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The mission of the Louisville Bar Association is to promote justice, professional excellence and respect for the law, improve public understanding of the legal system, facilitate access to legal services and serve the members of the association.

Professional Excellence

4
Arbitration Clauses: To Infinity and Beyond
By Chief Judge Ann Bailey Smith

6
Transactional Real Estate Lawyers and Our Modern Competition
By Abbey Fargen Riley

10
Should Mediating Parties Face Each Other?
By Dana M. Eberle

12
Law Library 2.0
By Judge McKay Chauvin (Ret.)

17
An Expansion of Federal Protection for Pregnant Workers
By Marianna Michael Melendez and Rudy J. Ellis III

Events

4
Lawlapalooza

10
"Out of the Darkness" Suicide Prevention Walk

14
Bankruptcy Law Conference

15
Continuing Legal Education

15
KY Commercial Real Estate Conference

16
Member Appreciation & Awards Luncheon

In this issue

8
Legal Aid Society
It's Pro Bono Month

9
Monthly Diversity and Inclusion Committee Corner

10
Monthly Health and Wellness Committee Corner

13
Pickleball Palooza: Return of the Whack Recap

18
New LBA Website has Launched

18
Classifieds

19
Members on the Move

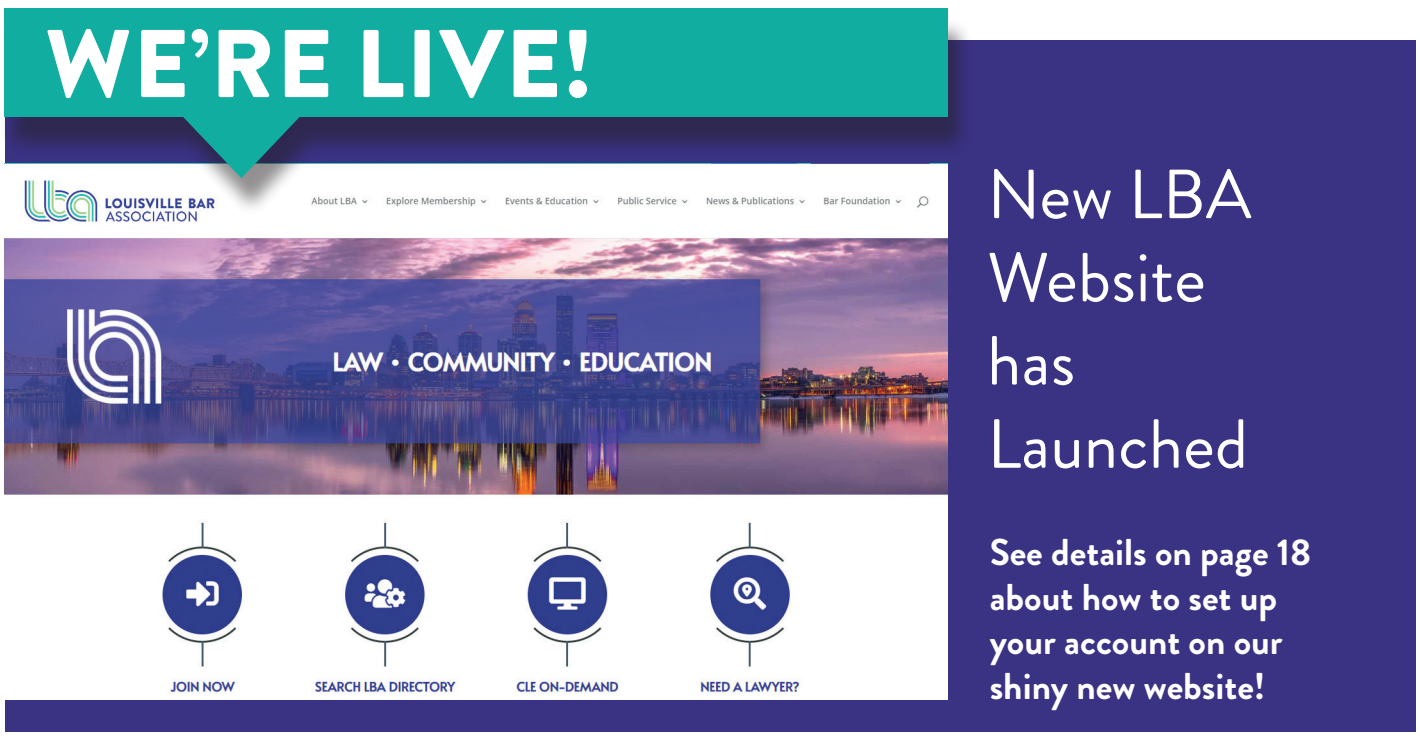
19
Court News

Serving Our Members

9
Set Your Law Firm's Accountant Up for Success
By Megan Bennett



Details on page 20!



Building Bridges:

How the LBA Connects our Profession to our Community through Public Service

The LBA's mission is to 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. The LBA's motto is "Law. Community. Education."

From a young age, my parents (who were and are amazing) instilled in me values of service to the community. Growing up, I was willingly thrust into Boy Scouts, Habitat for Humanity, our church and many other such organizations. My father was an OB/GYN and very active in Planned Parenthood and providing access to medicine in the underresourced areas of our city. A medical facility still bears his name and so does our church building. My mother seemed to run every organization my brother and I joined. And my uncles, Dave and Tom Armstrong, dedicated their professional lives to service to their community through government.

In my professional life, I have been active in numerous community organizations: Actors Theatre, Leadership Louisville, The Francis Parker School, Wilderness Louisville, Jefferson Memorial Forest, political campaigns, Rotary and obviously the Bar Association. I sincerely enjoy working towards a better Louisville. I will be the first to admit that the tangential benefits of client referrals and respect from counsel, the bench and others have helped me financially, professionally and personally. But at the end of the day, I love it and it's just the right thing to do.

Community service is the cornerstone of the legal profession and especially important for the members of the LBA. As stewards of justice with ready access to the courts, attorneys hold unique positions of influence and responsibility within our Greater Louisville community. Engaging in community service allows lawyers to give back, promote justice and bridge much needed gaps in access to legal resources. Such efforts strengthen trust in the legal community. They can also demystify the legal system for the public and organizations, making it more understandable and navigable. Most lawyers I know are engaged in board service or some kind of community involvement. In the unlikely event you are not engaged in some type of community service, I encourage you to do so immediately.

I am especially proud of the LBA and the number of ways it and its members give back to the community. The Louisville Bar Foundation, led by Jeff Been, financially supports several fantastic organizations including Kentucky Refugee Ministries, La Casita, Catholic Charities, Legal Aid and countless others. The LBA and its members donate their time in a number of ways, including pro bono clinics, helping people with living wills and volunteering for organizations focused on suicide prevention and improving mental health. Every year, LBA members also donate and collect school supplies for the Back 2 School Project. The LBA hosts a variety of forums to help educate the public on issues ranging from new legislation to candidates running for judicial office. Finally, the LBA's special relationship and engagement with Central High School and its students fills me with pride in our organization.

By volunteering our time and expertise, LBA members help ensure that justice is accessible to all. It helps promote equity and fairness within our legal system. These efforts educate citizens about their rights, which fosters trust between the community and our profession. These efforts help us as lawyers to build relationships and broaden our understanding of the challenges our community and fellow citizens face.

Community service is more than an obligation for lawyers; it is a profound way to give back, promote justice and strengthen the bond between our profession and the community it serves. Again, I am proud of the Louisville Bar Association, its members and staff, for continuing to have meaningful impacts on the lives of individuals and the overall well-being of our home city, Louisville.



Community service is more than an obligation for lawyers; it is a profound way to give back, promote justice and strengthen the bond between our profession and the community it serves.

Bryan R. Armstrong
LBA President

Arbitration Clauses: To Infinity and Beyond

Chief Judge Ann Bailey Smith

"Our courts have their faults as does any human institution, but in this country our courts are the great levelers, and in our courts all men are created equal."

From "To Kill a Mockingbird" by Harper Lee

Who doesn't love going to Disney World, frequently referred to as "the happiest place on earth"? Okay, there may be some of you who are not Disney fans… It's too hot in Orlando, the lines are too long, it's too expensive. I love Disney World and, with the exception of the Outer Banks, I do find it to be one of the happiest places on earth. Last summer I went with two of my grandchildren, both 5 years old at the time, and it was nothing short of magical seeing Disney World through their eyes. Hopefully I've caught your attention and drawn you in, because what this article is really about is… Arbitration. There is a Disney element to this, but I thought if I started the article writing about arbitration, then you would quickly be flipping to the next page of *Bar Briefs*.

Arbitration is a method for dispute resolution which does not involve a judge or a jury but is agreed to by the parties to a contract where a neutral third party hears the evidence and decides the case. Arbitration can be binding on the parties where they agree to accept the arbitrator's decision as final, or arbitration can be non-binding which means that if one of the parties is dissatisfied then the case can proceed in court.

My contact as a circuit court judge with arbitration typically comes in the form of a motion to stay proceedings and compel arbitration filed by a nursing home in response to a complaint filed by the resident or the administrator of the resident's estate for negligence. KRS 417.050 provides that a written agreement to submit any controversy to arbitration "is valid, enforceable and irrevocable, save upon such grounds as exist at law for the revocation of any contract." Moreover, "[t]o create a valid, enforceable contract, there must be a voluntary, complete assent by the parties having capacity to contract." *Conners v. Eble*, 269 S.W. 2d 716, 717 (Ky. 1954). In the nursing home cases, the issue to be decided by the court is whether the resident had the mental capacity to enter into the Alternate Dispute Resolution Agreement, which is usually included in the documents the resident is presented with and asked to execute at the time of admission.

So, this brings us back to Disney. You may have read or heard about the arbitration issue involving Disney. A woman and her husband were dining at a restaurant in Disney Springs in 2023 when she had a severe allergic reaction to the food she was eating and died. Her husband filed a wrongful death lawsuit against Disney claiming that the restaurant had been made aware of her dairy and nut allergies yet did not take proper precautions in preparing her meal. Disney responded by saying that there was a binding arbitration clause between Disney and the husband because he had signed up for a free trial of Disney+ in 2019 which contained such a clause. It has been reported that the husband did not continue with Disney+ beyond the free trial period. Disney further argues that the arbitration clause was also included when the husband bought tickets for the theme park, although Disney park tickets are not needed to enter Disney Springs. The husband's attorney calls Disney's argument for arbitration of the wrongful death suit preposterous.

Disney is not the only company that is seeking to expand the reach of an arbitration clause when it is facing a lawsuit by a customer. Walmart and Airbnb are increasingly seeking to forego litigation in a court of law in favor of arbitration. In order to use these companies' services, customers must agree to terms of use which incorporate arbitration agreements. Those arbitration agreements, the companies argue, cover affiliates of the company and extend to any complaint regardless of whether it's related to the original transaction that prompted the arbitration agreement. This has come to be known as "the infinite arbitration clause" by those who oppose this wide-ranging interpretation.

An example of this involves a family falsely accused of shoplifting at a Walmart store in Roanoke, Virginia. After the family of four had paid for their purchases and were

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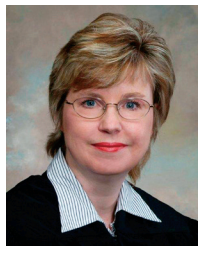


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attempting to exit the store, a Walmart employee yelled out for them to stop, calling them thieves. The family approached the employee and offered to show her their digital receipt for their purchases. She wouldn't look at the receipt and persisted in her accusations which caused other customers to stare at the family causing embarrassment. The family called the police stating that they were being detained at the store. As the police arrived, a manager approached the commotion. When he saw which employee was making the accusations, he told the family that he believed them and he didn't even need to see their receipt.

The family filed a complaint alleging violation of the Civil Rights Act of 1964; that the Walmart employee had defamed the family; and that they were falsely imprisoned by the Walmart employee. Walmart responded with a motion to compel arbitration based on a binding arbitration agreement between Walmart and the mom of the family because she had signed an agreement to work as a shopper/driver on the Spark driver app. Plaintiffs did not dispute the existence of the arbitration agreement but argued that it had no relation to their claims in this lawsuit. The trial judge sustained the motion to compel arbitration finding that it applied to any and all disputes involving Walmart and the Plaintiff mom regardless of whether there was a nexus between the dispute and her work as an independent contractor. The judge clarified that it was of no consequence to the arbitration issue whether the mom was shopping in her role as an independent contractor or whether she was simply just shopping for her family; either way, her claims and the claims she brought on behalf of her minor children were subject to arbitration. This decision cited the United States Supreme Court's case of *Lamps Plus, Inc. v. Varela*, 139 S. Ct. 1407 (2019), where the Court reaffirmed that arbitration agreements are to be enforced according to their terms, and ambiguities about the scope of an arbitration agreement are to be resolved in favor of arbitration.

Now, back to Disney. In late August, Disney reversed course and withdrew its motion to compel arbitration so that the wrongful death lawsuit will proceed in court, stating that in this circumstance a sensitive approach is warranted to expedite resolution for the family. The happiest place on earth may have been concerned about the backlash it received from its decision to push arbitration. We will have to wait for another day to see whether the United States Supreme Court will put its imprimatur on an expansive interpretation of arbitration clauses.



Chief Judge Ann Bailey Smith presides in Division 13 of Jefferson Circuit Court. ■

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The LBA has a shiny new website!
Now, where'd my photo go?



You've visited the new website and set up your account (see page 18 if you need assistance). Now you wonder why some of the LBA photos have disappeared. Not to worry! We have not lost the photos; we are uploading them one by one so it may take a minute. They'll be there as soon as possible. Thank you for your patience!

email kkasey@loubar.org with questions.

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Transactional Real Estate Lawyers and Our Modern Competition

Abbey Fargen Riley

> *We now practice law in a time when inexpensive and even free legal document templates are widely available online as an alternative to attorney-prepared deeds and purchase agreements.*

Real estate and other transactional attorneys are facing increasing competition in the form of non-attorney alternatives for producing legal documents. We now practice law in a time when inexpensive and even free legal document templates are widely available online as an alternative to attorney-prepared deeds and purchase agreements. Lenders have robust document preparation software that requires set up and data entry but does not require an attorney to produce a mortgage. And the use of artificial intelligence in our law practices has become a topic of much prognostication on the future of our profession (or our possible displacement by computers).

And yet, the ebb and flow of interest rates notwithstanding, most of us are fortunate to remain gainfully employed. The fact remains that buyers, sellers, lenders, borrowers and other clients continue to seek assistance from attorneys in documenting and overseeing their transactions, in matters big and small, complex and simple. There are a variety of reasons why modern conveniences such as internet template documents, document preparation software, and artificial intelligence operate best as tools for a skilled attorney and not as our replacements.

Template documents are readily available online, including from a variety of websites that do not require users to log in or pay. Copyright infringement potential aside, these documents may be of high or low quality, and it is difficult for someone not familiar with the subject matter to make that judgment. For some enterprising investors and would-be clients, the temptation to save money on legal fees and generate their own documents using these templates can be too much. Like any form or repurposed document, the quality of the new material is dependent on the quality of the editor. Parties to these types of documents may not find the flaws in their documents until a default occurs and the instrument must be enforced, or someone goes to resell a property and finds a significant problem with a prior deed, creating future work for our litigation attorney counterparts. Further, depending on the source of these documents, they may contain erroneous statements of law or rely on assumptions regarding applicable law that were valid in the jurisdiction in which the original document was created, but are irrelevant, incorrect or even void in the state in which they are being repurposed.

Further, at their best, an online document preparation service, and especially a template website, by their nature only have so many boilerplate questions used to determine what type of instrument is needed. Often a brief conversation with a potential client can lead an experienced attorney to recommend a course of action entirely different from the initial requested scope of work. So much of the practice of involves working with the client to listen and advise, and hopefully deliver value to the client in avoiding unnecessary document preparation or the implementation of documents that operate against the client's best interest. A client may ask for a deed when they need a will, with devastating tax implications, or a buyer and seller may request an installment contract unaware that there are other options that better serve their unique needs. They will not receive such guidance from a list of do-it-yourself forms. In our own

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practices, I am sure many of us have come across documents provided by clients as a first draft and immediately recognized that the document would need to be entirely rewritten. In my practice it comes in the form of a two-page commercial purchase agreement.

More advanced and sometimes a better alternative for the situation, lender clients often utilize loan document software packages as a cost-effective and expedient way to paper a loan, rather than requiring an attorney to prepare the relevant promissory note, mortgage, loan agreement and ancillary documents. This software is often integrated with other loan origination and bank records systems. For certain purposes, such as consumer lending, there is heavy regulation of language, lender-borrower communications, fee disclosures and other details, and it makes sense to use document preparation software that allows for limited editing and a high level of efficiency in order to prevent these features from being edited into a lawsuit. Newer laws regarding electronic signatures and online notaries and increasing comfort with the use and security of these features also provide avenues for these products to become more useful. Uniformity of these loan document packages ensures compliance with federal lending laws and allows loans to be sold. However, where commercial loans are concerned, increasingly complicated borrower structures and stiff competition often mean that sophisticated commercial borrowers and complex loans may not fit neatly into these document packages. Commercial borrowers may have their own requirements for terms that must be included in their loan documents. Borrowers may need to require revisions to the definition of an "event of default" to match the reality of their structure or succession planning, or they may have plans for business expansion or change that their lender is comfortable with, but the boilerplate production software often is not capable of allowing for many types of modifications. Furthermore, document preparation software is often inflexible and difficult to modify, with attempted modification potentially having the unintended consequence of voiding indemnification or creating copyright infringement claims. Often, lenders may be comfortable with their non-attorney-prepared documents up to a certain threshold loan amount, and beyond that require the assistance of an attorney to prepare loan documents.

Contracts and transaction documents are often dense, and loan documents are no exception. Document preparation software still relies on data entry, which is still subject to human error, and while it might be more adept at making a change uniform across all documents, there is always opportunity for mistakes. Inclusion or exclusion of a particular clause may involve only the check of a box. With boilerplate documents, often only the insertion points are being reviewed, and irrelevant language elsewhere in the document may be more likely to be missed. When loan documents are not closely reviewed by the lender or the borrower, or attorneys on behalf of the lender or borrower, it becomes more likely that important terms, such as prepayment penalties, representations and warranties or certifications regarding organizational structure, may be inaccurate in the final (and often only) version of the document, to be discovered only if and when the documents are later enforced.

Finally, the biggest threat to the real estate attorney way of life appears to be artificial intelligence. It is increasingly available, both to generate entire documents and to complement our current practices as an assistant of sorts. We pay to use it, it can potentially save time and make our work product more efficient, and we are then ethically obligated to pass the savings on to our clients. Some would suggest that we are training our own replacements and paying to do so. The Kentucky Bar Association issued Ethics Opinion KBA E-457 on March 15, 2024, providing guidance on our ethical duties regarding artificial intelligence. In short, we are obligated to keep abreast of its use in the practice of law as we strive to deliver efficient representation of clients. Further we are obligated to employ this and other technological advances that make the practice of law more efficient, more accurate and more cost-effective. But artificial intelligence, at least as it exists today, may struggle to grasp and interpret complex legal concepts, may be trained on biased data and by its nature lacks transparency.

We have all heard the cautionary tales of litigators submitting AI-derived briefs citing phantom cases. The quality of artificial intelligence tools varies depending on the source material used to train the artificial intelligence, and poor-quality input based on inaccurate data renders many artificial intelligence products insufficient to be relied upon for legal drafting. In short, artificial intelligence is, at least for now, a tool for improving efficiency in the practice of law, but not one that can operate without attorney supervision.

Although there are now many inexpensive resources for obtaining legal templates, software that allows mass production of loan documents utilizing minimal data entry fields, and a burgeoning crop of artificial intelligence products to assist in document production, real estate and other transactional attorneys are able to compete by providing value and utilizing these potential alternatives as tools for improving efficiency in the practice of law. By taking note of some of the pros and cons of these tools, we can form a better understanding of our own strengths and better serve clients as we seek to continue to provide added value to clients.

Abbey Fargen Riley is a Member of Stoll Keenon Ogden PLLC in its Louisville and Jeffersonville offices. She is part of the firm's Real Estate and Corporate Finance & Lending practice groups. She is the chair of the LBA Real Estate Section. ■



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Set Your Law Firm's Accountant Up for Success

Megan Bennett

Law school prepares lawyers for many challenges, but managing a law firm's finances is not typically one of them. Managing the firm's books and ensuring financial accuracy and compliance fall outside the traditional legal curriculum.

Because of this gap, lawyers often need expert help navigating the complex world of financial management. Accountants step in to fill this role, providing critical support in maintaining accurate records and helping to ensure compliance with jurisdictional regulations. Their expertise allows lawyers to focus on their core legal work without worrying about the intricacies of financial administration.

Therefore, law firms greatly value accountants, whose primary goal is to save the business time, hassle and money.

Below we explore the collaborative partnership between lawyers and their accountants and how legal accounting software empowers both parties for success!

Addressing Common Legal Accounting Challenges Through Technology

Whether you're a larger firm with dedicated bookkeepers and accountants or a small firm that manages its own finances, there is one secret weapon that allows firms to ensure that their finances are in order: legal-specific accounting technology.

Here are some common legal accounting challenges that lawyers (and their accountants) face daily, quarterly and annually. While these challenges are unavoidable, there are ways – with legal technology – to streamline and improve accounting efficiencies.

Trust Accounting Compliance

Managing trust accounts in compliance with jurisdictional regulations is a key challenge for law firms. They must separate unearned client funds from operating funds, maintain meticulous records and regularly reconcile trust accounts. Doing this manually can be burdensome and increase the risk of audits, fines or disbarment.

However, a specialized legal accounting tool (such as Clio Accounting) simplifies trust accounting. It enables firms to track deposits, transfers, disbursements, withdrawals and refunds in one place and easily reconcile bank transactions with their books for accurate three-way reconciliation.

Filing Taxes

Each year, law firm accountants dedicate significant time to preparing a firm's tax filings, from gathering documents to compiling reports and financial information. When going between bank statements, a case management system and accounting software, this task can be daunting and make firms vulnerable to mistakes and errors.

With legal accounting software, solo lawyers, small firms and firms with dedicated accountants can record and organize every financial transaction related to running their law firms in one centralized location.

Legal accounting tools simplify the tax filing process by quickly generating financial and reconciliation reports that can be easily exported, printed or filed.

Cash Flow Management

One of the most important parts of running any business is understanding the flow of cash—how much money is going out, and how much is coming back in. If you're keeping track of expenses and outstanding invoices in an Excel sheet, understanding cash flow would take a lot of manual calculation.

Legal accounting software allows lawyers and their accountants to see how money is moving across the firm.

Integration with Practice Management Software

To best understand the profitability of your firm, you need to have visibility on all cases, client intake and payments, and eliminate non-billable work wherever possible.

Having your case management software solution, client intake and relationship management tool, payment processing software, legal accounting software and financial reporting all in one place, you'll be able to eliminate the risk of error that can come with working with separate solutions and vendors.

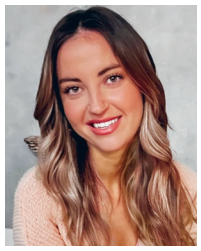
Better yet, compliance and accuracy will be simpler than ever for your accountant and your firm.

Understanding Your Firm's Financial Needs and Goals

To steer your firm effectively, it's crucial to clearly understand its financial position. Switching between case management and accounting tools often requires tedious cross-referencing and manual report creation, which can be time-consuming and prone to errors. Fortunately, financial reporting can be streamlined, enabling quick and accurate insights with just a few clicks.

Legal accounting software allows a firm to review all entered financial data (reporting), recuperate client costs paid upfront, ensure trust accounts are being reconciled, review and approve draft bills (firm-dependent), get the documents required for quarterly or annual tax assessments, share various receipts with the correct person or team and account for their own clients' or cases' bills and payments.

Legal Accounting Software Sets Lawyers and Their Accountants Up for Success



By simplifying complex tasks and reducing manual errors, legal accounting software sets accountants and bookkeepers up for success, ultimately enhancing their productivity and ability to deliver exceptional service and compliance.

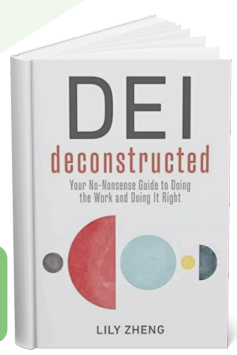
To get your firm's financials up to the gold standard, discover to streamline processes, ensure accuracy and enhance overall productivity with Clio Accounting.

Megan is a seasoned marketer and SEO expert with extensive experience developing web-based and social content strategies across a wide range of industries, including fraud prevention, energy, real estate and legal technology. Since joining Clio, Megan has fully immersed herself in the world of legal technology, providing practical and purposeful articles that legal professionals can rely on for daily tips and advice. Covering topics from the latest in legal tech and law firm marketing to legal administration and accounting, Megan aims to make Clio's blog a valuable resource for law firms. ■

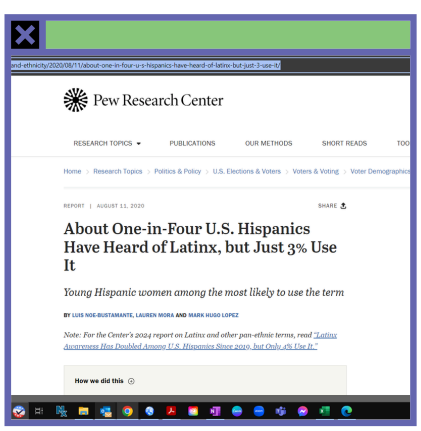
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OCTOBER 2024 AWARENESS CALENDAR

- Hispanic Heritage Month:
  - September 15-October 15
- National Disability Employment Awareness Month

"Every moment is an organizing opportunity, every person a potential activist, every minute a chance to change the world. When you have a conflict, it means there are truths that have to be addressed on each side of the conflict."
- Dolores Huerta

Should Mediating Parties Face Each Other?

Dana M. Eberle

This article is written from the perspective of an attorney and mediator who prefers shuttle mediation – when the parties are *not* face-to-face, but the mediator "shuttles" back and forth between the parties' rooms. But this attorney recognizes that there are pros and cons to both methods, and that every mediator and most attorneys have strong opinions as to which is more productive. This discussion is facilitated by the following resources: "Advocating for Understanding" by H. Scott Flegal (*New Hampshire Bar Journal*, 2005); ABA Section of Dispute Resolution Report of the Task Force on Research on Mediator Techniques, 2017; "The Decline of Dialogue" by Eric Galton, Lela Love and Jerry Weiss (*Alternatives* newsletter, 2021); "Love, Death, and Money" by Gary Friedman and Jack Himmelstein; "Mediation and the Art of Shuttle Diplomacy" by David A. Hoffman (*Negotiation Journal*, 2011).

In 2005, Gary Friedman first put forward his theory that the primary purpose of mediation was not to assist the parties in reaching a resolution, but rather – this attorney would argue – to force the parties to understand each other's perspectives, and *then* to facilitate an agreement based on that understanding, otherwise known as the understanding-based model (UBM). The UBM alleges that a mere resolution is not helpful unless the parties can understand each other and then carry that understanding forward to continue their relationship after the settlement. The only way to accomplish this, according to the UBM, is to keep the parties (and their lawyers) in the same room for the duration of the mediation.

The UBM's assertion is that the parties must make the decisions together and must work collectively with the mediator to resolve their dispute. "It is important for the mediator in [this] model to view the interaction between the parties and help the parties recognize counterproductive patterns of conflict that may keep them divided." The mediator can "focus on *how* the parties talk about these issues." This method "demands a higher level of interpersonal skill on the part of the mediator." But what the UBM does not acknowledge is that the skills it requires of the mediator are more those of a therapist than a solver of legal problems. Most mediators are attorneys, not therapists. The personal (and personality-driven) reasons for the conflict between the parties are not relevant to the legal issues that must be addressed. Many clients will be resistant to mediation because, "If we could agree on anything we wouldn't be in this situation." It is up to the attorneys to explain to their clients that no one is forcing them to agree with the other side – we are looking for the best out-of-court solution to their problems. We are not tasked with – nor are the courts concerned with – fixing the parties' relationship. That is the domain of trained mental health professionals.

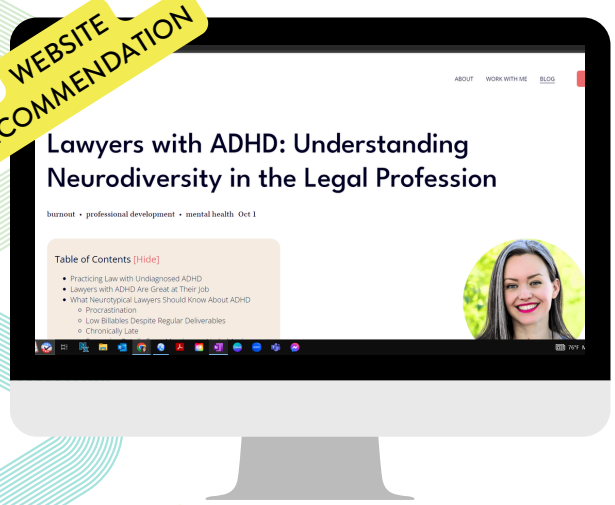
In criticizing the shuttle method of mediation, the UBM alleges that it gives the mediator – who has the role of a neutral – too much power. The UBM identifies the goals of a mediator as helping the parties understand what their opportunities and risks are in litigation, exploring carefully a variety of other options, and making decisions about what's in their interests. Allegedly, shuttle mediation is not suited to these goals because it results in the parties believing the mediator is biased and is manipulating the parties with the selective information she shares with the parties. With shuttle mediation, the mediator's only goal is to get a settlement. That is not this attorney's experience, and presumably good mediators would take exception to this assumption. As both an attorney advocating for the client in mediation and as the mediator, the goals should always be ensuring that the client understands the risks, understands all the options and is making informed decisions.

Shuttle mediation avoids the uncertainty and lack of control that comes with people in dispute being in the same room at the same time. It not only resolves conflicts as efficiently as possible but also achieves many of the same objectives that the UBM seeks to advance. Accusations each side is likely to bring up will only exacerbate the conflict if shared in a joint session. Private meetings allow the mediator to build relationships with each side and try to get each side to respect the perspective and motivations of the other side without them being locked in argument and continually antagonizing each other. The mediator can moderate the emotional impact of a proposal that might otherwise infuriate the other side. The pride of each party may prevent them from letting their guard down in the presence of the other. Shuttle mediation helps the parties save face, and helps the mediator identify problems

(continued on next page)

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WEBSITE RECOMMENDATION



DID YOU KNOW?

12.5% of lawyers reported having ADHD compared to an estimated 4.4% of adults generally—nearly three times as many!

OCTOBER 2024 AWARENESS CALENDAR

- ADHD Awareness Month
- Depression Awareness Month
- Breast Cancer Awareness Month
- Mental Illness Awareness Week (6-12)
- World Mental Health Day (10/7)
- OCD Awareness Week (13-19)

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American Foundation *for* Suicide Prevention

WALK WITH US TO PREVENT SUICIDE

(continued from previous page)

and perspectives without interruption.

The parties may be closer to an agreement than they think. They may have a "zone of possible agreement" of which neither party is aware. In separate meetings with the mediator, the parties may be more open to sharing these underlying interests, helping the mediator pin down the "zone of possible agreement." It is particularly conducive to a settlement for the mediator to return to the room and state, "Good news! You guys agree on all the important things! We just need to work out the details."

Shuttle mediation solves the problem of the various barriers to reaching settlement.

- **Communication barriers:** One of the parties communicates so abrasively that the other party can't stand to be in the same room. Messages are sometimes easier to hear from the mediator after reframing.
- **Emotional barriers:** The fight-or-flight reaction, the adrenaline rush, the need to vent in a safe space.
- **Information barriers:** The reluctance to share specific information in a joint session, not knowing whether it will help or hurt the process.
- **Strategic barriers:** A reluctance to share the true bottom line.
- **Unrealistic expectations:** The mediator can use private sessions as a reality check for the parties (and their attorneys).

The benefits of shuttle mediation outweigh the slim chance that a mediator can act as a therapist for the parties under the UBM. The mediator can foster trust and build a relationship with each party in separate sessions. He can acquire insight about each party's perspectives. She can listen empathetically to the parties. He can provide validation and positive interactions without fear of the appearance of partiality. She can obtain valuable feedback from the parties as to what might settle the case. Above all, the mediator can engage in creativity with the parties and their attorneys, arriving at solutions that would never be possible in court.

Of course, not all litigation is high-conflict and emotional. Parties will voluntarily participate in pre-suit mediation to determine if a suit can be avoided altogether. The very willingness to attempt to avoid litigation bodes well for face-to-face mediation. Even in divorce and custody cases, it is not uncommon for parties to acknowledge that, despite the end of their relationship, they still want to co-parent effectively. These parties will not hesitate to sit down together and resolve their issues respectfully.

The ABA research reflected no relationship between the choice of mediation style and a settlement being reached. Ultimately, despite the theories and scholarly articles on face-to-face mediation, it is not universally being used. Clients see mediation portrayed on television and in movies as everyone at the same table, hurling insults at each other. This impression leads clients to ask their attorneys if they "have to" be in the same room as their opponent. Mediators want repeat business, so they continue to facilitate mediation in the way that the clients prefer. Most clients (attorneys and parties) prefer a mediation style that avoids interpersonal conflict and emotional triggers. They generally prefer reality checks and a space where they can be more candid with the mediator. It is up to the mediators, the attorneys and the parties to discuss the options and determine the best mediation method for their case.



Dana M. Eberle is a partner solely practicing family law at Church, Langdon, Lopp, Banet Law. She is a registered mediator and serves as a Guardian ad Litem. Dana is currently co-chair of the LBA ADR/Mediation Section with her partner Larry Church. ■

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Session topics include leadership assessment and development, team building and strategic planning, visionary leadership, work-life balance, ethics and professionalism, business development, community engagement, stress management and resilience building, technology and innovation in law and change management and diversity.

Applications will be open from October 4 until October 25. Apply at www.loubar.org or by emailing Lisa Anspach at lanspach@loubar.org. Sessions will begin January 2025 with monthly full-day sessions.



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Law Library 2.0



Judge McKay Chauvin (Ret.)

When I was in grade school back in the 1970s, the library was by far the biggest (and the quietest) room in the whole building. It was chock full of what people called "books." These book things were all arranged according to a system devised by a an evil-genius named Dewey who, before he got in the book-hiding business, made maps for paranoid pirates who wanted to make sure that no one could possibly figure out where their treasure was buried. As a result, we kids found ourselves wandering endlessly (and silently) among the stacks in the vain hope of finding what we were looking for and, in the process, experiencing the unintended delight of looking at hundreds of other distractingly interesting volumes with attention-grabbing titles and eye-catching covers. Even if we didn't find what we were looking for, we always found *something* and often times, something even better.

Sister Jean-Therese, who was in charge of the library, was an Ursuline nun with all-seeing eyes and all-hearing ears. As best as I can remember, she was around 115 years old, stood roughly 11 feet tall and sported the then still required full-dress nuniform, and—for reasons we were too scared to ask about but about which there was much wild childish speculation—a cervical collar. She may have been unimaginably old, but she was by no means unimaginatively old-school. In addition to lovingly curating all of the books on the library shelves, she also created the space to house all of the new-fangled gadgets in the newly christened "audio-visual" room. Cassette tape recorders. Record players. Projection screens of various sizes and all *three* kinds of projectors—9 mm film, filmstrip and the wonderous modern marvel that was the "overhead."

Many of her librarian contemporaries would likely have regarded these contraptions, doohickies and thingamabobs as an invasive species—library kudzu, if you will. Sister Jean-Therese, however, recognized even back then that, as much as she loved her books and periodicals, libraries had to do more and be more if they were going to remain relevant and vital. That lesson and vision is fully embraced by our Jefferson County Public Law Library as most recently revealed in the soon-to-be completed and soon-to-be-named Moot Court Courtroom.

Whether it's being used for a full-scale mock trial or moot court, a class, a training session or a focus group, this scaled down model courtroom was created by and is housed *in* the Law Library as a place for current and future lawyers to practice their craft. It is a well-designed and well-appointed space with the look and feel of a *real* courtroom, complete with a fully functioning JAVS-8 audio-video system to record the presentations in HD for the presenters viewing and reviewing pleasure/anguish (**NOTE:** While it can be humblingly painful sometimes, there is no better way for a lawyer to get better at what they do than to see and hear themself doing it.)

Construction will be completed this month with everyone being invited to a grand opening celebration. You can take a tour, watch a live demonstration and then, if you like, just wander the stacks of books—yes *books*—still there for anyone who is still into that kind of thing. There will also be important information on ways you can support this wonderful project.



Please come join the excellent library staff, the JCPLL board of directors and friends of the library starting at **3 p.m. on October 30, 2024** as we unveil and show off their latest efforts to ensure that our library remains a vital part of our legal community. I am confident that you will be duly and suitably impressed *and*, as if that weren't enough, it's my understanding that there will be cupcakes.

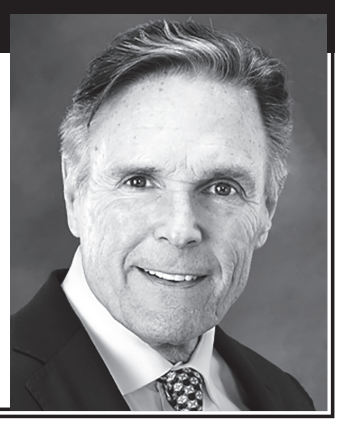
Judge McKay Chauvin (Ret.), Jefferson Circuit Court, is the Chief Court Administrator and board member of the Jefferson County Public Law Library.

For more information about the Jefferson County Public Law Library or giving opportunities, please contact Imani Smith at imani@jcpllky.org. ■

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RETURN OF THE WHACK!

LOUISVILLE BAR ASSOCIATION
HEALTH & WELLNESS COMMITTEE

2ND ANNUAL LBA PICKLEBALL Palooza

The 2nd Annual LBA Pickleball Palooza: Return of the Whack! at Genesis Health Club - Blairwood was a smashing success! Eight teams faced fierce competition as they battled for the 2024 Champion trophy. The action kicked off with a round-robin to "dink" out the tournament lineup, showcasing skills ranging from rookies to near-pros, proving that pickleball is a sport for everyone.
Not even the rain could dampen our spirits as we "rallied" on!

In a "pickle" of a final match, Team Subpoena Slammers (Matthew Bunnell and Issac Keller) faced off against Team The Strong Arms (Bryan Armstrong and Justin Key) in a "court"-eous clash for the title.

A big volley of thanks goes out to LMICK, our "Dill-lightful Sponsor" for 2024, who ensured all participants were well-equipped with pickleballs. The event was a smash hit, we're already gearing up to "serve" you another great tournament next year!





2024 LBA Pickleball Palooza Champions:
Team Subpoena Slammers Matthew Bunnell and Issac Keller















REGISTER NOW

LOUISVILLE BAR ASSOCIATION

BANKRUPTCY LAW SECTION

Annual Bankruptcy Law Conference

Friday, October 25 | Bar Center or Zoom | 9:00 AM - 5:15 PM

Join us for the LBA's Annual Bankruptcy Law Conference on October 25, 2024. This conference will cover the latest developments and trends in bankruptcy law. Gain insights from industry experts, network with fellow practitioners and stay ahead in your field. Enhance your practice with valuable knowledge and connections. Don't miss this opportunity to elevate your expertise in Bankruptcy Law.

TIME	SESSION	SPEAKER
09:00 AM - 10:00 AM	Local Issues in Filing Cases and Pleadings in the Western District	Elizabeth H. Parks, Clerk of the Court
10:00 AM - 10:15 AM	BREAK	
10:15 AM - 11:15 AM	Navigating Interactions with the US Trustee in Your Case	Jamie L Harris, UST Trial Attorney and Timothy Ruppel, Asst. U.S. Trustee
11:15 AM - 12:15 PM	Bankruptcy and Non-Bankruptcy Student Loan Solutions	Katherine A. Bell, U.S. Attorney's Office
12:15 PM - 01:00 PM	LUNCH	
01:00 PM - 01:30 PM	Current Issues in Chapter 13	Charles Sydenstricker, Chapter 13 Trustee Staff Attorney
01:30 PM - 02:30 PM	Sub-Chapter V Issues	Charity Bird, Kaplan Johnson Abate & Bird
02:30 PM - 02:45 PM	BREAK	
02:45 PM - 03:45 PM	Ethical Challenges in Conflicts and Dual Representation in Bankruptcy Law	James R. Irving, Dentons
03:45 PM - 04:15 PM	Procedures Before the Bankruptcy Appellate Panel	Hon. Alan C. Stout, U.S. Bankruptcy Court
04:15 PM - 05:15 PM	Case Law Update	Hon. Charles Merrill and Hon. Alan C. Stout, U.S. Bankruptcy Court

This Conference is a hybrid event, taking place both at the LBA Bar Center and via Zoom. Please choose your preferred attendance method during registration. Lunch is provided for in-person attendees; please indicate your lunch preference during registration.

LBA TAXATION LAW SECTION ONE-HOUR

Ticket to Tax Court

Thursday, October 17

This seminar is designed to give an overview of litigating in the United States Tax Court. The introductory course will provide a general guide to Tax Court litigation, discussing its jurisdictional requirements, rules of procedure, trials and appeals. After the course, practitioners should understand when claims may be brought in the Tax Court and how to initiate them, engage in discovery and motion practice, conduct trials and the process for appeals.

Speakers include: **H. Collier Clay**, Dentons Bingham Greenebaum, **Helen V. Cooper**, Dentons Bingham Greenebaum and **Arthur (Artie) White III**, Elverson White

Time: Noon – 1 p.m. — Program
Place: Zoom – a link will be sent prior to the presentation
Price: $40 LBA Members | $36 Sustaining Members | $15 Paralegal Members | $15 for qualifying YLS Members | $25 Solo/Small Practice Section Members, Government or Non-Profit Members | $80 Non-members
Credits: 1.0 CLE Hour — *Pending*

LBA Taxation Law Section Leadership: H. Collier Clay, Dentons Bingham Greenebaum, Helen V. Cooper, Dentons Bingham Greenebaum and Arthur (Artie) White III, Elverson White

ANNUAL BANKRUPTCY LAW CONFERENCE

Hosted by LBA Bankruptcy Law Section

Friday, October 25
See ad on previous page for details.

MESA ONE-HOUR ETHICS

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

Thursday, October 31

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

Speaker: **Sean Carter**, MESA CLE

Time: 1 – 2 p.m. — Program
Place: Zoom – a link will be sent prior to the presentation
Price per hour: $55 LBA Members | $50 Sustaining Members | $25 Paralegal Members | $125 Non-members
Credits: 1.0 CLE Ethics Hours — *Pending*

Please note this is a partnered CLE program. Attendees must register through MESA CLE and follow their cancellation policy.

14TH ANNUAL KENTUCKY COMMERCIAL REAL ESTATE CONFERENCE

Hosted by Kentucky CCIM Chapter and Louisville Bar Association

Wednesday, November 6
See ad on this page for details.

LBA ADR/MEDIATION LAW SECTION ONE-HOUR

Mediation 2024 & Beyond

Thursday, November 21

The legal landscape is rapidly evolving. Are your mediation skills keeping pace? Discover how AI and emerging technologies are shaping the future of mediation. Engage in thought-provoking discussions on whether traditional mediation methods remain effective in 2024 and beyond. Don't miss this opportunity to stay ahead of the curve and elevate your mediation practice.

Speakers include: Church, Langdon, Lopp, Banet Law attorneys **Larry R. Church** and **Dana M. Eberle**

Time: Noon – 1 p.m. — Program
Place: Zoom – a link will be sent prior to the presentation
Price: $40 LBA Members | $36 Sustaining Members | $15 Paralegal Members | $15 for qualifying YLS Members | $25 Solo/Small Practice Section Members, Government or Non-Profit Members | $80 Non-members
Credits: 1.0 CLE Hour — *Pending*

LBA ADR/Mediation Law Section Leadership: Church, Langdon, Lopp, Banet Law attorneys Larry R. Church and Dana M. Eberle



Know a Luminary of our Legal Community?

Nominate them for an LBA Award!

The LBA is seeking nominations for its highest honors—the annual LBA Awards. Each year, we recognize our members who personify the best of our legal community with their work and professionalism. Do you know someone who deserves recognition? Read below for a description of each award and how you can make a nomination.

Justice Martin E. Johnstone Special Recognition Award

This award is the highest recognition bestowed upon an LBA member for outstanding participation and partnership within the legal community. An individual deserving of this award has made a significant impact in the Louisville community through professional or volunteer efforts and exemplifies what it means to be a lawyer.

Judge Benjamin F. Shobe Civility & Professionalism Award

Individuals receiving this award have consistently demonstrated adherence to the highest standards of civility, honesty and courtesy in their dealings with clients, opposing parties and counsel, the courts and the general public. They have shown sustained excellence through leadership in the profession.

Robert & Frank E. Haddad Jr. Young Lawyer Award

Nominees for this award must have been practicing as a trial lawyer—either criminal or civil—for less than five years. Nominees must demonstrate an ability to handle complex or unusual trials or appeals and they must have garnered the respect and admiration of the judiciary and of their colleagues.

Judge of the Year Award

This award is presented to a member of the judiciary who has shown judicial integrity and professionalism. A nominee for this award has contributed to the community by volunteering in civic organizations to help promote the image of the legal profession and has established a reputation for integrity, scholarship and professionalism.

Paul G. Tobin Pro Bono Service Award

This award recognizes the work of LBA members who have unselfishly given time to improve the quality of society through their legal work. Worthy nominees will be LBA members who helped deliver legal services to the disadvantaged through a pro bono program or cause.

Daniel M. Alvarez Champion for Justice Award

This award is given to a lawyer demonstrating a strong devotion to serving underrepresented individuals or groups by giving a legal voice to those who would otherwise be voiceless. These groups include, but are not limited to, the Hispanic and Latino communities, documented and undocumented immigrants, the LGBTQ community, incarcerated juveniles and indigent criminal defendants.

Judge Richard A. Revell Family Law Award

This award is presented to attorneys who have been in the forefront of new developments in the practice of family law. They have exhibited dedication to families and children through work both inside and outside the courtroom. Award recipients have made significant contributions to public service in the area of family law and have demonstrated innovation in the performance of their duties.

TO SUBMIT A NOMINATION

To nominate a deserving candidate, please submit a letter including the following:

- Your nominee's name and the award for which you are nominating them.
- Detailed information about how they meet the specific award criteria.
- Information about the nominee's service to the LBA and the community.
- Any other additional details that will assist the committee in its deliberations.

Both your and your nominee's contact information, address, phone number and e-mail.

Quick and easy nominations can be made online here: www.loubar.org/lba-annual-awards/

Nominations may also be submitted via e-mail to Kristen Miller at kmiller@loubar.org or postal mail to: LBA Awards, Louisville Bar Association, 600 W. Main St., Ste. 110, Louisville, KY 40202.

NOMINATIONS DUE BY WEDNESDAY, OCTOBER 9.
Visit www.loubar.org/lba-annual-awards today!



An Expansion of Federal Protection for Pregnant Workers

Marianna Michael Melendez and Rudy J. Ellis III

The lack of nationwide paid parental leave and accommodations for individuals experiencing side effects from pregnancy-related medical issues in the U.S. has been a topic of conversation for several years and has gained traction in light of the upcoming election. On April 15, 2024, the Equal Employment Opportunity Commission (EEOC) issued its final regulation related to the Pregnant Workers Fairness Act (PWFA), which went into effect on June 18, 2024. However, the PWFA is not the only federal law that expanded protections to pregnant employees in 2024. The Department of Education's 2024 Amendments to Title IX offer expanded protections for students and employees in education programs or activities receiving federal financial assistance. While the scope of Title IX is limited, the PWFA ensures protections for every employee who works for a qualified employer and experiences pregnancy or related conditions.

Before the PWFA, President Joe Biden signed the Consolidated Appropriations Act into law in 2023, which introduced the PUMP for Nursing Mothers Act (PUMP Act). The PUMP Act requires employers to provide reasonable break time for an employee to express breast milk for their nursing child. This applies to the employee for up to one year after the child's birth, and for each instance, the employee needs to express breast milk. The PUMP Act provides employees with the right to a place to pump at work, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. While the PUMP Act provided new protections in some states, it demonstrated that the federal government was only focused on women's experience post-pregnancy. The PWFA exhibits an expanded acknowledgement of the conditions employees experience with fertility treatments, whether that results in pregnancy or not.

The PWFA applies to employers with 15 or more employees. It requires qualified employers to provide reasonable accommodations for a qualified employee's or applicant's known limitations related to, affected by or arising out of pregnancy, childbirth or related medical conditions, unless the accommodation will cause the employer an undue hardship. Employers are required to engage in the interactive process, as they would for ADA accommodation requests. Qualified employees include individuals who can, with or without reasonable accommodation, perform the essential functions of the position or an individual with a temporary inability to perform the essential functions of their job and the inability to perform the essential function can be reasonably accommodated.

The PWFA defines a known limitation as physical or mental condition related to, affected by or arising out of pregnancy, childbirth or related medical conditions including:

- current, past and potential pregnancy;
- lactation;
- use of birth control;
- menstruation;
- infertility and fertility treatments;
- endometriosis;
- miscarriages and still births; and
- issues related to abortion.

An important element of the PWFA is that the employee must communicate the physical or mental condition to the employer. Theoretically, employers' accommodations are restricted by the amount of information that the employee shares. For example, employers are not required to provide accommodations for current pregnancies and endometriosis if the employee does not communicate both conditions. However, the PWFA does not require employers to seek supporting documentation from employees or applicants who request an accommodation under the PWFA. If an employer decides to seek supporting documentation, it is only permitted to do so if it is reasonable to require documentation for the employer to determine whether the employee (or applicant) has a physical or mental condition related to, affected by or arising out of pregnancy, childbirth or related medical conditions (a limitation) and needs a change or adjustment at work due to the limitation. The final rule, like the proposed rule, sets out examples of when it would not be reasonable for the employer to require documentation.

Under the final rule, when requiring documentation is reasonable, the employer is limited to requiring documentation that itself is reasonable. The final rule has modified the definition of "reasonable documentation" to now mean the minimum documentation that is sufficient to: (1) confirm the physical or mental condition; (2) confirm the physical or mental condition is related to, affected by or arising out of pregnancy, childbirth or related medical conditions (together with (1) "a limitation"); and (3) describe the change or adjustment at work needed due to the limitation. The PWFA also requires employers to keep medical information confidential in a manner mirroring the confidentiality required by the ADA.

According to the Bureau of Labor statistics, 56.8% of the U.S. workforce in 2022 were women. Providing accommodations that consider health conditions women deal with regularly breaks barriers that have previously prevented women from being more successful in their careers.

Further, the PWFA mirrors Title IX in many respects. Title IX provided similar protections to students and employees at federally funded educational institutions for several years preceding any other federal law. Title IX ensures that students and employees who have experienced pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom are treated the same as any other individual with temporary disabilities. This is most important when considering what documentation can be requested. For instance, K-12 schools and higher education institutions may not require students to provide documentation showing that a medical professional has cleared them to participate in a sport if they also do not require that of students who have temporary disabilities including broken limbs, concussions or short-term impairments, among others. When discussed in the bigger picture, it is noteworthy that Title IX offered protections to students experiencing pregnancy and related conditions before the majority of employees were provided with similar accommodations.

While the requirements of the PWFA may seem novel to some, Kentucky was surprisingly ahead of the curve in creating protections for pregnant workers. The Kentucky Pregnant Workers Act (KPWA) went into effect on June 27, 2019—almost five years before the PWFA went into effect. The KPWA requires all Kentucky employers with 15 or more employees to provide reasonable accommodations for an employee's pregnancy, childbirth and related medical conditions including, but not be limited to:

- more frequent or longer breaks;
- time off to recover from childbirth;
- acquisition or modification of equipment;
- appropriate seating;
- temporary transfer to a less strenuous or less hazardous position;
- job restructuring;
- light duty;
- modified work schedule; and
- private space that is not a bathroom for expressing breast milk.

The KPWA also dictates when determining appropriate and reasonable accommodations, the following matters must be considered:

- An employee shall not be required to take leave from work if another reasonable accommodation can be provided;
- Similar to the ADA's interactive process, and the process dictated by the PWFA, the employer and employee shall engage in a timely, good faith and interactive process to determine effective reasonable accommodations; and
- If the employer has a policy to provide, would be required to provide, is currently providing, or has provided a similar accommodation to other classes of employees, then a rebuttable presumption is created that the accommodation does not impose an undue hardship on the employer.

Under the KWPA, an employer's failure to reasonably accommodate an employee's pregnancy, childbirth and related medical conditions is deemed an unlawful employment practice, unless the employer can demonstrate undue hardship. The KWPA also requires Kentucky employers provide a written notice to its employees regarding their right to be free from discrimination in relation to pregnancy, childbirth and related medical conditions, including the right to reasonable accommodations.

According to the Bureau of Labor statistics, 56.8% of the U.S. workforce in 2022 were women. Providing accommodations that consider health conditions women deal with regularly breaks barriers that have previously prevented women from being more successful in their careers. As the cost of childcare continues to rise and the U.S. engages in vigorous debate over maternity and paternity leave, the PUMP Act, the PWFA, Title IX and the KWPA offer expanded protections for many workers.

Rudy J. Ellis III is the chair of the LBA Labor and Employment Law Section. He is a senior associate in Dinsmore & Shohl's Labor and Employment Department in Louisville and licensed to practice in Kentucky. Ellis represents a variety of businesses ranging from local companies to Fortune 500 corporations in all areas of labor and employment law, as well as general litigation.



Marianna Melendez is vice-chair of the LBA Labor and Employment Law Section. She is a University of Louisville Brandeis School of Law graduate and has been practicing labor and employment law for the last six years. Melendez is currently the staff attorney for the Jefferson County Public School's Office of Compliance and Investigations. ■



WE'RE LIVE!

New LBA Website has Launched!

We're thrilled to announce the launch of our new member database and website. This fully integrated platform will revolutionize your LBA experience.

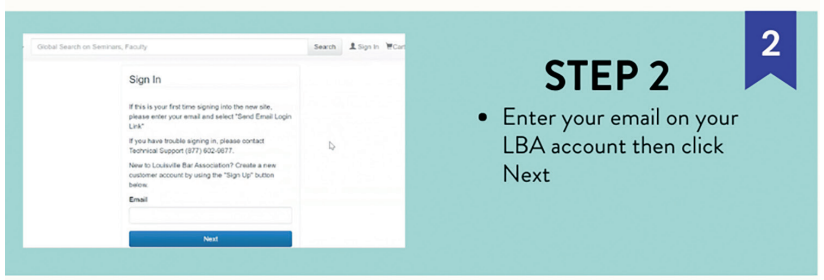
Say goodbye to waiting for updates or purchases to appear in your account! In addition to your favorite features like the online membership directory and publications, we're streamlining your membership renewal process and bringing all our education under a single platform.

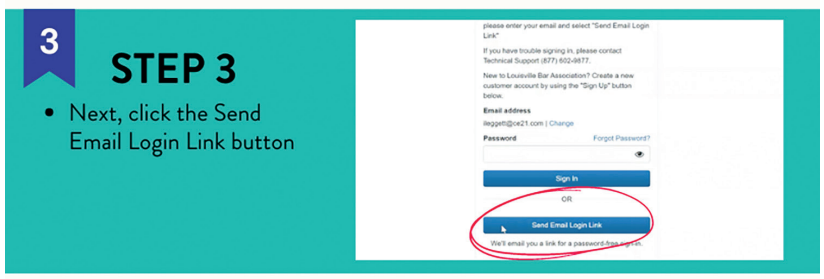
See below for detailed instructions on setting up your online profile*.

We're excited about the future of the LBA and appreciate your continued support of YOUR bar association!

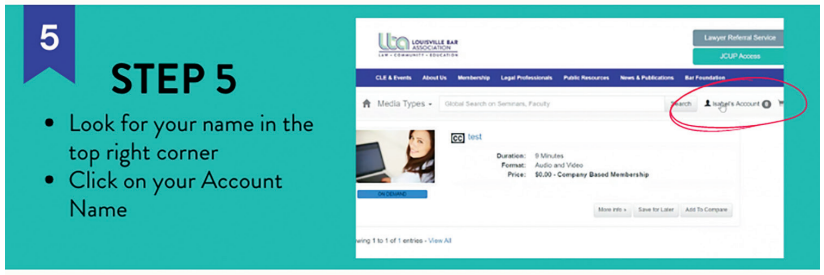
**Not to worry, photos are on the way! If we have your photo on file but you do not see it, please don't fret, we are in the process of uploading them — thank you for your patience!*

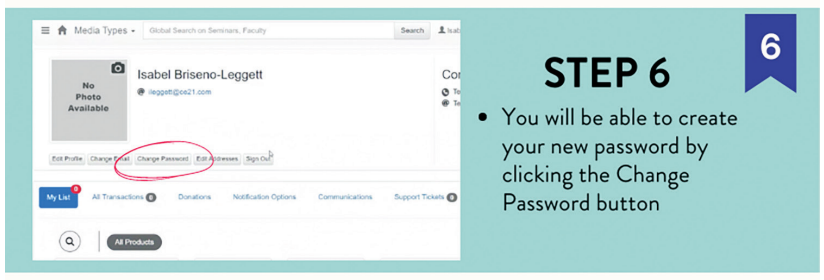


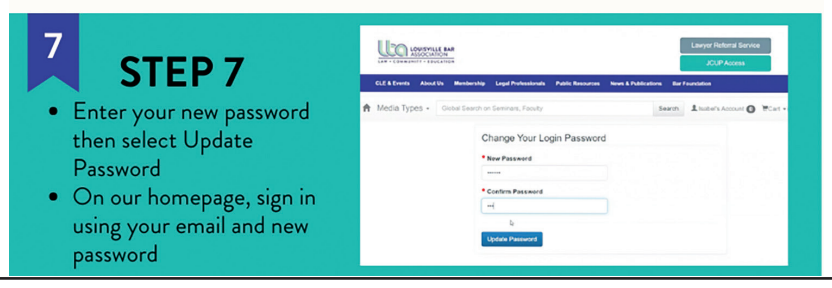












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Office Space

Attorney Office Space for Rent in Old Louisville Area.
(S. 4th Street)
1 large office approximately 16' x 16'
1 office approx. 8' x 10'
1 office approx. 8' x 10' – with adjoining room that can be used for secretarial office or storage/copy area
1 large open space with enough room for 3 - 4 desks for support staff
Access to conference rooms, copy, fax and postage machines and kitchen.
Free parking. Rent one or all four – all on 3rd floor.
Call Laura Garrett @ 502-582-2900

Help Wanted

Through the LBA Placement Service

Family Law Litigation Associate:
The LBA's Placement Service is currently working with a medium-size firm located in downtown Louisville that is looking to hire a lateral associate for its family law practice. The candidate should be licensed to practice law in Kentucky. The candidate should have two to six years of experience practicing law; excellent reading, writing and advocacy skills; experience with family law litigation (preferred but not required), including property, support and custody disputes; litigation experience, including trial work, motion practice and discovery; experience working with highly emotional clients and circumstances. Salary is based on experience and benefits include health insurance (individual coverage for employee, firm pays 90%, employee pays 10%), dental insurance (at the employee's expense) and eligibility to participate in the firm's 401k plan after one year of employment. Paid holidays, vacation days, etc. are provided. In addition, the firm pays for parking, as well as KBA and LBA membership and CLEs. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Real Estate / Foreclosure Attorney:
The LBA's Placement Service is currently working with a multi-state law office that is seeking to add an attorney to its Louisville office. The firm specializes in real estate matters representing mortgage lenders. Primary duties will include real estate transactions and foreclosure litigation throughout the state of Kentucky. Travel to various counties for Sheriff Sales and hearings is required. Real estate or foreclosure experience a plus, but other experience considered. Must be licensed in Kentucky, be in good standing and have excellent references. Competitive salary commensurate with experience and benefits offered. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Insurance Defense Attorney:
The LBA's Placement Service is working with a medium-size, downtown law office that is looking to hire an attorney with four+ years of experience in insurance defense or personal injury litigation. Must be licensed to practice in Kentucky and in good standing. The firm has a good benefit package including health, dental and vision, 401k, paid parking and other perks. Salary is based on experience and there is a performance bonus built in, as well. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Indiana and Kentucky Defense Attorney:
The LBA's Placement Service is currently working with a medium-size law office in downtown Louisville that is seeking to hire a seasoned attorney, licensed in Kentucky and Indiana, who can handle cases with minimal supervision. The firm primarily has a civil defense practice consisting of insurance defense-type cases. The seasoned attorney candidate must have at least four+ years of experience with civil litigation in Kentucky and Indiana. Excellent salary based on experience, plus bonus opportunities. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

MADE YOU LOOK
Have you tried advertising in Bar Briefs?
Contact Kim Kasey, kkasey@loubar.org

MEMBERS *on the move*



Browning

Lawdragon has named Stites & Harbison attorney **Carol Dan Browning** to the 2025 Lawdragon 500 Leading Litigators in America. This is the second consecutive time that Browning has been recognized by Lawdragon for her work in professional liability and drug and medical device litigation. She is one of only two Kentucky attorneys honored in 2025. Browning is a Member (Partner) based in the firm's Louisville office. She is Chair of the Pharmaceuticals & Medical Device Litigation Group and Co-Chair of the Torts & Insurance Practice Group. She is an accomplished trial attorney who has tried more than 35 cases to jury verdict in multiple jurisdictions. She is a Fellow of the American College of Trial Lawyers. Browning's practice includes drug and medical device litigation, products liability and medical malpractice defense. ■

What have you been up to lately?

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

In Memoriam



John G. Carroll

John G. Carroll, 84, passed away on August 27. He was born on October 17, 1939, in Louisville, Kentucky.

John graduated from Vanderbilt University, then earned his Doctorate Jurisprudence from University of Louisville Brandeis School of Law. He practiced law in Kentucky for 56 years. John began and ended his career as an Assistant County Attorney in Jefferson County. He was also a member of Ackerson & Yann for many years.

Following his graduation from Vanderbilt, he served as an officer in the 7th United States Army Armored Division in Germany during the Cuban Missile Crisis, and later in the U.S. Army Reserves. He was a member of the Louisville Bar Association, the Kentucky Bar Association and the American Bar Association.



Patricia Le Meur

Patricia (Tricia) Le Meur, 55, died on August 30 at her home, after an ongoing struggle with her recurrent sarcoma. Dancing her way out of this world realm to share her light, love and power with us in other ways.

Tricia graduated Bryn Mawr College in 1991 with a bachelor's in philosophy. She went on to obtain a Master's degree in Anatomical Sciences and Neurobiology from the University of Louisville while working as a research scientist at the Veteran's Administration. Tricia then decided to pursue a Juris Doctor degree and graduated from the University of Louisville Brandeis School of Law in 2001.

Tricia was a partner at Phillips Parker Orberson & Arnett, where she practiced and specialized in medical negligence, premises liability, personal injury, employment law, anti-discrimination law and appellate law. She contributed to defense verdicts in a variety of cases and contributed to cases for the ACLU and Americans with Disabilities Act action, a cause about which she was very passionate. ■

New Family Court Rules

Effective September 23, 2024

The Chief Justice of the Supreme Court has approved amendments to our Jefferson Family Court Rules of Practice and Procedure. You can find the approved, amended Local Rules and a Summary of the changes at *www.loubar.org/new-family-court-rules/.* These amended Rules became effective September 23, 2024. ■

Debra Hembree Lambert Elected Chief Justice



The Justices of the Supreme Court of Kentucky voted to elect Deputy Chief Justice Debra Hembree Lambert as the next Chief Justice of the Commonwealth of Kentucky. Chief Justice-elect Lambert will serve a four-year term beginning January 6, 2025. See the election order at https://kcoj.info/cjelect25.

"Chief Justice-elect Lambert is a hard-working, dedicated and experienced member of the Kentucky Court of Justice, having served as Family Court Judge, Court of Appeals Judge and Justice on the Kentucky Supreme Court. Altogether, she has served as a judge or justice for more than 17 years," Chief Justice of the Commonwealth Laurance B. VanMeter said. "I am confident that Chief Justice-elect Lambert will lead the Judicial Branch with integrity and ensure the efficient and fair administration of justice for this great commonwealth."

Chief Justice-elect Lambert was elected as a justice of the Supreme Court in November 2018 from the 3rd Supreme Court District, which is made up of 25 counties. She heads the Kentucky Judicial Commission on Mental Health, a groundbreaking commission that is working to address mental health needs, substance use disorder and intellectual and developmental disabilities.

Justice Lambert graduated from the University of Kentucky College of Law in 1989. ■

LBA Meetings

LBA Diversity & Inclusion Committee Meeting
Wednesday, October 9 | 4 p.m. | Zoom

Young Lawyers Section "Costumes & Candy Cheers"
Thursday, October 17 | 5 p.m. | Trouble Bar

Association of Legal Administrators

The next monthly KYALA chapter meeting will be held on Thursday, October 10 at 11:45 am at the Louisville and Lexington offices of Frost Brown Todd. Guest speaker, Callie Walton, will provide an employment law update. RSVP to Mary Hackworth, *mmhackworth@kopkalaw.com*. ■

Women Lawyers Association

On **Thursday, October 10**, guest speakers Judge Tara Hagerty (Ret.) and Judge Megan McDonald will be presenting about mediation. The program will be held at noon at KMAC, 715 W. Main St. Registration is open for that event at: *https://wlajeffco.com/event/october-luncheon-2/.*

Save the Date! The WLA will hold its Annual Meeting on Friday, November 1, from 11:30 a.m. to 1 p.m. (location info to come). ■



Please join the legal and judicial communities for the ninth consecutive Mass of the Holy Spirit invoking God's blessing and guidance on all those in the legal profession. Open to all in any level of the legal profession: secretary, clerk, paralegal, lawyer and judge.

RED MASS

SATURDAY, OCTOBER 12, 2024
5:30 P.M.

CATHEDRAL OF THE ASSUMPTION
433 SOUTH FIFTH STREET

ARCHBISHOP SHELTON J. FABRE
CELEBRANT

The Red Mass is a Catholic liturgy, but a warm invitation is extended to all of those working in the legal profession.

Welcome

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

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Dentons Bingham Greenebaum

Jackson Hurst-Sanders
Attorney at Law

Cornelius R. Kearns
Sitlinger Law

Mason A. Leichhardt
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Jeremy G. Lister-Perlman
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John O'Connor
DPA Louisville Trial Office

Joseph S. Wantland
Attorney at Law

KNOW SOMEONE INTERESTED IN JOINING?
Contact our Chief Outreach Officer, Marisa Motley, at mmotley@loubar.org for information!

NEW LAWYER ACADEMY • NEW LAWYER ACADEMY •
LOUISVILLE BAR ASSOCIATION

BUILD YOUR FOUNDATION. EXCEL IN PRACTICE.

Introducing the Louisville Bar Association's Inaugural New Lawyer Academy, launching in January 2025. This six-month intensive program is tailored for attorneys in their first to third years of practice. Gain practical skills through expert-led sessions on legal practice, office management, the business of law and more. Equip yourself with the tools to succeed in today's competitive legal landscape.

By bridging the gap between law school and legal practice, the Academy aims to set new attorneys on the path to long-term career success.

Applications will be open from Thursday, October 3 until Thursday, October 24. Apply at www.loubar.org or by emailing Lisa Anspach at lanspach@loubar.org. Sessions will begin January 2025 with a full-day session followed by half-day sessions.

Contact Lisa Anspach at lanspach@loubar.org for more information.



Coworking Space

Did you know that LBA members can use the co-working space in the Bar Center for free? There are plenty of quiet places to work, charge your phone or computer and connect to your email using our free Wi-Fi. Need some peace and quiet to make a call? Use our soundproof phone booth just outside the Seminar Room. Plus, members get free coffee, sodas and bottled water. Swing by and check it out - make the LBA's Bar Center your new landing space.

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Judge Mary M. Shaw (Ret)


Judge Denise G. Clayton (Ret)

This is an advertisement.