

BAR*briefs*

Louisville Bar Association

May 2025

Health and Wellness



The LBA Health and Wellness Committee recognizes the incredible ability music has to influence our emotions and overall well-being. Together with the LBA Board of Directors and staff, the committee has created a Spotify “Good Mood” playlist to help you find your musical boost whenever you need it. You can check it out here:

<https://open.spotify.com/playlist/5AGfyrbHJ3RuDeaZut4FYu>

We encourage you to add your favorite feel-good songs to share with others.

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Louisville Bar Association Mission:

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

Professional Excellence

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SPECIAL SECTION: WELL-BEING WEEK IN THE LAW

In this month's Bar Briefs, we're bringing you a special section dedicated to Well-Being Week in Law (WWIL).

WWIL is organized annually by the Institute for Well-Being in Law during Mental Health Awareness Month. It aims to raise awareness about mental health and encourage action and innovation across the profession year-round to improve well-being. This year WWIL is May 5th-9th, and the overall theme is "The Social Rx: Boosting Well-Being with Connection."

Our special section provides daily activities, resources, practical tips and even a "good mood" Spotify playlist. WWIL is for well-being stakeholders of all types and sizes—including individuals, firms, organizations, corporate legal departments, government entities and law schools. See pages 19-26 for more.



Not Just a Horse Race

Hard to believe that we are in May already. Busy time in Louisville. When my family first moved to Louisville in 1985, I commuted for most of that year. My wedding anniversary is in May, so I flew in to see my husband that weekend. We were out at dinner, and I asked our server why everything was busy. Why were car dealerships and other businesses closed? Why couldn't I get a rental car? I had all of these questions that I could not find an answer for.

I was told that it was Derby week. When I looked at them and responded with, "What?", I was then told that the Kentucky Derby was the next day. I replied with, "That's just a horse race." Then I got a five-minute lecture on why it was important and how dare I insult the traditions that went with it. I have never made that comment again without an explanation.

Derby and its various events and festivities represent an economic boon to our community. It puts Louisville on the international sports map for more than the two minutes of racing. Many local businesses depend on the many visitors that come in for the parade, mini-marathon and marathon, parties, festivities and yes, the races.

Of course, when I moved here, I learned we had Oaks Day and Derby Day. Then Thurby was added. This year brings us another day—Winsday has been added to the week. Described on the Churchill Downs website as "Great Thrills for the Greater Good in Partnership with the Community Foundation of Louisville," the two organizations have found a way to "shine the spotlight" on 50 local charities and nonprofits. When a race goer purchases tickets through the non-profit for Winsday, the guest gets a great seat while also contributing to a local non-profit of their choice. A definite win-win for all.

May is also home to Baby Day, Star Wars Day, Cinco de Mayo, International Harry Potter Day and Mother's Day. These are listed in order by date, not by importance.

May is also host to Well-Being Week in Law. What is that? Quoting from their website, "The aim of Well-Being Week in Law is to raise awareness about mental health and encourage action and innovation across the profession all year-round to improve well-being." These programs include topics such as meditation, career well-being and understanding your psychological well-being. You can find information on these programs here: <https://lawyerwellbeing.net/well-being-week-in-law/>.

Continuing with the theme of well-being, our Health and Wellness Committee is dedicated to promoting our member's health and well-being through their programs. Watch the eBriefs and *Bar Briefs* for more information on their efforts.

Many of us, including me, make New Year's resolutions. Get organized, lose weight, eat healthier, exercise more. All of these are commendable goals. How can we move forward on these resolutions? One of our member benefits through the LBA includes access to fitness partnerships at local facilities that can help you with at least one or two of those goals. These are Genesis Health Club, Elevate Fitness and WEL at Humana. If you are looking to join a health club or exercise facility, please consider one of our fitness partners.

This year is also our 125th anniversary and our initial attempt at a celebration was cancelled due to weather. This is just a reminder that we will try again, and information will be sent out as soon as the event/celebration is finalized. Also, watch for information about Pickleball and other fun activities.

And if you are interested in getting involved with the association, there are still several sections that need a chair and/or vice-chair. If you are not ready to be in leadership but have an interest in a particular section, please go online to our website, <https://www.loubar.org/section-chairs/>, and see which of the sections might interest you and join the section today.



“

Derby and its various events and festivities represent an economic boon to our community. It puts Louisville on the international sports map for more than the two minutes of racing.

Maria
Maria A. Fernandez
LBA President

Chief Justice Lambert Formally Sworn in as Head of Kentucky Court System



Surrounded by family, friends and dignitaries, Chief Justice Debra Hembree Lambert (right) takes the oath of office from her predecessor, Chief Justice Laurance B. VanMeter. (Photo by Mark Cornelison)

On April 15, Chief Justice of the Commonwealth Debra Hembree Lambert was ceremonially sworn in as the head of the Kentucky court system. She recited the oath of office as her predecessor, Chief Justice Laurance B. VanMeter (ret.), swore her in. She is Kentucky's seventh chief justice and first woman chief.

Chief Justice Lambert reflected in her remarks on her upbringing in a small Eastern Kentucky community, where her father owned a

body shop and her mother was a nurse's aide. She said her parents knew education was the key to success and that she was led by their philosophy to "work hard, be joyful and be fearless."

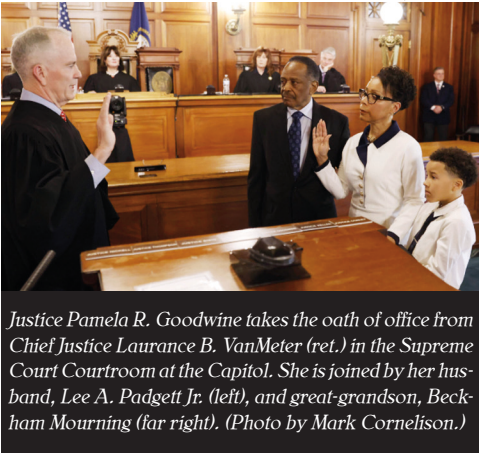
"I shared with you a bit of who I am, and I wanted to bring that to you so you could see where my personal passion for people and justice developed," she said. "When you grow up so modestly, you develop a strong sense of a need for a level playing field and for everyone to be heard. Those concepts are foundational in my worldview, and I hope you will be satisfied with my work performed as chief justice. You are my people, and following the rule of law does give me joy and makes me fearless about what lies ahead. I hope to serve you well. Thank you for your confidence in my humble service."

In addition to being the first female chief justice, Chief Justice Lambert is leading the first female-majority Supreme Court.

Chief Justice Lambert is the justice from the 25 counties of the 3rd Supreme Court District. She was elected as a justice in November 2018 and was the first chair of the Kentucky Judicial Commission on Mental Health. Justice Lambert was the first woman from the 3rd Supreme Court District to serve on the Supreme Court and the first from the 3rd Appellate District to serve on the Court of Appeals, where she was a judge for four years before being elected to the Supreme Court. She is also the first justice to have served as a Family Court judge. ■



Justice Goodwine Formally Sworn in as Supreme Court Justice



Justice Pamela R. Goodwine takes the oath of office from Chief Justice Laurance B. VanMeter (ret.) in the Supreme Court Courtroom at the Capitol. She is joined by her husband, Lee A. Padgett Jr. (left), and great-grandson, Beckham Mourning (far right). (Photo by Mark Cornelison.)

On April 18, Justice Pamela R. Goodwine was formally sworn in as a justice of the Supreme Court of Kentucky. Chief Justice Laurance B. VanMeter (ret.) administered the oath of office. Justice Goodwine makes history as the first Black woman to serve on Kentucky's highest court, receiving two standing ovations at her swearing-in ceremony.

Justice Goodwine, who said joining the Supreme Court was the realization of a 45-year dream, delivered her address to a full courtroom, reflecting on her life and sharing how she turned adversity into achievement and fulfilled her dreams.

"I always say that I don't give up on my dreams when life gets hard, I simply work harder to make my dreams come true," she said. "If there is one philosophy and action I would like to be known for and for you all to recognize and live by as well, that is it. No matter what life brings your way, keep dreaming and keep working toward your goals."

She went on to say, "Our judiciary is entrusted with upholding the constitution and ensuring that the rights and freedoms of every individual are protected. Our legal system must remain vigilant in ensuring access to justice for all and continuing to serve as a pillar of our fairness and equity. It is my solemn duty to uphold these principles, ensuring that every person who comes before our courts is met with dignity, impartiality and respect."

Justice Goodwine serves the eight counties of Kentucky's 5th Supreme Court District. She was elected in November and began serving in January after six years on the Kentucky Court of Appeals, where she served as deputy chief judge. Her legal career began in 1979 as a legal secretary and court reporter. Today, she holds the distinction of being the first woman and the fifth person to serve at all four levels of Kentucky's judiciary. ■



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What House Bill 611 Means for Us All

Judge Derwin L. Webb

In 2024, the Kentucky General Assembly enacted House Bill 611 (HB 611), introducing significant reforms to the state's truancy laws. This legislation aims to address rising concerns about student absenteeism by imposing stricter attendance requirements and enhancing accountability measures for both students and their families. The implementation of HB 611 has profound implications for families, educators and the judicial system across Kentucky.

Understanding House Bill 611

HB 611 amends Kentucky Revised Statutes (KRS) 159.140 and 610.030, focusing on the responsibilities of the Director of Pupil Personnel (DPP) and the procedures for handling truancy cases. Under the new law, the DPP is mandated to report to the county attorney if:

- A child in kindergarten through fifth grade accumulates 15 or more unexcused absences during the academic year.
- A student in grades six through twelve, identified as a habitual truant, has 15 or more unexcused absences.

Furthermore, the legislation stipulates that diversion agreements for truant students must include a clause stating that if the student incurs four or more unexcused absences during the diversion period, they will be deemed to have failed the diversion program and will be referred to the county attorney for formal court action. These diversion agreements are not to exceed 12 months in duration.

Rationale Behind the Legislation

The introduction of HB 611 was driven by alarming rates of chronic absenteeism in Kentucky. In the 2022-2023 school year, nearly 30% of students were classified as chronically absent, meaning they missed 10% or more of the school year. Representative Jared Bauman, the bill's sponsor, emphasized the need for early intervention, stating that the bill ensures truancy is identified promptly with a 15-day threshold,

facilitating timely reporting to the county attorney for appropriate court action.

Impact on Families

The enactment of HB 611 places significant responsibility on parents and guardians to ensure their children's regular attendance. For students in kindergarten through fifth grade, parents or guardians may face legal consequences if their child reaches 15 unexcused absences. Potential repercussions include civil cases for educational neglect or criminal charges, which could lead to fines up to \$500 or up to 365 days in jail.

School districts across Kentucky have been proactive in communicating these changes to families. For instance, Bardstown City Schools issued a notice emphasizing the importance of regular attendance and informing parents about the new legal obligations and potential involvement of the county attorney's office if unexcused absences approach the 15-day threshold. Jefferson County Public Schools (JCPS) have issued similar notices to parents and guardians to address the issue in hopes to decrease the risk of prosecution and promote increased attendance with students.

Procedural Changes in Schools

Schools have adjusted their attendance monitoring and intervention strategies to comply with HB 611. JCPS, for example, has implemented measures to identify and support students at risk of chronic absenteeism. JCPS Superintendent Marty Pollio highlighted that each school has a dedicated team focused on monitoring attendance, providing counseling and offering mental health services. These efforts aim to address underlying issues contributing to absenteeism before legal action becomes necessary.

Judicial System's Role

The judicial system now plays a more prominent role in addressing truancy. County attorneys are tasked with evaluating cases referred by DPPs and determining appropriate actions. In cases involving young children, court actions typically

focus on the parents or guardians, holding them accountable for ensuring their child's attendance. Hardin County Attorney Jennifer Oldham noted that the bill's language may require clarification regarding the nature of proceedings—whether civil or criminal—and the discretion allowed for ongoing school interventions.

But without question, Jefferson County Family Court Judges have seen an increase in their caseloads attempting to address the problem. While many of the status cases can be heard and adjudicated on the court's status docket, some of the more severe cases are being referred to the dependency, neglect and abuse case docket to provide more services to families in need that are not available at the initial referral.

Challenges and Considerations

While HB 611 aims to reduce truancy rates, it also presents challenges. Families facing socioeconomic hardships, health issues or other barriers may find it difficult to comply with the stringent attendance requirements. Critics argue that legal penalties may not address the root causes of absenteeism and could disproportionately affect disadvan-

tagged communities. Therefore, it is crucial for schools and community organizations to provide resources and support to address these underlying issues, ensuring that punitive measures are not the sole approach to improving attendance.

Conclusion

House Bill 611 represents a significant shift in Kentucky's approach to managing student attendance and truancy. By lowering the threshold for unexcused absences and involving the judicial system more directly, the legislation underscores the importance of regular school attendance. However, its success will largely depend on the collaborative efforts of schools, families and community organizations to address the multifaceted reasons behind absenteeism and to support students in maintaining consistent attendance.



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

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May 2025

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Understanding the Ethical and Procedural Variances of FOCs or GALs in Family Court

Christine Shiffman

While at the outset, a Friend of Court (FOC) and Guardian ad Litem (GAL) may appear to have similar roles and purposes in a family court proceeding, it is important to request the most appropriate role for your case, as there are ethical and procedural differences regarding these roles.

The FOC conducts an investigation as to the best interest of the children and reports their findings and recommendations to the Court. See KRS 403.300 and FCRPP 6. The GAL, however, acts as legal counsel for the child and is subject to the Supreme Court Rules regarding attorney conduct.

FOC's Duty is to Disclose to Parties, GAL's Duty is to Child Client

After the FOC's initial investigation has been completed and their report submitted to the Court, they act as a witness who can testify to the details of their investigation and recommendations in their report. As such, the FOC is subject to cross examination, including a review of the sources of information gathered through the course of their investigation in the same manner and method as any other witness. The FOC can also present hearsay statements that underlie their report, so long as the procedural requirements under KRS 403.300 are satisfied. See *Van Gansbeke v. Van Gansbeke*, 700 S.W.3d 263 (Ky. App. 2024) and *Greene v. Boyd*, 603 S.W.3d 231 (Ky. 2020). These hearsay statements can be from therapists or medical professionals treating the child or even from the child themselves.

The procedural requirements to admit the FOC's report and statements as evidence are contained in KRS 403.300(3), which require the FOC to make available "...the investigator's file of underlying data, and report, complete texts of diagnostic reports made to the investigator [...] and the names and addresses of all persons whom the investigator has consulted." Furthermore, KRS 403.300(3) also

requires that the FOC's report must be filed "at least ten (10) days prior to the hearing," as another due process safeguard. The type of evidence that is introduced through the FOC is ordinarily not permitted under the Rules of Evidence, so it must only be allowed when the KRS 403.300 requirements are satisfied because "[w]ithout those procedural safeguards, there are no due process protections." *Adair v. Emberton*, 694 S.W.3d 52 (Ky. App. 2024).

A GAL, like other counsel, should not be made a witness to the proceeding or be cross-examined on their position on behalf of their client. SCR 3.130 (3.7). Furthermore, the GAL is also bound by the Kentucky Rules of Evidence regarding admissibility of evidence, including those pertaining to hearsay. So, while the FOC can present hearsay statements of the minor child in an evidentiary hearing, the GAL cannot. The GAL should not present statements to the court beyond those contained in their motions filed on behalf of their client and opening and closing arguments at trial. See *Morgan v. Getter*, 441 S.W.3d 94 (Ky. 2014). The GAL also has duties to their client pertaining to safeguarding work product and maintaining client confidentiality in accordance with SCR 3.130 (1.6) and invoking attorney/client privilege in accordance with KRE 503. While the FOC's records and entire file may be discoverable, the GAL's file is to be protected in the same manner that counsel's file for a parent is protected under the Supreme Court Rules.

FOC's and GAL's Consideration of Child's Wishes Under KRS 403.270

As the FOC is an investigator/witness, they cannot file substantive motions on behalf of the minor child in the same manner that legal counsel would. The FOC typically reviews the

motions pending before the court and investigates those matters to make a recommendation as to the best interest of the child. The best interest factors are enumerated in KRS 403.270 and include, among other factors, the wishes of the child. A recommendation by the FOC as to the child's best interest would be based on a weighing of these factors. While the child may express their wishes to the FOC, which is noted in the FOC's report, it is merely one facet of the FOC's investigation that

is to be considered when issuing recommendations. The FOC may then be cross-examined if their ultimate recommendations are not in line with the child's wishes.

The GAL must consider and present the wishes of the child in light of the KRS 403.270 best interest factors in a different manner than the FOC. Often times the best interests of the child and the child's wishes are in line, so the GAL shares that position through their responses or objections to motions or in arguments at trial. In other instances, the child's wishes and the GAL's position as to what is in the child's best interest may not always be in line. Though the child is the GAL's client, and certain duties are owed by counsel to client regarding their wishes, Kentucky case law delineates the wishes of the child client and what is in the child's best interests pertaining to what can be disclosed to the court. When there is a disagreement between the GAL and child client as to what relief is in the child's best interest, the GAL must inform the court of the conflict without presenting any fact-based explanation. See *Morgan v. Getter*, 441 S.W.3d 94 (Ky. 2014).

Considerations When Requesting FOC or GAL

Understanding these fundamental differences between the roles of FOC and GAL will ensure that you request the one that will best assist the court in reaching a custody or parenting time determination in your case, as their roles are not synonymous or interchangeable. The facts of the case may lend themselves to favor one over the other depending on whether the child needs a legal advocate or a

factual investigator. There are also occasions where both a GAL and an FOC can and will be utilized in the same case, particularly in cases that involve higher conflict between the parents. As both positions are separate and distinct from each other, one case could have both a GAL who advocates a legal position on behalf of their child client, and an FOC who investigates the matter and reports to the court with their recommendations. In such instances, the GAL could provide the FOC with any necessary collateral information that support their client's position and the FOC could present the minor child's hearsay statements in a hearing that the GAL could then cross-examine.

Once an individual is appointed as either GAL or FOC, they should remain in that designated role until relieved and not be redesignated later as the other to prevent any due process violations for the parties or the child. If a GAL was initially appointed but you believe the court would benefit from having an FOC investigate and report their recommendations to the court, then a new professional should be requested for that role instead of relabeling the GAL to an FOC. As the GAL has ethical obligations to their minor child client, it would be violative of the Rules to then become a witness, privy to confidential client information, testifying in the matter at hand. Likewise, an FOC should not later become a GAL as their prior access to certain information, including the statements of the parties who may be represented by counsel, may not have been provided or disclosed had they originally been counsel for the minor child. Orders of appointment for FOCs typically grant them access to any and all records needed for their investigation and ability to interview the parties; however, a GAL may need to obtain the same or similar information through traditional legal processes such as depositions or formal discovery.

The roles of both GAL and FOC come under judicial review with fair frequency, with the two roles being refined and further delineated by the higher courts. So, while it is essential to understand the distinction between those roles and how they can impact your case, it is also important to pay close attention to the ever-changing case law as those roles continue to be reshaped according to ethical and procedural requirements that apply to each.

Christine Shiffman is a partner with Johnson Cook Abbott Ahrens & Shiffman, practicing exclusively family law. In addition to representing primary parties in their divorce or custody matters, she also regularly serves as a Friend of Court, Guardian ad Litem and Parenting Coordinator in Jefferson County Family Court. ■





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Kentucky Supreme Court Addresses Time Limit on Lawsuits Filed by Estate Representatives

John R. Cummins and Jon Salomon

Estates sometimes inherit claims against third parties from their decedent that could have been filed before death, but were not filed by the decedent during lifetime. A Kentucky statute imposing a time limit on how long such claims can be filed after the decedent's death was recently interpreted by the Kentucky Supreme Court. *See Davenport v. Kindred Hosp. Ltd. P'ship*, No. 2023-SC-0039-DG (Ky. Oct. 24, 2024).

The statute, KRS 413.180(1), gives the personal representative of the estate "one year after the qualification of the representative" to file if the limitations period would otherwise end earlier after the decedent's death.

The *Davenport* case turned on when the one-year period for a personal representative to file suit commenced. The Spencer District Court had signed the order appointing the personal representative on September 11, 2018, but the Clerk did not enter the order until September 21, 2018. Because the personal representative of the estate did not file a medical malpractice/wrongful death suit until September 20, 2019, a critical issue arose as to when the one-year statute of limitation had started running.

The Kentucky Supreme Court affirmed that the one-year time period begins on the date "when a judge signs the order appointing the representative." *Davenport*, No. 2023-SC-0039-DG, slip op. at 9. Because the relevant statutes did not clearly define what "qualification" of the personal representative means, the Court found that the "date of qualification" would otherwise become "hopelessly inscrutable." *Id.* At 10. As a result, the Court concluded that the personal representative qualifies at the time that a probate judge signs an order of appointment, as opposed to the date that such an order is actually entered by the Clerk of the District Court.

In probate practice circles, the word "qualification" has a different

technical meaning. The personal representative "qualifies" by accepting the appointment, taking the oath of office and posting a bond for the faithful performance of the personal representative's duties. Although this meaning of the word "qualification" was not considered by the Court's majority opinion, Justice Lambert noted in her dissent that the majority had ignored statutory language indicating that, "[e]very fiduciary, before entering upon the execution of a trust, shall receive letters of appointment from the District Court having jurisdiction as now fixed by law." *Id.* At 13 n.6 (quoting KRS 395.105).

The Kentucky Supreme Court's opinion in *Davenport* could well affect computation of time limits under a variety of Kentucky statutes regarding estates which run from "qualification" of the personal representative, including the following:

- Time period before an estate can be distributed, under KRS 395.170;
- Time limit for filing an Inventory of the Estate, under KRS 395.250;
- Time period before an action may be filed against a personal representative, under KRS 395.270; and
- Time period before an action to settle an estate may be brought, under KRS 395.510:

Given the number of other Kentucky statutes which have time limits measured from the "qualification" of the personal representative, we could see further cases on this issue.

Dentons Partners John R. Cummins, a member of the Trusts, Estates and Wealth Preservation group, and Jon Salomon, a member of the Litigation and Dispute Resolution group, are based in firm's Louisville office. ■



Seeking Board Member for Just Between Teens & Parents, Inc.

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A Legal Aid Society Volunteer Since 2024



On Friday afternoons, in a conference room at our downtown Louisville office, you'll find retired trust officer Mike Ackerson quietly seated at a large table, surrounded by documents, a laptop, and preparing estate planning documents for low-income families which are then reviewed by Legal Aid Society Attorney Elizabeth Irish who meets with the clients to execute their wills, POAs, and health care surrogates. Mike humbly insists that what he's doing is "no big deal," but for over a year, his steady presence has helped more than 130 low-income Kentuckians secure the life-planning documents they and their families need.

Like all families, low-income families benefit from life planning documents to ensure their loved ones are cared for—both financially and medically—should they become incapacitated or pass away. These documents also help facilitate the proper distribution of assets, providing peace of mind for those who might otherwise be unable to afford legal assistance.

For Mike, this work is personal. "This is all to honor my parents," he says. In 2010, the Ackerson Family established the Robert and Sue Ellen Ackerson Law Clinic at the University of Louisville Brandeis School of Law—the first clinic helping indigent clients deal with spousal abuse and other family issues. Since its inception, the clinic has served thousands, collaborating with Legal Aid Society on projects such as the Volunteer Eviction Defense Program and the Domestic Violence Advocacy Program. It has also become a pipeline for future Legal Aid Society staff attorneys, with many clinic students going on to join our team.

Last year, Mike sought a more hands-on way to give back. Having spent his career as a trust officer, assisting Legal Aid Society clients with life planning documents was a natural fit. "Volunteering with Legal Aid Society was an easy choice," he says. "The staff here are supportive and dedicated to their work. I'm happy to do my small part to support Legal Aid Society. I encourage other local attorneys to volunteer a few hours to help the thousands of people who can not afford representation."

Q2 VOLUNTEER OPPORTUNITIES

We are looking for volunteers to help serve clients at our divorce, debt, and expungement clinics. All volunteers will receive training or mentorship prior to volunteering.

SCAN HERE TO
SIGN UP OR
LEARN MORE :



5/7	10:00 AM - 2:00 PM	Jefferson County Pro Se Divorce Clinic
5/8	10:00 AM - 3:00 PM	Debt Defense Clinic
5/13	10:00 AM - 2:00 PM	Expungement Clinic
5/21	10:00 AM - 2:00 PM	Jefferson County Pro Se Divorce Clinic
5/23	10:00 AM - 3:00 PM	Debt Defense Clinic
6/5	10:00 AM - 3:00 PM	Debt Defense Clinic
6/11	10:00 AM - 2:00 PM	Jefferson County Pro Se Divorce Clinic
6/12	10:00 AM - 2:00 PM	Spanish Language Pro Se Divorce Clinic
6/18	10:00 AM - 3:00 PM	Debt Defense Clinic
6/25	10:00 AM - 2:00 PM	Jefferson County Pro Se Divorce Clinic
6/27	10:00 AM - 3:00 PM	Debt Defense Clinic

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Turning Fahrenheit 451 Upside Down: Information Access in Times of Consolidation

Kurt Metzmeier

Recent social media calls for a boycott of Amazon made me think about the dependence we have on large monopolistic corporations for our access to information, whether as citizens or lawyers. A reader fully boycotting Amazon would lose access to their e-books—the ones they own, the ones they borrow through Kindle Unlimited and the public library e-books they have borrowed if they are using them with their Kindle. Since Amazon also owns Audible, they can't listen to the latest James Patterson thriller—nor can they watch the hot new series on Amazon Prime or listen to a playlist on Amazon Music.

A prudent legal researcher always knows who owns and provides the sources they rely on and is alert to the possibility that they might stop in the middle of litigation.

However, this isn't the only place where one company has control over what we read. Say you hate e-books and like to buy them from a physical bookstore like Carmichael's Bookstore. (Good for you for supporting a great local business.) You might be surprised that many of the top-selling books you buy are published by only five multinational corporations—and two of them tried to merge last year. Moreover, those "Big Five" publishers are also owned by multinationals who often own or control many of the world's newspapers, music companies and video production and distribution companies.

But that's not all. You as lawyers might get your legal materials from one of two multinational publishers, Thomson Reuters or the RELX Group (owner of Lexis and its second-cousin Decisis). And since these resources are only licensed to you, they can disappear as quickly as a Lexis programmer's keystroke.

In this article, I'll briefly discuss some of these issues, focusing mostly on legal resources. I'll also discuss some of the licensing issues for online sources and answer a frequent question about why you might want to own a resource in print.

The Big Consolidation

Well into the 20th century, Louisville-based John P. Morton and Cincinnati's Robert Clarke Co. published Kentucky statutes, digests, reports and treatises from presses often a stone's throw from Kentucky courthouses. Even as terminals for legal databases like Lexis and Westlaw arrived in the bigger law firms in the 1980s, most lawyers stocked their shelves with books from regional publishers like Banks-Baldwin Law Publishing of Cleveland, W.H. Anderson of Cincinnati and Charlottesville's Michie Publishing Co. (which published a version of the KRS). True, there was an elephant in the room—the St. Paul-based American law publishing giant West Publishing Co.—but it had gained its heft through expansion, not mergers and acquisitions.

In 1987, however, LexisNexis, then just a database company, purchased Michie Co., obtaining access to the KRS, as well as a dozen or more other state codes. Soon afterward in 1989, Canadian book publisher Thomson purchased Lawyers Cooperative, the publisher of American Law Reports (ALR), the American Jurisprudence titles, a Supreme Court reporter and dozens of treatises. The other official KRS publisher, Banks-Baldwin, was acquired by West Publishing in 1993. The nature of consolidation accelerated dramatically, however, in late 1994 when Anglo-Dutch conglomerate Reed-Elsevier—the publisher of hundreds of medical journals and treatises—announced the purchase of LexisNexis. Then, 16 months later, Canada's Thomson Publishing acquired West Publishing Co. from the descendants of John B. West for \$3.4 billion. The deal was briefly held up by the U.S. Justice Department antitrust division, but a federal judge soon approved it and the race to consolidate continued.

In 1996 Reed-Elsevier cut a deal to purchase Shepard's citator database and the Mathew Bender treatises. In 1998, Reed's efforts to acquire Dutch publisher Wolters Kluwer were derailed by EU antitrust regulators, allowing it to survive to purchase the prized regulatory and tax titles from CCH in 1996, later snapping up the law book divisions of Prentice Hall, Little, Brown & Co. and John Wiley & Sons—just as the New Year's Eve fireworks heralded a new millennium.

These mergers and other minor ones have meant that, in 2025, three foreign multinationals—Thomson Reuters (the result of a merger with the UK news giant), RELX (the latest rebrand of Elsevier) and Wolters Kluwer—own the vast majority of American legal titles. Only Michael Bloomberg's Bloomberg Law (which bought BNA Inc in 2011) has a headquarters in the U.S.

Managing Access to Legal Titles

You don't need to imagine a dystopian future to understand why you might lose access to certain legal resources. For example, years ago Westlaw and Lexis provided access to many treatises by third-party publishers that they no longer offer, because they have decided that it was more efficient to direct people to only their publications. Once the license to those third-party resources expired, they disappeared from those services. Most treatises in current online databases are proprietary; if you get used to using a LexisNexis resource, and your firm switches to Westlaw, the only tangible way to retain access is to buy the book.

A PRINTED BOOK? Why? They take up space. They can't be searched with CTRL-F. And, as Ray Bradbury reminded us, they ignite at the temperature of 451 degrees Fahrenheit! All those concerns are valid—especially the second as indexes have not improved in the last decade.

However, their physicality is also a virtue. You can own them. And once you own a "lawfully made" copy of a book, the first sale doctrine, codified at 17 U.S.C. § 109, ensures that you as the owner are "entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy." If I "own" an e-book on a corporate platform, I only license it and I can lose access if the platform drops it, the platform is abandoned or the company goes bankrupt. Years ago, I purchased an electronic copy of *The Kentucky State Constitution* on Amazon. When the Kindle debuted, Amazon quietly killed its prior e-book service, and I had to fight to get a refund.

Another reason people have for not buying books is that they come with expensive updates, whether the law has changed enough to justify it. I get that. In fact, if it is a Kentucky treatise or handbook, I often advise people

to try to buy the book without future updates and then annotate it yourself with new statutes and cases as you notice them. I'm sure you still have a ton of multicolored sticky-notes left over from law school.

However, if you are not into books, the next strategy is to be mindful of the ephemeral nature of the materials you use on Westlaw or Lexis. Make sure your key sources are downloaded into active case files, your firm's knowledge management system or storage that you control—particularly sources you might want to later cite to a court. And if your law firm is considering switching providers, make sure it considers the legal treatises it will lose access to.

Government Information ...

.. will not save you. The recent money-saving efforts by the Department of Government Efficiency (DOGE) should alert you to the possibility that government information is not immune from being removed by any new administration. Again, it is important to be mindful and download anything you need to cite or reuse. Electronic legal information, in any form, comes from servers owned by someone and it can be removed. A prudent legal researcher always knows who owns and provides the sources they rely on and is alert to the possibility that they might stop in the middle of litigation. Keep your ears open and save often is the best advice I can give.

Kurt X. Metzmeier is the interim director of the law library and professor of legal bibliography at the University of Louisville Brandeis School of Law. He is the author of *Writing the Legal Record: Law Reporters in Nineteenth-Century Kentucky*, a group biography of Kentucky's earliest law reporters, who were leading members of antebellum Kentucky's legal and political worlds. ■



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LBA IN-HOUSE COUNSEL SECTION ONE HOUR

The Evolving Landscape in DEI

Tuesday, May 6

Join us for an insightful seminar exploring recent legal developments in diversity, equity and inclusion. This session will provide a comprehensive overview of the shifting DEI landscape, covering critical updates on litigation trends, enforcement changes, Title VII developments and compliance requirements.

Speaker: **Sheila M. Abron**, Fisher & Phillips LLP

Time:	Noon – 1 p.m. — Program
Place:	Zoom
Price:	\$45 LBA Member \$40.50 Sustaining Member \$15 Paralegal Member \$15 for qualifying YLS Member \$25 Solo/Small Practice Section Member, Government or Non-Profit Member \$90 Non-member
Credits:	1.0 CLE Hour — Pending

LBA In-House Counsel Section Leadership: Michael P. Farley, RiverStone Group and Allyson K. Sturgeon, PPL Services Corporation

LBA ONE HOUR

2025 Annual Kentucky Legislative Update

Wednesday, May 28

Join us as Jason Reynolds, AOC Government Affairs Liaison, delivers comprehensive insights on the latest legislative developments affecting Kentucky’s legal community.

- You will:
- Understand of newly passed bills and their direct implications for your practice
 - Learn about legislation that didn’t pass—and what might be coming next
 - Discover how these changes will impact both your work and your clients’ interests
 - Ask questions and engage directly with a leading legislative expert

Don’t let legislative changes catch you unprepared. This session will give you the information you need to confidently navigate Kentucky’s evolving legal framework.

Speaker: **Jason C. Reynolds**, AOC Government Affairs Liaison

Time:	Noon – 1 p.m. — Program
Place:	Zoom
Price:	\$45 LBA Member \$40.50 Sustaining Member \$15 Paralegal Member \$15 for qualifying YLS Member \$25 Solo/Small Practice Section Member, Government or Non-Profit Member \$90 Non-member
Credits:	1.0 CLE Hour — Pending

LBA DAY-LONG CLE WITH NATIONAL SPEAKER JOEL OSTER

Trials of the Centuries: From Murder to Verdict

Friday, May 30

Murder trials capture Americans’ attention like no other; they are the original reality TV. From gruesome murder scenes to the search for who is responsible, society is consumed with the process. For lawyers, it is a crowning achievement of the profession. It provides an orderly way to process and hold people responsible who commit these heinous acts. But does the process always work? Do the innocent get convicted? Do the guilty go free?

This program examines five true crimes, from the grisly details of the murder scene to the decision to indict, to the trial, and finally, to the verdict. In the process, this CLE puts the legal system on trial.

Speaker: **Joel Oster**, Comedian of Law

Time:	9:45 a.m. – 4:45 p.m. — Program
Place:	Zoom
Price:	\$270 LBA Members \$540 Non-members
Credits:	6.0 (Including 1.0 Ethics) CLE Hours — Pending

LBA REAL ESTATE LAW SECTION ONE-HOUR

1031 Exchanges: Just the Basics

Wednesday, May 14

People pay federal and state taxes when they gain money from the sale of investment property. However, in an even trade, or even if the investor trades up in value, there is no income to pay taxes. This logic is the basis for Code Section 1031 of the IRS Tax Code. The IRS restricts the forms of trading to “like-kind” property and further defines the conditions under which a tax-deferred exchange occurs. This course will discuss the rules of Section 1031 of the IRS Tax Code and how to defer capital gains taxes by trading one investment for another.

Speaker: **Miranda Byrd**, First American Exchange Company

Time:	Noon – 1 p.m. — Program
Place:	Zoom
Price:	\$45 LBA Members \$40.50 Sustaining Members \$15 Paralegal Members \$15 for qualifying YLS Members \$25 Solo/Small Practice Section Member, Government or Non-Profit Members \$90 Non-members
Credits:	1.0 CLE Hour — Pending

LBA Real Estate Law Section Leadership Abigail Fargen Riley, Stoll Keenon Ogden and Ashley K. Russell, Stites & Harbison

LBA ONE-HOUR ETHICS CLE WITH NATIONAL SPEAKER STUART TEICHER

Ted Lasso and Attorney Ethics: Lessons in Life, Law and Leadership

Thursday, May 29

Believe in the power of ethical practice!
What can a football coach from Kansas teach attorneys about professional ethics? As it turns out, quite a lot! Join us for this unique and engaging program featuring the renowned Stuart Teicher, the CLE Performer, as he draws surprising parallels between the hit show, “Ted Lasso” and the Rules of Professional Conduct. Through iconic moments from season one, discover how Ted’s optimism, integrity and leadership style offer valuable insights for legal practitioners. You’ll explore how Ted’s approach to communication mirrors ethical obligations, how Danny Rojas’ enthusiasm relates to professional competence and how Coach Beard’s loyalty demonstrates proper supervisory responsibilities.

This isn’t just another ethics program—it’s an entertaining and memorable journey that will transform how you view your professional responsibilities. Whether you’re a Ted Lasso superfan or new to the show, you’ll walk away with practical ethical guidance wrapped in humor and heart.

Speaker: **Stuart Teicher**, CLE Performer

Time:	Noon – 1 p.m. — Program
Place:	Zoom
Price:	\$45 LBA Members \$40 Sustaining Members \$15 Paralegal Members \$15 for qualifying YLS Members \$25 Solo/Small Practice Section Members, Government or Non-Profit Members \$90 Non-members
Credits:	1.0 CLE Ethics Hour — Pending

LBA ONE-HOUR ETHICS CLE WITH NATIONAL SPEAKER STUART TEICHER

Taylor Swift is a Genius: Even About Legal Ethics

Thursday, June 5

Join renowned CLE presenter Stuart Teicher, Esq., for an engaging exploration of legal ethics through the lens of Taylor Swift’s savvy legal maneuvers. This unique program connects professional responsibility rules to real-world examples from Swift’s career, from copyright battles to business decisions. You’ll discover how her strategic choices illuminate key ethical principles, including competence, frivolous claims, diligence, pro bono obligations and professional conduct. Whether you’re a “Swiftie” or not, this innovative program will help you master crucial ethics rules while keeping you entertained. Don’t miss this opportunity to turn legal ethics education into a chart-topping experience!

Speaker: **Stuart Teicher**, CLE Performer

Time:	Noon – 1 p.m. — Program
Place:	Zoom
Price:	\$45 LBA Members \$40 Sustaining Members \$15 Paralegal Members \$15 for qualifying YLS Members \$25 Solo/Small Practice Section Members, Government or Non-Profit Members \$90 Non-members
Credits:	1.0 CLE Ethics Hour — Pending

LBA PROBATE & ESTATE LAW AND TAXATION
LAW SECTIONS + KENTUCKY SOCIETY OF CPAS

Annual Estate Planning Conference

Friday, June 6

The Estate Planning Conference is an informative and engaging learning experience that will enhance your knowledge of estate planning. Designed for and by CPAs and attorneys, the program is designed to keep you updated with the latest information you need to serve your clients.

More information is available at www.loubar.org.

LBA ONE HOUR

Truth or Tech: Navigating AI-Generated Evidence in the Courtroom

Monday, June 9

As technology advances, the manipulation of digital content has become more sophisticated and accessible than ever. It is now easier to generate or alter photos, videos, audio recordings and even handwriting, raising critical questions about the integrity of evidence presented in legal proceedings. With the rise of AI-generated content, we must consider how these advancements can potentially compromise the reliability of evidence in court.

This presentation addresses the need for legal professionals to understand and respond to the challenges posed by AI manipulation. We will explore whether our existing authentication rules are sufficient to withstand the complexities introduced by AI-generated evidence.

Speaker: **Brian Chase**, ArcherHall

Time:	Noon – 1 p.m. — Program
Place:	Zoom
Price:	\$45 LBA Member \$40.50 Sustaining Member \$15 Paralegal Member \$15 for qualifying YLS Member \$25 Solo/Small Practice Section Member, Government or Non-Profit Member \$90 Non-member
Credits:	1.0 CLE Hour — Pending

LBA AND ALA CLE + BUSINESS PARTNERS EXPO

Boosting Productivity with Microsoft 365 + Business Partner Expo

Thursday, June 12

This educational event is jointly presented by the Louisville Bar Association and the Kentucky Chapter of the Association of Legal Administrators.

Join us for an interactive and practical session designed to transform how legal professionals leverage Microsoft 365 in their daily practice. Digital Collaboration and Productivity Consultant Jayna Newcomer will guide you through powerful yet often overlooked features in the Microsoft 365 Suite that can dramatically enhance your productivity. This hands-on seminar focuses on practical applications rather than theory, ensuring you leave with skills you can implement immediately.

What you’ll learn:

- Outlook optimization: Master email management techniques, calendar scheduling and task prioritization to reclaim hours in your workweek
- Teams mastery: Discover advanced collaboration tools, meeting management strategies and document sharing workflows
- Cross-platform integration: Learn how the Microsoft 365 ecosystem works together to streamline your practice
- Automation opportunities: Identify repetitive tasks that can be automated to focus on higher-value work

This seminar is ideal for attorneys, paralegals, legal administrators and support staff looking to enhance their digital workflow and efficiency.

Speaker: **Jayna Newcomer**, Dean Dorton

Business Partner Expo vendors will be announced soon!

Time:	11:30 a.m. – 2 p.m. — Program
Place:	Louisville Bar Center, 600 W. Main St., Ste. 110
Price:	\$67.50 LBA Member \$60.75 Sustaining Member \$15 Paralegal Member \$15 for qualifying YLS Member \$25 Solo/Small Practice Section Member, Government or Non-Profit Member \$135 Non-member
Credits:	1.5 CLE Hours — Pending

DAY-LONG CONFERENCE

Future-Proof Practice: Marketing and Technology Essentials for Legal Professionals

Tuesday, June 24

Technology is evolving faster than the law —attorneys who hesitate to adapt risk falling behind. Without a strong personal brand, potential clients may overlook you. Without a thought leadership strategy, your expertise remains invisible. Without leveraging AI and productivity tools, inefficiencies can drain billable hours. This conference equips you with essential MarTech strategies to enhance your reputation, attract clients and streamline your practice. Stay ahead of the competition, safeguard your professional standing and future-proof your career by embracing the technology and marketing strategies shaping the modern legal landscape. Don’t get left behind—attend and stay ahead.

More information is available at www.loubar.org.

LBA DIVERSITY & INCLUSION COMMITTEE
AND HUMAN RIGHTS LAW SECTION
DAY-LONG

2025 Policy Updates on Rights, Reform and the Rule of Law: A Full-Day CLE on Today’s Most Pressing Constitutional and Civil Legal Developments

Wednesday, June 25

Join us for a timely and comprehensive CLE program examining key developments shaping constitutional and civil rights law today. This full-day seminar will bring together experienced practitioners, scholars and policymakers to explore the state and federal legal and policy landscape.

Topics will include recent changes in immigration law the increasing use of felony mediation as a resolution tool in the criminal justice system; and critical legal issues surrounding protest and speech in the public square. The day will also feature an in-depth discussion on state versus federal authority under the 10th Amendment, as well as an analysis of recent litigation and legal strategy involving Skrmetti.

Our keynote speaker, David Glasgow, will address the current challenges surrounding diversity, equity and inclusion initiatives, offering insight into how organizations and institutions can navigate an uncertain and rapidly changing environment.

Speakers: **Dan Canon**, Dan Canon Law; **Ethan Chase**, Reczek Chase Law; **David Glasgow**, Meltzer Center for Diversity, Inclusion and Belonging and NYU School of Law; **M. Grant Grissom**, Dinsmore; **Hon. Anne Haynie**, retired judge; **Hon. Hugh Haynie**, retired judge; **Nima Kulkarni**, Indus Law Firm; and **Maureen Sullivan**, Attorney at Law

Time:	9 a.m. – 5 p.m. — Program
Place:	Zoom
Price:	\$280 LBA Member \$252 Sustaining Member \$15 Paralegal Member \$15 for qualifying YLS Member \$75 Solo/Small Practice Section Member, Government or Non-Profit Member \$560 Non-member
Credits:	CLE Hours — Pending

More details to be announced!

FAMILY LAW DAY-LONG CONFERENCE

SAVE THE DATE!

Thursday, September 18

More information is to be announced soon!

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.

All credit card payments are subject to a 3% processing fee.



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

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Brandeis School of Law

Abby Voet
Brandeis School of Law

Alkema Woods
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MEETING ANNOUNCEMENTS

Association of Legal Administrators

The monthly chapter meeting of the Kentucky Association of Legal Administrators will be held in person and via Zoom on Thursday, May 8, beginning at noon at the office of Frost Brown Todd in Louisville (400 W. Market St., Ste. 3200) and Lexington (250 W. Main St., Ste. 2800). Please RSVP by registering online at www.ky-ala.org.

Any questions, please contact Deana Lively, dlively@dbllaw.com. ■

LBA Committee Meetings

Diversity & Inclusion Committee
Wednesday, May 14 at 4 p.m., via Zoom

Health & Wellness Committee
Thursday, May 15 at noon, via Zoom

To register for any of the above LBA committee meetings, contact Lisa Anspach, lanspach@loubar.org. ■

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In Memoriam



Michelle Chalmers, 63, passed away peacefully on March 21, 2025, after a brief battle with cancer. Michelle earned her Juris Doctorate from the University of Louisville Brandeis School of Law and went on to practice independently as an attorney for more than 30 years, primarily within the family law sector representing clients. She also served as a Guardian Ad Litem, advocating for children.

Beyond her professional life, Michelle became a Master Gardener, creating vibrant landscapes that reflected her care and dedication to everything she touched, including family and friends. She was an actress who performed in many theatrical performances. She enjoyed playing bridge which challenged her intellect, falling just short of Life Master recognition. She enjoyed dance, especially tango, and competed in Louisville's Dancing with the Stars. She found deep enjoyment in reading, especially books that explored the complexities of the human mind. She swore by Yoga and Pilates and proudly boasted about her ability to perform head stands.

Michelle cherished her grandchildren, and beyond spoiling them, as any grandparent would, felt it was her responsibility to offer wisdom and guidance just as her own grandmother had offered her. ■



Marvin L. Coan, 77, died on March 16, 2025, with his beloved wife and two loving sons by his side, following late-stage complications from cancer. Marvin was a devoted husband, a loving father, a true friend and the quintessential professional and compassionate lawyer. In 1973, Marvin graduated from the University of Kentucky College of Law. After law school, he became a trial attorney in the Civil Division at the Department of Justice, where he represented the United States in District

Courts nationwide, as well as before State and Federal Courts of Appeal. He received a Special Commendation award in 1976 for his work in the Civil Division, and for the coordination of criminal prosecutions throughout the country during the energy crisis. Marvin spent four years in Washington, D.C., where he met the love of his life, Patti Gordon, in the checkout line at the grocery store, buying ice cream.

In 1978, Marvin co-founded a law firm with some of his best friends, and what is now Hummel Coan & Sage LLC. He practiced law in Kentucky for nearly half a century with trusted partners, associates and clerks, including none more so than his legal assistant of 39 years, Janice Hardy.

In his personal life, Marvin loved spending time with friends and family, watching college basketball and football with his sons, swimming with his grandson, going to the movies, taking long walks and being outside. He was an avid reader of history and current events and loved to joke and talk politics. He loved playing with dogs, feeding wildlife and respected life in all its forms. He was a lifelong member and supporter of the Jewish Community Center and supported many other local and national charities and organizations. ■



John Friend, a brilliant attorney known for his colorful personality, unwavering advocacy and commitment to reshaping Kentucky law, died on March 21, 2025, following a brief but intense battle with Burkitt's lymphoma. He was 41 years old.

John's legal prowess was evident in his landmark victories that reshaped Kentucky law. In *University of Louisville v. Rothstein*, John successfully argued that the passage of the Kentucky Model Procurement Code waived governmental immunity for all claims

arising out of lawfully authorized written contracts with the Commonwealth and its agencies. Other notable cases handled by John included *Boling v. Prospect Holdings*, where he protected a severely injured plaintiff from a predatory lawsuit lender, and *Norton Healthcare, Inc. v. Disselkamp*, which clarified jury instruction standards in age discrimination cases, reaffirming important protections for employees.

John joined Alex R. White, PLLC in 2022, quickly earning a reputation as the firm's "answers man" for his strategic brilliance and legal insight. His incisive legal writing and command of complex issues made him a formidable presence in both trial and appellate courts. John was a giving individual, readily and selflessly offering his time to serve others, whether they be animals, old friends, new acquaintances or disadvantaged litigants who never knew of his considerable efforts. In John's memory, friends and colleagues are asked to stand up for the voiceless, volunteer time to support others' growth and challenge injustice at every turn – embodying the principles that defined his impactful, albeit too short, life and career. Contributions are also encouraged to the Leukemia & Lymphoma Society (LLS) in his honor. A Celebration of Life ceremony will take place in July. ■

Clean as a Whistle? Rooting Out Fraud with the False Claims Act

C. Dean Furman, Jr.

*“Just whistle while you work,
And cheerfully, together we can tidy up
the place . . .”*

—From the film
Snow White and the Seven Dwarfs

Fortunately, no need to be a mythical dwarf or the fairest princess in the land to whistle or to be an effective whistleblower. A federal statute, the False Claims Act (FCA), 31 U.S.C. § 3729, *et seq.*, allows anyone who meets the statutory criteria to blow the whistle on federal contractor fraud and not only tidy up the contractor's conduct, but also be rewarded for doing so. Originating in the 1860s as a response to Civil War profiteers defrauding the Union, the application and expansion of the FCA since its enactment allowed it to become an effective enforcement tool for recovering tax dollars from federal contractors who cheat the government.

In fact, fiscal year 2024 broke the all-time record for the most whistleblower lawsuits, called *qui tams*, filed in a year. See United States Department of Justice Press Release,

January 15, 2025. At its core, the FCA penalizes federal contractors who submit false or fraudulent claims for payment while protecting whistleblower employees from retaliation. The statute requires liable contractors (1) to repay the government up to three times the amount of the false claims and (2) to pay statutory penalties, currently set at an inflation adjusted maximum of \$28,619, for each false claim. In other words, \$1,000,000 paid for 1,000 false claims could result in an FCA award to the government in excess of \$31,000,000.

These penalties alone are not the only deterrent for stealing taxpayer funds. Through the FCA process, the federal government can also exclude fraudulent contractors from government programs, meaning debarring individuals and companies from participating in Medicare, Medicaid, defense and general procurement contracts, service contracts, grants and other government payment systems. Rather than excluding defendants as sanctions for violating the FCA, the government alternatively can require a corporate integrity agreement to monitor the contractor's federal payments more closely and place

restrictions on how the contractor operates. By creating this statutory system, the purpose of the FCA is to deter fraudulent conduct, to prevent fraudulent actors from repeating the fraud, and to reward whistleblowers, formally called “relators” in *qui tam* litigation, who bring these claims to the government.

Attorneys should know the basics of the statute to ensure their clients can either be referred to an attorney who practices FCA law or be prepared themselves to learn more about the intricacies of FCA practice to represent a whistleblower or a defendant accused of FCA violations. Even without representing an FCA party, every attorney should be aware the FCA exists in the event a client or potential client inquiries about conduct falling under the FCA's scope. Many of these whistleblower cases involve health care fraud because almost every community in America has physicians, who are government contractors if they receive Medicare, Medicaid or other government payer benefits. From hospitals to durable medical equipment suppliers to testing laboratories to even chiropractors, health care providers must be cognizant and careful about their

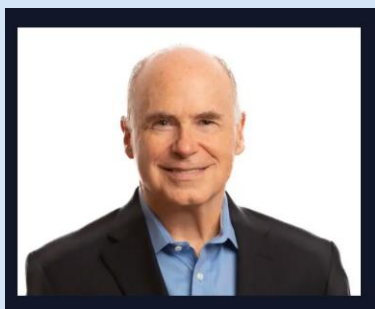
billings to federal programs. Besides the health care sector, federal contractors include defense manufacturers, road builders, schools, grant recipients and other types of government vendors.

State contractors may also be subject to the FCA if state payments are federally funded or the state has a separate state false claims act statute. For instance, a physician who defrauds the state Medicaid program by falsely billing Medicaid patients for services is subject to the FCA because Medicaid payments are currently funded partially by the federal government. A state road contractor who defrauds the state on a road repair project can be subject to the FCA because states receive federal funding for interstate highway and other infrastructure projects. Unfortunately, Kentucky does not have a state false claims act statute allowing a whistleblower to bring a claim based on the fraudulent receipt of exclusively state funds, but Indiana and 31 other states have state-specific false claims act statutes mirroring or similar to the FCA, allowing the recovery of fraud against state taxpayer dollars.

(Continued on next page)

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Kentucky should join other states in enacting a separate state statute because the FCA works. We know this from the billions of dollars recovered for the federal government. In fiscal year 2024, the government received \$2,920,738,612 from FCA cases, with \$403,971,450 being paid to the whistleblowers who filed FCA complaints. See “Fraud Statistics – Overview, October 1, 1986 - September 30, 2024,” Civil Division, U.S. Department of Justice. Since 1987, the government has recovered \$78,324,115,560 from all FCA suits (including ones the government filed without a whistleblower), with whistleblowers earning \$9,510,068,042 of this as a reward for initiating and helping the government on these FCA cases. *Id.*

Two of the more successful FCA cases in 2024, from a tax recovery standpoint, were cases against Endo Health Solutions and Community Health Networks. Endo Health, a seller and marketer of opioid drug Opana ER, settled for \$475.6 million dollars regarding allegations the company targeted prescribers who provided opioids for nonmedical reasons. See United States Department of Justice Press Release, January 15, 2025. Community Health agreed to pay \$345 million dollars for alleged kickback violations from remunerating physicians for patient referrals. *Id.* In addition to these health care settlements, the government recovered significant funds in 2024 from military procurement fraud, general government contract fraud and COVID pandemic-related fraud, which by itself amounted to more than \$250 million in tax dollars and penalties returned to the federal treasury. *Id.*

Although the amount a whistleblower receives is dependent on a number of factors, including whether the government intervenes in a *qui tam*, the whistleblower is typically entitled to between fifteen percent (15%) and thirty percent (30%) of the government’s recovery. These numbers do not include the statutory attorneys’ fees defendants are required to pay to prevailing whistleblower attorneys, or separate damages under the FCA for employer retaliation against a whistleblower. It is important to note, too, that a whistleblower is not required to be an employee or ex-employee of a federal contractor. Instead, the whistleblower is required to have knowledge of the false claims or fraud, which could arise from being a customer, competitor or even a former spouse of a potential *qui tam* defendant.

For the practitioner, the FCA has numerous requirements and potential hurdles. Although exceptions exist for these, three important requirements should be on a practitioner’s mind in pursuing a case or referring one to an FCA attorney. First, the FCA is a first to file statute, meaning if multiple whistleblowers file similar complaints, the one who filed first will be entitled to seek the whistleblower’s share of the government’s recovery. Any late filers may receive a thank you from the government for supporting the case, but will not receive a share of the proceeds if the case is successful.

Second, to be compensated as a whistleblower, he or she must be the original source for the government’s case. If the government

is already investigating the fraud, or if the filing is based on derivative knowledge such as a news article, the whistleblower’s unoriginal case will likely be dismissed. As noted, exceptions exist and if a whistleblower is the original source of the government’s inquiry, then this an exception to the first to file rule—meaning if the government has already opened a case based on the whistleblower’s information, the original whistleblower could be a successful subsequent filer of a lawsuit if the whistleblower was the original source of the government’s opened investigation.

Third, the case must be filed under seal and the whistleblower cannot disclose the existence of the suit to anyone other than his or her attorney, the United States Attorney’s Office, the federal Department of Justice and the federal judge and magistrate assigned to the case. The seal allows the government time to investigate the allegations without the defendant(s) knowing of the lawsuit’s existence. If the whistleblower and his or her attorney fails to file properly under seal or violate the seal, consequences can include being found in contempt and losing part of the whistleblower’s recovery share. The seal also creates issues defending a case when the government first makes contact. A practitioner could have a client who received a federal government civil investigative demand subpoena (CID) for documents and information, but then not be able to garner information from the United States Attorney’s Office about whether the case arose from a whistleblower suit, or who the whistleblower is, because the case is under seal. In these situations, knowing FCA law, working through the requested information and documents, determining whether any current or ex-employees are whistleblowers and evaluating whether the client violated the FCA are imperative considerations in responding to a CID.

With the current federal administration terminating inspector generals, whose task it is to identify fraud in federal government programs, the need for whistleblowers and attorneys who represent them may be greater than ever. Conversely, the current administration’s stated focus through the Department of Government Efficiency to root out alleged fraud may be an indication *qui tam* litigation will be a focus for, and funded better at, the Department of Justice over the next few years. If so, this would result in consequences for both sides of *qui tam* litigation and attorneys should learn to recognize the telltale whistle of a client with a potential FCA case.

Former LBA President C. Dean Furman, Jr. served as a federal prosecutor in the United States Attorney’s Office for the Western District of Kentucky. He was the District’s Healthcare Fraud Coordinator and prosecuted cases involving healthcare fraud, bank fraud, insurance fraud, bankruptcy fraud, counterfeiting, public integrity and other white-collar crimes. Since rejoining private practice, Dean has handled various healthcare, whistleblower, personal injury, criminal and commercial litigation matters. ■



MEMBERS on the move



Hurst-Sanders



Young

Leadership Kentucky recently selected Stites & Harbison attorney **Jackson B. Hurst-Sanders** as one of 24 participants for the ELEVATE Kentucky Class of 2025. ELEVATE Kentucky is a leadership development program designed for millennials and young professionals. Training sessions provide participants with professional development skills and a better understanding of the Commonwealth’s challenges and opportunities in order to advance their careers, their companies and their communities. Hurst-Sanders is an attorney based in the Louisville office. He is a member of the Business Litigation Service Group. Hurst-Sanders earned his J.D. from the University of Kentucky J. David Rosenberg College of Law, *summa cum laude* and Order of the Coif, in 2023.

Legal Aid Society is pleased to announce that **John Young** has been selected by the Board of Directors as the organization’s next Executive Director—he assumed the duties of ED on April 18. The Board of Director conducted a nationwide search over the past two months, engaging with former Executive Director Neva Polley-Scott to help lead the effort and conduct a thorough review of candidates. Young was hired as a staff attorney at the Legal Aid Society in 2001. He has spent his professional life at Legal Aid handling predominantly family law, landlord-tenant, expungement and tax cases. Most recently, Young served as Deputy Director overseeing the internal operations of the public interest, not for profit law firm. He received his J.D. from the University of Dayton School of Law.

The Kentucky Chamber of Commerce, in collaboration with the Kentucky Society for Human Resource Management, has recognized **McBrayer PLLC** once again as one of the Best Places to Work in Kentucky, specifically in the small-sized employer category. McBrayer PLLC is delighted to be named among the best small-sized employers to work for in Kentucky and is honored by its employees, whom it is privileged to have within its ranks. ■

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Technology evolves faster than law. Without a strong brand, thought leadership and AI tools, you risk getting overlooked and losing billable hours. Gain essential strategies to enhance your reputation, attract clients and streamline your practice.

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Tuesday, June 24



9:00 a.m. - 5:00 p.m.



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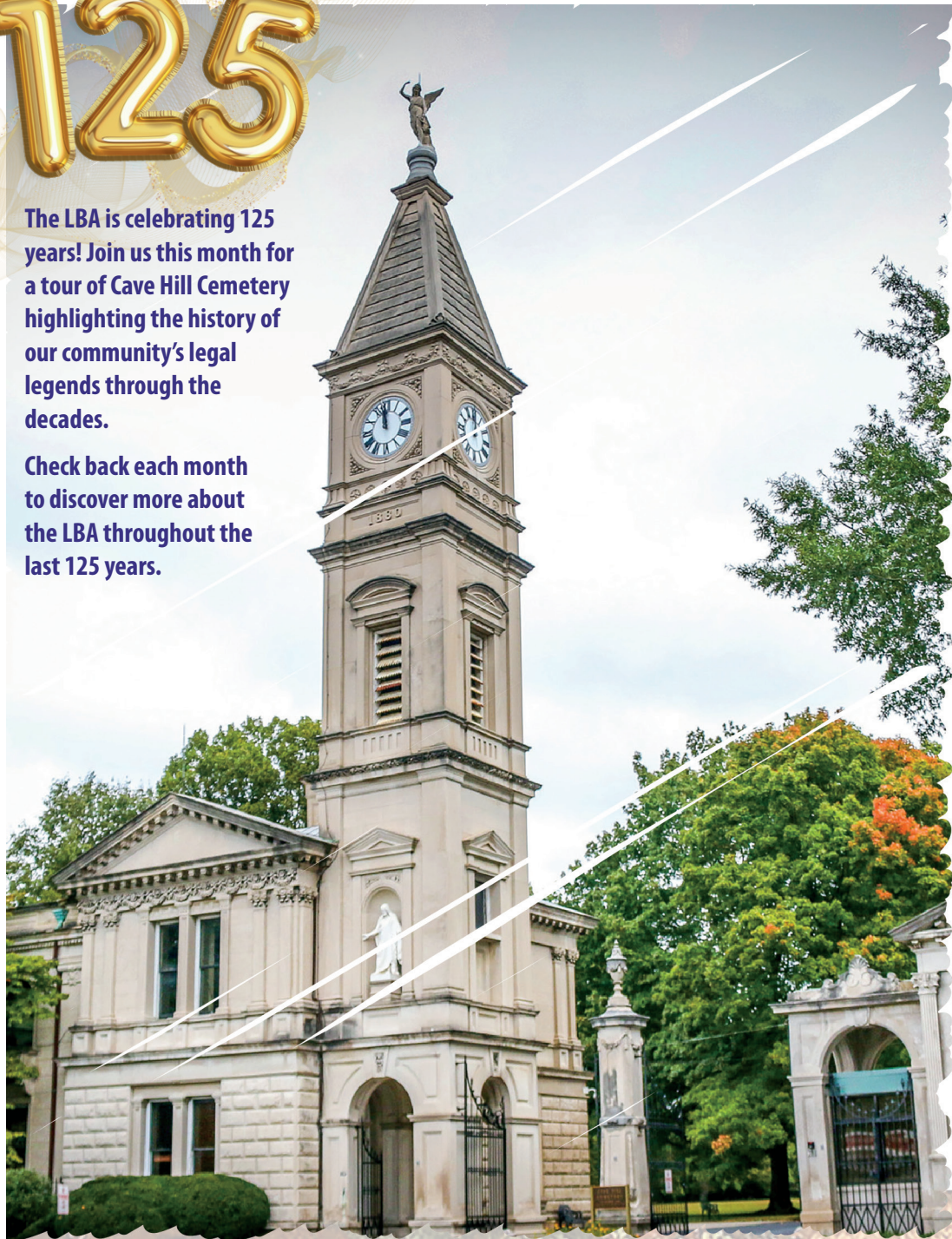


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125

The LBA is celebrating 125 years! Join us this month for a tour of Cave Hill Cemetery highlighting the history of our community's legal legends through the decades.

Check back each month to discover more about the LBA throughout the last 125 years.



history comes alive

a tour of
legal legends at
cave hill cemetery

Wednesday, May 21st
5:00 p.m.
Cave Hill Cemetery

Join the LBA and Past President Greg King on Wednesday, May 21st, for a fascinating guided tour through Cave Hill Cemetery. In honor of our 125th anniversary, he will delve into the stories of famous lawyers, judges and politicians who shaped our city's history, from the early 1800s to the 21st century. Discover famous trials, political intrigue and the lives of distinguished members of the local bar.

limited to just 14 participants – reserve your spot
now for this unique historical journey!

The golf cart tour will begin at 5 p.m. and last approximately 2 hours.
The cost of the event is \$30 and must be paid in advance.

For more information or to register contact Marisa Motley at
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Legal Assistant:

A small, east-end estate planning firm is seeking a legal assistant to perform a variety of office management and secretarial duties. Duties may include answering phones, scheduling client meetings with two attorneys, greeting clients upon arrival, creating client files, printing, copying and scanning client documents, drafting documents and letters, overseeing/managing office supplies and inventory, formatting documents, troubleshooting technology issues with outside IT help and assisting two attorneys with additional day to day tasks. Candidates should have exceptional communication skills, both with colleagues and clients; experience in a legal or professional office; be proficient in Outlook, Word and Excel; be well organized, able to prioritize and manage time wisely; be responsive and look for operational efficiencies. Work hours are 8:30 am - 5:00 pm M-F. Vacation, sick, holidays, 401(k) provided. For consideration, please visit the LBA Job Board, <https://www.loubar.org/placement-services>.

CMBS Staff Attorney:

Frost Brown Todd, a full-service AM Law 200 firm with more than 600 attorneys in 18 offices and nine states plus Washington D.C., seeks a non-partnership track Staff Attorney in its Louisville, KY market. Entry-level candidates will be considered for this role, however, preference will be given to candidates with prior experience in reviewing title/survey/zoning matters on CMBS/balance sheet financing transactions. Applicants must have a good academic record and excellent written and oral communication skills. The salary range for this role accounts for the wide range of factors considered in making compensation decisions, including but not limited to skill sets, experience and training, licensure and certifications and other business and organizational needs. A reasonable estimate of the current salary range is \$105,000 to \$115,000. The actual salary will be determined based on skills, relevant experience and business needs factors, consistent with applicable employment laws. Frost Brown Todd offers a competitive salary and a comprehensive benefits package, including medical (HSA with employer contribution or PPO options), dental, vision, life, short- and long-term disability, various parental leaves, well-being/EAP, sick and vacation time, as well as a generous 401k retirement package. Associates are eligible for a quarterly objective bonus and an annual subjective bonus. The deadline to apply for this position is 30-60 days. Frost Brown Todd, LLP is an equal opportunity employer. To apply, please visit www.frostbrowntodd.com/careers/laterals/.

LBA ROSTER DEADLINE APPROACHING

JUNE 30, 2025

The deadline for the 2025-2026 Pictorial Roster is fast approaching, and we want to ensure your information is accurate for the fall distribution. Now is the perfect time to review and update your contact details!

Please take a moment to log in to our website, www.loubar.org, and verify your profile. If you haven't yet accessed our new platform, you can find helpful instructions on how to set up your profile at <https://www.loubar.org/wp-content/uploads/2024/11/New-Website-Sign-In-Infographic.pdf>.

All members will receive an electronic version of the pictorial roster.

Exclusive Benefit for Sustaining Members:

In addition to the digital roster, Sustaining Members receive a complimentary printed copy, along with these valuable benefits:

- One free hour of conference room rental in the LBA's Unified Technologies Conference Center.
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- An additional 10% discount on LBA signature events and CLEs (excluding co-sponsored events).
- Recognition in LBA print and online publications.

If you have any questions, please contact Marisa Motley, mmotley@loubar.org. ■

Bar Briefs is a national award-winning monthly publication of the Louisville Bar Association. With a circulation of nearly 2,200 readers, **Bar Briefs** offers informative articles on current issues of interest in the law. The LBA welcomes article submissions from everyone in the legal community and beyond.



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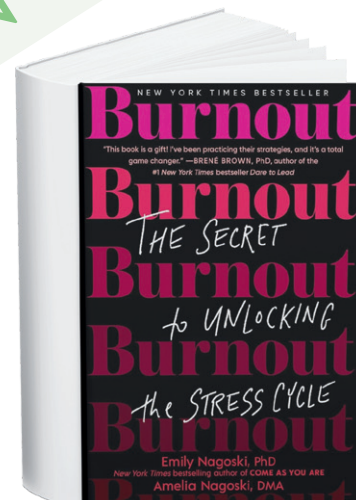
Stand up for what you believe in. Speak up, even if your voice shakes."

— Grace Lee Boggs



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Interviewing Best Practices to Land the Job

Renee Fulton

You received a call asking for an interview. The job is interesting and you are excited about meeting the hiring company/firm. What can you do to prepare?

Interviewing is not rocket science, but nerves can get the better of us because most people don't have a ton of experience with the interview process, at least those with reasonable tenure. Let's review five things to start you off on the right foot.

Prepare

- To prepare for the interview, review the company website to learn about their products/type of law, services and locations. Be informed about recent big events, such as acquisitions, new offices, new plans, etc. While reviewing, determine if you can envision yourself at the company.
- Review the job ad listing, some of the key aspects of the job and begin to correlate those duties/skills with your work history. If the position requires experience in xyz and you have that experience, ensure you expressly correlate your skills with what the company needs. Tell the story of how you demonstrated the skill. Don't assume they have studied your resume and can see the skills—ensure you mention them at the appropriate times.
- Last, but not least, ensure you know the location of the interview and how to get there. Plan to arrive 10-15 minutes early and consider taking a trial run the night before. Plan for traffic and the unforeseen, but if you arrive too early, stay in your car. Arriving 10 minutes early is a positive; arriving 40 minutes early is not.

Project Confidence and Poise, not Cockiness

- You truly want to know and understand the highlights of the position and express where you have demonstrated a similar skill, but you do not want to come across as if you know it all. Listen and ask appropriate questions, but check your attitude if you are coming across as bored or having done all the duties and they are all no challenge at all.
- Ask questions as part of the interview, but don't take over the interview with way too specific and detailed questions. You are trying to see if your skills and the position are a match, but the interviewer is leading the dance. Getting too far in the weeds on meaningless questions may take the interviewer off track and leave out important points.

How to Handle the Compensation Question

- Consider the salary range for which you would truly accept a position. If asked during the interview, share the range. If not asked about salary, we normally recommend not mentioning it in the first interview. The first interview is to see if there are any synergies between your skills and the position. The range should be no more than \$10k (such as \$80-90k) and truly reflect the salary you would be happy about. The range should make sense given your salary history.

Stay Positive

- Regardless of the topic, do not say negative things about previous employers, bosses or co-workers. If you had a particularly difficult time at a past company, you can address the job change in a neutral light by mentioning that while you respected the company, the fit wasn't very good. The company was enduring massive changes due to recent events and you felt you would be a better contributor elsewhere. As an interviewer, I can read between the lines and keep my opinion of the situation neutral unless you spend 20 minutes berating your old boss or company.
- At the end of the successful interview, leave on a positive note. Ensure you thank the person for their time, get their business card and ask if you may follow up and/or gain some understanding of where they are in the interviewing process. Express your interest in the position! If you are excited about the position, ensure you share your excitement about the position seeming like a fit with the skills you have acquired. Share that you are excited about the opportunity, etc. Ask if they have any concerns about your abilities they could share and perhaps you can address any issues or clarify points at that time.

Follow up

- Based on your understanding of their timeline, or after a week or so, follow up on the status of the position. The most un-intrusive way is by a well-written email. Again, express interest in the position and the hope you can speak with them again should they have further questions. Do not e-mail and call time after time. Also, remember hiring always takes longer than people expect. If they indicate they expect to bring back a few people for a second interview in a week, don't e-mail on day seven. Give it plenty of time. While we believe in follow up, once or twice is plenty. You don't want to turn a positive into a negative.

Renee Fulton is a CPA and owner of Talis Group, Inc. Talis Group is a recruiting company helping clients hire professional level attorneys, legal support, accounting, human resources, technical sales, engineering and administrative and clerical candidates. ■



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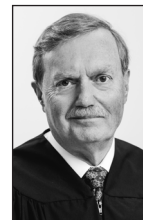
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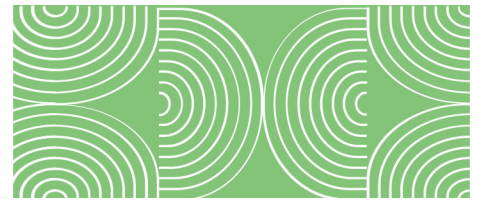
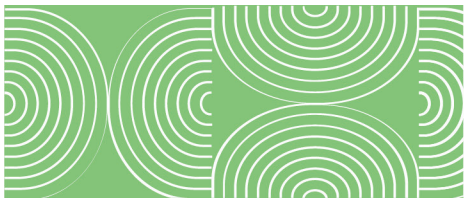
WELL-BEING WEEK IN THE LAW

In this month's Bar Briefs, we're bringing you a special section dedicated to Well-Being Week in Law (WWIL).

WWIL is organized annually by the Institute for Well-Being in Law during Mental Health Awareness Month. It aims to raise awareness about mental health and encourage action and innovation across the profession year-round to improve well-being. This year WWIL is May 5th-9th, and the overall theme is "The Social Rx: Boosting Well-Being with Connection."

Our special section provides daily activities, resources, practical tips and even a "good mood" Spotify playlist.





WELL-BEING WEEK IN LAW (WWIL) is organized annually by the Institute for Well-Being in Law during Mental Health Awareness Month. It aims to raise awareness about mental health and encourage action and innovation across the profession year-round to improve well-being. This year, WWIL is May 5th-9th. Each day focuses on a distinct dimension of holistic well-being for legal professionals. Check out the events for May 5-9 below and the 31-Day Mental Health Challenge Calendar on the next page.

MONDAY

STAY STRONG: PHYSICAL

Get ACTIVE!
Check out one of our member benefit partners:

Learn about 5-4-3-2-1 Grounding Techniques.

Guided Meditation | 9:00 AM via Zoom

TUESDAY

ALIGN: SPIRITUAL

WEDNESDAY

ENGAGE & GROW: CAREER

“Love the One You’re With” - Career Well-Being Workshop
Does career well-being mean leaving your job? Not necessarily! Talis Group helps you explore whether you can improve your current role—or if it’s time to find the right next step. Learn how to “Love the One You’re With” or move forward with clarity.

Webinar | 11:30 AM via Zoom

Tips and Tricks to Networking with ADD

Details TBA

THURSDAY

CONNECT: SOCIAL

FRIDAY

FEEL WELL: EMOTIONAL

Understanding Your Psychological Well-being - Take a Mental Health Test

[Click here to take a mental health test.](#)

The Power of Music

How Tunes Can Transform Your Mood

Lisa M. Anspach

Music has an incredible ability to influence our emotions and overall well-being. It can be a powerful tool for mood regulation, whether it’s the upbeat tempo of a pop song that gets you dancing or the soothing melody of a classical piece that helps you relax. The LBA Health and Wellness Committee recognizes this and has created a Spotify “Good Mood” playlist to help you find your musical boost whenever you need it. You can check out the playlist here: <https://open.spotify.com/playlist/5AGfyrbHJ3RuDeaZut4FYu>, and we encourage you to add your favorite feel-good songs to share with others.

Research has shown that music can significantly impact on our emotions and mental state. According to an article by Pfizer, music can evoke strong emotional responses due to its ability to stimulate the brain’s reward centers. This stimulation often leads to the release of dopamine, a neurotransmitter associated with feelings of pleasure and happiness. Listening to music you enjoy can, therefore, enhance your mood and even improve your overall mental health.

Harvard Health also highlights the therapeutic benefits of music, noting that it can reduce stress, alleviate pain and improve cognitive function. Music therapy is often used in clinical settings to help patients manage anxiety, depression and other mental health conditions. The rhythmic and repetitive aspects of music can provide a sense of predictability and control, which is particularly comforting in stressful situations.

The relationship between music and emotion is complex and multifaceted. According to an article from Ashford University, music affects the brain in several ways. For instance, it can trigger the release of endorphins, which are natural painkillers and mood elevators. Additionally, music can influence the autonomic nervous system, which controls involuntary bodily functions such as heart rate and blood pressure. Listening to calming music can help lower your heart rate and promote relaxation.

Moreover, music can serve as a powerful memory cue. Hearing a song from your past can instantly transport you back to a specific time and place, evoking vivid memories and emotions. This phenomenon is known as the “reminiscence bump,” and it highlights the deep connection between music, memory and emotion.

Given its profound impact on mood, music can be a valuable tool for enhancing your daily life. Here are some practical ways to incorporate music into your routine for a mood boost:

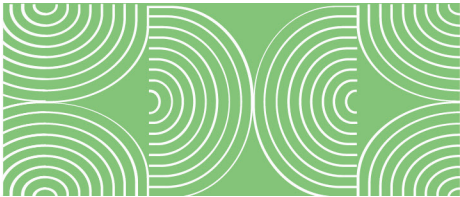
- Start your day with upbeat tunes:** Create a morning playlist with energetic songs to help you wake up and start your day positively.
- Use music for stress relief:** When you feel overwhelmed, listen to calming music to help you relax and unwind.
- Boost your workout:** Upbeat music can enhance your exercise routine by increasing your motivation and endurance.
- Create a personalized playlist:** Tailor a playlist to your specific mood, whether you need to feel more energized, focused or relaxed.

The LBA Health and Wellness Committee’s “Good Mood” playlist on Spotify is a great resource to get started. Visit <https://open.spotify.com/playlist/5AGfyrbHJ3RuDeaZut4FYu>. We encourage you to add your favorite songs that put you in a good mood and share them with the community. Listening to this playlist can be a simple yet effective way to lift your spirits and improve your overall well-being.

Music is a universal language that transcends cultural and linguistic barriers. Its ability to evoke emotions and influence our mental state makes it a powerful tool for mood regulation. By understanding how music affects the brain and incorporating it into our daily lives, we can harness its benefits to enhance our emotional well-being. So the next time you need a mood boost, turn to the LBA Health and Wellness Committee’s “Good Mood” playlist, add your favorite songs and let the music work its magic.

Lisa M. Anspach is the LBA’s Director of Professional Development and Leadership





Managing Worry with Scheduled Worry Time

A Practical Approach to Reducing Anxiety

Chibs Okereke

Do you find yourself constantly worrying throughout the day? It's easy for anxious thoughts and fears to creep in, disrupting your focus and leaving you feeling overwhelmed. But what if you could control your worries and contain them within a specific timeframe? That's where the concept of "scheduled worry time" comes in—a proven technique that helps manage anxiety in a structured and controlled way.

What is Scheduled Worry Time?

Scheduled worry time is a cognitive-behavioral technique that encourages you to set aside a specific time each day to focus on your worries. Instead of letting anxious thoughts dominate your mind throughout the day, you designate a fixed period to address them. This practice can significantly reduce the mental burden of constant worry, allowing you to be more present and productive in your daily life.

How to Implement Scheduled Worry Time

1. Create a worry list

Throughout the day, whenever a worry or anxious thought arises, jot it down on a "worry list." This helps you acknowledge your concerns without letting them interfere with your current tasks. Continue adding to this list as worries come up, knowing that you'll address them later during your scheduled worry time.

2. Schedule your worry time

Choose a specific time each day to dedicate to your worries. This could be in the morning, afternoon or early evening—just make sure it's a time when you can focus without distractions. Avoid scheduling your worry time too close to bedtime, as this might activate your brain and make it difficult to wind down for sleep.

3. Review your worry list

When your scheduled worry time arrives, sit down and review the list you created. Take note of the emotions you're feeling as you go through each worry. Recognizing and understanding these emotions is a key step in addressing the underlying causes of your anxiety.

4. Problem-solve and develop coping strategies

During your worry time, take a proactive approach by brainstorming solutions to the problems causing your anxiety. If necessary, seek feedback from others or research strategies that can help you manage specific concerns.

5. Enjoy your worry-free time

Once your scheduled worry time is over, make a conscious effort to shift your focus away from your worries. If some worries no longer bother you or have been resolved, that's a sign of progress. Use the remainder of your day to engage in activities that bring you

joy and relaxation, free from the burden of unnecessary anxiety.

The Benefits of Scheduled Worry Time

Implementing scheduled worry time can significantly reduce stress and burnout. By confining your worries to a specific timeframe, you can regain control over your thoughts and minimize their impact on your overall well-being. This technique not only helps you manage anxiety more effectively but also promotes a healthier mental state, allowing you to approach your day with a clearer, more focused mind.

Managing worry takes time and practice, but scheduled worry time offers a structured and effective way to tackle anxiety head-on. By dedicating a specific time each day to focus on your worries and develop coping strategies, you can reduce the impact of anxiety on your life and improve your overall mental well-being. Start incorporating scheduled worry time into your daily routine, and experience the freedom that comes with reclaiming control over your thoughts.

Chibs Okereke is a stress and burnout coach, meditation teacher and accredited mindfulness facilitator. He offers practical mindfulness tools to combat stress and promote balance in today's fast-paced world. Okereke has conducted over 200 workshops, impacting more than 2 million lives globally. Article reprinted with permission.

MAY

31-DAY MENTAL HEALTH CHALLENGE



SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

"One cannot lead a life that is truly excellent without feeling that one belongs to something greater and more permanent than oneself."

-- Mihaly Csikszentmihalyi

4 Try several [relaxation techniques](#) today to recover and re-charge for the new work week. Make a habit of those that work well for you.

5 **PHYSICAL WELL-BEING**
Join a [WWIL "Move Together"](#) physical activity session today from 1-4 pm ET. Try ballet, boxing, yoga, and more.

6 **SPIRITUAL WELL-BEING**
Pick a new [contemplative practice](#) to experiment with to deepen your spiritual well-being.

7 **CAREER WELL-BEING**
Make a colleague feel recognized, valued, and accepted today by [spotting & celebrating their strengths](#).

1 **SOCIAL WELL-BEING**
Help curb the loneliness epidemic by reaching out to someone today who may need a check in.

2 **EMOTIONAL WELL-BEING**
Recruit a crew to join you in a [Sleep Challenge](#), and make sleep one of your mental health superpowers.

3 Reflect on [your values today](#) and how you can better align your life with what's important to you--inside and outside work.

11 [Start a dance party](#) with friends or family. Just turn on a favorite song and get moving!

12 **PHYSICAL WELL-BEING**
Plan a fun after-work event that doesn't center on alcohol or make others feel awkward for not drinking.

13 **SPIRITUAL WELL-BEING**
To bolster [spiritual well-being](#) today, be fully present to others and look for ways to be of service.

14 **CAREER WELL-BEING**
Try to [understand others](#) at work better through perspective taking exercises.

15 **SOCIAL WELL-BEING**
Use [IWIL's e-message tool](#) to send a gratitude note today to a colleague, client, friend, or family member.

16 **EMOTIONAL WELL-BEING**
Take time today to [educate yourself](#) about mental illness symptoms and what to do if you spot them in colleagues.

17 Schedule something enjoyable or that matters to you **and do it**. Such "[behavioral activation](#)" supports mental health.

18 Spend time [in nature today](#). People with good nature connectedness tend to be happier.

19 **PHYSICAL WELL-BEING**
How can you get started today improving [the quality of what you eat](#) to support mental and physical health?

20 **SPIRITUAL WELL-BEING**
Watch a [short video](#) of fellow legal professionals describing how they integrate spirituality.

21 **CAREER WELL-BEING**
Add [ice-breakers](#) to meetings to foster connection and curb workplace loneliness.

22 **SOCIAL WELL-BEING**
Organize an activity [for volunteers](#) or join a community service project.

23 **EMOTIONAL WELL-BEING**
Do a mental health check-in by taking a [self-assessment](#), reflecting on the results, and making a plan.

24 Create and listen to a "[good mood](#)" [music playlist](#). Share your picks with others and ask for theirs.

25 Go on a photo walk, taking photos of things that [bring you joy](#) or that [make your life feel meaningful](#).

26 **PHYSICAL WELL-BEING**
Join a virtual group meditation session led by the [Mindfulness in Law Society](#) at 3 pm ET every Monday.

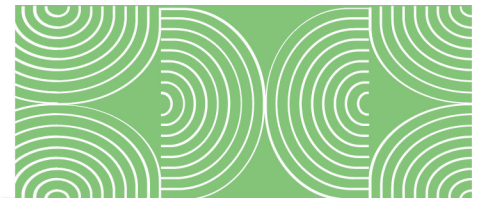
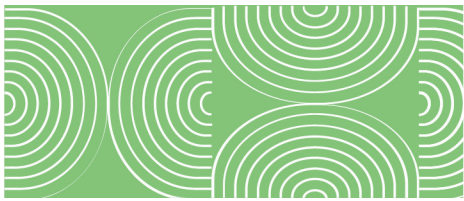
27 **SPIRITUAL WELL-BEING**
Try [gatha practice](#) today, which involves reciting short verses to call us to the present moment.

28 **CAREER WELL-BEING**
Do a [job-crafting activity](#) with colleagues and discuss how to support each other's career goals.

29 **SOCIAL WELL-BEING**
Do a bundle of [small acts of kindness](#) today for colleagues, clients, friends, and family.

30 **EMOTIONAL WELL-BEING**
[Try a short guided meditation](#) or breathing exercise to reset your mind.

31 Make a plan to connect with others next month!



Combating Loneliness in the Legal Profession

The LBA's Approach to Well-Being

Lisa M. Anspach

In an era where digital connections often substitute for meaningful human interaction, I've witnessed firsthand how the legal profession faces a silent crisis. As the Director of Professional Development and Leadership and staff liaison for the Louisville Bar Association's Health and Wellness Committee, I've heard from countless attorneys, paralegals and legal staff who report increasing feelings of isolation and disconnection despite being surrounded by colleagues and clients daily. Our committee recognizes this growing concern and is taking decisive action through this year's Well-Being Week in Law to address what the U.S. Surgeon General has labeled an "epidemic of loneliness."

The Loneliness Epidemic in Legal Practice

Recent research from the Institute for Well-Being in Law reveals startling statistics about loneliness within our profession. Attorneys are particularly vulnerable to social isolation due to the competitive nature of legal work, billable hour pressures and the adversarial system that often pits lawyers against one another. According to their findings, lawyers report loneliness rates significantly higher than the general population, with many identifying their professional environment as a contributing factor.

The U.S. Surgeon General's advisory on social connection highlights that loneliness and isolation are associated with a 29% increased risk of heart disease, a 32% increased risk of stroke and a 50% increased risk of developing dementia for older adults. For professionals in high-stress environments like law, these risks are compounded by already elevated rates of anxiety, depression and substance use disorders.

Even more concerning, the research indicates that younger attorneys in their first five years of practice report the highest levels of loneliness, suggesting this is not merely a mid-career or late-career phenomenon but a systemic issue affecting the profession from entry-level positions upward.

Well-Being Week in Law:

Starting Important Conversations

We at the LBA's Health and Wellness Committee view Well-Being Week in Law as more than just a calendar observance—it represents a critical opportunity to begin changing the culture of isolation within our profession. We hope this initiative will spark conversations that lead to meaningful connections throughout the year among members across different practice areas, experience levels and roles within the legal community.

What we're trying to accomplish goes beyond providing resources. We're trying to normalize conversations about loneliness and isolation in a profession that often celebrates self-sufficiency and independence to a fault. The first step toward addressing loneliness is acknowledging its presence in our professional lives.

Throughout the year, we envision creating opportunities for connection that go deeper than traditional business card exchanges. From informal coffee meetups to committee participation, we want to foster an environment where relationships can develop naturally across firm boundaries and practice areas.

The Science of Connection

The Institute for Well-Being in Law's research emphasizes that quality relationships significantly impact both mental and physical health. Studies show that meaningful social connections can reduce stress hormones, improve immune function and even extend lifespan.

For attorneys specifically, strong professional connections correlate with higher job satisfaction, reduced burnout rates and greater career longevity. The research indicates that lawyers who report having at least three close colleagues they can confide in show significantly lower rates of depression and anxiety compared to those who feel isolated at work.

The Surgeon General's report further reinforces this, noting that positive social connections at work can increase productivity by up to 20% while reducing the likelihood of leaving a position by nearly 50%. For a profession struggling with retention and talent development, these statistics cannot be ignored.

The LBA Difference:

Knowing "The Other Side of the v."

A phrase that I've heard repeatedly in LBA meetings this year captures the unique value proposition of bar association involvement: getting to know "the other side of the v." In legal documents, the "v." (versus) symbolizes opposition—plaintiff v. defendant, appellant v. appellee. Yet LBA membership offers the opportunity to transform these professional adversaries into colleagues and even friends.

When you only know opposing counsel through motions and briefs, it's easy to attribute the worst intentions to their actions. But when you've shared a meal or served on a committee together, you develop understanding that changes how you practice. You're still zealous advocates, but the unnecessary antagonism diminishes significantly.

This approach to professional relationships yields practical benefits beyond personal well-being. Cases resolve more efficiently when attorneys have established rapport. Communication improves when there's a foundation of mutual respect. Young lawyers gain invaluable mentorship from experienced practitioners they might otherwise only encounter in contentious settings.

For solo practitioners who often report the highest levels of professional isolation, LBA engagement provides a crucial community—colleagues to consult on difficult questions, friends who understand the unique challenges of legal practice and a support network during difficult times.

In-house attorneys also benefit tremendously from bar association connections, gaining perspective on how their policies and decisions impact outside counsel and developing relationships that help them better manage legal services.

From Research to Action:

Our Approach

Our Health and Wellness Committee is developing opportunities throughout the year based directly on evidence-based interventions highlighted in both the Institute's research and the Surgeon General's advisory. These include:

1. Creating environments for sustained meaningful interaction rather than superficial networking.
2. Establishing shared purpose through committee work and community service projects.
3. Developing cross-generational connections that benefit both newer and experienced attorneys.
4. Facilitating vulnerability in professional settings, allowing attorneys to bring their authentic selves to bar activities.
5. Building regular, consistent opportunities for connection that become part of members' professional routines.

We recognize that addressing loneliness requires more than awareness—it requires creating ongoing opportunities to gather and connect. Our approach focuses on sustainable relationship building that extends throughout the entire year.

Your Next Step:

Join Us

The research is clear: meaningful connection is not a luxury but a necessity for well-being in the legal profession. The LBA provides the ideal environment to develop these critical relationships across the boundaries that typically divide us in practice.

I personally invite you to take concrete action toward greater connection by engaging with the LBA this year. Watch for announcements about upcoming opportunities to gather. Whether you're a new attorney seeking mentorship, a mid-career lawyer looking to expand your network or a seasoned practitioner with wisdom to share, your presence and participation matter.

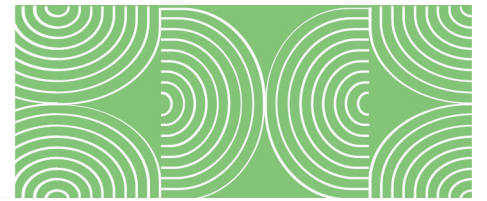
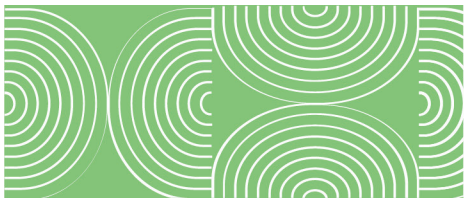
Keep an eye on our website and newsletters for information about future events and initiatives. If you have questions or ideas about how we can better foster connections within our legal community, please contact me directly at lanspach@loubar.org.

The epidemic of loneliness affecting our profession requires a community response. Our committee is committed to leading that response, but we can only succeed with your participation. Join us as we work to build a legal community where no one practices alone.

The LBA's Health and Wellness Committee serves all members of the legal community with resources, programming and support designed to improve well-being across all dimensions: emotional, intellectual, physical, social, spiritual and occupational. To learn more about our initiatives or to get involved with the committee e-mail Lisa Anspach at lanspach@loubar.org.

Lisa M. Anspach is the LBA's Director of Professional Development and Leadership. ■





Combatting The Workplace Loneliness Epidemic: *Research Highlights*

What is Loneliness and Why Does it Matter?

Climbing rates of loneliness and social isolation have created an urgent public health concern, according to the U.S. Surgeon General. Why has chronic loneliness set off alarms? It's because loneliness can predict and exacerbate a range of mental health conditions, like:

- Social anxiety
- Depression, and
- Suicidal ideation and suicidal action



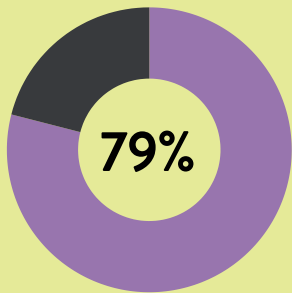
Defining Loneliness

Loneliness is a distressing feeling of dissatisfaction with our social connectedness, often felt as sadness, shame, self-doubt or exclusion.

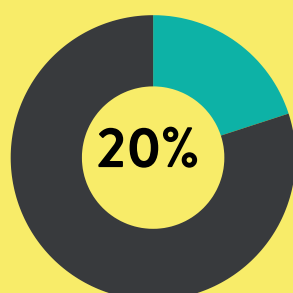
Factors Affecting Workplace Loneliness

There's no single cause of workplace loneliness. A sampling of factors that can amplify or curb workplace loneliness risk are listed below.

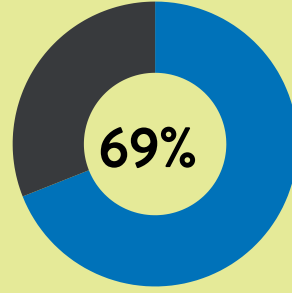
The Loneliness Epidemic Has Spilled Over Into Workplaces



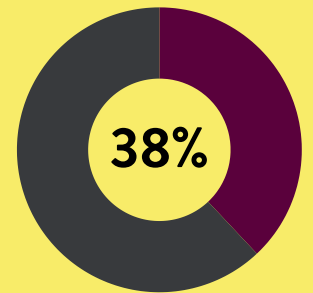
Workers say their job makes them feel isolated (Burleigh, 2024).



Employees say they experienced loneliness "a lot" the prior day (Pendel, 2024).



Employees say they're unsatisfied with social connections at work (Brower, 2024).



Believe someone at work cares about them (Brower, 2024).

DEFINING WORKPLACE LONELINESS

Distress caused by not having affiliation needs met at work. Sources and outcomes of loneliness are tied to the workplace.

Feeling Lonely Among Others

- Loneliness is different from social isolation or aloneness. In fact, loneliness has almost no correlation with actual social contact.
- People can be alone without feeling lonely. And people can feel the loneliest while among others when they feel excluded or left out.

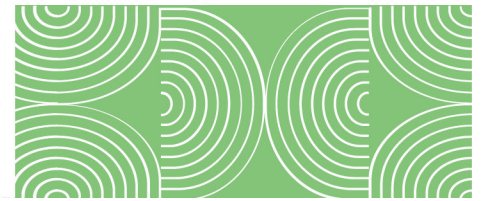
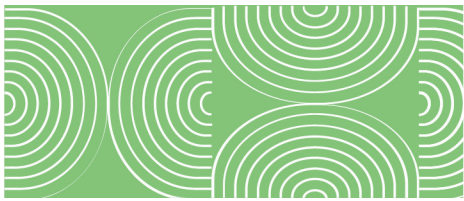
The Distorted Lense of Loneliness Breeds More Loneliness

- Feeling lonely is a very common, normal human experience that functions like a psychological alarm. Typically, people respond to it adaptively by seeking to make (or repair) meaningful social contacts.
- But when people are unable to satisfy their affiliation needs and chronic loneliness sets in, it acts like a cracked filter that distorts perceptions of the social world.
- Chronically lonely people often engage in self-protective behaviors that push others away. They get stuck in a self-fulfilling prophecy that reinforces their loneliness.



Symptoms of Chronic Loneliness

- Hypervigilance to social threat and rejection
- Trouble making friends
- Avoids taking part in groups
- Lower empathy due to preoccupation with themselves
- Responds more slowly to conversation partners
- Asks fewer questions
- Difficulty being friendly
- Reacts hostilely to others' efforts to socially connect
- Increasingly unapproachable



Effects of Workplace Loneliness

LOWER	HIGHER
<ul style="list-style-type: none">• Psychological well-being• Job performance• Engagement• Helping behaviors• Job satisfaction• Organizational commitment• Worker-manager relationship quality	<ul style="list-style-type: none">• Depression symptoms• Anxiety symptoms• Job stress• Burnout• Insomnia• Alcohol use• Turnover intent

A CENTRAL SOURCE OF WORKPLACE LONELINESS: LACK OF BELONGING

Feeling unseen, unheard, insignificant and not like an important member of the group



Combatting Workplace Loneliness With Belonging

- Workplace loneliness is nearly the exact flip-side of workplace belonging, which flows from feeling accepted, included, respected, and as a contributor at work.
- Because feeling a sense of belonging is a basic human need, feeling invisible or disrespected by individuals and groups that matter to us can damage self-worth and trigger loneliness.
- So, building belonging can combat the damaging effects of chronic loneliness.

Combatting Workplace Loneliness With Everyday Kindness

- Everyday acts of kindness are an accessible way for everyone to contribute to boosting belonging and curbing loneliness at work.
- In a workplace loneliness study, non-lonely employees often described meaningful acts of kindness by bosses and colleagues. Examples included:
 - Receiving unsolicited help with a promotion application,
 - Remembering birthdays,
 - Attending a family member's funeral, and
 - Supporting during a move to a new city.
- To develop relationships from which such kind acts flow naturally, employees in the study said they liked
 - Communal meals,
 - Happy hours, and
 - Carving out time in meetings for personal connection.
- By contrast, genuine interactions are thwarted when
 - Workload is high,
 - Meetings are discouraged, and
 - Online interactions focus only on work.

How To Ease Lonely Colleagues' Social Anxiety About Socializing

- Because loneliness inhibits lonelier colleagues' motivation and connection skills, efforts to reduce workplace loneliness require a lot of commitment and follow up. It's not enough to just bring lonelier people together with others.
- For example, persuading chronically lonely people to join social activities can be a challenge. They often fear they won't be truly welcomed and accepted, so they opt out. Simply forcing them into more social interaction can backfire if their fears are confirmed by low-quality experiences.
- Remember that it's not the amount of social contact but the quality of social ties that alleviate workplace loneliness. The focus should be on creating meaningful experiences that foster high-quality relationships and group belonging rather than just increasing interactions.

3 ESSENTIALS FOR ENGAGING SOCIALLY ANXIOUS COLLEAGUES

1. Actively, persistently and sincerely encourage them to join without forcing them to do so.
2. Be sure to structure activities to ensure they don't feel left out and awkward once they do join.
3. Aim for meaningful experiences that deepen relationships and belonging.



Factors that Amplify and Curb Workplace Loneliness Risk

	CONTRIBUTOR	BUFFER
Self	<ul style="list-style-type: none">Tendency toward negative thoughts and emotionsSensitivity to rejectionMaterialism	<ul style="list-style-type: none">Self-compassionPsychological capitalTendency toward positive thoughts and emotionsApproachabilityGratitudeEmotion regulation skills
Job Attributes	<ul style="list-style-type: none">Work stressJob/time demandsWork-nonwork conflictJob dissatisfaction	<ul style="list-style-type: none">Autonomy/control
Peers	<ul style="list-style-type: none">IncivilityInterpersonal conflictBullyingOstracismSocial undermining	<ul style="list-style-type: none">Emotional and instrumental support
Leaders	<ul style="list-style-type: none">Poor relationship qualityPoor communicationLack of input or feedback about difficult work	<ul style="list-style-type: none">High-quality leader-follower relationshipsRecognizing and valuing strengths and contributions
Organization	<ul style="list-style-type: none">Competitive cultureEmotional culture of angerUnfairness	<ul style="list-style-type: none">Emotional culture of careCollaborative cultureCulture of recognition and gratitudePsychological safety

More Practices to Reduce Workplace Loneliness

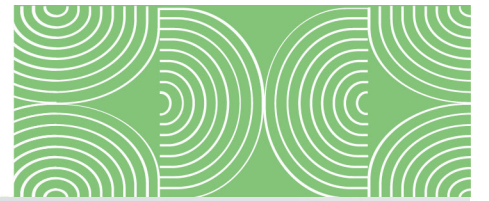
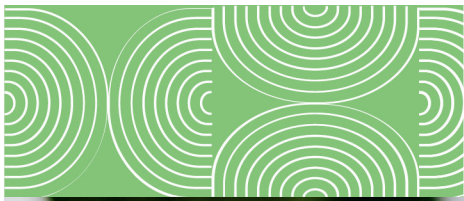
Although the experience of loneliness and its causes are subjective and unique, scholarly literature has identified some promising approaches listed below.

The Effects of Workplace Loneliness Can Be Damaging

Chronic workplace loneliness can trigger a downward spiral in employees’ thoughts, feelings and behaviors that affects their well-being and functioning at work.

Evidence-Informed Strategies to Alleviate Workplace Loneliness

FOCUSED ON THE INDIVIDUAL	FOCUSED ON THE CONTEXT
<ul style="list-style-type: none">Develop meaningful group membershipsProvide cognitive-behavioral therapy skills training (to modify maladaptive perceptions about themselves and others)Encourage mindfulness meditationManage stressDevelop self-compassionBuild social skillsVolunteerMake friendship goals and plans to achieve themCultivate gratitude	<ul style="list-style-type: none">Establish mentoring programsEstablish affinity groupsDevelop leaders’ relationship and communication skillsEncourage workplace friendshipsCreate opportunities for genuine connectionEmbed social activities into the rhythm of work (e.g., communal lunches, team-building initiatives)Offer cross-cultural trainingIncrease job autonomy and control commensurate with skill levelPromote a culture of appreciation and gratitude to effectively recognize and validate employees’ contributions



Workplace challenges are the number one cause of stress. This tip sheet helps you recognize and address signs of stress before it becomes chronic and escalates to burnout. Share this tip sheet with your employees, and be sure to use it yourself, too.

STRESS AND BURNOUT TIP SHEET

The 5 Stages of Stress and Burnout and How to Address Them

THE 5 STAGES OF BURNOUT

It's important to understand the stages of burnout so you can identify your symptoms and take steps at the right time to improve your well-being. Here are the five stages:

Stage 1: Honeymoon

You start a new job or project with high energy, creativity and productivity. Stress may start to creep in, but it feels like good stress and excitement. Start positive coping strategies like mindfulness to support well-being so you'll stay in this stage indefinitely.

Stage 2: Onset of Stress

On some days, unpleasant symptoms emerge, like irritability, sleep and focus issues, anxiousness, change in appetite or diet, lower productivity, tiredness or headaches. Well-being strategies are vital, because it's only going to get harder to address the problem as you start to feel more worn down.

Stage 3: Chronic Stress

You're feeling stress on a daily basis, and your nervous system is on high alert in response to perceived danger. Symptoms include missing deadlines, persistent tiredness, physical illness, procrastination, resentment, social withdrawal, anger or aggressive behavior, a cynical attitude and increased use of alcohol or caffeine.

Stage 4: Burnout

Overwhelming exhaustion, a lack of enthusiasm and increased negativity or cynicism towards your job, along with a decreased ability to perform your job, are hallmarks of burnout. Feelings of emptiness, pessimism, self-doubt, chronic ailments and a desire to isolate are others. The longer you stay in this stage, the more damage you're doing to your nervous system and the harder it will be to recover.

Stage 5: Habitual Burnout

Symptoms of burnout are so ingrained in your life that you'll experience significant mental, physical and emotional problems, like chronic sadness, depression, and mental and physical fatigue. Recovery typically requires leaving your job and focusing on getting better.