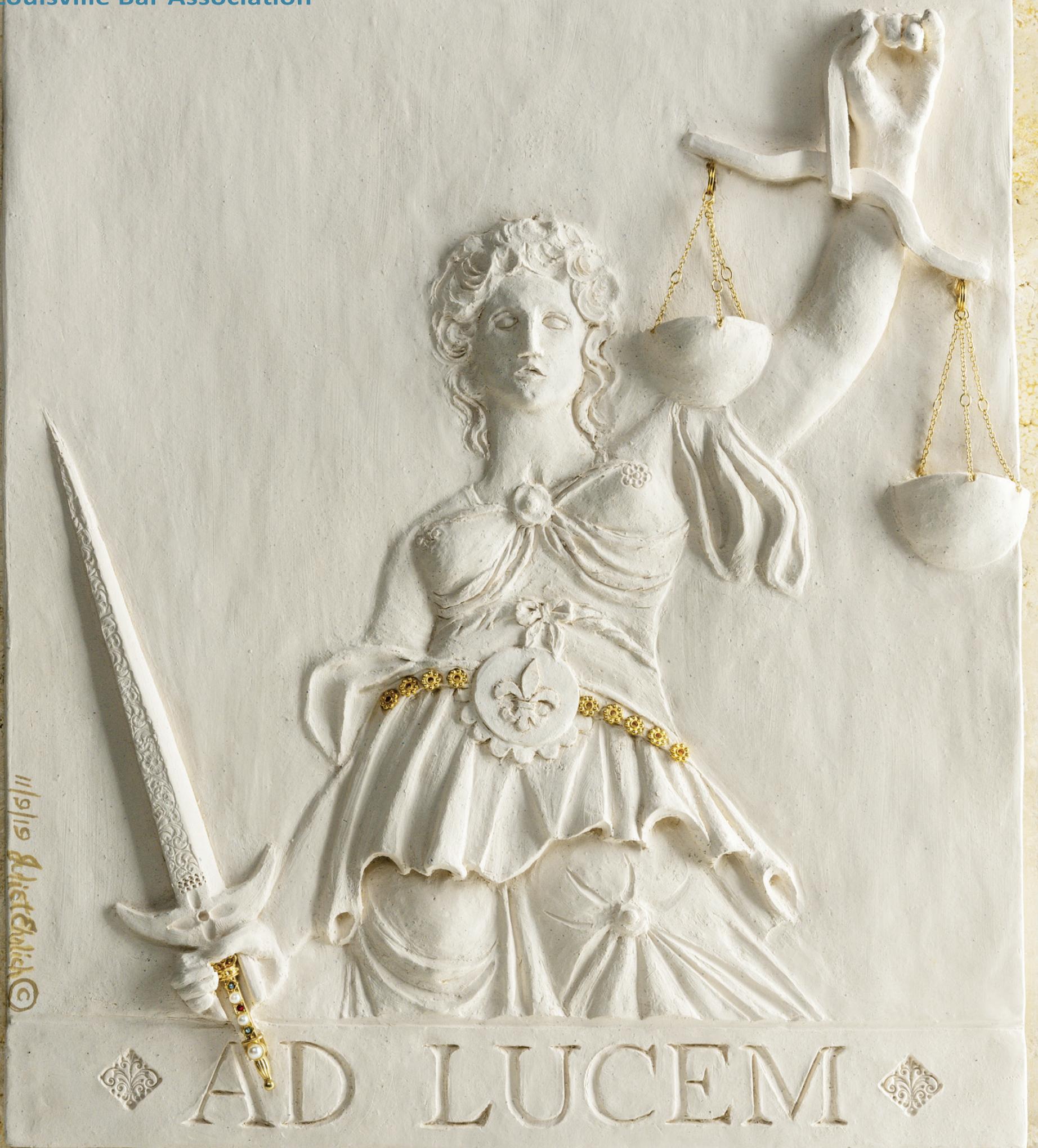


BAR *briefs*

Louisville Bar Association

September 2020



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LOUISVILLE BAR ASSOCIATION

Pride in the profession. Service to the community.

VOLUME 20, NO. 09

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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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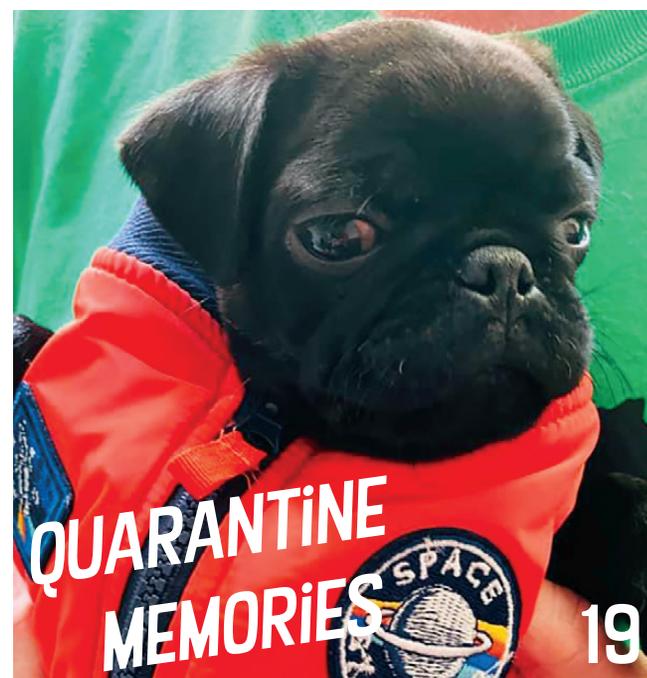
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About the cover:

Lady Justice. Original clay bas relief sculpture mounted upon marble by Juliet Ehrlich. julietehrlich.artspan.com. See page 12 for her feature article entitled Magistrates and Monuments.

Why the LBA?

It is almost impossible to write an article without mentioning COVID-19, and this month's article is no exception. As with all things right now, law firms, organizations, and businesses are adjusting their lives to account for the impact of COVID-19.

By way of example, the company where I work is entering the 2021 budgeting process a month earlier than in years past, and I imagine the same may be true for many of you and your workplaces. As a result, law firms, businesses and organizations will be taking a long look at next year's revenue and expenses to determine where changes are needed to ensure a predictable (if this is even possible) and financially successful 2021. Included in this evaluation will be dues paid to organizations that employees participate in and questions as to whether the value received in return for such dues warrants continued support of those organizations. The Louisville Bar Association is likely to be one of these very organizations. Please allow me to highlight some of the benefits of being an LBA member to encourage your ongoing support in 2021.

While continuing legal education is and will always be part of our core mission—as evidenced by the 18 live seminars presented so far this year—there is also great value in the LBA's non-CLE related programming. For example, just since the start of the pandemic the LBA has produced 13 webinars, all free, on important topics ranging from racial injustice and the 100-year anniversary of the 19th Amendment to the impact of COVID-19 on the practice of law and operations of our local court system. There has even been a series of weekly meditation programs offered at no charge to help members cope with the added stress of living and working during a public health crisis.

There are additional programs planned for this fall, some of which revisit previously covered topics while others explore new issues. I encourage you to check www.loubar.org and the weekly *eBriefs* for more information.

LBA membership also provides you access to the Kentucky Lawyer Referral Service, where in 2019 participating attorneys collectively earned \$1,355,365 in fees—yes, you read that correctly—from cases referred to them by the service.

Separately, LBA members can take advantage of a group health insurance plan—underwritten by Anthem and offered through our partnership with Logan Lavelle Hunt—as well as discounted life, disability and professional liability insurance coverage from a host of providers. LBA members are also eligible for discounts on purchases at Blackbeard Coffee; room reservations at Whiskey Row hotels Distill, Moxy and Aloft (for you or your business guests who are in town); and office equipment from Duplicator Sales & Service. Other LBA member benefit providers include Paylocity (payroll and human capital management software solutions), Unified Technologies (telecommunications equipment), Encore Wealth Management and Lifetime Financial Growth (retirement and wealth management planning) and Action Coach (business and executive coaching).

Being an LBA member also gives you a voice in supporting improvements to the legal profession and our justice system. For example, the LBA is among the groups advocating for an amendment to the Kentucky Rules of Professional Conduct, promulgated by our Gender Equity Committee, that would make discrimination or harassment in the practice of law an ethical violation. The LBA is also on record in support of an amendment to the Kentucky Constitution, to be submitted for voters' approval this November, that would require district judges to be licensed attorneys for 8 years (the current requirement is 2 years) before taking the bench.

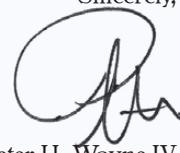
Not to be overlooked is the vital role the LBA plays in supporting some notable charitable causes such as Big Brothers Big Sisters (Legal Bowl), Doctors & Lawyers for Kids (Ramble), the Judge Ellen Ewing Foundation (Lawlapalooza), JCPS/West End School (Back to School fund drive), and the Salvation Army (Santa's Court toy drive). Through these and other events, the LBA helps members meet our responsibility as lawyers to give back to those in need while simultaneously bringing us together to positively impact our community through civic engagement.

LBA membership also serves as a foundation for a healthy and successful legal practice. As we all know, practicing law comes with certain stresses that are simply unavoidable; but engaging together in activities allows us to develop lifelong relationships with attorneys from all over our community—which is critical to a friendly, healthy, and successful legal practice. It is always easier to reach a peaceful outcome when you have a relationship with an attorney across the table. Never underestimate the value of this aspect of LBA membership. We are all a little better when we work together, and that is true for almost anything in life.

Finally, while it is impossible to know the long-term impact my presidency will have on the LBA, I will continue to do my best to lead the organization through the remainder of 2020 and to bring you a monthly message that tries to make a positive impact, even if a small one. As you prepare your budget for 2021, I ask that you include the LBA in your planning.

Thank you so much for your continued support, and I look forward to seeing you (if only virtually) at an LBA event soon.

Sincerely,



Peter H. Wayne IV
LBA President



It is always easier to reach a peaceful outcome when you have a relationship with an attorney across the table. Never underestimate the value of this aspect of LBA membership.

Kentucky to Adopt Uniform Bar Exam

The Kentucky Supreme Court has entered two orders related to the administration of the Kentucky bar examination.

Administrative Order 2020-60 adopts the Uniform Bar Examination (UBE) as the official bar examination for Kentucky beginning in February 2021. The UBE is coordinated through the National Council of Bar Examiners and is uniformly administered, graded and scored, resulting in a portable score that can be transferred to other UBE jurisdictions. Kentucky joins 35 other states, plus the District of Columbia and the U.S. Virgin Islands, in offering the UBE. Five neighboring states have already adopted the exam, including Illinois, Missouri, Ohio, Tennessee and West Virginia.

“The Uniform Bar Examination will benefit law students by creating consistency in the subjects tested and maximizing job opportunities,” said Justice Laurance B. VanMeter, who serves as the Supreme Court liaison to the Kentucky Office of Bar Admissions. “The UBE will also make Kentucky’s law schools more attractive to undergraduates who might not be sure which state they will practice in and make new lawyers more marketable to firms with multistate practices.”

The Supreme Court also entered **Administrative Order 2020-61**, which amends Administrative Order 2020-50 regarding the administration of the remote bar examination on Oct. 5-6, 2020. The amendment sets the passing score for the remote examination at 264 and clarifies that individuals taking the October exam have up to one year to complete the Kentucky Law Component, which tests basic competency on aspects of Kentucky law. ■



Oath Signing at the Law School

On August 6, the Class of 2023 signed the University of Louisville School of Law’s oath of conduct. Students swear to uphold academic honesty; conduct themselves civilly, courteously and professionally; and to prepare to assume their full responsibilities as a future member of the bar.

Dean Colin Crawford and Louisville Law alumna Melanie Bootes, chief legal officer at KFC US, presided over the ceremony.

Louisville Association of Paralegals

Check out upcoming educational programs and special events on the Louisville Association of Paralegals website at www.loupara.org. The LAP offers joint membership with the Louisville Bar Association for voting members and joint LAP/LBA members may attend most LBA CLE programs at the discounted rate of \$15. To learn more about the benefits of LAP membership, visit www.loupara.org. ■

Pilot Project Aims to Reduce Eviction Cases in Jefferson County

In an effort to mitigate the effects of homelessness and streamline eviction cases, the Kentucky Supreme Court has established the Eviction Diversion Pilot Project in Jefferson District Court.

The project connects tenants and landlords with rental assistance through Louisville Metro Government and other community organizations to help them avoid eviction for nonpayment of rent on residential properties. The pilot project began August 24, 2020 and will continue until further order of the Supreme Court.

“The Jefferson District Court judges appreciate the opportunity to pilot Kentucky’s first eviction diversion program,” Jefferson Chief District Judge Anne Haynie said. “We’re especially grateful to Deputy Chief Justice Lisabeth T. Hughes of the Supreme Court and Chief Judge Denise G. Clayton of the Court of Appeals for being the driving force behind this initiative. This program will benefit both parties by reimbursing eligible landlords for missed rent payments and keeping tenants in their homes, which is more important than ever during the COVID-19 pandemic.”

“This new program provides a critical last line of defense for those who need it the most, and will have an immediate and drastic impact on families and individuals throughout our city.”

– Louisville Mayor Greg Fischer

Under Supreme Court **Administrative Order 2020-59**, an eviction summons in Jefferson County will be accompanied by written information about rent assistance. At the initial eviction hearing, the parties will also be informed verbally that certain local agencies may be able to assist tenants with funding for some or all of the rent owed and help landlords with recouping missed or late rent payments. Louisville Metro Government and the Legal Aid Society will have a representative present for each eviction hearing. Eviction hearings will then be put on hold for seven days to give parties the opportunity to explore and apply for any available funding. If the parties reach an agreement on payment, the eviction proceedings will be dismissed.

“Even before COVID-19 hit, we were working with local partners to stop evictions and support our most financially vulnerable populations,” Louisville Mayor Greg Fischer said. “This new program provides a critical last line of defense for those who need it the most, and will have an immediate and drastic impact on families and individuals throughout our city. I am very appreciative of this coordinated effort between the court system, Legal Aid and Louisville Metro Government, which creates a win-win scenario for all, as landlords receive payment and tenants are able to remain in their homes.”

The Legal Aid Society in Louisville provides free civil legal assistance to eligible clients and is proud to be part of the Eviction Diversion Pilot Project, Executive Director Neva-Marie Polley Scott said. “As a result of the pandemic and unexpected loss of income, so many people in our community don’t have the ability to pay rent and are facing the prospect of eviction and homelessness. Having a roof over your head and a safe place to sleep at night are two of the most important elements of security. Community partners and Louisville Metro Government are working together to give tenants and landlords the opportunity to secure rental assistance. We believe all parties can craft solutions that will enhance the stability of not only the families facing eviction, but also the community as a whole.”

The Supreme Court started the Eviction Diversion Pilot Project in Jefferson County because funding was already available through Louisville Metro Government and several community agencies. The goal is to implement the eviction diversion program statewide once there are sufficient resources to fund the program in other counties. ■

Circuit Clerk's Attorney Survey Results

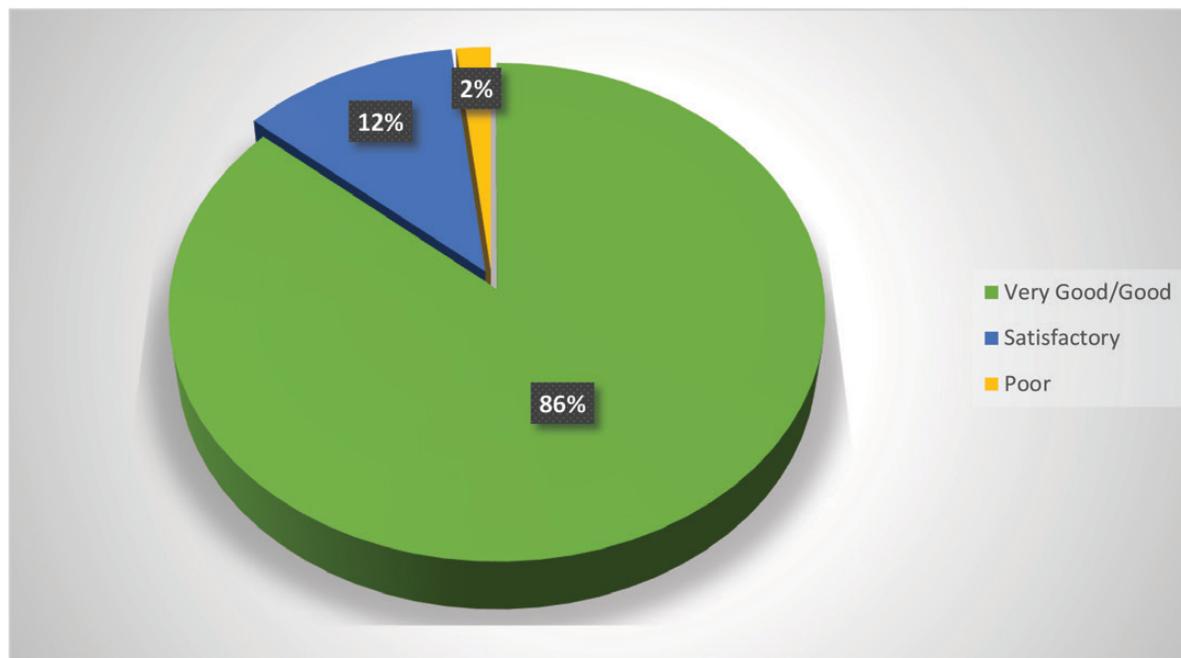
David L. Nicholson

Since 2008, the Office of the Circuit Court Clerk has actively solicited feedback from attorneys to help identify strengths across our organization, measure strides we have made and reveal areas for improvement. Our office has typically conducted the online survey in the first quarter and shared the results in the spring via the Louisville Bar Association.

This year's streamlined and brief survey was conducted February 14-29, 2020, right before the pandemic hit our area. Of course, nearly everything has been modified, canceled or delayed due to COVID-19, and our opportunity to share the survey results was no exception.

Nonetheless, in the spirit of transparency, I am happy to share our findings with you at this time. I am pleased to report that 86.32 percent of the attorneys who participated in the survey ranked our overall customer service as "Very Good" or "Good" in 2019.

When the number of those who rated our service "Satisfactory" is factored in, that figure rises to 98.14 percent. Considering that in 2019, we processed 143,721 new circuit, family and district



court cases, this rating is strong.

I am grateful for the respondents who took the time to offer their comments, suggestions and concerns. Rest assured that I thoroughly review and discuss those comments, either positive or negative, with my operational management TEAM.

While I am pleased with these survey results, I would like to reiterate that we will continue to measure our performance and utilize data-driven decision-making so that we will continue to provide the highest level of service to the bar and all our customers.

In closing, I would like to sincerely thank all the practitioners who completed the survey, as well as the LBA,

Kentucky Bar Association, Jefferson County Public Law Library and other partners and stakeholders for their assistance promoting it. Additionally, I would like to emphasize that it is an honor and privilege to serve as Circuit Court Clerk, leading our hard-working and dedicated Deputy Clerks who do important work each and every day serving the citizens of Jefferson County. ■



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Louisville Law

welcomes new full-time, visiting faculty

As we move deeper into the fall semester, it is my pleasure to introduce four new faculty members who will be educating the next generation of lawyers.

Each of these faculty members — two of whom are full-time, tenure-track professors and two of whom are visiting with us — bring a unique and valuable set of skills and expertise to our School of Law.

I am excited to have them join the School of Law's rich tradition of scholarship and student engagement, and I hope they will find ways to become involved with the local bench and bar as well.



Shavonnie Carthens, Assistant Professor

Shavonnie Carthens's current scholarly interests include law and literature, applied legal storytelling and legal ethics. Her research considers how the sociopolitical, ethical and legal elements of literature can inform the working environments of legal professionals. She will be teaching Lawyering Skills.

Prior to joining the faculty at Louisville Law, Professor Carthens served as a Law Success Instructor at St. Mary's University School of Law, in San Antonio, Texas. She also taught introduction to legal studies and bar exam preparation at Elon University School of Law. Outside of schools of law, Professor Carthens has several years of higher education teaching experience in the areas of

business law and business ethics. In addition, she contributed to the *Journal for Excellence in Business Education* as a reviewer.

Before pursuing a career in academia, Professor Carthens worked in private practice in the Washington, D.C. area, specializing in real estate law, wills and estates law, and business law. She remains an active member of the District of Columbia Bar and the Maryland Bar. Professor Carthens has a J.D. from North Carolina Central University School of Law and a B.A. from the University of North Carolina at Chapel Hill.



Sara Ochs, Assistant Professor

Sara Ochs joins the Louisville Law faculty after completing a fellowship at Elon University School of Law in North Carolina. She will be teaching Lawyering Skills.

Her scholarly research focuses predominantly on the prosecution of mass atrocities before international and hybrid courts and the use of transitional justice mechanisms in post-conflict societies. She has presented her work on these topics at numerous conferences throughout the United States and the United Kingdom.

Following graduation from Loyola University New Orleans College of Law, she clerked for the Honorable Carl J. Barbier on the U.S. District Court for the Eastern District of Louisiana. She then practiced civil litigation at Simon Peragine Smith & Redfearn, LLP and subsequently at Akerman LLP in New Orleans.

Professor Ochs serves as the Co-Chair of the ABA Section of International Law's International Courts & Judicial Affairs Committee, as well as an advisory board member of the American Society of International Law's International Courts & Tribunals Interest Group. She is an Assistant Editor of *The Journal of the Legal Writing Institute* as well as a Committee Editor for the ABA's Section of International Law's Year in Review. In addition to her J.D., Professor Ochs has a B.B.A. from Loyola University Maryland.



Cassie Chambers Armstrong, Visiting Assistant Professor

Cassie Chambers Armstrong joins us to teach Torts and, in the Spring 2021 semester, an Access to Justice seminar. Professor Chambers Armstrong is a 2015 graduate of Harvard Law School, where she was President of the Legal Aid Bureau. She subsequently was selected to be a Skadden Fellow, an award that allowed her to work for two years as an attorney at Louisville Legal Aid Society and the Kentucky Equal Justice Center, where she represented victims of domestic violence in family law matters, designed and implemented a comprehensive program to provide legal services to rural victims of domestic violence and litigated appeals on poverty law issues.

Most recently, Professor Armstrong worked as an Associate at the Louisville firm of Kaplan Johnson Abate & Bird LLP. Before that, she clerked for Judge Amul Thapar, now at the U.S. Court of Appeals for the Sixth Circuit and then a Judge at the U.S. District Court for the Eastern District of Kentucky. She also clerked briefly for Judge Phillip Shepherd of the Franklin Circuit Court.

She is a native Kentuckian, having grown up in eastern Kentucky. Her book, *Hill Women: Finding Family and a Way Forward in the Appalachian Mountains* was published by Random House in 2020. She was elected to Louisville Metro Council's District 8 seat in June 2020. Since 2018, she has been Vice Chair of the Kentucky Democratic Party. In addition to her J.D., Professor Chambers Armstrong has an M.Sc. from the London School of Economics, an M.P.H. from Yale University, and a B.A. from Yale University.



Daniel J. Canon, Visiting Assistant Professor

Daniel J. Canon, who will oversee the Externship and Live Client program and teach a Civil Rights and Civil Liberties course, is no stranger to the Louisville bar or the University of Louisville. He earned both his B.A. and J.D. degrees here. For the past three years, Professor Canon was with us teaching Lawyering Skills. A civil rights lawyer, teacher, writer, speaker, consultant and activist based primarily in Indiana and Kentucky, Professor Canon has argued before the 6th and 7th U.S. Circuit Courts of Appeal, the Kentucky Court of Appeals, and the Kentucky Supreme Court, and he is counsel of record on several published cases from those courts.

Professor Canon is best known as lead counsel for the Kentucky plaintiffs in the landmark Supreme Court case of *Obergefell v. Hodges*, counsel for the plaintiffs in the pioneering Kentucky and Indiana marriage equality cases of *Bourke v. Beshear*, *Love v. Beshear*, and *Love v. Pence*, counsel for *Miller v. Davis*, the highly publicized case in which plaintiffs were refused marriage licenses in Rowan County, Kentucky, and counsel for the protesters in *Nwanguma v. Trump*.

Canon's writing has been featured in numerous publications, including *The National Law Journal*, *Salon*, *Slate*, Louisville's *LEO Weekly* and Indianapolis's *NUVO*. He has been quoted and profiled extensively in *Time*, *The Washington Post*, *The Wall Street Journal*, *Nightline*, *The New York Times* and many other national and international news sources.

His book about the American criminal justice system, entitled *PLEADING OUT: How Backroom Deals Broke Our Justice System and What We Can Do to Fix It*, is scheduled to be published by Basic/Hachette in early 2021.



Eugene Mazo, Visiting Associate Professor

Eugene Mazo is a nationally recognized scholar of election law who joins us to teach Torts, Decedents Estates and, in Spring 2021, a course on Election Law. He has a J.D. from Stanford Law School, a Ph.D. from Oxford University, an M.A. from Harvard University and a B.A. from Columbia University. As an election law scholar, Professor Mazo writes about voting rights, campaign finance, redistricting, legislation and the theory and practice of democracy, both in the United States and around the world.

His edited book, *The Best Candidate: Presidential Nomination in Polarized Times*, is being published by Cambridge University Press in 2020. His previous books include *Democracy by the People: Reforming Campaign Finance in America* (Cambridge University Press, 2018) and *Election Law Stories* (Foundation Press, 2016). Professor Mazo is currently the Chair of the Section on Election Law at the Association of American Law Schools (AALS). He also serves on the executive committee of the AALS Section on Constitutional Law, and he is the past Chair of the Section on New Law Professors.

Professor Mazo also has long been a scholar of the democratic process. He was a post-doctoral scholar and research fellow at the Center on Democracy, Development, and the Rule of Law (CDDRL), an affiliated scholar at the Center for International Security and Cooperation (CIS-AC), and a visiting researcher at the Center for Russian, East European, and Eurasian Studies (CREEES), all at Stanford University. He has been awarded grants for his research by the Social Science Research Council and the Woodrow Wilson International Center for Scholars, and he is a past recipient of the Paul & Daisy Soros Fellowship for New Americans. Prior to beginning his teaching career, he was as an associate at Skadden Arps Slate Meagher & Flom.

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I am proud to be able to introduce this exciting group of young law teachers and scholars and look forward to introducing them to all members of the Louisville Bar who may wish to meet them. We are lucky to have each and every one of them.



Colin Crawford, dean of the University of Louisville Brandeis School of Law, serves on the boards of both the Louisville Bar Association and the Louisville Bar Foundation.

Earlier this summer the Louisville Bar Foundation awarded nearly \$90,000 to 10 local nonprofits offering law-related programs. These grants were approved by the Board of Directors at its June board meeting. Funding priority was given to groups offering direct services to those in our community disproportionately and adversely affected by the COVID-19 pandemic. With grant funding, these groups are mobilizing to help individuals navigate the unemployment benefits process, establish guardianships for children, design safety plans for domestic violence victims, and offer protection for abused children. Our profession is helping in these times through our collective gifts to the Foundation.

Additional grants may be awarded in December. Deadline for grant applications will be October 16. Grants are made possible by the generosity of Louisville area lawyers and law firms.

Bellewood and Brooklawn – Improving Child Welfare and Court Collaborations: \$3,000

Bellewood and Brooklawn (formerly Uspiritus) serves children who need intensive support to overcome the effects of abuse, neglect, homelessness or other trauma, with the goal of helping the youth become stable, self-sufficient adults. Therapists, case managers and program directors attend more than 500 court proceedings each year. These appearances involve hearings regarding the youth's custody status, termination of parental rights and charges facing the youth. LBF funds will support coordination of these efforts among the various staff involved and travel expenses.

CASA of the River Region – Advocacy Academy: \$10,000

CASA improves vulnerable children's access to services through family court, and gives them an opportunity to succeed in school, live in a safe home and have access to medical/therapeutic services to overcome trauma. Facing an increasing number of children in need of advocacy services, CASA must continually train and provide continuing education. The LBF grant will support CASA's "Advocacy Academy" program and increase its number of trainings to boost volunteers' advocacy skillset and the understanding of interrelated child welfare, justice and medical systems.

Doctors & Lawyers for Kids – Guardianship Program: \$10,000

Doctors & Lawyers for Kids is a collaborative effort of the Legal Aid Society, LBA, UofL Pediatrics, and Family Health Centers that assists children from low-income families by training healthcare providers to recognize unmet legal needs

that affect patient health and by having free legal services available to families in need. LBF funds will be used to educate healthcare providers, social workers and discharge planners and enlist their help in identifying caregivers of children in need of guardianship or custody orders. DLK will train pro bono volunteers to increase attorney resources to provide this service.

Family & Children's Place – Child Advocacy Center: \$8,000

The Child Advocacy Center at the Family and Children's Place is the only facility of its kind in Kentucky providing services to child victims up to age 17 with compassionate, coordinated intervention and investigation of child sex abuse. The LBF grant will be used to pay expenses for a highly trained forensic interviewer to record a child's testimony and lab kits used to gather and preserve evidence for later use at trial in prosecuting child sexual offenses.

Legal Aid Society – COVID-19: Justice in Action: \$30,000

COVID-19: Justice in Action Program is Legal Aid Society's strategic response to the COVID-19 pandemic, serving individuals and families directly impacted in the economic aftermath of the virus. With over one million claims for unemployment filed in Kentucky since March, Legal Aid will provide direct legal assistance to low-income families on issues such as eviction, unemployment and government benefit denials, tax, wage garnishments, and family law issues related to a rise in domestic violence due to social distancing. LBF funds will support Legal Aid as it meets the dramatic increase in the number of individuals eligible for its services and in requests for assistance.

Louisville Bar Association – Video Conference Equipment: \$9,000

Like many nonprofits, the LBA was required to re-think its programming in the COVID-19 environment and design systems to allow participants to engage in meetings, continuing legal education programs and pro bono initiatives. The LBF grant allows the LBA to purchase and implement video conference technology to offer streaming CLE programs, to provide virtual meetings for LBA Sections, and to support pro bono efforts such as a clinic to offer life-planning documents to health care workers on the front line of the pandemic.

Mission Behind Bars and Beyond – Mentor Training Program: \$4,500

MB3 provides a mentor support network to individuals who are returning to the community from incarceration. This in-

tensive mentoring support has been instrumental in reducing recidivism and removing many of the barriers and obstacles faced by citizens returning to their community. MB3 has trained over 200 individuals to serve as mentors but has a waiting list of individuals requesting to be matched with mentors. LBF funds will be used to train additional mentors.

University of Louisville School of Law – Ackerson Law Clinic Mediation Program: \$5,000

The Ackerson Law Clinic at the University of Louisville's Brandeis School of Law offers students who have completed initial course requirements the opportunity for practical experience by representing clients under the supervision of clinical instructors. The Mediation Program allows students to apply their mediation skills to assist low-income clients on issues which traditionally complicate and delay judicial resolution of family court disputes – custody, visitation, child support. LBF funds support this program designed to help the underserved population, to improve the efficiency of family courts, and to enhance the practical skills of law students.

YMCA Safe Place – LMPD Field Release Program: \$5,000

The YMCA Safe Place program works in close collaboration with the Louisville Metro Police Department to offer an alternative to the youth detention facility. When a youth is arrested and LMPD is unable to locate a parent, rather than leaving the youth at the detention facility where the youth could be exposed to more serious criminal elements, LMPD may release the youth to Safe Place staff who will contact the parent and provide targeted case management and family support. LBF funds will support the intervention and case management by Safe Place staff which significantly decreases the chances that at-risk and low-level offenders will enter the juvenile justice system.

YouthBuild – Legal Assistance Case Management Services: \$4,366

YouthBuild helps young adults (18 - 24 years old), often with prior involvement with the court system, obtain GEDs, secure employment and enroll in college or vocational programs. As a result of YouthBuild's intensive interventions and programming, only 11 percent of its participants re-offend, compared to national recidivism rates trends where over 50 percent generally re-offend. YouthBuild's case managers provide individualized support to participants to accomplish this success. LBF funds will assist case managers in identifying legal issues for participants and linking participants with legal resources to avoid and resolve issues that could lead to court involvement. ■

New Fellows of the Foundation



The Louisville Bar Foundation recognizes and welcomes **Ingrid V. Geiser** as a Fellow of the Foundation. Geiser serves as the Director of the Criminal Division in the Office of Mike O'Connell, Jefferson County Attorney, where she oversees

the office's operations in the criminal courts. She is also a member of the Board of Directors of the Louisville Bar Foundation.



The Louisville Bar Foundation recognizes and welcomes **Jennifer M. Barbour** as a Fellow of the Foundation. Barbour is member of the firm's Litigation Practice Group. Her health care litigation practice includes medical malpractice defense, long

term care malpractice defense, and advising health care organizations on regulatory matters, including health care privacy, security law and licensure.



The Louisville Bar Foundation recognizes and welcomes **Eric J. Graninger** as a Fellow of the Foundation. Graninger serves as the First Assistant in the Office of Mike O'Connell, Jefferson County Attorney. Prior to his appointment as First Assistant,

Graninger served as the Civil Division Director, responsible for overseeing the office's duties as the legal representative for Louisville Metro Government.

For more information on the Fellows Program at the LBF and how it recognizes leaders in the profession, contact the Foundation Director, Jeff Been, at jbeen@loubar.org or (502) 292-6734.

BLACK LIVES MATTER

A statement from our Board of Directors

At this pivotal moment in history, the Legal Aid Society stands ready to serve our community through the provision of free civil legal services to low-income individuals. As explained by Louisville's own Muhammad Ali, "Service is the rent you pay for your room here on Earth." We believe in service, we stand for justice, and we hold strong to the fundamental truth that equal justice under law is not merely an aspiration, but a reality upon which all individuals should be able to rely.

There is no place for racism in our justice system. Equal justice under the law requires equal access, equal regard, and equal treatment for all. A justice system that applies the law unequally to some is a system devoid of justice for all. Through the eyes of Dr. Martin Luther King, Jr., "We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

Now and always, we say Black Lives Matter. As members of the legal community, it is our duty and honor to ensure that Black lives receive equal justice under the law. The loss of life in our community, our state, our country, and across the world as a result of racism is heartwrenching and unacceptable. It devastates the lives of individuals and their families and creates horrendous trauma, scarring our communities.

In 1921 the Legal Aid Society was formed on the fundamental principle of equal access to and justice under the law for all. For nearly a century, we have fought for equal justice under the law. We represent individuals and non-profit groups every day in civil legal matters that are critical to their safety, stability, and health. Our fight for equal justice under the law must include engagement against racism. We have a duty to work every day to demand the best of our justice system, looking both inward and outward. While we advocate for equal justice under the law for all, we also know from experience that justice is not always equal for all.

Until there is equal justice under the law for all, true justice is not accomplished. In the words of Dr. King, "Injustice anywhere is a threat to justice everywhere." We will continue to serve our clients, our community, and our country during this pivotal moment in history. Black Lives Matter.

A message from our Executive Director

Louisville's legal community's generosity is unparalleled. So many of you have reached out simply to say you are here to support Legal Aid and to ask, "How can I help?" As members of the legal community, we know the impact that unaddressed legal matters have on the individual, the family, and the community as a whole. Unresolved legal issues can upend lives and be a complete barrier to health, safety, and stability.

Since 1921, the Legal Aid Society has served this community, always changing and growing to respond to new and evolving needs. This has only been possible through your generosity of time, expertise, and financial support. From the first volunteers who stepped forward in 1921 to form the Legal Aid Society to the volunteers who signed up last week and said yes to the call, you are part of a community of leaders who know the importance of service.

Right now, the need is at an all-time high. So many people find themselves without the means to meet their daily needs. People in our community reach out to Legal Aid every day asking for help. Our staff work tirelessly to meet these needs, but we simply cannot handle the volume of requests received.

We are partners with our clients in their journey to resolve critical legal issues and we welcome you to join us on this journey. You can walk alongside members of your community who need your help with a variety of legal matters. From representing the single parent, the elderly caregiver, the frightened tenant – you can make a difference in the life of individuals, children, families, and your community neighbors in need.

How can you help?

1. Volunteer to represent clients facing eviction. Help negotiate solutions for unexpected reductions in income due to COVID-19.
2. Represent someone who finds themselves unemployed and unable to meet basic expenses such as rent, utilities, and food.
3. Be a part of second chances for someone who needs your help filing an expungement.
4. Make a gift to the Justice for All Campaign to support the help that Legal Aid provides today and tomorrow.
5. Lend an ear and your guidance to a pro se family law litigant who needs some help completing self-help forms and navigating the process of securing resolution of family law matters.
6. Draft critical life planning documents for clients who need help planning for the days when they cannot care for themselves.
7. Advocate for someone who has suffered violence and help them secure protective orders to prevent future acts of violence.

We are here to serve. To join us on this journey, simply email me at nscott@laslou.org. I would love to hear from you and talk about how we can partner to serve the community.



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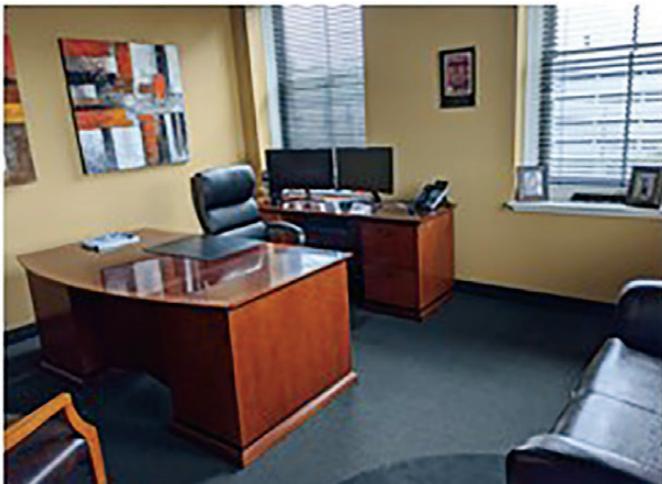
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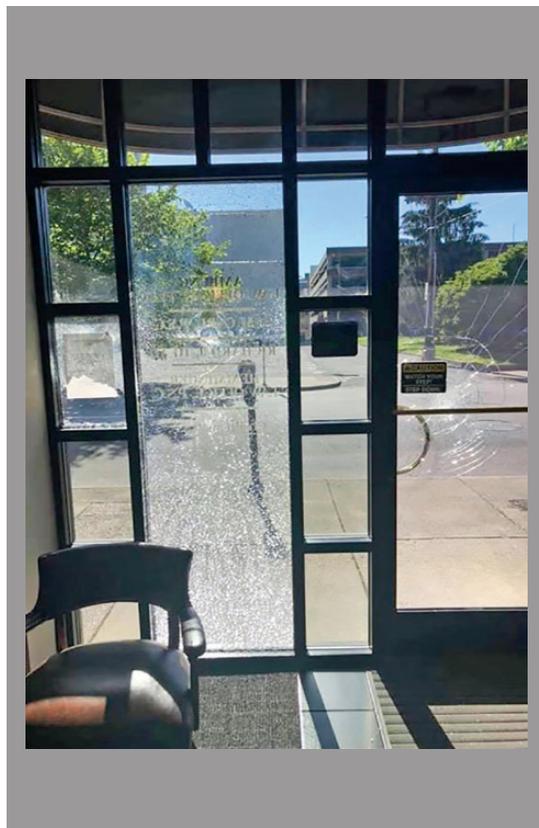
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Words Into *Action*

Attorney's Fundraiser Benefits Shooting Victim's Family



When he arrived for work on the morning of Monday, June 1, attorney Richard Head was distressed to find that the glass window and door of his downtown Louisville office had been smashed during weekend protests over the deaths of George Floyd and Breonna Taylor. His perspective quickly changed when he learned the next day that David McAtee, a Black man about his age, was shot and killed that same evening—by a Kentucky National Guardsman enforcing a protest-related curfew—while working at his business in the West End.

“He was murdered, standing in his door. He didn’t have insurance to cover his loss, like I do, to cover my glass,” Head wrote in a Facebook post.

“If you feel sorry for me, I appreciate it, but I am OK,” Head’s post continued. “I didn’t deserve what happened to me, but it is nothing compared to what happened to him, and he is not OK . . . Two people, two different wrongs, two different results. The white guy has insurance, the Black guy is dead.”

Although he’d never met McAtee and had not been to his restaurant—YaYa’s BBQ Shack at 26th Street and Broadway—Head decided to take action. He started a Facebook fundraiser to help pay McAtee’s funeral expenses, pledging to match the first \$1000 donated and turn over any excess funds to McAtee’s mother. Donations began pouring in and ultimately totaled more than \$18,000.

When Head contacted the funeral home, he was told that the bill had already been paid, reportedly by professional football player Myles Garrett. Determined to fulfill his pledge, Head then arranged to deliver money from the fundraiser to McAtee’s mother, Odessa Riley.

While Head is grateful to all who contributed money, he emphasizes that there are more important ways to honor McAtee’s memory. “Seek justice for

him,” he urges. “Not with hammers, but at the ballot box. March for peace and realize that when you say all lives matter, you have to care most about the lives that are being stolen, and those are Black lives.” ■



David “Ya Ya” McAtee



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Member Benefit
Spotlight

Did You Know?

Interested in gaining new clients? The **Kentucky Lawyer Referral Service (KLRS)** is a public service sponsored by the Louisville Bar Association that offers attorneys an ideal way to generate new business through telephone and online referrals. The service refers clients with specific legal problems to attorneys who are qualified to handle that client's case.

In 2019, attorneys on the service earned a combined total of \$1,355,365 through KLRS referrals!

To learn more about KLRS membership and join the service, visit www.loubar.org and click on Lawyer Referral Service in the top right hand corner.



**Doctors & Lawyers
for Kids**
A Medical-Legal Partnership

A Success Story: Group Helps Infant Get Life-Saving Treatment

Baby Charlotte's doctors were stumped—not by what to do for the seriously ill infant, but by how to secure the treatment they knew she needed.

Diagnosed at birth with spinal muscular atrophy (SMA)—a progressive genetic disorder that causes motor neuron and muscle degeneration—without treatment Charlotte would likely lose the ability to sit, stand, walk or even breathe as she grew older. Children with the most severe form of SMA typically don't live past their second birthday.

Just four years ago, there was no available treatment for SMA. But today there is a revolutionary new drug that replaces the defective or missing gene responsible for SMA's devastating effects. Administered as a one-time treatment, Zolgensma, from pharmaceutical giant Novartis, slows or even stops the loss of motor function in patients like Charlotte. For some children, it greatly reduces their risk of becoming ventilator-dependent or dying before age two.

Problem solved, right? Wrong.

FDA-approved for children under age 2 a little over a year ago, Zolgensma comes with a hefty price tag: a single dose costs \$2.125 million, making it the most expensive drug on the market.

When Dr. Arpita Lakhota, Charlotte's neurologist, sought prior approval from WellCare, a Medicaid managed health care insurer, Charlotte was 5-months old and already showing symptoms of SMA. Claiming that Zolgensma is experimental, WellCare repeatedly refused to approve the drug for Charlotte. Entreaties from Dr. Mark McDonald at Norton Children's Hospital and Dr. Kim Boland, pediatrics chair at the University of Louisville, were to no avail.

Enter Doctors & Lawyers for Kids (DLK), a medical-legal partnership providing free assistance to patients with legal issues that impede their health and well-being. DLK attorney

Megan Metcalf met with Charlotte's family and immediately filed an administrative appeal. WellCare hired outside counsel and it took four months to schedule a hearing, during which time Charlotte's symptoms worsened. She developed swallowing issues and needed oxygen support at night.

Meanwhile the clock kept ticking. "It looked like we were going to have to take this all the way to a state fair hearing," Metcalf noted. "But two days prior, WellCare settled by ap-

proving the drug."

Charlotte got her treatment without incident in July and Metcalf visited her in the hospital. A recent video shows Charlotte, now 11 months old, taking her first steps. Thanks to DLK's timely intervention, her case had a happy ending.

Pictured above, LtoR: Child Neurology social worker Leah Todd, Charlotte's neurologist, Dr. Arpita Lakhota, Charlotte's mother, Conchita Tucker, Charlotte, and Doctors & Lawyers for Kids attorney Megan Metcalf. ■



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Good has no barriers

September 17, 2020



Louisville's biggest day of local giving supports over 500 orgs!
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MAGISTRATES AND MONUMENTS

Juliet Ehrlich

“all endeavor raised to the level of excellence becomes...art”

A sculptor's reflections on monument creation, and a tribute to judges and lawyers.



For every edifice monumented, there was a sculptor engaged to bring it into being. An idea conceived in one mind was seeded within another, and if its concept was timely, its subject matter apropos, its message stirring, then funds were secured and the thing begun. A lengthy design phase ensued, and when a final sketch was thoughtfully reviewed and perhaps revised, its lines formed a blueprint.

For an extended period before modelling tools met clay, or chisel and hammer were grasped for first strikes upon stone, numerous meetings transpired. Foundation stones for monuments are not laid within the space of weeks. Rather months, perhaps even years could elapse in preparations. New intelligence could inform revisions in scale, proportion, breadth, depth or other aspects of the endeavor. If the sculpture's height was towering, scaffolding rose. Ladders would inevitably fall short. A team was assembled, a principal appointed, and apprentices positioned. With preparations complete and tools taken up, the moment would almost certainly have been met with shared grins among artisan team members. A buoyant mood announced...this is our element, let sculpting begin!

When the original was complete and its beautifully carved tons duplicated, it was disassembled and into molds was poured glowing, molten bronze. Its red-orange, viscous body advancing slowly, lava-like, from the charred lip of a massive crucible. Foundry artisans, often sculptors themselves, guided this phase, and their refined eyes made fraught calibrations. Most often their mastery was proven, but sometimes a small error would later be more aptly termed a sweeping miscalculation. The welding of cooled bronze components accomplished resurrection. The monument stood, texture restored, with the lovely, burnished patina sought.

The engineered erection of architectural structures are heady moments, but not the penultimate one. A veiled figure, berobed within voluminous folds of traditional black cloth, sits above eye level, designedly placed at elevation to inspire awe, to convey feelings of something grand...something above, beyond and greater than ourselves individually. When the veil is lifted, we experience something monumental indeed. A thing moving, stately. Though its scale may be soaring, its message, imbued with power and meaning, is intended to soar yet beyond. That intangible has its own height, breadth and depth.

Work of this nature is apt to consume the life of the sculptor for the life of the project. Arduous physically, complex mentally, and joyous emotionally, these are magnificent chapters all. Artists are typically born to their work. Time falls away as they create and for most, the urge will endure. They will be found, “playing with crayons,” under the cope of heaven.

(Continued on next page)

Top left: Veritas (Truth). Copyright Supreme Court of Canada. Photographed by Philippe Landreville. Bottom left: Authority of Law. Steve Petteway, Collection of the Supreme Court of the United States. Center: Lady Justice. Original clay bas relief sculpture mounted upon marble by Juliet Ehrlich. julietehrich.artspan.com. Top right: Iustitia (Justice). Copyright Supreme Court of Canada. Photographed by Philippe Landreville. Bottom right: Contemplation of Justice. Steve Petteway, Collection of the Supreme Court of the United States.

(Continued from previous page)

Art compels to the degree it involves us beyond the intellectual realm. It is our visceral, emotional responses that engage us most deeply. Intellectual observation a conduit to the brain's feeling realms, where senses stir. The observer is transformed, involved, no longer simply observer. At its best, art wields the power to transport us, becoming a wordless expression that nevertheless speaks to the viewer and creator profoundly. Art that compels enlivens, lifting the spirit. Through exposure our eyes are trained to see more, and our hearts inspired to feel more, enriching all life experience.

While the realms of law and art are disparate, there are shared aspects between these unusually paired realms. Both are dimensional. A leisurely walk about a sculpture or law, and shifting vantage points offer new perspectives. We discern layered meaning, adding depth to understanding. Moreover, listen for the surprising descriptive language that is found so aptly to apply to either realm.

Magistrate. There is the feel of something grand in this word. At seminal moments our eyes turn to the courts; and then perhaps to those Supreme. These handsome figures, berobed within voluminous folds of traditional black cloth appear a singular, majestic body. Individually they are statuesque. Purposefully seated at elevation to inspire, their august presence purports feelings of something above, beyond and greater than ourselves. While this company of nine possess legionary judicial force, it is the potency of their monumental, intellectual prowess I want to tribute.

They have mastered the art of speaking, the art of writing and the art of adjudication. These talents are then overlaid with remarkable memory and penetrating understanding of law. As writers, their capacity for concise, beautifully crafted opinion is formidable. In speech they are clear, methodical, riveting. Their perception for nuance appears fathomless, and contemplation of their towering collective knowledge stuns the sensibilities. In the age of the Sophists, it was said, "those who can write, rule the world of men." And so they do.

All judges, in addition to those magistrates who sit highest on the arm of our judiciary, are master distillers in the end. Because of their manifold skills, both the path they trod to arrive, and their offerings, elixir for some, bitter issue for another, if held AD LUCEM, are always clear.

And what of the lawyers who raise advocacy to excellence? Unlike our justices who are not permitted the latitude to enter the fray, we rely upon our advocates to walk into it directly. When trying chapters arise, when we haven't enough personal agency to negotiate fraught terrain, our lawyers can offer flooding relief. We feel them our allies and permit ourselves hope.

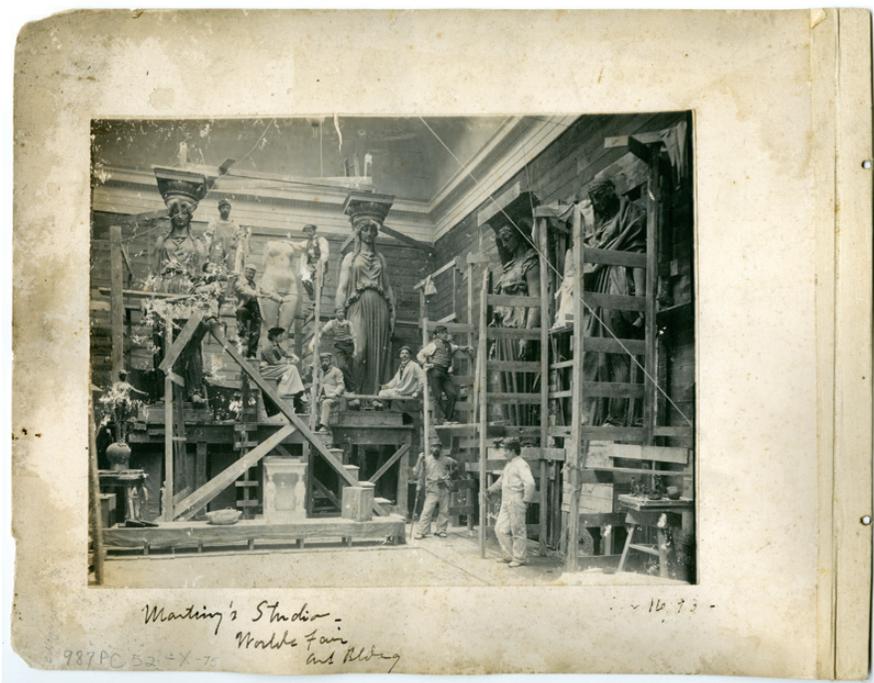
Advocates listen as we unburden ourselves, they shoulder weight and give voice to what we feel, what we believe. That is no small thing. These sentinel guards perceive what we cannot, and do what we cannot do without them. Foot, calf, and knee, we tandem pace across the arc of difficulty. When their utterances and actions on our behalf rise to the level of excellence, their work too, becomes art. ©

Juliet Ehrlich is a sculptor and writer residing in Louisville, Kentucky. Her corporate, public and private commissions have been placed both in the United States and internationally. Seventeen pieces commissioned by the U.S. State Department for foreign embassies were lauded "the highlight of the Art in Embassy program." "I thrill in debuting my sculpture, Lady Justice. Like the truth, she is bare, unvarnished, unadorned."

Acquisition for Lady Justice art prints: julietehrlich.artspan.com
juliet.ehrlich@gmail.com



Rough stone block became National Archives's statue.



Enid Bland Yandell photograph collection. Filson Historical Society, Louisville, Ky.



Thanks to our 2020

Back to School Drive Participants!

A big thank you to those who participated in the LBA's Back to School Drive and helped to provide essential school supplies to Jefferson County Public Schools and the West End School. JCPS will distribute the money collected to the schools with the highest at risk population. Thanks to the generosity of our members more than \$4,000 was raised! THANK YOU to members of the following firms and individuals:

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The Protest Legacy of the 19th Amendment

Delores (Dee) Pregliasco



Mothers of the Movement

Top to bottom:

Inez Milholland leading the Woman Suffrage Procession on horseback, 1913.

Susan B. Anthony, c1855.

Ida B. Wells, c1893.

Lucy Burns, 1913.

Alice Paul, c1915.

PROTESTS! PROTESTS! PROTESTS! For many months people all over the world have been protesting. Recently, the country paid tribute to Congressman John R. Lewis, a civil rights icon whose protests in the 1960s embraced civil disobedience in the manner of Martin Luther King, Jr. and Mohandas Gandhi, while fighting to create a more perfect union.

For baby boomers, their protests against the Vietnam War are the additional cornerstones of any protest history, regardless of the violence that often occurred. All of these protests are the grandparents of the current

protests: whether Black Lives Matter, calls for increasing gun registration regulations or demanding solutions for climate problems.

However, during the last years of the fight when women demanded the right to vote, one contingent began to use civil disobedience in their protests, went to jail for those decisions and their treatment during and after their arrests galvanized the public's opinion and support for the suffrage 19th Amendment.

In the beginning, Suffragists partnered with and began with the abolitionist movement over slavery. The abolitionist movement had been going on for many years when the women at Seneca Falls, NY, in 1848, declared their sentiments for equal rights under the Constitution. Up and until approximately 1900, various suffrage organizations and groups fought in all the states and territories for women to have the right to vote. Their disappointment was strong after the 15th Amendment gave only Black men the right to vote. Due to prevailing racial issues and racism, some Suffragists did not support the 15th Amendment.

After Reconstruction and the South's instigation of Jim Crow laws, Black men were not voting and the suffrage movement itself suffered from divisions that were regional and racist. Attempts to compromise with state-by-state legislation supported the argument that allowing the larger number of white women to vote would outweigh any voting by Black women.

The state versus national amendment process was further exacerbated by the push of young Suffragists, such as Alice Paul and Lucy Burns, to confront the national government, as well as the states, using more forceful methods—real protests of pickets and civil disobedience. Paul and Burns had been in England and had participated in the protests there and been jailed. When they returned to the United States they were convinced that conversation alone was not going to achieve the goal of women's suffrage.

The suffrage parade in Washington, D.C. in early 1913 warned the nation and its leaders that women were not going to give up, even if they had been fighting for over 60 years. On March 3, 1913, the day before President-elect Woodrow Wilson's inauguration, a parade organized by Paul and her followers began at the Capitol and marched down Pennsylvania Avenue. It included over 5,000 people from every state and women who could vote from other countries. Led by Inez Milholland, the famous "beauty" on the white horse, this parade presaged that Suffragists were willing to go to a different level to fight for the right to vote.

Wilson's arrival in Washington for the inauguration was upstaged and he easily became the symbol of the

powers that were thwarting the Suffragists' efforts, despite his rhetoric which focused on the rights of people in a democracy. Even the internal issues of the movement over Black women being banned from marching or marching in the back of the parade did not wreck efforts to garner support for a suffrage amendment. And Ida B. Wells, the prominent Black writer and Suffragist joined her Illinois sisters regardless of efforts to discourage her and others from participating.

Overall, the parade was an organizing success, garnered national and international attention, but did not end peaceably. The DC police failed to protect the marchers and men and boys of all ages attacked the marchers and many participants and people in the crowd were injured. Women were spit on, slapped, tripped and hit with cigar stubs.

While the tactics of Alice Paul and the more activist Suffragists were not popular with some of the older powers of the movement, peaceful protests in the movement were not new. Susan B. Anthony, one of the "mothers" of the movement, along with 15 other women in New York, voted in the 1872 presidential election. They were arrested for this "illegal" act, a crime. Anthony was not allowed to defend herself and the judge told the jury to find her guilty and allowed no polling of the jury. Over objections, the judge dismissed the jury. Given the chance to speak before her sentencing, Anthony forcibly stated:

"...for your ordered verdict of guilty, you have trampled underfoot every vital principle of our government. My natural rights, my civil rights, my political rights, my judicial rights, are all alike ignored. Robbed of the fundamental privilege of citizenship, I am degraded from the status of a citizen to that of a subject; and not only myself individually, but all of my sex, are, by your honor's verdict, doomed to political subjection under this so-called republican form of government."

This statement is a forerunner of the Suffragists going forward. Paul and Burns' civil disobedience-led plans are recognizable as a clarion call for those of the civil rights efforts post World War II and culminating in the 1960s with the Voting Rights Act.

Frustrated by the lack of progress from Wilson, his administration, and Congress, and even though intimidated by the prospect of America's entering World War I (April, 1917) in early 1917, Paul and Burns had begun placing "Sentinels" at the White House as pickets, and using Wilson's words to flaunt his hypocrisy in support of freedom for all abroad but not the women at home.

These Sentinels were regularly arrested beginning in June and charged with obstructing the sidewalk or traffic. The sentences were light at first but grew to be 60 days. After their arrests they were put in the Occoquan Workhouse in Virginia, a notorious jail which had been previously closed as being inhabitable. The women were not treated as political prisoners which they claimed they were and even for short stays often became sick from the sewage and food conditions, even when not in their hunger strikes they refused the worm-infested food.

Eventually, in October, Paul was arrested and spent almost seven months imprisoned, held in solitary confinement and force-fed when she went on a hunger strike, which caused her health problems for the rest of her life. The authorities also attempted to have her committed as insane, but without success.

However, November 14, 1917, the "Night of Terror" as it came to be known, exposed the extreme efforts the Wilson government/local authorities would go to thwart the Sentinels and the Suffragists who continued to demand a constitutional amendment.

Thirty-three Suffragist picketers had been arrested on November 10 and then were taken to Occoquan where those in charge said they needed to be taught a lesson and unleashed the guards to beat the women, deny them medical attention after manhandling and causing severe injuries, and shackled them by their hands above their heads and forced to stand all night. The authorities called in the Marines to guard the Workhouse. The women were eventually released in late November and the DC Court of Appeals held that the arrests were unconstitutional.

These arrests and the treatment began to galvanize the public in support of an amendment but the Suffragists kept up the pressure and in early 1919, after the end of the War in late 1918, Paul, Burns, and Sue White, a suffrage colleague, instituted "watchfires of freedom" in Lafayette Park

(Continued on next page)

(Continued from previous page)

across from the White House. These fires were held in urns and the Suffragists burned copies of words of President Wilson, words he had been sending back from Paris where he was negotiating a peace treaty for the end of World War I. Congress was due to vote on the Suffrage amendment soon and the plan was to keep up the protests. These Suffrage women were regularly attacked and then arrested on silly charges. When they refused to pay a fine they went to jail and launched hunger strikes.

The President and Congress appeared to be stalling about bringing the amendment for a vote. In late February, Sue White and 75 Suffragist cohorts, working the “watchfires” protest line burned Wilson in effigy in front of 2000 spectators and 100 police officers. Chaos erupted and the police used fire extinguishers against the women. They were arrested and spent five days in Occoquan where they went on a hunger strike. Congress ultimately voted on the 19th Amendment, known as the Susan B. Anthony Amendment, when the House voted yes on May 21, 1919 (vote was 304 to 89) and it passed the Senate on June 4, 1919 (vote was 56 to 25).

The fight was not over as the states had to ratify the amendment and that is another story for another day.

Would the amendment have been passed but for the tactics of Alice Paul, Lucy Burns and others? If you look at the lessons of history, unfortunately equality and freedom have often had to take more than just conversation, whether it was the colonists protesting against the British taxes, or the abolitionists working to end slavery which took a civil war to end it. Progress in the United States has not always occurred peacefully. And if the focus is on “voting rights” the beatings of peaceful protesters has a history that is highlighted by the Suffragists in both the U.S. and Britain with a direct line to the civil rights movement and the protests of today.

Dee Pregliasco is retired from Pregliasco Straw-Boone, Doheny Banks & Mudd; is a practicing mediator; and an adjunct professor at the Brandeis School of Law. ■



For more details about the Suffrage protests, read Elaine Weiss' The Woman's Hour: The Great Fight to Win the Vote and Tina Cassidy's Mr. President, How Long Must We Wait? Alice Paul, Woodrow Wilson, and the Fight for the Right to Vote.

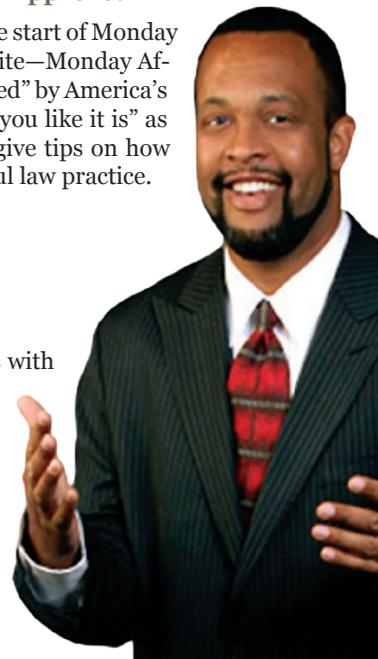
Sean Carter Live Webinars

**Staying Within the Lines:
Avoiding Ethical Penalties & Infractions**
9-16-2020 | 1:00 pm | 1.0 CLE Ethics Hour — Approved

Are you ready for some ethics? To commemorate the start of Monday Night Football, Mesa CLE will bring you a fall favorite—Monday Afternoon Ethics. This unique webinar will be “officiated” by America’s Funniest Lawyer, Sean Carter, who will be “telling you like it is” as he demonstrates common ethical infractions and give tips on how to avoid being penalized in your drive to a successful law practice.

**Enough is Enough:
Avoiding Vexatious Lawyering**
9-23-2020 | 1:00 pm
1.0 CLE Ethics Hour — Approved

While lawyers are expected to provide their clients with zealous representation, we are not allowed to become outright zealots in pursuit of our client’s objectives. Yet, time and again, this is precisely what happens as lawyers become fixated on winning at all costs. And as a result, they end up paying the ultimate price—the loss of their license to practice law. In this sobering but surprisingly funny presentation, Sean Carter will distinguish permissible zealous legal practices from unethical legal zealotry.



LBA Member	\$55.00	LBA Paralegal Member	\$25.00
LBA Sustaining Member	\$50.00	Non-member	\$125.00

Due to the partnership with Mesa CLE, the LBA will NOT be accepting registrations for these webinars. Please visit the LBA website’s CLE calendar, www.loubar.org, for the link to register and the cancellation policy.

CONTINUING LEGAL EDUCATION

LBA LABOR & EMPLOYMENT, HEALTH LAW, AND IN-HOUSE COUNSEL SECTIONS ONE-HOUR

Marijuana Legalization: Considerations for Employers & Healthcare Providers

Thursday, September 17

Marijuana has now been legalized and or decriminalized in more than 40 states. Even in states where marijuana remains completely illegal, shifting cultural and societal views on marijuana use have caused local governments and the private sector to evaluate their treatment of marijuana use in their communities and workplaces. Healthcare providers and employers across the country are now faced with a variety of legal questions relating to marijuana use by their employees, providers and patients. Please join us for this webinar where we will have a panel discussion consisting of both in-house and private practice attorneys that deal with these issues in their respective practices.

There will be a brief presentation from **LaToya Whitlock** to discuss an opportunity to become involved with the Decode Project.

Speakers include: **Tom Birchfield**, Fisher Phillips; **Ashlee M. Gray**, Ensign Services, Inc.; **Aleah Schutze**, Steptoe & Johnson; and **Samantha Steelman**, Reminger Co.

Time: Noon – 1 p.m. — Program
Place: Online — a link will be sent prior to the seminar program
Price: \$40 LBA Members | \$36 Sustaining Members | \$15 Paralegal Members
\$15 for qualifying YLS Members | \$25 Solo/Small Practice Section Members
\$25 Government or Non-Profit Members | \$180 Non-member
Credits: 1.0 CLE Hour — Pending with KBA and Indiana

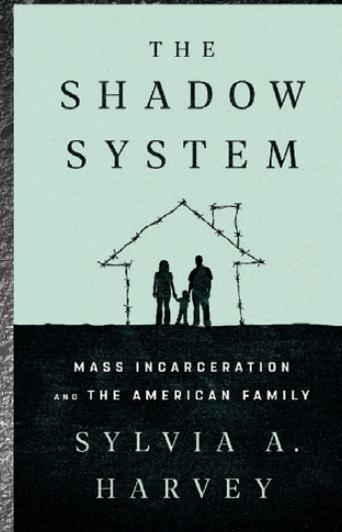
This is a LIVE program and any post-event recordings will be subject to the On-Demand fee(s).

A reservation is required in advance of the program. Registrants will receive a confirmation e-mail the day before the event which will contain a link to join the meeting via Ring Central and attachments of the handout material and CLE activity code and instruction on how to file with the Kentucky Bar Association (PDF files).



The Louisville Bar Association Presents

THE SHADOW SYSTEM MASS INCARCERATION AND THE AMERICAN FAMILY



Join us for this timely program featuring Sylvia A. Harvey, an award-winning journalist who reports at the intersection of race, class, policy and incarceration. Her new book, *The Shadow System*, examines the disproportionate imprisonment of people of color and its devastating effects on families.

She will discuss how the national consciousness is shifting in light of the continued demonstrations and demands for justice following the police killings of Breonna Taylor, George Floyd, Jacob Blake and others. She will also explain how some of our most important social institutions—the criminal justice system, the child welfare system and the education system—exacerbate the collateral effects of mass incarceration on families and communities.



Wednesday, September 23 · 3pm – 4pm · Online

Free LBA Members · \$50 Non LBA Members

Register: www.loubar.org or 502.583.5314

HISPANIC HERITAGE MONTH

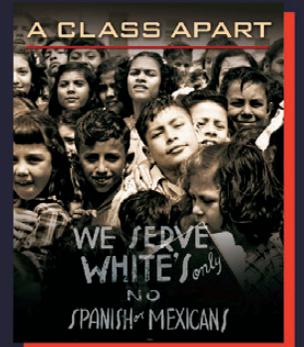
September 15 - October 15

Each year, Americans observe National Hispanic Heritage Month from September 15 to October 15 by celebrating the histories, cultures and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America.

The observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988 to cover a 30-day period starting on September 15 and ending on October 15.

September 15 is especially significant because it is the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. Mexico and Chile celebrate their independence days on September 16 and September 18, respectively.

A great way to celebrate Hispanic Heritage Month is to watch the documentary, *A Class Apart* (free with Amazon Prime), about a team of Hispanic lawyers who took the landmark case of *Hernandez v. Texas* all the way to the U.S. Supreme Court, winning a major civil rights victory against Jim Crow-style discriminatory practices directed at Mexican Americans.



Job Searching Tips during the Coronavirus

David Mohr

1 Take this Time to Analyze the Job Market

Take advantage of the slowing job market by getting clarity about where you want to work and the type of role you are seeking. Start by creating a list of your target companies, job titles and anything in particular you are seeking. However, you'll still want to apply to all postings that hit on some or all of your criteria.

Be prepared to think about your role more broadly and the possibility of moving into an adjacent position that would utilize your skills. Given our current environment, there is a lot of shifting going on right now. Beyond job opportunities, you'll also want to focus on which companies you would like to work for and who you can possibly reach out to at those companies. Be open minded to the possibilities.

2 Reflect on What Makes You a Unique Candidate

Reflect on your unique experiences and skills and plan how to articulate them to employers. In the wake of COVID-19, perhaps you can focus on how you would function well independently and as a team member in a remote environment. Highlight your problem-solving skills or your computer skills that would be valuable in our current environment and beyond. Don't be afraid to "sell yourself," as no one else will!

3 Be Optimistic!

You may feel the world is full of doom and gloom right now, but you should find it within yourself to be optimistic and put your best and brightest foot forward each day. Employers love to hire upbeat and positive people for their work environments. No one wants to work alongside a "Debbie Downer!" Be sure to smile during your in-person, phone or web interview. Yes, you can tell when someone is smiling and get a feel for their energy over the phone. This may seem simple or perhaps insignificant, but it can make the difference between landing a position or not, especially during these times.

4 Add Remote Friendly Language to Your Resume

Since many employees are now working remotely and many hiring managers expect employees they bring on will as well, it's important to show you can work from home. Mention specific video technologies or document-sharing tools you've utilized. Also include how well you manage your time or written communications.

5 Do Your Homework

Research each organization and then use that information to tailor your resume and cover letter to that company and position. This shows the potential employer how well you match their needs, thus increasing your chances for an interview. Don't hesitate to reach out to anyone you may know who currently works at that company and ask questions or perhaps ask for an introduction. Which leads me into our next and perhaps most important tip.

6 Network. Network. Network.

Most people find jobs through networking, so spend time making new connections and reviving old ones. Be active on networking websites such as LinkedIn or any other industry related sites, as well as participate in industry related organizations. Make sure your professional profiles are updated and be active on those sites by sharing and commenting. You'll also want to get registered with any staffing companies that cater to your industries of interest. Some of them have exclusive relationships and their jobs may never be advertised anywhere else. Make yourself as visible and valuable as possible.

Don't hesitate to reach out to your connections for information on companies or positions you are interested in pursuing. Make sure you also demonstrate a thoughtful attitude. Rather than asking them to help you, ask if there is anything you can assist them with. This will allow you to connect with your contact on a human level and gives you the opportunity to highlight your skills they can tap into.

7 Be Patient, but Follow Up

You should anticipate delays in the hiring process due to employers working remotely, as in-person interviews may be on hold or conducted virtually. You should be open to and prepared for alternative interviews such as telephone or online video interviews through platforms such as Zoom. After your interview periodically express to employers that you are excited to move forward in the hiring process. Follow up politely and ask about updates and next steps. Again, be patient, as the people the hiring manager needs to involve in the hiring process may not be as accessible during these times.

8 Don't Give Up!

Your current job is to find a job. Apply regularly and consistently. Research and network regularly and consistently. If you continue searching you will have an advantage over those who have delayed looking or decided to stop. I know this can wear you down and may seem like a grind at times, but remember number three and be optimistic! However, you do need to take care of yourself during your job search so you can be optimistic and not give up, so schedule time to unwind and recharge. Find time for things that bring you joy and comfort. Life is all about balance.

David Mohr is the placement director at the Louisville Bar Association. He helps law firms and legal departments connect with qualified pre-screened candidates for temporary and permanent attorney and support staff positions. He can be reached at dmohr@loubar.org. ■



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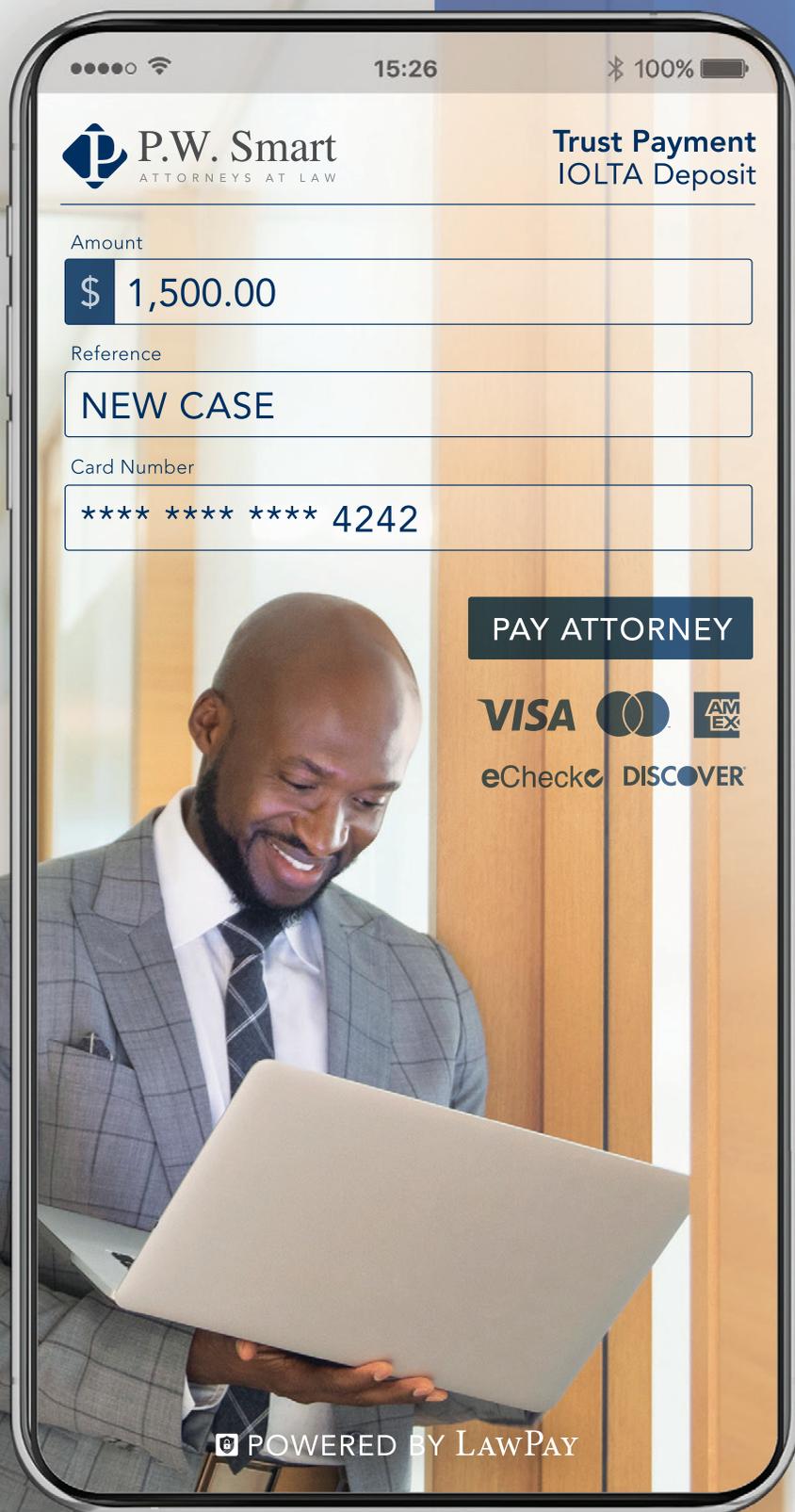


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Contact Lauren Butz
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Help Wanted

Through the LBA Placement Service

Associate Attorney:

The LBA is currently working with a law firm located on the east side of Louisville that is seeking to add a new Attorney to their growing practice. Their practice consists of a variety of defense work for public entities, and they frequently defend public service employees such as Police Officers, etc. They are seeking a candidate with at least two years of experience in civil defense work and licensed to practice in Kentucky. No new grads, unless they have years of related experience prior, as their ideal candidate will have 2-10+ years of experience as a practicing Attorney. No book of business needed, as there is plenty of work to keep the candidate busy. Salary is based on experience, plus incentive pay and full benefits, which includes payment of all license fees, CLE's, organizational dues and liability insurance. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Business Litigation Attorney:

The LBA is currently working with a medium size firm located on the east side of Louisville who is seeking to hire a Litigation Attorney to join their Business Litigation team. This position will handle contract litigation, real estate litigation, insurance defense, products liability and other business litigation. Candidate must be licensed to practice in Kentucky and in good standing, as well as 2+ years of experience in litigation in state and federal courts. Candidate must also possess effective communication and research skill, as well as negotiation and reasoning skills. Our client offers a full benefits package that includes; health, dental, vision, life, long-term disability and 401K. This firm also has bonus plan for new business development activities and exceeding billable hour requirements. Salary based on candidate. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

MEMBERS *on the move*



Aprile



Butler



Decker



Gosman



Henson



Paul



Veeneman



Zwicky

Vince Aprile, who practices with Lynch, Cox, Gilman & Goodman, has been re-appointed to the editorial board of *Criminal Justice* magazine, the quarterly publication of the American Bar Association's Criminal Justice Section. Aprile has previously been a member of the magazine's editorial board (1989-2012, 2014-2019) and twice has served as its chair (2005-09, 1991-93). He continues as the author of his column, *Criminal Justice Matters*, a regular feature of the magazine for some 28 years (1992 to present).

Stites & Harbison welcomes **Brian Butler** as a partner. He will join the Torts & Insurance Practice Group and Business Litigation Service Group. Butler's practice will focus on a wide variety of litigation matters, including but not limited to product liability, torts, white collar criminal defense and professional liability. Butler received his J.D. from the University of Notre Dame Law School.

Mandy Wilson Decker was recently selected to the 2020 edition of *Managing Intellectual Property's* "Top 250 Women in IP." This is the sixth time Decker has been honored on this list, and she is the only

attorney honored from Kentucky. Decker is a partner of Stites & Harbison based in Louisville and Lexington. Her practice focuses on intellectual property protection strategy, including counseling clients on infringement, validity and patentability, transfer of intellectual property, patent drafting and patent prosecution. Outside of the firm, Decker is active in a variety of professional and community organizations.

Stites & Harbison attorney **Calesia Henson** was recently elected to the Board of Directors of the KMAC Museum. She will serve a three-year term. The KMAC Museum is a contemporary art museum located in Louisville's historic downtown on Museum Row. Henson is a member of the firm's Business Litigation and Employment Law Service Groups. Prior to law school, she taught English as a Second Language while working for Teach for America in Memphis, Tenn. In addition to currently serving on KMAC's Board, she also serves on Junior Achievement's Young Professionals Board.

Norton Children's Hospital Foundation recently appointed **Mari-Elise Paul** to its

Board of Trustees. She will serve a three-year term. Norton Children's Hospital Foundation is the philanthropic arm for Norton Children's pediatric facilities and services. Paul is counsel to Stites & Harbison based in the Louisville office and is a member of the Intellectual Property & Technology Service Group. Her practice concentrates on litigation involving intellectual property infringement and trade secret misappropriation, prosecuting trademark and copyright registration applications, litigating trademark opposition and cancellation proceedings as well as negotiating and drafting licenses and other contracts that involve intellectual property or technology rights. Paul is also active in a variety of professional and community organizations.

Wyatt, Tarrant & Combs is pleased to announce that **Brian Veeneman** has been invited to join Leadership Louisville's Class of 2021. Veeneman is a member of the firm's Litigation & Dispute Resolution Service Team. His practice focuses on all aspects of construction law and he represents public and private construction owners,

general and specialty contractors, material suppliers, design professionals and bonding companies across the country on engineering and construction-related issues. He is a former chair of the Kentucky Bar Association's Construction and Public Contract Law section and was recognized by *Louisville Business First* as one of the 2011 Forty Under 40. Veeneman received his J.D. from the University of Louisville Brandeis School of Law.

Blackburn Domene & Burchett is pleased to announce that **J. Maxwell Gosman** and **Anna Zwicky** have joined the firm as associates. Gosman earned his J.D. from Michigan State University College of Law in 2018. He will practice primarily in the areas of tort and insurance defense, including personal injury, construction defect and premises liability cases. Zwicky earned her J.D. from the University of Louisville Brandeis School of Law in 2016. She will practice primarily in the areas of nursing home defense as well as tort and insurance defense, including personal injury and premises liability cases.

QUARANTINE MEMORIES!

WE ASKED WHAT YOU DID DURING QUARANTINE. HERE'S WHAT YOU SAID.



Judge Lauren Ogden
During quarantine I made lots of pick-ups and deliveries for a local charity, La Casita Center!



Hammad Kahn
Watching the SpaceX Dragon return to Earth!



Lauren Butz
While being stuck at home, I had to find creative ways to beat the heat!



Lauren Butz
My boyfriend and I started riding bikes during all of our free time and took a long ride one Saturday afternoon to the Falls of the Ohio.



Stephanie Willis
I joined Instagram right before lockdown, and started taking all kinds of pictures in my free time since I had nothing better to do — making art, dressing up in fancy clothes, etc.



The first is a piece I did not long after the courts re-opened. It's a play on René Magritte's *Son of Man* in the context of practicing law from the waist up, as it were. Title, *Buffered Justice: "I'm ready for my Zoom hearing, Judge DeMille."*

The second photo is a Black Lives Matter protest picture I took on the 4th of July.



Abbey Riley
I had a baby at the end of the last "normal" work week in March. At the time I had envisioned enjoying my first alcoholic beer in many months on St. Patrick's Day and spending maternity leave watching long hours of college basketball with the baby. I planned to enjoy some peaceful time at home before quickly returning to business as usual. Needless to say, my spring was not what I pictured, the return to my normal workflow was slow, and I've really missed lunches with colleagues and dinners with friends and family that I never realized I needed so much in order to maintain my sanity. But if I had to pick just one annoying pandemic effect, it's been having virtual meetings as a substitute for human interaction.

On the other hand, I enjoyed a few extra weeks at home, and now that they've worked out some of the initial hiccups, I am enjoying the efficiency of having online reservation systems for things like zoo visits and pool lap lanes.

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HISPANIC HERITAGE MONTH

September 15 - October 15

see page 16