

BAR**briefs**

Louisville Bar Association

February 2026

Black History Month 2026

100

A CENTURY OF
**BLACK HISTORY
COMMEMORATIONS**

VOLUME 26, NO. 02

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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.



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Have Your Dues Expired?

It's fast and easy – turn to page 5 for a step-by-step tutorial on how to renew online.

- Guarantee uninterrupted access to exclusive LBA benefits without the hassle of remembering to renew each year. Sign up for auto-pay and you'll receive a \$5 gift card that can be applied to purchases made through the LBA website. Some exclusions may apply.
- When you renew, don't forget to become an LBA Sustaining Member and contribute to the Louisville Bar Foundation. Just click on the "Donations" tab in your profile and add these important contributions to your cart before checking out.

Sustaining Members receive:

- o One hour of free conference room rental in the Bar Center;
- o Additional 10% discount on CLEs (excludes cosponsored events);
- o Limited-time access to enhanced member profiles in our online directory;
- o Special recognition in LBA publications.

Louisville Bar Foundation donors support charitable law-related projects across our community. The LBF awarded more than \$135,000 in grants to local non-profits in 2025. Learn more at <https://www.loubar.org/grants/>.

Questions? Contact Marisa Motley, LBA Chief Outreach Officer, at mmotley@loubar.org.

Breaking Barriers at the Bar

Honoring Kentucky's Black Legal Pioneers

February is Black History Month, making this a perfect time to reflect on the Black lawyers and judges whose courage, talent and perseverance helped shape Kentucky's legal community.

The first Black person admitted to the Kentucky Bar was **Nathaniel R. Harper**. Harper grew up in Indianapolis in the Civil War era and was informally educated by Dr. Willis Revels, whose brother, Hiram Revels, was the first Black United States senator (elected to the Senate from Mississippi in 1870). Harper moved to Louisville in 1871 and was admitted to the Bar shortly thereafter; according to a contemporary newspaper, his admission "created considerable of a sensation at the time." Harper's life and contributions are simply extraordinary—he was a member of the State Industrial Bureau and worked to encourage Black integration into Kentucky industry, he was the first Black judge in Kentucky, he founded a law school out of his Main Street office (which later became part of Central College), he founded a newspaper (the *Louisville Weekly Planet*), founded a traveling dramatic company (Tallaboo Dramatic Company) and helped found the St. James A.M.E. Church—where he also played organ.

Alberta Odell Jones broke barriers as one of the first Black women to pass the Kentucky Bar Exam and the first woman appointed to the Louisville City Attorney's Office. At a time when the profession offered few opportunities to women and even fewer to women of color, she distinguished herself as a skilled lawyer and committed public servant. She was deeply engaged in civil rights work, including voter registration efforts in Louisville's Black neighborhoods, and she assisted a young Cassius Clay. Her life was tragically cut short in 1965, but her commitment to justice continues to resonate throughout our community.

That legacy is being increasingly and appropriately recognized. A park bearing Jones' name opened in Louisville's California neighborhood. Last year, a portrait of Jones was unveiled at the Kentucky Capitol to commemorate Women's History Month. And the **Finer Pearls Foundation**, working with Jefferson County Attorney **Mike O'Connell**, have successfully raised more than \$125,000 to commission a statue honoring Alberta Jones, to be placed in front of the Hall of Justice. O'Connell expects the statute to be installed and dedicated in late spring, 2026.

Justice William E. McAnulty Jr.'s life was a string of firsts. He was one of the first Black judges in Jefferson County and

the Commonwealth's first Black cabinet-level official; he was appointed by John Y. Brown as state justice secretary in 1980 but left the post after a month so he could spend more time with his family. Justice McAnulty went on to an exceptionally distinguished judicial career, serving as a District Court judge, Circuit Court Judge, Chief Judge of Jefferson Circuit Court, Court of Appeals Judge and Kentucky Supreme Court Justice.

Justice McAnulty was a long-time, prominent supporter of equal access to the law. In 1991, as chair of the Metro United Way, he advocated for funds to establish a program for those living with HIV/AIDS, leading to the formation of the HIV/AIDS Legal Project. Late in his tenure on the Kentucky Supreme Court, Justice McAnulty voted to increase funding to Legal Aid from the IOLTA fund. And shortly before his death in 2007, he spoke at the dedication of the Legal Aid Society of Louisville's then-new office.

The LBA, of course, gives an annual award in Justice McAnulty's honor. Past recipients include many eminent lawyers and judges who have worked to foster equity in Louisville. The 2026 McAnulty Award winner will be announced this month.

It is quite humbling to reflect on the lives of Alberta Jones, Justice McAnulty and Nathaniel Harper, and to consider what they accomplished in times of segregation, prejudice and unequal opportunity.

Looking forward, mark your calendar for the LBA's **35th Annual Skaggs Slyn Revell Domestic Relations Law Update**, featuring Lynch, Cox, Gilman & Goodman attorneys Emily T. Ceconi, Nathan R. Hardymon and Elizabeth M. Howell and John H. Helmers Jr., Helmers + Associates. That program will review key decisions issued by the Kentucky Supreme Court and Kentucky Court of Appeals during the 2025 calendar year, followed by a panel discussion offering practitioners a practical overview of recent developments in domestic relations law.



“

It is quite humbling to reflect on the lives of Alberta Jones, Justice McAnulty and Nathaniel Harper, and to consider what they accomplished in times of segregation, prejudice and unequal opportunity.

Samuel W. Wardle
LBA President

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Renewing Your Membership

Below is a brief guide for paying your 2026 LBA Membership Dues.

Questions?
Please call our office at (502) 583-5314 or email mmotley@loubar.org.

Your 2026 LBA renewal invoice was emailed to your email address we have on file on Wednesday, December 10.

⚠️ DIDN'T RECEIVE AN EMAIL?

1. We no longer mail paper statements, so please be sure to log in to your account if you didn't receive an email notice. We may not have your most up-to-date contact information.
2. Some firms have indicated that they prefer to pay all members' dues at one time. Those firms were excluded from the initial email and the LBA is working directly with the firm administrator.



Step 1

- Login to the LBA website at www.loubar.org to access your account.
- Under your "Membership" tab you will find this year's invoice by clicking "PAY NOW"

Step 2

- Choose invoice with Jan 01, 2026 date and click "PAY NOW"
- ★ Go Autopay! To simplify your yearly renewal be sure to enable "Automatic Payments." As a thank you for enabling autopay you will receive a \$5 gift card to be used on a future purchase for 2026.

Step 3

- Next, review before you add to cart.
- 🔔 Donations! Don't forget to add your donations to become a Sustaining Member and give to the LBF. Click on "DONATIONS" to add them to your cart. Donations are voluntary but help support your local legal community and include some additional benefits.
- Once you've added your dues, sections and voluntary contributions you may "Proceed to Checkout."

If you have any questions regarding the renewal process, please contact Marisa Motley at mmotley@loubar.org or call (502) 583-5314 ext. 124. We are excited to usher in another year with the best legal community!



*The Louisville Bar Association Leadership Academy:
Building ethical, professional and charitable leaders since 2006.*

2026 Leadership Academy Participants

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Erika M. Fisher, Gordon Rees Scully Mansukhani
Maci B. Followell, Dinsmore & Shohl
Gregory F. George, Tachau Meek
Michael Grant Grissom, Stoll Keenon Ogden
Brian P. Lee, Stites & Harbison
William T. Lloyd, Stites & Harbison
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William E. Nixon, Wicker/Brammell
Annale R. Taylor, Jefferson County Attorney's Office
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Thank you to LMICK for their support of the 2026 LBA Leadership Academy!

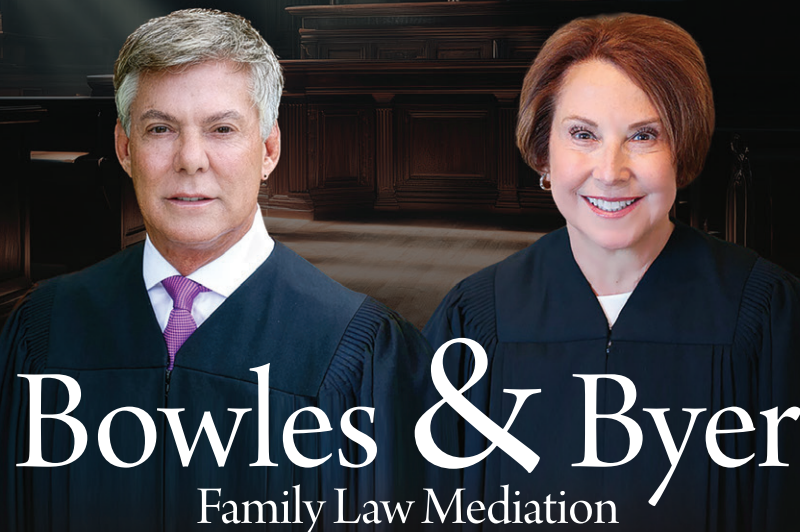
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BLACK HISTORY MONTH

"A CENTURY OF BLACK HISTORY COMMEMORATIONS"

February 2026 marks the 100th year of formally celebrating Black history in the United States. For members of the legal profession, Black History Month offers not only an opportunity to reflect on history, but also to consider the law's role in shaping—and responding to—the ongoing pursuit of justice, equity and civil rights.

What began as a weeklong observance has grown into a monthlong recognition that encourages deeper understanding of Black history, identity and the continuing struggle for equal protection under the law. Each year, the Association for the Study of African American Life and History (ASALH) selects a theme to guide Black History Month observances. In honor of this historic milestone, the 2026 theme is "A Century of Black History Commemorations."

"A Century of Black History Commemorations"

This theme marks 100 years since historian Carter G. Woodson established Black History Week in 1926. That effort eventually evolved into Black History Month, now observed nationwide. For the legal community, the theme invites reflection on how a century of recognizing Black history has intersected with the development of civil rights law, access to justice, and the profession's responsibility to uphold fairness and equality.

Black History and Culture in Louisville **A Historic Crossroads**

Louisville holds a unique place in African American history—and in the legal history of the Commonwealth. Positioned on the Ohio River, a symbolic boundary between North and South, Louisville was shaped by the legacies of enslavement, emancipation, segregation and migration. These forces influenced not only the city's neighborhoods and institutions, but also its courts, laws and civic life.

Black Louisvillians have long been central to the city's cultural, economic and political vitality. Despite enduring discriminatory laws, segregation and systemic barriers, they built strong communities, professional networks, churches, schools and advocacy organizations—often using the law itself as a tool for progress and protection.

In the Spring of 1961, a group of Black high school students "sat in" at the basement lunch counter of Stewart's Dry Goods, then Louisville's largest department store. They were protesting the store's refusal to serve them food. From there, the demonstrations spread to movie theaters, the Blue Boar cafeterias and Fontaine Ferry Park, a popular amusement park west of downtown. The demonstrations lasted until Summer and also included an economic boycott of downtown businesses, known by participants as the "Nothing New for Easter" campaign.

City police arrested the demonstrators, although most were minors. Eventually the juvenile court docket became so crowded that officials were forced to dismiss the charges. In an effort to resolve the problems, the mayor appointed a committee of civic and business leaders to try to negotiate a voluntary end to segregation in downtown Louisville. It was not until a new mayor and slate of alderman were elected in the fall of 1961, however, that real progress was made. In March 1962, an ordinance creating the Louisville Human Rights Commission was enacted; and finally in May 1963, a public accommodations ordinance was passed, the first such city law in the South.

Muhammad Ali: Louisville's Most Famous Son

No discussion of Black history in Louisville is complete without recognizing Muhammad Ali. Born Cassius Marcellus Clay Jr. in Louisville in 1942, Ali became one of the most iconic athletes—and activists—of the 20th century. Beyond his athletic achievements, Ali's refusal to be drafted during the Vietnam War placed him at the center of a defining legal and constitutional battle.

Ali's case ultimately reached the U.S. Supreme Court, underscoring the intersection of conscience, religious freedom and the rule of law. His legacy reminds legal professionals that the courts can serve as both instruments of injustice and powerful venues for protecting individual rights. Louisville honors his life and impact through the Muhammad Ali Center, which promotes dialogue around justice, respect and global citizenship.

Educational, Legal and Cultural Institutions

Louisville is home to institutions that preserve Black history while advancing education and opportunity—values closely aligned with the legal profession. Some of which include:

- The **Louisville Urban League** has worked for decades

to promote economic empowerment, education, workforce development and civil rights advocacy.

- The **Kentucky Center for African American Heritage** and **Roots 101 African American Museum** document and elevate local Black history, providing critical context for understanding present-day disparities and legal challenges.
- **Simmons College of Kentucky**, a historically Black college founded in Louisville, has educated generations of leaders committed to service, ethics and community advancement.

Together, these organizations—alongside libraries, schools, faith communities and cultural groups—extend learning beyond February, ensuring that Black history remains a living, shared community resource.

Arts, Culture and the Law

Louisville's Black community has long used art, music and storytelling as tools of expression and resistance. Jazz, blues, literature and visual art have documented lived experiences often excluded from official records.

For attorneys and judges, these cultural narratives offer valuable perspective, reminding us that behind every case file and statute are human stories shaped by history, identity and community.

Why Black History Month Matters to the Legal Profession

Black History Month is not merely a retrospective—it is a professional and ethical touchstone for those who work within the legal system:

- **Education and Equity:** Understanding Black history strengthens legal analysis by providing context for civil rights law, criminal justice reform, housing policy and educational equity.
- **Access to Justice:** Acknowledging historical barriers helps the profession confront ongoing disparities in representation, outcomes and trust in the legal system.
- **Professional Responsibility:** Lawyers play a critical role in safeguarding constitutional rights, challenging discrimination and ensuring the fair administration of justice.

In Louisville and across the nation, engaging with Black history encourages the legal community to reflect on its influence—and its obligations.

Conclusion

Black History Month underscores a fundamental truth: the history of African Americans is inseparable from the history of American law. From landmark Supreme Court cases and civil rights legislation to the daily work of local attorneys and judges, progress has been shaped by individuals willing to challenge injustice through legal means.

As Louisville observes this centennial year of commemoration, Black History Month offers an opportunity to recommit—to learning, to service and to the principles of justice and equality that define the profession. By honoring the past, we strengthen our capacity to serve the future. ■

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We are proud to recognize the law firms whose Leadership Cabinet support strengthens Legal Aid Society's ability to deliver justice to our community. Their partnership provides critical, flexible funding that allows us to meet urgent legal needs.

Vanguard Level (\$400 per attorney)

Vanguard firms provide our highest level of Leadership Cabinet support. Their leadership investment demonstrates an exceptional commitment to access to justice and helps ensure Legal Aid Society can respond to growing demand when it matters most.

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Kaplan Johnson Abate & Bird LLP
Law Office of Michele Henry PLC
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Tachau Meek PLC
The Craig Firm
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Traditional firms show a strong commitment to Legal Aid Society's mission through meaningful annual support that sustains essential legal services.

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Grossman Green PLLC
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35TH ANNUAL SKAGGS SLYN REVELL DOMESTIC RELATIONS UPDATE

Friday, February 6

Speakers will address decisions the Kentucky Supreme Court and the Kentucky Court of Appeals handed down during the 2025 calendar year. A panel discussion will follow the presentations, as time permits.

Speakers: Lynch, Cox, Gilman & Goodman attorneys **Emily T. Cecconi**, **Nathan R. Hardymon** and **Elizabeth M. Howell**

Time: 11 a.m. – 1 p.m. — Program
Place: Hybrid – Bar Center or Zoom
Price: \$90 LBA Member
 \$81 Sustaining Member
 \$15 Paralegal Member or qualifying YLS Member
 \$25 Solo/Small Practice Section Member
 \$45 Government or Non-Profit Member
 \$180 Non-member
 (Add \$18 for lunch)
Credits: 2.0 CLE Hours — *Pending with the KBA*

***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.*

INAUGURAL PRIVACY AND EMERGING TECHNOLOGIES SUMMIT CO-HOSTED BY THE LBA AI/IP/PRIVACY LAW SEC- TION 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 and intellectual property to explore the legal and operational challenges that will shape the year ahead. This seminar offers practical insight into the shifting regulatory landscape and the growing overlap between consumer privacy, technology and brand protection.

The seminar will feature Julia McGuffey, Senior Director and Global Marketing Counsel at Papa John's International, Inc., who will address current intellectual property issues in marketing and advertising. Jonathan Sullivan of Texas Roadhouse will discuss the real-world difficulties of implementing comprehensive consumer privacy laws across large organizations, including operational constraints and coordination challenges.

Additional sessions will be presented by Nicholas Godlove, Lead Global for Privacy, AI and Cybersecurity at Yum! Brands, Inc., Kyle Miller, partner at Dentons Bingham Greenebaum LLP and a showcase of topics from the University of Louisville Brandeis School of Law. Their specific topics are forthcoming and will be announced as the program approaches.

Attendees will gain practical knowledge that supports better compliance planning, stronger advising and a clearer understanding of the interconnected issues that define modern privacy and IP practice.

Speakers include **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 more, to be announced.

Time: 9 a.m. – 3:15 p.m. — Program
Place: Bar Center
Price: \$225 LBA Member | \$202.50 Sustaining Member | \$25 Paralegal Member | \$15 for qualifying YLS Member |
 \$25 Solo/Small Practice Section Member | \$112.50 Government or Non-Profit Member | \$300 Non-member
Credits: 5.0 CLE Hours — *Pending with KBA; IAPP CPE Hours: 5 (eligible)*



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INAUGURAL PRIVACY AND EMERGING TECHNOLOGIES SUMMIT

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

Friday, April 24 | 9:00 am - 3:15 pm

Register Now! WWW.LOUBAR.ORG



Location
600 W. Main St., Ste. 110, Louisville, KY 40202

February DEI Awareness Tips:

- Amplify Black voices all month: February is Black History Month — share stories, spotlight Black leaders and deepen your team's understanding of African American history.
- Recognize World Cancer Day (Feb. 4): Encourage awareness of health disparities and support access to care for all.
- Celebrate women in STEM (Feb. 11): International Day of Women and Girls in Science is a great opportunity to highlight gender equity in science and tech fields.
- Honor World Day of Social Justice (Feb. 20): Discuss fairness, equity and access within your organization and community.
- Be culturally mindful: Lunar New Year and other cultural observances this month offer chances to learn and show respect for diverse traditions.



**Black History Month
Program and Trailblazer
Award Presentation - TBA**

FEBRUARY 2026 AWARENESS CALENDAR

- Black History Month
- American Heart Month
- 2/11 - International Day of Women and Girls in Science
- 2/17 - Lunar New Year
- 2/20 - World Day of Social Justice



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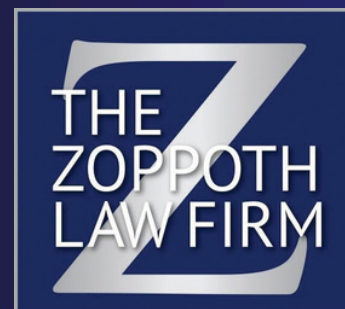
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Save the Date

LBA's Bench & Bar Social

March 5, 2026 · 5:30-8:00 PM · Location TBD

Join us for the LBA's signature event—enjoy great music, delicious food, refreshing beverages and the company of friends and colleagues. Details to follow.

Louisville Bar Foundation 2026 Raffle Grand Prize

NEW ORLEANS

THE *JOIE DE VIVRE* OF NEW ORLEANS AWAITS!

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- Tickets for two for a culinary tour of New Orleans – \$150

Package Value: \$2,500

2nd Prize: Savor the Food of Louisville!

The second-place prize winner will receive an assortment of gift cards for dining in Louisville, including a \$250 gift card for **Locals Food Hub & Pizza Pub** – a marketplace connecting the community with local food and offering wood-fired pizzas made with locally sourced ingredients. Package value: \$500

3rd Prize: A Barrelful of Mash and Stash of Cash

The third-place prize winner will receive our signature “barrelful of mash,” a tub containing a selection of Kentucky’s best bourbons and a pile of Kentucky scratch-off lotto tickets! Package Value: Priceless.

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To purchase raffle tickets, scan the QR Code or contact LBF Executive Director, Jeff Been, at (502) 292-6734 or jbeen@loubar.org. Tickets will also be available for purchase at the Bench & Bar Social on March 5, where prize winners will be announced. Limited number will be sold. Need not be present to win.



Unlawful Leases Plague Jefferson County, Kentucky

Rebekah Cotton

Shelter is one of humanities’ most basic needs for survival. In Jefferson County (the County) Kentucky, renters comprise 30-35% of the metro population. The County’s homelessness for 2025 is .23%. Although the practice of landlord/tenant law is a narrow pocket, it has enormous impact on the lives of the people who engage it, landlords and tenants alike.

When a landlord seeks to regain possession of the property he has rented, he comes to the Forcible Detainer Court, commonly known as Eviction Court, for authority to set the tenant out. See Kentucky Revised Statutes 383. Landlords may only represent themselves if the property is in their own private name. Otherwise, they are required to hire an attorney, or face allegations of the unauthorized practice of law. *Phillips v. M & M Corbin Properties, LLC*, 593 S.W.3d 525, 531–32 (Ky. Ct. App. 2020). In 2025, approximately 15,000 eviction cases were filed in the County. Eviction court has multiple dockets every day of the week. Participants attend via zoom or in person.

The majority of cases that come before the court are based on the tenant’s failure to pay rent. There are fewer cases where the landlord does not wish to continue the tenancy after the lease ends or where other lease violations, such as an alleged unauthorized animal or disturbing other residents .

A small bar of landlord/plaintiff attorneys mainly practice eviction filings and rent/debt collection. Many eviction matters are handled for a flat fee. With rare exceptions, the same firms typically represent the majority of landlords in eviction court. Attorneys who provide these services are entitled to collect a fee; the question discussed in this article is whether landlords lawfully can pass that fee on to tenants by enforcing an attorney’s fee clause in the lease. The short answer is no.

Most tenants in eviction court cannot afford an attorney. Legal Aid Society (LAS) represents tenants facing eviction as one of its priorities to ensure stable housing for those in poverty. www.yourlegalaid.org.

The number of attorneys in the Housing Unit varies based on funding. LAS receives federal funding, other grants and private donations. All clients of LAS must qualify based on income or qualify under a specific grant. Currently, there are four full-time attorneys in the unit. In addition, Legal Aid trains and supports 45+ pro bono attorneys who represent tenants with the Volunteer Eviction Defense Program. *Volunteer Eviction Defense Program Resources — Legal Aid Society*.

Even with full-time staff and pro bono help, most tenants in eviction court do not have an attorney. In 2025, LAS and its Volunteer Eviction Defense program volunteers represented 1,139 clients in eviction-related cases out of the total 15,000+ evictions filed (< 8%).

No eligible client is charged attorney fees at LAS. When LAS succeeds and a case is dismissed there is no one else to hold landlords accountable to remove the attorney fees and court costs imposed on the tenant’s ledger.

In the County, the Uniform Residential Landlord Tenant Act (URLTA) is the law governing the relationship between landlords and tenants. See KRS 383. That statute has been the law for half a century since its adoption in 1974.

URLTA governs the Forcible Detainer process and other aspects of the landlord/tenant relationship, including maintenance duties, notice requirements, access, handling of security deposits and lease agreement terms.

URLTA states:

383.570 Prohibited provisions. (1) A rental agreement may not provide that the

tenant: (a) Agrees to waive or forego rights or remedies under KRS 383.505 to 383.715; (b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; **(c) Agrees to pay the landlord’s attorney’s fees;** or (d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith. **(2) A provision prohibited by subsection (1) included in rental agreement is unenforceable.**

Despite the fact the law explicitly states a rental agreement may not provide that the tenant agrees to pay the landlord’s attorney fees, the majority of leases disregard this law and include the prohibited provision. Many of these leases are form leases.

Legal Aid has represented many clients where the form lease includes an attorney fees clause. LAS has documented over 50 form leases which include a prohibited attorney fees clause. The provision is rarely challenged because many tenants are not aware of their rights under URLTA, including when attorney fees may be requested or awarded by a court.

Many of the leases also violate URLTA in other ways including waivers of (1) legally required notice and service, (2) jury/bench trial rights, (3) access privacy rights and (4) legally required landlord maintenance responsibilities.

While an attorney certainly can charge a landlord a fee, a landlord cannot shift the fee and court costs to the tenant based on prohibited lease language.

The general rule concerning payment of attorney fees, is that each party is responsible for their own attorney fees absent a statute or enforceable contract. *Batson v. Clark*, 980 S.W. 2d 566 (Ky. App. 1998); “The American Rule.” For the history of this rule, including minor departures, see *Alaska Pipeline Serv. Co. v. Wilderness Soc’y*, 421 U.S. 240, 247-57 (1975).

Generally, the same is true of court costs unless there is a statutory fee-shifting mechanism and necessary documentation describing the costs are provided to the court *before* ordered for the prevailing party. See KRS 453.040 and CR 54.04.

Exceptions include instances where attorneys act in bad faith or disobey a direct order of the court. URLTA specifies particular instances when attorney fees are recoverable and the proof required to recover them.

In the County you will observe evidence is limited to the right to possession. Arguments are rarely made by landlords to justify payment of their attorney fees by tenants. In addition, the attorney’s fee must be reasonable. SCR 3.130 (1.5); See American Bar Association Rule 1.5. See Attorney’s Fees Chart provided here.

Despite KRS 383.570’s prohibition of attorney fee-shifting, attorneys fees are being paid by tenants in the County regularly. The most common circumstances are: (1) prior to an eviction case ever being filed and based on a notice to the tenant to pay or face an eviction complaint being filed; (2) in eviction court in Jeff Cty, attorney fees are agreed to and paid under the standard agreement to avoid an eviction; and (3) later in collections court as part of a rental debt suit.

Prior to the Eviction. The landlord is required to give a 7-day notice and a right to cure the non-payment before filing the complaint. See KRS 383.660.

Many of the landlord notices include charges for attorney fees and court costs before the Forcible Detainer Complaint is filed with the court. Legal Aid Society has successfully argued on many occasions that the inclusion of attorney fees in a landlord notice letter is improper and

ATTORNEY’S FEES RECOVERABLE IN EVICTION CASES

KRS 383260 Recovery of damages and expenses	“Upon this deposit, if the appellant fails to prosecute his appeal, he and his surety shall be liable for...the reasonable expenses of the appellee in defending the appeal”	Prevailing Party shall
KRS 383302 Prohibited inclusion in rental or lease agreement of authority to terminate based on tenant’s request for assistance in emergencies	“If the LL enforces a rental agreement or lease containing provisions known by the LL to be prohibited in this section, the tenant may recover...reasonable attorney’s fees”	Tenant may
KRS 383630 Landlord’s failure to deliver possession	“If the person’s failure to deliver possession is willful and not in good faith, an aggrieved person may recover from that person...reasonable attorney’s fees”	Tenant may
KRS 383640 Wrongful failure to supply essential services	“In addition to a remedy provided in paragraph C of subsection (1) the tenant may recover reasonable attorney’s fees”	Tenant may
KRS 383645 Landlord’s noncompliance as defense to action for possession or rent	“If the defense or counterclaim by the tenant is without merit and is not raised in good faith, the LL may recover reasonable attorney’s fees”	Landlord may
KRS 383655 Tenant’s remedies for unlawful ouster, exclusion, or diminution of service	If LL unlawfully removes or excludes tenant from the premises or willfully diminishes services to the tenant...the tenant may recover a reasonable attorney’s fee”	Tenant may
KRS 383660(3) Tenant’s noncompliance with rental agreement	Except as provided in KRS 383505 to 383715, LL may recover damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or KRS 383605 or 383610 If the tenant’s noncompliance is willful the LL may recover ... reasonable attorney’s fees”	Landlord may
KRS 383685 Remedy after termination	“If the rental agreement is terminated, the LL may have a separate claim for...reasonable attorney’s fees as provided in KRS 383660(3)”	Landlord may
KRS 383695 Periodic Tenancy-Holdover remedies	“If the tenant’s holdover is willful and not in good faith the LL may recover...reasonable attorney’s fees”	Landlord may
KRS 383700 Remedies for Abuse of Access	“If tenant refuses to allow lawful access...the LL may recover actual damages and attorney’s fees” “If LL makes an unlawful entry or a lawful entry in an unreasonable manner...the tenant may recover attorney’s fees”	Prevailing Party may

(Continued on next page)

that when it is included, it renders the notice improper, which should result in a dismissal. The notice letter to the tenant with the right to cure the lease violation is a pre-requisite to the filing of an eviction complaint. The majority of LAS eviction cases are dismissed due to improper notice. LAS has acted to prevent evictions from proceeding where the notice letter includes a demand for attorney fees in violation of KRS 383.570 (1).

In 2025, LAS attorneys filed five motions to dismiss cases due to landlord/property managers demanding attorney fees within the non-payment notice, resulting in favorable settlement terms for our clients. Unfortunately, in many cases, even after dismissal, attorney fees and costs remain on the tenant's ledger, despite the fact the tenant was the prevailing party and the case was dismissed.

The Standard Agreement. One of the ways the court seeks to resolve cases while avoiding a judgment is to give the tenant one week to either pay in full all that is due and owing or to vacate the premises and return keys before the one-week review date.

LAS has found that landlords include court costs and attorney fees in these totals. A large majority of cases are resolved in the County under the standard agreement. The agreement is between landlord and tenant and no one else reviews (1) the amount due, (2) whether attorney fees were included or whether they are reasonable, (3) whether the landlord includes their court costs or other administrative fees. LAS has viewed ledgers charging \$200 to \$800 in attorney fees/eviction fees/court costs per case. In some cases it is more than a single month's rent.

Technically, when the standard agreement is followed, the case is dismissed, making the tenant the prevailing party. However, the tenant "agreed" to pay the attorney fees to get to that dismissal, in direct contradiction to the underlying policy and spirit of KRS 383.570 (1). This is also part of the cyclical misuse of eviction court as a "collections" court rather than as intended, for repossession of the property. LAS finds that attorney fees were paid in eviction court several times before the tenant sought representation.

Rental Debt Collection Cases. In rental debt collection matters, most tenants go unrepresented because they cannot afford an attorney. LAS and private attorney help is limited, with only 10% of the Kentucky bar taking cases pro bono and funding cuts threatening LAS budgets.

Courts should require landlords prove their right to collect attorney fees by specific motion and with knowledge there are specific statutory requirements to the collection of attorney fees in eviction-related matters. The Kentucky of Appeals has held,

"mere failure to pay rent, accompanied by requests for more time or promises to pay, did not rise to the level of "willful" as defined by the statute." *Batson v. Clark*, 980 S.W. 2d 566 (Ky. App. 1998).

Time spent by an attorney on behalf of a landlord on eviction is related to the possession matter and should not be included in an award on the collections suit unless the landlord proves entitlement to such fee, under the statute and case law. It should never be awarded based on a prohibited clause in the lease.

LAS does not attorney fee awards are never merited in an eviction-related matter. However, the blanket demand based on a prohibited lease provision should be denied. LAS is working hard to raise awareness of the prohibition of attorney fee-shifting in leases.

LAS has filed two Declaratory Judgment actions in Circuit Court to request the Court find leases which violate URLTA be declared unconscionable due to their terms being unenforceable. The legal community should raise awareness of URLTA protections for tenant leases in the County and protect tenants and landlords at the start of the contractual relationship, not merely the end. Landlords should review their company leases and remove prohibited provisions, so they are not misleading tenants and violating tenants' rights. Landlord attorneys should review their client's leases for legality and to protect their clients from potential litigation. Tenants should share this information with other tenants.

Rebekah Cotton graduated from the University of Louisville Brandeis School of Law in 2010. She started her career as an advocate for persons with disabilities at the Kentucky Protection and Advocacy agency. After seven years, she moved to Virginia and worked as a prosecutor. She returned to Kentucky after the pandemic to work at the Legal Aid Society in the housing stability unit in May 2021 and currently leads the Volunteer Eviction Defense Program which supports volunteer attorneys, law students, interns and paralegals doing pro bono eviction defense cases for tenants who cannot afford an attorney. ■



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Powers of Attorney and Bank's Client ID Procedures

John R. Cummins and Abigail Zaman

The Kentucky Court of Appeals recently ruled on the interplay of the Kentucky statutory mandate that banks and other third parties must accept power of attorney instruments with the federal regulations requiring bankers to take the needed steps to know their customers, including power of attorney holders.

The case turned on the holder of a power of attorney from his grandmother requesting her bank to honor his power of attorney regarding her credit card account. The bank responded by requesting the grandson to provide certain personal information—his Social Security Number and a clear photo of his driver's license—so the bank could verify his identity. The grandson did not provide the requested information to the bank, so the bank refused to add him as an agent on his grandmother's account.

The grandson asserted that the bank had to accept and honor the power of attorney from his grandmother, due to the provisions of Kentucky's Uniform Power of Attorney Act requiring third parties to accept powers of attorney generally. KRS 457.200. The statute imposes certain liabilities for failing to honor a power of attorney, including a court order mandating acceptance of the power and reimbursement of the legal fees and court costs incurred in obtaining a court order.

The bank countered that federal regulations require it to use certain procedures to create a Customer Identification Program, with the intent being that the bank always knows with whom it is dealing. The bank asserted that it was not rejecting the power of attorney, but simply carrying out its responsibility under federal regulations to prove the grandson's identity before dealing with him under the power of attorney.

The Court found that Kentucky's Power of Attorney statute created an express exception for federal laws and regulations which are in conflict with Kentucky's statutory mandate to honor a power of attorney. KRS 457.220 states that federal laws control over the Kentucky Power of Attorney law in that situation.

As a result, the court concluded that the bank was required by federal law to follow its Customer Identification Program and thereby get to know the grandson before agreeing to deal with him under his grandmother's power of attorney. The court concluded that the Kentucky Power of Attorney statute had not been violated by the bank in taking this federally mandated precaution.

Partner John R. Cummins and Associate Abigail Zaman are based in Dentons' Louisville office and are members of the firm's Trusts, Estates and Wealth Preservation practice. ■



In Memoriam



*It is with great sadness that we share the unexpected passing of **Brian T. Bruenderman** on January 15, 2026, after a brief illness. Brian was a cherished member of our extended LBA family and the beloved husband of our Executive Director, Kristen Miller. His death is a profound loss not only for Kristen, but for all who had the privilege of knowing him.*
– Louisville Bar Association family

Brian was an unfailingly kind and generous friend, son, brother and husband. His sudden loss has sent shockwaves through a vast community of family and friends whose lives will forever be the better for his presence but will never be the same after his loss.

Brian was born in Louisville on March 7, 1971, to Janice Wrocklage Bruenderman and Warren Bruenderman. He graduated from Trinity High School and briefly attended Bellarmine before transferring to the University of Louisville, where he was a member of Phi Kappa Tau fraternity. Brian later earned his J.D. at the University of Louisville Brandeis School of Law.

Always an entrepreneur, Brian owned several local bars and restaurants throughout his life, including the Golden Nugget, Diamond Station, Bearno's by the Bridge and Vines Wine Bar & Spirit Shop. Most recently, he was a partner in a new local spirit brand called Shortfuse.

But these endeavors were his beloved hobbies; he spent his professional career working in business development, mostly in the healthcare sector. He worked at ResCare, Almost Family and Signature Healthcare before joining a healthcare mergers and acquisitions firm, Stoneridge Partners. Under Brian's leadership, Stoneridge grew to a multi-million dollar business. After a brief "retirement," he had recently started a new firm, Ascend Healthcare Advisors.

Brian cared lovingly for his parents throughout their lives and took immense pride in trying to set an example for his younger brothers. He had true, dear friends all across the country. No one was immune to his charm – including his loving wife Kristen, for whom he was her best friend, closest confidante and biggest supporter.

Brian was an avid boater who spent many summers on the Ohio River and had recently joined a boat club near his home in Miramar Beach, FL. He was a member of the Limestone Bay Yacht Club and the Louisville Boat Club. Brian also loved collecting expensive watches, good wines and old cars. He loved live music, horse racing, spending time with his friends and concocting silly ways to make his wife smile.

Expressions of sympathy in Brian's honor may be directed to APRON, Inc. or the Kristen Miller and Brian Bruenderman Scholarship Fund at Western Kentucky University.

For a full version of this obituary, please visit www.Pearsonfuneralhome.com.

Donald LaDuke



Donald Joseph LaDuke, 88, passed away at his Port Charlotte, FL home on January 2, 2026. He was a Louisville native. He graduated from Bellarmine College (1959) and the University of Louisville Brandeis School of Law (1962). He ran hurdles for Bellarmine track team and served in the Kentucky Air National Guard.

Don married Joann Rose Hume and together they raised a family of three children. After a lengthy career as an attorney in Louisville, he and Joann retired to Port Charlotte in 2009. He remained quite active, playing senior softball (five World Series rings), golf and walking. He was a lifelong Louisville Cardinal sports fan.

Don leaves behind his wife Joann, three children Donna Fox, Scott LaDuke and Denise Littlejohn, two sisters Marilyn Brown and Sherry Greenwood and a brother Larry LaDuke, six grandchildren and five great-grandchildren. He was a wonderful husband, brother, father, grandfather and great-grandfather and will be greatly missed.

For a full version of this obituary, please visit www.courier-journal.com/obituaries/psbn1375321. ■



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MEETING ANNOUNCEMENTS

Women Lawyers Association

On Saturday, February 7 at 10:45 am, the Women Lawyers Association will meet for Valentine's Day Drag Brunch at Le Moo. Women lawyers, allies, students and their galentines are invited to join. Details and registration at wlajeffco.com. Space is limited! ■

Association of Legal Administrators

The monthly chapter meeting of the Kentucky Association of Legal Administrators will be held in person on Thursday, February 12, beginning at 11:45 am at FBT Gibbons LLP (400 W. Market St., Ste. 3200, Louisville, KY 40202). Please RSVP by registering online at www.ky-ala.org. Any questions, please contact the Kentucky ALA Board at board@ky-ala.org. ■

MEMBERS on the move



Barton

Stites & Harbison is pleased to announce the following attorneys have been promoted to Member (Partner).

Neil E. Barton is a member of the firm's Torts & Insurance Practice Service Group. His practice focuses on product liability defense. Barton also provides comprehensive legal services in the insurance arena, including investigating and analyzing complex legal and factual issues to deliver coverage opinions, defending first- and third-party bad faith claims and prosecuting declaratory judgment actions on behalf of carriers and clients. His practice also focuses on defending against suits alleging medical negligence.



Jackson

Jennifer Henry Jackson is a member of the firm's Torts & Insurance Practice Service Group. Jackson handles a wide variety of litigation matters, including product liability, toxic and mass torts, medical malpractice, professional liability, premises liability and actions alleging serious personal injury or death. She routinely defends clients in state and federal criminal cases. Jackson 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.



Stewart

Gary (Nick) Stewart is a member of the firm's Intellectual Property & Technology Service Group. Stewart is a Registered Patent Attorney. His practice focuses heavily in patent preparation and prosecution. With a diverse technical background rooted in the fields of biotechnology, physics and computer science, Stewart routinely helps navigate clients with technologies across a broad array of technical fields towards patent protection. In addition to patent application preparation and prosecution, he also assists clients with a variety of other intellectual property-based services, including preparing patentability analyses and freedom to operate opinions, licensing agreements and trademark and copyright procurement. ■

HEALTH & WELLNESS CORNER



FEBRUARY 2026 AWARENESS CALENDAR

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- February 22-28: National Eating Disorders Awareness Week
- 2/4: World Cancer Day
- 2/5: Time to Talk Day
- 2/6: Safer Internet Day
- 2/11: Teen Dating Violence Awareness Day
- 2/20: World Day of Social Justice



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FEBRUARY WELLNESS QUICK TIPS

- Track your wins. Each day, note one thing you handled well. Progress in the legal profession is often quiet and cumulative. Acknowledging small successes builds confidence over time. Pause before responding. When an email or call triggers stress, take three slow breaths before replying. A brief pause helps regulate emotions and improves clarity and tone.
- Set one tech boundary. Choose a simple limit such as no email during lunch, silencing non-urgent notifications or closing unnecessary browser tabs. Reducing digital noise lowers mental fatigue.
- Practice neutral self-talk. When something does not go as planned, replace self-criticism with a factual reframe: "This is a difficult moment" rather than "I failed." Perspective supports resilience.
- Build connection intentionally. A short check-in with a colleague or staff member can ease isolation and strengthen professional support, especially during high-pressure weeks.

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Contact Lisa M. Murray for more information!

We're seeking volunteers to lead the LBA's practice-related sections in 2026. Section chairs and vice-chairs play a key role in shaping CLE programming, supporting service projects and keeping our publication Bar Briefs rich with insights. Help move the profession forward by sharing your experience and passion.

Reach out today — contact Lisa M. Murray, lmurray@loubar.org, for more information.

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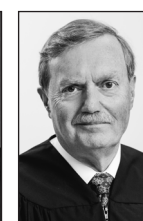
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