

BAR*briefs*

Louisville Bar Association

February 2025

Maria Fernandez

MEET THE PRESIDENT



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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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2025 LBA
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2. Click on the "Membership" tab on your profile.
3. Click on the "Invoices and Payments" button associated with your 2025 dues invoice. PLEASE NOTE: be sure to select the dues invoice labeled "2025." (And don't forget to sign up for autopay to guarantee uninterrupted access to exclusive LBA benefits without the hassle of remembering to renew each year.)
4. Click the "Pay Now" button to pay online, or you can't print your statement out and mail it in with your payment to the Bar Center.

Need help? [Click here](#) for more detailed instructions on how to renew online.

New for 2025 – all LBA members will receive one free hour of on-demand CLE!

When you renew, don't forget to become an LBA Sustaining Member and contribute to the Louisville Bar Foundation! Just click on the Sustaining Member and LBF logos and help support your local legal community. If you send your dues in by mail, just add the Sustaining Member and LBF contributions to your invoice.

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

New Year, New Colleagues, New Commitment

February. We look forward to several "days" in February. Groundhog Day, Valentine's Day, Black History Month and Presidents' Day to name a few. This is not intended to be an inclusive list (just the ones I could remember).

Every year in February I remind my husband not to buy anything for Valentine's Day. We have too much stuff. However, we do celebrate by going out to dinner and I buy chocolate covered marshmallow hearts and those little conversation hearts. February is the month for romance, to show you care. I send chocolates to my mother and others in the family. So, whether you are part of a couple or not, remind someone you care about them.

February is also an important month for future members of our legal community. As law students get their final reviews in and prepare for the bar exam on February 25th and 26th, we should be reminded that the practice of law takes many forms. Not everyone goes into practice with a firm, large or small. Many opt for solo practice. Others go in-house or choose to work for agencies, government or non-profits. Many go to the prosecutors' offices or the public defender's office. Many strive for elected offices, judicial and partisan. All are worthy choices, and we should support our new lawyers as they go into the world.

The LBA recently launched its first New Lawyer Academy program. It is a six month program "designed to equip early-career attorneys with essential skills for success. This innovative program addresses key professional competencies, including communication, networking and resilience, to help attorneys bridge the gap between legal education and real-world practice." I had the pleasure and privilege of meeting some of the participants. They were engaging and I hope as excited as we were that they were involved.

Consider mentoring a law student through the Louis D. Brandeis School of Law, or a new lawyer in your firm or one that you meet at the LBA. Be there to answer questions or just be a sounding board. Invite them to join the LBA, its sections and committees, and other local groups that may coincide with their practice area.

Recently, an executive order was signed that targets diversity, equity and inclusion (DEI) initiatives in local and state bar associations. The LBA has a committee dedicated to DEI efforts and I hope we continue to strive, with or without committees or otherwise, to grow and diversify our profession. Clients relate to individuals who look and sound like them. My clients who speak Spanish are ecstatic when I respond in their language. I know that applies across the board for other languages and ethnicities. Our profession should reflect our community. Let us continue to work towards that.

Since 1976, February is also Black History Month, an annual celebration of African American achievement. This month, the LBA also celebrates its Trailblazer Award winner. The Justice William E. McNulty Jr. Trailblazer 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. We have honored our Trailblazers for more than two decades. If you know anyone worthy of this award, please visit the LBA website and nominate them.

Finally, I want to urge you, our members, to get involved with the LBA. Sadly, COVID-19 affected many things, including membership and participation in voluntary organizations across the board. Interested in teaching a Continuing Legal Education program? Call the LBA. Want to serve on a committee? Call the LBA. Want to play pickleball? Call the LBA. I distinctly remember a time when CLE programs were a forum not only to learn but to network and meet other members. We would attend a one-hour brown bag program, catch up with colleagues and maybe learn of a new case or get a referral. Time to get back to that.

Basically, I am saying come back to the LBA and reconnect. This year's 125th Anniversary Committee will be presenting programs about the history of the LBA and its mission. We also hope to have a family-friendly event during the year. Please make sure to read your eBriefs and *Bar Briefs* for these events.



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As law students get their final reviews in and prepare for the bar exam on February 25th and 26th, we should be reminded that the practice of law takes many forms.

Maria
 Maria A. Fernandez
 LBA President

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Not Just a Justice: True Stories from the Supreme Court

Chief Judge Ann Bailey Smith

Much has been written about President Jimmy Carter since his death at the age of 100 years old on December 29, 2024. The focus of many of these articles has been on his legacy as the 39th president of the United States, as well as his post-presidential legacy of humanitarian aid both at home and abroad. There were two footnotes to his inspiring legacy which took me by surprise: 1) he was the first United States president to be born in a hospital and 2) he's the only president who served a full-term and left office without appointing a Supreme Court justice. He may have been the first president to be born in a hospital only because his mother worked at the hospital where she gave birth. Still, I would not have guessed that he was the first in this regard. On the other hand, I would have guessed other presidents who only served one full-term would also have not had the opportunity to appoint a Supreme Court justice. President Carter did, however, appoint Ruth Bader Ginsburg to the D.C. Circuit Court of Appeals, which then led to her appointment to the Supreme Court by President Bill Clinton. These interesting little tidbits of information led me to read about some of our past United States Supreme Court justices to see what I could learn about them.

In no particular order, I will start with Justice Louis D. Brandeis who was born in Louisville, Kentucky on November 13, 1856, and who was appointed to the Supreme Court on June 5, 1916, by President Woodrow Wilson. He was the first Jewish justice on the Supreme Court. And, probably because of his Jewish faith, his confirmation process was contentious, taking four months. But it was hard to question his credentials, including the fact that he had the highest grade point average in Harvard Law history, enrolling at the age of 18. Justice Brandeis was a big fan of vacations and time away from the office, famously stating, "I could do a year's work in eleven months, but I can't do it in twelve."

Justice Charles Evans Hughes served two stints on the Supreme Court for a total of 17 years, having first been appointed by President Taft and then as chief justice by President

Hoover. Hughes had a photographic memory which exhibited itself when as a three-year-old he could recite passages from the Bible. He was fluent in Greek by age eight and by age nine had read all of Shakespeare's plays. He graduated from high school at the age of 13 and enrolled in college the following year. He attended Columbia Law School and passed the bar with a near perfect score. He served as governor of New York, as secretary of state under President Harding, and as a justice and then chief justice of the Supreme Court. He was well regarded as a talented administrator as chief justice, so much so that Justice Felix Frankfurter praised him by saying "[t]o see him preside was like witnessing Toscanini lead an orchestra."

Justice John Paul Stevens was appointed to the Supreme Court by President Gerald Ford in 1975. He served for almost 35 years as a justice of the Supreme Court and died in 2019 at the age of 99. Justice Stevens was a lifelong Chicago Cubs baseball fan. One of the highlights of his life was the opportunity on September 14, 2005, at the age of 85, to throw the first pitch at a game between the Cubs and the Cincinnati Reds played at Chicago's Wrigley Field. Notably, he was in the stands for Game 3 of the 1932 World Series when the Cubs played the Yankees and Babe Ruth hit his famous "called shot" home run.

Justice Thurgood Marshall served on the Supreme Court from 1967 until 1991, having been appointed by President Lyndon Johnson. He was the first African American to serve on the Court. His parents named him Thoroughgood but he felt the name was too long, so he had his first name legally changed to Thurgood. He enjoyed drinking, smoking, dancing and the company of women. He was famously known to say about his position as a Supreme Court justice that "I have a lifetime appointment and I intend to serve it. I expect to die at 110, shot by a jealous husband." He was also known to be a soap opera junkie as he suspended deliberations every day at 1 p.m. so that he could retire to his chambers to watch "Days of Our Lives."

I will conclude this brief survey of lesser-known facts about our Supreme Court justices with Justice Sandra Day O'Connor, the first woman to serve on the Court, who was appointed by President Ronald Reagan in 1981. The other "first" that she brought to the Court was Jazzercise. She hired a YWCA employee to teach a daily Jazzercise class for Court employees in the Supreme Court's gym (it's unknown whether any of the other justices participated). Justice O'Connor believed that physical fitness was crucial to mental fitness and the ability to do the work of the Court. She had t-shirts printed with slogans that read "Exercise Defends Your Constitution" and "Supreme Sport and the Highest Court." In her later years serving on the Court, she attended Pilates and yoga classes with Justice Ruth Bader Ginsburg.

Next month, Chief Judge Jessica Moore of Jefferson District Court will be writing this column, and I look forward to reading her article.

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



Free Scam Alert Resources Available on Kentucky Courts Website



The Administrative Office of the Courts has launched a scam alert webpage to help protect Kentuckians from payment scams, including those involving fake arrest warrants and missed jury service. The webpage went live during the Federal Trade Commission's Identity Theft Awareness Week at the end of January.

Explore the scam alert webpage and bookmark it to check back for alerts anytime at <https://kcoj.info/CourtsScamAlert>.

The new webpage aims to help the public stay informed of common fraud schemes, offers tools to help citizens protect themselves and provides an outlet for reporting fraud and getting further assistance. Among the resources on the webpage are a video about tactics criminals use to scam people to get money and personal information, a link to jury service information by county, a fraud fact and tip sheet and contact information for reporting scams. ■

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Defining the Roles of GAL, FOC and Parenting Coordinator in Custody Cases

Amy DeRenzo Hulbert

When cases have complex issues involving children, Kentucky family court judges have the authority to appoint individuals to assist in reaching decisions on certain matters. Sometimes the court cannot, on its own, ascertain the full picture of a family's situation and needs the assistance of a third party. In these situations, a court is likely to appoint an attorney to aid in representing the best interests of a child or to evaluate the specific circumstances of a particular family and to report back to the court. These reports and testimony are designed to assist the court in reaching its ultimate decision in the case. These appointees play crucial roles in the judicial process, providing information and support to help judges make informed decisions regarding the best interests of children.

These appointments serve multiple purposes, from representation to investigations to providing specific knowledge and aiding communication between parties. There are a variety of circumstances in which a judge might deem it appropriate to make particular appointments for Guardians Ad Litem (GALs), Friends of Court (FOCs) or Parenting Coordinators to assist in complex cases or protect the interests of vulnerable parties.

Guardian Ad Litem (GAL)

GALs serve to assist litigants or infants in actions where the individual is unable to either represent themselves or is unable to afford representation. KRS § 387.305(2) states that "A guardian ad litem must be a regular, practicing attorney of the court." A seminal 2014 Kentucky Supreme Court case

affirmed the role of a GAL to act in the best interest of children in custody cases, dependency neglect abuse actions and in termination of parental rights cases. *Morgan v. Getter*, 441 S.W.3d 94 (Ky. 2014). Since that time, a host of both published and unpublished Kentucky cases have been decided clarifying the role of the GAL in various types of actions. See *Grambel v. Croushore ex rel Villarreal*, 638 S.W.3d 452 (Ky.App. 2021); *Smith v. Doe*, 627 S.W.3d 903 (Ky. 2021); *Herrell v. Miller*, No. 2022-CA-1199-ME (Ky.App. June 23, 2023).

A GAL is an appointed attorney who acts as the counsel for the children or an individual unable to represent themselves. Kentucky law provides several provisions that allow judges to appoint GALs including in the following situations:

- Emergency and Interpersonal protective order petitions, *Smith v. Doe*, 627 S.W.3d 903 (Ky. 2021), citing CR 17.03;
- For incarcerated individuals, Ky. R. Civ P. 17.04;
- Guardianship, KRS § 387.600;
- Custody matters, KRS § 403.290; and
- Dependency Neglect Abuse actions, KRS Chapter 620; and
- Termination of Parental Rights actions, KRS Chapter 625.

As a child's attorney, a GAL makes arguments on behalf of

their client in the child's best interests, whether or not the arguments represent the child's wishes. A GAL cannot testify in an effort to avoid conflicts by being an attorney and witness simultaneously and in an effort to adhere to the clear role of an attorney acting on behalf of, and in the best interest of, the child. In cases where testimony is warranted to assist the court, a Friend of Court or Parenting Coordinator is typically also involved in the action.

Friend of Court

Judges can appoint a Friend of the Court (FOC) in matters involving child custody and visitation. See KRS 403.300 and FCRPP 6. The role of the FOC is to assist the court in resolving disputes related to the welfare of children by providing recommendations and information that can aid in making informed decisions in the best interest of the child. The FOC may conduct investigations, gather information and report findings back to the court. The FOC is an attorney acting as a witness and offers a report outlining their investigative findings and testifies at substantive hearings as necessary. See KRS § 403.300.

Kentucky courts have addressed the role of FOCs in several recent published and unpublished cases beginning with, and following, *Morgan* mentioned above, which compared the role of a GAL and FOC. See *Morgan v. Getter*, 441 S.W.3d 94 (Ky. 2014). See also *Greene v. Boyd*, 603 S.W.3d 231 (Ky. 2020); *Adair v. Emberton*, 694 S.W.3d 52 (Ky.App. 2024);

(Continued on next page)

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(Continued from previous page)

T.R.C. v. J.T.M., No. 2024-CA-0660-ME (Ky. App. Nov. 22, 2024); *Bentley v. Etherton*, No. 2023-CA-0560-MR (Ky. App. Oct. 18, 2024). These cases highlight the significant role FOCs play in Kentucky custody proceedings, including their ability to investigate, report and offer opinions to the court.

An important distinguishing factor between the attorney's role as GAL and the role of a FOC is the fact that a GAL acts as an attorney and cannot testify, while the FOC is an attorney who investigates for the purpose of reporting back to the court and is a witness who provides a report outlining their findings and will likely be called to testify.

Parenting Coordinator

There are times where a case has so much conflict involving children, some judges find it helpful to appoint a Parenting Coordinator to provide an alternative to extensive litigation. Jefferson Family Court Rule 705 provides a framework for such appointments. A Parenting Coordinator's primary task is to assist parents in making and implementing joint decisions that are in the best interests of their minor children. The goal of this process is to reduce conflict and provide an alternative to expensive and contentious court disputes. According to Kentucky law, the Parenting Coordinator shall have either:

- a. a minimum of a master's degree in psychology or social work, or forty (40) hours of training in mediations; and either five (5) years' experience in mediation or five (5) years' experience in family therapy; or
- b. a minimum of five (5) years practicing family law as an attorney with concentration of at least fifty percent (50%) of his/her practice in family law or have forty (40) hours of training

in mediation and either five (5) years' experience in mediation or five (5) years negotiating conflict and achieving parenting plans.

KY JFRP Rule 705 (F).

Though an attorney is most often appointed in the role in Kentucky, a Parenting Coordinator does not have confidentiality and can testify in court. The most effective manner in which to proceed with a Parenting Coordinator is with an agreement which outlines the roles and duties of the position as well as the fact that there is no expectation of confidentiality. There may be times when the parties disagree with the recommendations and court action is taken. The parties should be aware that the Parenting Coordinator may be called to testify and in many cases the courts will find credibility with them, particularly since the Parenting Coordinator was appointed by the court.

When the parties agree pursuant to a parenting coordination agreement, the Parenting Coordinator is able to make decisions for families that can be beneficial and assist them in moving beyond conflicts. In cases where such agreements exist, though the Parenting Coordinator cannot determine custodial decisions or primary residence decisions, they can make a variety of other decisions such as:

1. Revising the parenting schedule or conditions (other than a court-ordered requirement of supervision), telephone or any other type of contact;
2. Recommending orders regarding exchange and/or transportation of the child, including specifying time and place of exchange;
3. Changing education, daycare and/or extracurricular activities for the child;

4. Requiring a parent to submit or produce a child to submit to a substance abuse screen, psychological or custody evaluation, and provide release for reports or results;

5. Recommending more specific orders to facilitate implementation;

6. Changing the times for religious observances and training by the child; and

7. Addressing other issues raised by the parties.

KY JFRP Rule 705 (B) and (C).

Though the courts are free to appoint attorneys to fill the above-mentioned roles as necessary, the appointees do not have the authority to make decisions in place of the court. In such times where the parties disagree with the recommendations of any of the appointed individuals discussed above, the parties can motion the court for a decision by their judge. The judges are the ultimate decision authority and the roles of the GAL, FOC and Parenting Coordinator are used to guide the courts when it cannot feasibly and reasonably decide certain matters without their involvement.

Amy DeRenzo Hulbert has been practicing law in Jefferson County and its surrounding counties in Kentucky for 22 years and has dedicated her career to assisting families in domestic cases for more than 19 years. She owns DeRenzo Law Office, PLLC which is located in Louisville's East End. ■



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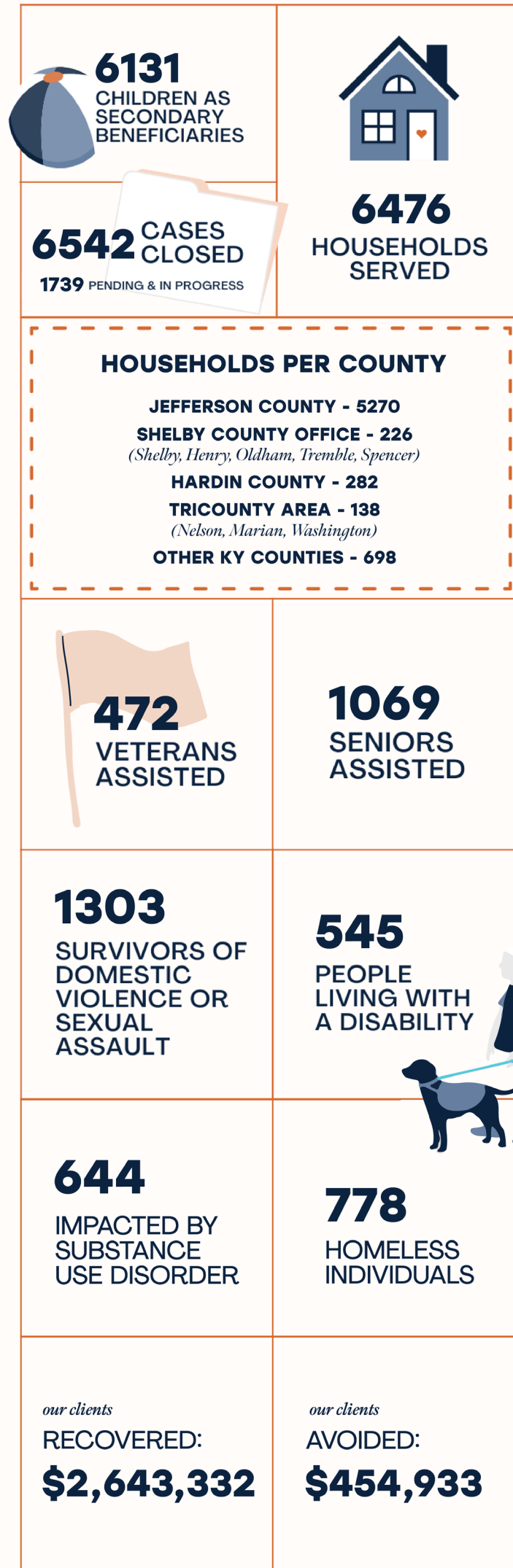
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Year at a Glance*



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Winners to be announced at the LBA's Bench & Bar Social on March 6. Need not be present to win.

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MESA ONE-HOUR

The Truth, The Whole Truth and Nothing But the Truth: The Ethical Imperative for Honesty in Law Practice

Wednesday, February 19

Dr. Martin Luther King once said, "A fact is the absence of contradiction, but the truth is the presence of coherence." As lawyers, we are duty-bound to be more than just factual. Lawyers must tell the truth to clients, judges and even opposing counsel and third parties. In this eye-opening webinar, legal humorist Sean Carter will deal frankly with the very human inclination for dishonesty and explain how to avoid the traps from which dishonesty most often springs. In doing so, he will draw upon current and past nominees from his annual Ethy Awards to show the consequences of dishonesty.

Speaker: **Sean Carter**, MESA CLE

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

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

MESA ONE-HOUR

Exploring the Litigation Frontier: Using AI for Case Assessment and Initial Pleadings

Wednesday, February 26

Discover the future of legal practice in this cutting-edge webinar designed specifically for forward-thinking litigators. In this interactive program, you will learn how Artificial Intelligence (AI) can be your "first officer" as you navigate client engagement, case investigation, strategy development and even drafting your initial pleadings. Don't miss this opportunity to be at the forefront of legal innovation and elevate your practice with the skills to navigate the exciting world of AI in law.

Speaker: **Sean Carter**, MESA CLE

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

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

LBA TWO-HOUR CLE

34th Annual Skaggs Slyn Revell Domestic Relations Update

Friday, March 7

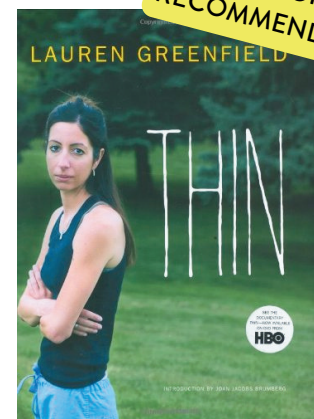
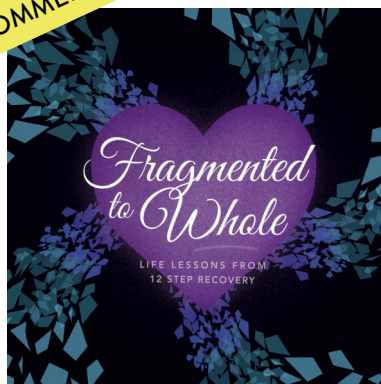
Speakers will address decisions the Kentucky Supreme Court and Court of Appeals handed down during the 2024 calendar year. A panel discussion will follow the presentations, as time permits.

Speakers: Lynch, Cox, Gilman & Goodman attorneys **Emily T. Cecconi**, **Nathan R. Hardyman** and **Elizabeth M. Howell**

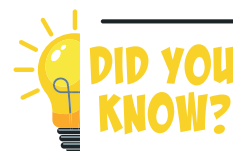
Time: 11 a.m. – 1 p.m. — Program
Place: Hybrid – Bar Center or Zoom
Price: \$90 LBA Members | \$81 Sustaining Members | \$15 Paralegal Members or qualifying YLS Members | \$25 Solo/Small Practice Section Members | \$45 Government or Non-Profit Members | \$180 Non-members
Credits: 2.0 CLE Hours



PODCAST RECOMMENDATION



BOOK RECOMMENDATION



23% of people with binge-eating disorder attempted suicide.
 By 2030, it is estimated that around half a million US men and 1.5 million US women will have binge-eating disorder.

LBA ADR/MEDIATION LAW AND LABOR & EMPLOYMENT LAW SECTIONS CO-HOSTED ONE-HOUR

A Mediator's Perspective: Employment Law Mediations

Wednesday, March 19

Almost every employment claim will be mediated before trial. Each year, fewer and fewer claims are independently negotiated by counsel with an increasing number of cases being mediated privately or in court. This program will discuss the unique aspects of employment law mediation. It will address how to prepare for mediation, the mechanics of the mediation process and how to be an effective negotiator for your client. Special attention will be paid to handling the difficult emotions that may arise with parties and counsel before, during and after the mediation.

Speaker: **Thomas M. Williams**, Stoll Keenon Ogden

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

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

LBA Labor & Employment Law Section Leadership: Marianna Melendez, Jefferson County Public Schools and Catie A. Wheatley, Faegre Drinker

Cancellations: Must be received by LBA at least 24 hours in advance for a refund (minus \$10 processing fee). Substitutes allowed (except special events).

Technology issues: User error does not qualify for a refund for LIVE webinars. Recordings are NOT included with registration. Separate fees apply for accessing past recordings through the LBA On-Demand Catalog. Please note: Live and on-demand CLE programs have different KBA accreditation requirements.

HEALTH & WELLNESS CORNER



Meet the President

Maria Fernandez

EARLY YEARS

Tell me about your childhood – where did you grow up?

I grew up in Chicago and Miami but spent a year or so living with my grandparents in Cuba before the revolution. My grandmother passed away and my mother came back for the funeral, and I returned with her to the U.S. This all occurred right before the borders were closed by Fidel Castro.

Do you have siblings?

There were four of us, two girls and two boys. My dad said he planned it that way. One of my brothers has passed away.

Did you have any childhood interests or hobbies?

I swam at the local pool; we could walk to it. I was and still am a voracious reader. I really love Kindle and its free book selections. I own golf clubs, even took lessons, but have never really taken to it. Seems I hit the golf ball like a baseball and according to the golf pros, that is not the way to do it.

Looking back, what about your family and/or childhood had the greatest impact on you?

As the child of immigrants, hard work was second nature. My first “job,” I was six years old and helped my dad make sales pitches for office equipment. He would sell to a lot of private, Catholic schools and he would say, “Sister, if she can do it, you can do it too!”

Where did you attend college?

I attended college in Miami. Both a community college and two universities.

What did you study there?

I intended to study engineering originally, but we had a family business, so a degree in accounting made sense. I have a BBA and M.Pr.A. I also thought about forensic pathology but never pursued it. I wanted to be Quincy, M.E. If you remember that predecessor to “CSI,” you are as old as me.

What was appealing to you about your school, and what was your college experience like?

I attended local schools that gave me scholarship funds. I was the oldest of four kids and getting an education was the sole goal. I did get involved in school organizations, such as the Federation of Cuban Students at Miami Dade College, and student organizations and the accounting honor society at the University of Miami.

LEGAL BEGINNINGS

Did you always know you wanted to be a lawyer? If so, what brought you to that conclusion? If not, when and why did you decide to pursue a career in law?

As I said, I thought I was going to be an engineer. Accounting proved more practical and useful in the long run. In 1985, when we moved to Louisville, I used my accounting skills and training to help run three local businesses. I quickly decided I wanted something more and law school was the logical choice. I worked my way through school with those clients and ultimately transitioned them to in-house employees that they had.

What was your law school experience like?

I was an evening division student. I worked during the day and went to school at night. Also, my first child was born between 2nd and 3rd year. School was a means to an end. I still tried to get involved and was Student Bar Association class rep for three years and during 4th year, was evening division vice-president. I was also on the Moot Court Board and Team during 3rd year.

CAREER TODAY

Who would you consider to be some of your mentors in the Louisville legal community?

I think it would have to be some of the partners in my first firm; that would include Robert Kohn, Stanley Whetzel and Phil Grossman. There were others, some of whom have passed away. Also, my family has had lawyers over time that inspired me, in particular my father's last attorney, Max Hagen. I would also be remiss if I did not acknowledge and thank my partner, Joe Moloney. He held the office together during COVID-19 when I was out sick for several months and has always been great to work with.

What do you think most people misunderstand about being an attorney?

We are not bad guys; on the contrary, most attorneys give back to community in so many ways. Pro bono representations, working with Legal Aid programs across the state as volunteers, service on community boards and much more.

BAR ASSOCIATION

Why did you decide to get involved in the LBA?

I joined the LBA, ABA and Women Lawyers Association while in law school. I truly believe that your network is one of your greatest assets in this profession. The more people you meet and connect with, the better.

What do you think are the top benefits of being an LBA member?

Of course, its members. They become your colleagues, friends, connections and referral sources. The CLE programs right in our backyard. The fact we can call and offer our expertise to present a CLE is a great benefit.

How has involvement in the LBA impacted your career?

As I mentioned before, the members that you connect with will hopefully refer to you and you to them. It helps to improve and grow your practice.

What are some of your goals for your year as President of the LBA?

We will celebrate our 125th anniversary this year. I want to work on diversity in our community and profession.

What are you most excited about as you begin your year as the LBA's leader?

Our anniversary celebration will be a yearlong event focused on our goals. I am excited that we are planning a family friendly event as part of that.

What do you think are the LBA's greatest strengths? What are our biggest challenges?

Members. We have great members, but we need to grow our membership. Not all lawyers in Jefferson County are members and we are working on reaching out to them.

PERSONAL INTERESTS

Tell me more about your family. How did you meet your husband? What profession is he in? Do you have children?

I met my husband at a rooftop party in Miami. He was coaching the University of Miami and knew the host of the party. He was also a National Guard reservist and came from drills. I noticed him because of his uniform. We stayed up until after 2 a.m. talking that night. We came to Louisville in 1985 when he was hired by Coach Howard Schnellenberger as his strength and conditioning coach. He is now semi-retired and works as a personal trainer. We have two daughters, Raquel and Erika. I also have one granddaughter, almost 10 months old, Carmen Maria.

What do you like to do in your free time?

I read a lot. I love puzzles and crossword puzzles.

What community organizations do you support or volunteer with? Why are they important to you?

Legal Aid is one that I support and have served on their board for more than 20 years. I am member of their Volunteer Lawyer Program and believe in giving back. I also support La Casita, Day Spring as well as a few other organizations.

What are some of your current hobbies or interests?

I mentioned the reading and puzzles above, I think I want to take a stab at painting.

If you weren't an attorney, what other career path do you think you might have pursued?

As I mentioned before I loved the show “Quincy M.E.” This show highlighted a medical examiner that helped solve crimes. I wanted to be Quincy, a forensic pathologist.

What's something not a lot of people know about you?

I love to dance.

What's your favorite movie – and your favorite guilty pleasure movie?

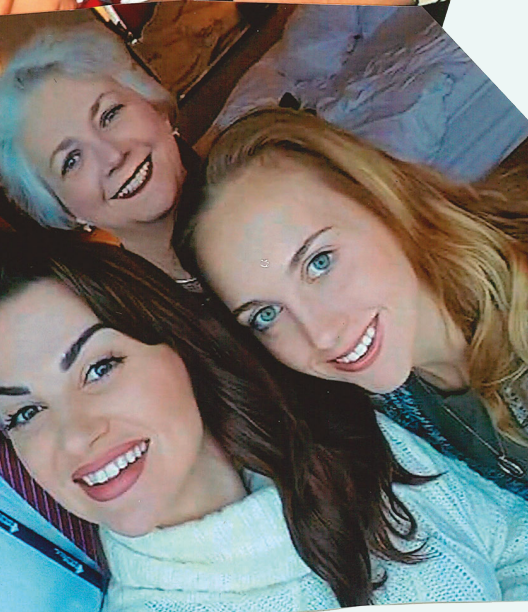
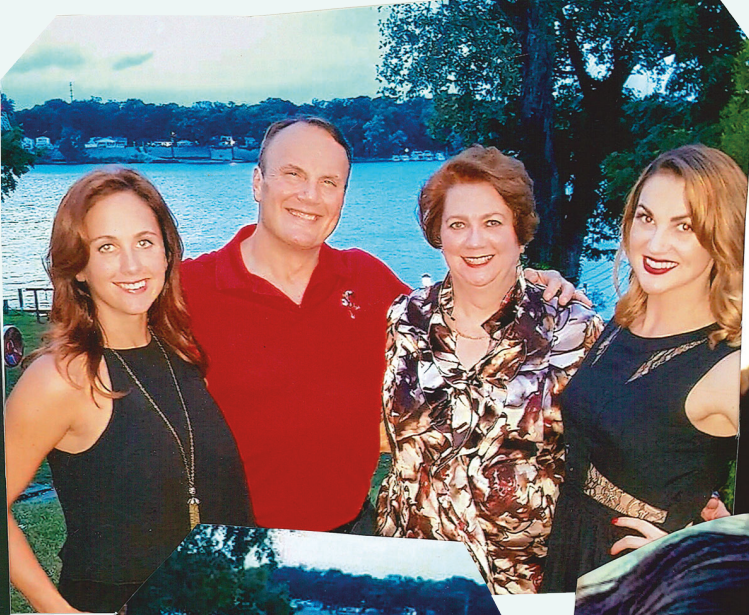
I am not a big movie person. As children, we watched a lot of musicals like “Singing in the Rain.” My mother loved musicals. We also watched a lot of John Wayne or cowboy movies (my dad). I do enjoy futuristic movies, like “Star Wars” and “Star Trek.” I would love a transporter!

Are you a music fan? If so, what's your favorite performer or band?

I am one of those people that knows the lyrics to a song but can't tell you who sings it. I do like the Beatles, Billy Joel, oldies, etc.

What is your favorite restaurant in Louisville?

I have several. Vincenzo's is probably my favorite. I love their Tortellini Buddeke. I also like Havana Rumba especially because they make the same dishes my mom made, and I don't have to cook.



Experiences of Black Men in the Law

Thursday, February 27 | 4:00 p.m. - 5:30 p.m. | Bar Center

PANELISTS



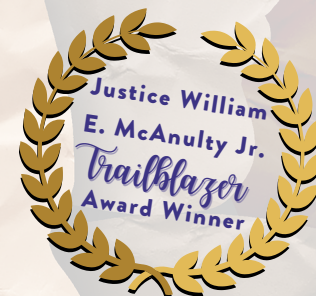
Jason L. Brown
Vice President, General Counsel
GE Appliances, a Haier Company



Hon. Brian C. Edwards
Judge
Jefferson Circuit Court, Div. 11



Dwight L. Haygood Jr.
Senior Counsel
Sazerac Company



The Trailblazer Award will be presented after the panel discussion.

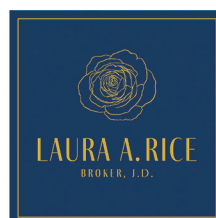


MODERATOR

Michelle L. Duncan
Partner at Dinsmore & Shohl LLP, and Co-Chair of the LBA Diversity & Inclusion Committee

Join us for a meaningful discussion about the remarkable journeys of each panelist, the obstacles that they have overcome and their enduring impact on the legal profession. This event promises to celebrate, educate and inspire as we honor the invaluable contributions of Black men in the law.

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Researching Tariffs in the Second Trump Administration

Kurt X. Metzmeier

“To me the most beautiful word in the dictionary is ‘tariff.’”

Donald J. Trump,
Speech to the Economic Club of Chicago,
October 15, 2024

“Words have no power to impress the mind without the exquisite horror of their reality.”

Edgar Allan Poe,
Fall of the House of Usher

On a personal basis, I know some of the horror of President Trump’s favorite word. During college, I tutored high school students in American history. Explaining the history of tariffs (and the political conflicts they caused) were among of the toughest lessons I had. And tariffs came up all the time: in discussions of conflict between the North and South leading up to the Civil War, as collision points in American foreign policy, in explaining agrarian populism in the 1890s, and as factors leading to the Great Depression and World War II. In every case, I was forced to try to explain complex macro-economic issues to bored teenagers whose only experience with money was making change at the cash register at McDonald’s. I hate that word. Nonetheless, President Trump has signaled his intention to use tariffs as a major tool of U.S. policy. Lawyers who represent clients in international trade must take heed.

Tariffs 101

Any discussion of tariffs must begin with a simple definition of what tariffs are. A tariff is a tax on an imported good from abroad which is paid by the U.S. citizen or company who imported the good. If Walmart wishes to import a shipping container of teddy bears from China, a tariff will be paid by Walmart or its agent to the U.S. Customs and Border Protection at the U.S. port of entry where that container is unloaded. Walmart will then pass that cost to the teddy-buying consumer to the extent that the market will ... bear. Sorry, not sorry.

There are three basic reasons to levy tariffs: to raise revenue for the federal government, to protect a particular economic sector like agriculture or manufacturing, or to retaliate for a real or perceived unfair trade practice by a trading partner. (The latter one is important to remember because when you raise tariffs, trading partners will likely retaliate.)

Lately the U.S. has moved beyond using tariffs to raise revenues, but before the Income Tax Amendment to the U.S. Constitution was ratified in 1913, tariffs (and excise tax on liquor) were the primary way the federal government funded itself. However, at least in his abovementioned Chicago speech, President Trump appeared to endorse using tariffs “as a money-making instrument.”

Nonetheless, modest tariffs or the separate but related “import-duties” are levied on some classes of incoming goods to defray the costs of trade. (The term “import taxes” generally is used for the total cost of tariffs and customs-duties.)

Protective tariffs have been rare in post-war America, but they were regularly used in the 19th century with the so-called “Tariff of Abominations of 1828” as a particularly dramatic example. That was a 28%-45% tariff on imports designed to help America’s new but growing manufacturing sector in the Northern states. In Congress, it was pushed so high by Southerners who were trying to make it so extreme that it wouldn’t pass, but it did.

Since World War II, U.S. has had an aggressive freetrade policy and has sought to create global freetrade treaty institutions like the World Trade Organization (WTO) to make international trade as barrier-free as possible. As the dominant economic power for three-quarters of a century, freetrade is thought to ensure that the world buys more U.S. goods. With such a philosophy, tariffs only are to be used to punish nations who are engaged in unfair trade practices.

Researching Tariff Rates

If U.S. tariffs change in 2025, corporations will need to track those changes; luckily, there are some good tools for those companies and their lawyers to use.

The WTO encourages member nations to post their tariff schedules. The Harmonized Tariff Schedule (HTS) of the United States is posted at hts.usitc.gov and lists rates for all goods imported into the U.S. by category. Those categories of goods are aligned (“harmonized”) with the WTO’s International Harmonized Tariff System which sets up a uniform system of nomenclature for globally traded goods. The Census Bureau has a “classify your commodity” tool at uscensus.prod.3ceonline.com. (For example, a teddy bear is classified as a “toy, game or sports” product under the miscellaneous manufactured article section and assigned the schedule number 9503.00.0000.)

Current U.S. import taxes and duties range from zero to 37.5%, although the most typical rate is around 6%. (These rates do not include sales taxes which are not uniform across the 50 states.)

The easiest tool to determine tariffs is the U.S. Customs Info Database Global Tariff Lookup Tool, trade.gov/customs-info-database-user-guide, which can be used to estimate duties and taxes for more than 150 countries. This tool, managed by the U.S. Department of Commerce’s International Trade Administration (ITA) website, trade.gov, also can be used to find statistics on global trade. A recent search showed the top importers into the United States in 2022 were China (\$536.3

billion), Mexico (\$454.8 billion), Canada (\$436.6 billion), Japan (\$148.1 billion) and Germany (\$146.6 billion).

Tariffs from Other Nations

Of course, U.S. companies sell as well as buy goods from abroad. If those trading partners issue retaliatory tariffs because of U.S. trade policy, companies must expect that the export costs their customers pay will change—perhaps enough that their goods are not competitively priced. Most nations that do business with the U.S. have tariff rates posted on the internet. If you Google “harmonized tariff schedule” along with the name of the nation you can probably find them.

The top purchasers of U.S. goods exports are Canada (\$356.5 billion), Mexico (\$324.3 billion), China (\$150.4 billion), Japan (\$80.2 billion) and the United Kingdom (\$76.2 billion). U.S. goods exports to the 27 nations of the European Union were \$350.8 billion.

This list is interesting because as a candidate, President Trump threatened Canada and Mexico with tariffs because he said that they aren’t doing enough to prevent migrants from crossing their borders and claiming asylum in the United States. Canada’s HTS can be found at wise.com/us/import-duty/from-canada. I was able to find links to a spreadsheet with English versions of Mexico’s tariffs on both Mexican and U.S. government websites by googling “Mexico harmonized tariff schedule.”

China publishes its NTS in Chinese, so the challenge is finding an online English translation. Nonetheless I was able to find informa-

tion about the 2024 version on the websites of law firms and other businesses that broker trade to China. Japan is a little more sophisticated in its trade policy with the United States and has an English language webpage at www.customs.go.jp/english/tariff.

The United Kingdom has its tariff schedule at www.gov.uk/trade-tariff while the European Union’s trade website, [taxation-customs.ec.europa.eu](https://ec.europa.eu), posts information on trading with the EU customs union.

More information on trading with these nations and others can be found at the ITA country commercial guides web page, which has guides for doing business in nations from Albania to Zimbabwe: www.trade.gov/country-commercial-guides.

Conclusion

It’s always hard to predict how a candidate’s promises will align with their policies as president. However, given President Trump’s use of tariffs in his first administration, lawyers with corporate clients engaged in global business will need to learn the meaning of the word tariff whether or not they find it beautiful or horrifying.

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. ■



MEETING ANNOUNCEMENTS

Women Lawyers Association

The WLA is hosting a Galentine’s Day brunch at Le Moo’s drag brunch on Saturday, February 15 at 10:45 am. The price is \$43 for WLA members and \$55 for non-members, and seating is limited! People can RSVP here: <https://wlajeffco.com/event/galentines-day/>. ■

Association of Legal Administrators

The monthly chapter meeting of the Kentucky Association of Legal Administrators will be held in person and via Zoom on Thursday, February 13, beginning at noon at the office of Frost Brown Todd in Louisville (400 W. Market St., Ste. 3200) and Lexington (250 W. Main St., Ste. 2800). Please RSVP by registering online at www.ky-ala.org. Any questions, please contact Deana Lively, dlively@dbllaw.com. ■



Reflecting on 125 Years of Service: A Look Back at the LBA's History

In 2003, the LBA introduced the Trailblazer Award. The following excerpt is from the Bar Briefs announcement.

The LBA will present the first Trailblazer Award to Jefferson District Court's Judge Janice R. Martin, on Tuesday, February 18, at a reception at the Bar Center. The award was conceptualized by the LBA Diversity Task Force with the intent to honor those who have made significant strides in promoting diversity in the profession.

Task force member Judge Brian Edwards said, "The award was designed to honor an attorney who had served as a barrier breaker." Judge Olu Stevens added, "Part of the goal of the Diversity Task Force was to increase the level of minority participation and recognize those who have done noteworthy things." Judge Martin was the first female African American judge in Kentucky as well as the first female and African American to serve as Bar Counsel for the Kentucky Bar Association. Starting college at age 16 and graduating quickly into law school, Martin was the only African American female in her class.

After graduating from the University of Louisville Brandeis School of Law in 1980, Martin was a staff attorney for the Legal Aid Society. She went into private practice for three years, while also serving as an Assistant County Attorney. She then became the Chief Prosecutor of the Juvenile Division in the County Attorney's Office.

In 1985, Martin returned to the University of Louisville as an instructor for the Political Science Department. For three years, she taught Constitutional Law during her tenure as Bar Counsel for the KBA.



On February 18, 2003, Judge Janice R. Martin (pictured here with J. Michael Brown) became the first winner of the LBA's Trailblazer Award.

In 1992, former Governor Brereton Jones appointed Martin to the District Court Bench. Later that year, she was elected to and, 10 years later, still serves as a member of the Jefferson County judiciary.

Judge Martin is entrenched in numerous aspects of the community. She is currently on the Executive Committee of the District Judges Association, Chair of the Kentucky Implementation Task Force on Racial Fairness in the Courts and a board member for the Louisville Bar Association, Jewish Hospital and Project Women. She volunteers as a mentor for the Brandeis School of Law

and is frequently a featured speaker for a number of different groups.

On the national level, Judge Martin is involved in educating and training for the Judicial Institute, National Counsel of Juvenile and Family Court Judges. In this capacity, she teaches and trains with judges and attorneys from around the country in the area of domestic violence, stressing factfinding, decision making, writing opinions and orders, and ethics. "Anytime you have an opportunity to enhance your skills as a judge... you improve the public perception of the judiciary," said Judge Martin.

Judge Martin's reputation precedes her. She is recognized for her temperament, poise, preparedness and ability. Her husband, Paul Porter, says she is frequently approached in public and thanked for her kind nature and the respect with which she treats everyone she meets. Martin has even been stopped by former defendants from her days as a juvenile prosecutor who have introduced their families to her.

"The fact that you can sit on the bench and not have black robe fever and be so full of yourself that you forget you are talking to people who deserve as much respect as anyone else speaks very highly of her," said Porter.

What makes Martin shine is that she is "sensitive to the problems and needs of different classes and cultures of people." Stevens agreed, saying that she is very courteous to everyone, especially those in her courtroom.

Martin's attitude does not go unnoticed. Chief Judge Donald Armstrong acknowledges, "She's a leader. She is well-deserving of the award and is a trailblazer in most aspects of her life." ■

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Through the LBA and Talis Group

Civil Attorney:
Kopka Pinkus Dolin is seeking a civil attorney with five+ years of experience in a litigation setting with an emphasis in insurance defense. Our firm is a highly respected litigation practice with multiple locations located throughout five states. We have an immediate opening for a civil attorney with a proven track record in: prior experience handling a file from beginning to end; a self-starter capable of handling a full caseload; experience handling case evaluations and taking depositions; embracing and developing client relationships; ability to frequently and directly communicate with clients; excellent verbal and written skills; accurately report time. Portable business is a plus. Our culture is one of high flexibility. We offer benefits including health, vision, dental and pet insurance, 401k with employer match, employer paid disability, parental leave, employee assistance program and paid holidays. For more details, visit the LBA Job Board, <https://www.loubar.org/placement-services>.

Legal Administrative Assistant:
Talis Group's client is a national law firm with offices in the tri-state area. This highly successful law firm takes pride in excellent customer service, diversity, community service and quality of service. Our client would like to hire a legal administrative assistant for their Louisville, KY office. This position is full time, 8:30a-5p, and offers a benefits package such as paid time off (18 days at start) paid holidays, profit sharing, 401k, health insurance and more! Salary range: \$50,000-\$58,000. This position is ideal for a strong administrative assistant with no prior legal experience. The position will offer training and gentle introduction into legal support. This position will be working for two partners and their legal secretaries. For a list of duties and requirements, visit the LBA Job Board, <https://www.loubar.org/placement-services>.

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Bentley



Brooker



Farmer



Lattig



Lee



Vance



Watson



Wheatley

Stites & Harbison announced today that **Frederick R. Bentley (Reggie)** and **Brian P. Lee** have been promoted to Member (Partner). Bentley joined the firm's Business Litigation Service Group and practices complex business and commercial litigation, class action litigation, real estate litigation and appellate advocacy. He represents clients in high stakes matters in state and federal courts in Kentucky and elsewhere. Bentley also advises tech entrepreneurs with a growing practice advising businesses in the cryptocurrency industry, including litigation involving Bitcoin mining operators. Lee joined the firm's Real Estate & Banking Service Group and his practice primarily involves advising clients in many aspects of commercial real estate law, including purchase and sale transactions, leasing and financing. He regularly represents private equity firms and high-net worth individuals with their investment transactions across all asset classes of real estate. Lee also assists non-real estate businesses across various industries in achieving their real estate needs and goals, such as acquiring or leasing space for their operations. He also regularly assists in corporate transactions, such as mergers and acquisitions, master service agreements and supplier agreements.

Gwin Steinmetz & Baird is very pleased to announce that **Kathleen E. Watson** has been promoted to Member. Watson's practice primarily centers around defending health care providers against claims of professional negligence.

Wyatt, Tarrant & Combs is pleased to announce that **Christopher W. Brooker** has been named Leader of the firm's Litigation and Dispute Resolution Service team, and that **Mark J. Farmer** has been named Leader of the Corporate and Securities Service team. Brooker is lead counsel in a wide array of cases at the trial level, including contract, fiduciary, health care, constitutional, gaming and trademark cases. He also has extensive experience as lead counsel in both state and federal appellate courts. Brooker earned his J.D., with honors, from the University of North Carolina School of Law. Farmer concentrates his practice in general business law, mergers and acquisitions and venture capital/private equity investments. Farmer earned his J.D. from the University of Louisville Brandeis School of Law, *magna cum laude*.

Wyatt, Tarrant & Combs is also pleased to welcome a new Partner, **Erik C. Lattig**, to the firm's Commercial Real Estate practice. The focus of Lattig's practice is real estate, development, sale-leaseback arrangements, tax incentives and

among other things, the development of EV charging stations. He has served as a member of the Greater Louisville Regional Land Development Task Force, the International Council of Shopping Centers and the Association of Corporate Counsel, Kentucky Chapter. Lattig earned his J.D., *magna cum laude*, from University of Louisville Brandeis School of Law.

Aaron Vance and **Catie Wheatley** have joined Faegre Drinker Biddle & Reath as associates in the Labor and Employment Practice Group. Vance's practice centers on traditional labor and workplace safety matters, representing and advising employers through union organizing campaigns, NLRB proceedings, labor arbitrations, workplace safety investigations, disputes and compliance within Kentucky and across the country. He graduated from the Indiana University Maurer School of Law in 2020, *cum laude*, and is admitted to practice in Colorado, Indiana, Kentucky and Michigan. Vance has previously served as the Chair (2023, Section of the Year) and Vice-Chair (2022) of the LBA's Labor and Employment Law Section and is an active contributor to the LBA's Annual Warns-Render Labor and Employment Law Institute. Wheatley focuses her practice on employment litigation ranging from defense of employment discrimination claims to restrictive covenant disputes, ERISA litigation and negotiated separations. Before entering private practice, Wheatley clerked for the Hon. Geoffrey G. Slaughter of the Indiana Supreme Court (2020-2022) and the Hon. Eugene E. Siler, Jr. of the U.S. Court of Appeals for the Sixth Circuit (2022-2023). She obtained her J.D. from the Indiana University Maurer School of Law in 2020, *summa cum laude* and Order of the Coif, and is admitted to practice in Indiana and Kentucky. Wheatley currently serves as the Vice-Chair of the LBA's Labor and Employment Law Section. ■

In Memoriam



William Robinson Cook Beard, "Rob" to all friends and associates, passed away unexpectedly on September 14, 2024. Rob had an uncanny knack for finding a friend in any town, institution, club, airport, train station or trail, whether 50 miles away from Louisville or 5,000. He was a graduate of the University of Virginia School of Law. He was a partner with Stites & Harbison for 38 years, where he was grateful to be a colleague among those who endeavored in the pursuit of service and justice.

Rob had a different understanding of the word "retirement" than most and gave his "free" time to many organizations. With his 83 and a half years, Rob's list of accomplishments is long, however, his enduring 55-year marriage to the love of his life, unstoppable support of his twin daughters and unwavering encouragement of his grandchildren was the top of the list. ■

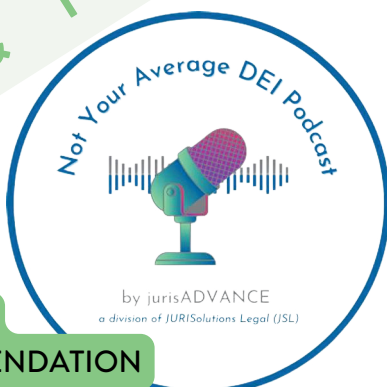


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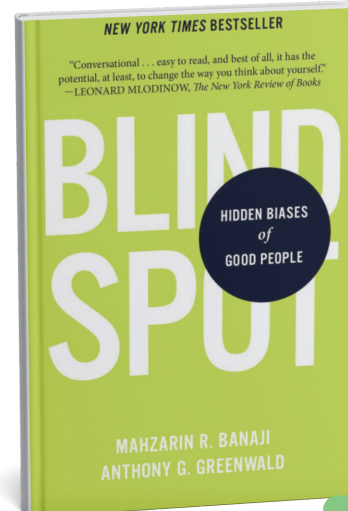
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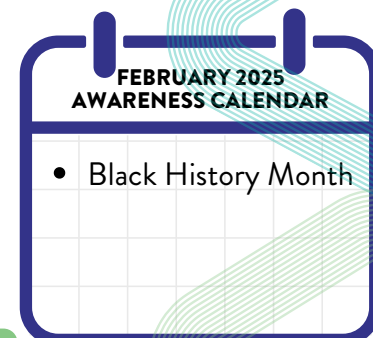


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“In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute.
—Thurgood Marshall, the first African American U.S. Supreme Court member





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YOUNG LAWYERS SECTION

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Wednesday, February 19
8:00 AM - 9:00 AM
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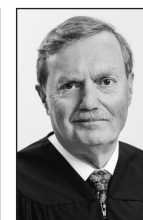
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