

Hon. Mary C. Noble



Justice Mary C. Noble was elected to serve as a Justice of the Kentucky Supreme Court from November 2006 until November 2008, and was then re-elected, unopposed. She served until her retirement in 2016. In addition to her case work on the Court, Justice Noble chaired the Supreme Court Civil Rules Committee. She established the Family Court Rules Committee to implement the original Family Court Rules of Practice and Procedure to provide uniform rules for Family Court cases statewide, and chaired the drafting and approval process for those Rules.

In September, 2010, Justice Noble was named Deputy Chief Justice of the Supreme Court of Kentucky by Chief Justice John D. Minton, Jr., who said “I am pleased to announce that Justice Noble will serve as deputy chief justice for the Supreme Court. Justice Noble is an effective leader and a skilled jurist who has earned the trust and respect of her colleagues on the court.” In 2011, she became the first woman to preside at the Supreme Court of Kentucky.

In her retirement, Justice Noble has established a mediation, arbitration and consultation practice, Noble Tate Neutrals, in Lexington, Kentucky. After 15 years as a trial court judge and ten years on the Kentucky Supreme Court, Justice Noble has had exposure to virtually every type of legal issue. Through her work on thousands of cases she has acquired understanding of the demands of litigation and its effect on human lives that informs her efforts as a mediator and arbitrator.

Justice Noble began her legal practice in Mt. Sterling, Kentucky, in 1982, where she practiced school law and insurance defense. In 1983, she began a general litigation practice in Lexington, Kentucky, continuing to represent school boards and doing civil plaintiff’s cases and criminal defense. She also served as Domestic Relations Commissioner for Fayette Circuit Court, Third Division, for two years before being elected to the Fayette Circuit Court in 1991. At that time, she became one of only three women serving in that capacity.

Justice Noble was a Fayette Circuit Court judge for 15 years from 1991 until November, 2006. She served two consecutive terms as chief regional circuit judge for the Fayette Region, the first woman to serve in such capacity in the over 200 year history of the Fayette Circuit Court.

As a member of the Juvenile Justice Task Force, Justice Noble worked tirelessly to implement the passage of legislative reform to the Code of Juvenile Justice. In support of the revised legislation, Justice Noble formed the Juvenile Court Rules Committee to develop and draft the original Juvenile Court Rules of Practice and Procedure, which like the Family Court Rules of Practice and Procedure, provide for uniform practice in juvenile courts across Kentucky.

REPRESENTATIVE CASES:

- ***Beshear v. Bevin, 498 S.W.3d 355 (Ky. 2016)***

Addressed whether the Kentucky Attorney General and members of the legislature have standing to challenge the Governor’s actions as violating a statute or constitutional provision—specifically, as to whether the Governor can withhold state university’s budget allotment/appropriation or require the university to not spend a percentage of appropriated funds. Held—The Attorney General has standing, but

the legislators do not; and the Governor cannot withhold appropriated funds or order the university to not spend them.

- ***Doe v. Coleman, 487 S.W.3d 740 (Ky. 2016)***

Addressed what a public figure alleging libel must prove to the court before the identities of anonymous online speakers must be revealed. Held—Public figures, under the First Amendment, must make a prima facie showing of falsity of the anonymous speaker’s statements, among other things, before the veil of anonymity can be pierced; also, the court cannot order the speaker’s attorney to reveal the anonymous client’s identity.

- ***Asbury University v. Powell, 486 S.W.3d 247 (Ky. 2016)***

Addressed (1) whether state employment-retaliation claim must arise from an actual, underlying violation of the state’s civil-rights statute or whether a mere complaint of such a violation suffices; and (2) how juries should be instructed as to the causation standard in retaliation cases. Held—(1) A reasonable, good faith claim of a violation suffices and an actual violation need not be shown, (2) “But for” causation is the proper standard.

- ***Carter v. Bullitt Host LLC, 371 S.W.3d 288 (Ky. 2015)***

Addressed whether the open-and-obvious doctrine, which had been obviated in earlier cases involving man-made hazards, continues to apply in cases involving natural hazards (e.g., snow and ice). Held—the doctrine no longer applies as a complete bar to liability after the abrogation of contributory negligence in favor of pure comparative fault.

- ***Marson v. Thomason, 438 S.W.3d 292 (Ky. 2014)***

Does qualified governmental immunity extend to a teacher charged with supervising students before school and who failed to prevent a blind student from walking off ordinarily extended bleachers? Held—No, the teacher was engaged in ministerial action and thus was not protected by qualified immunity under state law.

- ***Mark D. Dean PSC v. Community Bank & Trust Co., 434 S.W.3d 489 (Ky. 2014)***

Is an attorney liable for losses from an employee’s embezzlement scheme (through check kiting from escrow accounts) when he fails to identify the loss within the UCC’s statute of limitations or is the bank liable? Held—Where the attorney fails to review bank statements in a timely fashion and thus misses the employee’s scheme, the attorney is liable for the loss.

- ***MHC Kentworth-Knoxville/Nashville v. M & H Trucking, 392 S.W.3d 903 (Ky. 2013)***

Can Kentucky’s courts enforce an arbitration agreement that does not require arbitration inside the state, as required by the state arbitration act, but states that the Federal Arbitration Act applies? Held—Yes, the agreement can be enforced in state court under the federal act.

- ***Benningfield v. Zinnsmeister, 367 S.W.3d 561 (Ky. 2012)***

Kentucky’s dog-bite-liability statute extends liability to dog owners and defines dog owner as any person allowing a dog to remain on or about premises he owns. Can a landlord who allows a tenant to keep a dog be liable for a dog bite that occurs off the leased premises? Held—Yes, but only if the injury occur on or adjacent to the landlord’s property.

- ***MERS v. Roberts, 366 S.W.3d 405 (Ky. 2012)***

Does the doctrine of equitable subrogation allow reordering of priority of a mortgage lien where the mortgage holder had constructive knowledge of an earlier lien? Held—The race-notice statute trumps the equitable-subrogation doctrine as long as there is actual or constructive knowledge.

- ***Bryant v. Pulaski County Detention Center, 330 S.W.3d 461 (Ky. 2011)***

Is a municipal corporation that owns a local jail entitled to sovereign immunity from an inmate's tort claim? Held—Yes, the corporation is an alter ego of the county, which has sovereign immunity, and thus is immune.

- ***Kentucky River Medical Center v. McIntosh, 319 S.W.3d 385 (Ky. 2010)***

Does the open-and-obvious doctrine bar a hospital's liability for an injury to an EMS worker who trips on a curb while bringing a patient into the ER? Held—The open-and-obvious doctrine is no longer a complete defense in light of Kentucky's adoption of comparative fault as long as the injury is foreseeable.

- ***Members Choice Credit Union v. Home Federal Savings & Loan Association, 323 S.W.3d 658 (Ky. 2010)***

Does the credit-union statute's requiring a "common bond of similar occupation, association, or interest" for members allow a credit union based on a geographic connection? Held—Yes, credit unions have historically been allowed for geographical areas, and the statute allows for such a connection.

- ***Miller v. Johnson Controls Inc., 296 S.W.3d 392 (Ky. 2009)***

Does amended statute's changing how groups of related corporations can file their tax returns with retrospective effect violate due process? Held—No, the retrospective effect of the statute is related to the government purpose of regulating revenue; thus, there is no due-process violation.

- ***Comair v. LFUCG, 295 S.W.3d 91 (Ky. 2009)***

Is an airport board that operates the local airport and is controlled in large part by a merged city-county government entitled to sovereign immunity for tort actions related to a plane crash? Held—Yes, the board is controlled in part by a division of the state (a county) and performs a governmental function (providing transportation infrastructure), and thus is a governmental agency entitled to the immunity of the county.

- ***Steel Technologies Inc. v. Congleton, 234 S.W.3d 920 (Ky. 2007)***

Are pre-impact fright damages available under Kentucky law where there is no impact or other touching? Held—No, Kentucky's common law has long required an impact and there was insufficient evidence in the case to change the rule, although a future case with different proof could justify changing the rule.

- ***Autry v. Western Kentucky University, 219 S.W.3d 713 (Ky. 2007)***

Is an entity created by a state university to hold title to a dormitory to obtain a tax advantage, which then leases the dormitory back to the university, immune from suit? Held—The separate entity is an alter ego of the university, and thus has official immunity; to the extent the entity was sued directly, it enjoys qualified immunity because its decision to lease the dormitory back to the university is discretionary.