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Kentucky

Judge rules Belker must stop defense

By KIM WESSEL
The Courier-Journal

A judge told Louisville lawyer Norman "Nick" Belker yesterday to stop defending himself against the complaints of 11 women who claimed that he had fondled them.

In complaints filed with the Kentucky Bar Association, the women accused Belker of improperly touching them under the guise that he had to physically examine them to prepare their workers' compensation cases. Five of the women sued him.

By continuing to defend himself, Chief Jefferson Circuit Judge Geoffrey Morris ruled yesterday, Belker is violating a settlement agreement he reached with those five women.

Belker had agreed to withdraw any response he may have made to any complaints pending against him with the KBA, and to make no defense against those complaints. He did withdraw his initial responses, according to KBA records filed in court — but then filed new ones in May, after the KBA's inquiry tribunal issued disciplinary charges against him.

Bill McMurry, who represents three of the women who sued Belker, said yesterday that Belker had violated the settlement agreement and asked Morris to order Belker to withdraw his new responses.

Belker argued in court that he was abiding by the terms of the agreement. He said he was now responding to charges, not complaints. He said there is a difference between the complaints filed by the women and the charges issued by the inquiry tribunal, and that Kentucky Supreme Court rules make the distinction.

"It's not a distinction that I'm making," he told Morris. "It's established under clear and unambiguous definitions by the Supreme Court."

Morris disagreed.

"You're arguing a distinction without a difference," the judge said. "While I think your argument is novel, it has no merit whatsoever."

Morris ordered Belker to withdraw his new responses.

Belker said later that he plans to appeal Morris' decision. He has repeatedly denied any impropriety, and did so again yesterday.

He said his law practice has been "severely damaged" since the allegations surfaced in August 1996, when two women — Katherine McClure, 34, and her sister, Angela Rogalinski, 26 — filed suit against him. Three other women, Marlea Montgomery, Lisa McCardwell and Nancy Arnett, joined the lawsuit.

According to court records, 11 women have filed complaints against Belker with the KBA. Also in court records, Belker has acknowledged that 21 women have accused him of improperly touching them.

"Anybody can make an allegation," he said. "I'm fortunate that I have loyal clients and friends, people ... who know who I am."

Any complaints filed against Belker or disciplinary proceedings against him remain confidential under Kentucky Supreme Court rules. But documents filed in Jefferson Circuit Court shed some light on what has been happening with the case.

According to a Supreme Court order filed in court, the KBA immediately questioned whether Belker was violating the terms of the settlement when he filed his responses in May.

The next day, the KBA filed a motion with the Supreme Court asking that it be allowed to tell the judge and the lawyers involved what Belker had done.

The Supreme Court appointed a special commissioner to review that motion, and based on that review, it granted the KBA's request.

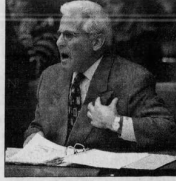
In court yesterday, Morris asked Belker why the Supreme Court would take the "unusual" step of releasing confidential information, unless it thought "something was amiss" in the settlement.

"That question would be better addressed to the Supreme Court," Belker replied.

However, Belker did argue that the special commissioner reported that Belker's argument was "reasonable." The report is confidential.

But McMurry argued that Belker was making a "hypertechnical" distinction. He said that if his clients actually agreed to let Belker continue to defend himself against their complaints, the settlement would be "meaningless" to them.

"It makes no sense whatsoever," he said.



BY MICHAEL HAYMAN, THE C-J
Norman "Nick" Belker argued his side in Jefferson Circuit Court.

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