

BAR*briefs*

Louisville Bar Association

November 2025

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ON PAGE 10

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

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

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The Return of the LBA Leadership Academy
By Lisa M. Murray



Celebrating Traditions Old and New

November is here. My children (who are both adults) are already talking about Thanksgiving dinner. What are we serving? Who is making what? Where are we eating and what time? When I was growing up, my family celebrated Thanksgiving more as an excuse to get together than a long-standing tradition. My parents came from Cuba in 1950s and soon learned about the "turkey holiday" in November. Mind you, we got together with relatives and celebrated, but the menu was slightly different than a traditional Thanksgiving dinner.

We did not have turkey but roast pork, black beans and rice instead of mashed potatoes, and flan instead of apple pie. That changed over time and my mother, who liked turkey, would make both, and we added more traditional side items as we got older and invited friends over that were not Hispanic.

November has many days dedicated to food, from National Cinnamon Day to Calzone Day, Deviled Egg Day and Donut Day. We can definitely find a way to eat our way through November.

It is also time to celebrate Veterans Day. Starting out as Armistice Day in 1919 to commemorate the end of World War I, it became Veterans Day in 1954. President Eisenhower signed a bill changing the name of the holiday and making it a day to honor all veterans who served our country. Each year on November 11th, we express our gratitude as a nation to all who served in the Armed Forces. To those of you who are members of the LBA and who are veterans, we thank you for your service.



Congratulations to our Lawlapalooza winner, Subpoena Colada! They raised more than \$3,600 for the night. The total amount raised set a record of more than \$7,500 for the Judge Ellen Ewing Foundation. Proceeds from the event support a Louisville law student to work at the Legal Aid Society. All the bands were fantastic, and it was a great event. See page 17 for a recap of the event complete with photos!

There are several programs in November for our members to participate in:

- November 6-7: The Carl A. Warns, Jr. & Edwin R. Render Labor & Employment Law Institute, co-sponsored with the UofL Brandeis School of Law at the Bar Center. See details on page 20.
- November 13: The annual LBA Member Appreciation and Awards Luncheon at the Ice House. See details on page 10.
- November 14: The DIY Law Firm Marketing: What is the Best Investment to Make for Your Firm's Long Term Future (which is part of Beyond the Bar: Running Your Practice – a solo/small firm monthly CLE series). See details on page 11.

November is also a good time to reflect on the last few months and plan for the future. We put up holiday decorations for Halloween, Thanksgiving and Christmas. We plan our holiday travel to see family and friends or just take time off to relax and spend quality time at home. We shop and buy gifts and send packages. We watch holiday movies and play music that by the time the holidays end, we are relieved we can turn it off. These traditions vary from family to family but we all have them and should enjoy them. Life is really too short.

On October 18th, seven million people across the country, including several attorneys in Louisville, participated in the "No Kings" events across the U.S. The attacks on the Rule of Law are due to continue. Recent attacks on judges and elected officials have many worried about their safety. ICE raids continue to spread across the country. The National Guard has been deployed into cities without any unrest or violence. A dozen eggs cost over \$8.00 in February and gas prices continue to be high. All of this and a government shutdown. 2025 has been a year which I honestly never thought would occur in the United States.

2026 has got to be better.



“

Each year on November 11th, we express our gratitude as a nation to all who served in the Armed Forces. To those of you who are members of the LBA and who are veterans, we thank you for your service.

Maria
Maria A. Fernandez
LBA President



Caring Globally, Researching Locally: Resources on International Humanitarian Law

Kurt X. Metzmeier

With war raging in Ukraine and Gaza and tensions between the U.S. and Venezuela playing out in air strikes in the Caribbean Sea, questions about the scope of international humanitarian law are unavoidable. Meanwhile, the world's military lawyers grapple with how these issues raised by these wars factor into joint operations and other collective actions.

In the U.S., these conflicts are barely covered by the press anymore, which is absorbed in domestic events. Churches, college student groups and peace organizations look on in dismay as international institutions appear to be incapable of effective action to protect civilian populations caught up in these wars.

As lawyers, we tend to listen to these issues being discussed with a skeptical ear unless we hear someone join an actual international law to a persuasive argument. After all, most of us have lived through wars with catastrophic claims of imminent use of "weapons of mass destruction" or that our adversary is part of an "axis of evil," rhetoric later found to be untrue or exaggerated. This article is going to leave aside these claims

and show you where to find the law.

Resources:
International Committee of the Red Cross
International Committee of the Red Cross (ICRC) has been at the forefront of promoting and implementing humanitarian law since its founders organized the Geneva Convention of 1863 which adopted the first articles defining standards of lawful warfare and crimes of war. Because of its unique history, its website hosts a vital repository of legal materials, the International Humanitarian Law Databases (<https://ihl-databases.icrc.org/en>). This site is organized under three headers: Treaties, Customary Law and National Practice.

The core collection of Treaties includes the currently operative 1949 Geneva Convention and the 1977 and 2005 Protocols, but there are also collections of related international agreements and historical treaties (<https://ihl-databases.icrc.org/en/ihl-treaties/geneva-conventions-1949additional-protocols-and-their-commentaries>).

The Customary IHL tab (<https://ihl-databases.icrc.org/en/customary-ihl>) is deceptively useful—especially its Rules tab, which is effectively an authoritative encyclopedia of humanitarian law, organized by topic with references to all the treaty materials related to the subject. For example, if you look at Rule 76, Herbicides, you see that while the use of these chemicals in warfare is not expressly prohibited, their use may violate certain UN resolutions, which are cited, and may come under other provisions, like prohibition on attacking objects indispensable to the survival of the civilian population, which is referenced.

The Practice tab of the Customary IHL page is also very useful as it allows you to search by the name of a nation to find UN resolutions specifically referencing that country, as well as official statements they make to formally declare that a particular treaty provision cannot apply to them under their national law.

The Sources tab directs you to the text of all relevant treaties and references statements of national laws found in military manuals,

national laws and national case law. Humanitarian law is not just an ideal, it is integrated into the core documents of military law and the rules of engagement for most of the nations of the world. This is not just a matter of ethical principle, it is also self-interest. The world's generals don't want their captive soldiers mistreated nor do they want their forces involved in banned acts of warfare. Full-text versions of this original source material are also collected under the National Practices tab of the main Customary IHL page, and it is searchable by nation, type of practice or material and date. (The documents are not always in English.)

International Court of Justice (ICJ)
Another important place to look for information on humanitarian law is on the websites of the two bodies that administer international law, the International Court of Justice which resolves legal conflicts between nation-states, and the International Criminal Court (ICC), which prosecutes individuals when that court

(Continued on next page)

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has jurisdiction (because not all nation states are party to the ICC).

The ICJ, or the World Court (<https://www.icj-cij.org/>), adjudicates cases between nations over a variety of matters as diverse as disputes over borders, conflicts over civil aviation rules, the movement of migrants and, at least recently, a claim by a state that another state has violated the Convention on the Prevention and Punishment of the Crime of Genocide. This area of ICJ law, which is still developing, comes out of a 2019 action by The Gambia (joined now by 11 other nations) against Myanmar over the treatment of the Rohingya people. The Genocide Convention allows any state to enforce its provisions, and as Myanmar is not a signatory to the Statute of the International Criminal Court, the ICJ ruled that the Court was the only competent body to judge the claim. More controversially, as the Myanmar case has slowly proceeded, South Africa filed a claim against Israel for its actions in the Gaza conflict. Decisions in the preliminary stages of these matters can be found on the front page and under the decisions tab. Since ICJ litigation usually takes years if not decades to resolve, this will be an active area of humanitarian law for the foreseeable future.

International Criminal Court (ICC)
While the ICJ tries cases between nations, the ICC hears cases involving individuals charged with crimes against humanity. Its jurisdiction is limited to crimes by sig-

natories to the 1998 Rome Statute of the International Criminal Court or that occur on the territory of a signatory. The Court's interpretation of its jurisdiction has been controversial, especially since it allowed the indictment of Benjamin Netanyahu, the prime minister of a non-signatory, for actions related to Israel's prosecution of its war in Gaza, which, as part of the Palestinian Authority, is a signatory. (The U.S. has recently sanctioned ICC officials over this ruling.)

The Rome Statute and its amendments can be found under Documents on the Core Legal Texts tab (<https://www.icc-cpi.int/publications/core-legal-texts>), along with rules of court and professional ethics. Decisions and Records of the ICC are found in the Court Records folder (<https://www.icc-cpi.int/decisions>). The ICC News tab is useful in following hearings, new rulings and other matters.

Other Resources
The Resources web page of the American Society of International Law (ASIL) (<https://www.asil.org/resources>) has several beneficial resources, including news articles, podcasts and videos. Of particular interest, is found under Topics, Human Rights and International Criminal Law (<https://www.asil.org/topics/human-rights-and-international-criminal-law>). You can search by keyword, perhaps "Ukraine," and add Tags like either "Signature Topics: Atrocity Prevention" or "Use of Force, International Humanitar-

ian Law" to pull up a number of on-point articles and other posts.

LBA Human Rights Section
Researching is one thing, doing as another. Members of the Louisville Bar Association interested in this area of law should join the Human Right Section to get active in this area. In its own words, it "seeks to educate the Bench and Bar on timely topics that are also the basis of new law and policy forming around them to keep up with the ever-increasing pace of the global village in which we find ourselves working and living to a greater degree every day." The section often features speakers with expertise in human rights law, domestic and global, with recent programs in human trafficking, civil rights and immigration law. Members with questions about joining Human Rights Section, should contact the LBA's Professional Development and Leadership Director Lisa Murray, lmurray@loubar.org.

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. ■



From the Office of the Circuit Court Clerk

Following an ordinance passed by the Louisville Metro Council recently, court costs and filing fees in Jefferson County have been increased.

This Court Facilities Fee took effect on Nov. 1, 2025. It will help fund an estimated \$40 million in deferred maintenance and repairs to the Jefferson County-owned Hall of Justice, Judicial Center and the Old Jail Building for projects such as:

- Escalator and elevator repairs
- Roofing/leak repairs
- Plumbing and security upgrades
- Ongoing building maintenance

It should be noted that 101 other Kentucky counties currently collect a Court Facilities Fee as passed by local ordinance, which the state legislature authorizes by statute.

The Court Facilities Fee is now automatically applied to court costs and civil filing fees when either eFiled or conventionally filed. The new charges, which range from \$10 to \$25, apply to both circuit and district court cases.

- Specific fee increases:
- Circuit Civil cases: The filing fee increased by \$25. This also includes a \$25 additional filing fee for appeals to the Court of Appeals.
 - Circuit Criminal cases: Court costs increased by \$25.
 - District Civil cases: The filing fee increased by \$10.
 - District Criminal cases: Court costs increased by \$10 for traffic and by \$20 for misdemeanor cases. ■

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Lead. Serve. Excel: The Return of the LBA Leadership Academy

Lisa M. Murray

The LBA has reinstated its Leadership Academy, a structured professional development initiative originally launched in 2006. After a multi-year hiatus, the program returns with a renewed focus on preparing mid-career attorneys for leadership roles in law, business and civic life.

The Academy is designed for attorneys with four to ten years of practice. This career stage is critical: practitioners have accumulated substantive experience but are still defining their long-term trajectory. The program addresses this transitional phase by offering targeted instruction in leadership competencies and facilitating strategic professional connections.

Curriculum Structure

The Academy's curriculum is segmented into modules that build essential leadership skills. Topics include:

- Strategic planning and team building
- Ethics and professionalism in leadership
- Business development strategies
- Community engagement and social responsibility
- Technology and innovation in legal practice
- Change management and diversity integration

Each session is designed to be practical, incorporating case studies, interactive exercises and direct engagement with community leaders. The program emphasizes applied learning over theoretical instruction.

New Partnership with Leadership Louisville

This year, the Academy introduces a partnership with Leadership Louisville, integrating a session from its "Leading Better" program. This collaboration expands the Academy's scope by exposing participants to leadership methodologies validated across multiple sectors.

Addressing a Professional Development Gap

The Academy's absence created a noticeable void in regional legal training. Demand for its return reflects a broader recognition that leadership development must be intentional and structured. Informal mentorship and passive learning are insufficient for preparing attorneys to assume leadership roles.

The need is underscored by demographic trends. According to the American Bar Association's 2023 Profile of the Legal Profession, more than half of practicing attorneys in the United States are over the age of 50. Succession planning is no longer optional. Firms, nonprofits and civic institutions require a pipeline of attorneys equipped to lead.

Impact of Remote Work on Mentorship

The COVID-19 pandemic accelerated remote work adoption, which, while operationally effective, diminished opportunities for informal mentorship. A Harvard Business Review study found that remote employees are 25 percent less likely to

receive informal mentoring. In a profession that relies heavily on apprenticeship models, this reduction in spontaneous professional exchange has long-term implications. The Academy's in-person format is a deliberate response to this challenge.

Leadership and Business Development

Leadership development is directly correlated with business outcomes. Thomson Reuters' 2022 Law Firm Business Leaders Report found that firms investing in leadership training report stronger client relationships and improved associate retention. The Academy equips participants with skills that enhance internal team dynamics and external client engagement.

Graduates gain competencies in communication, team integration and strategic networking. These skills contribute to firm performance and position attorneys for civic leadership roles, including nonprofit board service and bar association committee participation.

Networking and Relationship Building

The Academy's in-person structure is intentional. Face-to-face interaction fosters trust and accelerates relationship development. According to the Conference Board's 2024 Leadership Development Survey, 73 percent of executives identify relationship building as the most critical leadership competency. However, it is also the skill most weakened by virtual-only environments.

(Continued on next page)



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

LEAD. SERVE. EXCEL.

Join the LBA Leadership Academy to sharpen your leadership skills, engage with prominent legal and community leaders and tackle critical professional issues. Designed for attorneys with 4-10 years of experience, this program offers valuable insights into ethics, service and professionalism while connecting you with local non-profits.

Applications open from Tuesday, October 7 - Friday, November 21. Available at www.loubar.org.

*Apply now to be part of a network dedicated to guiding our legal community with integrity and purpose.
Program sponsorship available. Contact Lisa M. Murray at lmurray@loubar.org for more details or any questions.*

(Continued from previous page)

Each Academy cohort functions as a professional network. Participants often maintain these relationships beyond the program year, creating long-term channels for collaboration and referral.

Alumni Outcomes

Since its inception, the Academy has inducted more than 100 attorneys. Alumni have advanced into roles including judicial appointments, firm partnerships and leadership positions within the LBA. These outcomes validate the program's structure and its emphasis on practical leadership development.

Program Philosophy

The Academy operates under a clear directive: Lead. Serve. Excel. Its objective is not to produce leaders for title's sake but to cultivate attorneys who lead with ethical clarity, professional rigor and civic responsibility.

Leadership in law requires credibility. Every decision, whether in client representation or board service, reflects on the profession's integrity. The Academy reinforces this principle, framing leadership as stewardship rather than status.

Service is integral to the Academy's mission. Participants are challenged to apply their skills in service to the broader community. Louisville benefits when legal professionals engage in nonprofit leadership, volunteer initiatives and policy advocacy. The Academy positions civic engagement as a professional obligation.

Excellence is treated as a continuous process. The program instills habits of self-assessment and ongoing improvement, encouraging attorneys to refine their skills throughout their careers.

Strategic Value

Participation in the Academy offers measurable professional advantages. Structured leadership training accelerates readiness for partnership, firm management and judicial service. Cohort membership provides access to a peer network that supports collaboration and business development.

Leadership skills enhance client confidence and retention. The program also opens pathways to civic visibility through board service and community engagement. The partnership with Leadership Louisville introduces cross-sector leadership strategies, broadening participants' perspective.

The Academy is not a symbolic credential. It is a tactical investment with immediate and long-term returns. Graduates leave with enhanced capabilities, expanded networks and increased credibility.

The reinstatement of the LBA Leadership Academy is a strategic recommitment to the values that sustain the legal profession: integrity, service and excellence. For attorneys in the four-to-ten-year practice window, the program offers a structured path to leadership readiness.

The Academy prepares participants not only to serve clients but to lead firms, nonprofits and civic institutions. Its return signals a renewed focus on equipping the next generation of attorneys for the responsibilities ahead.

Lead. Serve. Excel. The standard remains unchanged. The opportunity to meet it has returned.

Lisa M. Murray is the Louisville Bar Association's Director of Professional Development and Leadership. ■



UofL Law Library Seeks Alumni Photos

We are compiling a book detailing the story of the law school throughout the years and we would like to include alumni photographs! If you have pictures from your time in law school that you would like to share, please contact Marcus Walker, the Law School Archivist, at marcus.walker@louisville.edu or (502) 852-0171.

Depending on how many are received, we may not be able to include them all, however, preference will be given to those who can provide identifying information along with their photos. Print photographs will be scanned and returned, with the digitized version happily made available to you upon request. (Please do not scan any print pictures, as the publisher has strict guidelines for digitized photographs).

Also, as a reminder, if you have any publications, programs, or other law school ephemera you are no longer interested in keeping, please contact Marcus as the Archives may be interested in having it for the collection! ■



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REAL KENTUCKIANS. REAL JUSTICE.



This Veterans Day, we celebrate those who served by helping them overcome barriers to long-term stability. Legal Aid Society's Veterans Legal Assistance Program provides critical support - housing, benefits, and other civil legal help - to those who've defended our country.

Since January, we've served 142 veterans, but the need remains great: in 2021, **76% of low-income veteran households faced at least one civil legal problem, and nearly half experienced five or more.**

You can make a difference: volunteer, donate, or share our mission to ensure every veteran has access to justice.

Legal Aid - A lifeline for Veterans like Matt.

When Matt Gibbins joined the Navy at 22 years old, he had never left Allentown, PA. While his yearlong service on the USS Nimitz allowed him to see the world, it also left him with lifelong injuries. As an aircraft mechanic, he spent most of 1986 and '87 on the flight deck of the Nimitz surrounded by deafening equipment. Nearly 40 years later, Matt describes the tinnitus as "constant"—yet the VA denied that Matt's hearing loss was related to his working environment. Unfortunately, stories like this are all too common in the Veteran community, as supplemental claims, higher-level reviews, and appeals are often required for any approval of benefits. This administrative burden and delay in benefits left Matt in significant economic hardship. With a litany of worsening injuries, both service-related and not, Matt became homeless and contemplated suicide. Mere moments before carrying out the act, Matt called his Legal Aid Attorney, Roy Berwick. Thanks to Matt's brave call to Legal Aid in his greatest moment of need, he is alive today and feels confident knowing someone is fighting for him. "Roy is my poster child," he said, describing Veteran's Unit Senior Attorney Roy Berwick. "I've seen how Veterans are treated. I wouldn't be trying anymore—not without him."

This program is made possible with generous funding provided by the Kentucky Bar Foundation, Texas Roadhouse, and the Veterans Administration.

www.yourlegalaid.org

Unlocking the Power of Cellphone Records in Kentucky Civil Litigation

Practical strategies for obtaining, interpreting and admitting digital evidence under the Stored Communications Act in Kentucky

Kevin Horan

At a Glance

Cellphone records are becoming indispensable in civil litigation, from motor vehicle and wrongful death actions to employment and family law disputes. Understanding the Stored Communications Act and Kentucky discovery rules is essential to obtaining usable evidence. This article outlines the types of data available, the legal hurdles to obtaining them and practical strategies for Kentucky litigators.

Why Cellphone Records Matter in Civil Cases

Cellphone records are no longer confined to police investigations. In Kentucky civil courts, they increasingly play a decisive role. From proving or disproving distracted driving in auto cases to clarifying timelines in family or contract disputes, digital breadcrumbs can be powerful.

But getting and using these records is not straightforward. The federal Stored Communications Act (SCA) sets strict limits, and Kentucky's discovery rules provide only certain tools for civil practitioners.

What's Out There — And Why It Matters

Cellphone evidence generally falls into several categories:

- Call Detail Records (CDRs): Logs of calls and texts, showing time, number and duration, but not content.
- Cell Site Location Information (CSLI): Which tower and sector handled a call or data session; useful for estimating location.
- Timing Advance (TA): Where available, an estimate of the phone's distance from the tower.
- App and Cloud Data: Google Timeline, Apple "Significant Locations," WhatsApp logs or social media account data; often requires consent or direct login credentials.

Retention periods vary, so issuing preservation letters early is essential.

The Legal Hurdles — and How to Clear Them

The Stored Communications Act prohibits carriers from releasing subscriber records without consent—even with a subpoena. Kentucky courts, like others, follow this federal limitation.

Kentucky practitioners can use:

- Subscriber Consent: the most direct route, using carrier-provided forms.
- Court-Compelled Consent: courts may order a party to sign consent forms under CR 34 or CR 37.
- Third-Party Discovery: if a non-carrier (such as an employer) controls the records, CR 34 or CR 45 subpoenas may apply.
- Preservation Requests: while Kentucky does not allow pre-litigation subpoenas, counsel should move quickly to secure preservation orders once litigation is reasonably anticipated.

Privacy and Kentucky Case Law

The U.S. Supreme Court in *Carpenter v. United States* recognized a reasonable expectation of privacy in historical CSLI, requiring warrants for law enforcement access. The Kentucky Supreme Court followed this in *Commonwealth v. Reed*, applying *Carpenter* to state prosecutions and confirming CSLI is protected information. Civil courts are likely to adopt the same privacy-protective approach — allowing discovery but limiting scope to ensure relevance and proportionality.

Case Spotlight: Motorcycle Crash and Driver Deception

In a Kentucky civil case, plaintiff's counsel represented a motorcyclist permanently injured when struck by a truck making an illegal turn. The truck driver stated that at the time of the crash, he had just returned to duty after taking the previous 24 hours off. According to the driver, while he was resting, another employee used his truck to make and receive deliveries.

Plaintiff's counsel sought to test this account by moving for a court order compelling production of the driver's cellphone records. The driver provided written consent, and the court also issued an order authorizing release of the data. Subsequent analysis of those records revealed that the driver's story was false. The data showed that he had, in fact, been with his truck, making deliveries and picking up products across Kentucky in the 24 hours before the accident. This not only undercut his credibility but also demonstrated a violation of federal and state commercial driver regulations governing rest periods.

The analysis exposed deception and provided leverage for settlement. The case illustrates how cellphone records can be decisive in civil litigation, both for proving or disproving statements and for establishing liability beyond the immediate accident itself.

Kevin R. Horan is a retired FBI Supervisory Special Agent and former Assistant Prosecutor. He cofounded Precision Cellular Analysis, specializing in historical cellphone record analysis, expert testimony and legal training. He has investigated and testified in hundreds of cases involving cellular data, location analysis and digital evidence. He regularly trains attorneys and law enforcement and has authored numerous reports and articles on the use of cellphone data in litigation. ■



Practical Takeaways for Kentucky Litigators

- Subpoenas alone won't work against carriers — secure consent.
- Move quickly to preserve data.
- Be prepared for courts to narrow the scope of discovery.
- Use experts to interpret and explain CSLI and metadata to the court.



RETIRED JUDGE
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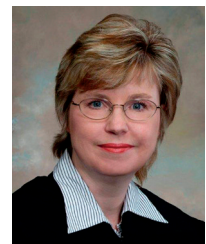
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U.S. Bankruptcy Court



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LBA LABOR AND EMPLOYMENT LAW SECTION IN PARTNERSHIP WITH THE UoFL BRANDEIS SCHOOL OF LAW

The Carl A. Warns, Jr. & Edwin R. Render Labor & Employment Law Institute

Thursday, November 6 – Friday, November 7

The Carl A. Warns, Jr. and Edwin R. Render Labor and Employment Law Institute, sponsored by the LBA Labor and Employment Law Section and the UoFL Brandeis School of Law, provides high-quality continuing legal education to local and regional labor and employment law attorneys, human resource professionals, union representatives and other workplace experts. The Institute creates a dialogue between academics, government officials and practitioners. It's an inclusive forum where employees, union and management-side representatives all feel welcome and benefit from the education provided.

We are pleased to announce the 2025 Carl A. Warns Jr. Keynote Address, titled “Work in Progress of Peril – What Can Save Labor and Employment Law?” to be delivered by **Philip A. Miscimarra** of Morgan, Lewis & Bockius LLP.

Program highlights include:

- OSHA presentation
- Arbitration simulation
- Employment law update
- Mediator panel
- Immigration session
- DEI and employment discussion
- Ethics sessions
- Religious accommodations
- And more to be announced

Time: 9 a.m. - 5 p.m. — Program
Place: Hybrid — choose in-person at the Bar Center or virtual via Zoom
Price: \$540 LBA Member | \$486 Sustaining Member | \$150 Paralegal Member | \$175 for qualifying YLS Section Member | \$175 Solo/Small Practice Section Member | \$270 Government or Non-Profit Member | \$1080 Non-member
Credits: 12.0 (including 2.0 Ethics) CLE Hours — *Pending*

2025 Labor and Employment Law Section Leadership: Marianna J. Melendez, Jefferson County Public Schools and Catie B. Wheatley, Faegre Drinker Biddle & Reath

LBA PROBATE & ESTATE LAW SECTION IN PARTNERSHIP WITH THE UoFL BRANDEIS SCHOOL OF LAW

2025 Annual Estate Planning Institute

Friday, December 5

Designed for estate professionals, the Estate Planning Institute provides top-notch instruction on current issues in the field, catering to a diverse audience. Our relevant topics ensure a comprehensive learning experience for all, helping you stay ahead in the evolving landscape of estate planning.

Time: 9 a.m. - 1 p.m. — Program
Place: Hybrid — choose in-person at the Bar Center or virtual via Zoom
Price: \$135 LBA Member | \$121.50 Sustaining Member | \$25 Paralegal Member | \$25 for qualifying YLS Member | \$90 Solo/Small Practice Section Member | \$67.50 Government or Non-Profit Member | \$270 Non-member
Credits: 3.0 CLE Hours — *Pending*

2025 LBA Probate & Estate Law Section Leadership: Monica B. Davidson, Baird Trust and Kathryn Beck, Stoll Keenon Ogden

BEYOND THE BAR: RUNNING YOUR PRACTICE

A Solo/Small Firm Monthly CLE Series

DIY Law Firm Marketing: What is the Best Investment to Make for Your Firm's Long-Term Future

Friday, November 14

Effective marketing and branding are essential for law firms to attract clients and build a strong reputation, even with limited resources. This CLE program, “DIY Law Firm Marketing: What is the Best Investment to Make for Your Firm's Long-Term Future,” provides practical, cost-effective strategies tailored for solo practitioners and small firms. Participants will learn the fundamentals of leveraging free tools like Google Business Profile to enhance online visibility, including how to claim and optimize it for maximum impact. The session will also cover the critical role of a mobile-optimized website, exploring essential elements every site must include and basic SEO techniques to improve search rankings without breaking the bank. Attendees will leave with actionable insights to implement immediately, helping their firms stand out in a digital-first world while adhering to ethical guidelines.

Speaker: Ashley Robinson, Green Cardigan Marketing

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

2025 Solo and Small Practice Section Leadership is vacant. Contact Lisa M. Murray, lmurray@loubar.org, for more details on 2026 Leadership.

Incorporating AI in Daily Law Practice Operations

Friday, December 12

This CLE will introduce lawyers to practical strategies for using AI tools in their everyday practice. Regardless of practice area, attorneys often encounter medical records, technical reports, or large amounts of data that can be difficult and time-consuming to interpret. This session demonstrates how AI can simplify complex medical or technical information, learn underlying fields of inquiry quickly, and assist in drafting disclosures, reports and aspects of pleadings. The program emphasizes ethical and effective use of AI, with attention paid to the importance of anonymity/confidentiality, HIPAA and disclosures to clients.

Speaker: Abigale Rhodes Green, Grossman Green

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

2025 Solo and Small Practice Section Leadership is vacant. Contact Lisa M. Murray, lmurray@loubar.org, for more details on 2026 Leadership.



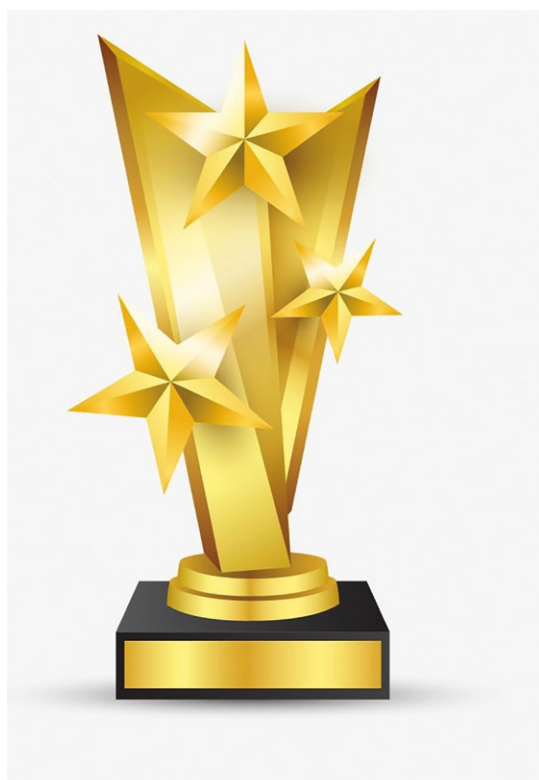
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Come say hello at the Awards Luncheon – we'll be there!





2025 Champions: Team Billable Ballers - Matthew Bunnell (White & Eldemire) and Isaac Keller (Wyatt Tarrant & Combs)

Despite the chill in the air, the competition was heating up at this year's Pickleball Palooza! After a day full of volleys, serves and smiles, our 2025 Champions, Team Billable Ballers (Matthew Bunnell, White & Eldemire and Isaac Keller, Wyatt Tarrant & Combs), took home the trophy for the second year in a row! A big "dill-lightful" thank you to our sponsors LMICK, Kentuckiana Court Reporters/Kentucky Court Reporters and Feet 1st Store for making this day such a smashing success. Until next year, keep your paddles up and your serves strong!



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CMS Takes Control of Medicaid with the Rural Health Transformation Program

Virginia Leigh Schell

When it was signed into law on July 4, 2025, the One Big Beautiful Bill Act (OBBBA) significantly reduced Medicaid funding nationwide by \$911 billion over a period of 10 years. Medicaid expansion states, i.e., those that expanded Medicaid under the Affordable Care Act like Kentucky, will bear the brunt, seeing more than 13 percent reduction in funding over the next decade. See <https://www.kff.org/medicaid/allocating-cbos-estimates-of-federal-medicaid-spending-reductions-and-enrollment-loss-across-the-states/>.

OBBBA Reduces Medicaid Funding

Medicaid is funded through a complex system of federal funds and state funds received from provider taxes and state-directed payments. Historically, states managed their own Medicaid programs with guidance and oversight from the federal government. Kentucky's state-directed payment program is the Hospital Rate Improvement Program (HRIP) which "makes it possible for hospitals to draw down more federal funds so that Medicaid reimbursements will be closer to the average commercial rate rather than the Medicare rate of reimbursement. The funds are tied to quality metrics hospitals must meet in order to receive the improved reimbursement." See <https://www.khaquality.com/programs/hrip-quality-program/>. According to the Kentucky Hospital Association, these funds keep rural hospitals open while also improving patient outcomes because they receive more Medicaid funding, which makes up the difference between the actual cost of care and the low Medicare rate of reimbursement. See <https://kyhealthnews.net/2025/01/12/kentuckys-hospital-rate-improvement-program-brings-more-money-and-better-health-outcomes-to-hospitals/>. Kentucky's HRIP program is funded by the provider tax on hospitals. *Id.*

The OBBBA removes incentives for states to expand Medicaid and prohibits new provider taxes and reduces existing provider taxes, making it significantly harder for states to fund Medicaid. Rural areas have a larger percentage of Medicaid recipients. As a result, numerous rural hospitals face closure due to the reduction in funding. According to the Sheps Center for Health Services Research at the University of North Carolina at Chapel Hill, 338 rural hospitals nationwide are at risk of closure due to the OBBBA Medicaid cuts, including 35 hospitals in Kentucky, the most closures faced by any state.

Because the OBBBA's Medicaid cuts will disproportionately affect rural health hospitals, Congress included the Rural Health Transformation Program (RHTP) in Section 71401 of the OBBBA. The United States' Senate Fact Sheet on the RHTP states that "the OBBBA does make reforms to prevent states from exploiting sources of federal Medicaid revenue" and "require[s] states to refocus their Medicaid programs on the truly vulnerable patients for which the program was intended." See U.S. Senate Committee on Finance RHTP Fact Sheet. The RHTP is intended to "serve as a bridge to shore up rural hospitals and prevent gaps in care." *Id.* Under the RHTP, CMS now has much greater oversight and control over the allocation of Medicaid funds while states have far less control than previously.

Overview of the RHTP

The RHTP will be administered by the Centers for Medicare and Medicaid Services (CMS). The purpose of the RHTP is "to strengthen health care across rural America... designed to empower states to transform the existing rural health care infrastructure and build sustainable health care systems that expand access, enhance quality of care, and improve outcomes for patients." See <https://www.cms.gov/newsroom/press-releases/cms-launches-landmark-50-billion-rural-health-transformation-program>. The RHTP has five strategic

goals: 1) Make rural America healthy again; 2) Sustainable access; 3) Workforce development; 4) Innovative care; and 5) Tech innovation. *Id.* The program is funded for five years with \$10 billion to be made available each year. *Id.* CMS "will partner with states over the program period to ensure strong oversight and successful implementation of initiatives with lasting impact." *Id.*

“

Lack of funding could result in hospital closures, workforce reductions and decreased access to healthcare in rural areas as well as increased demand for healthcare services in urban areas, the impacts of which will be felt statewide.

While the RHTA has allocated \$50 billion in funding, half of that funding will be spread out among the states that are approved to participate in the program. See <https://www.cms.gov/priorities/rural-health-transformation-rht-program/overview>. The other half of the funding "will be allocated by CMS based on a variety of factors including rural population, the proportion of rural health facilities in the State, the situation of certain hospitals in the State, and other factors to be specified by CMS in the [Notice of Funding Opportunity]." *Id.* States are required to use the funds for three or more of the following approved uses: prevention and chronic disease; provider payments; consumer tech solutions; training and technical assistance; workforce; IT advances; appropriate care availability; behavioral health; and innovative care. See Rural Health Transformation Program NOFO at 11-12. Funds also may be used for capital expenditures and infrastructure and fostering collaboration between rural facilities and other health care providers. *Id.* at 12.

Application process for RHTP

CMS issued its Notice of Funding Opportunity on September 15, 2025. Each state must apply to the program by November 5, 2025, and CMS will announce the awardees by December 31, 2025. The Governor's office of each state is tasked with designating an agency or office to handle the application process. See Rural Health Transformation-FAQ. The application must include "a letter of endorsement from the Governor that expresses support for the proposed rural health transformation plan and certifies that the application has been developed with certain key stakeholders." *Id.* The U.S. Territories and Washington, D.C. are not eligible to receive an award from the RHTP. *Id.* A state's application will be scored by a combination of 1) rural facility and population score factors and 2) workload funding, each compromising 50% of the score. See AMA Summary: Rural Health Transformation Program at 2. A state's workload funding score is calculated based on initiative-based factors, i.e. proposed initiatives for use of RHTP funds; state policy-based factors, i.e. current state policy policies that the state commits to enacting; and data-driven metrics. *Id.* There are limitations on use of funds,

such as no more than 10 percent of the funds may be used on administrative expenses and funds may not be used to pay for clinical services already reimbursed by another source like insurance, Medicare, CHIP, etc. *Id.* at 3. RHTP funding is not guaranteed and "depends on the availability of funds, program authority, satisfactory performance, and compliance with the terms and conditions of the Federal award." See Rural Health Transformation Program NOFO at 60.

If a state is approved, then it receives funds all five years as long as it complies with the RHTP requirements. *Id.* No matching funds from the state are required. Once the awards are made, then monitoring will begin in 2026. *Id.* at 13. Post-Award financial and performance reports are required as well as non-competing continuation applications. *Id.* at 59-60. There will be no other application opportunities for the RHTP.

States' Response to the RHTP

Forty-six states have requested public input in preparation for their application to the RHTP. See <https://shvs.org/tracking-state-preparation-for-the-rural-health-transformation-program/>. Two states have requested public input and solicited a consultant. *Id.* While Kentucky has not published any requests for input on its application, the Medicaid Oversight and Advisory Board met on August 27, 2025. Dr. Steven Stack, Kentucky's Secretary of CHFS, updated the committee on the application process and noted that a vendor had been chosen to support "deployment and programmatic changes." The report of the Kentucky Rural Health Transformation Program on the same date indicates that letters were issued in July to stakeholders requesting input with responses due by August 31, 2025. There also was a Kentucky Rural Health Clinic Summit in August which included a listening session on rural health transformation. The Kentucky RHTP's next steps include continued stakeholder engagement and review of feedback; monitoring CMS guidance and application release in September; and coordination with the governor's office to develop and submit Kentucky's application by the deadline.

Potential Consequences of Reduction in Medicaid Funding

Even if they are approved, states will still be short of funds after receiving their allocated funding under the RHTP. The Kaiser Family Foundation found that the RHTP funds only partially offset the reductions because rural areas will lose approximately \$137 billion in Medicaid funding as a result of the OBBBA. See <https://www.kff.org/medicaid/how-might-federal-medicaid-cuts-in-the-enacted-reconciliation-package-affect-rural-areas/>. It noted that "Kentucky would experience the largest rural Medicaid spending reduction, with an estimated drop of \$11 billion over 10 years." *Id.*

As a result of this funding shortfall, states will be faced with the difficult choice of having to come up with funds to make up the difference or reduce or eliminate some rural healthcare services. Lack of funding could result in hospital closures, workforce reductions and decreased access to healthcare in rural areas as well as increased demand for healthcare services in urban areas, the impacts of which will be felt statewide.

Leigh Schell is an Associate in Stoll Keenon Ogden's Louisville office. Her primary focus is on the defense of professional negligence claims made against physicians, healthcare personnel, hospitals and nursing homes. Leigh is chair of the LBA's Health Law Section. ■



Get Involved: Join an LBA Section

LBA Sections are the heart of the Bar, offering opportunities to connect with peers, shape programming and stay current in your practice area. Whether you're looking to get more involved or step into a leadership role, now is the perfect time to join.

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- In-House Counsel
- Labor & Employment Law
- Litigation
- Probate & Estate Law
- Public Interest Law
- Real Estate Law
- Solo & Small Practice
- Taxation Law
- Tort & Insurance Practice
- Young Lawyers

Interested in leadership opportunities?
Contact Lisa M. Murray, Director of Professional Development & Leadership at lmurray@loubar.org to learn more about open section positions.



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

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Lawlapalooza

20th Anniversary Recap

On Friday, October 17, more than 150 people joined seven bands at Zanzabar and cruised through the soft sounds of the late '70s and early '80s for an incredible evening of Yacht Rock celebrating the 20th anniversary of Lawlapalooza.

All those aboard for the evening danced and sang to iconic tunes while raising funds for the Judge Ellen B. Ewing Foundation. Thanks to a generous last-minute donation, Subpoena Colada closed the voting and secured the coveted Cowbell Trophy from last year's winner, Plead the Riff.

This year's event raised more than \$7,500, with the top competitors being:

Subpoena Colada (1st place) with \$3,601

Plead the Riff (2nd place) with \$1,340

Side Piece (3rd place) with \$415

Thank you to all who participated in this year's Battle of the Bands! It was an unforgettable night of music, sing-alongs, dancing and camaraderie.

Mark your calendars for Friday, October 16, 2026 when Lawlapalooza turns legal—aka 21!





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(Through the LBA Job Board)

Estate Planning Associate – Louisville Office

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- 2-3 years of experience practicing in estate planning
- Excellent academic credentials
- Licensed in Kentucky

If you are enthusiastic, have initiative, good character, interpersonal skills and a willingness to assume responsibility, and would like to be considered for this position, we encourage you to email your cover letter and resume with academic credentials to: Nilam Bhatt, Legal Talent Manager, nilam.bhatt@dentons.com. Dentons offers competitive compensation based on individual performance, and bonus opportunities may be available in this calendar year. The firm also offers an excellent employee benefits package. For complete details, visit the LBA Job Board, <https://www.loubar.org/placement-services>.

Help Wanted

(Through the LBA Job Board)

Litigation Associate Attorney – Healthcare and Civil Defense Focus

Oldham Law is a boutique litigation firm based in Louisville's historic Butchertown neighborhood. Known for our investigative mindset and client-first strategies, we represent healthcare and corporate clients in complex civil litigation across Kentucky and the region. Are you a sharp litigator with a passion for uncovering the truth and crafting compelling legal arguments? Oldham Law is seeking a driven associate attorney with 3-8 years of experience to join our dynamic litigation team.

The ideal candidate is looking to grow in the position and will have superior written and oral communication skills as well as a command of both legal research and evidentiary analysis skills. You are a problem-solver at heart and love a good challenge. This is a unique opportunity to have an active role on interesting and challenging cases. The firm offers a competitive salary commensurate with qualifications and competitive benefits.

Responsibilities: Understand and use complex medical research and evidence to best represent and advocate for healthcare clients. Perform thorough and accurate legal research and draft effective briefs and case evaluation reports. Conduct and defend depositions. Perform witness interviews and case investigations. Represent clients in hearings, oral arguments and mediations. Preparation of ADR and mediation materials to attempt pre-trial resolution of cases. Help manage and grow an active top tier litigation group. Develop and maintain strong client relationships throughout the litigation process.

Job Specifications: 3+ years of civil litigation experience; healthcare defense preferred. Licensed in Kentucky; admission in Indiana or Tennessee a plus. Exceptional legal writing and research skills, and strong command of evidentiary analysis procedural rules. Confident litigator who communicates clearly and thinks strategically. Willingness to travel within Kentucky and occasionally to Tennessee.

For complete details, visit the LBA Job Board, <https://www.loubar.org/placement-services>.

MEETING ANNOUNCEMENTS

LBA Section and Committee Meetings

AI/IP/Privacy Law Section Quarterly Meeting

Mon., November 10 | 11 a.m. via Zoom

Diversity and Inclusion Committee

Wed., November 12 | 4 p.m. via Zoom

Health and Wellness Committee

Thursday, November 20 | Noon via Zoom

If you are interested in joining any of these committees, please contact Lisa Murray, lmurray@loubar.org. ■

Women Lawyers Association

The Women Lawyers Association's Annual Meeting is scheduled for November 6 from 11:30 am to 1:30 pm, with the program beginning at noon, at The Olmsted (3701 Frankfort Ave., Louisville, KY 40207). This year's program, Redefining Grit: Modern Lawyers' Perspectives, will explore how grit and growth mindset shape success in today's legal profession. Drawing on concepts from the American Bar Association's Grit and Growth Mindset Project—and expanding beyond it—our panel will highlight both research findings and lived experiences from leaders across the judiciary, business and community sectors. Panelists include: Judge Denise Clayton, Laura Douglas, Judge Regina Edwards, Jennifer Green and Justice Angela McCormick Bisig, and will be moderated by Emily Litzinger.

RSVP online here: <https://wlajeffco.com/event/wla-annual-meeting-2025/>. ■

Association of Legal Administrators

The monthly chapter meeting of the Kentucky Association of Legal Administrators will be held in person on Thursday, November 13, beginning at 11:30 am at Claudia Sanders Dinner House (3202 Shelbyville Rd., Shelbyville, KY 40065).

Please RSVP by registering online at www.ky-ala.org. Any questions, please contact the Kentucky ALA Board at board@ky-ala.org. ■

NOVEMBER 2025 AWARENESS CALENDAR

- Native American / American Indian & Alaska Native Heritage Month
- Nov. 1-2: Día de los Muertos / Day of the Dead
- Nov. 1: All Saints' Day
- Nov. 2: All Souls' Day
- Nov. 9: World Freedom Day
- Nov. 11: Veterans Day
- Nov. 13: World Kindness Day
- Nov. 28: Native American Heritage Day

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NOVEMBER 6 - 7, 2025



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The Institute creates a dialogue between academics, government officials and practitioners. It's an inclusive forum where employees, union and management-side representatives all feel welcome and benefit from the education provided.

2025 THE CARL A. WARNS JR. KEYNOTE ADDRESS:

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14

November 14 | Noon - 1 PM

**DIY Law Firm Marketing: What is the
Best Investment to Make for Your
Firm's Long Term Future**

Speaker: Ashley Robinson, Green Cardigan Marketing

12

December 12 | Noon - 1 PM

**Incorporating AI in Daily Law
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Speaker: Abigale Rhodes Green, Grossman Green

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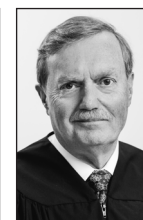
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