

BAR*briefs*

Louisville Bar Association

October 2022



NATIONAL HISPANIC HERITAGE MONTH





LOUISVILLE BAR ASSOCIATION

Pride in the profession. Service to the community.

VOLUME 22, NO. 10

Editorial Offices:

600 W. Main Street, Ste. 110
Louisville, KY 40202-4917

Phone: (502) 583-5314 • Fax: (502) 583-4113
admin@loubar.org • www.loubar.org

Shannon Greer
Managing Editor

Kimberly E. Kasey
Graphic Designer

Editorial Board

Bruce A. Brightwell, *chair*
Bonita K. Black
Courtney L. Baird
Dorothy J. Chambers

Anne K. Guillory
Lindsay Lopez
Kristin E. McCall
Charles E. Ricketts Jr.

Louisville Bar Association Board of Directors

Seth A. Gladstein — *President*
Kate Lacy Crosby — *President-Elect*
Bryan R. Armstrong — *Vice President & Treasurer*
Maria A. Fernandez — *Secretary*
Deena G. Ombres — *Past President*

Bonita K. Black
Michelle L. Duncan
Amy De Renzo Hulbert
Ronald E. Johnson Jr.
Jennifer Ward Kleier

Frederick W. Moore
Anuj G. Rastogi
Hon. Shelley M. Santry
Aleah Schutze
Samuel W. Wardle

Briana Lathon Bluford — *Young Lawyers Section*
Amy D. Cabbage — *KBA President-Elect*
Sean Deskins — *ABA House of Delegates*
Philip C. Eschels — *LBF President*
Hon. Lori Goodwin — *Jefferson Family Court*
Abigale Rhodes Green — *Women Lawyers Association*
Hon. David J. Hale — *U.S. District Court*
Kelsey Hammon — *Brandeis School of Law Student Rep*
Melanie B. Jacobs — *Dean, UofL School of Law*
Samuel E.T. Jones — *National Bar Association*
Michael J. O'Connell — *Jefferson County Attorney*
Hon. Mitchell L. Perry — *Jefferson Circuit Court*
Susan D. Phillips — *KBA Board of Governors*
Leo G. Smith — *Louisville Metro Public Defender*
J. Tanner Watkins — *KBA Board of Governors*
Hon. Erica Lee Williams — *Jefferson District Court*
Thomas B. Wine — *Jefferson County Commonwealth's Attorney*

Kent Wicker — *Counsel*
James B. Martin Jr. — *Tax Counsel*
Kristen L. Miller — *Executive Director*

Louisville Bar Foundation Board of Directors

Philip C. Eschels — *President*
Gretchen C. Avery — *President-Elect*
Charles H. Stopher — *Vice President & Treasurer*
Sara V. Judd — *Secretary*
John E. Selent — *Past President*

Seth A. Gladstein — *LBA President*
Kate Lacy Crosby — *LBA President-Elect*
Deena G. Ombres — *LBA Past President*

Bruce A. Brightwell
Kelly White Bryant
Kevin C. Burke
J. Christopher Coffman
Nicole T. Cook
Cynthia B. Doll
Gregory T. Dutton
Ingrid V. Geiser

Hon. Angela Johnson
Janet P. Jakubowicz
Samuel E. Jones
Jessica R.C. Malloy
Loren T. Prizant
Lars S. Smith
Virginia H. Snell
Joseph C. Ventura

Samuel G. Graber — *Tax Counsel*
Jeffrey A. Been — *Executive Director*

BAR BRIEFS is a monthly paper published by the Louisville Bar Association. The LBA does not necessarily share or endorse any particular views expressed in this paper by contributors thereto. The views are those of thoughtful contributors. Advertising does not imply endorsement by the LBA of products or services or any statements made concerning them.

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.

Professional Excellence

4

The Laws that Changed the Game for Lawyers with Disabilities

A Milestone Moment for Reflection

Federal laws protecting individuals with disabilities are approaching a milestone. Learn how they've opened the doors to the legal community for lawyers and law students, as well.

By Laura Rothstein

6

A World Beyond Immigration

How the Legal Community Can Help Hispanic and Latino Clients

Legal issues affecting the Hispanic and Latino Community go far beyond immigration. Read on to learn how you can better serve Latino and Hispanic clients.

By Carlos Hernandez Ocampo

14

Workers' Compensation: What Your Small Business Client Should Know

Small business clients may not think workers' compensation laws apply to them—but they do. Here's what your clients need to know to stay on the right side of workers' comp law.

By Joy L. Buchenberger

16

Ambitious NLRB Agenda Finally Coming to Fruition

The National Labor Relations Board is signaling a shift in priorities under the Biden Administration. Read more about what employers need to know.

By Aaron T. Vance and Anthony K. Glenn



Community Service

9

From the Bench: The Importance of an Impartial Judiciary

Two members of our local judiciary weigh in on the importance of impartiality in judicial elections.

By Judge Brian C. Edwards and Judge Charles L. Cunningham Jr.

Serving Our Members

4

LBA Member Appreciation & Awards Luncheon

In this issue

7

Separating Your Work Life from Your Home Life

8

Legal Aid Society

Justice in the Jazz Age, 100th Anniversary Gala

19

Members on the Move

19

Classifieds

Events

6

Noche Latina with the LBA

7

Judicial Forum

11

Continuing Legal Education

15

Kentucky Commercial Real Estate Conference

18

Lawlapalooza

18

Louisville Bourbon Aficionados

19

Meeting Schedule



Judges are the Referees of our Legal System and Must Remain Impartial on the Bench

By **Seth Gladstein** and **H. Phillip Grossman**

Originally published in the Courier Journal

Imagine this scenario:

It's December 2022. People around the commonwealth are gearing up and making plans to watch the greatest annual rivalry in college basketball – the University of Kentucky Wildcats versus the University of Louisville Cardinals. This day, however, is unlike any other day leading up to the annual UK-UofL game. Today, the officiating team comprised of three referees calls a press conference, during which they all disclose their unwavering support for only one of the two universities.

What confidence would you have in the integrity of the game as a player or fan of the other team? “The whole game is slanted against us,” you might think. “The system's rigged!” You may even assume your team has lost even before the game has started. Every fan should be asking the most basic question: “Aren't referees supposed to be unbiased and fair?” The answer to that question is unequivocally yes.

Kentucky is one of 13 states where the public elects judges in nonpartisan elections. That means our judicial candidates do not affiliate with political parties or outwardly commit to support specific policy positions they may have to rule on later. That's why you don't generally see judicial candidates talking in the media or plastered on billboards extolling how they're “tough on crime” or taking sides on hot button social issues. Stated differently, Kentucky judicial candidates run on the premise that they will apply the law fairly and equitably based upon the law and their experience – not on their personal beliefs.

There has also been concern over big money in judicial elections, as well as the influence of “dark money” in judicial races. As the Brennan Center for Justice at the New York University School of Law recently pointed out, “Unlimited and secretive spending by special interest groups is especially out-of-place in elections for state judges, who are supposed to be impartial.”

The judiciary's independence requires that candidates remain clear of prior commitments or from creating the outward appearance of prejudice and bias. It is essential that judicial campaigns be nonpartisan, so Kentuckians can remain confident that the law is fairly and equitably applied to everyone.

Several years ago, the Louisville Bar Association formed its Judicial Integrity and Independence Committee to focus on and monitor judicial campaigns in Louisville. The LBA established that committee because, for nonpartisan judicial elections to function as envisioned by the Kentucky's Legislature and Constitution, it is essential that the campaigns be run fairly and independently.

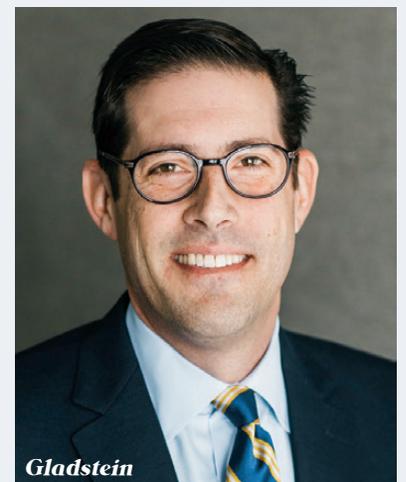
In order to promote fair and nonpartisan elections, the LBA asks candidates to sign a pledge that establishes “an appropriate standard of conduct in campaigns that reflects [candidates'] respect for the dignity, integrity and independence of the judiciary.” By signing the pledge, a judicial candidate promises, among other things, to “not intentionally or recklessly make a statement a reasonable person would perceive as a commitment to rule in a certain way on a case, controversy or issue likely to come before the court to which [they] seek election.” As of today, all but a handful of the candidates in Jefferson County judicial races that will be contested in the fall general election have signed the Pledge. This indicates that the overwhelming majority of our local judicial candidates recognize and agree with the need for nonpartisan campaigns to be run in an unbiased and independent fashion.

A current candidate running for judicial office in a neighboring jurisdiction is pushing the envelope on nonpartisan elections, and not in a good way. That candidate is holding events with elected political officials and is openly and repeatedly reaffirming his unwavering allegiance to a particular political party and its principles. These tactics, meant at getting the candidate elected, strike at the heart of our nonpartisan system of elections for judicial candidates and stand to undermine the confidence of Kentucky citizens in our court system.

The LBA and its Judicial Integrity Committee fully support and encourage the continued use of nonpartisan judicial elections throughout the commonwealth. If judges, the referees of our legal system, cannot be unbiased when donning their black robes, many Kentuckians' liberty and freedom may be at jeopardy. We simply cannot allow this to happen.

The hallmarks of our justice system – independence and fairness – require the public to have confidence in the integrity of judicial elections. We thank the judicial candidates running in Jefferson County for taking the higher ground. As we urge all eligible citizens to vote, we also urge all to be vigilant to support candidates who respect judicial independence and faithfulness to the rule of law.

Seth Gladstein is LBA President. H. Phillip Grossman is Chair of the LBA Judicial Integrity and Independence Committee.



Gladstein



Grossman



It is essential that judicial campaigns be nonpartisan, so Kentuckians can remain confident that the law is fairly and equitably applied to everyone.

The Laws that Changed the Game for Lawyers with Disabilities

A Milestone Moment for Reflection

Laura Rothstein

Almost half a century has passed since the first major federal law was enacted to protect individuals with disabilities. Section 504 of the Rehabilitation Act was passed in 1973 without much fanfare. It was a reauthorization of the Vocational Rehabilitation Act and provided that programs that received federal financial assistance must not discriminate on the basis of disability (the language in 1973 used the term “handicap”). Because most employers were not recipients of federal funds, the impact of the Rehabilitation Act was not comprehensive. Law schools, however, because of guaranteed student loans, did receive federal funding and they were required to begin practices of nondiscrimination, and also of reasonable accommodation.

Initially, the new law had little impact on lawyers or law students with disabilities. Regulatory agencies were slow to promulgate regulations. Enforcement was almost nonexistent. Few people, even lawyers, knew anything about it.

Section 504 had the first significant impact on institutions of higher education and health-care institutions, so colleges and universities became the laboratories for how Section 504

would work. The federal special education law that was enacted in 1975 (often known as PL 94-142, today referred to as IDEA—the Individuals with Disabilities Education Act) would be the push that started more focus in higher education. As students with disabilities benefitted from IDEA, they began being prepared to attend college (and eventually law school).

Students with learning disabilities were given related services and other supports. They were provided accommodations on SATs for college admission. Within the world of legal education, however, it was not until the mid-1980s that there were disability accommodations of additional time and other supports on the LSAT. I was asked to co-chair a task force that recommended such accommodations that began in 1984. After those recommendations were implemented, there was a substantial increase in the number of applicants with learning disabilities who took the LSAT.

As more students with disabilities entered law school, the need for greater awareness and understanding of what was required in the classroom and for the bar exam increased. While extra time and other accommodations

for learning disabilities received much of the attention, other disabilities raised questions for law schools. In 1988, I chaired a Special Committee on Disability Issues in Legal Education for the Association of American Law Schools that resulted in a comprehensive report and set of recommendations in 1990 (the year that the Americans with Disabilities Act passed), and I later chaired two conferences for legal education about these evolving legal mandates affecting law students and future lawyers.

The Americans with Disabilities Act of 1990 brought together the strands of support for today’s lawyers with disabilities. The ADA had three major provisions relevant to lawyers. Title I applies to employers with 15 or more employees—most law firms and employers of corporate in house counsel and other entities that employed attorneys. Title II also applies to state and local governmental agencies. Title II applies to the state entities that implement bar admissions through the bar exam and the character and fitness process. Title III applies to private providers of twelve categories of accommodations open to the public, which would include private law firms. Title III

also applies to the Law School Admissions Council, making mandatory in 1990 what had already been implemented earlier because of an appreciation by LSAC that, while it was not subject to Section 504 of the Rehabilitation Act, the law schools that used its scoring report services were.

The ADA incorporated the case law interpretations and the Section 504 regulations into much of its more detailed statutory language and provided the basis for more comprehensive and detailed guidance from federal agencies. The Department of Justice and the Department of Education implemented regulations and other interpretations guiding law school and bar admission authorities on a range of issues. These included who is protected by the statutes, how to determine what is required as a reasonable accommodation and what process should be implemented to address requests and resolve disagreements.

Between 1973 and today, there have been significant changes affecting everything from architectural accessibility in law school classrooms, libraries, clinic placement settings and

(Continued on next page)



Portrait UNVEILING

You are cordially invited to attend the unveiling of Bob Haddad’s portrait and its placement alongside his brother Frank’s portrait in the “Sanctuary for Solicitors” at the Jefferson County Judicial Center. It will henceforth be known as the “Frank & Bob Haddad Sanctuary for Solicitors” and continue to provide a haven for lawyers in the courthouse. The ceremony is scheduled to begin at 4:00 p.m. on Thursday, October 20th, on the second floor of the Judicial Center across from the Jury Pool Room. Bob’s family welcomes and encourages his friends and colleagues to join them in honoring Bob’s memory and his 63 years of extraordinary service to Louisville’s legal community.

Thursday, October 20
4:00 p.m.
2nd floor of the Judicial Center
 (across from the Jury Pool Room)



You Are Appreciated

LBA Member Appreciation & Awards Luncheon

Wed., November 2 | 11:00 a – 1:00 p
Ice House, 226 E. Washington St.

Please join the LBA as we thank and recognize members from the Louisville legal community. In addition to honoring this year’s award winners, we will also be thanking members who have given their time and talents to help the LBA provide services to the community and beyond.

RSVP no later than Thurs., October 27 to Marisa Motley, mmotley@loubar.org or (502) 583-5314.

Ticket Prices: Members \$35 Non-Members \$70 Table for eight \$275

(Continued from previous page)

public spaces, to additional time for exams and assignment submissions, and whether students who had received accommodations for exams during law school would be eligible for those same accommodations on the bar.

Most of the focus within legal education has been on student issues, but there is a more recent attention to faculty members with disabilities, and COVID concerns about attendance remain an issue with the return to in person classes, often without mask mandates on campus. Many questions remain about whether remote work or learning should/can/must be continued in light of individuals who are immunocompromised or who live with or have other close relationships with those with health concerns. These affect students, faculty and staff.

I have been asked why there is only recently a law school organization for students with disabilities at our law school, and nationally, why it has taken so long for law professors with disabilities to form a group devoted to the issues of concern to those with disabilities.

One answer lies in the broad range of concerns that individuals with different disabilities have. The law student/lawyer/professor who uses a wheelchair is often focused on architectural access and parking questions, while the individual with a learning disability has very different concerns. Auxiliary services for individuals with sensory impairments (vision/hearing) involve different needs including navigating websites that

may not have good electronic “curb cuts” or transcription of audio content or descriptions of images. Accessible written materials are of concern to those with vision impairments and some types of learning disabilities. Those with health impairments (ranging from food sensitivities to cancer to diabetes) will have quite another set of needs that may include modification of attendance requirements and when assignments are due.

What all of these students and lawyers (including faculty members) have in common, however, is that the combination of Section 504 and the ADA now provide an avenue to seek not only protection from discrimination, but also a requirement that programs provide reasonable accommodations.

The issue of mental health has long been a concern, one that has been highlighted whenever there is a campus shooting. The mental health of those who are in the legal profession and law students has been, and remains, an issue of great attention, in Louisville and nationally. The LBA has hosted several programs on these issues. There are often interacting concerns of mental health and substance abuse that require thoughtful and sensitive attention by law schools, employers and bar admission authorities.

Issues of students who were depressed, distressed and even disruptive, and how to respond to them in various settings, is not new. The level of mental distress in legal education has received much attention. Stress resulting from COVID has exacerbated those concerns. The mental health issues have ex-

tended beyond law school to the practicing lawyer, also receiving much attention, but no clear resolution.

This past spring, the Louisville Law Review (with support from the LBA) hosted a conference on the issue of mental health. A law review symposium issue resulting from that event, including articles by nationally recognized leaders on the topic, addresses a range of issues for lawyers and law students. One of the key issues, about which I have written and advocated extensively for decades urges bar admissions authorities not to ask applicants for admission and law school administrators about diagnosis and treatment for mental health conditions, but to only ask about behavior, discipline and conduct. Years of research has demonstrated what I observed firsthand in my years as an administrator and faculty member; these questions deter students from getting needed treatment and counseling, and there has not been a demonstration that asking about treatment instead of conduct protects the public.

The upcoming 50th anniversary of Section 504 provides a milestone date for reflection on disability discrimination policy generally, and how it has been implemented broadly in society, within the legal profession and within legal education. When I was a law student in the early 1970s, there was no course on disability law. I had the privilege to write some of the first textbooks, treatises and articles on disability discrimination that now serve as a resource to lawyers, law school faculty and

administrators, and law students.

This year is a personal milestone for me. After 22 years in Louisville, we have moved to San Diego. I am teaching two courses at the Brandeis School of Law this fall (a combination of in person, guest speakers and zoom classes). I hope to continue consulting and being involved in a range of activities relating to disability awareness. But, at the end of December, I will end my full-time law school teaching career and my connections to this extraordinary legal community.

Since 1979, I have had the privilege of being on the front lines of disability law as it was evolving—both broadly and within the legal profession—and I thank my students, colleagues and members of the legal profession for allowing me to share my interest in and concern about issues affecting those with disabilities, and for providing me insights and ongoing understanding of a broad range of issues. My approach to advocacy on social justice issues has never been to “make a scene” (although sometimes “good trouble” is necessary). Instead, I try to “raise awareness.” I thank this legal community for allowing me to do that.

Laura Rothstein currently serves as Professor and Distinguished University Scholar at the University of Louisville Brandeis School of Law (where she served as dean from 2000 to 2005). She has served as a member of the LBA Diversity Committee since 2005. ■



Protect Your Business From Fraud.

Combat fraudsters with the guidance and service of the Republic Bank treasury management team and these fraud prevention solutions.

ACH Positive Pay

Control who can debit your account, allows you to check details of ACH items and mark them to PAY or RETURN, and so much more!

Check Positive Pay

You can upload files of issued checks in a matter of minutes to ensure that only items you have verified can be paid.

ACH Block

You are in control to block ALL ACH items, just ACH Debits, or just ACH Credits.

Business Online Banking

Access up to 18 months of activity and images, and set up alerts based on balances, types of transactions, and more.

Card Alerts & Controls

Easily freeze your Republic Bank card and add controls such as disabling certain locations or merchant types, and set spending limits.



CASEY WILSON
Senior Vice President
Treasury Management Officer
502-560-8619

REPUBLIC BANK
It's just easier here.®
RepublicBank.com Member FDIC

BOWLES & BYER

FAMILY LAW MEDIATION

Offering over 35 years of judicial experience



Judge Jerry Bowles
(Ret.)

502-558-6142

judgejerrybowles@gmail.com



Judge Joan Byer
(Ret.)

502-216-9030

judgebyer@gmail.com

... your first choice in family law mediation.

A World Beyond Immigration

How the Legal Community Can Help Hispanic and Latino Clients

Carlos Hernandez Ocampo

*"I don't study to know more,
but to ignore less."*

— Juana Inés de la Cruz

To say that Doña Ines de Asbaje y Ramirez de Santillana, more commonly known as Sor Juana Inez de la Cruz, was a woman ahead of her time is a vast understatement. She exemplifies Latino and Hispanic culture's zest to grow and expand and our constant struggle to be recognized for our efforts and contributions. She was an avid scholar and writer at a time when women were not allowed to be educated. She struggled with her Spanish upbringing and native Mexican roots. She was a feminist, wrote about the environment and love, and served her community as a nun. Despite her remarkable contributions to her community and learning, her outspoken criticism of the system in which she lived saw her forced to sell all her books and writings to dedicate herself to charity and helping the poor.

As we enter National Hispanic Heritage Month, it is a time to celebrate our culture and remember our daily struggles. Her quote is appropriate because it encapsulates the theme of this article, bringing awareness to the issues plaguing our local Latino and Hispanic communities, issues that go beyond the usual Immigration related concerns.

Many of us, myself included, are immigrants. Immigration laws, with their constant ebb and flow that fails to follow any discernable rationale, are an obvious concern. However, the part of the story that often gets left out is the daily struggle our community faces while battling adversities that range from the unsurmountable to the downright comical. Issues like a lack of knowledge to access to basic infrastructure, issues involving education, job opportunities, economic development and discrimination. These are the more prevalent concerns for our community, not patronizing legislation that helps us reunite with our family members.

I have often told people that being an immigrant is akin to being a newborn nobody likes. The language barrier, at the outset, seems like the most apparent hindrance. However, the more significant disadvantage is ignorance of essential things that most school children raised in the U.S. would understand. We often come from vastly different cultures and infrastructural frameworks, which means there is a learning curve to assimilating to the new system and way of life. Basic things like credit cards and debt are foreign to many newly-arrived immigrants. This ignorance often manifests itself in mishandling newfound financial freedom, which can quickly land immigrants in legal trouble. As an attorney, I usually have to educate my foreign clients on the importance of complying with contractual duties they have entered into, and teach them the importance of written agreements, especially as they start their journeys as entrepreneurs while still believing in the old-world concept that a handshake is as good as a contract. The ones that find good counsel are usually the lucky ones. It is common to see young

eight- to ten-year-old children sitting next to their parents at a bank, helping them navigate the litany of paperwork they must sign to enter into a mortgage and fulfill the American dream of owning their first home. I can confidently say that most people reading this article would not rely on their grade-school children to assist them in making major life decisions, such as entering into a mortgage or negotiating a lease with their landlord.

Not surprisingly, education, and access to it, are chief concerns for the Hispanic community. A recent Pew Research Center article showed that Hispanics had been a more significant driver of U.S. population growth than other races and ethnicities. While it would be easy to chalk that up to immigration, the same article shows that newborns have been a larger contributor to the Latino population growth rate for the past twenty years, more so than immigration. There has been a larger disparity in the last ten years due to a decline in immigration rates. That's a lot of children translating for their elders. Thus, access to education is an imperative cause for concern among parents that often come from areas where education is reserved for the relatively wealthy. Having representatives in our formative schools and universities who speak our languages and understand our cultures is necessary to foster a sense of trust and understanding among the Latino and Hispanic communities sending their children to our schools. If the average U.S.-born parent faces anxiety when sending their children away for college, imagine the anxiety felt by a parent that doesn't speak the language and, up to a few years ago, viewed the U.S. through the Hollywood lens, believing their child to be entering a world fueled by parties and alcohol.

An immigrant's journey can be fueled by political strife or war in their home country. However, more often than not, it is a purely economic decision. Many come from countries where the economy is in tatters, and job opportunities are close to zero. This means landing in the U.S. and immediately looking for a job is necessary. One of the biggest compliments a friend in law school ever gave me was to call me recession-proof. When I asked him why, he commented that I had worked in a kitchen, been a mechanic, laid flooring and roofing, and had a side gig as a photographer while attending law school and raising a family. I laughed and told him I owed my ability to hustle and make money to my father, who had been a lawyer and a diplomat in Cuba, but upon arriving in the U.S. in 1998, took jobs as a construction worker, a kitchenware salesman and an inventory clerk overnight at several Miami supermarkets. He had three jobs within the first week of being in the U.S. Sadly, that story is more common than one could imagine; I have met college professors, surgeons, accountants and lawyers working the line at an Amazon fulfillment center for \$15 an hour. I have met lawyers who specialized in international law working as line cooks in the back of a restaurant, and even met a meteorologist working as a waiter in a local hotel.

I point this out because there is a fantastic pool of talent

entering the nation, and yet there are barely any efforts by our universities to create programs that would fast-track a foreign professional into becoming licensed in their field of expertise. When created, they are often underfunded and underpromoted in the community they seek to serve. However, one lesson from this common occurrence is humility. Many of these professionals could have remained in their nations, enjoying the prestige their titles and positions conferred upon them, but instead chose to be unknown laborers on the bottom rungs of American society to give their families a better future. While several staffing agencies in town focus on filling factory and warehouse jobs with newly arrived Latinos and Hispanics, more programs should provide foreign professionals and technicians with a pathway to licensing so our community can reap the benefits of their talent.

An interesting phenomenon is that with as many obstacles and adversities as Latinos face, they are a highly entrepreneurial group. It is not surprising to find Latinos and Hispanics who own businesses or even launch those businesses within a few years of being in the states. There are several pathways to launching a new business in the U.S. and even more combinations for funding new startups. However, most Latino and Hispanic business owners react the same way when I inform them of the different resources and opportunities available to new small business owners and entrepreneurs: in total disbelief. This is because most of them follow the traditional pattern of starting lean and small with their accumulated savings instead of looking for government incentives, debt financing or even considering investors.

Launching a new enterprise is only a part of the story. I have often had to coach clients we represented because essential business acumen, such as registering as a business entity with the Secretary of State to limit liability and memorializing agreements in writing, are lost on them. Which, as mentioned above, can result in them falling into legal trouble; trouble which could have been avoided with a better understanding of how businesses operate in the U.S. Economic development programs that focus on minority-owned enterprises exist everywhere; the problem, however, is getting the information into the hands of their target audience who often don't even know to look for these opportunities, let alone where.

Our Louisville community is rich and diverse, with several different cultures of which the Latino and Hispanic community is perhaps the largest. As law practitioners, it would help to become more aware of the issues they face. We can tailor our counsel and services to a significant demographic often in the dark as to what is available to them. As the brilliant Sor Juana put it, we should study our Latino and Hispanic community's issues, not to learn more about them but to ignore them less.

Carlos Hernandez Ocampo is chair of the LBA's Solo & Small Practice Section. ■



NOCHE LATINA with the LBA

Saturday, October 8th from 7 to 10 PM
Sweet Havana Bakery, 5510 Fern Valley Road, #101, 40228

Join us for a night of food, dance and fun as the LBA celebrates National Hispanic Heritage Month. We'll have live entertainment brought to you by a diverse array of Latin American dancers, as well as great music and food. There will also be a cash bar.

Separating Your Work Life from Your Home Life

The Information Age makes working from home a breeze. E-mail, workplace messaging apps, texts and calls improve productivity and help create flexible lifestyles—but they can also make it difficult to separate your work and home lives.

This can be a problem whether you're a telecommuter or a regular commuter who brings extra work home with you.

"It's easy to allow work to take over when it's in your home," says June Langhoff, a Pacifica, California-based consultant and author of *The Telecommuter's Advisor*. "You have to be on the alert."

To keep work from consuming your home life, Langhoff suggests the following strategies:

- **Set expectations with family and friends.** Your family, housemates, friends and neighbors need to know that when you're working at home, you're working—and they should know when and how to interrupt you. If work constantly consumes your home life, remind yourself why you chose to work at home. "Maybe it's because you'd like to have some flexibility, more free time or more time with family," Langhoff said. At the same time, at-home workers must consider what's acceptable to their families.
- **Let the voicemail pick up.** Early morning or evening phone calls from colleagues or clients can infringe on one's personal life. East coast early birds have been known to call Langhoff's California office line as early as 4 a.m. her time, so she sometimes turns off her phone's ringer. If someone calls in the evening, she'll say, "I'm on my way out the door. I'll be glad to call you back tomorrow morning." Having a separate office number helps her know which calls to answer.
- **Separate work and personal e-mails.** File incoming work e-mails separately from personal ones, if possible, and deal with each at a designated time.
- **Clock in, clock out.** There's no car or bus commute to put distance between you and your work worries when home is the official workplace. Setting your own transition rituals can help ease you out of work mode and back into a more relaxed, personal mind-set—or vice versa. "Do whatever works for you. Some workers I've talked with will go out to Starbucks and come back to their home offices with their coffee—that's their morning ritual. Then, at the end of the day, they may take a walk around the block," she said. When you close up shop, push in your chair and shutdown the laptop. "If I'm being really good, I'll tidy up my work area. So then, it looks too neat to start again," Langhoff says.
- **Set a regular non-work schedule.** Plan a lunch with a friend, buy season tickets to the symphony or go to the gym. "Those kinds of regular activities get you out with people and remind you there's another life," Langhoff said. "Then, say to yourself, 'How can I get back to that?' Ask for help from family and friends. Build in some time for you and your family—whatever that might involve." And when you need a break, such as a vacation, consider leaving your laptop at home. "Now, when I go on vacation, for the most part I don't take my technology with me," Langhoff said. "I even try to stay at a place that doesn't have a phone. If I don't do that, I never turn off my business side."

Source: Mona Sutnick, Ed.D., R.D. *The StayWell Company, LLC* ©2018

William F. McMurry & Associates, PLLC

Trust us to handle your clients'
Legal Malpractice Claims

William F. McMurry

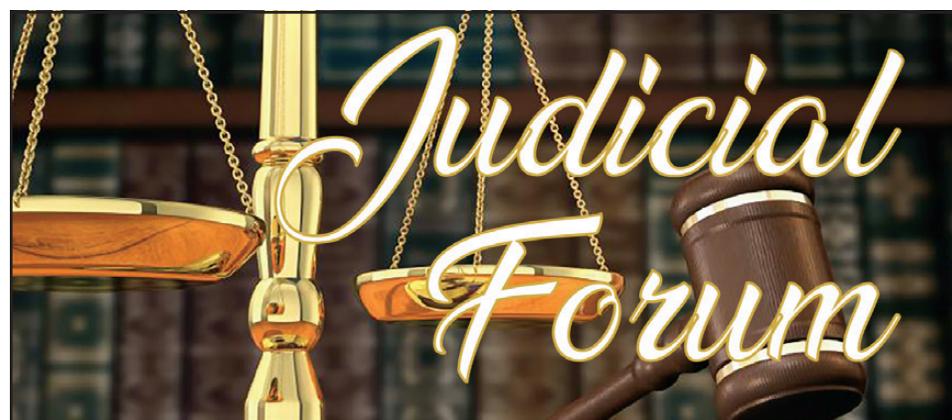
Board Certified as a Legal Malpractice Specialist
by the American Board of Professional Liability Attorneys
(ABPLA.ORG)

The ABPLA is accredited by the ABA to certify specialist
in the field of Legal Malpractice - SCR 3.130 (7.40)

Bill@courtroomlaw.com

(502) 326-9000

William F. McMurry will personally handle each case while
some services may be provided by others.



CANDIDATE FORUM – OCTOBER 6

Jefferson Circuit, Court of Appeals and the KY Supreme Court

Louisville Bar Association Bar Center (600 W. Main St., Ste. 110)

Reception to follow, 6:00-7:30 pm at the
Bristol Bar & Grille Downtown

In an effort to reach all corners of our community with critical information about the upcoming judicial races, the Louisville Bar Association is working with several community partners to host this judicial forum. The forum is open to the public and will be both livestreamed and recorded it so it can be accessed online after the event.

The 2022 judicial forums are sponsored by:



LOUISVILLE BAR
ASSOCIATION
Pride in the profession. Service to the community.

LWV LEAGUE OF WOMEN VOTERS
OF LOUISVILLE, INC.



Serving your practice as our own

For more information call us at 502-568-6100 or

Submit for a quick quote at www.LMICK.com

Lawyers Mutual
of Kentucky

*Legal Aid Society and Honorary Chairs,
Stephen Reily and Emily Bingham, cordially invite you to
celebrate our first century of service at the*

JUSTICE IN THE JAZZ AGE 100TH ANNIVERSARY GALA

Presented by Signature Deco Sponsor Atria Senior Living

Saturday, October 29, 2022 • 7 PM - 11 PM
Old Forester's Paristown Hall • 724 Brent St., Louisville, KY 40204
Individual Tickets - \$225 • Table - \$2,000
Flapper-chic encouraged, black tie optional.

Join us for signature cocktails at our Sidecar Cocktail Hour,
a gourmet dinner inspired by the decadence of the 1920's, the presentation of
the Centennial Brown-Forman Spirit of Justice Award to Marshall P. Eldred, Jr.,
and dancing courtesy of legendary Louisville band LOVE JONES.

Tickets Available at YourLegalAid.org/100thGala

*All proceeds benefit Legal Aid Society's
100th Anniversary Root to Rise Campaign*

OUR SPONSORS ARE THE CAT'S MEOW!

SIGNATURE DECO SPONSOR



THE RITZ SPONSORS



SPIRIT OF JUSTICE SPONSOR



ADVOCATE SPONSOR



THE GLITZ SPONSORS



THE HOP SPONSOR



SIDECAR COCKTAIL HOUR SPONSOR



THE GLAM SPONSORS





8:00 - 9:00 AM

**THE FUTURE OF THE WORKPLACE
AFTER THE PANDEMIC**

Attendees will learn:

- ✓ Considerations in the location of the workplace
- ✓ The implications of remote work
- ✓ Compliance issues under federal law
- ✓ Cyber security attacks and incident response plans

2:00 - 3:00 PM

**TRADEMARK BASICS: WHAT EVERY SMALL
BUSINESS SHOULD KNOW NOW, NOT LATER**

Attendees will learn

- ✓ Trademarks and intellectual property
- ✓ Benefits of federal registration
- ✓ Selecting a trademark
- ✓ Filing and registration
- ✓ How to find help

POWER YOUR DREAM

NATIONAL WOMEN'S BUSINESS CONFERENCE 2022
HOSTED BY NAWBO



Our Awesome CLE Program Speakers include:



Carena Lemons
The Lemons Law Firm



Christina M. Reger
Loutel Law



**Kathleen ("Katie")
Biggs Wright**
Frost Brown Todd



Jason Lott
United States Patent
and Trademark Office

**MONDAY,
OCTOBER 10, 2022**

GALT HOUSE HOTEL
140 N 4TH ST, LOUISVILLE, KY 40202

Visit <https://bit.ly/3d7xH1Y> to register now

FOR MORE INFORMATION:
502-583-5314 | WWW.LOUBAR.ORG

Registration options:

CLE—one session only (8 am OR 2 pm)	\$50.00
CLE—both sessions (8 am AND 2 pm)	\$100.00
CLE plus Monday conference*	\$200.00
CLE plus Tuesday conference*	\$200.00
CLE plus Full conference registration	\$500.00

*does not include receptions

**From the Bench: The Importance
of an Impartial Judiciary**

This month, as Chief Judge of the Jefferson Circuit Court, I have decided to republish portions of an article previously written by two of my colleagues referencing a Kentucky Supreme Court race in a past election cycle. While the article in question focused on a particular race, I believe the message it bears is still relevant today—namely, that judges in Kentucky, although elected, are to always remain fair, impartial, and most of all, nonpartisan. As we head into another election season, I believe this message is worth repeating and emphasizing again.

— Chief Judge Mitch Perry

How to Cast a Vote in a Judicial Race

The executive director of a local “think tank” recently expressed some ideas about the Kentucky Supreme Court which, oddly enough, didn’t reflect much actual thinking. His hypothesis is that Kentucky’s highest court is far more liberal than the folks it serves and that conservatives need to fix that by electing conservative justices. As elected circuit court judges, we understand there’s a certain amount of politics inherent to the process of selecting and retaining judges. However, people with any sense regarding what judges do and how they do it understand that interjecting more politics than necessary—and particularly partisan politics—is bad thinking.



Quality judging, like most human endeavors, requires strong and persistent effort.

If you care about justice for your community and your state, there are additional things [beyond partisan politics] you should look for in a judicial candidate. We would encourage you to inquire about their work ethic. Quality judging, like most human endeavors, requires strong and persistent effort. A lazy judge produces lazy rulings and that’s a bad thing. You want a judge who comes to work ready to work. To the extent you can, you ought to find out if the candidate is a nice person. A mean-spirited cur can issue sound rulings and a warm-hearted saint can prove to be a disaster. But when betting on a horse race, all else being equal, bet on the faster horse. When betting on a judicial candidate, all else being equal, bet on the nicer one. Judges see and deal with a lot of the worst aspects of our society. It is easy to get cynical and pessimistic. You need a deep reservoir of compassion and optimism to persevere.

And here’s another thing you ought to consider before casting your vote. Call us crazy, but you ought to vote for a candidate who has a clue about the job they seek. You rarely get good results when you elect a narcissistic neophyte. In the real world, Supreme Court justices spend very little time telling politicians if their conduct is right or wrong. They spend the vast majority of their time telling trial court judges like us if our conduct is right or wrong. So Supreme Court justices, in an ideal world, would have spent some time as a trial court judge before moving up. Consider this: if my job is to routinely keep bathrooms clean, I’d listen to a supervisor who had read manuals on how to clean bathrooms. But I’d really listen to, and probably get better advice from, a supervisor who had actually cleaned bathrooms back in the day. We don’t care if a Supreme Court justice is liberal or conservative nearly as much as we care that they have enough experience to know how to use a mop pail without having to turn it upside down to read the instructions on the bottom! We hope you agree.

The “think tank” director concluded his piece by telling conservatives that “the state Supreme Court is the final frontier of state government. The last three years have shown us how important it is. The next three years can fix it.” We will conclude by suggesting, respectfully, that true conservatives, as well as liberals, have always known, and cherished, the fact that the Supreme Court is often the final barrier to tyrants and demagogues. The last three centuries have shown us how important that bulwark is. The next three years can break it. We are not telling you who to vote for in this or any Supreme Court race. We just ask that you vote wisely.

Judge Brian C. Edwards presides over Division 11 of Jefferson Circuit Court. Judge Charles L. Cunningham Jr. presides over Division 4 of Jefferson Circuit Court. ■



LAWPAY[®]

AN AFFINIPAY SOLUTION

+



LOUISVILLE BAR
ASSOCIATION

Pride in the profession. Service to the community.

Member
Benefit
Provider

“I love LawPay! I’m not sure why I waited so long to get it set up.

– Law Firm in Ohio

Trusted by 50,000 law firms, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours

YOUR FIRM LOGO HERE

Trust Payment
IOLTA Deposit

New Case Reference

**** * 9995

TOTAL: \$1,500.00



eCheck

DISCOVER

PAY ATTORNEY

PAYMENT
RECEIVED



Get started at
lawpay.com/loubar
866-554-9202

Data based on an average of firm accounts receivables increases using online billing solutions.

LawPay is a registered agent of Wells Fargo Bank N.A., Concord, CA, Synovus Bank, Columbus, GA., and Fifth Third Bank, N.A., Cincinnati, OH.

Lawyer Well-Being: Resilience and Maintaining Good Health While Practicing Law

Tuesday, October 11

KYLAP has compiled a variety of resources for Kentucky lawyers, judges and law students over the years to assist them in maintaining their standards of practice as well as their own mental and physical health. This seems particularly significant in the practice of family law, which is recognized to be one of the highest-stress practice areas and where we see individuals at their worst, encountering situations without a good solution. We see our clients struggling with overwhelming anxiety and stress as we try to help them, and we ourselves can be overloaded with empathy fatigue. The pandemic has exacerbated the situations our clients find themselves in, and that higher level of stress and need is passed along to us as practitioners. It has also stretched the limits of our boundaries, which must be maintained for our own health and safety.

This seminar will give participants the information to recognize the physical, mental and emotional stressors of the legal profession and to discover healthy ways to counter those stressors thereby maintaining good mental health and professional competence.

Speakers: **Yvette Hourigan**, Director, Kentucky Lawyer Assistance Program and **Eileen M. O'Brien**, Osborne Fletcher PLLC

Time: Noon – 1 p.m. — Program
Place: Hybrid Program (Zoom and the In-Person at the Bar Center)
Price: \$40 LBA Members | \$32 Sustaining Members | \$15 Paralegal Members | \$15 for qualifying YLS Members | \$25 Solo/Small Practice Section Members, Government or Non-Profit Members | \$80 Non-members
Credits: 1.0 CLE Hour — Approved

Family Law Section Leadership: Chair: Macatuley Campbell, Kellner Green, PLLC.
 Vice-Chair: James K. Murphy, Hoge Partners

COMMUNITY CONVERSATION ONE-HOUR

Empower and Inform: An Overview of the Federal Power Act

Tuesday, October 11

The Pro Bono Work to Empower and Represent (POWER) Act of 2018, P.L. 115-237, requires federal judicial district courts to lead an annual public event in partnership with a state, local or tribal domestic violence service provider or coalition and a state or local volunteer lawyer project, promoting pro bono legal services as a critical way in which to empower survivors of domestic violence, dating violence, sexual assault and stalking, and engage citizens in assisting those survivors.

This seminar will allow participants of both the legal community and the public to understand the Federal Power Act and the community resources available to them, including the survivor perspective from the Center for Women & Families and Legal Aid Society, and the defense perspective on domestic violence cases presented by Angela Rea, a long-time public defender. Topics will also include how attorneys can become involved in representing victims.

This program is a partnership between Center for Women & Families, Legal Aid Society, Louisville Bar Association and the U.S. District Court, Western District of Kentucky.

Speakers: **Kylie A. King**, Legal Aid Society, **Angela M. Rea**, formerly with the Louisville Metro Public Defender and currently with the Federal Defender, **TBD Speaker** from Center for Women & Families. Moderated by **Macatuley J. Campbell**, Kellner Green and **Magistrate Judge Colin H. Lindsay**, United States District Court, Western District of Kentucky.

Time: 6 – 7 p.m. — Program
Place: Online – a link will be sent prior to the seminar program and streamed live to the LBA Facebook page
Price: FREE to all LBA members and general public | \$25 Non-LBA member attorney
Credits: 1.0 CLE Hour — Pending in Kentucky/Pending in Indiana

ETHICS WITH LEGAL HUMORIST SEAN CARTER

Enough is Enough: Avoiding Vexatious Lawyering

Wednesday, October 12

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, legal humorist Sean Carter will distinguish permissible zealous legal practices from unethical legal zealotry.

Speaker: **Sean Carter**, MESA CLE

Time: 1 – 2 p.m. — Program
Place: Online - a link will be sent prior to the seminar
Price: \$55 LBA Members | \$50 Sustaining Members | \$25 Paralegal Members | \$125 Non-members
Credits: 1.0 CLE Hour — Pending

LBA FAMILY LAW SECTION BROWN BAG

Cryptocurrency and Digital Assets: A Wealth Planning Overview

Thursday, October 13

The adoption of digital assets, a blanket category into which cryptocurrency falls, continues to grow rapidly. The technology that drives this ecosystem is being adapted and implemented by Fortune 500 companies and governments around the world. 68 million users hold more than \$1.5 trillion in digital assets, meaning the vast majority of these accounts are held by individuals. Given the growing number of individuals engaged in this market, estate planners and fiduciaries will need to understand how to manage these assets. Moreover, the ever-evolving world of digital assets is laden with complexities and potential issues of which planners and fiduciaries need to be mindful. This presentation will discuss those complexities and best practices to avoid planning pitfalls.

Speakers: **Ryan M. Lee** and **Maria Tipton** both from Stock Yards Bank & Trust

Time: Noon – 1 p.m. — Program
Place: Online - a link will be sent prior to the seminar
Price: \$40 LBA Members | \$32 Sustaining Members | \$15 Paralegal Members | \$15 for qualifying YLS Members | \$25 Solo/Small Practice Section Members, Government or Non-Profit Members | \$80 Non-members
Credits: 1.0 CLE Hour — Approved

Family Law Section Leadership: Chair: Macatuley Campbell, Kellner Green, PLLC.
 Vice-Chair: James K. Murphy, Hoge Partners

ETHICS WITH LEGAL HUMORIST SEAN CARTER

It's Not the Fruit, It's the Root: Getting to the Bottom of Our Ethical Ills

Wednesday, October 19

In this unique legal ethics seminar, Sean Carter goes beyond the “dos” and “don'ts” of the Rules of Professional Conduct to get to the heart of the matter—the common mindsets that result in ethical violations in the first place. Furthermore, he will provide tips and insights on how to heal ourselves from these mindsets so that the ethical canons become guideposts and not obstacles in our drive to become successful lawyers.

Speaker: **Sean Carter**, MESA CLE

Time: 1 – 2 p.m. — Program
Place: Online - a link will be sent prior to the seminar
Price: \$55 LBA Members | \$50 Sustaining Members | \$25 Paralegal Members | \$125 Non-members
Credits: 1.0 CLE Hour — Pending

ETHICS WITH LEGAL HUMORIST SEAN CARTER

Show Me The Ethics!: The Ethical Way to Bill for Legal Services

Tuesday, October 25

While it is important for lawyers to be compensated for their services, it is even more important for lawyers to use ethical billing and collection practices in securing such compensation. Drawing on examples provided by current and past nominees from his annual Ethy Awards for the worst ethical behavior, legal humorist Sean Carter will provide a poignant reminder of how NOT to bill clients and collect fees. And in the process, he will reinforce the relevant legal ethics principles underlying such practices.

Speaker: **Sean Carter**, MESA CLE

Time: 1 – 2 p.m. — Program
Place: Online - a link will be sent prior to the seminar
Price: \$55 LBA Members | \$50 Sustaining Members | \$25 Paralegal Members | \$125 Non-members
Credits: 1.0 CLE Hour — Pending

ETHICS WITH LEGAL HUMORIST SEAN CARTER

A Nightmare on Ethics Street: Don't Fall Asleep on Your Ethical Obligations

Monday, October 31

Acclaimed humorist Sean Carter is back with all new tales of real-life ethical nightmares. In this fun (and sometimes frightening) webinar, Carter draws upon recent disciplinary cases to demonstrate the ethical danger for attorneys who fall asleep on their ethical obligations.

Speaker: **Sean Carter**, MESA CLE

Time: 1 – 2 p.m. — Program
Place: Online - a link will be sent prior to the seminar
Price: \$55 LBA Members | \$50 Sustaining Members | \$25 Paralegal Members | \$125 Non-members
Credits: 1.0 CLE Hour — Pending

Voter Guide for 2022 Judicial Elections



District Court

District court has limited jurisdiction and handles the following matters: Juvenile, city and county ordinances, misdemeanors, traffic violations, probate of wills, arraignments, felony probable cause, small claims involving \$2500 or less, civil cases involving \$500 or less, mental commitments (voluntary and involuntary), domestic violence and abuse cases.

In Jefferson County, there are 17 divisions and judges serve four-year terms. Judges must be a resident of Kentucky and licensed to practice law in the state. Additionally, they must have been in practice a minimum of two years.



In-depth candidates profiles are available at jcpl.net

JEFFERSON COUNTY DISTRICT COURT

JC DISTRICT COURT, DIVISION 1



Anthony JONES



Emily MONARCH

JC DISTRICT COURT, DIVISION 3

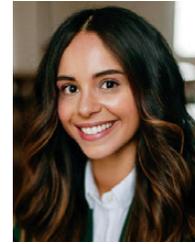


Kelly Ann BOWLES



Kristina GARVEY

JC DISTRICT COURT, DIVISION 4



Yvette DE LA GUARDIA



Lora HOLMAN

JC DISTRICT COURT, DIVISION 6



Justin C. BROWN



Lisa L. LANGFORD

JC DISTRICT COURT, DIVISION 7



Shannon FAUVER



Megan MCDONALD

JC DISTRICT COURT, DIVISION 8



Karen FAULKNER



Jessica STONE

JC DISTRICT COURT, DIVISION 9



Kaitlin Smith DEAN



Tanisha Ann HICKERSON

JC DISTRICT COURT, DIVISION 10



R. Christian GARRISON



Sara Michael NICHOLSON

JC DISTRICT COURT, DIVISION 15



Claudette PATTON



Mary Jude WOLFORD

JEFFERSON COUNTY CIRCUIT COURT



Circuit Court

Cases heard in Circuit Court are of general jurisdiction and include civil matters over \$5000, capital offenses and felonies, land dispute title cases and contested probate matters. They can also hear appeals from District Court and administrative agencies.

Judges in Circuit Court may serve more than one county. This is dependent on population and caseload. Those serving on Circuit Court must be a resident of the United States and Kentucky, and have resided in the district where elected at least two years prior. They also must be licensed to practice law in Kentucky and have practiced for a minimum of eight years. Judges serve eight-year terms.

JC CIRCUIT COURT, DIVISION 4



Ebert HAEGELE



Julie KAELIN

JC CIRCUIT COURT, DIVISION 5



Tracy DAVIS



Mary SHAW

JC CIRCUIT COURT, DIVISION 7



Melissa BELLOWS



Theodore "Ted" SHOUSE

JC CIRCUIT COURT, DIVISION 9



Sarah CLAY



Nichole COMPTON

JC CIRCUIT COURT, DIVISION 10



Dorislee GILBERT



Patricia "Tish" MORRIS

KY COURT OF APPEALS



Court of Appeals

The Court of Appeals handles cases on appeal from a lower court. Cases are not retried, but rather the original court trial is reviewed. Attorneys present the legal issues to the court for their decision.

Fourteen judges, two each from seven appellate districts, serve on the Court of Appeals. Panels of three review and decide on cases with a majority determining the decision. The judges travel throughout the state to hear cases. Qualifications are the same for Court of Appeals judges as Circuit Court Judges.

KY COURT OF APPEALS, DIST.4, DIV.1



**Audra Jean
ECKERLE**



**Tricia
LISTER**

KY COURT OF APPEALS DIST.4, DIV.2



**McKenzie
CANTRELL**



**Annette
KAREM**

SUPREME COURT OF KY



Supreme Court

The Supreme Court is the final interpreter of state law. Cases dealing with the death penalty, life imprisonment or sentences of 20 years or more are heard by the Supreme Court to review as a matter of right. They are also responsible for establishing rules of practice and procedures for the Courts in the state, which includes the conduct of judges and attorneys.

There are seven justices who are elected from the seven appellate districts and serve eight-year terms. The Chief Justice is chosen by the other judges and serves a four-year term. Qualifications for the Justices on the Supreme Court are the same as judges on Circuit Court and the Court of Appeals.

SUPREME COURT OF KY, DISTRICT 4



**Angela
McCormick
BISIG**



**Jason
BOWMAN**



Kentucky Voting Basics

USE GOVOTEKY.COM TO REGISTER

- Click six boxes to confirm eligibility (U.S. citizen, Kentucky resident, 18 or over by Election Day, not mentally incompetent, not voting in another state, and either without a felony conviction or with rights restored after conviction)
- Enter name, address, birthdate and social security number and click submit.
- Watch your mailbox for a confirmation card saying your registration has been accepted.

USE GOVOTEKY.COM TO STAY REGISTERED

- Update your address if you move
- Update your name if you change it legally
- Spot and fix any mistaken changes or removals

BRING PHOTO ID

To vote, show identification showing your name and photograph from one of these sources:

- Kentucky state government (example: driver's license)
- United States government (example: passport)
- U.S. Defense Department, a uniformed services branch, the Merchant Marine or the Kentucky National Guard
- U.S. college, university or postgraduate technical or professional school
- Kentucky local government: city, county, urban-county, charter county, unified local or consolidated local government

OPTIONS IF YOU CAN'T GET ID

Free ID: If you need it to vote, the state will give you a free ID card. You get it where you can get a driver's license, and drive.ky.gov is where you can find the nearest state office for that.

Affirmation: At your polling place, you can fill out a form explaining why you cannot get an allowed form of photo ID. You will need to show one of these other IDs:

- Another identification card with your name and photo
- Social Security card
- Kentucky food stamp, EBT or SNAP card with your name
- Credit or debit card with your name
- Identification issued by a Kentucky county and approved by the State Board of Elections

Kentucky's Four Voting Options

ELECTION DAY VOTING

Who? All registered Kentucky voters

Times? 6 a.m. to 6 p.m. on Election Day

Places? Locations have changed due to:

- Precinct boundaries being updated
- Precinct consolidations that allow voters from multiple precincts to share a location
- Voting centers that allow voters from all precincts in the county to vote in the same place (or several places)

EARLY VOTING

Who? All registered Kentucky voters

Dates? Thursday, Friday and Saturday before Election Day.

Times? At least eight hours between 6 a.m. and 8 p.m. each day, with the county board of elections choosing the exact times.

Places? Your county clerk's office or a place chosen by your county board of elections.

EXCUSED VOTING IN PERSON

Who? Registered Kentucky voters can vote extra early if they have one of the excuses below and cannot vote early

or on Election Day:

- Age, disability or illness that prevent later voting
- Living out of state temporarily
- Living out of county temporarily as a student
- Working or commuting during all voting hours of Election Day and the no-excuse voting days
- Scheduled surgery and hospitalization (self or spouse)
- Pregnancy in last trimester
- Working as election officer
- Military or overseas voter
- Uniformed services voter confined to base

Dates? The six business days before early voting.

Times? Normal business hours.

Place? Your county clerk's office or a place chosen by your county board of elections.

EXCUSED VOTING BY MAIL

Who? Registered Kentucky voters can vote by mail if they have one of the excuses below.

- Age, disability or illness prevent in-person voting
- Living out of state temporarily
- Living out of county as a student temporarily

- Out of county for all hours of in-person voting
- In jail on criminal charges, but not been convicted of the crime
- In the crime victim address confidentiality program
- Military or overseas voters
- Unable to vote on any of the in-person days

How? Plan on five main steps:

- Apply at GoVoteKY.com, giving your excuse and providing "personally identifiable information for verification."
- When the ballot arrives, complete it and use the two envelopes, following directions carefully.
- Return ballot by U.S. mail or to a county drop-box. Ballots need to reach the county clerk's office by 6 p.m. Election Day.
- Track ballot at GoVoteKY.com to make sure it arrives. Ballots are now tracked with barcodes.
- Respond quickly if you receive a notice that you need to cure a mail-in ballot problem.

(Information provided by The League of Women Voters)

LBA Judicial Poll Coming Soon!

The LBA will be conducting a Judicial Poll which will be sent via e-mail to all practicing Jefferson County attorneys with contact information provided by the Kentucky Bar Association. The poll will be sent out on Wednesday, October 12 and results will be released on Tuesday, October 25.

Workers' Compensation: What Your Small Business Client Should Know

Joy L. Buchenberger

Small businesses face a multitude of legal issues across many different areas of law, making them a challenge for attorneys that represent them as clients. When a small business owner comes into your office for advice on issues that may arise through the course of conducting his or her business, workers' compensation insurance may not be at the forefront of your mind when considering what advice to give.

As an attorney for injured workers, I am often hired because a small business owner failed to secure workers' compensation insurance or did not understand his or her obligations. A basic knowledge of how workers' compensation claims are handled and some of the intricacies that follow under certain circumstances can go a long way in helping your client avoid some of the pitfalls that many small businesses have experienced by not taking a few simple steps to ensure compliance with the rules and regulations found in KRS 342 and 803 KAR 25.

Hiring employees is a big decision that comes with responsibilities and financial risks. Some employers may see workers' compensation insurance as an overly burdensome expense, but it may become critical to the survival of

the business in the event of a workplace injury. An injured worker is entitled compensation for lost wages, medical expenses, permanent impairments and other qualified expenses. Workers' compensation insurance protects the employer from liability for these expenses by transferring the financial risks of a workplace accident to the insurance company.

The very first thing that your small business client should know and understand about worker's compensation insurance is that it is required by law. Regardless of the number of employees, all employers in the state of Kentucky are required under KRS 342 to obtain workers' compensation coverage from the moment they hire their first employee. This includes both part-time and full-time employees. Although there are some exemptions under KRS 342.650, most employees are going to fall under the Act. It is imperative that your client understands the importance of securing and maintaining coverage.

Once the workers' compensation coverage is secured by the employer, it must afford every employee the opportunity to become informed about its workers' compensation program. Certain information about the coverage must be displayed in the workplace at its principal

office and such other locations where employees customarily report for payroll and personnel matters. This posted notice must include the name of the workers' compensation insurance carrier and policy number, and it must set forth the means to access medical care for injuries, the employee's obligation to give notice of accidents and such other matters concerning the employee's rights under the workers' compensation chapter.

Many employers have had employees moving to work-from-home situations since the COVID-19 pandemic. This has caused some employers to erroneously think they no longer need to carry workers' compensation insurance. However, skipping coverage could result in penalties and fines, as well as open the business up to financial liabilities. Employees in the home environment can still develop a work-related injury or illness.

As a general rule, if an employee is injured while performing any activity for the benefit of the employer, regardless of location, the employee may be entitled to workers' compensation benefits. The underlying question is whether the injury was caused by work activity.

Work accidents are not exclusive to physically demanding jobs. Office workers often suffer work related injuries. Employees can get injured doing the most seemingly mundane of tasks. There is always the possibility of the unpredictable. If the employee does not have proper insurance coverage, the business is put at risk.

A common mistake can be made when an employer hires staff on an independent contractor or 1099 basis. Although an employer is not required to carry workers' compensation insurance on independent contractors, simply labeling someone an independent contractor and giving them a 1099 is not sufficient. The relationship with an independent contractor must be truly independent to avoid liability from a workplace injury.

Under Kentucky workers' compensation law, determining whether a worker is an independent contractor or an employee is fact specific. The distinction between an employee and an independent contractor is made by examining the degree of control a business has over the worker. The courts will look at the nature of the employee's work as related to the business of the employer, the extent of control, the professional skill of the employee and the intentions of the parties.

A general contractor who subcontracts all or any part of a contract is liable for the payment of compensation to an injured employee of a subcontractor unless the subcontractor has already secured the payment of compensation. If your client uses independent contractors or is a general contractor, advise your client to always require proof of coverage from any potential subcontractors and to have an insurance agent that really understands

workers' compensation.

Another mistake that some small businesses make is to assume that an employee who does not have legal immigration status does not qualify for worker's compensation coverage. This is false. Any injured worker, regardless of immigration status, is covered under Kentucky workers' compensation. Your client should report the injury to their carrier just as they would for all other workers.

Your client should always promptly report any workplace injuries to the insurer. After reporting the injury, the employer should continue to cooperate with its carrier as there are specific recordkeeping and reporting requirements in KRS 342.038.

Securing workers' compensation insurance in Kentucky may not be enough if your client has employees who travel outside of Kentucky. Here in Louisville, there are many businesses that perform work in both Kentucky and Indiana. For example, a small business located in southern Indiana that takes on jobs in Kentucky absolutely needs to have coverage in both states. A policy for coverage in Indiana is not going to be sufficient to cover employees injured while working at a job site in Kentucky, and the carrier may deny the injured workers' claim, putting the liability directly on the employer, or seek reimbursement from the employer in a civil action after payment of the claim.

The Kentucky workers' compensation Act also applies to an employee injured while working outside of Kentucky if the principal place of employment is in Kentucky, or in many situations if he/she is working under a contract of hire made in Kentucky.

After explaining the importance of maintaining workers' compensation coverage, your client may ask if the expense can be somehow passed down to the client. Simply put, an employer cannot require the employee to pay any part of the premium for compensation insurance. It should not be taken out of their paycheck or billed to the employee in any manner.

Employees are critical to the success of a small business. Obtaining workers' compensation coverage and staying current on premiums is essential to the safety and health of your client's employees and to shield the employer from incurring a large financial loss in the event of a catastrophic injury to one of its workers. It is also required by law, and a small business operating without the proper insurance is subject to fines and penalties.

Joy Buchenberger, Buchenberger Law Office, is a plaintiff's workers' compensation lawyer licensed in Kentucky and Indiana. She advocates for injured workers so they can focus on healing. ■



LOUISVILLE BAR ASSOCIATION
Pride in the profession. Service to the community.
www.loubar.org | 502-585-5114

SEEKING 2023 SECTION LEADERSHIP

Want to be involved in YOUR local bar association?

We currently have openings in the following sections:

- Bankruptcy Law
- Corporate (Business) Law
- Environmental Law
- Human Rights Law
- In-House Counsel
- Intellectual Property
- Real Estate Law
- Worker's Compensation (Social Security) Law

Interested? email Lisa Anspach at lanspach@loubar.org

WHERE EXPERIENCE COUNTS



JOHN R. MARTIN
MEDIATION & ARBITRATION SERVICES

- Personal Injury
- Complex, multiple party mediations
- Pre-Litigation Conflicts

- Listed in Best Lawyers in America*
- Lawyer of the Year by Best Lawyers*
- Kentucky Super Lawyer*
- Certified in Civil Trial Advocacy by NBTA
- Over 40 Years Experience
- Recipient of the Bruce K. Davis Bar Award



502-589-7616 WWW.LANDRUMSHOUSE.COM



Join real estate professionals from across Kentucky for an extraordinary day of lively panel discussions, informed conversation, and comprehensive one-hour courses covering a variety of commercial real estate and land use law topics.

SILVER SPONSORS



FOR MORE INFORMATION & TO REGISTER:

 KY CCIM: [Anne Ray anne@kyccim.org](mailto:anne@kyccim.org)
 <https://kyccim.org/kcrec-conference/>
 LBA: [Lisa Anspach lanspach@loubar.org](mailto:lanspach@loubar.org)

Agenda

8:00 AM - 8:20 AM	Breakfast/Morning General Session		
8:30 AM - 9:30 AM	Panel Discussion: Commercial Leasing 2022		
9:45 AM - 10:45 AM	<table border="0"> <tr> <td>Track ONE Finance Panel</td> <td>Track TWO Real Estate Investment: Choice of Entity & Structure</td> </tr> </table>	Track ONE Finance Panel	Track TWO Real Estate Investment: Choice of Entity & Structure
Track ONE Finance Panel	Track TWO Real Estate Investment: Choice of Entity & Structure		
11:00 AM - Noon	<table border="0"> <tr> <td>Track ONE Economic Update</td> <td>Track TWO Vapor Mitigation Case Study</td> </tr> </table>	Track ONE Economic Update	Track TWO Vapor Mitigation Case Study
Track ONE Economic Update	Track TWO Vapor Mitigation Case Study		
Noon - 1:00 PM	Lunch General Session Ryan Jordan, Senior Vice President – Churchill Downs, Real Estate Development		
1:30 PM - 2:30 PM	2022 Commercial Real Estate Tax Update		
2:45 PM - 3:45 PM	<table border="0"> <tr> <td>Track ONE 2022 Current Office Market Trends</td> <td>Track TWO Navigating Metro Government: Planning & Zoning to Construction Review</td> </tr> </table>	Track ONE 2022 Current Office Market Trends	Track TWO Navigating Metro Government: Planning & Zoning to Construction Review
Track ONE 2022 Current Office Market Trends	Track TWO Navigating Metro Government: Planning & Zoning to Construction Review		
4:00 PM - 5:00 PM	<table border="0"> <tr> <td>Track ONE Industrial Real Estate Panel</td> <td>Track TWO Legal Ethics in Real Estate</td> </tr> </table>	Track ONE Industrial Real Estate Panel	Track TWO Legal Ethics in Real Estate
Track ONE Industrial Real Estate Panel	Track TWO Legal Ethics in Real Estate		

Ambitious NLRB Agenda Finally Coming to Fruition

Aaron T. Vance and Anthony K. Glenn

After campaigning on the promise of being the most union-friendly president in American history, it is no surprise that the Biden National Labor Relations Board (NLRB) followed suit and pledged an ambitious pro-union agenda. Nearly two years into the administration, those promises are finally becoming a reality. Recent decisions and proposed rules make it clear that the NLRB is ready to be aggressive in its policy prerogatives. Employers and their counsel across the country are not only taking note, but also are wondering what all of this means, and what comes next?

The NLRB's Policy and Enforcement Agenda

In July 2021, the Senate confirmed Biden's appointment of Gwynne Wilcox and David Prouty to the NLRB, turning it back to a 3-2 Democratic majority (notably President Biden will get to appoint another member to the NLRB later this year). That same month, the Senate also confirmed Jennifer Abruzzo as general counsel.

Soon thereafter, Abruzzo issued a 10-page memo outlining her ambitious pro-union agenda. N.L.R.B. Gen. Couns. Mem. 21-04 (Aug. 12, 2021). Abruzzo identified numer-

ous items that will affect both union and non-union employees. For example, Abruzzo wants to revive the *Joy Silk* doctrine, which has not been the law for over half a century. The doctrine, which was abandoned by the NLRB in the 1960s, creates an obligation on the part of the employer to recognize and bargain with a union after only a card-check process and no secret ballot election. See *Joy Silk Mills, Inc.*, 85 N.L.R.B 1263 (1949).

This is not the only issue for which Abruzzo and the NLRB seek to disrupt precedent and long-standing rules. Her memo also included themes such as scrutinizing employee handbooks and policies (even when facially neutral); expanding what qualifies as protected activity under Section 7; supporting organization efforts by micro-bargaining units; revising the definition of a joint employer; and clarifying who qualifies as an independent contractor. See N.L.R.B. Gen. Couns. Mem. 21-04 (Aug. 12, 2021).

In addition to its policy prerogatives, the NLRB has undertaken a robust strategy of enforcement. In other general counsel

memoranda, Abruzzo has encouraged the use of 10(j) injunctions to seek immediate relief for alleged unfair labor practices. See N.L.R.B. Gen. Couns. Mem. 22-02 (Feb. 1, 2022). She has also encouraged the recovery of full consequential damages resulting from an unfair labor practice, including interest fees on credits cards, penalties for early withdrawals from retirement accounts and damages for loss of an employee's home or car, to name a few. See N.L.R.B. Gen. Couns. Mem. 21-07 (Sep. 15, 2021).

Beyond these hardline enforcement measures, the NLRB has begun coordinating with the Federal Trade Commission and the Department of Labor to address issues such as worker misclassification. See N.L.R.B. Gen. Couns. Mem. 22-03 (Feb. 10, 2022). While the NLRB is expected to issue proposed rules concerning when a worker qualifies as an independent contractor, as it traditionally would, these new partnerships indicate an interest in proactively identifying and investigating unfair labor practices beyond customary means.

This aggressive blueprint is just that—a forceful push by a pro-union NLRB to re-

shape the organized labor landscape in way that it never has done before. From the jump, legal observers have cautioned the impending sea change that this agenda signaled. Now, a year later, the tide is finally starting to rise as the NLRB puts this all into action through its adjudication and rulemaking processes. The magnitude of the recent *Tesla* decision and proposed rule concerning joint employers makes that apparent.

Tesla Decision Undoes 2019 Decision Concerning Workplace Dress Codes

On Aug. 29, the NLRB, in a 3-2 decision, ruled in *Tesla Inc.*, 370 NLRB 131 (2022) that workplace dress codes and uniform policies that prevent employees from wearing pro-union apparel of any type, even if facially neutral, are presumptively unlawful.

Tesla had a policy requiring employees to wear Tesla-provided or all-black clothing while at work. *Id.* at 2-3. When workers at its Fremont, California, facility began wearing pro-union apparel, Tesla instructed them to stop wearing such items in violation of its dress code. *Id.* The UAW challenged this

(Continued on next page)

Real Estate & Auction Specialist

Providing Real Estate & Auction Services:

- Estate Liquidation
- Senior Living Transitions
- Divorce Property Settlements
- Business Liquidation
- Real and Personal Property Evaluation

Serving all of Kentucky and Indiana



Elizabeth Monarch
MBA, CAI, CRI
Auctioneer/Realtor
2020 GLAR Realtor of the Year

Lonnie Gann, GRI, CAI
Auctioneer/Realtor



502.551.1286
auctionsolutionsllc.com

Your **UNDUPLICATED** Office Technology,
Equipment and Service Professionals

DUPLICATOR SALES & SERVICE

LOUISVILLE • LEXINGTON • ELIZABETHTOWN • LONDON

(502) 589-5555 | (800) 633-8921

Quality with Service...

- Office Equipment
- Professional Printing
- Document Management
- Managed I.T. Services
- Corporate Mailing Systems
- Integrated Technology Services
- Managed Print Services

duplicatorsales.net



RICOH SAVIN Lexmark HP FP Microsoft

ban and NLRB prosecutors brought a broad complaint in August 2017 that included this issue. *Id.*

In its holding, the NLRB held that such policies, even if facially neutral, are presumptively unlawful unless such policies are justified by “special circumstances.” *Id.* at 5-7. With this decision, the NLRB overruled *Wal-Mart Stores, Inc.*, 368 NLRB 146 (2019). *Id.*

Any union insignia donned by an employee is protected unless the employer can demonstrate that special circumstances exist justifying the employer’s regulation of such activity. To illustrate what qualifies as a special circumstance, the NLRB referenced *Komatsu*, 342 NLRB 649 (2004), which outlined employee safety, quality control, public image and workplace decorum as possible justifications for broad dress code restrictions. *Tesla Inc.*, 370 NLRB 131, at 16-17 (2022).

On their face, these categories could conceivably be used to justify any employer restriction. In practice, however, employers likely will be hard-pressed to demonstrate special circumstances. In this case, the NLRB rejected Tesla’s reason for banning metal buttons that get pinned to clothing, which the company claimed might scratch and damage cars. Rejecting this reasoning makes it clear that justifications will likely be met with skepticism and employers must be careful moving forward.

Proposed Rule on Joint Employers

Hot on the heels of the *Tesla* decision, on September 6, the NLRB issued its expected proposed rule broadening the definition of a joint employer and overturning the rule promulgated by the previous board. See Standard for Determining Joint-Employer Status, 87 FR 54641 (Sep. 7, 2022).

When shared workers, such as staffing company employees, seek to organize or file a charge with the NLRB, the board must determine which employer(s) must (1) recognize these organizing efforts, (2) be present during bargaining and (3) be potentially held liable for an unfair labor practice. In these instances, the board applies the joint employer standard.

The NLRB previously limited this standard in 2020 with its own rule following the decision in *Browning-Ferris Indus.*, 362 NLRB 186 (2015). This included limiting joint employers to only those that have “direct and immediate” control over workers’ “essential terms and conditions of employment.” *Id.* at 30. The rule limited what qualified as an “essential term” to an exhaustive list that only included items like wages, benefits, discipline, supervision and direction. *Id.* at 2.

Under the recent proposed rule, however, multiple employers would be considered joint employers if they “share or codetermine those matters governing employees’ essential terms and conditions of employment” whether directly, indirectly or together. See 87 FR 54641 (Sep. 7, 2022).

Additionally, unlike the previous rule, this test will be applied broadly to determine joint employer status. Specifically, the exhaustive

list of “essential terms and conditions of employment” has been replaced by an open-ended list of possible terms and conditions of employment. *Id.*

What Does This Mean for Employers?

First and foremost, these recent developments bookend the need for employers and counsel to be cognizant of how quickly things are changing. Not only is organized labor surging across all sectors (and not just at your local coffee shop), but the rules that govern union campaigns, bargaining and the rights of employees and employers are changing drastically in its favor and aiding in its recent success.

Next, these changes have significant implications for all workplaces, whether unionized or not. The *Tesla* decision is a prime example. What might have been an acceptable dress code policy might now be deemed presumptively unlawful if it does not account for a worker’s right to engage in concerted activity. And new rules, such as the broad new joint employer standard, will bring more parties and more issues to the bargaining table. It can be expected that subsequent decisions and rules will reshape the bounds of workplace policies and the scope of the employment relationship for employers and employees alike.

The most important takeaway, however, is that the NLRB is just getting started. With a little over two years left in Biden’s first term, and another Biden-appointed NLRB member on the way, this board has plenty of time to continue to advance its agenda. These recent developments make it clear that Abruzzo and the NLRB do not see their policy and enforcement goals as merely aspirational, but as a laundry list of items they are determined to put into action and follow through on. Given the significance of these recent decisions, no one should doubt the determination of this board to check every item off its list as it seeks to move the needle in favor of organized labor.

For additional insight and analysis concerning the latest developments from the NLRB check out the Barnes & Thornburg Labor Relations Law Blog at <https://btlaw.com/insights/blog/labor-relations>.

This article should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your own lawyer on any specific legal questions you may have concerning your situation.

Aaron T. Vance is vice-chair of the LBA’s Labor & Employment Law Section. He is an associate in Barnes & Thornburg’s Labor and Employment Department in Indianapolis and licensed to practice in Kentucky and Indiana.



Anthony K. Glenn is an associate in Barnes & Thornburg’s Labor and Employment Department in Indianapolis and licensed to practice in Kentucky and Indiana. ■




Thank You 2022 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 \$3,800 was raised!

THANK YOU to members of the following firms and individuals:

Bryan R. Armstrong	Adrianna Long
Bahe Cook Cantley & Nefzger, PLC	Alicia Martinez
Emma Badia	Kristen L. Miller
David K. Barnes	Patrick Muldoon
Jamie & Roy Berwick	Mary Helen Myles
Hon. Angela McCormick Bisig	Deena G. Ombres
Terri E. Boroughs	Jennifer Rhea Perkins
Hon. Josephine Layne Buckner	Amelia Reesor
Mary Anne Copeland	Justin M. Schaefer
David Dwayne Cutt	Chapin Elizabeth Scheumann
Mae S. Diemer	Anne P. Scholtz
Kelsey Doren	Aleah Schutze
Ann Schiavone Dyke	Steven A. Snow
Laura M. Ferguson	Marcia L. Sparks
Maria A. Fernandez	Alison M. Stemler
Charles P. Fulton	Garret B. Stone
Seth A. Gladstein	Straw-Boone Doheny Banks & Mudd, PLLC
Hon. Tara W. Hagerty	Maureen P. Taylor
Frank W. Heft Jr.	Thomas R. Thomas Sr.
Kelly S. Henry	R. Scott Toop
Kimberly E. Kasey	Deanna Tucker
Stephen C. Keller	Sydney Caitlyn Tucker
Justin R. Key	Vice Cox & Townsend PLLC
Kelly Krucki	Alvin D. Wax
Atasha LaFever	Hon. Thomas B. Wine
Diane M. Laughlin	Luella Wong
Yvonne Linton	



LAWLAPALOZA

WOMEN WHO ROCK

MMOTLEY@LOUBAR.ORG

10-14-2022

7:00PM - 11:00PM

VERNON LANES



Louisville

BOURBON Aficionados

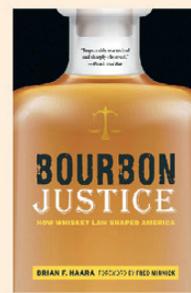
October 20 • 5:30-7:30pm • Neat Bourbon Bar + Bottle Shop
Members: \$60; Non-members: \$75

Join us for learning *and* libations during the next Louisville Bourbon Aficionados event, Thursday, October 20th from 5:30-7:30pm at Neat Bourbon Bar and Bottle Shop, 1139 Bardstown Rd.

Neat co-owner Owen Powell will walk us through a tasting of three vintage bourbons he has acquired through Kentucky's vintage spirits law. Then Powell and LBA member Brian Haara from Fultz Maddox Dickens PLC will talk about how the vintage spirits law allows the sale of vintage bourbon by unlicensed sellers. **Each guest will receive one hour of CLE credit – and a free copy of Haara's book, *Bourbon Justice: How Whiskey Law Shaped America*.**

You won't want to miss the chance to check out this beautifully crafted – and fully stocked! – bourbon bar and bottle shop. Parking is available in the Neat parking lot behind the building off Patterson Ave.

1 hr CLE Credit! Advanced registration required. Email David Mohr at dmohr@loubar.org.



Nisbet Mediation

Michael Nisbet

Over 20 years of Litigation and Jury Trial experience representing plaintiffs & defendants.

Personal Injury | Contract Disputes | Insurance Claims



Available for cases in Kentucky and Indiana

www.nisbetmediation.com (502) 296-4164 mike@nisbetmediation.com

Bixler W. Howland - THE CIVIL MEDIATOR
MEDIATION SERVICES



Certified Civil Mediator

Now Offering Online Mediations!

- Available in Kentucky and Indiana
- No Preparation Costs
- Online Booking Available

thecivilmediator.com

(502) 582-3711 | bixler@loulaw.com
2721 Taylorsville Road | Louisville, Kentucky 40205

MEMBERS on the move



Daley



Hayne



Seiffert

Adams Law Group is pleased to announce that **Lee W. Daley** has been named a partner of the firm. Daley is admitted to practice law in Kentucky and pending admission in Texas. Her practice focuses on aspects of commercial real estate and low-income housing tax credit transactions. She is a member of the Kentucky and Louisville Bar Associations. Daley attended the University of Louisville Brandeis School of Law and joined Adams Law Group as an associate in 2015 after clerking with the firm.

Kids Cancer Alliance (KCA) has selected Stites & Harbison attorney **James Hayne** as the inaugural chair of its Young Professionals Committee. As chair of this committee, Hayne will also serve as a member of the Board of Directors. His term will be one year. Since 1981, KCA has given thousands of brave and amazing kids a reprieve from fighting cancer, and a place where they can just be kids. Hayne is a Registered Patent Attorney and member of the Intellectual Property & Technology Service Group in the firm's Louisville office. His practice focuses on patent preparation and prosecution, both foreign and domestic. Hayne has experience prosecuting patent applications covering a wide range of subject matter, including electronic hardware and software, consumer goods and manufacturing equipment.

Stites & Harbison is pleased to announce that attorney **James C. Seiffert** has been honored in IFLR1000 United States for 2022. Seiffert is ranked as "highly regarded" in the practice areas of banking and finance as well as corporate and mergers and acquisitions. Stites & Harbison has been ranked Tier 1 in Kentucky for financial and corporate services, ranked Tier 3 in Georgia (US) for restructuring and insolvency and recommended in Tennessee for financial and corporate and real estate services. IFLR1000 is the guide to the world's leading financial and corporate law firms and lawyers.

The Best Things in Life are FREE...

Did you know that Members on the Move announcements are a "member perk" and FREE of charge?! Let us know what you've been up to! Send announcements to Shannon Greer, sgreer@loubar.org.

Notices are printed at no cost, must be submitted in writing and are subject to editing. Items are printed as space is available. News releases regarding lawyers who are not LBA members in good standing will not be printed. Peer review rating announcements are not published, these include, but are not limited to: Best Lawyers, Super Lawyers, Chambers and Martindale-Hubbell. Others will be considered on a case-by-case basis.

MEETING SCHEDULES

Association of Legal Administrators

The Kentucky Chapter of the Association of Legal Administrators will hold its next monthly meeting on Thursday, October 13 starting at 11:45 a.m. at the Louisville and Lexington offices of Frost Brown Todd. Louisville: 400 W. Market St., Ste. 3200; Lexington: 250 W. Main St., Ste. 2800.

The presentation, "You Belong Here: Creating an Inclusive Environment Where Everyone Belongs," will be presented by JaNae Martin and others TBD. It is hosted by the ALA Diversity Equity Inclusion and Accessibility Committee.

Join this interactive session for guidance on how leaders can enhance the sense of belonging in a firm by creating an open and welcoming environment in which employees can be their authentic selves. You'll explore the economic and racial injustice crises from a diversity, equity and inclusion lens since the onset of COVID-19. You'll consider implicit bias and how the sooner we're able to recognize our biases and become more self-aware, the better we'll be as leaders. You'll also learn about imposter syndrome and how to recognize and address employees who feel as though they do not belong.

This is a hybrid meeting, in person and via zoom. RSVP to Beth Mattingly, bmattingly@wyattfirm.com. ■

Office Space

Office for Lease:

Fully furnished affordable east end office behind the Paddock Shops. Access to wifi, conference room, printer/scanner, and kitchen. Call (502) 215-0598 or email tate@meagherlawoffice.com.

Office Space Available:

One Riverfront Plaza – river view; 1 to 3 offices available on 20th floor; library/conference room; secretarial services and/or space available. (502) 582-2277.

Attorney Office Space for Rent in Old Louisville Area. (S. 4th Street)

1 large office approximately 16' x 16'

1 office approx. 8' x 10'

1 office approx. 8' x 10' – with adjoining room that can be used for secretarial office or storage/copy area

1 large open space with enough room for 3 - 4 desks for support staff

Access to conference rooms, copy, fax and postage machines and kitchen.

Free parking. Rent one or all four – all on 3rd floor.

Call Laura Garrett @ 502-582-2900

Services

Missing Witness Service:

Will locate your missing witness anywhere in the country for the flat fee of \$180 plus database expenses. Using our proprietary databases and the telephone, we will locate and talk to the witness and ask them to call you. If you don't want them contacted, we will furnish you their current address and cell number. Call Capital Intelligence, LLC 502-426-8100 or email jsniegocki@earthlink.net.

QDRO Preparation and Processing for:

Defined Benefit and Defined Contribution Plans. Military, Municipal, State and Federal Employee Plans. Qualified Medical Child Support Orders. Collection of past due Child Support and Maintenance. Charles R. Meers, 2300 Hurstbourne Village Drive, Suite 600, Louisville, KY 40299 Phone: 502-581-9700, Fax: 502-584-0439. E-mail: Charles@MeersLaw.com.

THIS IS AN ADVERTISEMENT

ADVERTISING RATES AVAILABLE FOR DOWNLOAD

Visit www.LOUBAR.org,
Click on "Bar Briefs" select
"Advertise"

For questions contact Kim Kasey:
E: kkasey@loubar.org
P: (502) 583-5314

Advertising copy is carefully reviewed, but publication herein does not imply LBA endorsement of any product or service. The publisher reserves the right to reject any advertisement of questionable taste or exaggerated claims or which competes with LBA products, services or educational offerings.

Help Wanted

Through the LBA Placement Service

Attorney Position:

An AV Rated, boutique law firm located in the east end of Louisville is currently seeking to add an attorney. They offer an energetic and collegial work environment where one can further their career working with experienced attorneys who are committed to achieving extraordinary results for their clients. They are looking for a motivated attorney with exceptional research, writing and communication skills. Experience in business litigation, tax, estate planning or family law is helpful, but not required if a candidate brings other relatable experiences. Must be licensed in KY and in good standing. Law school transcripts, class rank and references will be expected if client is interested. This firm offers a competitive salary and comprehensive benefits package. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Real Estate Attorney:

Well-established law office on the east side of Louisville is currently seeking to add a full-time real estate attorney. Ideal candidate will have at least one or two years of residential real estate closing experience, and if you have commercial experience it could be beneficial. 90% of their real estate practice is residential, but 10% is commercial. Excellent work environment and benefits offered, as well. Compensation commensurate with experience. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Defense Litigation Attorney:

The LBA Placement Service is currently working with a well-established civil defense litigation firm located in downtown Louisville that is seeking to add an attorney. Candidate should have civil litigation experience in Kentucky, be licensed in KY, and an IN license would be a plus. The attorney will be assigned to litigation defense cases and manage the cases from onset through discovery, depositions and trial/arbitration/mediation/settlement. Competitive salary and benefits package based on experience. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Associate Attorney:

The LBA Placement Service is currently working with a growing law firm located on the east side of Louisville that is seeking to add an associate with a minimum of one to two years of civil litigation experience and is licensed to practice in Kentucky. The firm primarily does a variety of defense for the public sector throughout Kentucky. There is potential for advancement, and a portable book of business enhances that potential. Candidate must have excellent references and be in good standing. The firm offers a competitive salary and benefits package commensurate with experience. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.



Louisville Bar Association's

Judicial Reception



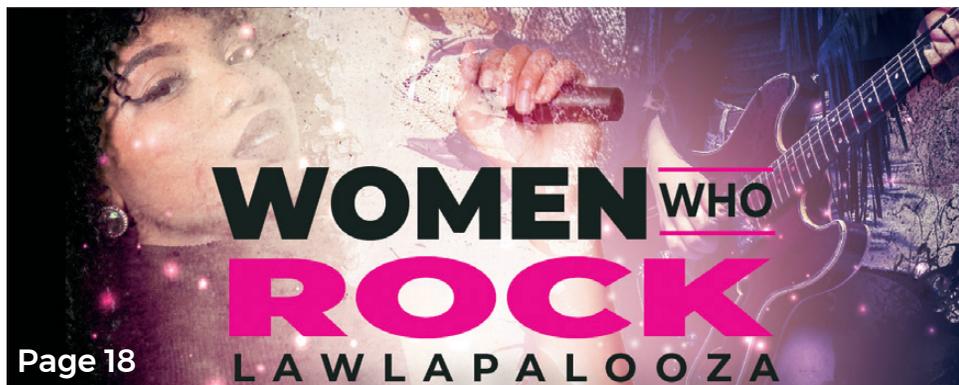
Save the Date
December 1, 2022

Louisville Bar Association
600 West Main Street, Ste. 110
Louisville, KY 40202-4917

RETURN SERVICE REQUESTED

PRSRT STD
US Postage
PAID
Louisville, KY
Permit # 708

Louisville Bar Association
BARbriefs



We're Social!



Follow the LBA on your favorite social media sites.



VAUGHN PETITT LEGAL GROUP, PLLC



MEDIATION SERVICES
CAROL SCHURECK PETITT
CERTIFIED CIVIL MEDIATOR

- ❖ More than 20 years civil litigation experience
- ❖ Available statewide

502-243-9797
502-243-9684 (fax)
cpettitt@vplegalgroup.com

This is an advertisement.

Retired Judges Mediation & Arbitration Services

Over A Century of Judicial Experience!

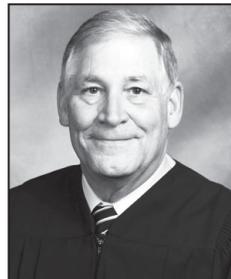
Let us put Judicial Experience to work for YOU
full mediation & arbitration service • reasonable hourly rates no administrative or advance fees

**AVAILABLE FOR VIDEO CONFERENCE
MEDIATIONS STATEWIDE**

P.O. Box 70318 • Louisville, KY 40270-0318
(502) 721-9900 • Fax (888) 389-3559

Email: retiredjudges@twc.com

www.retiredjudgesmediation.com



Judge Tom Knopf
(Ret)



Judge Ann Shake
(Ret)



Judge Steve Ryan
(Ret)



Judge James M. Shake
(Ret)



Judge Barry Willett
(Ret)



Robert D. Walker, II

This is an advertisement.