

# BAR*briefs*

Louisville Bar Association

April 2026

Thank you for joining  
us at this year's

## Bench & Bar Social



VOLUME 26, NO. 04

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*Louisville Bar Association Mission: Promote justice, professional excellence and respect for the law; improve public access to the judicial system; provide law-related services to the community; and serve our members.*

Professional Excellence

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**Louisville Bar Association Insurance Program**

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## Shaping the Future of the LBA—Together

At its March 24 meeting, the Louisville Bar Association Board of Directors approved a significant change to how the Board will operate going forward. Effective immediately, the Board will transition from meeting monthly to meeting every other month. In place of those monthly meetings, each Board member will take on a more active role in the work of the association by serving on a committee. And the bimonthly Board meetings will, moving forward, be more dynamic and solution-oriented, and less focused on passively approving actions recommended by association staff or the Executive Committee.

At first glance, this may seem like a small or even purely administrative change. In reality, it reflects something much larger—an intentional effort to make the LBA more responsive, more flexible and more focused on the needs of its members.

The Board's committee structure will include Membership, KLRS, Communications, Budget, Health and Wellness, Diversity and Inclusion, Public Service and Pro Bono and Continuing Legal Education. Many of these committees have existed for years, but not all of them have been as active and engaged as they should be. These committees are where much of the meaningful work of the association takes place. By encouraging deeper engagement at the committee level, we hope to create more opportunities for thoughtful discussion, faster responsiveness to member needs and more tangible results.

This change is also part of a broader effort to adapt to the evolving landscape facing voluntary bar associations—not just in Louisville, but across the country. Like many membership-based organizations, bar associations are navigating shifts in how professionals connect, engage and spend their time. The COVID-19 pandemic accelerated trends that were already underway, including increased remote work, greater reliance on virtual programming and fewer opportunities for informal, in-person interaction.

At the same time, the legal profession itself is experiencing generational change. Younger lawyers often seek different types of engagement that more experienced (i.e., “old”) lawyers did in their early years. They don't go to networking events as much. They value flexibility and quality of life more than climbing the ladder. It's easy to bemoan these generational changes, but the fact is, the new generation is here, they're not going away, and they'll need different things from their bar associations than many of us did at the same stage in our careers.

For voluntary bar associations like the LBA to survive, we have to adapt, thoughtfully and proactively. Our Executive Director, Kristen Miller, has taken great strides to strengthen the LBA's relationship with UofL Brandeis School of Law, for instance. And the school's amazing dean, Melanie Jacobs, has been tireless

in working to use our resources to connect her students with mentors and future employers. Meanwhile, LBA leadership and staff have worked hard to respond to these changes—expanding programming, supporting sections, enhancing communication and creating new opportunities for engagement.

The Board's decision to restructure how it meets is a continuation of that work. It is designed to move us away from a model focused primarily on meetings and passive approval of staff-recommended measures. It will push us toward an association that emphasizes action, collaboration and meaningful participation.

Importantly, this is not about doing any less or more work than anyone already does. Our staff already works hard, and we are blessed with scores of tremendous lawyers who volunteer countless hours of time every year to support the association and the Louisville legal community. Rather, this change is about doing things differently—and, we believe, more effectively. By shifting time and energy into committee work, we hope to strengthen the connection between the Board and the membership, and to ensure that the LBA remains a dynamic and forward-looking organization.

As with any change, the success of this effort will depend on engagement—not just from Board members, but from the broader LBA community. Our sections, committees and programs are at their best when they reflect the ideas, energy and perspectives of our members.

I encourage you to share your thoughts with me, with members of the Board or with your section leaders. What is working well? Where can we improve? What would make the LBA more valuable to you and your practice?

Even more importantly, I encourage you to consider getting involved. Whether by serving on a committee, taking on a leadership role within a section or simply attending and participating in LBA programs, your engagement helps shape the future of this organization.

The LBA has long played an important role in the life of our profession and our community. By remaining open to change and committed to our members, I am confident that it will continue to do so for years to come.



“

*For voluntary bar associations like the LBA to survive, we have to adapt, thoughtfully and proactively.*

Samuel W. Wardle  
LBA President

# The Cost of the Comment Section: Social Media, Accountability and the Rising Threats to Judges

Chief Judge Derwin L. Webb



*The public absolutely has the right to criticize judicial decisions... But there is a constitutional and moral distinction between criticism and threats.*

I have served on the bench long enough to understand that criticism is part of the job. Judges make decisions that affect families, children, liberty and property. In family court especially, the outcomes are deeply personal. When a parent loses custody, when a termination of parental rights is ordered, when protection is denied or granted—someone walks out of the courtroom believing justice was not done.

That is not new.

What is new is the velocity, reach and permanence of outrage in the era of social media. Platforms such as Facebook, X (formerly Twitter), Instagram and TikTok have fundamentally changed how judicial decisions are discussed—and too often, how judges themselves are targeted.

Across the country, sitting judges are experiencing an alarming increase in threats, harassment and incitement to violence that can be traced directly to online rhetoric. As Chief Judge of Family Court, I have witnessed firsthand how a ruling can be

clipped into a 30-second video, stripped of legal context and broadcast to thousands within hours. The comment section becomes a tribunal untethered from evidence, procedure or law. The judge becomes the villain in a narrative that rewards outrage and punishes nuance.

Let me be clear: the public absolutely has the right to criticize judicial decisions. The First Amendment protects the freedom to speak, to protest, to question authority and to demand accountability. A healthy democracy depends upon it. Judges are public officials exercising state power. We are not immune from scrutiny, nor should we be.

But there is a constitutional and moral distinction between criticism and threats.

Saying “I disagree with this decision” is protected speech. Publishing a judge’s home address and encouraging people to “pay them a visit” is not. Critiquing legal reasoning is part of democratic discourse. Calling for violence against a judge—or their family—crosses a line that threatens not only

individual safety but the independence of the judiciary itself.

The judiciary was designed to be independent precisely because judges must sometimes make unpopular decisions. Family court judges, in particular, regularly issue rulings that disrupt the status quo: removing children from unsafe homes, limiting parental rights, ordering supervised visitation or terminating rights altogether. These decisions are based on statutory mandates, evidentiary standards and constitutional protections—not popularity contests.

When social media reduces complex hearings to emotionally charged soundbites, it creates a distorted perception of judicial conduct. Judges are bound by ethical rules that prohibit us from commenting publicly on pending or impending cases. We cannot go online and defend ourselves. We cannot reveal confidential facts that explain the reasoning behind a ruling. We cannot

(Continued on next page)

## DIVERSITY & INCLUSION COMMITTEE CORNER

### BUILDING A MORE INCLUSIVE BAR

A more diverse and inclusive legal profession doesn't happen by accident — it's built through small, consistent choices made every day. April's observances remind us that our colleagues, clients and communities bring a richness of backgrounds and experiences to the table. The tips below aren't about big gestures. They're about showing up with more awareness, curiosity and intention.

#### Arab American Heritage Month:

- Learn something new. Explore Arab American heritage through a book, film or local cultural event this month.
- Check your assumptions. Arab American identities are diverse in faith, language and background — lean into curiosity.
- Speak up. When you hear a microaggression in the office or courtroom, saying something matters.

Day of Silence (April 10) is an annual campaign that seeks to shed light on what many LGBTQ+ youth experience daily. Initially intended to focus on this problem within the school system, it has since expanded into workplaces, university campuses and sporting events.

- Acknowledge it. A simple mention in your firm signals that inclusion is taken seriously.
- Be a year-round ally. Check whether your firm's policies and culture genuinely support LGBTQ+ attorneys and staff.

#### Earth Month:

- Connect the legal dots. Environmental justice is a civil rights issue — consider how your practice area intersects with these realities.

“Diversity is being invited to the party.  
Inclusion is being asked to dance.”  
— Vernā Myers

### APRIL 2026 AWARENESS CALENDAR

- April 2 - World Autism Awareness and Acceptance Day
- April 10 - National Day of Silence
- April 13 - Vaisakhi
- April 22 - Earth Day
- April 26 - Lesbian Visibility Day
- Arab American Heritage Month
- Celebrate Diversity Month
- National Minority Health Month
- Earth Month



DIVERSITY & INCLUSION COMMITTEE

Have a recommendation?  
Join the Committee!  
Contact Lisa M. Murray at  
lmurray@loubar.org.

## Notice from Jefferson County District Court

JCPS' spring break 2026 is Monday, April 6 through Friday, April 10. Please see the changes in court schedule below.

1. For the week of April 6 - April 10, the Civil Court Division will hold their regular Eviction Court and Small Claims dockets on Monday, April 6 through Wednesday, April 8, 2026.
2. There will be no Eviction Court dockets on Thursday, April 9 and Friday, April 10, 2026.

– Hon. Jessica A. Moore  
Chief Judge, Jefferson District Court

## Judge Regina S. Edwards Reappointed to a New Term as U.S. Magistrate Judge



The Judges of the United States District Court for the Western District of Kentucky have reappointed Regina S. Edwards to another eight-year term as a United States Magistrate Judge, effective July 28, 2026. This action follows the unanimous recommendation to the court from a merit selection panel comprised of attorneys and lay persons from within the Western District, following the statutorily required public notice and comment period.

As a United States Magistrate Judge, Judge Edwards conducts initial proceedings in criminal cases, manages pretrial matters in civil and criminal cases, conducts pretrial conferences and settlement conferences, conducts Social Security appeals and prisoner litigation, presides over misdemeanor trials and presides over civil trials with the consent of litigants.

Judge Edwards was first appointed to be a United States Magistrate Judge by the court for an eight-year term that commenced on July 26, 2018. ■

(Continued from previous page)

not debate litigants in the court of public opinion. Our silence is not indifference; it is discipline.

This asymmetry has consequences.

Nationally, reports of threats against judges have increased in recent years. Security briefings that once felt extraordinary are becoming routine. Courthouses are reassessing entry protocols. Judges are altering daily routines. Some are removing personal information from public databases. Others have had to explain to their children why strangers online are calling their parent corrupt, evil or worse.

In fact, this issue is not theoretical for those of us serving in Jefferson County. Judges in our own courthouse have received direct threats of violence. Those threats have included threats of assault, sexual assault, disfigurement and death—not only toward the judges themselves, but toward members of our families. These are not angry words typed in frustration alone; they are specific statements that require law enforcement attention and security precautions. When a judge must consider the safety of a spouse or a child because of a judicial ruling, the problem has moved beyond criticism and into intimidation.

This climate does not serve justice.

At the same time, it is essential to acknowledge that judges are not unaccountable. The American judicial system contains multiple layers of oversight. Every trial court judge is subject to review by an appellate court. In Kentucky and across the nation, decisions can be appealed to an intermediate appellate court and ultimately to the state's highest court. Those courts have the authority to reverse, remand or modify decisions that are legally erroneous.

Beyond appellate review, judges are also subject to disciplinary mechanisms. Each state maintains a Judicial Conduct Commission empowered to investigate complaints of misconduct. There is also a Judicial Ethics Commission that issues advisory opinions and enforces ethical standards. Judges can be reprimanded, suspended or even removed from office for violations of ethical rules. In some jurisdictions, judges must stand for periodic election or retention votes, providing an additional layer of democratic accountability.

In short, the judiciary is not self-policing in a vacuum. It operates within a constitutional framework of checks and balances.

The danger of social media-driven hostility is that it substitutes viral outrage for structured accountability. It encourages

trial by algorithm rather than review by law. It invites individuals—often strangers to the case—to form conclusions based on incomplete information. And when rhetoric escalates into dehumanization, it can inspire individuals already inclined toward instability or violence.

Judicial independence is not a privilege for judges; it is a protection for the public. If judges begin to fear that every difficult decision will trigger a coordinated online attack, or worse, a physical threat, the integrity of the system is at risk. A judge who rules based on fear of retaliation is not independent. A judge who rules based on law—even in the face of criticism—is fulfilling the oath of office.

We must find a balance.

Citizens must continue to engage, to question and to advocate for reform where reform is needed. Courts should strive for transparency where ethically permissible. Judicial opinions should be clear and accessible. Public education about how courts function is essential. Many misunderstandings arise from a lack of knowledge about burdens of proof, evidentiary rules or statutory mandates that constrain judicial discretion.

At the same time, we must shine a bright light at threats and intimidation. Law enforcement must take credible threats seriously. Social media platforms should enforce policies against doxxing and incitement. Civic leaders—regardless of political affiliation—should model responsible rhetoric when discussing court decisions.

As Chief Judge of Family Court, I do not ask to be shielded from criticism. I ask only that criticism remain within the bounds of law and civility. Judges are human beings who take an oath to uphold the Constitution. We work long hours reviewing evidence, studying precedent and weighing decisions that affect the most vulnerable members of our communities: children caught in the crossfire of adult conflict.

The strength of our republic depends upon three coequal branches of government that can operate without fear. When social media becomes a vehicle for threats rather than discourse, it undermines that balance.

Freedom of speech is a cornerstone of our democracy. So is the rule of law. We must protect both.

Chief Judge Derwin Webb presides in Division 10 of Jefferson Family Court. ■



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# Top Ten Kentucky Law Books to Own in Print

Kurt X. Metzmeier

Occasionally, while watching the local news, I will see a video clip from a Kentucky trial, featuring a serious attorney standing up to make a legal point, waving or gesticulating to a passage in a certain green book. More frequently, I see legal scenes played out with attorneys sitting behind stacks of other familiar books, often tabbed or marked with sheets of paper.

Since I work around Kentucky law books every day, purchasing them, using them to teach Kentucky law and to answer legal research questions, it is easy for me to identify the books I commonly see on counsels' tables.

As a legal researcher, I find it useful to consult Kentucky legal treatises in electronic resources where I can direct keyword searches and pinpoint a passage or two to understand a narrow point of law. This is what databases are good for. Sometimes, however, I wish to better grasp a whole area of law. At these times, I'll pull the book down from the shelves, scan through the table of contents for the applicable chapters and read or skim through all the relevant passages. This is a task a book is suited for.

Often the books are legal treatises authored by lawyers, judges and law professors that many Kentucky attorneys know, respect and could recognize walking through the lobby at a bar meeting. Their key works are authoritative, legally correct and can be cited in court—unlike the glib AI-generated legal commentary that is beginning to glut the internet.

Here are my top ten Kentucky books that you might want to own in print. These are books that a lawyer might want to read cover to cover, tab the important things and bring to the counsel's table. At critical points in a trial, they might even want to show a passage to a judge who does not seem to be getting the point they are making. I tried to make my picks universal, but I can't get around the fact that the books that a personal injury lawyer might find useful aren't the same as those a criminal lawyer would.

**10. Thomas L. Canary, Jr., *Kentucky Collections* (Thomson Reuters)**

As the nephew of prominent Kentucky collections lawyer William R. Mapother once yelled into a phone: "Show me the money!" Every lawyer wants their clients

and themselves to get the fruits of successful litigation, even if it is sometimes a "mission impossible." This book builds on the late Bill Mapother's prior treatise and covers default judgements, garnishment, execution on personal property and real estate, replevin and attachment. Trying to collect on a judgment without ever consulting *Kentucky Collections* is risky business.

This book is part of Thomson's Handbook series; each title is one paperback book that is issued with updates annually. Fragile lawyers know that Kentucky law doesn't change that much and they don't need to buy new ones every single year. The *Kentucky Collections* title is one of the books in the series that a young lawyer can build a practice area around. Another is Joseph B. Suhre and Wilbur M. Zeveley's *Kentucky Driving Under the Influence Law*.

**9. Leslie W. Abramson, *Substantive Criminal Law* (Thomson Reuters)**

**8. David J. Leibson, *Tort Law* (Thomson Reuters)**

Both of these titles are written by former professors of the UofL Brandeis School of

Law, and the topics correspond to courses UofL students may have taken. In David Leibson's Torts class, students learned that concept of reasonableness is best understood by asking "What would your mother say?" but his description of the reasonable person standard in his book is a little more conventional.

Both books are part of Thomson Reuters' Kentucky Practice service, a group of numbered hardback maroon books that, together, look like a legal encyclopedia but are not. Also, in the series is ...

**7. Louise E. Graham and James E. Keller, *Domestic Relations Law* (Thomson Reuters)**

This treatise was drafted by Louise E. Graham, an emeritus professor of the topic at the University of Kentucky College of Law who was beloved by generations of law students who knew her as "Weezy," and the late Kentucky Supreme Court Judge James E. Keller. While neither of the original authors may be editing the annual pocket parts, the foundational material is eminently citable in family court.

*(Continued on next page)*

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### 6. Dorislee Gilbert, *Trial Handbook for Kentucky Lawyers* (Thomson Reuters)

This annual handbook is “designed to be kept at your fingertips in the heat of a trial,” and is regularly recommended by Kentucky criminal trial lawyers. Hardcore litigators might be seen toting it into court, perhaps along with Richard H. Underwood (of UK Law and KBA ethics committee fame) and University of Cincinnati Professor Emeritus of Law Glen Weissenberger’s *Kentucky Evidence Courtroom Manual* (LexisNexis).

### 5. *Criminal Law of Kentucky* (“The Green Book”) (Thomson Reuters)

If you practice criminal law, and own only one law book, this is that book. Widely known as the “Green Book”—even during those few years that the publisher inexplicably experimented with blue and grey covers—the annually released work (now in two volumes) is a compilation of the annotated version of all criminal laws throughout the KRS, the rules of criminal procedure and evidence, and two valuable appendices by

University of Kentucky law professor Allison Connelly. One is a detailed outline of the elements of all crimes and the requirements for indictments; the other is a chronological guide to the sequence of criminal procedures from police investigation through criminal appeal.

### 4. Ronald W. Eades, *Kentucky Law of Damages* (Thomson Reuters)

Retired since 2008, former UofL law professor Ron Eades still updates his prolific output of Kentucky treatises, all of which are worth owning, but the *Law of Damages* has the most universal appeal as every civil case must state the remedies the plaintiff seeks, whether it be monetary compensation or equitable relief. (His *Kentucky Wrongful Death Actions* (Thomson Reuters) is a close second.)

### 3. *Kentucky Rules of Court: State* (Thomson Reuters)

A dog-eared copy of the Kentucky rules of court is an essential accessory for the seasoned litigator. The Thomson Reuters version is a popular selection, although lawyers with a printed edition of the KRS

might prefer the rules volumes that come with the set. Colored tabs or Post-its are a sign you know exactly what is in CR 43 and KRE 802 and are ready to pounce on your unwary prey!

### 2. Donald P. Cetrulo and John S. Palmore, *Kentucky Instructions to Juries: Civil* and William S. Cooper and Donald P. Cetrulo, *Kentucky Instructions to Juries: Criminal* (LexisNexis)

While many states have official pattern jury instructions, Kentucky has a venerable privately compiled work that derives from real instructions collected originally by Osso W. Stanley in the 1940s, but made famous by the edition edited by the Kentucky Supreme Court Justice John S. Palmore. “Palmore’s Jury Instructions” is still carried into chambers as written instructions are hammered out.

### 1. Robert G. Lawson, *The Kentucky Evidence Law Handbook* (LexisNexis)

Cited in 1,462 Kentucky state and federal cases, Bob Lawson’s Kentucky evidence

treatise is by far the most influential law book in state history. A longtime UK law professor of evidence and criminal law, Lawson chaired the group that revised the state penal code in the 1970s. In 1974 he first published his evidence handbook, which made him an excellent person to help revise the Kentucky Rules of Evidence (KRE) in the 1990s. Now retired, this treatise carries the weight of Lawson’s more than 50 years of knowledge.

*Kurt X. Metzmeier is the interim director of the law library and professor of legal bibliography at the University of Louisville Brandeis School of Law, but he does not purport to represent the university or the law school. He is the author of *Writing the Legal Record: Law Reporters in Nineteenth Century Kentucky* and coauthor of *Legal Research in a Nutshell*, 15th ed. ■*



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# Supreme Court Further Limits Recess Testimony Communication with Counsel

Jennifer Henry Jackson and Jordan Butler

The Supreme Court recently attempted to strike a balance between a criminal defendant's Sixth Amendment right to counsel and the judiciary's interest in preventing witness coaching during trial. In a unanimous decision, the Court held in *Villarreal v. Texas*, 607 U.S. \_\_\_\_ (2026), that trial judges may prohibit criminal defendants from discussing their ongoing testimony with counsel during an overnight recess without violating their constitutional rights.

The case arose from the prosecution of David Villarreal, who was accused of fatally stabbing his boyfriend. Villarreal chose to testify at his murder trial, but his testimony was interrupted by a 24 hour overnight recess. The trial judge instructed defense counsel not to "manage his testimony." Villarreal resumed the stand the next day and was eventually convicted. He was sentenced to 60 years in prison. The instruction became the focal point of his appeal, ultimately carrying his case all the way to the United States Supreme Court.

On appeal, Villarreal's attorneys argued that there is no way to bar discussion of trial testimony during overnight recesses without significantly infringing on the Sixth Amendment right to counsel. Defense counsel emphasized that restrictions on recess testimony consultation can prevent other critical legal discussions, including those involving plea negotiations, potential perjury issues or logistical matters like obtaining expert witness information. The Supreme Court disagreed. Instead, it held that the trial court's "qualified" conferral order permissibly balanced the right to counsel against the burden of offering unaltered trial testimony.

Justice Ketanji Brown Jackson, writing for the majority, explained that "A criminal defendant has many unassailable rights during his trial, including the right not to testify and the right to access his lawyer. But if and when a defendant takes the stand in his own defense, his status shifts. He does not shed his rights as a criminal defendant. But he does assume some of the burdens of a testifying witness." In line with that view, she expanded, "[f]or the duration of the defendant's time on the stand, consultation about the testimony itself – rather than incidental discussion of testimony in service of protected topics – sheds its constitutional protection."

The opinion situates *Villarreal* within the framework of two prior decisions addressing whether (and to what extent) judges may restrict attorney client contact mid-testimony. The Court first discussed *Geders v. United States*, 425 U.S. 80 (1976), in which the Court struck down an absolute conferral ban instructing the testifying defendant not to discuss the case overnight with anyone. The Court then discussed *Perry v. Leeke*, 488

U.S. 272 (1989), in which it upheld a conferral restriction during a 15-minute routine recess during the trial day, concluding that testimony related discussions during short breaks may be barred because the defendant is still effectively on the stand.

Although the Court previously acknowledged in *Perry* that the factual line between these cases is "thin," it rejected Villarreal's argument that drawing a temporal line, by allowing more discussion during a longer break and less during a shorter break, makes no sense. In contrast, the Court rooted the distinction in content, reasoning that what matters is not the length of the recess, but whether the discussion concerns "the testimony itself" rather than "incidental discussion of testimony in service of protected topics." The opinion clarifies that a court "cannot prohibit a lawyer from asking his client about a new potential witness or a piece of evidence mentioned for the first time during the defendant's testimony,"

or from "asking his lawyer about compliance with the court's evidentiary rulings." But it may prohibit "discussion of testimony for its own sake," because it "threatens to shape the defendant's testimony and undermine the trial's search for the truth."

Among the concurring justices were Justices Clarence Thomas and Neil Gorsuch, who agreed with the outcome but critiqued the majority's reasoning, arguing that it "opines on hypothetical situations not before the court and needlessly expands our precedents." In their view, in applying *Geders* and *Perry* as-is, the trial court's order was constitutional because it allowed discussions unrelated to the testimony. "Under *Geders* and *Perry*, the trial judge's order was constitutional because Villarreal could discuss matters other than his testimony," Justice Thomas wrote. Thus, in the opinion of the concurring justices, the Supreme Court's analysis should have ended there. Justice Thomas' critique of the majority's opinion was its clarification that defendants and attorneys can discuss testimony if it is "incidental to other topics" such as plea advice or strategy. "The trial judge's order here complied with our precedents," Justice Thomas wrote. "The trial judge instructed defense counsel not to 'discuss what you couldn't discuss with [Villarreal] if he was on the stand in front of the jury,' and explained that 'you couldn't confer with him while he

was on the stand about his testimony.'"

Justice Alito also authored a concurring opinion in an effort to provide additional context for the majority's opinion. In doing so, he discussed the baseline situation in which a defendant completes his testimony without any break in the proceedings, pointing out that during such a situation, the jury hears the defendant's testimony from his own mouth, "not a version of that story scripted or choreographed by counsel." Justice Alito noted that the defense cannot show the jury a video statement being read by the defendant, pass him notes during his testimony or speak with him via an earpiece. As a result, he explained, "A break in the proceeding – either a short break during the trial day or an overnight recess – should not fundamentally alter the rule that the defendant must testify without coaching by counsel."

At oral arguments on October 6, 2025, Andrew Warthen, counsel for the Bexar County Criminal District Attorney's Office, argued for a rule barring defense counsel from coaching or managing the substance of testimony during breaks, while preserving testimony-related discussions, such as counseling a defendant to make eye contact or speak more clearly. The United States solicitor general's office received time for oral argument as well as an amicus to the state of Texas, but took a more aggressive stance, arguing that testimony should not be discussed at all. Villarreal's attorney, Stuart Banner, on the other hand, argued that trying to create a line allowing some discussion lightly touching on testimony while prohibiting other discussion

that relates to testimony more directly is not only impossible, but would abridge Sixth Amendment rights. Banner argued, "Responsible defense lawyers, worried about being held in contempt for crossing this invisible line, will be chilled from offering the assistance that the defendant needs and that the Sixth Amendment guarantees." He noted that trying to distinguish between direct and incidental discussions of testimony is "not a line, it's a Rorschach blot."

In reality, the Court's effort to draw a content-based distinction may invite uncertainty in practice. As Villarreal's counsel argued, trying to navigate an unclear situation in which defense counsel may engage in some testimony-related discussion with the defendant while cutting off other discussion that touches on testimony more directly places defense counsel on uncertain ethical footing as they attempt to provide the assistance guaranteed by the Sixth Amendment without running afoul of the Supreme Court's invisible line. Moreover, as a practical matter, it is difficult to foresee how or whether this invisible line will be enforced.


Jennifer Henry Jackson is a member at Stites & Harbison, PLLC handling a wide variety of litigation matters, including state and federal criminal cases. Jennifer routinely represents health care providers in complex fraud investigations involving the Department of Justice, Federal Bureau of Investigation and Drug Enforcement Agency, as well as state investigative agencies.



Jordan Butler joined Stites & Harbison, PLLC in the fall of 2025 after graduating from the University of Louisville Brandeis School of Law. She is a member of the firm's Torts and Insurance and White Collar Criminal Defense practice groups. Jordan is an active member of the Louisville Legal Aid Society's Volunteer Eviction Defense program. ■



“  
[The Court] reasoned that what matters is not the length of the recess, but whether the discussion concerns “the testimony itself.”




Judge Hugh Smith Haynie (ret.)

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# Contract or Tort: Applying Kentucky's Economic Loss Rule in Commercial and Consumer Contexts

Grayson Buttler and Sarah Hall

The economic loss rule can often be a bit of a headscratcher but in general aims to serve as a dividing line between when a party can recover under a tort theory of liability and when a party must rely on a contractual theory. As a refresher, an economic loss is financial damage that is unaccompanied by physical injury or damage to property, such as lost profits or a decrease in value. Kentucky's approach to the economic loss rule has been far from clear, but it is worth exploring the situations in which it applies, doesn't apply and might apply.

## Adoption of the Economic Loss Rule: Giddings

Kentucky formally adopted the economic loss rule nearly 15 years ago in *Giddings & Lewis, Inc. v. Indus. Risk Insurers*, 348 S.W.3d 729 (Ky. 2011). In *Giddings*, the Kentucky Supreme Court explained that it was adopting the economic loss rule as articulated by the United States Supreme Court decades earlier in *East River Steamship Corp. v. Transamerica Delaval, Inc.*, 476 U.S. 858 (1986). Specifically, the Court held that “a manufacturer in a commercial relationship has no duty under either a negligence or strict products-liability theory to prevent a product from injuring itself.” 348 S.W.3d at 738. *Giddings* was focused on defective products and the corresponding consequences to purchasers, and its holding was largely limited to that context. Notably, the rule does not apply to injury to people or other property caused by those defects.

Some jurisdictions recognize an exception to the economic loss rule, which applies if the event that damages a product is sufficiently destructive. This exception, referred to as the calamitous events exception, is largely focused on the potential damage or danger that could have occurred but for good fortune. See *Capitol Fuels, Inc. v. Clark Equipment Co.*, 382 S.E.2d 311 (W.Va. 1989). Kentucky does not recognize any such exception. In reaching its decision, the *Giddings* Court overruled *Real Est. Mktg., Inc. v. Franz*, 885 S.W.2d 921 (Ky. 1994) to the extent that Franz “can be read to suggest that a commercial purchaser can recover economic losses under a strict liability theory if a destructive event damages the product itself.” 348 S.W.3d at 741.

Not stopping there, *Giddings* further made clear that, in Kentucky, the economic loss rule applies to negligent misrepresentation claims which find their origins in the parties' contract, reasoning that “[t]he product and any information about its character, nature or performance are properly the subject of the parties' contract,” and not independent tort liability. *Id.* at 745.

## Independent Duties and Tort Recovery

*Giddings*' bar on recovery for negligent

representation based on contractual duties via application of the economic loss rule remains good law. Yet, it is important to note the nuanced treatment recent cases have given negligent misrepresentation claims in contexts that may seem to invoke the economic loss rule. In *Superior Steel, Inc. v. Ascent at Roebing's Bridge, LLC*, the Court explained that “[a] breach of a duty arising independently of any contract duties between the parties, however, may support a tort action.” 540 S.W.3d 770, 792 (Ky. 2017) (quoting *Presnell Const. Managers, Inc. v. EH Const., LLC*, 134 S.W.3d 575 (Ky. 2004) (Keller, J., concurring)). Looking to the plaintiff's claims, the Court found it difficult to “differentiate [plaintiff's] ‘Breach of Contract’ claim from its ‘Negligent Performance of Contract’ claim” where the specific examples of breach under the negligence claim closely matched the breach of contract allegations. See also *Nami Res. Co., L.L.C. v. Asher Land & Min., Ltd.*, 554 S.W.3d 323 (Ky. 2018) (vacating punitive damages award where “fraudulent” underpayment of royalties was in actuality just a breach of contract claim).

Though oftentimes litigants will simply plead claims in the alternative, if a party is thirsting for those sweet, sweet punitive damages and wants to pursue a negligence claim fully, these cases suggest two things to consider: first, whether there may be an independent source of duty outside the parties' contractual relationship that would provide grounds for a negligence claim; and second, if a party does plead claims in the alternative, they should be careful not to make the contractual claims and negligence claims sound too similar, lest they risk an outcome similar to *Superior Steel*.

## Economic Loss in Construction Contracts

Kentucky courts have been inconsistent in their extension of the economic loss rule to other contexts. In *Cincinnati Ins. Companies v. Staggs & Fisher Consulting Eng'rs, Inc.*, No. 2008-CA-002395-MR, 2013 WL 1003543 (Ky. Ct. App. Mar. 15, 2013) (unpublished) the Kentucky Court of Appeals explained that the rule “has spread into the realm of construction litigation” and applied it to bar recovery against contractors for the negligent installation of a faulty transformer. And, similar to *Giddings*, the court rejected the calamitous events exception in this

new context. Only a few years later, however, another unpublished opinion of the Kentucky Court of Appeals, *D.W. Wilburn, Inc. v. K. Norman Berry Assocs., Architects, PLLC*, No. 2015-CA-001254-MR, 2016 WL 7405774 (Ky. Ct. App. Dec. 22, 2016) (unpublished) appeared highly critical of the *Staggs & Fisher* decision—even noting its lack of precedential value—though it did not have cause to directly conclude that the economic loss rule does not apply to construction contracts.

*The economic loss rule draws a critical—if often blurry—line between contract and tort, leaving litigants to navigate where one ends and the other begins.*

## Recent Developments

*Giddings* does not seem to have been the last word for the economic loss rule in Kentucky, at least for now. In *Rehkamp v. Drees Co.*, 715 S.W.3d 551 (Ky. Ct. App. 2025) the Kentucky Court of Appeals seemed to breathe new life into *Franz*, resurrecting it—at least in part—while still providing plaintiffs a new (old) way around the economic loss rule in

consumer transactions. The *Rehkamp* decision explained that *Giddings* had cabined itself to the commercial transactions context in its adoption of the economic loss rule. To answer the case before it, the *Rehkamp* court dug up *Franz* and applied the economic loss rule to consumer transactions. Importantly, this revivification of *Franz* seemingly brought with it *Franz*'s apparent carveout to the economic loss rule—the calamitous event exception. Unfortunately for the *Rehkamps*, the plumbing issues and sewage backups they experienced did not rise to the level of a calamitous event and they were barred from recovering plumbing costs expended to repair their home.

An open question is how calamitous a calamity must be before this exception is applicable. While fact intensive, the obvious instances where the calamitous event exception would likely apply are those destructive events that would otherwise have caused serious harm—fires, explosions and bears (oh my). For not-quite-so-destructive events, it may be worth invoking the exception, but is certainly not worth hanging one's hat on it.

There is the distinct possibility that *Rehkamp*'s resurrection of the calamitous events exception to the economic loss rule will swiftly be put to the torch, as *Giddings*' logic rejecting the calamitous events exception for commercial transactions appears equally applicable to consumer transactions. Indeed, the majority approach to

the economic loss rule generally is to apply it in both the commercial and consumer contexts. However, the Sixth Circuit, in predicting Kentucky's approach to the economic loss rule in consumer transactions, provided several reasons why the Kentucky Supreme Court may decide otherwise (contrary to *Rehkamp*) and not even extend the rule to the consumer context at all: first, Kentucky has drawn the dividing line between tort and contract law differently in commercial and consumer contexts; second, consumers are less able to allocate the risk via contract; third, the producer is better situated to insure against loss; and fourth, various and sundry tea leaves in the *Giddings* decision imply otherwise. *State Farm Mut. Auto. Ins. Co. v. Norcold, Inc.*, 849 F.3d 328, 332-35 (6th Cir. 2017).

In the meantime, plaintiffs and defendants should be on the lookout for ways to apply or circumvent the economic loss rule, be that in the commercial, consumer or construction context. For commercial products, that means no economic loss recovery in tort, no exceptions, no way, no how. For consumer products, that means likely no economic loss recovery in tort, but maybe there is room to argue or suggest the calamitous event exception applies. For construction contracts, the application of the rule is even murkier, but there are grounds to assert it. And for any case, try to identify (or undermine) independent duties that would support negligence claims, just to be safe.

Grayson Buttler is an associate in FBT Gibbons' Products, Torts, and Insurance Practice Group where he does a little bit of everything. Grayson graduated from the University of Virginia School of Law and previously clerked for the Honorable Gregory F. Van Tatenhove (E.D. Ky.) When Grayson is at home, he is currently being subjected to CIA sleep deprivation torture techniques by his infant son.



Sarah Hall is an associate in the Product, Tort, and Insurance Litigation Practice Group at FBT Gibbons, where her experience includes defending bad faith cases for major insurance carriers and reviewing insurance coverage matters. Sarah graduated summa cum laude from the University of Louisville Brandeis School of Law upon completion of the 3+3 Accelerated Law Program. Outside of the office, Sarah enjoys cheering on the Louisville Cardinals with her husband (also a UofL graduate) and spending time outside with her dog, Weller.



Grayson and Sarah are chair and vice-chair of the LBA Tort & Insurance Practice Section. ■

## MESA ONE-HOUR ETHICS WEBINARS

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\$125 NON-MEMBER  
CREDITS: 1.0 CLE ETHICS HOUR —  
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### There Is No 'U' In Lawyer: Avoiding Personal Conflicts of Interest

Wednesday, April 8

In the world of legal ethics, the most dangerous person in the room is often the one staring back at you in the mirror. While we spend a lot of time worrying about representing rival corporations, the most common (and most absurd) disciplinary disasters happen when a lawyer's own personal interests—whether they be financial, ego-driven or just plain weird—get in the way of their duty to the client.

In this fast-paced and witty one-hour session, legal humorist Sean Carter uses humorous case studies to emphasize the requirements of Rule 1.7(a) (2) and specific prohibitions of Rule 1.8. In doing so, he will demonstrate how the Model Rules of Professional Conduct are designed to keep the "U" out of "Lawyer."

### Trouble Is Brewing: The Steep Price of Spilling Client Tea

Wednesday, April 15

In an era of viral storytelling and professional oversharing, the line between harmless anecdotes and career-ending ethics violations has never been thinner. Join us for an immersive, high-stakes exploration of breaching confidentiality and the modern traps that catch even the most cautious practitioners.

### Lies, Damn Lies & Legal Marketing: The Ethics of Legal Marketing

Wednesday, April 22

What is effective advertising in other fields is rarely acceptable in the field of law. In this entertaining ethics course, Sean Carter examines in detail the ethical rules concerning marketing and their practical implications. The program also covers common advertising strategies employed by attorneys, and the pitfalls many attorneys will encounter.

*Please note that this is a partnered CLE program. Register through MESA CLE, and attendees must follow MESA CLE's cancellation policy.*

## INAUGURAL PRIVACY AND EMERGING TECHNOLOGIES SUMMIT CO-HOSTED BY THE LBA AI/IP/PRIVACY LAW SECTION AND THE UOFL TECH LAW SOCIETY

### Navigating the Intersection of Privacy, Data Protection and Intellectual Property: Legal and Practical Insights for 2026

Friday, April 24

This inaugural program brings together leaders in privacy, data protection, AI and intellectual property to address key legal and operational challenges ahead. It offers practical guidance on evolving privacy regulations, AI governance and the intersection of consumer privacy, technology and brand protection.

Keynote speakers Matthew C. Cocanougher (Kentucky Attorney General's Office) and Douglas S. Swetnam (Indiana Attorney General's Office) will discuss enforcement of state consumer data protection laws and related compliance expectations.

Sessions will also feature Julia R. McGuffey (Papa John's International), Jonathan Sullivan (Texas Roadhouse), Nicholas Godlove (Yum! Brands) and Kyle W. Miller (Dentons Bingham Greenebaum), covering topics such as IP in marketing, privacy law implementation and organizational compliance challenges. A University of Louisville showcase will highlight emerging issues at the intersection of privacy, AI and IP.

Attendees will gain practical insights for compliance planning, client advising and risk management.

Speakers: **Nicholas Godlove**, Yum! Brands, Inc.; **Julia R. McGuffey**, Papa John's International, Inc.; **Kyle W. Miller**, Dentons Bingham Greenebaum LLP; **Jonathan Sullivan**, Texas Roadhouse, Inc. and speakers from University of Louisville, to be announced.

Keynote speakers: **Matthew C. Cocanougher**, Assistant Attorney General, Office of Consumer Protection, Kentucky Attorney General's Office; and **Douglas S. Swetnam**, Section Chief of the Data Privacy and Identity Theft Unit in the Office of the Indiana Attorney General.

Time: 9 a.m. – 4:15 p.m.  
Place: Bar Center, 600 W. Main St., Ste. 110  
Price: \$225 LBA Member | \$202.50 Sustaining Member | \$25 Paralegal Member |  
\$15 for qualifying YLS Section Member | \$25 Solo/Small Practice Section Member |  
\$112.50 Government or Non-Profit Member | \$300 Non-member  
Credits: 6.0 CLE Hours — *Approved. IAPP CPE Hours: 5 (eligible)*

*The LBA gratefully acknowledges the generous support of program sponsors Dentons and the KBA Intellectual Property Law Section.*

*Cancellations: Must be received by LBA at least 24 hours in advance for a refund (minus \$10 processing fee). Substitutes allowed (except special events). Technology issues: User error does not qualify for a refund for LIVE webinars. Recordings are NOT included with registration. Separate fees apply for accessing past recordings through the LBA On-Demand Catalog. Please note: Live and on-demand CLE programs have different KBA accreditation requirements.*

CLE CONTINUED ON NEXT PAGE



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## LBA TWO-HOUR

### What is a Reverse Mortgage and How Does it Compare with Other Mortgage Loans?

Tuesday, May 12

Reverse mortgages come up more often than many attorneys expect. Clients nearing or in retirement frequently have significant equity in their homes but limited cash flow. Understanding how reverse mortgages work—and how they differ from traditional mortgage products—can help attorneys better advise clients who are navigating housing, retirement and estate planning decisions.

This program takes a closer look at FHA Home Equity Conversion Mortgages (HECMs) used in Kentucky and Indiana. The speakers will walk through how these loans operate, how they compare to traditional mortgages and home equity products, and where attorneys may encounter them in practice.

Discussion will include common situations facing older homeowners such as carrying mortgage debt into retirement, maintaining a home on a fixed income, planning to age in place or accessing equity to address life changes like divorce, healthcare needs or relocation.

Topics include:

- How FHA reverse mortgages work and who qualifies
- Differences between reverse mortgages, traditional mortgages and home equity loans
- HUD counseling requirements and borrower protections
- Legal issues attorneys should consider when working with older clients
- Title, trust and property issues that may arise in reverse mortgage transactions
- Loan maturity events and how heirs resolve the loan after the borrower's death

Attorneys in estate planning, elder law, real estate, family law, bankruptcy and probate will find this session especially useful as reverse mortgages continue to appear in client planning conversations.

Speakers: **Jennifer Fields**, Borders & Borders and **Julia Atherton Railey**, NMLS 645994, Longbridge Financial, LLC

Time: 11 a.m. - 1 p.m.

Place: Zoom

Price: \$90 LBA Member | \$81 Sustaining Member | \$15 Paralegal Member | \$15 for qualifying YLS Section Member | \$25 Solo/Small Practice Section Member, Government or Non-Profit Member | \$180 Non-member

Credits: 2.0 (Including 0.25 Ethics) CLE Hours — Pending

## LBA ONE-HOUR

### My Ex Hacked Me! Stalking in Family Law Cases

Thursday, May 28

Nearly every family law attorney has received a call from a client claiming their ex has hacked their phone. This program explores the reality of hacking/stalking cases. You'll learn how stalking is mostly not from the hacking of a device, but from shared accounts or devices. We'll explore often overlooked areas of stalking, and how you can work with your client to shut it down. Finally, you'll learn the most cost-effective ways of utilizing an expert witness to prove stalking has occurred.

Speaker: **Patrick Siewert**, ArcherHall

Time: Noon - 1 p.m.

Place: Zoom

Price: \$45 LBA Member | \$40.50 Sustaining Member | \$15 Paralegal Member | \$15 for qualifying YLS Section Member | \$25 Solo/Small Practice Section Member, Government or Non-Profit Member | \$90 Non-member

Credits: 1.0 CLE Hours — Pending

## SAVE THE DATE!

### LBA Probate & Estate Law Section co-hosted with the Kentucky Society of CPAs Annual Estate Planning Conference

Wednesday, June 10

The LBA Probate & Estate Planning Section and the Kentucky Society of CPAs are co-hosting their annual full-day conference for attorneys and CPAs who advise clients on estate planning, wealth management, tax strategy and generational planning.

Hear from leading practitioners on legislative and regulatory updates, emerging trends and best practices — content you can put to work immediately. Whether you attend in person or virtually, you'll leave with practical takeaways and connections with fellow professionals across Kentucky.

Speaker and session details are forthcoming.

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Questions or sponsorship opportunities? Contact Lisa Murray at [lmurray@loubar.org](mailto:lmurray@loubar.org).

Time: 8 a.m. - 5 p.m. (EST)

Place: KY Society of CPAs office (hybrid — in-person or virtual)



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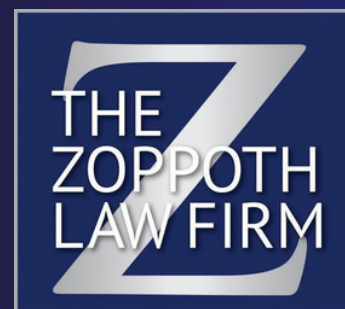


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# What's In a Name?

## Dedication of the Benjamin F. Shobe Courtroom

Judge A.C. McKay Chauvin (Ret.)



You know you're a lawyer of a certain age (which is a nicer way of saying "crazy old") *not* when what's left of your hair has turned white or when you start making that weird "UMPH" sound every time you bend over to pick up your briefcase or get up out of your chair – but when you look around the courthouse and all of the portraits hanging on the walls and all of the rooms they're hanging in are named after people you knew. I didn't know Justice Brandeis, for whom the Hall of Justice is named and who passed away in 1941. But I absolutely knew Frank and Bobby Haddad (neither of whom I would ever have considered as addressing as any-

thing but "Mr. Haddad") for whom the LBA Sanctuary for Solicitors room is named), and I am among the last generation of lawyers who had the great good fortune to know and to practice before Judge Benjamin F. Shobe.

Someone far more profound than I once said that no one is really gone until the last time someone says his or her name out loud. When you name something after somebody, it's because you want to extend their life and their legacy as long as possible. But, as time goes by and people pass on, the greater the danger, if not the likelihood, that that person and their legacy will be forgotten. Gene Snyder gets remembered as a freeway. Arnold

Palmer gets remembered as a refreshing beverage that's half iced tea and half lemonade. So, it is my responsibility and distinct honor to spend a few minutes reminding everyone – those of us who knew him and especially those who did not – why we have chosen to name this beautifully appointed courtroom in honor of and out of respect and affection for Judge Shobe.

Every courtroom has its own personality ... A tone or a mood that is set by and a reflection and extension of the presiding judge. Judge Shobe's courtroom was no exception. The tone, mood, personality of his courtroom was one of calm, courtesy, kindness and respect. It was that way because he was that way. He was kind. He was courteous, and he was both respected and respectful of others. Anyone and everyone who appeared before him was treated with courtesy, kindness and respect. Everyone felt seen and heard, and, whether consciously or unconsciously, felt compelled to follow his example and treat everyone else with courtesy, kindness and respect.

There is an oft' told story about Judge Shobe where a jury had sentenced a fellow to 75 years in prison. At the final sentencing hearing, the defendant stood up and said: "Your honor, I'm 52 years old – I can't do 75 years in prison." To which Judge Shobe calmly replied, "That's alright ... Just do as many as you can." But the most telling part of that story is what the defendant said in response, which was, "Yes sir. Thank you."

I don't know if that story is true or not, but I *do* know that almost without exception, when a defendant left the courtroom –

whenever *anybody* left the courtroom no matter which door they left the courtroom, through – he or she invariably said "thank you" to Judge Shobe. Which is remarkable in and of itself, but even more so when you consider that in an adversarial system, at least half of those people left without getting what they wanted. What they *all* got was a judge who recognized that what was happening in that courtroom was important to the people to whom it was happening. That it was *their* day in court, not the judge's, and that it was always about them and not about him.

The justice system is neither what it once was nor always what it could or should be. But as imperfect as it continues to be, it is still an example of Dr. Martin Luther King's remarkably optimistic observation that the arc of the moral universe is long, but bends towards justice. It does not necessarily follow, however, that we should be or have to be satisfied with the pace at which the aforementioned arc is bending – which is why Judge Shobe worked so boldly and tirelessly as a lawyer to bring about change. But his final legacy is his excellent example of how important it is for the people who work within the justice system – for *judges* – to be mindful of their responsibility to be among the biggest and best arc benders of them all.

Naming a courtroom after Judge Shobe reminds us all to be kind, courteous and respectful ... But it also reminds us of our obligation to be committed and courageous in our pursuit of justice.

*Hon. A.C. McKay Chauvin (Ret.) is the Jefferson County Chief Court Administrator. ■*

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Thank you to everyone who joined us for our Bench & Bar Social. It was a pleasure to see members connect, share ideas and build relationships that ultimately help to strengthen our organization.

Thank you to Justice Angela McCormick Bisig and Judge McKay Chauvin (Ret.) and the AOC for including us in the celebration of the newly dedicated Judge Benjamin Shobe Courtroom.

We are proud of the enduring partnership between the Louisville legal community and our local courts. Thank you to all who contributed to the success of this year's event; we look forward to many more opportunities to connect and grow together in 2026.

View our photo gallery here: [www.loubar.org/bench-and-bar-social-a-night-to-remember/](http://www.loubar.org/bench-and-bar-social-a-night-to-remember/)



*Congrats to this year's raffle winners!*

Grand Prize: Trip to New Orleans  
**BRIAN BENNETT**

2nd Prize: Savor the Food of Louisville!  
**MARIA FERNANDEZ**

3rd Prize: A Barrelful of Mash and Stash of Cash  
**JENNIFER BARBOUR**

# 2026 Bench & Bar Social



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## MEETING ANNOUNCEMENTS

### LBA Committee Meetings

Diversity and Inclusion Committee  
Wed., April 8 | 4 p.m. via Zoom

CLE Committee  
Thurs., April 9 | 1:30 p.m. via Zoom

Health and Wellness Committee  
Thurs., April 16 | Noon via Zoom

If you are interested in joining any of these committees, please contact Lisa Murray, [lmurray@loubar.org](mailto:lmurray@loubar.org). ■

### Association of Legal Administrators

The monthly chapter meeting of the Kentucky Association of Legal Administrators will be held in person on Thursday, April 9, beginning at 11:45 a.m. at FBT Gibbons LLP (400 W. Market St., Ste. 3200, Louisville, KY 40202.) Please RSVP by registering online at [www.ky-ala.org](http://www.ky-ala.org). Any questions, please contact the Kentucky ALA Board at [board@ky-ala.org](mailto:board@ky-ala.org). ■

## MEMBERS *on the move*



Breen

On February 21, **Richard Breen** received the prestigious Peace Award from Rev. Charles Elliott, Jr. The Peace Awards honor unsung heroes who strive to create a better city of Louisville. The Peace Awards came to fruition on Martin Luther King, Jr. Day, January 16, 2023, to honor the life and legacy of Rev. Elliott and Louisville's unsung heroes. Rev. Elliott is the pastor of King Solomon Baptist Church in Louisville, Kentucky, and he was inducted into the Kentucky Civil Rights Hall of Fame in 2012.



Farris

Junior Achievement of Kentuckiana recently appointed Stites & Harbison attorney **Marjorie A. Farris** to its Board of Directors. Junior Achievement's (JA's) mission is to inspire and prepare young people to succeed. Farris currently serves as Chair of Stites & Harbison. She is an experienced trial lawyer who has handled a wide variety of litigation including products liability, insurance bad faith, ERISA, complex business litigation and class actions. She has actively defended more than 75 class actions nationwide. Farris is based in the Louisville office and has served as the firm's chair since 2021.



Sheffer

The American Bar Association (ABA) Health Law Section has ranked **Stites & Harbison** in its 13th Annual Regional Top 10 Law Firm Recognition List.

The firm ranked 5th on the South Top 10 list for 2025. Stites & Harbison has been honored 12 consecutive times on the South list. The awards recognize the top 10 law firms with the largest number of lawyer members in the ABA Health Law Section as of August 31, 2025, nationally and in the Northeast, Southeast and D.C., South, Midwest and West regions. The Health Law Section is the voice of the national health law bar within the ABA. Its mission is to lead the national discussion on pertinent health law issues.

**John Sheffer** of Steptoe & Johnson has been selected as an Affiliate Attorney Member of American Legal Connections (ALC), a nationally recognized professional network connecting influential legal and claims professionals across the U.S. Sheffer is a respected litigator who handles cases nationwide involving product liability, toxic torts, premises liability, personal injury and wrongful death. He regularly defends hospitals, nursing homes, long-term care facilities, physicians, nurses and health care systems in high-stakes medical malpractice, nursing home negligence and related matters. This recognition highlights his reputation for excellence in his practice areas and reflects a career defined by professionalism, strategic insight and a commitment to advancing the legal community. ■

### What have you been up to lately?

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 [Kim Kasey, kkasey@loubar.org](mailto:Kim Kasey, kkasey@loubar.org).

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# KENTUCKY OPERA

Kentucky Opera presents *Scalia/Ginsburg*, a hilarious one-act operatic comedy by Derrick Wang, which explores the unlikely friendship between U.S. Supreme Court Justices Ruth Bader Ginsburg and Antonin Scalia. Their shared love of opera and humor sealed their bond as friends.

*One Act. Sung in English.*

The Kentucky Opera Center for Cultural Health  
708 Magazine St.  
Louisville, KY  
40203



**April 10 | 8:00pm**      **April 12 | 2:00pm**  
**April 16 | 7:30pm**      **April 17 | 7:30pm**

LBA members can get 10% off tickets using the code LBA26.  
Enter the code before you select tickets and it will be automatically applied.  
Visit: <https://kyopera.org/scalia-ginsburg/>

Have questions or need help applying the code?  
Contact Sarah Bushman, [sarah\\_bushman@kyopera.org](mailto:sarah_bushman@kyopera.org).

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# HEALTH & WELLNESS CORNER



## APRIL 2026 AWARENESS CALENDAR

- Stress Awareness Month
- Alcohol Awareness Month
- National Counseling Awareness Month
- National Minority Health Month
- April 2 - World Autism Day
- April 7 - World Health Day
- World Breathing Day
- National Therapy Animal Day



LOUISVILLE BAR ASSOCIATION

HEALTH & WELLNESS COMMITTEE

## WELLNESS QUICK TIPS: MANAGING STRESS AND YOUR RELATIONSHIP WITH ALCOHOL

April is the perfect time to check in — not just on your caseload, but on yourself. Attorneys experience stress, depression and problematic alcohol use at significantly higher rates than the general population. Small, intentional habits can make a real difference.

### On Stress:

- Name it to tame it. Simply labeling what you're feeling — overwhelmed, anxious, frustrated — activates the brain's rational center and helps dial down its intensity.
- Protect your recharge time. Identify one or two things that genuinely restore you and treat them like client appointments: scheduled and non-negotiable.
- Take micro-breaks seriously. Even five minutes away from your screen between tasks measurably reduces stress and sharpens focus.

### On Alcohol:

- Know your "why." Half of attorneys who drink report doing so to relax and relieve stress. If alcohol is your primary coping tool, it may be masking the problem rather than solving it.
- Get a free screening. National Alcohol Screening Day (first Thursday in April) offers quick, confidential online screenings at [alcoholscreening.org](http://alcoholscreening.org).
- Confidential support is available. The Kentucky Lawyer Assistance Program (KYLAP) offers free, confidential help for attorneys dealing with stress, mental health or substance use concerns. (502) 564-3795 | [kylap.org](http://kylap.org)

## Committee Leadership



Chair:  
Jennifer Ward Kleier,  
Karem & Kleier Law



Co-Chair:  
Elizabeth Mosler,  
The Zoppoth Firm

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