

Monday, August 13, 2007

Lawyers to stay in jail 'til trial

Post staff report

Three lawyers accused of bilking 440 clients out of \$64 million in a settlement over the use of the diet drug combination known as fen-phen remain in the Boone County Jail.

Melbourne Mills, 76, of Versailles, and William Gallion, 56, and Shirley Cunningham Jr., 52, both of Lexington, were jailed Friday when U.S. District Judge William O. Bertelsman revoked their bonds.

The lawyers will remain in jail until their trial on Jan. 7 unless the judge reinstates their bonds.

Bertelsman revoked the bonds after attorneys for the three lawyers contended at a hearing Friday that the trio's trial, scheduled to begin in October, should be delayed several months so more evidence can be reviewed.

But the judge said it was a simple case and warned the attorneys that if he had to delay the trial he would revoke the bonds that had been keeping the lawyers out of jail until trial.

When the attorneys continued arguing to delay the trial, Bertelsman decided to postpone the trial until Jan. 7 - and revoked the bonds of Mills, Gallion and Cunningham.

"Take them away," the judge told U.S. marshals.

The three attorneys have had their law licenses suspended and the judge overseeing the original case, former Boone Circuit Judge Jay Bamberger, resigned from the state senior judge program.

The case involves the actions of the three lawyers in the \$200 million settlement of a civil case against the makers of fen-phen in which users of the once-popular diet drug claimed it caused serious health problems.

The lawyers were accused in a federal indictment of lying to their clients about the amount of the settlement and taking two-thirds of it in fees and expenses when they were only entitled to about one-third.

If convicted, the lawyers face up to 20 years in prison.
