated people in our police department, in our sheriff's office, in our public schools, our social workers and our probation and parole officers, who are all doing their best to struggle with this problem,” he said. “But I think we need to do a better job of integrating the work of all those agencies.”

No governor's friend

Judges in Franklin Circuit Court are not only responsible for administering the law in their local criminal docket; their civil docket handles lawsuits involving state government. Shepherd said these cases simply “come with the

territory” but that he, Wingate and the judges before them have had to become knowledgeable about the law as it relates to those types of cases.

“The role of the court system in our constitutional government is to serve as a check and a balance on the exercise of government power,” Shepherd said. “Judge Wingate and I came on the bench about the same time ... but Judge Bill Graham, who I think is the longest-serving circuit judge in Franklin County or close to it — he and Judge Meigs — he told both of us when we came on the bench, he gave us a good piece of advice. He said, ‘As long as you serve as a Franklin circuit judge, you will never be a friend of any governor.’”

That has been the case this year, Gov. Matt Bevin's first in his new office. The governor's actions have triggered lawsuits on a variety of topics, including board reorganizations and education cuts. Many of these cases involve exercising or pushing the scope of executive power — and they all come before the Franklin Circuit Court judges.

Shepherd has presided over a number of the high-profile cases involving state government this year, bringing criticism from the governor's mansion and from Republicans.

A couple of months ago, Bevin spoke about Shepherd on Terry Meiners' show on News Radio 840 WHAS out of Louisville: “Oh, my goodness. Really and truly this judge has been a political hack his entire life. And he still is now from the bench. He used to be a cabinet secretary in a Democrat administration. He has been a fundraiser for the other side his entire life. He was one of the chief architects behind Steve Beshear's first run for the governorship. And now he's a judge, but apparently has checked all that at the door? Give me a break.”

See JUDGE, A4

FPB CYCLE BILLING UPDATE

Frankfort Plant Board continues to look for ways to improve service and efficiency. One way to accomplish this goal is through the use of cycle billing. With cycle billing, bills are sent twice a month instead of once a month. Customers will still have due only one bill per month in an amount similar to what they have paid in the past.

Cycle billing will begin in May 2017. Once implemented, bills for half of FPB's customers will be due on the first of the month and bills for the other half of FPB's customers will be due on the fifteenth of the month. Customers with only non-metered accounts, such as Cable-Telecom, will be evenly distributed based on the nearest metered route.

FPB realizes this change will result in some customers receiving a bill due April 15th and their May bill due May 1st. To help alleviate this financial impact, FPB will work with these customers to create payment arrangements to ease the implementation of this process. Customers can also begin setting money aside to make funds available for that first bill due on May 1st, or explore the option of budget billing which will ensure their bill payment is the same each month. Budget billing enrollment also begins in May and customers can contact Customer Service for additional information on the budget billing program.

FPB's goal is to provide quality service to all of its customers in a timely and efficient manner. Cycle billing will more evenly distribute the work for staff through the month, thereby improving customers' ability to reach our staff to handle their business needs.

To learn more about cycle billing customers can visit our website at fpb.cc or follow us on Facebook and Twitter, or by calling FPB customer service at 352-4372.



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