

BAR*briefs*

Louisville Bar Association

March 2026

W O M E N ' S H I S T O R Y M O N T H



VOLUME 26, NO. 03

Editorial Offices:
600 W. Main Street, Ste. 110
Louisville, KY 40202-4917
Phone: (502) 583-5314
admin@loubar.org
www.loubar.org

Kristen Miller
Managing Editor

Kimberly E. Kasey
Graphic Designer

Editorial Board

Bruce A. Brightwell, *chair* Steve Rush
Dorothy J. Chambers Jason Vaughn
Erran Huber Samuel W. Wardle

Louisville Bar Association Board of Directors

Samuel W. Wardle — *President*
Jennifer Ward Kleier — *President-Elect*
Sean Deskins — *Vice President and Treasurer*
William H. Brammell — *Secretary*
Maria A. Fernandez — *Past President*

Brian Bennett Philip M. Longmeyer
Megan Cleveland Bruce Paul
Kristen Fowler Heend Sheth
Elisabeth Gray Jason Vaughn
Tricia Lister

Ben Barberie — *UofL Brandeis School of Law Student Rep.*
Kate Dittmeier Holm — *Women Lawyers Association*
Michelle L. Duncan — *Charles W. Anderson Bar Association*
Gregory T. Dutton — *LBF President*
Hon. Eric J. Haner — *Chief Judge, Jefferson Circuit Court*
Amy I. Hannah — *DPA Louisville Trial Office*
Shelia Hiestand — *KBA Governor*
Katherine Ison — *LBA Young Lawyers Section*
Melanie B. Jacobs — *Dean, UofL School of Law*
Hon. Rebecca Grady Jennings — *U.S. District Court*
Megan P. Keane — *ABA House of Delegates*
Hon. Megan McDonald — *Jefferson District Court*
Michael J. O'Connell — *Jefferson County Attorney*
Susan D. Phillips — *KBA Board of Governors*
J. Tanner Watkins — *KBA Board of Governors*
Hon. Derwin L. Webb — *Chief Judge, Jefferson Family Court*
Gerina D. Whethers — *Jefferson County Commonwealth's Attorney*

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

Louisville Bar Foundation Board of Directors

Gregory T. Dutton — *President*
Joseph C. Ventura — *President-Elect*
Nicole T. Cook — *Vice President and Treasurer*
Jennifer M. Barbour — *Secretary*
Sara V. Judd — *Past President*

Samuel W. Wardle — *LBA President*
Jennifer Ward Kleier — *LBA President-Elect*
Maria A. Fernandez — *LBA Past President*

Garry R. Adams Dean Melanie B. Jacobs
Bruce A. Brightwell Janet P. Jakubowicz
Thomas R. Coffey Jessica R.C. Malloy
Hon. Yvette De La Guardia Sarah J. Martin
Chantell C. Foley Beth H. McMasters
C. Dean Furman Jeffrey S. Moad
Jameson L. Gay Ozair M. Shariff
Dwight L. Haygood Michelle D. Wyrick
Sherry L. Hurley

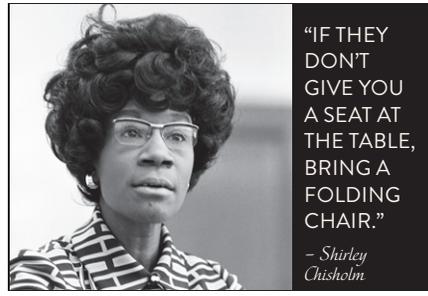
Samuel G. Graber — *Tax Counsel*
Jeffrey A. Been — *Executive Director*

BAR BRIEFS is a monthly paper published by the Louisville Bar Association. The views expressed in this publication are those of the authors and do not necessarily reflect the views of the LBA. Advertising does not imply endorsement by the LBA of products or services or any statements made concerning them.

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.



See page 4



See page 12



See page 14

In this issue

- 8**
Legal Aid Society
Legal Aid Society Thanks the 2025 Associates for Justice
- 9**
Court Applies Constructive Trust Doctrine to Pass Family Farm to Sole On-Farm Heir
By John R. Cummins and Garret B. Stone
- 10**
2025 LBA Annual Report
- 11**
Monthly Diversity and Inclusion Committee Corner
- 14**
LBF Raffle 2026: Grand Prize to NOLA!
- 16**
Members on the Move
- 17**
Classifieds
- 17**
Monthly Health and Wellness Committee Corner

Professional Excellence

- 6**
Is a Higher Court Appealing?
Moving Beyond Emotional Response to Strategic Analysis
By Griffin Terry Sumner and Michelle Fox
- 12**
The Times, They Have Changed
By Dorothy Chambers

Personal Essay

- 4**
Iran in the Dark
By Sana Abhari

Events

- 11**
Continuing Legal Education
- 14**
Honoring a Legacy
The Judge Benjamin F. Shobe Courtroom Dedication
- 15**
LBA's Bench & Bar Social
- 17**
Meeting Announcements

Bench & Bar Social
Join us
March 5, 2026

Details on page 15

The General Assembly Should Respect Judicial Independence and Attorney Self-Regulation

The Kentucky General Assembly is contemplating measures that could radically affect the practice of law in Kentucky, some of them troubling.

KBA Elimination

On February 13, HB 526 passed a Kentucky House vote, 70-21, on its third reading. This bill, titled "AN ACT relating to members of the Bar," aims to eliminate the Kentucky Bar Association, as that organization has existed since 1934. Under the bill, all responsibility for attorney discipline and licensure would go to the Supreme Court. Membership in the KBA would no longer be mandatory.

The consequences of such a change would not be good. The KBA uses member dues to fund a host of useful programs and services, including the Ethics Hotline, the Kentucky Lawyer Assistance Program, the Client's Security Fund and Decisis, a free legal platform used by 750 attorneys every month—most of them solo practitioners, for whom a Westlaw or Lexis-Nexis subscription would be cost-prohibitive. All of these programs, and many more, would disappear overnight if HB 526 became law. Meanwhile, KBA dues would skyrocket, as has been demonstrated in Tennessee and Ohio after those states abolished mandatory state bar membership.

So why does the General Assembly see a pressing need to demolish our longstanding and well-functioning system of attorney self-governance? The bill's sponsors made sure to justify it with lots of aspirational language about "freedom"—the "WHEREAS" clauses reference "inalienable rights," "freedoms of speech and association," etc. But let's be honest, gutting the KBA has nothing to do with freedom. Indeed, courts have unanimously rejected First Amendment legal challenges to mandatory state bar associations.

The fact is there's no need to tinker with the KBA. For nearly 100 years, the KBA has functioned very well as an institution of attorney self-regulation in this state. Its dues are affordable and its services are reliable. Further, the General Assembly's authority to dismantle the KBA is, to put it mildly, suspect. The regulatory framework for attorney self-governance comes from the Kentucky Supreme Court, and legislative interference weakens the separation of powers.

In short, there are many reasons to oppose this ill-conceived KBA "reform," and none to support it.

Justice Goodwine's Impeachment Petition

Last year, then-Chief Judge of the Jefferson Circuit Court Ann Bailey Smith penned an excellent summary, in these pages, of the troubling petition filed by Jefferson County GOP official Jack Richardson to impeach Justice Pamela Goodwine. In brief: After Justice Goodwine joined the Court, she cast a vote to rehear and strike down the General Assembly's 2022 law creating a unique governing framework for Jefferson County Public Schools. Richardson filed his petition to impeach her for this decision, citing a purported conflict of interest, namely, that Justice Goodwine was supported by a JCPS teachers' union in her election.

Under Kentucky law, any citizen can file an impeachment petition, and a House committee has to consider such petitions. But there is no good reason for the House to give this petition the slightest credibility. It is purely political. Richardson—like most current members of the General Assembly—did not like Justice Goodwine's tie-breaking rulings on the JCPS law. But it is one

thing to criticize a justice's decision on the merits, and quite another to characterize a single decision as impeachment-worthy. Our system provides a remedy for such things—it's called an election.

Impeachment, on the other hand, is reserved for criminal misconduct and deep ethical lapses. Under the Kentucky Constitution, impeachment is appropriate only for "misdemeanors in office." While this term is vague, the General Assembly has applied it only twice. In 1888, the General Assembly impeached Treasurer James "Honest Dick" Tate for stealing hundreds of thousands of dollars in public funds. And just a few years ago, the legislature impeached Commonwealth's Attorney Ronnie Goldy for promising leniency to a defendant in exchange for nude pictures.

To place Justice Goodwine in the company of "Honest Dick" and Ronnie Goldy is sickening, and its implications for judicial independence are alarming. If judges in Kentucky are going to face impeachment every time they issue a controversial order, our system of justice will not function as it should. Justice Goodwine is highly qualified for the position she holds, and she has not committed a "misdemeanor" or engaged in the kind of gross misconduct that warrants impeachment. She has issued an order that some people don't like. That is not an impeachable offense under the Kentucky Constitution, nor should it be.

Tort Reform

LBA members should also be familiar with SB 195. Introduced in mid-February, this bill represents the General Assembly's latest attempt to reform Kentucky's tort and civil litigation systems. As many LBA members will know, a number of past efforts at tort reform have failed in the courts, as judges found them to violate Kentucky's "jural rights" doctrine.

SB 195 aims to be a bit more modest than past, unconstitutional tort reform bills, but its impact would still be vast. Among other changes, the bill would modify Kentucky's comparative fault rules and bar damages for any claimant found to be more than 50 percent liable for an injury; require 60-day written notice to a prospective defendant of Consumer Protection Act claims; require presuit notice and an expert opinion before initiating a medical malpractice lawsuit; establish a 60-day pre-litigation notice requirement for personal injury lawsuits; and abolish third-party liability for insurance bad faith.

Unlike the KBA measure and Goodwine impeachment, there are reasonable grounds both to support and oppose SB 195. As my practice focuses primarily on insurance coverage and bad faith, I hear routinely from insurance clients about the challenges of litigation in Kentucky. But I also understand the counterpoints raised by plaintiffs' attorneys and consumer-rights advocates. If you have a strong opinion on tort reform, please let us know and we'll make a space for you to contribute an article in the next issue of *Bar Briefs*.



“

The Kentucky General Assembly is contemplating measures that could radically affect the practice of law in Kentucky, some of them troubling.

Samuel W. Wardle
LBA President

Iran in the Dark

Sana Abhari

I used to wake up in panic from what had become a recurring nightmare—perhaps the equivalent of dreaming you’re naked in public. In my dream, I am standing in the middle of an intersection. A mosque is nearby, a synagogue sits behind me and there is a church just a few blocks away—all historical remnants of multiethnic and multi-religious coexistence. I am in beautiful Esfahan, Iran, my hometown. I am not naked. I am fully clothed, but I raise my hand up to my head to feel my hair and panic—I’ve left my head cover at home. I quickly look around waiting for a revolutionary guard (IRGC) member to shove me into their patrol car and take me away. I wake up relieved that it was just a dream; but I also feel an emptiness and longing. I want to be back in Esfahan. I lay back down hoping to dream of Iran again, but to dream of a prosperous Iran without fear.

I grew up in Iran and unfortunately, the images in my dreams are realities I witnessed. They didn’t happen to me. They happened to my older female cousins for showing too much hair, for wearing a jacket that was “provocative,” or for an innocent date in public. I recall shopping with excitement for my “maghnaeh,” the headcover piece of my school uniform, before attending my all-girls school where even as first graders, we were expected to wear a headcover. Not too much later in life, however, I began to feel the suppressing meaning of involuntarily covering my hair, and then, even headcovers adorned with Minnie Mouse did not excite me anymore.

While I cannot erase the images of my cousin running after the IRGC car that took her little sister away for “not being covered enough,” or any other IRGC encounter, I am in awe every time I see pictures of beautiful and fierce women without headcovers in the bustling cities of Iran. In some ways, the headcover symbolizes the Iranian women’s slow resistance against the Regime; showing more and more of their hair gradually, until the 2022 Woman, Life, Freedom movement, when their slow resistance turned into blatant defiance of headcover laws.

I moved from Iran to the United States when I was 11. As an immigrant and as an attorney in the immigration field now, I am far too familiar with the paradoxical experience facing our clients in America. There is hope for a new life in the “free world.” Yet, our bodies and souls contain a lingering longing—a forever nostalgia—for the country we left behind. For most Iranian immigrants, there is another hope. A hope for Iran. An Iran that can show its beauty and history to the rest of the world. An Iran that can breathe fresh air with its rivers full of water. An Iran we can return to, without fear. An Iran where young girls can grow up manifesting a life for themselves without government oppression and where living a comfortable life isn’t a pipe dream despite years and years of hard work and education.

On Wednesday, January 7th, when my focus should have been on the ICE tragedy in Minnesota, my eyes and ears were glued to the scarcely available coverage about what was day 11 of Iran’s widespread protests (or arguably revolution: see The Atlantic article, “Is the Iranian Regime About to Collapse”). Iranians have had visions and dreams of a new Iran since the 1979 revolution took hold 47 years ago. Strikes, protests and even large-scale movements are woven into Iran’s post-revolutionary history. On this particular occasion, economic pressure caused by rising inflation, currency devaluation and of course non-targeted U.S. sanctions gave rise to the protests that began in Tehran’s Bazaar. Within a few days, the protests spread nationwide with calls and chants for govern-



“

There is hope for a new life in the “free world.” Yet, our bodies and souls contain a lingering longing—a forever nostalgia—for the country we left behind.

Sana Abhari is an attorney and the new Legal Director at Kentucky Refugee Ministries (KRM). Prior to KRM, she was attorney and Director of Mediation at the Kentucky Commission on Human Rights. Previously, Sana was an attorney at the Louisville Metro Public Defender’s Office. She is a double Cardinal graduate of the University of Louisville and the Brandeis School of Law.

The views expressed in this article are those of the authors and do not necessarily reflect the views of the LBA. ■

ment change. The government eventually shut off all internet communications.

When communication lines were open, however, we were hearing from people in Iran that there is a different feeling this time—a hope that surely ran through those who risked their lives by taking to the streets in defiance. In this regard, I can’t help but think the Iranian women’s fearless defiance of headcover laws after the 2022 Woman, Life, Freedom movement was a necessary catalyst for the current moment.

For Iranians abroad who have both cautiously and enthusiastically supported their compatriots, what began as a kernel of hope was quickly coupled with anxiety and fear. Once again, the Regime shut off the internet and phone lines and terror reigned in Iran. For weeks, Iranians abroad had no news from their loved ones and feared for their safety. And not just for their loved ones—when asked whether they have anyone in Iran, the diaspora responded with a resounding, “Yes, 90 million people.”

I am no historian or politico. I am just deeply in love with Iran, its culture, its history and its language. And I am a mother. I named my Covid baby Omeed (“hope” in Persian), envisioning a better and brighter future for both Iran and the United States. I tell him stories of my childhood in the magical place that is Iran and dream of getting together with my family and friends, drinking tea, singing and dancing—how all good Persian gatherings begin and end. I have dreams for him, and I want my family and friends to be able to dream for themselves and their children too. Romina, Ali, Mandana, Mozghan, Ehsan, Parsa, Ghazaleh, Arman, Masih, Niloufar, Shirin and Asmaa, don’t break up with your dreams.

But I am an advocate, too. For my clients, yes, but most certainly for humanity. We continue to face our own inhumanities here in the United States. Although imperfect and arguably at risk, there are checks and balances, there is a system of representation, and there is the U.S. Constitution. It is also very inspiring to see the younger generations freely advocating against what is simply unlawful and wrong. So, I have a plea to them and all advocates of humanity: that alongside speaking out against ICE brutality and supporting immigrants, to also make room to advocate for the Iranian people so they are not forced into immigration. One place to start is to call for safe and reliable communication for them so at the very least, they are heard. As Iranian poet, Saadi Shirazi, famously said:

*“Human Beings are members of a whole
In creation of one essence and soul
If one member is inflicted with pain
Other members uneasy will remain
If you have no sympathy for human pain
The name of human you can not pertain”*

– Saadi Shirazi





LOUISVILLE BAR ASSOCIATION

AI/IP/PRIVACY LAW SECTION

co-hosted with



UNIVERSITY OF LOUISVILLE
BRANDEIS SCHOOL OF LAW
TECHNOLOGY LAW SOCIETY



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

Join the LBA AI/IP/Privacy Law Section and the UL Tech Law Society for a first-of-its-kind summit on privacy, data protection and intellectual property in 2026. Hear from leaders at Papa John’s, Texas Roadhouse, Yum! Brands, Dentons Bingham Greenebaum and the University of Louisville Brandeis School of Law on the real-world challenges shaping modern privacy and IP practice.

PRINT, CONNECT, SUCCEED

Tailoring your Office Technology Solutions since 1959.



Network Printers and Copiers
Fleet and Managed Print Solutions
Corporate Mailing Systems

Computer Systems and Managed IT
Document Management
Professional Print



derby city litho **DUPLICATOR**
SALES & SERVICE
two companies sharing one vision

RICOH Lexmark DocuWare Microsoft EPSON DELL FP° hp

derbycitylitho.com • duplicatorsales.net
1-800-633-8921 • 831 E. Broadway, Louisville, KY 40204

Balanced. Objective. Reasoned.

The mediation standard trusted by family law firms when resolution matters.

Bowles and Byer Family Law Mediation provides disciplined, impartial mediation in complex family law matters. Law firms consistently rely on our ability to remain balanced under pressure, understand complex financial and business matters, to hear all sides fully, and to guide parties toward durable, reasoned resolution—without advocacy or escalation.

Our approach supports counsel, protects process integrity, and helps families move forward with clarity and dignity.



Bowles & Byer Family Law Mediation

Judge Jerry Bowles (Ret.)
judgejerrybowles@gmail.com
502-558-6142

Judge Joan Byer (Ret.)
judgebyer@gmail.com
502-216-9030

Is a Higher Court Appealing?

Moving Beyond Emotional Response to Strategic Analysis

Griffin Terry Sumner and Michelle Fox

“

The question is not whether trial counsel could handle the appeal competently, but whether specialized appellate counsel might handle it better— and whether the stakes justify that investment.

The question of whether to appeal an unfavorable verdict requires more than reflexive outrage at an unjust result. It demands careful analysis of legal merits, strategic implications, costs and precedential risks. This article explores key considerations that should inform the decision to appeal.

The Limited Scope of Appellate Review

Unlike trial courts, which serve as forums for fact-finding and dispute resolution, appellate courts mainly ensure legal consistency and correct significant errors of law. This fundamental difference shapes everything about the appellate process. An appeal is not a re-trial, nor does it provide opportunities to introduce new evidence, call additional witnesses or rehabilitate a poorly tried case. Instead, appellate courts review a cold record to determine whether reversible error occurred.

In essence, the world is limited to the record on appeal. Appellate courts are constrained by standards of review that often require substantial deference to trial court findings. The clearly erroneous standard for factual

findings, the abuse of discretion standard for evidentiary rulings and harmless error doctrine all create significant hurdles to reversal. Understanding these constraints is essential to evaluating whether an appeal has realistic prospects for success.

Even seemingly obvious errors may not warrant reversal if they didn't affect the outcome. The harmless error rule requires appellants to show not just that error occurred, but that it was prejudicial. In cases with overwhelming evidence supporting the verdict, even significant evidentiary errors may be treated as harmless. On the other hand, structural errors — such as denial of the right to counsel or trial before a biased judge — require automatic reversal regardless of prejudice.

Evaluating Appealability and Preservation

The threshold question in any appeal is whether the issue is even appealable. The final judgment rule generally restricts appeals to orders that fully dispose of all claims and parties. While certain interlocutory orders

are immediately appealable under specific statutory provisions or the collateral order doctrine, many rulings can be challenged only after final judgment. Counsel must understand these jurisdictional requirements to avoid wasting resources on premature appeals or missing narrow appellate windows.

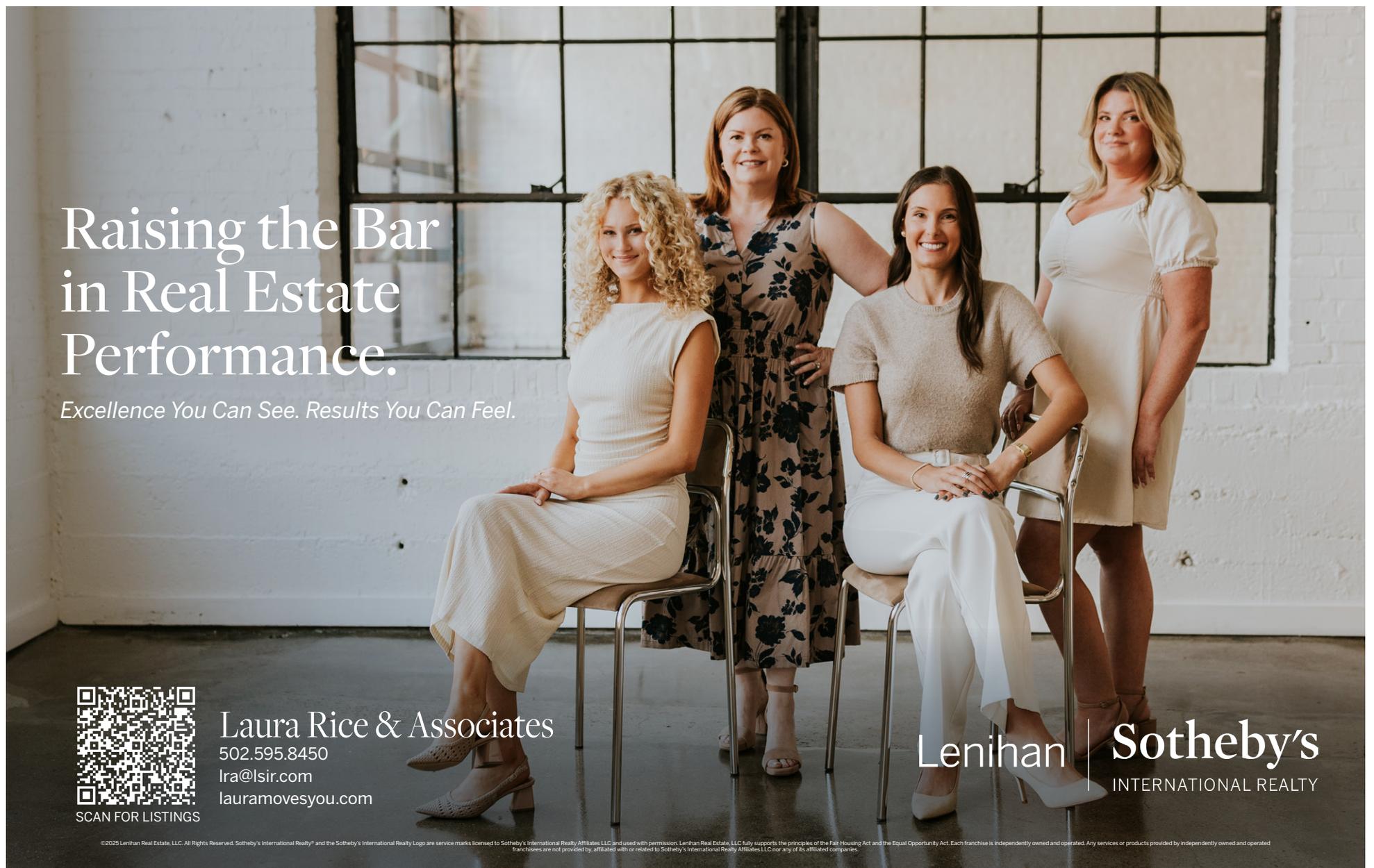
Equally critical is the question of preservation. Appellate courts typically refuse to consider arguments raised for the first time on appeal, absent plain error or other extraordinary circumstances. This means trial counsel must make timely and specific objections, obtain rulings on those objections and — in some jurisdictions — renew objections or make offers of proof to preserve issues. As a result, trial counsel should be unabashed in her defense of the record as she builds the framework for appeal. Evaluating what was actually preserved for review requires careful scrutiny of the trial transcript.

The preservation requirement creates strategic challenges when trial and appellate

(Continued on next page)

Raising the Bar in Real Estate Performance.

Excellence You Can See. Results You Can Feel.



Laura Rice & Associates
502.595.8450
lra@lsir.com
lauramovesyou.com

Lenihan | Sotheby's
INTERNATIONAL REALTY

©2025 Lenihan Real Estate, LLC. All Rights Reserved. Sotheby's International Realty® and the Sotheby's International Realty Logo are service marks licensed to Sotheby's International Realty Affiliates LLC and used with permission. Lenihan Real Estate, LLC fully supports the principles of the Fair Housing Act and the Equal Opportunity Act. Each franchise is independently owned and operated. Any services or products provided by independently owned and operated franchisees are not provided by, affiliated with or related to Sotheby's International Realty Affiliates LLC nor any of its affiliated companies.

(Continued from previous page)

counsel differ. Trial lawyers focus on winning the case before them, not necessarily on creating a pristine appellate record. They may forgo objections to maintain rapport with the judge or jury, or fail to recognize potentially reversible error in the heat of trial. Post-trial motions offer some opportunity to cure preservation defects but cannot remedy all failures. This underscores the value of consulting appellate counsel before or during trial in high-stakes cases.

Standards of Review and Their Strategic Implications

Different issues receive different levels of appellate scrutiny, and understanding applicable standards of review is crucial to predicting outcomes. Pure questions of law receive de novo review, giving appellate courts maximum freedom to reverse. Issues involving application of law to fact typically receive more deferential review. Discretionary trial court rulings are reviewed for abuse of discretion — a difficult standard to meet. Factual findings are reviewed for clear error or substantial evidence, depending on the jurisdiction.

These standards profoundly affect appellate strategy. An appeal challenging a trial court's interpretation of a statute or contract stands on firmer ground than one attacking credibility determinations or evidentiary weight. Similarly, challenges to jury instructions often fare better than evidentiary rulings, particularly when the instruction misstated controlling law.

Standards of review also interact with preservation requirements in complex ways. While preserved errors of law receive full review, unpreserved errors typically face plain error review — a far more demanding standard requiring the appellant to show not just error and prejudice, but that the error seriously affected the fairness or integrity of the proceedings. In practice, plain error review rarely succeeds.

Institutional Considerations and Forum Shopping

Experienced appellate counsel evaluate not just the legal issues, but the institutional context in which they will be decided. Different appellate courts have different procedural requirements, cultural norms and substantive law tendencies. Some courts decide cases largely on the briefs; others heavily weigh oral arguments. Some are receptive to policy arguments and academic authority; others stick closely to binding precedent.

Individual judges matter, too. Their prior opinions, academic writings and professional backgrounds often provide insight into how they approach particular types of cases. A panel with extensive criminal defense experience may view Fourth Amendment issues differently than one dominated by former civil practitioners.

In jurisdictions permitting publication requests or allowing parties to cite unpublished opinions, counsel must also consider whether the case will create precedent. A close question of first impression may warrant appeal even if reversal seems unlikely, particularly if establishing favorable precedent would ben-

efit the client's broader litigation interests. But some cases are better settled than appealed if the risk of creating adverse precedent outweighs potential benefits.

The Economics of Appeals

Financial considerations should also play a significant role in appeal decisions, though they are often overlooked in the immediate aftermath of an adverse verdict. Appellate litigation costs vary based on record size, issue complexity and whether oral argument is requested or required. Substantial judgments may require expensive supersedeas bonds or other security to stay enforcement during the appeal.

The time value of money also matters. Even successful appeals often result in remand rather than outright reversal, requiring additional trial court proceedings. The delay inherent in appellate practice — often 18 months or more from notice of appeal to decision — creates opportunity costs and extends uncertainty for clients.

Appeals can also create settlement leverage. The prospect of prolonged litigation and uncertain outcomes often motivates parties to negotiate. Appellate counsel should evaluate whether filing a notice of appeal might facilitate settlement discussions, even if the likelihood of prevailing on the merits is modest.

The Case for Specialized Appellate Counsel

Many accomplished trial lawyers face a difficult question after an adverse verdict: should they handle the appeal themselves or bring in appellate specialists? The answer depends on factors beyond competence or client relationships.

Appellate practice demands a different skill set than trial work. Trial lawyers excel at real-time advocacy, witness examination and jury persuasion. Appellate lawyers must master record distillation, issue spotting and persuasive legal writing under restrictive word limits. While many excellent litigators possess both skill sets, the differences are significant.

Fresh eyes offer distinct advantages. Trial counsel may struggle to assess their own strategic choices objectively or identify where the trial went wrong. They may be too close to the facts to recognize which issues have genuine appellate merit. Appellate specialists bring critical distance and can evaluate the record without the emotional investment that accompanies trial work.

Specialization also breeds familiarity with appellate courts and judges. Appellate specialists develop relationships with court staff, understand individual judges' analytical approaches and stay current on emerging trends in appellate jurisprudence. This institutional knowledge proves invaluable in framing arguments and anticipating the court's concerns.

Put simply, appellate litigation requires distinct expertise. As with other areas of the law, some practitioners specialize in appeals because sometimes there is a need for a higher level of knowledge, focus and understanding. The question is not whether trial counsel could handle the appeal competently, but whether specialized appellate counsel might handle it better — and whether the stakes justify that investment.

Conclusion

The decision to appeal requires careful analysis of legal merits, procedural requirements, economic costs and strategic implications. It demands understanding of appellate standards, preservation doctrine and institutional considerations. Most importantly, it requires realistic assessment of the likelihood of success and the value of that success to the client.

By evaluating appeals systematically rather than emotionally and understanding both the opportunities and limitations of appellate review, lawyers can make informed recommendations about whether an appeal serves their clients' interests.

Not every unfavorable verdict warrants an appeal, but every potential appeal deserves thoughtful evaluation by counsel equipped to provide it.

Griffin Terry Sumner is the Co-Chair of FBT Gibbons' Appellate Practice Group. She is a partner in the firm's Louisville office and a former chair of the LBA's Appellate Section.



Michelle Fox is the acting Chair of the LBA Appellate Section. She previously served as the chair of the Corporate Law (2023) and Litigation Sections (2024-2025). She is a Managing Associate in FBT Gibbons' Product, Tort, & Insurance Practice Group. ■



LOUISVILLE BAR ASSOCIATION

**YOUR PROFESSION.
YOUR ASSOCIATION.
YOUR IMPACT.**

Several LBA Sections have open leadership roles, and we would love to see members step forward.

Section leaders help shape CLE programming, strengthen engagement within their practice areas and build meaningful connections across the Bar. The time commitment is manageable and the impact is significant.

OPEN POSITIONS:

- Administrative Law - Vice-Chair
- AI/IP/Privacy Law Section - Vice-Chair
- ADR/Mediation - Chair and Vice-Chair
- Environmental Law - Chair and Vice-Chair
- Public Interest Law - Chair and Vice-Chair
- Solo & Small Practice - Chair and Vice-Chair

If you are interested in serving or would like more information about available positions, please contact Lisa M. Murray at lmurray@loubar.org.



**Your best choice
is to proceed with caution.**

Sure, there is a chance you'll never need us. But why take that chance? Lawyers Mutual is dedicated to Kentucky lawyers and makes your work our priority. Call (502) 568-6100 or visit LMICK.com for more information on how you can cover and protect your practice. We want you to focus on what matters.



LEGAL AID SOCIETY THANKS *the* 2025 ASSOCIATES FOR JUSTICE

EACH OF THE FOLLOWING ASSOCIATES CONTRIBUTED \$100 OR MORE TO THE 2025 JUSTICE FOR ALL CAMPAIGN, RAISING OVER \$11,000 TO SUPPORT EQUAL JUSTICE IN OUR COMMUNITY.

BRICKER GRAYDON WYATT LLP

Victoria Fuller, Captain

DINSMORE & SHOHL LLP

Sarah Reddick, Captain

Cash Collins
Julie Crocker
Ian Davis
Elizabeth Fritz
J. Alexander Gardner
D. Matthew Kannady
Callie King
Suzanne Marino
Holly Wallace

FBT GIBBONS

Riley Grant, Captain

Terra Barley
Ryan Gallagher
Siyu Li
Maya Prentice
Miranda Roberts
Miranda Ronnow
Kenneth Schwalbert Jr.
Pierce Stevenson
William Teague
Sydney Tucker
Christy Wyatt

GRAY ICE HIGDON

Olivia Alford

O'BRYAN, BROWN & TONER PLLC

Shem D. Beard
Joseph Mankovich

PHILLIPS, PARKER, ORBERSON & ARNETT PLC

Tess Hardesty, Captain

Charlote Kessinger
Andie Mooradian
Ryan Nafziger

SEILLER WATERMAN LLC

Sharon Handy

STITES & HARBISON PLLC

Jennifer Jackson, Captain

Caitlyn Barnes
Jordan Butler
Zac Losey
Nick Stewart

STOLL KEENON OGDEN PLLC

Allison Depsey, Captain

Eliza Hyland Fiepke
Grant Grissom
John Lavanga
Cameron Myers
Natalie Nassar
Virginia Leigh Schell
Trevor Warren
Jessica Zemanski



(502) 584-1254 | 416 W. Muhammad Ali Blvd., Ste. 300 | Louisville, KY 40202 | YourLegalAid.org

Court Applies Constructive Trust Doctrine to Pass Family Farm to Sole On-Farm Heir

John R. Cummins and Garret B. Stone

The Kentucky Court of Appeals recently ruled that a family farm in Marion County, Kentucky would pass to the one child of the family who had stayed on the farm, farmed it jointly with his father for many years, and then worked the farm by himself and paid all the farm expenses after the father retired in 2005 and until both parents died. This ruling was made even though the parents had deeded the farm to the five children equally with a retained life estate for their joint lives. *Peterson v. Peterson* (Ky. Ct. App. 12/5/25) (opinion not final).

The parents, Eugene and Barbara Peterson, had acquired the farm in 1968, taking title as joint tenants with right of survivorship. They lived on the farm and ran it. Of their five children, only son Doug stayed on the farm after high school and helped his father run the farm. Eugene retired from farming in 2005, and Doug began running the farm by himself and paying all farm expenses, including taxes and insurance.

In 2012, the parents decided to transfer the farm. The whole family acknowledged that the conveyance was made "for the sole, over-arching and expressed purpose to protect the family farm from being sold, divided or otherwise encumbered" due to the parents' medical debt. The parents transferred the farm equally to all five of their children, while retaining ownership of the farm for their joint lives. The children paid nothing for this transfer; it was a gift from the parents. Evidence also was introduced that the whole family understood and agreed that the parents remained

the equitable owners of the farm, so that the children were obligated to return ownership of the farm to the parents at any time on the parents' request, or to transfer the farm to any of the children if the parents so chose.

Eugene died in 2015, and son Joey began expressing reluctance to honor his parents' plan to transfer the entire farm to Doug at Barbara's death. To ensure that Doug would receive the farm upon her death, in 2016 Barbara wrote a codicil to her will directing that each of her four off-farm children convey his or her one-fifth interest in the farm to Doug for \$50,000 apiece upon Barbara's death. Later, four of the five children testified to their understanding that the conveyance of the off-farm children's farm interests to Doug was already required without any payment by Doug.

After Barbara's death in 2021, Joey sued to force the sale of the farm and receive his one-fifth of the sale proceeds. Joey asserted that his monetary interest in the farm, if sold, would far exceed \$50,000, and that his siblings, none of whom joined him in the suit, were "stupid" for agreeing to sell the farm to Doug for far less than it was worth. Doug countersued to impose a constructive trust on Joey's one-fifth share of the farm, in order to comply with his parents' intent that Doug receive the farm.

Given the confidential relationship between the parents and their children and the lack of any consideration paid by the children for the remainder interest in the farm their parents gave them, the court found that imposing a constructive

trust on the farm was the appropriate equitable remedy here. Under this legal doctrine, grantees who are in a confidential relationship with the grantors and who have paid nothing for the transfer must comply with the wishes of the grantors. After Joey's initial agreement to convey his farm interest as his parents requested, his refusal to do so later rendered his initial promise fraudulent. As a result, the court imposed a constructive trust on the entire farm in favor of Doug, while requiring him to make the remaining \$50,000 purchase payments to each of his siblings for their one-fifth farm interests.

The Court of Appeals ordered the opinion to be published, to further support the application of the constructive trust doctrine as had been announced in at least two prior opinions of the Kentucky Supreme Court.

From the planning standpoint, the parents might better have conveyed the remainder interest in the farm to Doug alone upon the surviving parent's death. They could have compensated the other children with cash bequests in the surviving parent's will.

Partner John R. Cummins and Managing Associate Garret B. Stone are based in Dentons' Louisville office. John is a member of the firm's Trusts, Estates, and Wealth Preservation group, and Garret is a member of the firm's Commercial Litigation group. ■



Talk to us about LEGAL MALPRACTICE

And learn why lawyers throughout Kentucky refer their legal malpractice cases to William F. McMurry & Associates, PLLC

Building referral relationships based on **confidence and trust.**



William F. McMurry is **Board Certified as a Legal Malpractice Trial Specialists** by the American Board of Professional Liability Attorneys (ABPLA.org).

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

Email Bill@CourtroomLaw.com

Call 502-326-9000

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

Real Estate & Auction Specialist

Providing Real Estate & Auction Services:

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

Serving all of Kentucky and Indiana



Elizabeth Monarch
MBA, CAI, CRI
Auctioneer/Realtor
2023 KYR Realtor State President

Lonnie Gann
GRI, CAI
Auctioneer/Realtor



502.551.1286
auctionsolutionsllc.com

2025 LBA Annual Report

2025 marked a historic milestone for the Louisville Bar Association as we celebrated our 125th anniversary—a testament to more than a century of leadership, service and commitment to the legal profession. For 125 years, the LBA has advanced its mission of “Law, Community and Education,” supporting attorneys while strengthening public trust in our justice system.

This year’s infographic reflects both our proud legacy and our continued momentum. With a 90% membership renewal rate, 68 continuing legal education programs and more than 30 engaging events—including a special 125th Anniversary Picnic—we brought members together to honor our history while investing in the future. Our public service and pro bono initiatives expanded access to justice, raised vital funds for community partners and provided meaningful assistance to individuals and families in need. Through the Kentucky Lawyer Referral Service, we connected thousands of callers with trusted legal help, generating substantial opportunity for participating attorneys.

As we reflect on 125 years of impact, we also look ahead with purpose to ensure the LBA remains a cornerstone of the legal community for generations to come.

Thank you,
Kristen Miller, Executive Director

MEMBERSHIP

90%
total membership renewal



CONTINUING LEGAL EDUCATION (CLE)

68
CLE programs offered

636
CLE attendees



EVENTS

30+
hosted events
(excludes CLE programming)



- Including:**
- 125th Anniversary Picnic
 - Bench & Bar Social
 - 3rd Annual LBA Pickleball Palooza: Order On the Court
 - Student-Firm Networking Event
 - Lawlapalooza: Yacht Rock Night
 - Annual Awards Luncheon
 - Wel After Dark
 - Summer Associates and New Admittee Reception
 - Resume Tips & Tricks w/ the Talis Group
 - Black Men in Law: A Celebration of Excellence, Resilience and Advancing the Legal Profession & Justice William E. McNulty Jr. Trailblazer Award Presentation
 - Grounds for Networking: Coffee (or Tea) Networking Event
 - History Comes Alive: A Legal Tour of Cave Hill Cemetery
 - LBA AI / IP / Privacy Law Section Meet and Greet
 - Money Moves! A Financial Workshop
 - Last Call Before the Bar Prep – A Young Lawyers Happy Hour
 - Boosting Productivity with Microsoft 365 + Business Partner Expo
 - Table Talk: LBA Young Lawyers Networking Lunch
 - NextGen Amplified
 - LBA In-House Counsel Section Networking Meeting (virtual)
 - Well-Being Week in the Law hosted by the LBA Health & Wellness Committee
 - “The Social Rx” in Practice: Connection at Home, Work and Community
 - 5-4-3-2-1 Grounding Meditation: Start Grounded, Stay Focused
 - Fireside Chat: Practicing in Recovery
 - WWIL Keynote: Uniting the Legal Community in Turbulent Times: Fostering Resilience, Purpose and Well-Being
 - Networking and Neurodiversity
 - And more!

MISC.

125 Celebrated the LBA’s 125th Anniversary!

- Launched LBA Member Benefits webpage
- Inaugural New Lawyer Academy

PUBLIC SERVICE AND PRO BONO

\$5,600 Amount raised in toys and monetary donations for the annual Santa’s Court Toy Drive

- 12 Pro Se Divorce Clinics helped more than 46 individuals
- Summer Law Institute Success! 32 students, 22 speakers, 3 mock trial coaches, 1 judge and 1 attorney participated in this week-long program for high school students.



KENTUCKY LAWYER REFERRAL SERVICE (KLRS)

\$800,000 earned through KLRS referrals

83 attorneys on the referral service

- 8,500 calls received
- 80% of calls were converted to referrals
- KLRS initiated Phone Ninja’s AI call system to assist with managing intake and quality of calls.



NEW BENEFITS

5 new member benefits

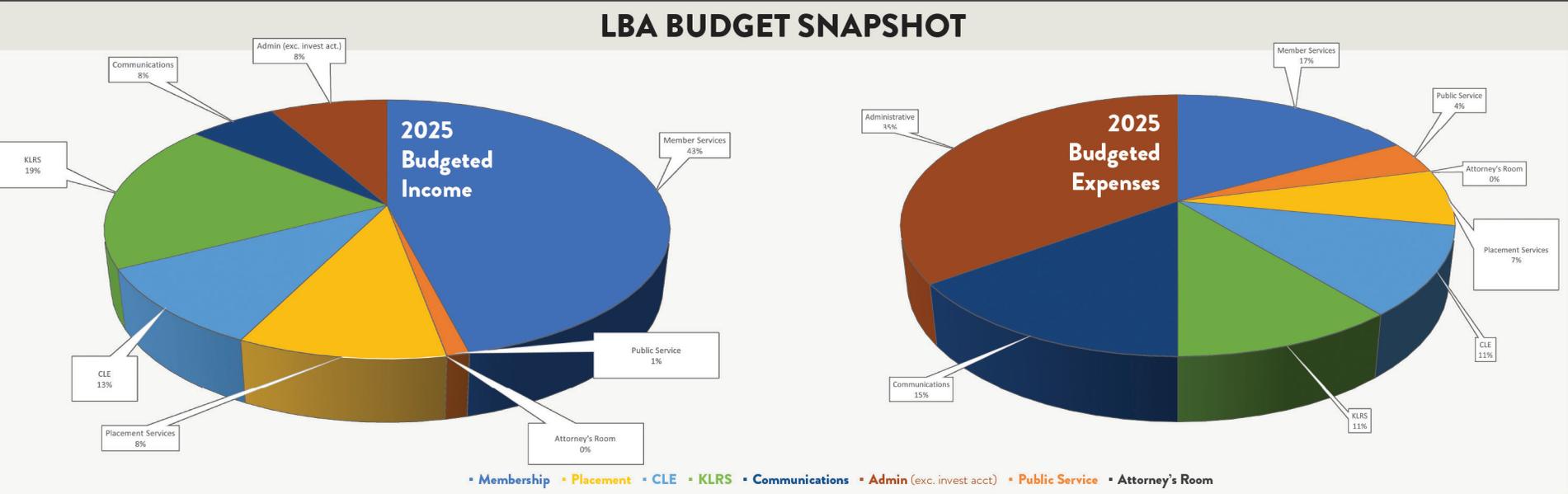
- USI partnership for group health plans
- Individual health plans through Byrne Insurance Group and AgentLink
- Elevate Fitness
- Home Cuisine
- White Lodging joined our list of hotel providers, including: Louisville Marriott Downtown, Moxy Louisville Downtown and Hotel Distil, Autograph Collection



PLACEMENT SERVICE

23 Placement postings on the LBA Job Board

8 Additional hires through our partnership with Talis Group

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, artificial intelligence and intellectual property to examine the legal and operational challenges shaping the year ahead. The seminar will provide practical guidance on evolving privacy regulation, AI governance and the growing intersection of consumer privacy, technology and brand protection.

Keynote speaker Douglas Swetnam, Section Chief of the Data Privacy and Identity Theft Unit in the Office of the Indiana Attorney General, will discuss enforcement of the Indiana Consumer Data Protection Act and the compliance expectations facing attorneys and organizations.

Julia McGuffey, Senior Director and Global Marketing Counsel at Papa John's International, Inc., will address intellectual property considerations in marketing and advertising. Jonathan Sullivan of Texas Roadhouse and Ben Grissom of The Kroger Co. will discuss implementation challenges associated with consumer privacy laws in large organizations, including operational coordination and compliance planning.

Additional sessions will feature Nicholas Godlove, Lead Global for Privacy, AI and Cybersecurity at Yum! Brands, Inc., and Kyle Miller, Partner at Dentons Bingham Greenebaum. A University of Louisville Showcase

session will highlight emerging issues and practical developments at the intersection of privacy, artificial intelligence and intellectual property.

Attendees will gain practical knowledge to support compliance planning, client advising and risk management in privacy, AI and intellectual property practice.

Speakers include: **Nicholas Godlove**, Yum! Brands, Inc.; **Ben Grissom**, The Kroger Co.; **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 speaker: **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. – 3:15 p.m. — Program

Place: Bar Center

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: 5.0 CLE Hours — *Approved, IAPP CPE Hours: 5 (eligible)*

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.

DIVERSITY & INCLUSION COMMITTEE CORNER

March offers several opportunities to reflect on diversity, equity and inclusion in our profession and community. During Women's History Month, we celebrate the leadership and contributions of women in the legal field while continuing to examine how our profession can advance equity in opportunity and representation.

Developmental Disabilities Awareness Month reminds us of the importance of accessibility and inclusion in both our workplaces and the justice system.

The Diversity & Inclusion Committee encourages LBA members to use these observances as opportunities to learn, engage and strengthen our commitment to an inclusive legal community.



March DEI Awareness Tips:

- Nominate or recommend a woman attorney for a leadership role, speaking opportunity or committee position in honor of Women's History Month.
- Review one document or form your office regularly uses and make it clearer and more accessible for clients of all abilities.
- Ask about accessibility needs when planning meetings, CLE programs or events this month.
- Build one new professional connection with someone outside your usual practice area, background or career stage.
- Offer flexibility when scheduling meetings or events during Ramadan or other religious observances.
- Share a resource or article about equity in the legal profession with a colleague or team.
- Invite a newer attorney to join you at a bar event, CLE or networking opportunity.
- Pause before assigning work and ask whether opportunities are being distributed equitably across your team.

MARCH 2026 AWARENESS CALENDAR

- March 8 - International Women's Day
- March 21 - International Day for the Elimination of Racial Discrimination
- March 25 - Equal Pay Day
- Women's History Month
- Developmental Disabilities Awareness Month
- Irish-American Heritage Month



DIVERSITY & INCLUSION COMMITTEE

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



“WOMEN BELONG IN ALL PLACES WHERE DECISIONS ARE BEING MADE.”

– Ruth Bader Ginsberg

Public domain, via Wikimedia Commons



“HERE’S TO STRONG WOMEN: MAY WE KNOW THEM. MAY WE BE THEM. MAY WE RAISE THEM.”

– Michelle Obama

Public domain, via Wikipedia



“HOW WONDERFUL IT IS THAT NOBODY NEED WAIT A SINGLE MOMENT BEFORE STARTING TO IMPROVE THE WORLD.”

– Anne Frank

Public domain, via Wikimedia Commons

The Times, They Have Changed

Dorothy Chambers

Women Lawyers Before World War II

For Women’s History Month, last year’s March Bar Briefs recounted some of the stories of pre-WWII women lawyers. The few women who were admitted as lawyers were lucky to acquire a job as a legal secretary. At that time, one woman lawyer was told she could not go to ABA functions. She went anyway.

https://www.loubar.org/wp-content/uploads/2025/02/Bar-Briefs_March25_web.pdf.

A Shifting Landscape: The Surge of Women in Law

In 2026, women lawyers continue to defy expectations. It’s fair to say, the times, “they are a’ changing.” Before the 1970s, less than five percent of lawyers were women. In the 1970s and 1980s, a great surge of women entered the legal profession.

I, and many of my friends, were part of that “great surge.” Here are some of our stories.

Personal Stories of Women Lawyers

One top-tier graduate went looking for a legal job in Louisville in 1977, only to be told the firm was hoping to hire their “first woman lawyer.” Although she was a top graduate with substantive work experience, she was asked if there were any women with a higher class-ranking. When she acknowledged there was one woman who ranked higher in their class, the interviewer abruptly terminated the interview.

A woman lawyer at a law firm in Louisville was akin to a black swan. There could only be one.

This same lawyer persisted and sent her resume to other major Louisville firms. One firm wrote back that they were not hiring. Two weeks later, that same firm posted a notice they were recruiting. When confronted with this inconsistency, the firm apologized for their “clerical error” and then proceeded to ask if she was married and had children. She was and did. She was not hired.

A Watershed Moment in Legal Education

UofL’s law school class of 1977 was a watershed year.

“Before we enrolled in 1974 there had never been more than five or six women students. My class had an enrollment of 53 women that August of 1974. They didn’t know what to do with us. Many of us were married or single mothers. The one women’s restroom was ridiculously small. The slights to women litigants in the case law was profound.”

Alternative Paths and New Opportunities

Some women came to the law as a second career, as former legal secretaries. They found their prelaw background essential to finding judicial clerkships and in-house positions.

“Were it not for my ‘legal’ background before and during law school, I am certain the judicial clerkships and the subsequent in-house roles would not have come so easily my way. I witnessed the challenges of so many of my women classmates and other women I knew in the legal field, stellar students, challenged to set their careers in gear.”

Experiences in the Field

Some came to Louisville after having substantial legal experience elsewhere, only to be treated as an oddity:

“I was sent to argue a motion in a rural county. Upon

entering the courthouse, I realized I had an audience: the staircase was crowded with clerks and probably local attorneys eager to see the first ‘girl’ attorney make an appearance there.”

Another woman lawyer (later a judge and mediator) who moved to Louisville remembers her interview with a large law firm:

“I had already passed the California and Kentucky bars. During the awkward interview I was asked what my father did. I answered ‘Why? He isn’t looking for a job.’ And so ended my big firm legal career.”

Shifting Careers and Opening Doors

Some women eventually entered other careers after judicial clerkships and in-house positions. One such lawyer explained her decision:

“I founded an executive search firm in Louisville specializing in legal and financial executive positions. I recruited many general counsel and staff attorney positions for many Louisville companies and organizations. Most of these companies were keen to have me present women candidates for consideration, and indeed many did hire a woman for these roles during the 1985 to 1995 timeframe of my firm’s existence.”

One of her women recruits notes:

“I was fortunate to be one of the women recruited! In 1990 I was hired as VP-General Counsel of a large health care company. I will always be grateful to “The Law” and the career opportunities it opened for me!”

Progress and Persistent Barriers

As a part of the “great surge,” one woman recounted:

“I arrived at Georgetown Law School in the mid-1970s, pleased to find approximately half of my classmates were women. In 1979, after graduating *magna cum laude* and member of the Editorial Staff of Georgetown Law Journal, I had several offers from top law firms in major cities.

But upon moving to Louisville, I was told by the major firms here, they either were not hiring or already had ‘their one woman lawyer.’ Luckily for me, a federal district court

(Continued on next page)



(Continued from previous page)

judge hired me as his first woman law clerk. After two years in that position, I readily found a place at a major Louisville law firm.”

To some extent the times had changed. Law firms realized they could employ more than one woman lawyer without pandemonium or “hen parties” ensuing.

Women Ascend to the Judiciary

It was only a matter of time before women occupied judicial positions. Olga Peers, having graduated from UofL School of Law in 1951 and after many years of practicing law, is generally recognized as the first woman appointed to the old Louisville Police Court in 1972. (However, Wikipedia reports the first woman judge in Kentucky was Kathleen Mulligan in 1928. *List of first women lawyers and judges in Kentucky - Wikipedia.*)

After the courts were reformed, in 1978 Peers was elected as a District Court Judge. Judge Peers later became the first woman to serve as a Circuit Court Judge and remained in that position until her retirement in 1990. See SR 148; see also, UofL Interview 4/41993 Interview with Judge Peers. <https://ohc.library.louisville.edu/subjects/622>.

Another trailblazer for women jurists, Ellen Ewing was one of the first women elected to the bench on Jefferson County’s juvenile court in 1978. *University of Louisville Oral History Center.* The Honorable Judge Ewing eventually became Chief Circuit Judge. In 1990, the LBA awarded her a richly deserved honor, “Judge of the Year.”

Women Judges’ Impact

From first-hand experience, women lawyers who appeared before both Judge Peers and Judge Ewing report they witnessed both judges’ brilliant intellect, even-handedness and judicial temperament on the bench:

“It was a pleasure and honor to appear in front of them and litigate in their courtrooms.”

Political Progress and Appointments

Just as women in legal recruiting positions helped other women in the legal profession, there were some giants in politics, such as Governor Paul Patton, (D) (serving 1995 to 2003). Governor Patton appointed a record number of women to the Kentucky judiciary.

Governor Patton truly was a trailblazer, appointing 29 women to judicial positions, a full 41% of his appointments. The previous high was 17%.

Governor Patton appointed more women and minorities to the bench than any other governor in Kentucky at that time, and more women to judicial positions during his first term than all the previous Kentucky governors combined.

See Miller, Penny M. (1996) “Staking Their Claim: The Impact of Kentucky Women in the Political Process,” *Kentucky Law Journal*: Vol. 84: Iss. 4, Article 14. Available at: <https://uknowledge.uky.edu/klj/vol84/iss4/14>.

Justice Lisabeth Hughes, Justice Sara Walter Combs, Justice Pamela Goodwine, Judge Judith McDonald-Burkman, Judge Denise Clayton, Judge Karen Conrad and Judge Joan Byer are just some of the stellar jurists who were appointed to the courts by Governor Patton.

Modern Shifts and Remaining Challenges

The times continue to change for women lawyers and the profession. Three years ago, for the first time, women surpassed men as law firm associates. Women now are also the majority in law schools.

Nevertheless, despite the influx of women in law schools and the profession, according to the ABA, “men still dominate the upper echelons of the legal profession through federal judgeships, state supreme courts, law firm partnerships and corporate counsel positions.” See “Women in the Legal Profession” American Bar Association.

There still is a way to go before women lawyers are fully accepted in the profession. Women lawyers report more dissatisfaction in how they are treated at law firms, such as a lack of recognition and opportunities for advancement. Fifty percent of women at law firms also reported sexual harassment. One in four feared retaliation if harassment was reported.

According to the ABA report on Women in the Law, male lawyers still greatly outnumber women lawyers. If current trends continue, it will be two decades before women hold equal numbers nationwide in the profession.

Kentucky may take even longer for parity in the profession. While 41% of lawyers nationwide are women, our Commonwealth is playing catchup; only 37% of Kentucky lawyers are women.

Conclusion

Women have come a long way in the legal profession. As Bob Dylan, the poet laureate of this generation of women, sings:

“The line it is drawn, the curse it is cast
The slowest now will later be fast
As the present now will later be past
The order is rapidly fadin’
And the first one now will later be last
Cause the times, they are a-changin’”
Song by Bob Dylan, 1964

Dorothy J. Chambers, traveler, free-lance writer and grandma, is a member of the LBA Communications Committee. ■



“THERE IS NO FORCE MORE POWERFUL THAN A WOMAN DETERMINED TO RISE.”

– W.E.B. Du Bois



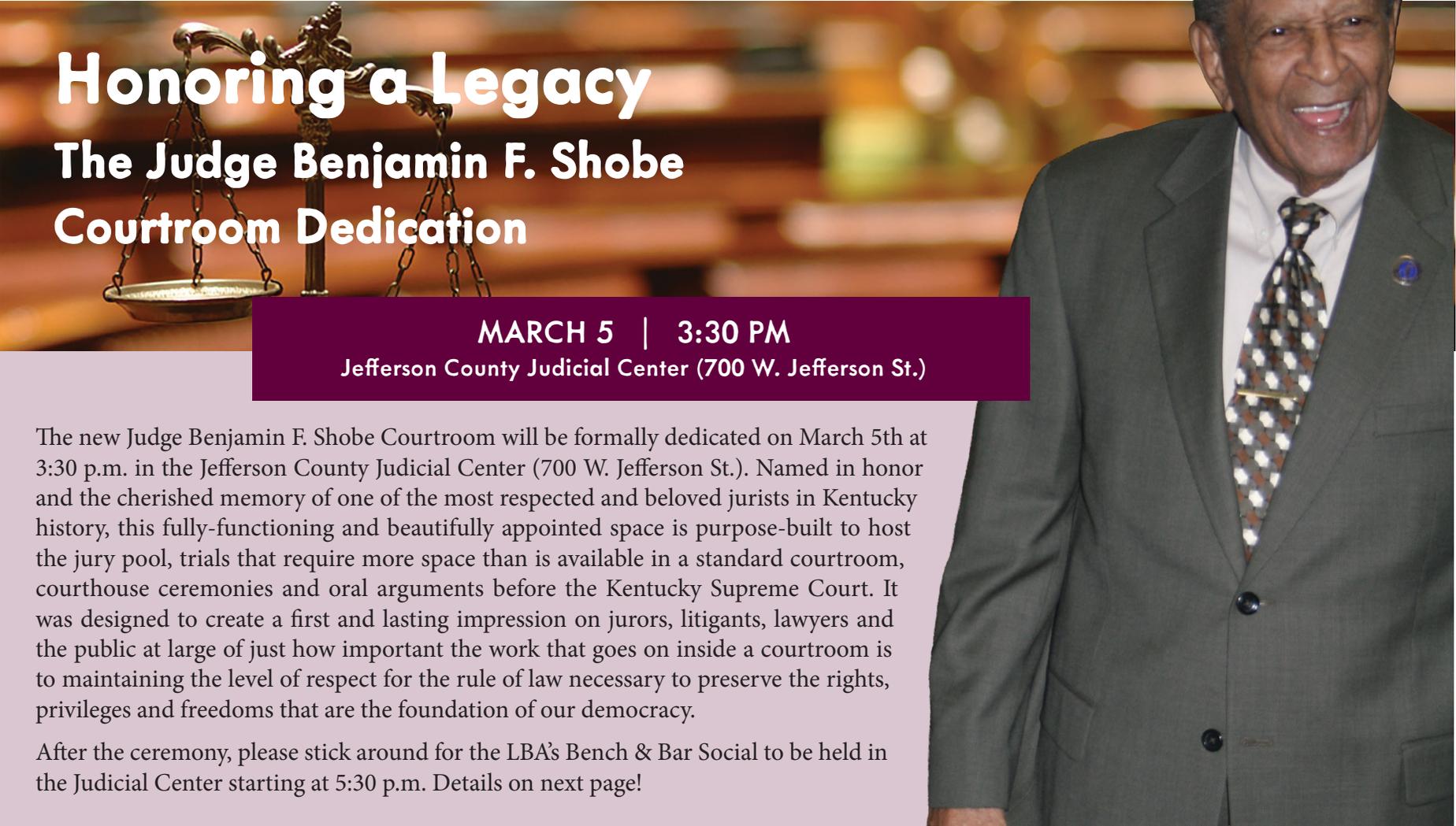
“WE CANNOT ALL SUCCEED WHEN HALF OF US ARE HELD BACK.”

– Malala Yousafzai



“IF THEY DON’T GIVE YOU A SEAT AT THE TABLE, BRING A FOLDING CHAIR.”

– Shirley Chisholm



Honoring a Legacy

The Judge Benjamin F. Shobe Courtroom Dedication

MARCH 5 | 3:30 PM
Jefferson County Judicial Center (700 W. Jefferson St.)

The new Judge Benjamin F. Shobe Courtroom will be formally dedicated on March 5th at 3:30 p.m. in the Jefferson County Judicial Center (700 W. Jefferson St.). Named in honor and the cherished memory of one of the most respected and beloved jurists in Kentucky history, this fully-functioning and beautifully appointed space is purpose-built to host the jury pool, trials that require more space than is available in a standard courtroom, courthouse ceremonies and oral arguments before the Kentucky Supreme Court. It was designed to create a first and lasting impression on jurors, litigants, lawyers and the public at large of just how important the work that goes on inside a courtroom is to maintaining the level of respect for the rule of law necessary to preserve the rights, privileges and freedoms that are the foundation of our democracy.

After the ceremony, please stick around for the LBA's Bench & Bar Social to be held in the Judicial Center starting at 5:30 p.m. Details on next page!

LBF Raffle

Grand Prize

NEW ORLEANS

THE JOIE DE VIVRE OF NEW ORLEANS AWAITS!

Experience the unmatched beauty of New Orleans, a city where history, music and food converge like nowhere else in the United States.

GRAND PRIZE PACKAGE INCLUDES:

- Four day/three night stay at the AC Hotel in New Orleans French Quarter
 - \$750 VISA gift card - you choose how to travel, where to dine and what to explore
 - \$200 gift certificate for dinner at N7 French Restaurant – named by *Bon Appetit Magazine* as a Best New Restaurant in America
 - 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.

KY Assigned Exemption No. EXE0001917

\$25
per ticket



Scan the QR Code
Call (502) 292-6734
Email jbeen@loubar.org

Tickets will also be available for purchase at the Bench & Bar Social on March 5, where prize winners will be announced. Need not be present to win.

THE
LOUISVILLE
BAR
FOUNDATION

Join the L.B.A for our 2026



Bench & Bar Social

March 5, 2026

5:30 - 8:00 pm

**Judge Benjamin F. Shobe Courtroom
Jefferson County Judicial Center
(700 W. Jefferson St. 2nd Floor)**

RSVP

mmotley@loubar.org

502.583.5314



Thank you to our sponsors



MEMBERS *on the move*



Compton



Dennery



Earl



Gatnarek



Lister-Perlman



Lucchese



Mazur



Miller



Robinson

Stoll Keenon Ogden PLLC (SKO) welcomes **Paige A. Robinson** to the firm's Louisville office. Robinson joins SKO's Bankruptcy and Financial Restructuring practice group where she advises and assists clients in complex restructuring and credit matters, including Chapter 11 cases, foreclosures, out-of-court restructurings and litigation involving lender liability, fraud, avoidance claims and related issues. Robinson earned her J.D., *magna cum laude*, from the University of Louisville Brandeis School of Law in 2024.

Stites & Harbison welcomes **Erica Miller** to the Louisville office. She joins the firm as an attorney in the Torts & Insurance Practice Service Group. Miller's practice focuses on medical malpractice, nursing home and long-term care cases, premises liability, professional liability, automotive injury and other claims alleging personal injury. Prior to joining the firm, Miller worked at a personal injury law firm in Louisville. She also served as a legal extern for Judge Annie O'Connell, Jefferson Circuit Court, Division II, in 2023. Miller earned her J.D., *magna cum laude*, from the University of Louisville Brandeis School of Law in 2024. She is admitted to practice in Kentucky.

Kaplan Johnson Abate & Bird is pleased to announce that **Heather Gatnarek** has been elected to partnership. Gatnarek was previously an associate at the firm. Gatnarek began her career with the Kentucky Department of Public Advocacy's Capital Trial Program and then joined the ACLU of Kentucky, where she handled cases at all levels of Kentucky's courts. Gatnarek's areas of practice include appellate advocacy, complex commercial litigation, constitutional law, government investigations, first amendment and media law and healthcare litigation. Gatnarek earned her J.D. from Georgetown University Law Center.

Kaplan Johnson Abate & Bird also welcomes the additions of **Jeremy Lister-Perlman**, **J. Gabriel (Gabe) Dennery** and **Emily Compton**. Jeremy Lister-Perlman recently joined the firm. He previously clerked for U.S. District Judge David Hale in Louisville. He practices complex commercial litigation for both plaintiffs and defendants. Lister-Perlman earned his J.D., *summa cum laude*, from Boston University. Gabe Dennery also recently joined the firm. His areas of practice include financial restructuring and chapter 11, commercial litigation, commercial transactions and business formation and governance. Dennery earned his J.D. from the University of Kentucky J. David Rosenberg College of Law. Emily Compton joined the firm in September 2025. After graduating law school, Compton clerked for Chief U.S. District Judge Stivers in Bowling Green and Judge Siler at the Sixth Circuit. She now focuses her practice on complex commercial and business litigation. Compton earned her J.D., *summa cum laude*, from the University of Louisville Brandeis School of Law.

Fultz Maddox Dickens is proud to announce the following attorneys have joined the firm: **Trevor L. Earl**, **Anna Lucchese**, **J. Mick Smith** and **Caroline E. Wilson**. Trevor Earl has joined the firm after several years as in-house counsel for a local healthcare company. Prior to working in-house, Earl practiced for more than 20 years in several Louisville firms focusing on administrative law, tort defense, bankruptcy and commercial disputes. Earl is admitted to practice in Kentucky, Indiana and Virginia and represents clients in a variety of legal matters including business, real estate, employment and contract issues. Anna Lucchese has joined the firm as an associate attorney, where she will practice with the firm's commercial litigation group. Lucchese is licensed to practice in Kentucky, where she assists clients in a variety of complex business and civil disputes, providing support at all stages of litigation. She earned her J.D. from Belmont University College of Law. J. Mick Smith has joined the firm as an associate attorney. Smith's practice spans organizations of all sizes—from start-ups to publicly traded companies—and covers a wide range of business matters, including mergers and acquisitions, corporate governance and commercial real estate transactions. He also assists the firm's litigation team in resolving commercial disputes. Smith earned his J.D. from the University of Kentucky J. David Rosenberg College of Law, *magna cum laude*. Caroline Wilson has joined the firm as an associate attorney, where she will practice with the firm's corporate, real estate and litigation groups. Wilson is licensed to practice in Kentucky, where she assists clients in a variety of business and real estate matters. She earned her J.D. from Wake Forest University School of Law.

Fultz Maddox Dickens is proud to announce that **William "Bill" Mazur** and **Evan Wright** have been named partners of the firm. Bill Mazur joined the firm in 2019 and was elected partner in 2025. His practice focuses primarily in the areas of healthcare and insurance litigation, litigating and arbitrating healthcare-related matters across the country with an emphasis on payor-provider disputes, managed care contracting issues and state insurance codes. Mazur earned his J.D. in 2010, *cum laude*, from Loyola Law School Los Angeles. Evan Wright joined the firm in 2016 and was elected partner in 2026. Wright practices commercial litigation, focusing on business disputes, real estate development and construction and healthcare matters. He regularly advises and represents institutional property owners, contractors, suppliers and design professionals nationwide in the enforcement and defense of contract and lien claims. Wright also has extensive experience in healthcare-related matters and litigation, including payor-provider disputes, managed care contracting issues and regulatory compliance. He earned his J.D. from the University of Louisville Brandeis School of Law in 2018. ■



Smith



Wilson



Wright



Judge Hugh Smith Haynie (ret.)

HAYNIE & REYNOLDS FAMILY LAW MEDIATION

- ✓ *Co-mediators specializing in the most complex divorce and custody cases*
- ✓ *No charge for preparation of your case*
- ✓ *We will simultaneously draft the agreement for you, saving you and your clients time and money*



Rebecca C. Reynolds

FOR SCHEDULING, PLEASE CONTACT HAYNIEMEDIATION@GMAIL.COM, OR CALL (502) 354-5049.



RETIRED JUDGE
TARA HAGERTY
FAMILY LAW MEDIATION

JUDGETARAHAGERTY@GMAIL.COM
TARAHAGERTY.COM • 502.558.7991



CLASSIFIEDS

Office Space

Attorney Office Space for Rent:

3339 Taylorsville Road at the Watterson Expressway near Bowman Field. Multiple large furnished offices and paralegal station. Access to large conference rooms, phone system, copy, fax, postage machine, and kitchen. Includes receptionist to receive clients, signage, and free parking in large lot. Call Rand Kruger @ 502-767-8882.

Services

Environmental Law:

Ronald R. Van Stockum, Jr.
502-548-4125

rsv@vanstockum.com

THIS IS AN ADVERTISEMENT

QDRO Preparation and Processing for:

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

THIS IS AN ADVERTISEMENT

Help Wanted

Through the LBA Placement Service

Business & Transactional Group Legal Assistant

This law firm is seeking a highly organized and meticulous Legal Assistant to support our Business and Transactional Practice Group. The ideal candidate will have experience with conflict checks, engagement of clients, billing, proof reading and formatting complex legal documents, and administrative tasks, ensuring seamless support of our attorneys.

Key Responsibilities:

Conflict checks and client onboarding
Billing and administrative support
Document support
Client relations

For a complete list of responsibilities, qualifications and to apply, please visit the LBA Job Board at <https://www.loubar.org/placement-services/>.

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

NOTICE

Bankruptcy Judge Positions in the Southern District of Indiana

The Judicial Council of the Seventh Circuit seeks applications from all qualified applicants to fill two positions as a bankruptcy judge for the United States Bankruptcy Court for the Southern District of Indiana with a duty station in Indianapolis, Indiana. One position will be available in 2026 and one in early 2027. Applicants must be willing to travel to other locations in the Seventh Circuit to handle cases as need arises. The term of office is 14 years, and the current salary is \$229,908. Interested applicants should access the Court of Appeals website at www.ca7.uscourts.gov for more information. ■

MEETING ANNOUNCEMENTS

LBA Committee Meetings

Diversity and Inclusion Committee
Wed., March 11 | 4 p.m. via Zoom

Health and Wellness Committee
Thurs., March 19 | Noon via Zoom

If you are interested in joining any of these committees, please contact Lisa Murray, 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, March 12, 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. Any questions, please contact the Kentucky ALA Board at board@ky-ala.org. ■



MARCH 2026 AWARENESS CALENDAR

- Self-Harm Awareness Month
- National Social Work Month
- Brain Injury Awareness Month
- National Nutrition Month
- March 8-14: Sleep Awareness Week

MARCH WELLNESS QUICK TIPS

- Check in with someone this month. A quick text, coffee or hallway conversation can make a real difference. Connection is one of the strongest protective factors for mental health.
- Protect your sleep like a deadline. Even small improvements in sleep consistency can improve focus, mood and decision-making.
- Fuel your brain, not just your schedule. Regular meals and hydration help stabilize energy and reduce stress throughout the workday.
- Know your support resources before you need them. Save the Kentucky Lawyer Assistance Program contact information in your phone.
- Take a cognitive reset break. Step away from screens for five minutes, take a short walk or practice slow breathing to reduce mental overload.

The LBA continues its partnership with USI Insurance Services to support the LBA Member Health Plan. USI serves as the primary resource for plan renewals, service and support, and tools to help firms manage healthcare costs and employee engagement.

For members currently enrolled in the LBA health plan, Anthem coverage and benefits remain unchanged. Firms not participating in the plan may contact USI to learn more about available options through the LBA Member Benefits Program.



LOUISVILLE BAR ASSOCIATION
HEALTH & WELLNESS COMMITTEE



provided by:



“Take Control of Your Healthcare”

Join the
HWCI!

Contact Lisa M. Murray at
lmurray@loubar.org for more information!



The Louisville Bar Association would like to welcome our new and returning members.

ATTORNEYS

- William Baird**
Valvoline Inc.
- Jordan Butler**
Stites & Harbison PLLC
- R. Benjamin Crittenden**
Morgan Pottinger McGarvey
- Trevor Earl**
Fultz Maddox Dickens PLC
- Connor Egan**
Stoll Keenon Ogden PLLC
- Anna Hudson**
Winner Law Group LLC
- Edward Lasley**
Conliffe Sandman & Sullivan PLLC
- Crystal Mahoney**
Winner Law Group
- Susan Maines**
Casey Bailey & Maines PLLC
- James Mains**
Jenkins & Wheatley Family Law
- William Mazur**
Fultz Maddox Dickens PLC
- William McGee**
Straw-Boone Doheny Banks Mudd Catalano & McKinney PLLC

- Annie Myers**
Dinsmore & Shohl LLP
- Natali Richter**
Clariant Corporation
- Charles (Chuck) Rogers**
Jefferson Circuit Court, Div. 12
- Jordon Shewmaker**
Shewmaker & Corman at Law PLLC
- J. Mick Smith**
Fultz Maddox Dickens PLC
- Brenton D. Stanley**
Stanley Law PLLC
- Mary Terry**
Dinsmore & Shohl LLP
- Kara Thomas**
Lynch Cox Gilman & Goodman PSC
- D. Bryan Wickens**
MAC Construction
- Caroline (Carly) Wilson**
Fultz Maddox Dickens PLC
- Jessica Zemanski**
Stoll Keenon Ogden PLLC

JUDGE

Hon. Lisa Langford
Jefferson District Court, Div. 6

LAW STUDENTS

- Johannah Anderson**
IU McKinney School of Law
- Juan Bravo**
Brandeis School of Law
- Reid Elsea**
Brandeis School of Law
- Luke Otto**
Brandeis School of Law

KNOW SOMEONE INTERESTED IN JOINING?

Contact our Chief Outreach Officer, Marisa Motley, at mmotley@loubar.org for information!



We're thrilled to continue our partnership with Elevate Fitness as an LBA Member Benefit!



Elevate Fitness offers LBA Members a 25% discount on bi-weekly rates. Contact us at (502) 468-3059 or Chris@ElevateFitness502.com.

JOIN TODAY!

Retired Judges Mediation & Arbitration Services

Over A Century of Judicial Experience!

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

AVAILABLE FOR VIDEO CONFERENCE MEDIATIONS STATEWIDE

P.O. Box 32274 • Louisville, KY 40232
(502) 721-9900 • Fax (888) 389-3559

Email: retiredjudges@twc.com

www.retiredjudgesmediation.com



Judge Tom Knopf (Ret)



Judge Steve Ryan (Ret)



Judge Ann Shake (Ret)



Judge James M. Shake (Ret)



Judge Barry Willett (Ret)



Judge Charles L. Cunningham, Jr. (Ret)



Judge Denise G. Clayton (Ret)

This is an advertisement.