

## BENHAM J. SIMS III

Attorney

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### LEGAL EXPERIENCE

March 2012-  
to present

**Helpexpungeme.com** has secured more expungements in the Commonwealth than any other law firm. I was tasked by the Bill's sponsor to help draft and pass Kentucky's Expungement law. The Bill's passage has been the highlight of my career. Our office spent six sessions of the Kentucky General Assembly advocating, drafting, and securing passage of Kentucky's new expungement law, House Bill 40. We met with legislators, labor and business leaders, political and criminal justice advocates to develop and secure passage of expungement reform in Kentucky. We were tasked by the Bill's sponsor to secure support of labor and Louisville's Chamber of Commerce, G.L.I. I testified as attorney, former prosecutor, and Judge for the bill's passage before the House Judiciary Committee in 2014 and 2015. Our law practice is designed to help 134,000 Kentuckians expunge their felony criminal record. The new law will now allow several hundred thousand Kentuckians the right to expunge their misdemeanor charges and dismissed charges which were not eligible for expungement before passage of House Bill 40.

### **PRIVATE LAW PRACTICE**

February 1999  
to Present

**Attorney**, Represented clients in a variety of criminal & civil courts in Jefferson and surrounding counties. Successfully represented clients before the Kentucky Racing Commission and numerous other administrative agencies. The Jefferson County Public Defender's Office contracted with me and two other private attorneys to represent indigent clients in Jefferson District Court. Practice primarily devoted to criminal law. Counsel for over 5,000 clients in the past 32 years.

### **JUDGE, JEFFERSON DISTRICT COURT**

September 1997  
to January 1999

**District Judge, Division Six**, Appointed by Governor Paul Patton to preside in Jefferson District Court. Court of general jurisdiction including: juvenile, probate, felony misdemeanor, arraignment, traffic, warrant, disability, civil and non-support courts. Presided over numerous bench, jury trials and hearings.

## **JEFFERSON COUNTY ATTORNEY OFFICE**

November 1995 to September 1997 **Director of the DUI Jury Trial Division**, Appointed to create a new Division to coordinate the subpoenaing of medical records, hospital personnel, state police laboratory personnel, police, and lay witnesses to Jefferson District Court. In calendar years 1995-1996 this Division led the nation in the prosecution of DUI crash cases. The successful conviction rate in Jefferson County was 3 ½ times higher than the national average and 2 ½ times higher than the previous highest conviction rate ever recorded. Author of the Kentucky DUI Prosecutors Jury Trial Manual, "*But Ocifer, I only had two beers.*" Appointed by Kentucky Attorney General to serve as Special Counsel to the Kentucky DUI Task Force charged with drafting Kentucky's DUI law in 1996. Served as Kentucky representative on the National Highway Safety Administration DUI Gold Standard Committee for the Southeast United States. Youngest recipient and first nonelected prosecutor to receive the Outstanding Public Servant Award from the Office of the Attorney General and the Kentucky Prosecutor Advisory Committee. Only Kentucky County Attorney prosecutor to be awarded the Kentucky Chapter of Mother Against Drunk Driving (MADD) Outstanding Public Servant Award. Awarded Prosecutor of the Year, Jefferson County Lodges of the Fraternal Order of Police.

January, 1989 to December 1990. **Assistant County Attorney, Juvenile Prosecutor**, Delinquency Prosecutor. Represented the Commonwealth in arraignment, pretrial conferences, trials, waiver hearings and dispositions of juvenile cases. Prosecuted cases ranging from beyond parental control to rape, gang, drug, burglary, and murder charges.

March 2013-  
April 2016

## **KENTUCKY LOTTERY BOARD**

**Vice Chair, Audit Chair Kentucky Lottery Corporation**. Appointed by Governor Stephen Beshear to the Kentucky Lottery Corporation Board and within one year elected to serve as Audit Chair and Vice Chair. While Audit Chair, the KLC had no infractions or violations of law, achieved legislatively mandated lottery receipts and disbursement goals. No member of the lottery board or member of the lottery executive staff subject to inquiry or discipline.

## **EDUCATION:**

1986-1989

### **UNIVERSITY OF LOUISVILLE SCHOOL OF LAW**

Juris Doctorate, May, 1989

Admitted to the Kentucky Bar, November 1989

1989 Moot Court Board President

1989 Pirtle-Washer Oral Argument Scholarship Finalist (First two-time finalist)

1988 Pirtle-Washer Oral Argument Scholarship Winner

1988 Book Award, Juvenile Justice

1988 National Mock Trial Team

1983-1985

### **TRANSYLVANIA UNIVERSITY**

Bachelor of Arts Degree, 1985

Major: Political Science, Minor: History

1985 Senior Class Student Government Class Senator

1985 Resident Assistant Davis Hall

1985 Fraternity Officer

1984 Writer, Transylvania Newspaper-The Rambler

1984 Student Aide-Dean of Students

1984 Admissions Office Assistant

1979-1982

### **UNIVERSITY OF KENTUCKY**

Major: Political Science

Dorm President-Blanding III

UK South Campus Council

Resident Advisor Haggin Hall & Kirwin Tower

## **MEMBERSHIPS: (Past and Present)**

Kentucky Bar Association, Kentucky Academy of Trial Lawyers Association, Kentucky Justice Academy, Kentucky Criminal Defense Attorneys Association, American Bar Association, Louisville Bar Association, Kentucky District Judges Association, Kentucky Retired District Judges Association, National Association of Criminal Defense Attorneys.

## **Volunteer:**

Louisville Bar Association, Transylvania University, First Christian Church, University of Louisville Brandeis School of Law, Special Olympics, Bridgehaven Mental Health Services.

## **APPOINTMENTS & AWARDS:**

**Louisville Magazine "Top Lawyers"-Criminal Law (2008, 2012, 2013, 2014, 2016).**

- 1994 Task Force on Powers of Officers of Fourth Class Cities.
- 1994 Jail Overcrowding Task Force, Office of the Jefferson County Commissioners.
- 1994 Board Member, **Kentucky Child Abuse and Exploitation Prevention Board**  
KCAEP oversees and administers the Child Victim's Trust Fund.
- 1996- Member, **Louisville Jefferson County Crime Commission.**
- 1999
- 1996 **"Outstanding Public Service Award"** Awarded by Attorney General Ben Chandler on behalf of the Office of Attorney General and the Kentucky Prosecutors Advisory Council representing Kentucky County and Commonwealth Attorneys. The youngest and only nonelected prosecutor to ever receive this award.
- 1996 **"Prosecutor of the Year"** Award. Jefferson County Lodges of the Fraternal Order of Police.
- 1996 **Chairman, Day Reporting Centers Task Force.** This Committee was appointed by the Jefferson County Crime Commission to develop a Day Reporting Center Program for Jefferson County. Day Reporting Centers are currently utilized in 17 other states as a means for the Courts and Correction Department to monitor defendants and to ensure that defendants are attending court ordered alcohol and substance abuse programs, job skills courses, anger control programs, work release programs, and to provide strict monitoring by means of alcohol and substance test of the defendants continuing sobriety.
- 1996 Jefferson County Chapter of Mothers Against Drunk Driving **Mothers Against Drunk Driving "MADD Award of Achievement"**.
- 1997 Kentucky Chapter Mothers Against Drunk Driving, **"MADD Kentucky Outstanding Public Service Award"**.
- 1997 Appointed by Attorney General Ben Chandler to serve as **Special Counsel, Kentucky DUI Task Force.** The Task Force was charged with reviewing Kentucky's current laws, meeting with victims, treatment providers, legislators, police, prosecutors and defense attorney and prepare a comprehensive new DUI law for the 1998 session of the Kentucky General Assembly.
- 2000 **Chair of the Day Reporting Center Committee,** Louisville Jefferson County Crime Commission.
- 2002 **National Highway Transportation Safety Administration (NHTSA-**  
Southeastern United States Gold Standards Committee Member. (Kentucky Representative).

- 2004 Rules Committee Member, **Democratic National Convention**, Boston.
- 2007 Appointed by Gov. Elect Steve Beshear to the Governor's Transition Team assigned to the Kentucky Commerce Cabinet. Author of Kentucky Fair and Exposition Center and the Kentucky State Fair Board Reports. Coauthor of Tourism Department Report.
- 2007 After serving on Jury Duty on learning that jurors had no access to wi-fi I met with our Circuit Court Clerk and we secured free wi-fi internet service for the Judicial Center and Hall of Justice from Smoothstone, Inc.
- 2007 Kentucky Department of Public Advocacy, Seminar Instructor.
- 2008 Attorney, Rules Committee **Democratic National Convention**, Denver.
- 2008 Appointed as **Special Justice** to the **Kentucky Supreme Court**.
- 2012 Appointed by the Chief Justice to represent the private Bar in the development of the Court's case history and calendaring program, Courtnet 2.0.
- 2013 Board Member, First Christian Church, Louisville, Kentucky.
- 2014 Authored Senate Bill 79 Expungement Bill.
- 2015 Board Member, First Christian Church of Louisville.
- 2015- Louisville Bar Association/Jefferson County Crime Commission Legislative  
2020 Task Force-Criminal Defense Lawyer Member.
- 2016 Kentucky Transportation Cabinet, Ignition Interlock State Defense Bar Representative.
- 2017 Board Member, Kentucky Criminal Lawyers Association.

## **SEMINAR INSTRUCTOR**

- 1995 Kentucky Attorney General Committee on Pending D.U.I. Legislation.
- 1995 Kentucky Prosecutor's Conference, Faculty Member, Instructor 1995.
- 1995 Kentucky Bar Association-District Bar, Seminar Instructor, *Driving Under the Influence*.
- 1995 Louisville Bar Association Seminar Instructor, *Driving Under the Influence*.
- 1996 **Southeastern DUI Offenders Systems, Faculty Member**. The organization

consists of State DUI Administrators, legislators, judges, law enforcement officers, court administrators, DUI Program Directors, prosecutors, treatment professionals, MADD members, drivers licensing officials, and other related professionals responsible for the administration and operation of DUI programs in nine southeastern states.

- 1999 Louisville Bar Association, *Prosecuting DUI's-a Prosecutor's Perspective*.
- 1999 Kentucky DUI Detection and Enforcement, Seminar for Jefferson County Police, Shively Police Department and Jefferson County Sheriff Recruits.
- 1998 Kentucky Bar Association-District Bar, Seminar Instructor Moderator, *Kentucky Juvenile Law*.
- 1998 Kentucky Bar Association-Bridge the Gap, Panelist, *Married Legal Professionals*.
- 2000 Kentucky Bar Association, Attorneys-Seminar Instructor *Changes in the Kentucky DUI Law*.
- 2000 Kentucky Academy of Trial Attorneys-Seminar Instructor *Changes in the Kentucky DUI Law*.
- 2000 Kentucky DUI Law, Seminar for Kentucky Motor Vehicle Enforcement Officers.
- 2000 Kentucky DUI Law, Seminar for Louisville Police Officer Training Program.
- 2002 Lorman Education Services, *DUI Seminar Chair and Instructor*.
- 2003 Seminar Instructed Department of Public Advocacy and the Jefferson County Public Defender's office. *District Court Practice and DUI*
- 2008 Seminar Instructor, Louisville Metropolitan Police Department.
- 2013 Kentucky Justice Academy, *House Bill 70-Proposed Kentucky Expungement Bill*.
- 2016 Louisville Bar Association, *House Bill 40 Kentucky's New Expungement Law*.
- 2018 Louisville Bar Association, *Kentucky Expungement Law*

**PUBLISHED:**

- 1992 Interlocal Agreement, County Wide Arrest Powers of Police Officers of Fourth Class Cities, Jefferson County, Kentucky.
- 1992 Domestic Violence: A Physician's Responsibility, Jefferson County Medical Society Magazine.

- 1992 Domestic Violence-The Medical Community's Legal Duty, Kentucky Medicine, April 1992.
- 1995 Why Me??? What to expect when testifying in Court, University of Louisville Hospital Seminar for Phlebotomists, Registered Nurses, and Laboratory Technicians. Published in cooperation with University of Louisville Hospital and the Jefferson County Attorney's Office. 1995.
- 1995 Kentucky Prosecutor's DUI Jury Trial Manual, ***But Ocifer, I only had two beers!*** Kentucky Prosecutor's Advisory Council.
- 1996 Graduated Licensing: What Every Kentucky High School Student Should Know. Brochure created in cooperation with the Jefferson County Public Schools, Jefferson County Attorney's Office, and Mothers Against Drunk Driving. 1996.
- 1997 Kentucky DUI Task Force, 1997 Final Report, Office of Attorney General.
- 1997 Kentucky DUI Task Force, Report from Kentucky Prosecutors.
- 2002 Lorman Education Services, ***Kentucky DUI Defense Trail Manual***.
- 2007 Gov. Beshear's Transition Team Report, Commerce Cabinet, Kentucky Fair & Exposition Center Report, Tourism Report.
- 2013 Kentucky Advocate Magazine, Expungement Statutes Prevent Qualified Individuals from Employment and Contributing to our Economy.
- 2015 Louisville Bar Association Magazine, New State Law Grants Expungement Rights to Certain Class D Felonies.
- 2019 Louisville Bar Association Bar and Briefs, Kentucky's New Expungement Law
- 2020 Louisville Bar Association Bar and Briefs. Recommendations from an Ally for Rebuilding Trust in the Police

## **REFERENCES:**

Hon. Albert Benjamin Chandler  
Former US Congressman &  
Kentucky Attorney General

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