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

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2024 LBA **MEMBERSHIP RENEWAL**



Thank you to our members for your support in 2023! We are already looking forward to the year ahead of us.

> By the time this issue of Bar Briefs arrives you will have received your dues renewal statement via email.

If you don't want to miss out on Bar Briefs (monthly) or our annual Pictorial Roster, be sure to renew your membership before the January 31 deadline. Both publications are available online, making them accessible wherever you may be.

If you are in a large firm, your dues statements were mailed to your firm administrator; be sure to check with them if you have not seen your renewal. If for some reason you didn't receive your renewal or misplaced the email, please reach out to us and we will be happy to resend the information.

CONTACT

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MMOTLEY@LOUBAR.ORG

Louisville Bar Briefs www.loubar.org

Dear Friends.

As my year as your LBA president wraps up, I extend my sincere thanks for all the wonderful support and encouragement you have given me.

Thanks to our wonderful members, directors and professional staff

First, and most importantly, I would like to recognize the many contributions our members, directors and professional staff have made to this terrific year. You, our wonderful members, have shown up this year in so many ways. You've planned and presented informative and thought-provoking CLE programs – like the powerful presentation in February, When Race & Gender Meet: Experiences of Black Women in the Law. You've joined with other members and our professional staff in support of worthy causes like the Out of the Darkness Suicide Prevention Walk last month. And you've volunteered your time, talents and treasure through pro bono service and generous contributions to the Louisville Bar Foundation, which continues to do wonderful work in our community under Jeff Been's leadership. You've also taken time out of your busy days to send me notes of encouragement and thoughtful suggestions for how we can build a stronger community. For all of this, and more, thank you!

Second, my hope for anyone reading this column is that at some point you get to experience the gratification I have felt this past year from being part of an engaged and active Board of Directors. Throughout the year, we had terrific attendance at our monthly Board meetings, which is not something to be taken for granted given the unpredictable and intense demands from our "day jobs." This was a year of momentous decisions as the Boards of both the LBA and the Louisville Bar Center worked to approve the significant renovation and accompanying financing of this major investment in our future and to our home at the corner of Sixth and Main. The Boards and several committees approached decisions about the scope and scale of the renovation, design decisions, options for funding the renovation and use of the LBA's savings with dedication and diligence. The directors were aided by counsel who generously volunteered their time to provide advice concerning tax and governance consequences of these major decisions, and by the LBA's CFO John Hardin, who spent countless hours preparing financial reports and projections relating to the project financing. Our directors and in particular our Executive Committee showed up to meetings prepared, ready to ask hard questions and engage in robust discussion about the renovation and other weighty issues the Board addressed this year. Thank you to each of our directors for your leadership this year.

Lastly, and above all, I want to sing the praises of our LBA professional staff. Serving as president gave me a bit of a glimpse in the behind-the-scenes work that goes into keeping the LBA running smoothly. Let

me say, this hardworking team makes it look easy, but it is not. This year found our staff taking on a variety of responsibilities that were not in any of their job descriptions when they tackled the Herculean task of cleaning out decades of files and furniture, and schlepping and rehoming miscellaneous "treasures" that had accumulated in the Bar Center over the past 25 years. Under Kristen Miller's extraordinary leadership, this team continues to meet whatever comes their way with energy, good cheer and creativity. To Kristen, John, Marisa, Lisa, Kimberly, Sonja, Debby, Shannon, David and LaQueisha – thank you! The next time you see any of these talented folks, please join me in thanking them profusely for their steadfast service. Directors and officers serve for a season, but the long tenure and dedication of our professional staff keeps us true to our mission and striving for constant improvement year after year.

Our bright future together

As we look forward to gathering together in our newly refreshed space next spring, there are a lot of reasons to be hopeful about the future of our organization. The Bar Center's new meeting rooms and work spaces will help us fulfill our commitment to inclusion and accessibility for all members of our legal community. And the Center's updated technology will allow us to produce high-quality CLEs tailored to the interests of our members, designed to offer skills-based training for younger lawyers, and with flexible formats for members who wish to attend in-person or remotely. I can't wait for us to write our next chapters and reach new standards of excellence in a space designed to foster authentic community.

Another reason for hope is that the LBA is in wonderful hands going forward. Just as I was fortunate to build on the strong foundation and vision of 2022 President Seth Gladstein, I am also honored to pass the torch to Bryan Armstrong who is a wonderful steward of the LBA's legacy. I know that we will continue to thrive under his energy and leadership.

The opportunity to serve as the LBA's president has been one of the greatest privileges of my career. I transition to the coveted role of "past president" with deep gratitude for what has been and tremendous excitement for what lies ahead. Onward and upward – and thank you again!

With heartfelt thanks,

Kate Lacy Crosby LBA President



If you're the kind of person who believes you can manifest what you need, when you need it, you'd be forgiven for thinking we somehow summoned Kate Lacy Crosby to be LBA president this year — because she was absolutely the right person for the moment and exactly what we needed.

In a year that brought significant change to the fundamental infrastructure of our association — full-scale renovations to our home at the Bar Center, a new member management system, a review of critical association foundational documents — Kate's calm, clear-eyed, thoughtful approach kept us all laser-focused and moving in the right direction at all times. It's not hard to see why she is such a successful attorney — she assessed each and every issue from all perspectives and remained unruffled by challenges or obstacles. Moreover, she did so with such genuine kindness and a real curiosity about how she could best serve our Association and prepare it for a bright future.

I am endlessly grateful to Kate for her steady leadership and the work she's done, both publicly and behind the scenes, to put the LBA in a position to achieve the growth and stability our members deserve. In the future, when she sees a thriving, flourishing bar association ably serving our legal community and beyond, I hope she will reflect on this year and know that we couldn't have achieved our goals without her.

- Kristen Miller, LBA Executive Director



We are pleased to announce that the National Association of Bar Executives has honored the Louisville Bar Association with two prestigious Luminary awards during their annual workshop in Park City on October 6. The first accolade was presented for our graphic design work rolling out the LBA's rebrand, which was launched earlier this year. The second award acknowledges our campaign busting common legal myths for Law Day. We want to thank Kurt Metzmeier, interim director of the law library at the University of Louisville Law Library, for his work in our Law Day campaign. We'd also like to recognize our logo Rebranding Committee for their work on designing our new image. These awards are a testament to the hard work of our team, and we are immensely proud of this recognition.

Pictured: Shannon Greer, LBA Communications & Marketing Specialist, accepts one of the two awards presented to the organization. lacksquare

LBA COURT CONVERSATI

New Series Focuses on Transparency in the Courts



The first conversation featured our District Court judges on November 1. Judges Jessica Moore, Karen Faulkner, Tanisha Hickerson and Sara Nicholson hosted a discussion that focused on the intricacies of District Court operations. Topics included impending eFiling modifications, courtroom rotations, court staffing and other pertinent matters.



We continued our Court Conversations series on November 8 with Circuit Court. Judges Melissa Bellows, Eric Haner, Ann Bailey Smith and Jennifer Wilcox hosted a conversation while LBA President Kate Crosby moderated. Attendees were able to ask the judges questions about practicing in their court, and in turn, the judges asked the attorneys about their opinions and preferences as well.

Our series concluded on November 15 as we heard from both our Appellate and Supreme Courts. Attendees were able to hear how the judges were settling into their new roles and learn about how our appellate courts function. A special thank you to Judges Audra Eckerle and Annette Karem, and to Justice Angela McCormick Bisig, and again to our moderator, LBA President Kate Crosby, for a productive conversation.

Thank you to all our judges for participating and to all our members who took the time to get to know the bench a little better! ■

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PROFESSIONAL EXCELLENCE

Interview with Judge Susan Schultz Gibson

Chief Judge Mitch Perry

This month I continued my interview series by sitting down with my colleague Judge Susan Schultz Gibson. We were both elected to the bench at the same time and

> have become good friends over the years. I am very proud of the work she has done during her tenure, and I hope to highlight some of that good work here.

Judge Gibson is a Louisville native who attended Sacred Heart before going to the University of Louisville for her undergraduate studies. After graduation she was uncertain about what to do next, but had taken several political science and business law classes and decided law school was the next step. After graduating from law school in 1985, Judge Gibson took a job in the private sector but quit within 24 hours after quickly realizing it was a poor fit. Instead, she worked in the promotion department of WHAS11, where she had worked during college.

During law school, Judge Gibson was certain that she did not want to practice criminal law. Life, however, had other plans. She decided that public service was where she was meant to be, and she set her sights on the Commonwealth's Attorney Office. Judge Gibson remembers her time at the office very fondly, especially the incredibly collegial environment. She had an exemplary career at the Commonwealth's Attorney Office from 1987 to 2003 when she went to work for the County Attorney, Irv Maze in the criminal division. I happened to be working for future-judge Irv Maze in the civil division at that time, and we are both able to appreciate now how unique a boss Irv was. There aren't many bosses who would encourage as many of his employees to run for office as Irv did. Irv urged both of us to run, and Judge Gibson decided to because she was confident in her experience and qualifications and wanted to serve her community.

Since being on the bench, Judge Gibson has been surprised by how much she has enjoyed the civil side of the job, in particular how much she has learned about random matters such as car door design and the operation of treadmills. Given that she practiced exclusively as a prosecutor her entire career prior to taking the bench, Judge Gibson is very proud of how easily she made the switch from prosecutor to neutral arbiter. She describes the process as being almost instantaneous upon putting on the black robe for the first time and knowing that previous phase of her career was over.

One of Judge Gibson's largest impacts during her tenure on the bench was starting one of the first felony adult mental health courts in Kentucky. She has presided over that court for almost twelve years now. It will transition to Judge Julie Kaelin in January when it will officially be taken under the Administrative Office of the Courts' specialty court program. Judge Gibson recognized the tremendous need for this program in our community after seeing the number of people in the court system with mental health issues and also experiencing a close family tragedy herself. She developed this program in partnership with Seven Counties and estimates that they have seen approximately 150-200 individuals cycle through the program.

Reflecting on the changes the bench has undergone since she was first elected, Judge Gibson sees this younger and more diverse bench as a major benefit for the community. She hopes to see this trend continue with more well qualified and competent attorneys of all backgrounds running for office.

Off the bench, Judge Gibson is passionate about adult literacy, mental health, the arts and the outdoors, as well as spending time with her husband. An enthusiastic equestrian, Judge Gibson greatly enjoys spending time with all animals but especially her dog Jack (who occasionally and secretly accompanies her to work) and her horses. She rides American Saddlebreds and

competes in shows during her free time. While she is starting to think about the next chapter of her life, she is still passionate about this work and enjoys coming to work every day. She is waiting for the next challenge to reveal itself that will allow her to stay active in the community and continue to serve the public.

Chief Judge Mitch Perry presides in Division 3 of Jefferson Circuit Court.

COURT NEWS



New Family Court Judge Elected

Jessica Stone is set to become the newest Jefferson Family Court judge after winning her race for Division 5 in the general election on November 7. The seat became vacant when Judge Tara Hagerty announced her retirement. Stone received her JD from California Western School of Law and operated a solo family law firm after graduating where she advocated for and represented victims of domestic violence in family court. She served as a Jefferson County Assistant County Attorney in the Criminal Division since 2017. ■

Judge Williams Retiring from the Bench

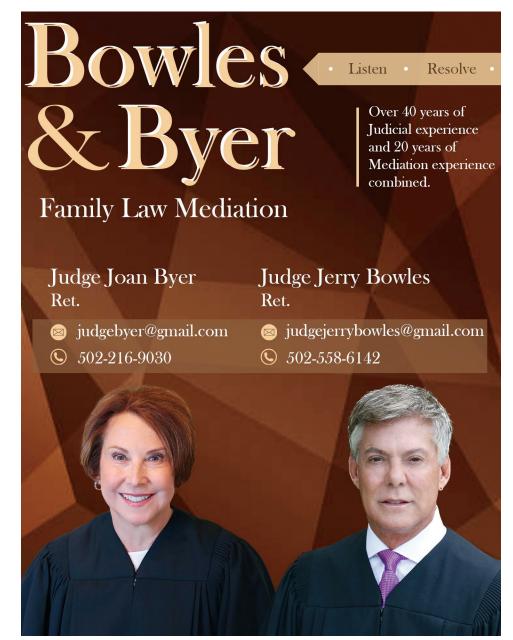


Judge Erica L. Williams, who has presided over District 17 of the Jefferson County District Court since 2010, will be stepping down from her position effective December 31. Judge Williams cited health concerns as the reason for her departure from the bench. She is leaving the bench with more than 14 years of dedicated service to Jefferson County. ■

Judge Chauvin Accepts New Role as Chief Court Administrator



Judge McKay Chauvin, who retired from the bench at the beginning of this year, will be replacing Kelsey Doren in the Judicial Center as the new chief court administrator. He was chosen for the role by a committee of the chief judges of district, family and circuit courts, two Court of Appeals judges and a state Supreme Court justice.



www.loubar.org December 2023



A pproximately 40 alumni of Brandeis Law's former night program gathered Sept. 27 for an evening of reminiscing with one another at the Marcus Lindsey in Louisville's NuLu district. The event was the first reunion held specifically for the night school, conducted 1950-2007.

Featured was a presentation on the law school's progress by Dean Melanie B. Jacobs. Bill Samuels Jr., chairman emeritus of Maker's Mark and an attorney himself, keynoted the event.

"Our night school alumni have had exceptional, distinguished careers and we are proud of their achievements. Many had established degrees when they entered Brandeis and earned their law degree to enhance an already thriving career. Others were already supporting a family and attended night school to begin a new profession," Jacobs said.

"Brandeis is proud to call them all alumni, and we want to give them an opportunity to rekindle their bonds with their classmates and Brandeis Law."

The setting was chosen to help revitalize those bonds. The Marcus Lindsey is an inviting re-purposed church and garden, circa 1888, that is now the law offices of Brandeis alum Paul A. Casi II, PSC. With Paul Casi, co-hosts for the event were his wife, UofL interior design alum Karen Casi, and Brandeis night school alums Ken Bohnert, Tim Corrigan, Roy Denny, Joe Dunman, Shannon Fauver, Maria A. Fernandez, Kelly Gannott, Liza Goykhberg, Ellen Hesen, Courtney Howell Freeman, Mark Lloyd, and Kathy Quesenberry.



Thank you to our sponsors Paul A. Casi II & Karen Casi and guest speaker Bill Samuels Jr.

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Join Us in Making a Difference

LBA Public Service Committee Seeks Passionate Attorneys

In 2023, the Public Service Committee made significant strides in promoting legal access within the community through various initiatives. Whether it was providing educational opportunities to local high school students, aiding pro se litigants with divorce paperwork, raising funds for local kids in need or gathering much needed assistance for local elders, the LBA's Public Service Committee showed up to support our community.

To be able to provide these needed services to the community, the LBA needs YOU - our valued members - to lead the way. The Public Service Committee presents a unique opportunity for legal professionals to actively participate in service projects that positively impact our community. As a committee member, you'll be an integral part of ongoing initiatives dedicated to making Louisville a better place for all.

2023 LBA Public Service Committee Projects included:

Clinics

In 2023, we hosted 13 clinics where attorney volunteers helped assist pro se litigants in completing their divorce paperwork. On average, each clinic assists four litigants.

Back 2 School

We collected donations for schools in JCPS with the highest number of students on free and reduced lunch and the West End School. In 2023 the LBA beat our goal of \$4,000 by nearly \$500!

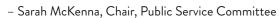
AARP The LBA participated in their annual Caregiver Event in October to assist attendees with Living Will, Power of Attorney (healthcare), Power of Attorney (financial) and DNR documents.

Toy Drive

Santa's Court Once again we are collecting donations to help the Salvation Army fill the gaps for those children not selected for their annual Angel Tree program. See page 18 or visit www.loubar.org to see how to participate.

If you're an attorney eager to make a difference, please consider joining our Public Service Committee. To help you learn more about what's in store for 2024, join us for an informational meeting on Wednesday, January 17 at 9 a.m. at Dinsmore & Shohl.

Like many of you, I went to law school to help people. While in my day-to-day I have the opportunity to help my clients solve various legal issues, it is a special reward to use my talents and treasure to support many of the boots-on-the-ground nonprofits that are providing services to our community, like the Salvation Army through the Santa's Court Toy Drive, or to bolster efforts that support those most in need in our community, as we do with the Back 2 School drive. Through the Public Service Committee, I have an opportunity to help everyone in our community, while also getting to know and work with wonderful colleagues in our local bar.







True Crimes: From Murder to Verdict



Speaker: Joel Oster, Comedian of Law

Wednesday, December 13 9:50 a.m. - 4:40 p.m. | via Zoom 6.0 CLE Credits - pending

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 responsible people who commit these heinous acts. But does the process always work? Do the innocent get convicted? Do the guilty go free? This CLE examines 5 true crimes, from the grisly details of the murder scene, to the decision to indict, to the trial, and finally, to the verdict. And in the process, this CLE puts the legal system on trial.

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GENEROUS LAWYERS STEP FORWARD TO HELP LBF

The Louisville Bar Foundation is your foundation, where lawyers come together with colleagues in Louisville's legal community to make the justice system fairer and more accessible for everyone. Since it was founded in 1982, the LBF has made grants to local nonprofits totaling more than \$3.3 million. The LBF's ability to make these grants is strengthened by its Fellows Program. The Fellows Program makes it possible for the Foundation to support and improve legal services for the poor, law-related public education and our judicial system.

The LBF Fellows Program has been vital in creating a legacy that allows the LBF's charitable work in this community to continue. LBF Fellows are respected colleagues in the profession who honor this commitment to justice by sustaining this legacy through a gift of \$1,000 or more to the endowment.

As of November, four lawyers stepped forward and made pledges and gifts of more than \$4,000. The LBF is grateful to these lawyers for their generosity and leadership.

2023 LBF FELLOWS

Brendan R. Daugherty David N. Hise Sadiqa N. Reynolds Judge Laura P. Russell

To see a list of the more than 350 Fellows of the LBF, visit www.loubar.org/Bar%20 Foundation/Fellows.aspx. For more information on how to help the LBF, contact Executive Director Jeff Been jbeen@loubar.org or you can go online and make your pledge and initial contribution here: www.loubar.org/foundation/contribution.

THE LBF GRATEFULLY RECOGNIZES ITS FOUNDATION PARTNERS FOR 2023

In 2023, the Louisville Bar Foundation will award more than \$165,000 in grants to local non-profits for law-related projects. The LBF is grateful for the generous support from all the attorneys who made this possible and recognizes its 2023 Foundation Partners – those law firms and corporate law departments (with 5 or more attorneys) where 100% of members made a financial gift to the Foundation to support its grant-making activities. The combined support from the attorneys represented by these Foundation Partners totals more than \$30,000. The generosity of the Foundation Partners and other individual LBA member attorneys makes it possible for the LBF to support and improve legal services for the poor, law-related public education and our judicial system.

The LBF thanks those generous Foundation Partners listed below. For more information about how you can become a Foundation Partner, please contact Jeffrey A. Been at (502) 292-6734 or *jbeen@loubar.org.*

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WELCOMES

Former Chief Justice
John D. Minton, Jr.

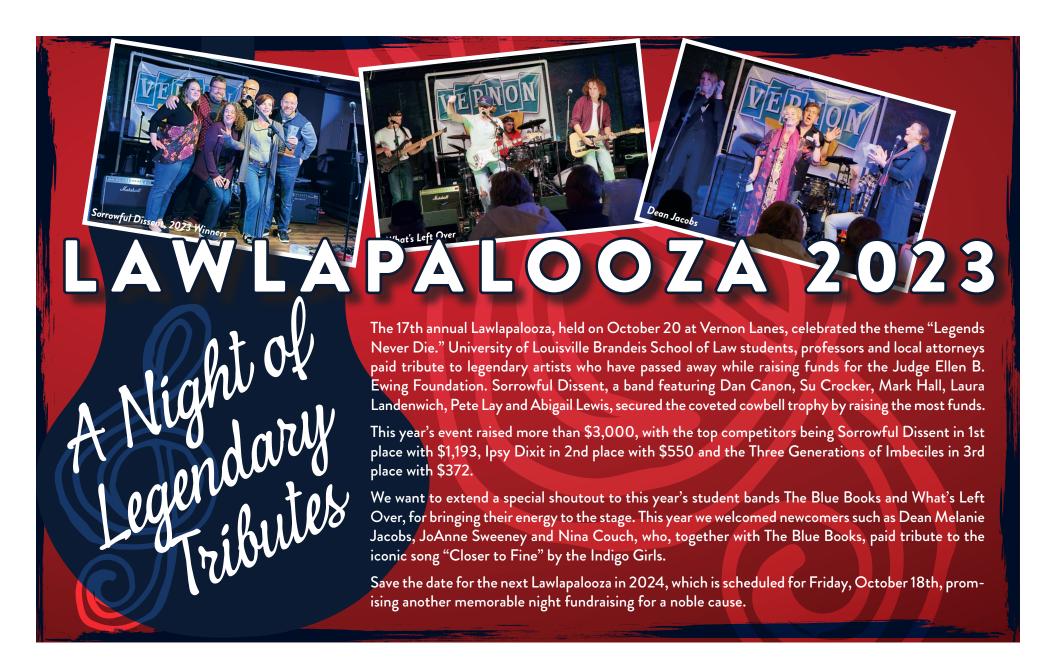


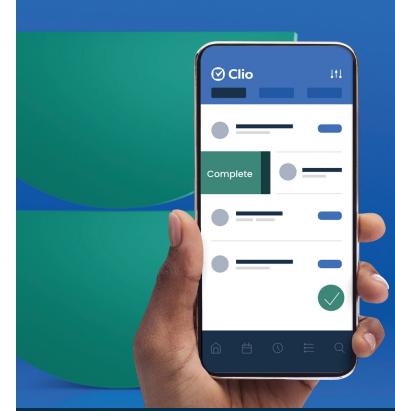
Chief Justice Minton will focus his decades of judicial and appellate experience in the following practice areas:

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- Arbitrations
- Appellate Consulting

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SCAN ME

FEDERAL PRACTICE SECTION ONE-HOUR CLE

Inaugural Federal Year in Review

Tuesday, December 6

This "Year in Review" seminar will provide federal court practitioners with an update on recent cases issued by the U.S. Supreme Court and the Sixth Circuit that impact their practice. The panelists will cover key developments in federal criminal and civil law, including high-profile decisions on a range of constitutional and statutory questions. The CLE also will focus on cases likely to impact matters on practitioners' dockets.

Reception and networking event to follow.

Speakers: Michael P. Abate, Kaplan Johnson Abate & Bird and Brian Butler, Stites & Harbison

2:00 - 3:00 p.m. - Program Time: Place: Brown Hotel, 335 W. Broadway

\$40 LBA Members | \$36 Sustaining Members | \$15 Paralegal Members | \$15 for qualifying YLS Members | Price: \$25 Solo/Small Practice Section Members, Government or Non-Profit Members | \$80 Non-members

Credits: 1.0 CLE Hour — pending

LBA BROWN BAG

33rd Annual Alan T. Slyn and Hon. Richard A. Revell Domestic **Relations Update**

Friday, February 23, 2024

Lynch, Cox, Gilman & Goodman attorneys Emily Cecconi, Nathan Hardymon and Elizabeth Howell will address decisions the Kentucky Supreme Court and the Kentucky Court of Appeals handed down during the 2023 calendar year so you can get up to date on the current state of Kentucky domestic relations law. A panel discussion will follow the presentations, as time permits.

Speakers include: Emily T. Cecconi, Nathan R. Hardymon and Elizabeth M. Howell all from Lynch, Cox, Gilman & Goodman

11 a.m. - 1 p.m. - Program Time:

Zoom – A link will be sent prior to the seminar Place:

\$80 LBA Members | \$72 Sustaining Members | \$15 Paralegal Members | \$15 for qualifying YLS Members | Price:

\$25 Solo/Small Practice Section Members, Government or Non-Profit Members | \$160 Non-members

Credits: 2.0 CLE Hours — approved in KY

LBA & COMEDIAN OF LAW DAY-LONG CLE

True Crimes: From Murder to Verdict

Wednesday, December 13

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 hold responsible those people who commit these heinous acts. But does the process always work? Do the innocent get convicted? Do the guilty go free? This seminar 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. And in the process, this CLE puts the legal system on trial.

Speaker: Joel Oster, Comedian of Law

Time: 9:50 a.m. - 4:40 p.m. - Program

Place: Zoom – A link will be sent prior to the seminar \$240 LBA Member | \$480 Non-member Price:

6.0 CLE Hours — pending Credits:

LBA PROBATE & ESTATE PLANNING SECTION + KY CPA SOCIETY

6th Annual Estate Planning Conference

Friday, June 6, 2024

Save the date for the 6th Annual Estate Planning Conference. Watch the LBA website and/or your inbox for more details! Interested in sponsoring or speaking? Contact Lisa Anspach at lanspach@loubar.org.

LBA LABOR & EMPLOYMENT LAW SECTION + **UOFL BRANDEIS SCHOOL OF LAW**

2024 Carl A. Warns, Jr. & Edwin R. Render Labor & **Employment Law Institute**

Thursday, June 20 - Friday, June 21, 2024

Save the date for the 2024 Carl A. Warns, Jr. & Edwin R. Render Labor & Employment Law Institute. Watch the LBA website and/or your inbox for more details! Interested in sponsoring or speaking? Contact Lisa Anspach at lanspach@loubar.org.



The award was developed by the LBA in 2003 to honor those who have had a significant impact in promoting racial and ethnic diversity in the legal profession. Individuals who receive this award have been leaders in the legal community and have been at the forefront of legal and social change.

The Justice William E. McAnulty Jr. Trailblazer Award is named in memory of the first African American to sit on the Kentucky Supreme Court. Each year the LBA will recognize one or more members of the Bar who demonstrate exemplary leadership that manifests the ideals of diversity, equity and inclusion.

The Trailblazer Award will be presented each year at the LBA's Black History Month Program in February and is selected by the Louisville Bar Association's Diversity Committee.

Members of the LBA are encouraged to nominate one or more candidates.

FOR INFORMATION AND TO SUBMIT A NOMINATION VISIT WWW.LOUBAR.ORG

DEADLINE FOR SUBMISSION: DECEMBER 15, 2023



QUESTIONS? CONTACT LISA ANSPACH AT LANSPACH@LOUBAR.ORG



2023 LBA Section Leadership

LBA sections are specialty groups who focus on a broad range of legal practice areas and practice management. Their objectives are to contribute to the development of the legal profession, maintain high standards in the legal profession and develop legal and management expertise in their members through CLE programs, conferences, publications, meetings and other activities.

ADR/Mediation: Brad S. Keeton

Appellate Law: F. Todd Lewis & Zaymond Smith

Bankruptcy Law: Vacant

Corporate Law: Michelle C. Fox Criminal Law: Ebert Henry Haegele

Environmental Law: Vacant

Family Law: Macauley J. Campbell & John H. Helmers, Jr. Federal Practice: Jessica R. C. Malloy & Zachary M. VanVactor

Health Law: James N. Martin & Emily H. Lineweaver

Human Rights Law: A. Holland (Holly) Houston & Lucas Taylor

In-House Counsel: Vacant

Together with the section

leadership, speakers and

members we educated

more than 600 attendees and offered more than

100 hours of CLE

programs with 20+ hours of ethics.

Intellectual Property Law: Megan E. Gibson

Labor & Employment Law: Aaron T. Vance & Rudy J. Ellis, III

Litigation: Chelsea Granville Reed & Derek R. Miles

Probate & Estate Law: Jessica K. Wissing & Matthew H. Burnett

Public Interest Law: Melissa Weinstein & Beth Robinson-Kinney

Real Estate Law: Abigail Fargen Riley & Ashley K. Russell

Solo & Small Practice: Vacant

Taxation Law: Elizabeth D. Mosley & Patrick W. Thomas

Worker's Compensation Law: Joy Lanham Buchenberger

Young Lawyers: Al'Lisha Hanserd, Jenny Beth Willis, Jackson Rice

Interested in section leadership? Contact Lisa Anspach at LAnspach@loubar.org. Interested in joining a section? Contact Marisa Motley at MMotley@loubar.org.

2023 CLE Program Speakers

A. Holland Houston, Abigail Fargen Riley, Adam K. Raymond, Alina Klimkina, Andrew C. Weeks, Andrew M.S. Noland, Hon. Ann O. Shake, Professor Ariana R. Levinson, Hon. Barry Willett, Brian Butler, Caitlin P. Kidd, Caroline L. Pieroni, Christian I. Duque, Cole Byram, Courtney Risk, Cyrus Saffari, Danielle Kestnbaum, David J. Pryzbylski, Ebert H. Haegele, Elizabeth M. Howell, Elizabeth V. Barrera, Emily N. Litzinger, Emily T. Cecconi, Erin Hall, F. Todd Lewis, Frank D. LoMonte, Hon. David J. Hale, Hon. John K. Bush, Jacob Munoz, Jamie Kohls, Jarrad Roby, Jarrett Green, Jason Moore, Jenny Beth Willis, Jerome P. Prather, Jessica Wissing, Joel Oster, John L. Dotson, John W. Hays, R. Jonathan Raymon, Josh Moore, Katherine (Kate) McKune, Kevin M. Glogower,

LaQuita S. Wornor, M. Grant Grissom, Mark Kleiner, Matthew W. Barszcz, Megan R. U'Sellis, Melissa Weinstein, Melissa M. Whitehead, Michael Losavio, Michael P. Abate, Molly Gron, Nicholas Porter, Nima Kulkarni,

Paul E. Goatley, Phillip J. Jones, Professor Kenneth G. Dau-Schmidt, Professor Michael Z. Green, Raymond G. Smith, Robyn Smith, Suzanne Hopf, Suzanne M. Marino, Ted Farrell, Thomas M. Williams, Tracey L. Taylor,

Turney P. Berry, Vaughn Smith, Wayne Wilson

Interested in presenting a CLE program? Contact Lisa Anspach at LAnspach@loubar.org.

Please excuse any unintentional omissions to this list.



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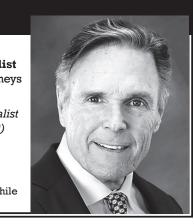
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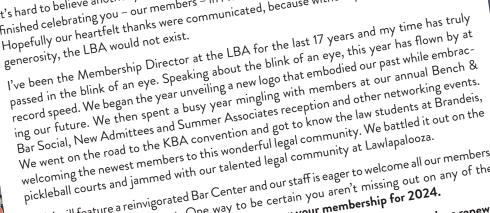






It's hard to believe another year is coming to an end at the Louisville Bar Association. We just finished celebrating you – our members – in November during Member Appreciation month. nnisnea ceiebrating you – our members – in invovember auring intember Appreciation month.

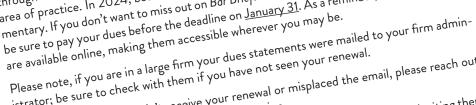
Hopefully our heartfelt thanks were communicated, because without you, your support and





2024 will feature a reinvigorated Bar Center and our staff is eager to welcome all our members back to 600 W. Main Street. One way to be certain you aren't missing out on any of the happenings at the LBA is to be sure that you renew your membership for 2024.

By the time December's issue of Bar Briefs arrives you will have received your dues renewal by the time December's issue of par briefs arrives you will nave received your dues renewal statement via email. When you renew, please consider joining all of the sections that may **Statement via email.** Vyrien you renew, please consider Joining all or the sections that may benefit your practice. LBA sections are a great way to become involved in the association through section leadership or participating in networking events geared towards your specific through section leadership or participating in networking events geared towal us your specific area of practice. In 2024, both the Federal Law and Personal Injury section will be complianted of practice. In 2024, both the Federal Law and Personal Distortion Distor area or practice. In 2024, poth the rederal Law and Personal Injury section will be compilmentary. If you don't want to miss out on Bar Briefs (monthly) or our annual Pictorial Roster, mentary. If you don I want to miss out on par pries (montrily) or our annual rictorial noster, be sure to pay your dues before the deadline on January 31. As a reminder, both publications

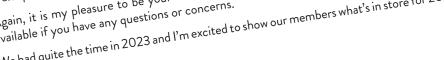


istrator; be sure to check with them if you have not seen your renewal. If for some reason you didn't receive your renewal or misplaced the email, please reach out

Lastly, if you know of a fellow colleague who is not a member, I'd appreciate you inviting them to us and we will be happy to resend the information. Lastly, IT you know or a reliow colleague who is not a member, I d appreciate you inviting them to an upcoming event to show them what a wonderful legal community they are missing out on.

Again, it is my pleasure to be your Membership Director. My inbox and phone are always

We had quite the time in 2023 and I'm excited to show our members what's in store for 2024! available if you have any questions or concerns.







Membership & Public Outreach Director Marisa Motley mmotley@loubar.org, (502) 583-5314 x124



















CONGRATULATIONS TO THIS YEAR'S



The LBA's annual awards luncheon was held at The Ice House on November 16. Members and guests gathered to recognize outstanding contributions made by our colleagues to the Louisville legal community and beyond.

JUSTICE MARTIN E. JOHNSTONE SPECIAL RECOGNITION AWARD

Amy D. Cubbage

The Justice Martin E. Johnstone Special Recognition Award is the highest recognition bestowed upon an LBA member for outstanding participation and partnership within the legal community.

This year's recipient, Amy Cubbage, played a crucial role as General Counsel to Governor Andy Beshear during the COVID-19 pandemic, representing the Governor in state and federal courts, including the

Kentucky Supreme Court and the Supreme Court of the United States. Her dedicated defense of public health measures, despite opposition, is credited with saving thousands of lives. Earlier, as General Counsel to the Labor Cabinet, she navigated challenges in the unemployment insurance system, providing vital financial assistance to many Kentuckians.

Cubbage, a committed public servant, served on the LBA Board for a decade and contributed significantly during her tenure as the President of the Kentucky Bar Association. She addressed attorney mental health issues, initiated the Kentucky SOLACE program and led efforts to aid lawyers affected by natural disasters. She also chaired the task force for Kentucky's bar disciplinary process audit and currently heads the task force implementing recommendations. As President of Friends of the Kentucky Legal Education Opportunity, she works to increase diversity in law schools. Known for her warmth and collaborative spirit, Cubbage has positively impacted volunteer attorney groups, fostering cooperation and productivity in the legal profession.

DANIEL M. ALVAREZ CHAMPION FOR JUSTICE AWARD



Shannon R. Fauver

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

This year's award recipient is a solo practitioner who is deeply committed to serving the Louisville community. Her legal focus includes social security, bankruptcy and civil rights, with a specific emphasis on supporting the LGBTQ+ community. She has graduated from the LBA's Leadership Academy, participated in the Pro Bono Consortium and received the LBA Paul G. Tobin Pro Bono Service Award in 2016.

Beyond her legal practice, Fauver played a key role in advocating for marriage equality and assisting eastern Kentucky residents with social security challenges. Recently, she has dedicated herself to helping protestors, aiding victims of police misconduct and organizing free name change clinics, showcasing her consistent dedication to providing a legal voice to the voiceless in Louisville.

JUDGE OF THE YEAR

Hon. Mitchell L. Perry



The Judge of the Year Award is presented to a member of the judiciary who has exemplified judicial integrity and professionalism; has contributed to the community by volunteering in civic organizations; and has established a reputation for integrity, scholarship and professionalism.

Hon. Mitchell (Mitch) L. Perry, prior to his role as a circuit court judge since 2006, had a distinguished career in the military, achieving the rank of colonel, and served as a prosecutor with the Jefferson County Attorney's office. Apart from his work on the bench, Judge Perry is actively involved in various court-related responsibilities.

He presides over the Veterans Treatment Court, handles cases on the Business Court docket and serves on the Education Committee of the Circuit Judges Association, contributing to the improvement of judicial practices. Additionally, he is a member of the Judicial Conduct Commission, ensuring ethical conduct on the bench to maintain community trust.

As the current Chief Judge of Jefferson Circuit Court, Judge Perry guides the court through significant transitions in processes and personnel. His advocacy for veterans, efforts to maintain a cohesive legal community, commitment to judicial education and exemplification of collegiality make him a model embodying "Law · Community · Education."

JUDGE BENJAMIN F. SHOBE CIVILITY & PROFESSIONALISM AWARD

(Presented jointly with the Brandeis Inn of Court)

David A. Lambertus



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

The Membership & Governance Committee, along with the Masters of the Inn, unanimously nominated David A. Lambertus for this year's Shobe Award. Admitted to the Kentucky Bar in 1973, Lambertus initially served with the Louisville-Jefferson County Public Defender's office, earning a Walker Award for advocacy excellence.

Over 50 years in private practice, he became a highly respected trial attorney, recognized for competence, diligence and professionalism.

Lambertus, a previous recipient of the Frank E. Haddad Jr. Award, actively contributed to criminal justice reform and served on various task forces. Known for his civility and professionalism, he retired in 2023 and embraced a teaching position with JCPS, sharing his wealth of legal experience with young students. Lambertus is celebrated for embodying the values the Judge Shobe Award represents.

ROBERT & FRANK E. HADDAD JR. YOUNG LAWYER AWARD

Melina Hettiaratchi



Recipients of this award must have been practicing as a trial lawyer for less than five years and must have garnered the respect and admiration of the judiciary and of their colleagues

Melina Hettiaratchi is a 2019 graduate of the University of California, Hastings College of Law, and is currently a solo practitioner. Her legal focus encompasses divorce, dependency, juvenile justice and special education and school discipline. Known for her thoughtfulness and advocacy, she is not hesitant to challenge the system when needed for her clients.

She is commended for her competence and quick growth by her Family Court colleagues. Notably, Hettiaratchi collaboratively developed a winning brief leading to the Kentucky Supreme Court decision in *Thielmeier v. Thielmeier* (No. 2021-SC-0532-DG (Ky. Dec. 15, 2022)), establishing precedent on attorney fees and the division of marital assets in divorces.

Continued on next page

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PAUL G. TOBIN PRO BONO SERVICE AWARD

Ken J. Mudd



The LBA Tobin Award recognizes the work of LBA members who have unselfishly given time to improve the quality of society through their legal work. Recipients of this award have helped deliver legal services to the disadvantaged through a pro bono program or cause.

Ken Mudd retired from LG&E and has since devoted countless pro bono hours yearly, mainly through his work with Access Justice. Access Justice is a non-profit organization that provides clients with understanding of the daily proceedings of the legal system through

pro bono legal advice and counsel. Colleagues have described Mudd as modest and one of those people who just goes around looking for ways to help other people and aid them in having their needs met.

JUDGE RICHARD A. REVELL FAMILY LAW AWARD

Emily A. Logan



This award is presented to attorneys who have been in the forefront of new developments in the practice of family law. Recipients have exhibited dedication to families and children through work both inside and outside the courtroom while making significant public service contributions

Emily Logan is a dedicated family law practitioner and staff attorney for the Legal Aid Society's Domestic Relations Advocacy Program. Her focus is advocating for survivors of domestic violence in divorce,

custody and protective order cases. Known for her empathy and compassion, Logan has provided excellent representation to those in poverty who cannot afford legal counsel. She serves as a voice for the voiceless in Jefferson Family Court and across the state, working towards access to justice for domestic violence survivors and their children.

Additionally, Logan actively promotes civility and respect in the legal community, collaborating with organizations like Goodwill Industries, the Center for Women and Families, and SpringHaven Domestic Violence Shelter. She is a board member for the Women Lawyers Association of Jefferson County and advocates for fair pay and treatment of Legal Aid staff as the Chairperson for the Legal Aid Workers Union.

COMMITTEE OF THE YEAR

Kentucky Lawyer Referral Service Chaired by Abigale Green



This year's Committee of the Year has made great strides in reviewing the policies and procedures for the LBA's Kentucky Lawyer Referral Service. Abigale Green, KLRS Committee chair, has worked extensively with KLRS Director Debby Dye to establish focus groups of current and past participants to identify what participants value of the service and what improvements may be needed to continue being an asset to those in the legal community. In addition to generating revenue for the panelists and the LBA, the KLRS Committee is a valuable public service to those in the community who are seeking legal assistance.

SECTION OF THE YEAR

Labor & Employment Section

Aaron T. Vance, Chair; Rudy J. Ellis, Vice-Chair





This year the LBA's Labor & Employment Section, under the leadership of Aaron Vance and Rudy Ellis, helped execute a new partnership with the University of Louisville Brandies School of Law for the Warns Render Labor & Employment Law Institute. This two-day conference provided high-quality legal education through a collaborative dialogue between academics, government officials and

practitioners. This inclusive conference created an inclusive forum where employees, union representatives and management representatives were welcome along with attorneys to benefit from the education provided.

Thank you for joining us







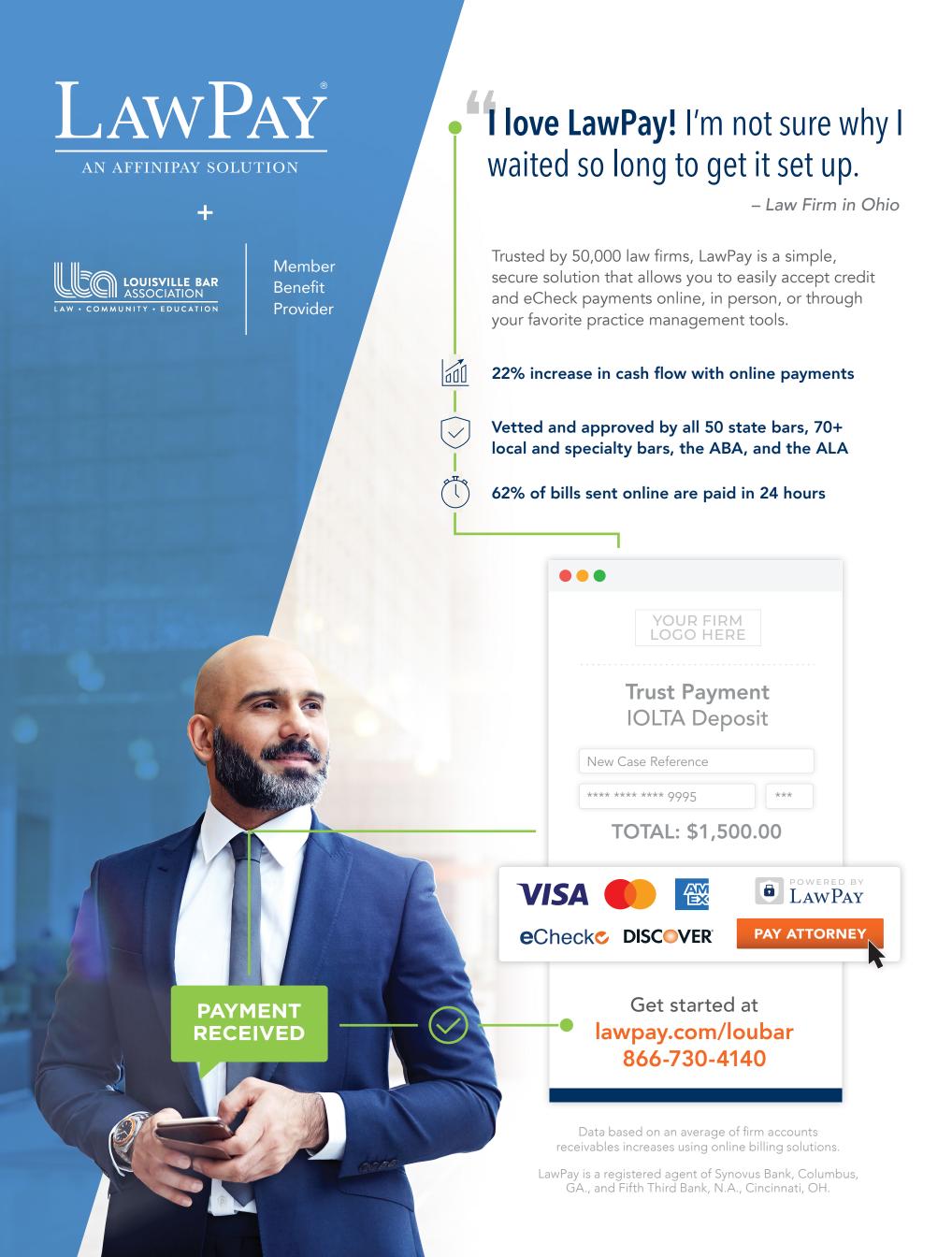








To view a complete gallery visit our website and check out our social media accounts.



PROFESSIONAL EXCELLENCE

Al Machines Continue to Rattle Intellectual Property Law

By Sunstein LLP

The evolution of artificial intelligence (AI) machines has resulted in a number of interesting issues in both copyright and patent law. See, for example, attempts to qualify machine-made works for patent and copyright registration. And due to the increasing popularity and commercial availability of AI machines, the range of legal issues presented by AI is only like to broaden.

Illustratively, AI-image generators Midjourney (created by Midjourney, Inc.), Stable Diffusion (created by Stability AI) and Dreamup (created by Deviant Art, Inc.) are each involved in a class action complaint filed January 13, 2023. Each of these AI generators allegedly uses a technology called Stable Diffusion to create images based on operator prompts. Stable Diffusion is a deep learning, neural network that is trained using an enormous number of downloaded prior artworks.

Many of these prior artworks are reputedly registered for copyright protection by various artists, and have been embedded in Stable Diffusion without consent or compensation. And therein lies the controversy. As stated in the complaint, "[t]hese resulting derived images compete in the marketplace with the original images. Until now, when a purchaser seeks a new image 'in the style' of a given artist, they must pay to commission or license an original image from that artist." When someone creates such an image using the AI-image generators, the artist receives no compensation at all.

Creators of the AI-image generators art tools counter that training of their neural network software using existing artwork without permission is protected in the United States by the fair use doctrine. Furthermore, they contend that the artwork created is not in a collage of the prior artwork, but rather is created from scratch from mathematical representations of the prior artwork.

In a letter dated February 21, 2023, the United States Copyright Office (USCO) addressed copyright eligibility of a work created using Midjourney. Kris Kashtanova

had previously obtained a copyright for her comic book entitled "Zarya of the Dawn." However, because of information posted on social media, the USCO investigated and discovered that the images in the comic book were created using Midjourney. Stressing that the images generated by the Midjourney technology are not the product of human authorship (a key factor in similar cases so far), the copyright registration of these images were cancelled. Ms. Kashtanova was allowed to keep the copyright registrations to only the expressive material that she created (e.g., the storyline).

The above case touches on whether a human using generative AI machines to create outputs can be the author of those outputs. However, a more relevant question further down the road may be whether an AI machine itself can be an author or inventor given the benefit of copyright and patent protection. At some point in the not too distant future, one can envision that AI machines acquire near human form and/or needs. And as such, the AI machine may even participate in the commercial economy for his/her own benefit. At that point, should the AI machine still be barred from acquiring the benefit of intellectual property laws? Or will the AI machines remain slaves to their human creators? The great 1992 science fiction movie Blade Runner, directed by Ridley Scott, and an adaption of Philip K. Dick's 1968 novel Do Androids Dream of Electric Sheep? come to mind.

Touching on the progress made by AI machines, based on an operator prompt, a poem was created by AI language model ChatGPT based on the game of Go. The game generally involves two players, with one player placing black stones, and the other player placing white stones, on a wooden board that includes 19 X 19 intersecting lines. The resulting poem began:

Upon a board of black and white, A Game of strategy and might, Two armies clash in silent fight, The game of Go begins tonight.

• • •

This poem appears to make a mistake. The go board itself is made of wood, and is not "black and white." When asked about this mistake, ChatGPT stated.

The game of Go is typically placed on a board with a grid of 19 by 19 lines, wherein the intersections of the lines are used as the points to place Go pieces, also called "stone." The game is traditionally played with black and white stones, with one player using black stones and the other player using white stones. By describing the board as "black and white," I was trying to evoke the imagery of the board itself, as well as the contrasting pieces that are used to play the game.

The board of black and white also represent the yin-yang concept, the two opposite forces in nature and the balance in the game. The balance also reflects the balance of power between black and white stones. And at the same time, like yin-yang, black and white complement each other, and cannot exist without the other.

Some people reading this may be shocked by the amount of creativity ChatGPT shows in this exchange. The not too distant future may be coming sooner than one thinks.

This article was written by Sunstein LLP and originally published on JD Supra March 17, 2023. Reproduced with permission. Copyright 2023 by The JD Supra Knowledge Center. ■



AWARDS

MEETING ANNOUNCEMENT

LBA Diversity & Inclusion Committee Meeting

Join the LBA Diversity & Inclusion Committee for a meeting on Wednesday, December 13 at 4 p.m. held via Zoom. Contact Lisa at lanspach@loubar.org for more information and/or to join the Committee. ■

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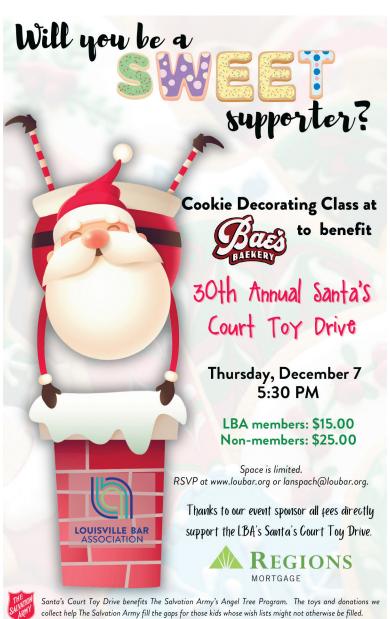


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www.loubar.org December 2023



30th annual Santa's Court Toy Drive

Just hear those sleigh bells jingling.....

It's time for the LBA's annual Santa's Court Toy Drive benefiting the Salvation Army's Angel Tree Program. For 30 years, the Louisville legal community has come together to fill the gaps in wish lists for kids who might not otherwise receive gifts. Join us in making this Christmas season a little brighter for kids in need.

In honor of our 30th anniversary we're looking for 30 participants to help reach this year's goal. We're encouraging firms of all sizes and any offices or sections to help us raise \$20,000 for the Salvation Army.

IMPORTANT CHANGES FOR 2023

Due to renovations at the Bar Center, Santa's workshop is under construction for the 2023 holiday season. Therefore, toy donations are being accepted on a very limited basis. The deadline for firms to donate was in November, however if you would still like to contribute a toy this year, we encourage you to join us at our cookie decorating event benefitting this year's toy drive (see text below and ad on left for details). Here's how you can participate:

• MONETARY DONATIONS – Visit www.loubar.org to donate directly to our goal. The LBA's elves will use your funds to gather presents to provide for the Salvation Army.

SENDINACHECK - Donate directly to the Salvation Army by mailing a check
to the Louisville Bar Center, 600 W. Main St., Ste. 110, Louisville, KY 40202,
and postmarked by Monday, December 4. Checks should be made payable to
the Salvation Army.

• DECORATE COOKIES FOR OUR CAUSE – Join us on Thursday, December 7 at Bae's Baekery as we whip up some holiday cheer while raising money for this year's toy drive. All proceeds will go directly to this year's Santa's Court Toy Drive thanks to our sponsors at Regions Bank. Due to the Bar Center renovations, this will be the only opportunity for participants to contribute a toy instead of a financial donation. We will be accepting toy donations at the event, so please join us and bring your donation if that's how you choose to participate. Register online at www.loubar.org.

The deadline for any monetary donations is Wednesday, December 6.

Thank you for helping us put smiles on the faces of children in need for 30 years! The LBA wishes everyone a happy holiday season. ■



MEMBERS on the move









Mitchell



Thompson



Wilson

Wyatt, Tarrant & Combs is pleased to welcome Lane Thompson to the firm as a member of the Trusts, Estates & Personal Planning Service Team in Louisville. Thompson will concentrate his practice in the areas of estate planning, trust administration, probate, elder law and special needs planning. Prior to joining Wyatt, Lane worked as a Summer Legal Intern for The Glenview Trust Company. He earned his CPA certification in 2018. Lane earned his JD from the University of Louisville Brandeis School of Law, *summa cum laude*, where he was a member of the Brandeis Society, Business Law Society and the Symposium Editor for Law Review.

Stone Legal Group is pleased to announce that **Nathan Mitchell** has been named Partner with the firm. Mitchell represents clients in matters of estate planning, trust administration and probate. Additionally, Mitchell is a Veteran and continues to serve as a Captain in the Army Reserve, where he serves as a Finance Officer assigned to the 84th Training Command at Fort Knox. He earned his JD from the University of Louisville Brandeis School of Law.

Steptoe & Johnson is pleased to announce that the firm has achieved Mansfield Rule 6.0 Certification from Diversity Lab in their effort to increase diversity in law firm leadership. This marks the second year the firm has been Mansfield Rule certified. The Mansfield Rule Certification measures the structural changes and steps law firms have taken over the past year to increase diversity and broaden the paths to leadership – through lateral hiring, client pitch teams, promotions, appointments and more – to ensure those opportunities are open and transparent to all qualified lawyers. The current certification process evaluates and measures whether law firms and legal departments are including historically underrepresented groups such as women lawyers, underrepresented racial and ethnic lawyers, LGBTQ+ lawyers and lawyers with disabilities for leadership roles and career advancement opportunities.

O'Bryan, Brown & Toner is pleased to welcome four new attorneys to our Louisville office: **Merit Harris** focuses her practice on insurance defense matters with an emphasis on medical malpractice litigation. She earned her law degree from the University of Louisville Brandeis School of Law where she graduated *cum laude*.

Adriel Wilson focuses her practice on insurance defense litigation with an emphasis on medical malpractice defense. She earned her JD, *magna cum laude*, from the University of Kentucky J. David Rosenberg College of Law.

Kathryn Duke focuses her practice primarily on the area of insurance defense with an emphasis on medical malpractice litigation. She graduated *magna cum laude* from the University of Louisville Brandeis School of Law, where she served as the editor in chief of the University of Louisville Law Review.

Trenton Adkins focuses his practice on matters of insurance defense litigation with an emphasis on medical malpractice cases. He attended the University of Louisville Brandeis School of Law, graduating *summa cum laude*. ■

What have you been up to lately?

Did you know that Members on the Move announcements are a member perk and FREE of charge?! Let us know what you've been up to!

Send announcements to Shannon Greer, sgreer@loubar.org.

IN MEMORIAM



Donald H. Vish passed away on November 5th, 2023 at age 78. Vish was a licensed attorney in Kentucky and in Florida who graduated with honors from the University of Louisville Brandeis School of Law, where he was later recognized as a distinguished alumnus. His career led him from courtrooms to classrooms and even boardrooms. He was grateful for the opportunity to devote three years of his work life to efforts to abolish the death penalty, a cause he first embraced as a 17-year-old student at St. X. Vish also spent two years in Washington, D.C. as associate solicitor of the Department of the Interior working on legal and policy issues relating to coal mining and usage. Before his federal service, he served as co-editor and contributing author of a five-volume legal treatise entitled Coal Law and Regulation published by Matthew Bender and Co. and he lectured on coal issues as an adjunct visiting professor at the University of Kentucky College of Law. The last 15 years of his active life were devoted to serving numerous nonprofit organizations and charities focused on peace, racial harmony, child welfare, education and criminal justice reform. He retired from Middleton Reutlinger law firm in 2016. ■

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Help Wanted

Through the LBA Placement Service

Litigation Associate:

The LBA Placement Service is working with a national law office seeking a mid-level associate with 3+ years of experience to join their professional liability practice group in Louisville. Qualified candidates should have litigation experience commensurate with time in practice, strong writing and analytical skills, excellent academic credentials, should be able to engage in discovery and conduct witness interviews, and have a desire to appear in court. Experience with litigation in federal courts and with complex, high-profile, high-dollar litigation is particularly helpful. License to practice in Kentucky is required. They offer a competitive starting salary and a comprehensive benefits package, along with opportunity for advancement. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Litigation Associate:

The LBA Placement Service is working with a regional law firm seeking to hire a litigation associate with at least three to five years of experience for their downtown Louisville office. The candidate must be licensed in Kentucky and in good standing with excellent references. They will be representing a broad array of clients in regulatory matters, general civil litigation and government enforcement actions with a focus on health care law, government regulations, constitutional law, business litigation and employment law. Salary commensurate with experience, plus a generous benefits package. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

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MEMBER SPOTLIGHT

GREG CONDRA

CONDRA LAW FIRM

Small business transactions and litigation; estate planning; probate



I wanted a sense of community with other lawyers.

How has your career benefited Favorite book? by being a member of LBA?

Great referral networking and good friendships.

Favorite song?

"Holy Water" by We The Kingdom

Favorite show?

"Ghosts" on CBS

Favorite spot in Louisville?

Brown Park

Tips or advice for new members?

Participate. Introduce yourself. Be nice.

Factfulness: Ten Reasons We're Wrong About the World - and Why Things Are Better Than You Think by Hans Rosling

Fun fact?

Tested at 95th percentile for creativity (Johnson O'Connor Research Foundation, Human Engineering Laboratory).

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