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Pride in the profession. Service to the community.

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The mission of the Louisville Bar Association is to promote justice, professional excellence and respect for the law, improve public understanding of the legal system, facilitate access to legal services and serve the members of the association.

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The Voting Rights Act . . . The Struggle Continues

May 19, 2015 was one of those days. I had a full plate of meetings and calls at work. There were some drafts due to clients and a filing or two due to the courts. Brian and I had a meeting at my youngest son's preschool. Our oldest son had a couple of late afternoon/early evening activities and I was playing chauffeur. I bet this kind of day sounds familiar to many of you. Oh yeah, and I also had to vote as it was primary Election Day.

That evening, driving home with my son, we were sharing about our respective days. I irritated him by turning the car radio from Radio Disney to a news station from which I was hoping to catch some election results. After remembering that the reason he hadn't had school that day was because of Election Day, he asked if I had voted. I told him that I had indeed voted. He commented that my day, as I had described it to him, had been busy, so why did I bother with voting.

All of you who are parents have had those moments when you are talking to your children and you know that you sound just like your own parents did when you were growing up. Often times, I just shake my head and chuckle when I realize I've channeled my mom or dad when I'm giving one of my kids an earful. Other times though, I appreciate the invaluable lessons given to me by my parents that I am privileged to get to pass on to my own boys.

I explained to Logan, as my parents had made clear to me, that I had *made* time to vote because it was a right afforded to me thanks to thousands of people who sacrificed so that I can go to the poll and cast my vote. I told him that there was a time when folks who looked like us could not vote and that so many people fought, with some even dying, to secure the rights of people of color to vote. Because of this history I explained, I never miss an opportunity to vote. I told Logan that I could only recall missing one vote since I turned 18 and became eligible. I shared with him how in 2008 we'd made arrangements for his Grammy to vote by absentee ballot in the primary election because she was going to be in the hospital. She was adamant that she would NOT miss the opportunity to vote for Barack Obama who might be the first black president of the United States.

President Lyndon Johnson signs the Voting Rights Act of 1965
by Yoichi Okamoto – licensed under Public Domain via Wikimedia Commons

Soon thereafter, we were again listening to Radio Disney and my son's attention was elsewhere. But, I felt good to give him a quick lesson about the importance of exercising the right to vote. Later that night, my conversation with Logan about the magnitude of exercising one's right to vote was driven home in a profound way. A mere 83 votes had decided who would be the Republican candidate for governor of our commonwealth.

On August 6, 2015, we will mark the 50th anniversary of the passage of the Voting Rights Act of 1965. This important piece of legislation was signed into law by President Lyndon B. Johnson during the height of the Civil Rights Movement. It has been described as enfranchising millions of minority voters. Section 5 of the act requires certain states and local governments with historically deficient minority voting protections to seek a pre-determination that any proposed changes to its voting laws or practices do not abridge the rights of minority voters. Section 4(b) provides the coverage formulas that determine which states and local governments have to seek pre-approval. The act has been amended five times to expand its protections. As recently as 2006, Congress reauthorized the act.

But in more recent years there have been aggressive and targeted efforts to make it tougher for certain voters to exercise their right to cast a ballot. More often than not, the impact of these tactics hits the minority voter the hardest. The disparate impact these efforts have on minority voters should trouble you if, like me, you believe that voting rights should be expanded and not retracted.

I thought it was important that I not abuse the privilege of having this space. I did not want to use it as my own personal soapbox or bully pulpit, month in and month out. But in the same way that I was moved to write about the recent deaths of black males at the hands of police officers earlier this year, I am compelled to speak to the all-out assault on the voting rights of millions of Americans, particularly as we approach the anniversary of the Voting Rights Act.

Many states and local governments are changing their laws and voting practices to reduce early voting opportunities. Other efforts include exceedingly harsh voter identification requirements before voters are allowed in the voting booth. In 2013, the United States Supreme Court, in *Shelby County v. Holder*, struck down Section 4(b) of the Voting Rights Act as unconstitutional. While Section 5 was left intact by the Court, the ruling as to Section 4(b) renders Section 5 ineffective. The five justices in the majority determined that the Voting Rights Act has achieved it primary purpose and that the pre-approval requirements are based on stale information and data from the 1960s that is no longer relevant today. The four justices in the minority, however, including Justice Ginsburg, argued that the efforts to restrict voting rights are rampant, citing the redrawing of district maps as an example of a means of diluting the minority vote.

Perhaps we could suspend our disbelief for a moment and try to assume that the voting restrictions and changes are not designed to impact minority voting. But, the evidence to the contrary is overwhelming. Please don't take my word for it. Read and study for yourself the accounts of what is happening in many states around the country. Decide for yourself whether we can tolerate the infringement on the right to vote of the millions of people the Voting Rights Act was designed to protect. Does what you know to be going on in the country with respect to race relations suggest to you that the purposes of the Voting Rights Act have been fully achieved? As long as our judges are elected, shouldn't everyone coming before the court have the right to vote on who is sitting on the bench to hear his or her case? Has the work of the likes of Ella Baker, Fannie Lou Hamer, Anne Braden and the thousands who marched across the Edmund Pettus Bridge in Selma, Alabama been completed?

Of course there are legitimate laws that have to be upheld and enforced to prevent voter fraud. We lawyers are uniquely positioned to protect those laws, yet fight against the unlawful and illegitimate attacks on the rights of Americans to vote. Be it our ability to help a potential voter maneuver a state's newly complicated process of voter registration or the ability to argue in a court of law that a certain state's new voting restrictions are unconstitutional, we can make a difference that gives one, 10 or thousands the opportunity to exercise a right I, and many of you, hold dear.

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I must offer a postscript to my Manga Carta article from last month. My own education about the Great Charter continues. Since I wrote last month's President's Page article, I've learned from those smarter than me on Magna Carta that it is improper to call the document "the" Magna Carta. Rather, it is proper to simply refer to it as Magna Carta. So, for all you Magna Carta experts who read last month's article, I apologize for calling it the Magna Carta.

Sincerely,

Angela Logan Edwards
LBA President

BEHIND THE BENCH

Magistrate Judge Colin H. LINDSAY

United States District Court, Western District of Kentucky

Anne K. Guillory

Vacancies are rare in the federal magistrate judge ranks, particularly in the Louisville division of the Western District. New Magistrate Judge Colin Lindsay only recalls two or three such vacancies during his 26 years in private practice. So when Magistrate Judge Jim Moyer announced his retirement after nearly two decades on the bench, Judge Lindsay—then a partner with Dinsmore & Shohl—seized upon this rare opportunity and applied to fill the vacancy.

The transition from lawyer to judge was natural one for Judge Lindsay. After spending a significant portion of his career litigating cases in federal court, Judge Lindsay always had great respect and admiration for the work of the federal judges and magistrates. In addition, his natural instincts leaned toward being the neutral—the arbiter. Being a judge has been a long-standing goal.

Even though Judge Lindsay spent his career at large law firms, he worked on both sides of the "v." and represented plaintiffs and defendants, individuals and companies. His caseload included complex civil litigation, including MDLs and class actions. This work provided a good foundation in issues frequently found in federal cases—jurisdiction, statutory interpretation and detailed administrative regulations.

In addition, Judge Lindsay maintained an active pro bono practice which included the representation of victims of human trafficking. In 2013, the Kentucky Rescue and Restore Coalition honored him with its Liberation Award in recognition of his work on behalf of these victims and his efforts to raise awareness of human trafficking in the community.

Judge Lindsay also served as LBA President in 2009 and has taught courses as an adjunct professor at the University of Louisville Brandeis School of Law.

He feels that this community involvement prepared him for the bench as much as any casework.

While Judge Lindsay has only been on the bench for a few months, the experience has reinforced a few things that he found important in private practice. First, "writing is critical" because poor writing gets in the way of effective communication. Most motions are disposed of without oral argument, so an attorney's written work product frequently is the sole form of interaction between a party and the court. Even if the court hears arguments, a judge will have spent a good deal more time with the briefs. The quality of writing can color a judge's view of the substantive arguments, particularly if poor writing obscures the argument.

In addition to quality written work, counsel must be fully prepared for each interaction with the court, even if it is just a telephonic status conference. Judge Lindsay's best advice for new attorneys is to always know the case, know the local rules and be prepared to address any aspect of the case. The level of preparation does not change just because an attorney is "standing in" for a colleague. Also, counsel should "play nice." Disagreements over discovery and other divisive issues are part of litigation, but civility and effective communication can allow lawyers to resolve many of these disputes informally.

When asked about "pet peeves," Judge Lindsay replied that he does not have any at the moment. During his short tenure, the attorneys appearing before him have been well-prepared and professional. But he would also caution counsel to always read the actual text of any orders. Content varies from judge to judge and from case to case. Reading the ECF notice is not enough because the actual order may contain additional or even different information on even the most routine items. For example, an order for a status conference may specify things like in-person attendance, whether out-of-town counsel may request permission to attend by phone, subjects to be discussed or other not-so-minor details. No attorney wants to be the one who fails to appear for an in-person conference, or who fails to submit requested information to the court in advance of the conference.

As for the increasing role of technology in litigation, Judge Lindsay believes that "it vastly improves the judicial system." While technology will never be a cure-all or a replacement for preparation and diligence, it enables everyone involved in a case to access information more quickly. He also believes the use of technology reduces or eliminates the typical complaints about administrative inefficiency. The electronic filing system in particular allows the judiciary to be more nimble than when using boxes of paper files. In fact, Judge Lindsay finds that he now works almost exclusively off his iPad.

Judge Lindsay loves his new position. He is especially grateful for the support of his family in pursuing his dream job. Outside the courthouse, his passions remain the same: spending time with his family and friends, cooking and entertaining, and reading a little bit of everything.

Anne K. Guillory is a partner in the litigation department of Dinsmore & Shohl's Louisville office. She is also a member of the LBA's Communications Committee and Litigation Section. ■

Lawyer Books

Judge A.C. McKay Chauvin

My friend Bill Adams, a long-time assistant commonwealth's attorney and the much-beloved "Philosopher King of Portland," once told me that life is like a conveyor belt. You get on and if along the way you discover that you can bake, then you get off and you are a baker. If you can build, you get off and you are a builder. If, however, you can't actually *do* anything, then you continue to ride the conveyor belt of life right on to law school.

Having taken that ride myself, I have always admired people who can do tangible things—people with the kind of skills that would justify saving them a seat on an overcrowded lifeboat. As such, I am drawn to television shows like "Top Chef" (cooks), and "Fast and Loud" (auto mechanics), and "This Old House" (carpenters)—shows in which people are doing under pressure and under budget that which I couldn't do under any circumstances.

What I don't watch are shows about lawyers. Even if I was inclined to do so, my wife wouldn't let me. She claims that I ruin them for her by saying things like, "oh come on!" or "that would never happen," or just, "pulleeeease." When she quotes me saying things like that she uses the voice that all wives use when they are imitating/mocking their goofball husbands (the voice of Lenny from "Of Mice and Men," but as a complete know-it-all blowhard). I don't remember ever saying any such things (or sounding that way), but I do recall the occasional harrumph, chortle and/or highly-audible sigh. In fairness, I doubt the spouses or significant others of cooks, auto mechanics or carpenters watch "Top Chef," "Fast and Loud," or "This Old House" together.

Lawyers have important skills too. The kind of skills that might be used to convince the rest of the people in the aforementioned overcrowded lifeboat *not* to throw the lawyer overboard (or to toss somebody else over first). Our skill set also includes the ability (and desire) to read. We are among the last of a dying breed of readers. It's what we do all day at work. It's also what a great many of us do when we are not at work to relax. It is my leisure activity of choice. I am rarely without the book I am reading (which I carry tucked under the waistband of my pants in the small of my back) and another book "on deck" (which I do not stuff in my pants) for when I am finished. I am allowed to read books about lawyers. Over the course of a lifetime, I have read quite a few. I am not a particularly good audience for books set in the courtroom anymore than I imagine plumbers likely are for books set in the bathroom, but I have even read a few … very few … that I enjoyed a great deal. If you either take pleasure in or haven't given up the search for stories which feature lawyers and lawyering, I am pleased to recommend the following books.

CLASSICS

To Kill a Mocking Bird
By Harper Lee
Atticus Finch is called upon to serve as the conscience of his community when he is appointed to defend a black man accused of raping a white woman in a small depression-era town in southern Alabama.

The Verdict
By Barry Reed
Attorney Frank Galvin is given his last best chance to take control of what little is left of his once brilliant legal career by taking on the powerful Archdiocese of Boston on behalf of his powerless client.

Anatomy of a Murder
By Robert Traver (the pen name of Michigan Supreme Court Justice John D. Voelker)
Attorney Paul Biegler comes out of semi-retirement after losing his re-election as district attorney in a small town in the Upper Peninsula of Michigan to deftly craft a defense for a man accused of killing a local innkeeper.

MODERN CLASSICS

Presumed Innocent
By Scott Turrow
Deputy District Attorney Rusty Sabich heads up the politically and personally charged investigation into (and then becomes the prime suspect in) the murder of colleague with whom he had an affair.

A Time to Kill
By John Grisham
Attorney Jake Brigance is required to confront a difficult mix of legal, moral, racial and cultural issues in his northern Mississippi town when hired by a black man to defend him for killing the white men who raped his daughter.

COMEDY CLASSICS

Rumpole of the Bailey
By John Mortimer
Barrister and self-described "Old Bailey Hack" Horace Rumpole uses his considerable wit and formidable wits to deal with his colleagues with whom he shares chambers, his wife with whom he shares a home, and to provide zealous and hilarious representation for several generations of colorful "local villains" with whom he shares a distrust of the London criminal courts.

Wilkes: His Life and Crimes
By Winston Schoonover (the pen name of Charles Sevilla)
Gonzo criminal defense attorney John Wilkes defends those with enough money to afford him with great zest, craftiness and panache, but without any regard for the rules of evidence, ethics or decorum.

The Ehrengraf Defense
By Lawrence Block
Attorney Martin Ehrengraf is featured in eight short stories you might expect to see on old episodes of "Alfred Hitchcock Presents" in which he employs extremely unorthodox methods to secure the extremely high fees he charges but only collects if the client is set free by the authorities.

NON-FICTION CLASSICS

Helter Skelter
By Vincent Bugliosi & Curt Gentry
Deputy District Attorney Vincent Bugliosi chronicles the story behind the prosecution of Charles Manson and members of his "Family" for the infamous Tate/LaBianca murders in 1969. (Authors Note: If after reading *Helter Skelter* you find yourself thinking that your time would be well-spent reading anything/everything else Mr. Bugliosi wrote, I can assure you that it would not.)

The Prosecution Responds: An O.J. Simpson Trial Prosecutor Reveals What Really Happened
By Hank Goldberg
Deputy District Attorney Hank Goldberg gives a serious, compelling and (despite the title) objective analysis of the procedural, tactical and strategic decisions made in the prosecution of O.J. Simpson.

Please try your best to enjoy these selections but, if you don't, please try even harder not to bother your loved ones with long blustering diatribes as to exactly what's wrong with them. Read on!

Chief Judge A.C. McKay Chauvin presides in Division 8 of Jefferson Circuit Court. ■

Law School's Partnership with Central High School Bearing Fruit

Dean Susan H. Duncan

As more law schools explore pipeline programs to entice prospective students and remedy a downward admissions trend, our partnership with Central High School has been around for nearly 15 years. The trend of adding these types of programs began around 2006, while Brandeis School of Law and Central High School teamed up in the fall of 2001.

Each year, about 30 law students and 10 to 20 faculty and staff members, along with several members of the legal community, participate in this program. In the beginning, through the Central Law and Government magnet program (which Jefferson County Public Schools established in 1986), students at the high school were provided a variety of enrichment activities—attending moot court competitions and presentations at the law school and participating in a writing competition, for example.

The partnership has since evolved and now includes an "enhanced program"—first introduced in 2006—which allows Brandeis students an opportunity to provide programming and skills development lessons to Central students.

Despite this expansion, the objectives have remained the same since day one: to spark the interest of students in becoming lawyers or, if they choose not to attend law school, to become leaders and active citizens in their community.

"Most of these students aren't going to go to law school, but the program exists to help them prepare for college and be active citizens. For us, it's more of a mentoring program," said Brandeis Professor Laura Rothstein who, along with Professor Cedric Merlin Powell and Connie Shumake (now an assistant university provost at UofL), have been involved since the beginning. They work in consultation with Joe Gutmann, coordinator of Central's law magnet, to bring these objectives to fruition through Street Law curriculum, Marshall-Brennan Civil Liberties curriculum, substantive American government coursework, and a writing skills and mentorship program.

Plans are starting to develop to mark the partnership's 15th anniversary in 2016, which will also mark the 10th anniversary of the enhanced program. In the meantime, Brandeis will welcome the first law magnet student from Central this fall: Mashayla Hayes.

"A lot of time has been invested in this program and we're starting to see the fruits of it here. I believe if it weren't for this program, some of these success stories wouldn't be happening. We're watching these students go from being kids to professionals," Rothstein said, adding that the odds are against many of the students, a vast majority of whom are on a free or reduced lunch program.

Powell added that in Kentucky especially, it's important for historically underrepresented populations to have access to the legal profession. According to 2013 numbers from the Kentucky Bar Association, which represent a self-reported sample, 283 out of 17,749 total members identify as black/African American; 99 identify as Asian; 88 identify as Hispanic; and 86 identify as American Indian.

"We need diverse viewpoints in this profession. We need people who can look at structural inequality and help those it affects most," Powell said.

The program is mutually beneficial for Brandeis law students, according to the professors.

"Part of the value for our students is a greater awareness for the underrepresented and underprivileged, which is so important in the legal profession," Rothstein said. "One of the most rewarding outcomes of the law school's partnership with the Central High School Law and Government Magnet is the positive feedback from law students whose year-end evaluations consistently indicate how much they learned from the Central students."

"For both the Central students and our students, they can learn from each other. The Central kids get to associate with people who are successful and realize they can do it too, and that it's not unattainable. For Brandeis students, it's important for them to be fully literate in cultural competency," Powell added.

Success Stories

Not only will Brandeis School of Law welcome the first Central law magnet student this fall, but the program has yielded plenty of additional success stories. Five of the top 10 Central graduates this year, for example, are law magnet students, including the valedictorian, Shalonte Branham.

2014 graduate LaNia Roberts is now a student at Syracuse and has been featured in Cosmopolitan and other publications for her "Weather by LaNia Snapchat Stories" about self-love and self-acceptance.

Also, Jasmine Thornton, a 2014 UofL graduate, is working to become a school teacher; Crystal Emerson graduated from Transylvania and is working on a master's degree in public health; Briana Posey received a master's degree in human resources from Ohio State University and is now working at a corporation in Boston; Christien Russell is working on a master's degree at Auburn University; Simone Gonzalez graduated from Vanderbilt; Charles Smiley just graduated from UofL and has been admitted to Kent School to pursue a master's in social work; and Cormel Floyd was named UofL's "Outstanding Freshman" for the 2013–14 year.

Plenty of Central law magnet students have also been named as Harlan Scholars, including Mashayla Hayes, Osiah Graham, Gabe Vaughn, Hau Le, Jamitra Fulleord, Jason Jewell and Sam Brown. And these are just some examples.

"Watching these 14-year-old high school sophomores mature into confident and successful college graduates over the years is very special," Rothstein said.

Part of the Strategic Plan Initiative

The law school takes great pride in its partnership with the law magnet program at Central High School. Both Brandeis and Central students benefit immensely from their interactions. We look forward to the continued success of the program and for implementing new ways to strengthen it. As part of the University's signature partnership relationships, this initiative helps us meet important community engagement and pipeline goals in our strategic plan.

That strategic plan, passed in April 2014, includes an objective of not only enriching the Central program, but also developing other diversity programs in its mold. Consequently, we hosted the inaugural Diversity and Inclusion Summit in the spring in partnership with the Louisville Bar Association, the Kentucky Bar Association and the Legal Aid Society.

The summit won the KBA's Young Lawyers Division Next Steps Challenge Award for 2015. YLD's Brad Sayles said Brandeis' contribution was a key portion of its submission as it focused primarily on the pipeline project taking place in conjunction with the summit. The Next Steps Challenge involves multiple steps beginning with a program plan due in December, a progress report in January, implementation of the program and a final report.

Susan H. Duncan, dean of the University of Louisville School of Law, serves on the boards of both the Louisville Bar Association and the Louisville Bar Foundation. ■

Professor Giesel Named Dean for Academic Affairs

Professor Grace Giesel has agreed to be the Dean for Academic Affairs at Brandeis School of Law. She is the Bernard Flexner Professor of Law in recognition of her demonstrated excellence in the areas of teaching, scholarship and service, as well as her commitment to continue this high level of achievement.

Professor Giesel, who succeeds Professor Rick Nowka in the role, is a past recipient of the Law School Teaching Excellence Award, University Distinguished Teaching Award, and the Women Lawyers Association of Jefferson County Achievement in Excellence (Lifetime Achievement) Award.

Professor Giesel is also a favorite of the students, often earning some of the highest student evaluations in the school, and is a frequent presenter of CLEs for the bench and bar. She is known for her student-centered approach and will be the perfect person to design schedules and help develop curriculum reforms that will best prepare our students for their careers. ■

Professor Powell Named Dean for Research for 2016

Professor Cedric Merlin Powell has agreed to be the Dean for Research in 2016. Professor Powell's reputation nationally as an excellent scholar and his mentoring experience makes him a great choice for this position. He will work to bring in speakers on a variety of topics.

Professor Powell has been a lead primary commentator/panelist for the annual John Mercer Langston Black Male Faculty Writing Workshops, and has also spearheaded the Charles Parrish Brother-to-Brother Initiative on campus, which helps recruit, retain and promote African-American male staff, faculty and administrators. Professor Powell succeeds Professor John Cross in this role. ■

2015 Summer Law Institute Wrap Up… And a Big Thanks to Our Volunteers!

The annual Summer Law Institute (SLI), sponsored by the LBA, University of Louisville Brandeis School of Law, and Bellarmine University—with a generous grant from the Louisville Bar Foundation—was held June 7–13 on the University of Louisville campus.

The program is open to high school students interested in the law and legal careers. Students participate in panel discussions, attend seminars, tour the federal courthouse and present a mock trial. The 2015 class was made up of 32 students from 15 schools, both public and private, from Jefferson and surrounding counties.

Special recognition must go to **James R. Wagoner** of Fogle Keller Purdy for being the mastermind behind the entire week—and to judges **Brian C. Edwards** and **Joan A. Stringer** for presiding over the mock trials. We could not have done it without them.

Thank you also to the following attorneys and judges who volunteered during the week and provided invaluable information to these aspiring lawyers:

Daniel M. Alvarez, *Adams & Alvarez*
Mary E. Barrazotto, *Brown-Forman Corporation*
James H. Beckett, *Frost Brown Todd*
Brian M. Bennett, *Stites & Harbison*
Judge A.C. McKay Chauvin, *Jefferson Circuit Court*
Ryane E. Conroy, *Office of the Commonwealth's Attorney*
Tracey L. Darbro, *Legal Aid Society*
Susan H. Duncan, dean, *Brandeis School of Law*
Judge Brian C. Edwards, *Jefferson Circuit Court*
Karen E. Faulkner, *Faulkner Kaelin Law Office*
D. Scott Furkin, *Louisville Bar Association*
C. Dean Furman Jr., *Furman & Nilsen*
Mary Jo W. Gleason, *Kentucky Court of Appeals*
Judge David J. Hale, *U.S. District Court*
Tanisha A. Hickerson, *Quintairos, Prieto, Wood & Boyer*
Kelly A. Kane, *Humana*
Diane M. Laughlin, *Blackburn Domene & Burchett*
David A. Lambertus, *Attorney at Law*
James R. Lesousky, *U.S. Attorney's Office*
Magistrate Judge Colin H. Lindsay, *U.S. District Court*
Christie A. Moore, *Bingham Greenebaum Doll*
Frederick W. Moore III, *Louisville Metro Public Defender's Office*
Rebecca J. O'Neill, *Kentucky Refugee Ministries*
Camilo M. Ortiz, *Brandeis School of Law*
Professor Laura Rothstein, *Brandeis School of Law*
Christopher E. Schaefer, *Stoll Keenon Ogden*
Professor Lars S. Smith, *Brandeis School of Law*
Judge Joan A. Stringer, *Senior Status Judge*
Krsna I. Tibbs, *Attorney at Law*
Congressman John Yarmuth

Two Attorneys, Two Hours, Twice a Month: Together We Can Make a Difference

Bart Greenwald

To paraphrase Joe Cocker, we could use "a little help from [our] friends." Just one day a year is all we ask. It could—and probably will—save a life. Whether you are a partner, an associate, young, old, man, woman, at a large firm, a small firm, in-house or on your own, you can help.

The Louisville Legal Aid Society is embarking on a new innovative project to help remove the legal barriers to finding a home for many of Louisville's homeless people—with the help of the LBA's Pro Bono Consortium, the ABA Section of Litigation, and Project H.E.L.P.

Our current plan is to establish a legal aid clinic inside the St. John Center for Homeless Men in downtown Louisville and recruit Louisville lawyers to meet with clients for two hours once a year (and to follow up on any issues they take). We want to set up shop at the Center two days a month, for two hours and with two lawyers each time.

We have asked the Kentucky Bar Foundation for a $25,000 grant to help get the project off the ground. The following firms and in-house legal departments have already eagerly jumped on board: Frost Brown Todd; Stoll Keenon Ogden; Wyatt Tarrant & Combs; Stites & Harbison; Bahe Cook Cantley & Nefzger; Bingham Greenebaum Doll; Dinsmore & Shohl; Hayden Grant; Sheffer Law Firm; Churchill Downs, Inc.; and Atria Senior Living. If you or your firm/legal department want to add to this prestigious list, that would be wonderful.

When you meet with the clients, you will be their lawyer. You have no idea the sense of pride the homeless men feel knowing that someone of your stature is on their side. With the help of the Legal Aid lawyers (and our brief training class), you will discuss their cases with them and do what you can to help them remove the legal barriers to getting a home or getting a job.

Many of these people have simple problems that can be taken care of with just a few phone calls—such as an outstanding warrant in another state, a misdemeanor criminal conviction or a child support obligation. I strongly encourage you to look at *homelesslegalprotection.com* to learn how Project H.E.L.P has helped thousands of homeless men and women across the country. And you do not have to have any experience—just the willingness to help.

The best story I have heard is about a New York City securities associate who met with a homeless man who could not get housing or a job because he had a 10-year-old marijuana possession warrant outstanding in California. The attorney made a few calls and had the warrant immediately dismissed. The man had a job and a home within a few weeks. It's not difficult work. It just takes a little time on your part.

The data is staggering. Last year, more than 1,800 men visited the St. John Center. They consider it an incredibly successful year if they can place 25 men in a home. You might recall that Kenneth Winfield, just 49 years old, died last winter on the steps of the St. John Center. Perhaps, if we had stepped up to the plate a year ago, he would have lived to see his 50th birthday this May.

If you want to help, just send me an e-mail to *bgreenwald@fbtlaw.com* and say "I want to help." We will put you on the list and be in contact with you. Also, feel free to call me with any questions at (502) 568-0318.

It's that easy to save a life.

Project H.E.L.P. Partners

Atria Senior Living	Bahe, Cook, Cantley & Nefzger	Bingham Greenebaum Doll
Churchill Downs, Inc.	Dinsmore & Shohl	Frost Brown Todd
Hayden Grant	Sheffer Law Firm	Stites & Harbison
Stoll Keenon Ogden	Wyatt Tarrant & Combs	

Legal Aid Society is pleased to have Bart Greenwald, a Member in the Louisville office of Frost Brown Todd, as our guest author this month introducing this new initiative. Bart has been instrumental in formulating and championing our legal community's response to the legal needs of the homeless. ■

Cancellation Policy: All cancellations must be received by the LBA 24 hours in advance to receive a credit or refund. Cancellations received the day of the event will require payment for the seminar.

LBA IN PARTNERSHIP WITH JCUP

Establishing Evidentiary Foundations with A/V Presentation Equipment at Judicial Center

Thursday, July 9

The focus of the program will be on the method for establishing evidentiary foundations when using computers, projectors & projection screens, document cameras and tele-strators for the presentation of evidence, and how to make your record for appeal when using the newly installed digital technology in Jefferson Circuit, Division 1.

CLE will be held at the Judicial Center, 700 W. Jefferson Street

Speaker: **Patrick W. Michael**, Dinsmore & Shohl

Time: 11:45 a.m. — Registration; Noon – 1:15 p.m. — Program
Place: Jefferson Circuit Court, Division One, Courtroom 601
Price: $100 LBA Members / $150 Non-Members / $15 Paralegal Members
Credits: 1.0 CLE Hour — *Approved*

*This CLE program is repeated the second Thursday of each month.

BAR LOUISVILLE ASSOCIATION CLE presents

SEAN CARTER
Humorist at Law

LBA ETHICS WEBINARS

The webinars listed below are held ONLINE. You can participate in your office, at home, anywhere with an internet connection. Webinars are from 1–2 p.m. and offer 1.0 CLE Ethics Hour (pending).

It's Not the Fruit, It's the Root

Thursday, July 9

In this unique legal ethics webinar, humorist Sean Carter will go beyond the simple "dos" and "don'ts" of rules and get to the root of the matter—the mindsets that cause lawyers to commit ethics violations in the first place. In doing so, he will cover the Seven Deadly Sins of legal ethics.

Lies, Damn Lies and Legal Marketing

Tuesday, July 21

Sean Carter will give a clear recitation of Rules 7.1-7.5 of the RPC and demonstrate best (and worst) legal marketing practices, including but not limited to, specific discussion about web domains, firm names, seminars, blogging, print advertising and television commercials. The purpose of this presentation is to give lawyers an understanding of the unique restrictions rightfully placed upon their learned profession and a respect for adhering to the highest standard of conduct when informing the public about their services.

Yelp, I've Fallen for Social Media and Can't Get Linked-Out

Tuesday, July 28

In this presentation, Sean Carter will explore the ethical pitfalls that might ensnare lawyers in their use of social media. Citing specific disciplinary cases and ethics opinions, Carter will demonstrate how seemingly innocuous acts can lead to violations of the Rules of Professional Conduct and will provide suggestions for how to properly use this powerful tool within the confines of the legal profession's ethical boundaries. Carter will also raise the question of whether legal competence requires a lawyer to use social media. From there, he will delve into the specific ethical issues raised by its use.

Time: 1 – 2 p.m. — Program
Place: ONLINE
Price: $50 LBA Members / $100 Non-Members / $25 Paralegal Members
Credits: 1.0 CLE Ethics Hours — *Pending*

Due to the partnership with MCLE Plus, the LBA will not be accepting registrations for these events. Please visit the LBA website, *www.loubar.org,* for a link to register, the full agenda and cancellation policy.

Magna Carta's 800th Anniversary to be Commemorated at the Kentucky State Fair

On June 15, 1215 a coalition of disgruntled barons met King John at Runnymede, a wetland meadow along the Thames River near London. Under the threat of civil war, the king applied his royal seal to their list of demands—a document that would become known as Magna Carta, the "Great Charter."

Magna Carta—often called the greatest constitutional document of all time and the very foundation of freedom—is the point of origin for many constitutional principles that are fundamental to the United States Constitution, the Bill of Rights and the Constitution of the Commonwealth of Kentucky.

To commemorate the 800th anniversary of Magna Carta, the Kentucky State Fair Board is hosting "Magna Carta: Enduring Legacy 1215–2015," a traveling exhibition developed by the American Bar Association and curated by the Law Library of Congress. The exhibition features 16 storyboard panels and a video of the Law Librarian of Congress and the Rare Books Curator handling and discussing original charter artifacts. The State Fair is the only Kentucky stop on the exhibition's national tour.

Funding for "Magna Carta: Enduring Legacy" in Kentucky is provided by the Louisville Bar Association and the Kentucky Bar Association (Small Firm Section and Young Lawyers Division). Attorneys from across the state will serve as volunteer docents in the exhibition, helping visitors have a fun and engaging experience.

The Magna Carta exhibits will be adjacent to an original exhibition about Kentucky's Constitution, in South Wing B. The state-focused project was inspired by the Magna Carta anniversary and will carry the ancient document's principles forward, to our constitutional government today. "From the 'Powers That Be' to the Power of WE: Exploring Our Constitution" features storyboard panels, artifacts and interactive media.

In addition, an entertaining 30-minute musical production, "The Great Charters of Liberty," will bring the stories of these great charters, from Magna Carta to Kentucky's Constitution, to life each day of the Fair. The Kentucky components are funded in part by the Kentucky Bar Association (Family Law, Business Law, Health Care Law, and Public Interest Law Sections) and by a grant awarded by the Kentucky Bar Foundation.

The Kentucky State Fair will run from August 20–30 at the Kentucky Exposition Center. ■

THE Ramble 5K
FUN RUN/FITNESS WALK

Hosted by the LBA, benefitting Doctors & Lawyers for Kids

Saturday, August 15, 2015

THE PARKLANDS OF FLOYDS FORK

BECKLEY CREEK PARK

Registration at 8am · Race begins at 9am

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Included in ALL sponsorships: Company name on all promotional materials AND publicity on LBA's website and LBA's monthly publication, Bar Briefs, reaching 3200+ subscribers

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- Opportunity to reach LBA membership through company advertisements in up to four issues of weekly eBrief newsletter

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- Company may set up a tent/display at the event
- Company marketing materials included in participant registration packet

Entertainment Sponsor - $1500
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- Company may set up a tent/display at the event
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Apparel Sponsor - $1000
- Signage at designated location at the event
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- Signage at the designated location at the event
- Company logo on t-shirt
- Option for company representative to staff food & beverage tent

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- Signage at the designated location(s) at event

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Divorce Discovery Without Borders

Jason A. Bowman

Anyone who has practiced family law for any period of time has run into the issue of trying to obtain documents from out of state. For many litigators, the choice was to either send a Kentucky subpoena out of the state and hope that a person would voluntarily comply, or not receive any documents.

If an attorney was lucky to represent a client who had funds, he or she could obtain an order from a court in his or her home jurisdiction, file that order with the foreign jurisdiction and request the order be enforced. This would require that the litigant hire an attorney licensed in the foreign jurisdiction to enter his or her appearance and enforce the order from the state of Kentucky. This was not a practical procedure for many clients with limited funds facing a divorce and a division of the marital estate.

Now that the world we live in is more mobile and electronic, clients have many connections to different states. This results in multiple jurisdictions containing relevant information, which is necessary for the case. It is also not uncommon for residents that live near the border of this state to hire professionals, such as accountants, doctors or attorneys, who live and practice in other states. If a litigant wants to take those depositions, other issues arise that are usually only resolved if the parties can agree, or again, by going to the local jurisdiction to seek an order to be registered in the foreign state and then enforced.

For many years there were attempts to bring forth uniform laws that would allow for discovery across jurisdictions; however, the 1962 Uniform Interstate and International Procedure Act, and its predecessor the 1920 Uniform Foreign Depositions Act, did not gain much traction as a majority of states refused to adopt these acts. It wasn't until 2007 that the Uniform Law Commission created the Uniform Interstate Depositions and Discovery Act (UIDDA), providing a mechanism for litigants to efficiently and effectively obtain information in foreign jurisdictions.

The UIDDA is intended to ease the difficulty of obtaining discovery in foreign jurisdictions. In 2008, Kentucky codified the UIDDA with the adoption of KRS 421.360, joining Alabama, Alaska, Arizona, California, Colorado, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, U.S. Virgin Islands, Utah, Vermont, Virginia, and Washington. In 2015, Arkansas, Illinois and Wisconsin all introduced legislation to enact the UIDDA into their state laws as well.

With a majority of states passing this act, it helps meet the act's overall purpose, which was a uniform act to set forth a procedure that can be easily and efficiently followed, that has a **minimum of judicial oversight and intervention**, which is cost-effective for the litigants, and is fair to the deponents.

If a litigant wants to subpoena documents in a foreign jurisdiction and that jurisdiction has passed the UIDDA, the process should be simple for the litigant. Under the UIDDA, the litigant must submit the following to the state where discovery is sought: (1) a request for issuance of a subpoena (most states have a form) attaching the foreign subpoena (the subpoena from the state where trial is pending); and (2) a subpoena prepared according to the procedures of the state in which you are seeking discovery. That subpoena should incorporate the terms of the foreign subpoena and contain the names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates. If a party is not represented by counsel, he or she should also be included. The clerk of the court should issue a subpoena from the state in which discovery is sought and then it should be served under the rules of that state.

The real benefit of this act is that obtaining a subpoena in a foreign jurisdiction does not constitute an appearance in the foreign jurisdiction. Therefore, a litigant seeking discovery would not need to secure local counsel to obtain and issue the subpoenas because the foreign jurisdiction's rules regarding unlicensed attorneys practicing law in that state would not be violated.

However, it should be noted that the act is silent with regard to what happens if the party you are seeking documents from makes a motion to quash the subpoena in the foreign jurisdiction, requests a protective order in the foreign jurisdiction, or if the person who issued the subpoena seeks to enforce it in a foreign jurisdiction. The act does not seem to afford the foreign attorney with additional non-appearance language for these actions. If any of the aforementioned takes place, an attorney would probably need to obtain local counsel, licensed in the foreign jurisdiction, or risk being accused of practicing law in a foreign jurisdiction without a license.

It is important that you respect the state in which you are seeking discovery and its statutes regarding discovery. They may contain different procedural requirements that are not contained in the UIDDA, and the UIDDA does not alter any states' procedural requirements. For instance, the state of Kentucky allows for the service of a subpoena by any manner in which a summons may be served; however, the state in which you are seeking discovery may not allow for service of subpoenas by certified mail, so it is important that you know and understand the procedural

requirements, especially if you do not seek help from local counsel.

A practitioner must also understand what the UIDDA does not do, or where it does not apply. The UIDDA only applies to subpoenas issued in relation to a court action. It does not apply to subpoenas that may be issued to administrative hearings or other proceedings where a subpoena may be issued. The commission considered this in its notes to the UIDDA, but had concerns that like previous versions, it would meet resistance from states and would not catch on and help fix the issue.

In addition, the UIDDA does not supersede or affect the rules of court in the state in which trial is occurring. If the trial state requires that a notice of deposition is to accompany a subpoena, the UIDDA does not do away with this requirement, but actually requires you to follow those rules in the trial state. The UIDDA is meant to govern the procedure in the state in which you are seeking discovery.

The UIDDA should allow for an easier, less expensive and less stressful way to obtain discovery across state lines, so long as there is not a challenge to the discovery that you are attempting to obtain. If there is no challenge to your discovery and the state has adopted the UIDDA, you should be able to obtain documents easily. If there is a challenge to your discovery, you will probably need the assistance of local counsel. Overall, once more states adopt this act and attorneys become more comfortable using it, the ability to conduct out-of-state discovery should be relatively the same.

Jason A. Bowman is a partner of Pregliasco Straw-Boone Dohney Banks & Bowman. He is also a member of the LBA Family Law Section.

421.360 Uniform Interstate Depositions and Discovery Act

(1) This section may be cited as the Uniform Interstate Depositions and Discovery Act.
(2) As used in this section:
(a) "Foreign jurisdiction" means a state other than this state;
(b) "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction;
(c) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;
(d) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States; and
(e) "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to:
1. Attend and give testimony at a deposition;
2. Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or
3. Permit inspection of premises under the control of the person.
(3) (a) To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to the clerk of the Circuit Court of the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under this section does not constitute an appearance in the courts of this state.
(b) When a party submits a foreign subpoena to a clerk of the Circuit Court in this state, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.
(c) A subpoena under paragraph (b) of this subsection shall:
1. Incorporate the terms used in the foreign subpoena; and
2. Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.
(4) A subpoena issued by a clerk of the Circuit Court under subsection (3) of this section shall be served in compliance with any rule of court or statute relating to the service of a subpoena issued in this state.
(5) Rules of court and any provision of the Kentucky Revised Statutes applicable to compliance with subpoenas to attend and give testimony; produce designated books, documents, records, electronically stored information, or tangible things; or permit inspection of premises shall apply to subpoenas issued under subsection (3) of this section.
(6) An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of the Circuit Court under subsection (3) of this section shall comply with the rules of court of this state and statutes of this state and be submitted to the Circuit Court in the county in which discovery is to be conducted.
(7) In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.
(8) This section applies to requests for discovery in cases pending on July 15, 2008. ■

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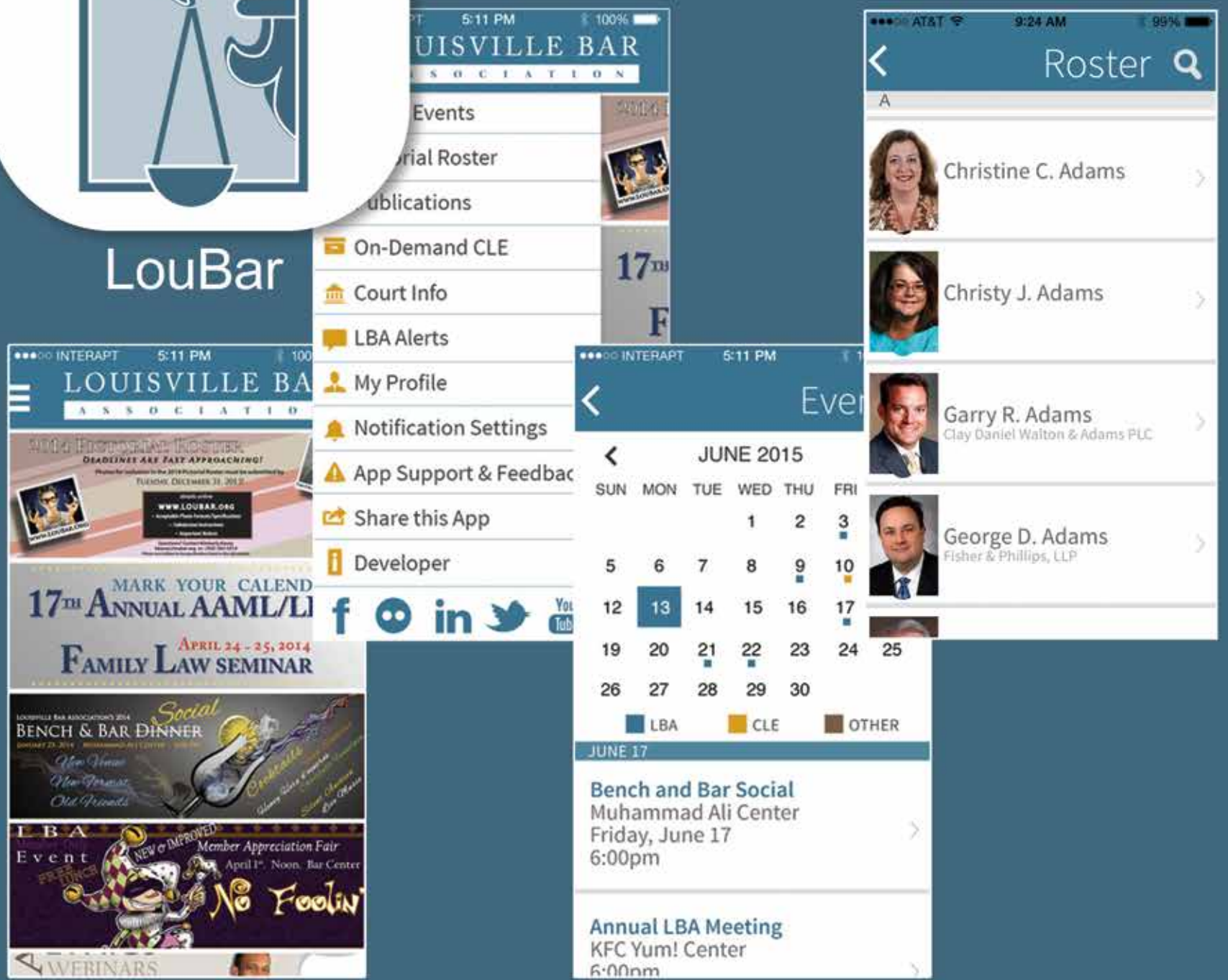

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To Post, or Not to Post? That is the Question

Oversharing and Family Law

A. Holland Houston

Just because you can, doesn't mean you should.

Take, for instance, Jake, who told the mother of his child seeking a support judgment against him that he couldn't work due to an injury, but shared photos of himself working on social media, adding a contempt finding to his small, but mighty, family court portfolio.

Or consider Donald, who on the lam from the law, Instagrammed photos of himself and his girlfriend online smoking blunts at an easily traceable locale, when his baby mama, lying in wait for just such a lapse in judgment, saw them and turned him into his probation officer.

Then there's poor, brokenhearted Patrice who posted detailed notes of her affair-turned-despair over her lover who picked one of fifty ways to leave her, and whose lover is, coincidentally, prominent, married and has small children.

If somehow it's not obvious, the rules surrounding social media and family law are easy for us to say, but hard for them to do—so family law attorney Randall M. Kessler has some advice: "Take a cyber sabbatical!"

Kessler, past chair of the ABA Section of Family Law and founder of the Atlanta law firm, Kessler & Solomiany, Family Law Attorneys, said he not only tells clients to take a break from social media during the pendency of their family law cases, but to also ask their friends and families not to post, tweet, Instagram or otherwise share, lest they give a little too much away. Discretion is the better part of valor, and for a client with a penchant to sing like a canary on social media, going radio silent can be a lot less expensive—particularly if your spouse is the last to know you're filing for divorce and you live in a state with a strong dissipation statute.

Kentucky law, under KRS 403.190, covering the disposition of property, allows restoration of the asset to the unknowing spouse, among other equitable remedies, if he or she can show the other spouse transferred, sold or liquidated marital assets for a non-marital purpose in contemplation of a divorce.

Inasmuch as a client wants to change his or her marital status to single when the client is ready to mingle, that update can cost your client not just reimbursement to restore the marital estate, but also attorney's fees, and potentially your credibility with the judge. "That's the worst thing," Kessler said. "Starting a new life, going out with a new group who has no idea the impact" of what they share on your divorce. "You can lurk and see what's out there," Kessler said, just no posting.

Not so fast, though. Is telling our clients not to use social media during a family case a violation of their First Amendment right to free speech? Maybe, if you ask Jon L. Fleischaker, a Dinsmore & Shohl partner and media law veteran with over 40 years in the trenches.

"Let's go back to the basics, forget social media," Fleischaker said. "If I'm in the middle of a divorce and think my wife is a horrible mother, if I get a form order that says I can't disparage her, I can't talk to my family members, I can't say [it] really worries me because she's dangerous to our child," it may be a First Amendment violation. "Many times courts get carried away with broad orders in an ongoing dispute [that] people accept. I don't think the court has a right to say to somebody 'You can't say that,' [because] that's pure opinion."

Fleischaker said when a threat accompanies name calling, the name calling is protected speech, but the threat might not be. "Obscenity, torts that deal with communication, have been around forever," he said. "Like harassment, interference with contractual relationships, all that kind of stuff, is equally applicable to anything that's on social media. I think you're going to see more and more people get in some sort of trouble because [they] sit down in their room and they publish something to the world that is inappropriate threatening speech."

[T]he rules surrounding social media and family law are easy for us to say, but hard for [clients] to do—so family law attorney Randall M. Kessler has some advice: "Take a cyber sabbatical!"

When asked what he thought the outcome of *Elonis v. U.S.*, "the Facebook speech" case, would be before the opinion was issued, Fleischaker reiterated the fact that speech, by any other name, is still speech and that social media "is really just a different platform which allows things to be said more easily or without thought." Posts, tweets, Instagrams and Snapchats are essentially "not different than a note" when we look at First Amendment protections, Fleischaker said. "I think the rules are the same." However, "the fact that it's speech, doesn't mean it's protected."

Anthony Elonis, despite a protective order prohibiting contact with his wife, continued to post on his Facebook page musings about blowing up an unnamed kindergarten class, killing a female co-worker, harming female FBI agents and killing his wife. He was convicted under 18 U.S.C. 875(c), which makes transmission of a communication in interstate commerce that contains a threat to injure another person, a federal crime.

He filed an appeal to overturn the conviction, and the issue before the United States Supreme Court was whether or not his rants constituted "true threats" to harm his wife or others, and what standard to use to determine if the threats were "true threats"—those made with a "serious" intent to commit an act of unlawful violence against an individual or group. The jury used a reasonable person standard to convict. Elonis argued the standard wasn't protective enough of his speech and that his conviction couldn't stand because the First Amendment required a jury to apply a higher level of scrutiny to determine if he, as the speaker, in fact, intended to harm the subjects of his speech.

Or put another way, the jury had to find that Elonis knew what he meant and he meant what he said. Elonis' defense found friends in music moguls and publishers all over the country, who endorsed his argument that he, like Eminem, is an artist, and his posts on Facebook were a form of therapy, particularly when he wrote about the different ways he would like to see his wife die, as he alleged Eminem did.

Elonis won the appeal in an 8–1 opinion written by Chief Justice John G. Roberts Jr. because the jury convicted on a reasonable person standard and the majority found the prosecution offered insufficient proof that Elonis: (1) knew the posts were threatening and (2) had some sort of "mental state" surrounding an intent to harm. The Supreme Court opinion does not offer the standard to be applied prospectively, much to the dismay of domestic violence advocates, family lawyers and defendants alike. However, it seems clear that it's more than negligence and could lean toward reckless, but maybe not a requirement to prove the speaker's subjective intent to harm.

In a memo issued June 2, 2015 from DV LEAP, which filed an amicus brief in the Elonis case, the group said it would have preferred the majority opinion adopt the general intent standard in Justice Clarence Thomas' dissent. The group said it believed the future standard to apply will be that of recklessness, which it advocated in its amicus brief as the standard to adopt if general intent was insufficient.

As to Anthony Elonis' claims that the posts were his rap lyrics and he was just being creative, "There's a hell of a difference between parody and satire and a direct threat against an individual," Fleischaker said. "Especially in a situation where one is dealing with an ex spouse. To allow a person to say 'Yeah, I said it, but didn't mean it,' I think that's absurd."

Fleischaker said the ramifications of applying a subjective intent standard to threats of physical harm on social media "would not be good." Someone "can be nasty, call people names," and not run afoul of the First Amendment, "but when you threaten with physical harm or violence, doesn't matter if direct threat face to face or on Facebook, that's something we ought to be very concerned about."

"People have gotten carried away with the belief that different rules apply [to social media]," Fleischaker said. "But they're the same speech rules, not a different set of rules, nor should they be. The fact that you do it publicly should not save you if it's a direct threat to an individual, whether it's done by social media or a phone call." Fleischaker added that if a jury reasonably believes the communication is specifically directed at someone and is a threat to that person, that communication should not be protected because it's analogous to shouting "fire!" in a crowded theater. "The fact that it's a public broadcast doesn't protect it," he said.

So does the First Amendment extend to invitations to lampoon or lambaste groups of people based on their religious or political beliefs, or is it the modern equivalent of shouting "fire!" in a crowded theatre? "It's perfectly legal to invite stupidity, but not censorship," Fleischaker said. "Who is going to make the judgment about what group of people you talk about?"

"When talking about groups of people in terms of characteristics, where does it stop?" Fleischaker questioned—adding that the United States has never allowed the fact that certain speech may upset some people to stop others from talking. "The fact that [speech] may 'incite' a reaction in someone, I don't think should be allowed to stop someone from speaking," he said.

"We've got to really be careful when we start getting too politically correct. I think we've gone way too far toward political correctness. We've become way too thin-skinned and way too afraid of engaging in discussion of speech," he said. When questioned about the theory of the "Marketplace of Ideas"—wherein all speech is allowed and the good ideas stick and the bad ones disappear—and how he thought it applied to media today, he had this to say: "That's First Amendment 101. The core of what it's all about."

In the grand social experiment that is humanity spouting ideas and opinions over the Interwebs, "The stupidity will fall away on its own," Fleischaker said. "Eventually."

A. Holland Houston has maintained a solo family law practice since 2001. She is chair of the LBA Human Rights Law Section, a past chair and current member of the Family Law Section, a Leadership Louisville connector and a cofounder and co-director of Greater Louisville Outstanding Women. In 2014 the KBA Young Lawyers Division presented Houston with the Nathaniel R. Harper Award for her work in promoting diversity within the Bar. ■

Section Meetings

All meetings are held at noon at the Louisville Bar Center, 600 W. Main Street.

Tuesday, July 14 – Intellectual Property
Wednesday, July 22 – Young Lawyers

Meetings are tentative until confirmed on the LBA website, *www.loubar.org*. Guests are welcome to attend a meeting before joining the section. For reservations or to join a section, call (502) 583-5314 or visit *www.loubar.org*. ■

Paralegals

The Louisville Association of Paralegals (LAP) will host a program luncheon at noon on Tuesday, July 14, at the Louisville Bar Association, 600 W. Main Street. The topic will be the history of Louisville. The speaker is Tom Owen, a member of the Louisville Metro Council. Councilman Owen is also a professor at the University of Louisville and has been a history instructor, archivist and community relations associate at the University since 1968. He is well known as a local historian. Box lunches are available to order at registration for $10 and must be prepaid by Thursday, July 9.

Congratulations to LAP member Christina Howard who is the newest Certified Kentucky Paralegal! ■

Association of Legal Administrators

The Kentucky Chapter Association of Legal Administrators will meet at 11:30 a.m. on Thursday, July 9 at the law office of Wyatt, Tarrant & Combs in Louisville (500 W. Jefferson St., Ste. 2800) and Lexington (250 W. Main St., Ste. 1600). Please rsvp to Beth Mattingly, KY Chapter ALA Secretary, *bmattingly@wyattfirm.com*. The cost for members is $17; the cost for non-members is $25. ■

JCUP TRAINING: Advanced Features

Thursday, July 16 . 11:45 am – 12:45 pm . Judicial Center
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The Advanced Features course provides training focusing on multi-screen output. For example:

Imagine playing a video deposition of a physician in a personal injury case on Screen #1, who testifies from the plaintiff's medical record describing the treatment sequence. On Screen #2, you display a timeline with each of the key treatment events described by the physician. As the deposition proceeds, the doctor testifies about a critical x-ray taken in the treatment sequence. You display the X-Ray on Screen #3.

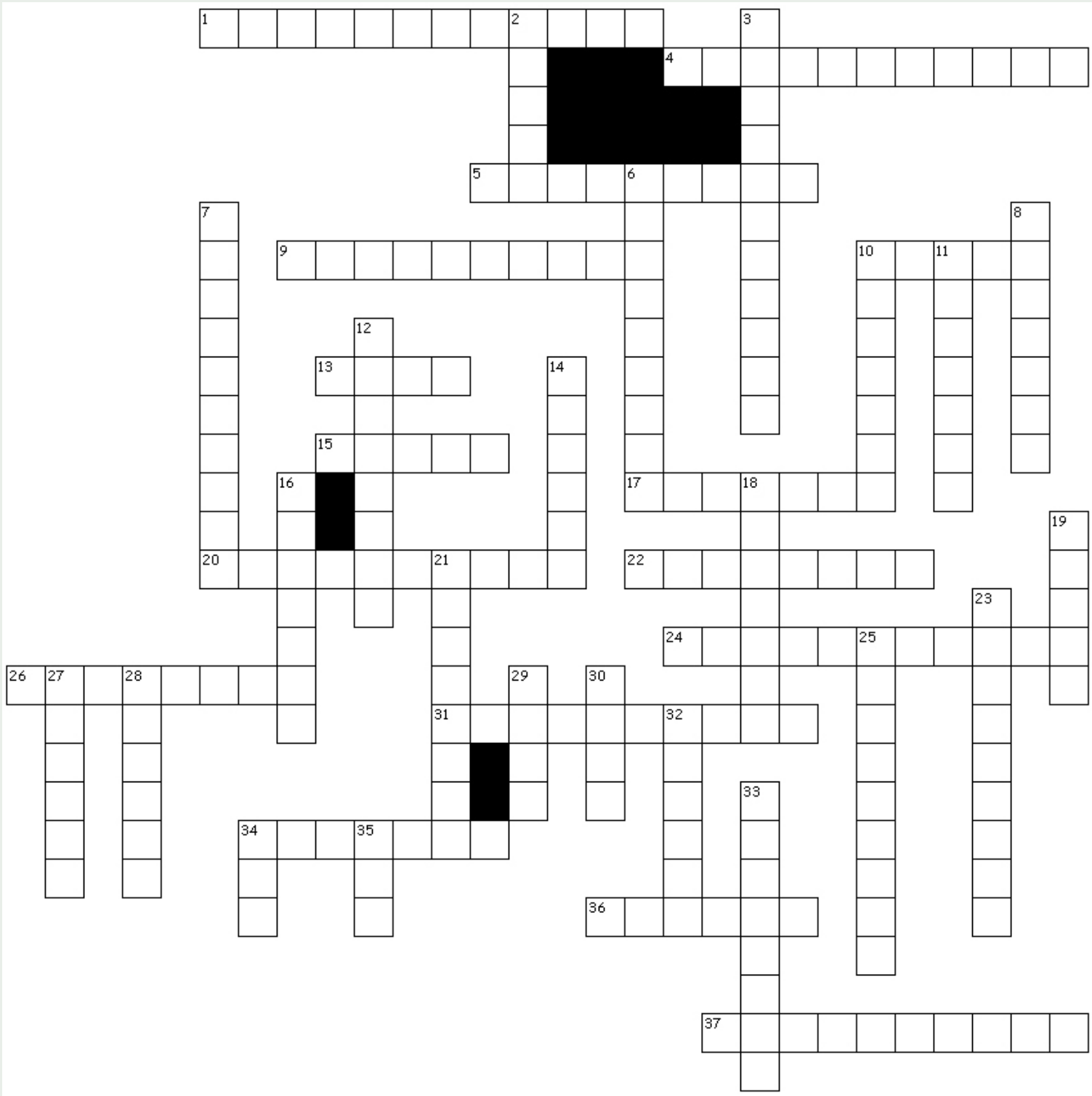
The jury sees the doctor's deposition on Screen #1, the timeline on Screen #2 to its right and the X-Ray to its left on Screen #3.

In addition to the panoramic view of all the medical treatment, you are able to record each of these components in the jAVS' official court record for appeal. The Advanced course covers these features along with audio switching and the electronic introduction of evidence.

This course is presented by Patrick Michael, Dinsmore & Shohl, and is offered on the third Thursday at noon in Division 11 on every other odd month of the year. There is NO CLE credit for this training.

To register visit *www.loubar.org* or call (502) 583-5314.

CRISSCROSS LAW: Family Law



Across

1. Payment for #15 Across' upbringing
4. An allowance made to one spouse from the other
5. Nonbinding intervention between parties to promote resolution
9. A statement made under oath before a court reporter in discovery
10. Standard: best interest of the _____
13. Document to transfer legal title to property
15. Person under the age of majority
17. Illegal absenteeism
20. Person who answers #12 Down
22. One who is legally appointed to the care and management of a person
24. Father or mother of one's parent
26. Legal process by which children get new parents
31. Hurting #15 Across physically, mentally or emotionally
34. Minimum age of marriage (with parental consent)
36. Day of the week for Jefferson County Family Court motion hour
37. Nuptials, for a second time

Down

2. Unrepresented litigant
3. A proceeding to end a marriage
6. A declaration by a court that a marriage is invalid
7. Person who files #12 Down
8. Type of #22 Across appointed to advocate for a child
10. May be sole or joint
11. Marriage in which a party lacked capacity to consent
12. The initial pleading to a divorce action
14. List of cases to be heard
16. Married man
18. Unpaid and overdue monies
19. Number of days parties must live apart before #27 Down may be granted
21. Physical location, with intent to stay
23. Person you support and claim on your taxes
25. The state of being a father
27. An order of #3 Down
28. An agreement entered into before marriage setting forth property rights
29. Married woman
30. Document to divide 401k, ESOP or similar benefit
32. Decree may be granted if a marriage is irretrievably _____
33. Fee paid to an attorney in anticipation of future services
34. Number of months required to establish residency of child
35. Number of judges in Family Court

Answers on page 19

Sabine Stovall is a financial and estate planner at The Wealth Planning Company. ■

Services

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Samuel G. Hayward is available for consultation of discrimination and other related matters for either plaintiff's or defendant's practice. Mr. Hayward has over thirty years' experience in this area with Title 7, 1983, and sexual harassment cases. Samuel G. Hayward, 4036 Preston Hgwy, Louisville, KY 40213, (502) 366-6456.
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Seeking Attorney

Attorney Wanted:
BardstownInjustice.com
(502) 249-0598

Office Space

Office Space Available:
One Riverfront Plaza – river view; group of four lawyers have room for one or two more; conference room/library; share expenses; (502) 582-2277.

Historical Building Office Space:
Large offices in historic building, Barristers Hall, 1009 S. 4th St. Includes Recept, copier, scanner, fax, 3 conf rms, free parking, Call Al Welsh or Lucy at 502-584-8583.

Office Space Available:
Sign lease before August 2015 and receive 1 month FREE. One block from Hall of Justice. 2 offices available, $520–$650/mth. Incldes: Parking for self/clients, internet, local & long distance phone service & copier, use of 2 conference rms & receptionist. Call Brent Gorter at (502) 855-3155–office or (502)727-0381-cell.

Office Space Available
(Starks Building – Downtown Louisville)
Three attorneys, solo practitioners sharing space in the Starks Building, 455 S. 4th Street, have a very pleasant and attractive 15 x 12.5 office for rent. Hardwood floor with 2 windows overlooking Muhammad Ali Blvd with a view of the Seelbach Hotel. Available immediately. Waiting room, storage space, and kitchen included. Month to month with no security deposit. Also included facsimile and photocopier. $450/month Please contact *jessica@dmejialaw.com* or 502-584-8991.

Office Space for Rent:
Office space for rent conveniently located one block from courthouse. One or two offices available with secretarial space for each office. There are two conference rooms available, two copiers, a copy/mail room and kitchen area. We also offer a receptionist and wonderful views. If you have more than five years of experience please promptly respond to *officespace2222@gmail.com* for more information.

Suburban Law Office(s) Available:
Two attorney offices are available in beautifully decorated suburban office condo located at 2321 Lime Kiln Lane. Two conference rooms, abundant free parking at the front door, wired and wireless internet, copier, scanner, and phone system. Would join or share space with three other attorneys and support staff. Contact Rick Greenberg, *rgreenberg@sgpfirm.com* or (502) 426-1058.

Help Wanted

Real Estate Associate:
Frost Brown Todd LLC, one of the largest regional law firms in the Midwest and one of the 150 largest law firms in the United States, seeks to hire an Associate to fill needs in our Louisville, Kentucky office. Candidates should have 3–5 years of experience in commercial real estate and/or commercial real estate finance. Applicants must have a strong academic record and excellent written and oral communication skills. Please visit our web page and use the "self-apply" feature at *http://www.frostbrowtodd.com/careers-openings-attorneys.html* to submit your application. Frost Brown Todd LLC is an equal opportunity employer.

Lending Associate:
Frost Brown Todd LLC, one of the largest regional law firms in the Midwest and one of the 150 largest law firms in the United States, seeks an associate for the Louisville, KY office with 2–3years of experience in commercial lending, real estate and leasing. Applicants must have a strong academic record and excellent written and oral communication skills. Please visit our web page and use the "self-apply" feature at *http://www.frostbrowntodd.com/careers-openings-attorneys.html* to submit your application. Frost Brown Todd LLC is an equal opportunity employer.

Labor & Employment Attorney:
The Louisville, Kentucky office of Frost Brown Todd LLC, one of the largest regional full service law firms in the Midwest and one of the 150 largest law firms in the United States, seeks an associate with 3–6 years of experience in labor and employment law. Applicants must have a strong academic record and excellent written and oral communication skills. Please visit our web page and use the "self-apply" feature at *http://www.frostbrowntodd.com/careers-openings-attorneys.html* to submit your application. Frost Brown Todd LLC is an equal opportunity employer.

JCPLL Lecture Series Welcomes RJL Executive Director Libby Mills

The next installment of the Jefferson County Public Law Library's lecture series will feature Libby Mills of Restorative Justice Louisville on Wednesday, July 22; a meet-and-greet reception will begin at 4:30 p.m., followed by the lecture, which will begin at 5 p.m.

Restorative Justice Louisville (RJL) began in February 2011 and is the first nonprofit in Kentucky to provide an alternative to our criminal justice system. The RJL pilot program began in the Louisville Metro Police Department 2nd Division and has expanded to the 1st and 4th divisions. Modern restorative justice practices widely emerged in the 1980's, but these practices actually represent ancient ways of implementing justice. To date, there are more than 1,000 restorative justice programs in North America with 30 states in the U.S. having developed restorative justice legislation.

How the Process Works

The restorative justice process is dramatically different from the traditional criminal justice system. The traditional criminal justice system asks what laws have been broken and what punishment is deserved by the offender. Restorative justice asks what harm has been done, who is responsible for repairing that harm, and how that harm can be repaired.

Restorative Justice Louisville

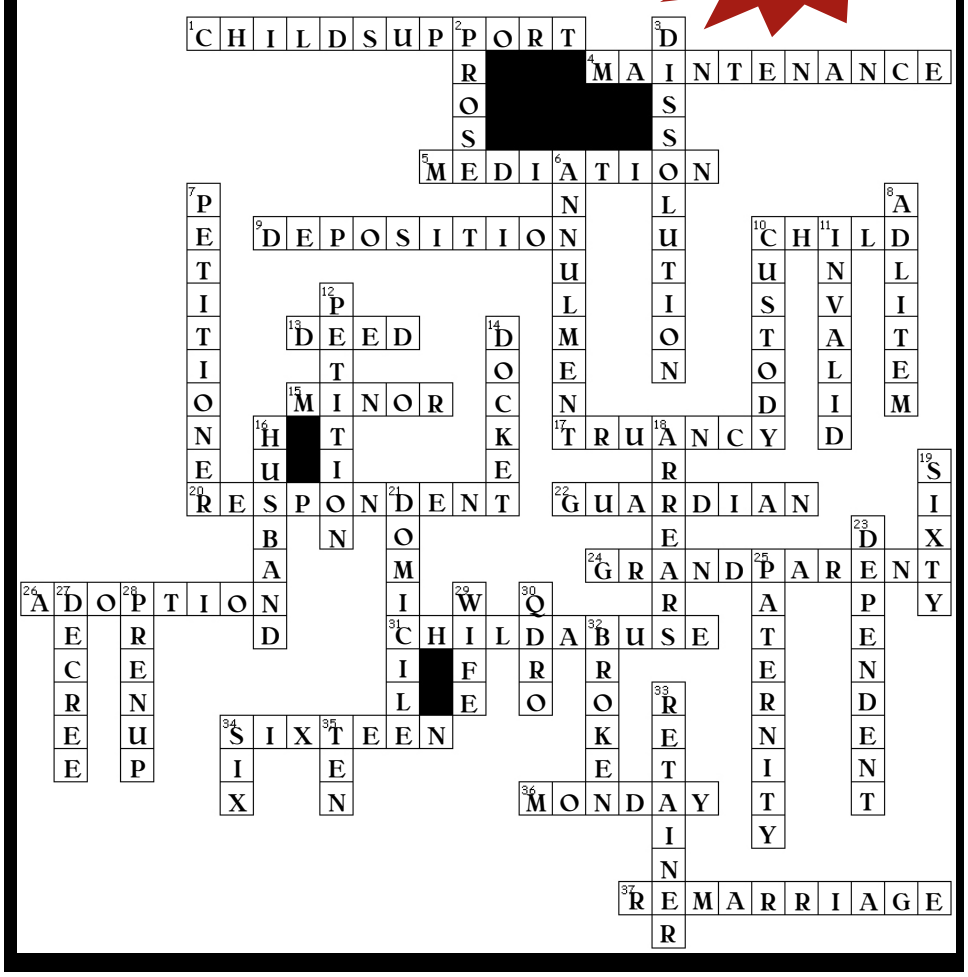
Participation in restorative justice programs is voluntary for victims, as well as offenders. The offender must be willing to accept responsibility for his or her actions and the harm caused. The victim and his or her support group must be willing to meet with the offender and his or her support group to discuss the impact of the offense and what needs to be done to repair the harm. This facilitated process is centered on making things right for all parties involved while enabling creative solutions not used within the traditional justice system.

RJL Executive Director Libby Mills has extensive experience in the criminal justice field. Previously she has worked in all areas of the juvenile justice system, including child welfare, community services, court intake, residential services, clinical services, supervision and administration, training and program development. For more information on RJL, please visit *www.rjlou.org.*

WHEN: Wednesday, July 22 (meet-and-greet reception at 4:30 p.m., lecture at 5 p.m.)
WHERE: Jefferson County Public Law Library, 514 W. Liberty Street, Ste. 240
RSVP: The LBA is not taking reservations for this event; please RSVP to (502) 574-5943

Answers to CRISSCROSS LAW Crossword *(page 17)*

Spoiler Alert!



MEMBERS *(next page)*

Stites & Harbison based in Louisville. He advises clients in many areas of commercial real estate law, including zoning/land use, leasing, lending and condominium development. Outside of the firm, Ehrhard serves on the Board of Trustees of Greater Louisville Medical Society Foundation and is a board member of The Cabbage Patch Settlement House. He is also a member of the Sponsorship Committee of the March of Dimes REACH Award.

Travis & Herbert is pleased to announce that **Denise M. Motta** has joined the firm. Motta has extensive experience litigating complex litigation claims in state and federal courts. She has significant experience in the coordination of litigation on both the national and state level, having represented companies on both fronts, and has been involved in several cases coordinated in multidistrict litigation. Motta is an expert at issues surrounding health care subrogation, ERISA, as well as representation of clients in cases involving complex legal issues.

Ashley L. Michael is pleased to announce her relocation to a new office space. She can now be found at 138 S. Third St., Louisville, Ky 40202. Cell: (502) 821-9379; Office: (502) 690-7333. E-mail: *AMichael@AshleyMichaelLaw.com*. Website: *www.AshleyMichaelLaw.com*. Michael's practice focuses primarily on criminal defense.

Bryan R. Armstrong, attorney at law, graduated from Leadership Louisville's Ignite 2015 Spring Program. There he and his team created a scholarship fund to send individuals struggling with addiction through the Morton Center's therapy programs. He also oversaw the creation of their new website and referral program. Armstrong's practice focuses on personal injury and civil litigation. ■

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Bellarmine University's president, Dr. Joseph J. McGowan, has named **Robert L. Brown** professor and new dean of the W. Fielding Rubel School of Business. His tenure as dean and professor began June 1, 2015. Brown, an attorney at Bingham Greenebaum Doll, holds degrees from universities on three continents, including the University of Cambridge and the London School of Economics and Political Science. He earned his law degree from the University of Louisville Brandeis School of Law. Brown concentrates his practice on emerging and international business and is licensed to practice in Kentucky, California, New York, the District of Columbia, Japan (1991-92), Hong Kong, England and Wales.

Stites & Harbison is pleased to announce that attorney **Greg Ehrhard** has been appointed chair of the firm's Real Estate & Banking Service Group. Additionally, he has been elected by The American College of Real Estate Lawyers (ACREL) to fellowship in its organization. ACREL is the premier organization of U.S. real estate lawyers. Admission is by invitation only after a rigorous screening process. Criteria for fellowship in ACREL includes outstanding legal ability along with high standards of professional and ethical conduct. Ehrhard is a Member (Partner) of

***MEMBERS** (previous page)*