# BARbriefs

Louisville Bar Association

March 2025

## March is Women's History Month

LOUISVILLE BAR ASSOCIATION
LAW • COMMUNITY • EDUCATION

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

## Professional Excellence



## Events



## Serving Our Members



## In this issue

# Creating a Legal Community that Mirrors Our Community

March is the third month of the year. When we were kids, it represented that we were getting that much closer to the end of the school year. Probably because where we lived in Miami, March was when we started to see the ice cream trucks and similar vendors. In our minds, ice cream meant winter was over.

As adults, we no longer need permission to eat ice cream. In fact, it is up to us to appreciate what we can have. In the U.S., there is a tendency to name days after people, items, occasion, historical events and more. March 2nd is National Banana Creme Pie Day. March 8th is both National Peanut Cluster Day and National Crabmeat Day. March 22nd is National Corndog Day and March 27th is International Whiskey Day. And there are more.

In 1987, Congress passed a law designating March as Women's History Month. This was before I graduated from law school. I think back to that time and remember meeting Judge Olga Peers in 1985 at an event. We discussed law school, and she was very encouraging. I enrolled in the evening division at the Brandeis School of Law in Louisville in 1986. I passed in the bar in February 1990.

I think back to the legal and judicial landscape in Louisville in 1990, and the phrase from a commercial, "You've come a long way, baby!" resonates.

According to demographics cited on the American Bar Association (ABA) website:

> From 1950 to 1970, only 3% of all lawyers were women. The percentage has edged up gradually since then — to 8% in 1980, 20% in 1991, 27% in 2000 and 41% in 2024.

The ABA also noted that law schools award more Juris Doctor degrees to women than men every year. Also, as the population ages, more male attorneys are retiring. Women still lag behind men in compensation and partnership ranks in large firms.

In terms of the judiciary, in Jefferson County, as of today, women outnumber men on the District, Circuit and Family Court benches. On the state level, the same statistics apply.

At one point in the United States, if you asked a teenage girl what she wanted to be when she grew up, she had limited choices: teacher, nurse, secretary. The choices soon grew to include doctors, lawyers and scientists. In the last 50 years, we have seen women make breakthroughs in all professions. It is no longer considered odd to hear little girls say, "I want to be an astronaut," and have it happen. Computer science degrees and programs also show a surge of interest in girls in middle and high school. The world has changed, and in my opinion, for the better.

Diversity, Equity and Inclusion (DEI) policies are designed to promote fair treatment and the full participation of everyone—in particular, those groups that have been historically underrepresented or discriminated against based on their identity or disability. DEI policies are credited with facilitating the following:

- subtitles and captions on TVs and telephones
- family restrooms
- lactation rooms
- curb cuts in sidewalks
- reductions in workplace harassment

This list is only a few examples. It does not even include the opportunities provided to students, athletes, employees and others in their respective arenas.

Recently, DEI policies have been in the news. We have seen federal government agencies being advised to stop DEI policies and take the information off websites. Numerous colleges and universities have followed suit. Some businesses have followed the mandate, but others have stood firm and not followed it, still supporting DEI.

The LBA is a voluntary bar association comprised of its members. As such, we can continue to support DEI policies in our own organization, our firms and offices and in our daily lives.

The change in the legal landscape since the 1950s is partly due to changing populations but also to a concerted attempt by the profession to be more inclusive. I am proud to be in a profession that continues to aspire to what is right. As a profession and an organization, we should look like our constituency, our community.

How we individually support DEI is up to each of us. I joke that I am running out of stores and restaurants to visit or support as these changes occur. Personally, I will not support any organization that has eliminated its DEI policies. I hope you join me.

María A. Fernandez
LBA President

*I am proud to be in a profession that continues to aspire to what is right. As a profession and an organization, we should look like our constituency, our community.*

# THANK YOU TO OUR 2025 COMMITTEE CHAIRS

## COMMUNICATIONS
Chair: Bruce A. Brightwell

The Communications Committee strives to ensure continuity and focus of internal/external communications in support of the LBA's organizational and strategic objectives. It oversees communication content and methods, including through the website, on social media and in our publications.

*LBA Staff Liaison: Tess Taylor, ttaylor@loubar.org*

## GENDER EQUITY
Chair: Jennifer Kleier

The Gender Equity Committee examines and addresses issues related to pay inequity among attorneys based on gender; parental leave after the birth or adoption of a child; and workplace sexual harassment. It also works in conjunction with the Jefferson County Women Lawyers Association to establish mentoring relationships for the benefit of females embarking upon legal careers.

*LBA Staff Liaison: Lisa Anspach, lanspach@loubar.org*

## KENTUCKY LAWYER REFERRAL SERVICE
Chair: Position Open

The KLRS Committee is responsible for reviewing and recommending to the Board of Directors rules and regulations for enrollment in and delivery of the LBA's lawyer referral services, including assignment of matters to participating attorneys, collection of fees and marketing of services to the public.

*LBA Staff Liaison: Deborah Dye, ddye@loubar.org*

## CONTINUING LEGAL EDUCATION
Chair: Position Open

Committee members assist in providing input and advice to the CLE Department and by offering suggestions regarding topics, speakers, delivery methods, costs and marketing of CLE seminars. This committee helps various sections meet their obligation to produce seminars and has the option to develop seminars in addition to those produced by the sections.

*LBA Staff Liaison: Lisa Anspach, lanspach@loubar.org*

## HEALTH AND WELLNESS
Chair: Jennifer Kleier

The Health and Wellness Committee examines and addresses issues related to bettering the profession by destigmatizing mental health issues, increasing overall well-being, offering fitness activities and resources and programs to strengthen legal professionals and law students.

*LBA Staff Liaison: Lisa Anspach, lanspach@loubar.org*

## MEMBER SERVICES
Chair: Amy DeRenzo Hulbert

The Member Services Committee is responsible for reviewing and recommending to the Board of Directors requirements for LBA membership as well as the development and delivery of member benefits.

*LBA Staff Liaison: Marisa Motley, mmotley@loubar.org*

## DIVERSITY AND INCLUSION
Co-chairs: Michelle Duncan and John Selent

The Diversity and Inclusion Committee's overarching goal is to help the LBA more closely reflect the community it serves by encouraging persons from groups historically underrepresented in the legal profession to pursue careers in the law and to facilitate full participation by attorneys from such groups in bar programs and activities. Among other things, it plans special events (e.g., Black History Month program, Hispanic Heritage Month celebration) and administers a scholarship program for students at the UofL Brandeis School of Law.

*LBA Staff Liaison: Lisa Anspach, lanspach@loubar.org*

## INVESTMENT
Chair: Mark Franklin

The Investment Committee is responsible for managing the LBA's investment account. It is authorized to engage investment advisors and oversee their activities. It may establish brokerage accounts and make decisions to buy, sell or hold individual assets within guidelines established by the Board of Directors. It also reviews the investment policy statement and recommends any revisions or modifications for approval by the Board of Directors.

*LBA Staff Liaison: Kristen Miller, kmiller@loubar.org*

## PUBLIC OUTREACH COMMITTEE
Chair: Sarah McKenna

The Public Outreach Committee provides opportunities for attorneys to participate in service projects that make Louisville a better community.

Current projects include: Back 2 School supply drive, Santa's Court Toy Drive (benefiting The Salvation Army's Angel Tree program), the Summer Law Institute and the High School Intern Program.

*LBA Staff Liaison: Marisa Motley, mmotley@loubar.org*

# Changes and New Initiatives at Jefferson District Court

***Chief Judge Jessica Moore***

Greetings friends and colleagues. As I begin my second term as Chief of the Jefferson District Court, I am excited to share several updates taking place in the Hall of Justice. We are thrilled to welcome Susan Ely as the new District Court Administrator. She brings years of experience in litigation and leadership in various roles throughout the judicial complex.

District Court continues to review and revise our processes, scheduling and case management across all court divisions as the Administrative Office of the Courts develops our next generation e-filing (File and Serve) and a new case management system (Enterprise Justice). As my 15 colleagues joke about how much I "love a meeting," there truly are great changes in the works to prepare us for these new systems.

Court initiatives in 2025 include:

- The Eviction Diversion program continues as District Court received renewed grant funding through EDI (Eviction Diversion Initiative) for two additional years. This grant funds two eviction diversion specialists to assist the courts and parties with access to resources and connections with community partners.
- The Unlawful Camping Docket – District Court has initiated the Unlawful Camping docket for parties cited under KRS 511.110 in partnership with LMPD, the County Attorney, Department of Public Advocacy, Louisville Metro Office of Homeless Services, Coalition for the Homeless and the Office of the Circuit Court Clerk. This docket is held the last Wednesday of every month with a goal of providing access to services and resources at the court appearance. As partners in this initiative, we hope to identify specific barriers and challenges that bring litigants before the court under this law and work collaboratively to help those who are homeless and/or houseless in our community.
- Bench Warrant Amnesty Dockets will be held again this year on Friday, March 7th at 1 p.m.; Saturday, March 8th at 9 a.m.; and Monday, March 10th at 1 p.m.

Information regarding all court schedules can be found at *JeffersonDistrictCourt.com*.

As I close, I keep reflecting on the remarks made at the recent Louis D. Brandeis medal dinner by Justice Sonya Sotomayor. What an outstanding event for our community! When asked how she handles disagreements at the highest level of our courts, and often being in the minority opinion, she eloquently spoke of the importance of being in the room where it happened… Even if I lose or disagree, I was in the room where it happened… That matters and my voice matters.

This is so true and I think we often forget it. In the hectic haze of a packed schedule and feeling like there is never enough time in the day, remember how important your voice is in the room. Be in the room where it happened.

*Judge Jessica Moore serves as Chief District Court Judge while currently presiding over a criminal court docket. She resides in Louisville with her husband, Attorney Evan Spalding, and their two children. She looks forward to competing in the LBA's Pickleball Palooza again this year!* ■

## MEETING ANNOUNCEMENTS

### Women Lawyers Association

Join the Women Lawyers Association on Thursday, March 13, from noon to 1 pm at the Jefferson County Law Library, 514 W. Liberty St., 2nd floor. This month, Professor JoAnne Sweeny, will be presenting "From Hatpins to Pepper Spray: The History of Street Harassment." Lunch catered by Locals Louisville. Register on our website: https://wlajeffco.com/event/march-luncheon-25/. ■

### 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, March 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. ■

## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY

### RECRUITMENT NOTICE FOR CRIMINAL JUSTICE ACT TRIAL ATTORNEYS AND MENTORSHIP PROGRAM PARTICIPANTS

The Criminal Justice Act Trial Attorney Panel

Pursuant to the Criminal Justice Act of 1964, as amended (18 U.S.C. § 3006A) (the "CJA"), the United States District Court for the Western District of Kentucky has adopted a plan for providing representation to individuals who are financially unable to retain counsel in certain circumstances. The plan provides for the establishment of panels of private attorneys who are eligible and willing to be appointed to provide representation under the CJA.

Attorneys seeking admission to one of the Court's CJA Panels must be members in good standing of the Kentucky Bar Association for at least four (4) years and admitted to practice before this Court for at least two (2) years preceding the application. Applicants must additionally maintain an office in the division of the CJA Panel for which they seek membership. Specific qualifications are contained in Section VII(C) of the Court's CJA Plan located on the Court's website, https://www.kywd.uscourts.gov/cja.

Application Process

Attorneys interested in being appointed to a CJA Panel should submit an application, which can be found on the Court's website at https://www.kywd.uscourts.gov/cja, via email to CJA_Application@kywd.uscourts.gov anytime from **March 1 to March 31, 2025**.

Approval of attorneys for membership on a CJA Panel and the CJA Mentorship Program will be made by the Court after review of all eligible applications, consideration of relevant case data and consultation with the CJA Panel Committee. For more information, please visit www.kywd.uscourts.gov/cja. ■

# Special Education Advocacy: An Untapped Niche for Family Lawyers

*Melina Hettiaratchi*

March is Developmental Disability Awareness Month, and the LBA Family Section is taking this opportunity to spread awareness about how family lawyers can provide needed advice and advocacy to clients navigating the special education system.

"Inclusive education is not a privilege. It is a fundamental human right."
*– Ban Ki-Moon, former Secretary-General of the United Nations (2007-2016)*

As family lawyers, we often encounter clients facing emotionally charged situations, but few challenges are as intricate and impactful as navigating the education system for a child with special needs. Adding special education advocacy to your practice is not just an opportunity to expand your services, it is a chance to profoundly impact families in need while distinguishing yourself in the legal field. Family law practitioners can play a vital role in this area by demonstrating how education issues intersect with custody disputes, why your legal expertise makes you the perfect advocate and providing an overview of the Individualized Education Program (IEP) and Section 504 plan processes.

Throughout this article, remember you do not need to be a subject matter expert yourself in specific diagnoses, assessments or evaluations to support your clients. The professionals involved with your clients as assessors or providers can offer support. For expert consultation and witnesses, consider partnering with Kentucky IEP Advocates: *https://www.kyiepadvocate.com/*.

## *The Synergy Between Family Law and Special Education Advocacy*

Family lawyers are ideally positioned to support families in special education matters due to their existing relationships and understanding of family dynamics. Many issues within family law, such as custody disputes and divorce proceedings, can directly impact a child's IEP or 504 plan. Conversely, learning differences can lead to parenting conflict and, in many instances, to litigation in family court.

## *Benefits to Your Practice*

By offering special education advocacy, family lawyers can:

- **Provide comprehensive legal support:** Addressing both family law and special education concerns ensures holistic representation for families during challenging times. You can help children access the education to which they are entitled under federal law.
- **Enhance client relationships:** Expanding services demonstrates a commitment to a client's overall well-being, fostering trust and loyalty. You'll serve parents as a trusted partner in their fight for their child's future.
- **Tap into an underserved market:** You can assist the many caregivers of children with disabilities who struggle to find affordable legal representation in special education matters.
- **Generate additional revenue:** Discover a new stream of income for your family law firm. Stand out as a comprehensive advocate for families.

This is not just an opportunity—it is a call to action. Families need your voice in the room.

## *Why Education Advocacy Is Key in Custody Cases*

Educational issues are increasingly central to custody disputes, particularly when a child has special needs. By incorporating special education advocacy into your practice, you can address these critical intersections effectively.

- **Parental disagreements:** Parents may clash over evaluations, services or school placements. Your understanding of education law can help you advocate for solutions that prioritize the child's best interests.
- **Custody and decision-making:** Courts may grant sole legal custody to one parent when conflicts over education harm the child. Demonstrating your client's active involvement in the child's education can be a decisive factor.
- **Stability in schooling:** Courts often prioritize educational stability. Advocating for custody arrangements that maintain consistency in the child's education can strengthen your case.
- **Impact on parenting time:** Educational needs may require adjustments to parent-

*(Continued on next page)*

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ing time schedules. Your ability to present these changes in a fair and compelling way can benefit your client.

When you understand special education law, you can make powerful arguments that resonate with courts and protect the child's interests.

### *IEPs and 504 Plans: Cornerstones of Special Education Law*

Two key legal documents govern special education services: the Individualized Education Program (IEP) and the 504 plan.

- An **IEP** is a comprehensive, legally binding document tailored to a student's specific needs, outlining specialized instruction, related services and measurable goals.
- A **504 plan** is less intensive, focusing on accommodations and modifications to ensure equal access to education for students with disabilities.

In short, IEPs can *modify* instruction and assessments while 504s can *accommodate* how a child receives the same instruction or assessments as their peers. While school districts are obligated to provide these services, the process can be complex and contentious. Parents often feel overwhelmed and under-equipped to advocate effectively for their child's needs. This is where family lawyers can step in, leveraging their legal expertise to navigate the intricacies of special education law.

### *The IEP Process: A Tool for Advocacy*

The Individualized Education Program (IEP) is a powerful tool that ensures children with disabilities receive a Free Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA). However, many parents struggle to navigate this process. This is where your skills as a family lawyer can shine.

The IEP process involves:

1. **Referral and evaluation:** The IDEA's "child-find" mandate requires public schools to evaluate students suspected of having a disability. Parents or teachers can request an evaluation, and schools can only refuse if there is no suspicion. Delays and denials are common, so advocacy is crucial to ensure students receive proper evaluation.
2. **Eligibility determination:** A team of professionals and parents determines if a child is eligible for special education services. Disagreements may arise due to the complexity of the disability categories and differing opinions of team members, requiring negotiation skills from lawyers.
3. **Developing the IEP:** The collaborative process involved in creating an IEP is essential for outlining a child's current academic and functional performance, setting measurable goals, determining necessary services and supports, and specifying accommodations to facilitate learning. By actively participating in the IEP meetings and collaborating with the school team, you can play a crucial role in ensuring that the parents' concerns and perspectives are taken into account and can have a significant impact on the child's educational experience and overall well-being.
4. **Implementation and review:** When educational institutions neglect to implement IEPs as they are formally written and agreed upon, this can result in a failure to provide the FAPE guaranteed to all students under federal law. In such instances, legal intervention may become necessary to ensure that the school is held accountable for its obligations and that the IEP is implemented faithfully as written. This may involve initiating due process proceedings, filing complaints with state or federal agencies or pursuing other legal remedies.

By helping families navigate this process, you provide them with peace of mind and empower them to secure the services their children need to succeed.

### *The Role of Section 504 Plans*

While an IEP is a crucial tool for students with disabilities who require specialized instruction, it's important to remember that not every child with a disability will meet the criteria for an IEP. The Rehabilitation Act of 1973, specifically Section 504, offers a broader framework for supporting students with disabilities who may not need specialized instruction but still require accommodations to ensure equal access to education.

Unlike an IEP, which focuses on specialized instruction and related services, Section 504 accommodations are designed to level the playing field by addressing the specific needs of students with disabilities. These accommodations can take various forms, depending on the individual student's needs. For example, a student with dyslexia might receive extended testing time to compensate for their slower reading speed, while a student with ADHD might benefit from assistive technology that helps them stay organized and focused. Other common Section 504 accommodations include preferential seating, access to a quiet testing environment or the use of a notetaker.

Parents often feel overwhelmed when determining whether an IEP or 504 plan is appropriate for their child. As a family lawyer, you can:

- Explain the differences between IEPs and 504 plans.
- Consult with experts and providers to advocate for the proper evaluation and accommodations.
- Challenge schools that fail to provide adequate support.

This knowledge will make you an invaluable resource for families who feel lost in the system.

### *Practical Steps to Get Started*

If you're ready to embrace special education advocacy, here are some steps to consider:

1. **Educate yourself:** Familiarize yourself with IDEA, Section 504 and relevant state laws. Consider attending workshops or partnering with special education advocates. Reach out to the LBA if you are interested in CLEs on these topics.
2. **Build a network:** Collaborate with psychologists, educators and therapists to create a robust support system for your clients.
3. **Offer initial consultations:** Help families understand their rights and options, even before disputes arise.
4. **Stay current:** Keep up with changes in education law and local practices to provide cutting-edge advice.
5. **Integrate this work into custody cases:** Highlight your expertise in special education during custody disputes to show courts how you can help achieve the best outcomes for children.

### *Conclusion*

It's important to note that IEPs and Section 504 plans are not intended to give students with disabilities an unfair advantage; rather, they aim to remove barriers that might otherwise prevent these students from fully participating in and benefiting from their education. By providing appropriate accommodations, schools can ensure that all students, regardless of disability, have the opportunity to succeed.

This is just an introduction to special education advocacy and representation. If you have questions or want to join the growing community of lawyers providing these services, contact me directly at *melina@helmerslaw.com*. For more information about my work with Helmers+Associates, visit *www.helmerslaw.com*.

Integrating special education advocacy into a family law practice is not only a natural extension of existing services but also a strategic business move. By recognizing the interconnectedness of family law and special education, attorneys can better serve their clients, expand their practice and make a lasting difference in the lives of families with children with disabilities.

*Melina Hettiaratchi is a lawyer with a strong background in special education and advocacy. She earned a degree in Early Childhood Education from Mercer University, specializing in education equity and special education instruction, before pursuing law at UC San Francisco College of the Law. Her legal career focuses on holistically supporting families by consulting on special education matters, facilitating connections to resources and advocating in court and schools when necessary. Now practicing in Louisville at Helmers+Associates, she leads in family law and community advocacy, earning recognition as a Super Lawyers Rising Star in 2024 and 2025 and the LBA's Robert and Frank E. Haddad Young Lawyer Award in 2023.* ■

# *legal aid society's* 50 FIRM CHALLENGE

As part of the 2024 Justice for All Campaign, Legal Aid Society challenged fifty firms to join the Fifty Firm Challenge in honor of the Legal Services Corporation's 50th Anniversary. These leading law firms rose to the occasion, standing with us in this milestone year to champion equal access to justice and drive meaningful change.

Adams Law Group
Alex Davis Law Office
Batey Brophy & O'Dea, PLLC
Borders & Borders
Brite & Hopkins
David Deep Law Firm
Dentons
Dinsmore & Shohl
Dodd & Dodd Attorneys, PLLC
Duncan Galloway Greenwald
Eimer Stahl
Fisher & Phillips
Fulton, Devlin & Powers
Bahe Cooke Cantley & Nefzger
Barnes Maloney
Bass, Berry & Sims
Coulter Reporting
Fore Law PLLC
Frost Brown Todd
Gardner Law, PLLC
Gray & White Law
Jenkins & Wheatley Family Law
Kellner Green
Locke Lord
Morgan Pottinger McGarvey
Napier Gault Schupbach & Stevens
O'Bryan, Brown & Toner
Poppe Law Firm
Retired Judges & Associates Mediation
Rubin & Hays
Seiller Waterman
Simpson Thacher & Bartlett
Sparks Integrative Family Law
Stites & Harbison
Stoll Keenon Ogden
Stone Law Office
Straw-Boone Doheny Banks & Mudd
Tachau Meek
Thompson Miller & Simpson
Tilford Dobbins & Schmidt
Travis, Herbert & Stempien
Valenti Hanley
Vice Cox & Townsend
Wyatt Tarrant & Combs

## LEGAL AID SOCIETY

416 W. Muhammad Ali Blvd., Ste. 300 | Louisville, KY 40202
(502) 584-1254 | YourLegalAid.org

## *Mission Feature*

Legal Aid Society's Project Renew is just one of the dozens of programs Legal Aid Society provides to our community. Project Renew removes civil legal barriers to recovery and long-term stability for individuals impacted by Opioid Use Disorder. This work would not be possible without firm support. Special thanks to the Kentucky Opioid Abatement Advisory Commission and Equal Justice Works for additional funding for Project Renew.

**654** KENTUCKIANS SERVED

**449** KENTUCKY CHILDREN *as* SECONDARY BENEFICIARIES

**121** SURVIVORS *of* DOMESTIC VIOLENCE

**44** VETERANS

**158** HOMELESS INDIVIDUALS

**68** SENIORS

**44** PEOPLE *with* DISABILITIES

**757** TOTAL CASES WORKED

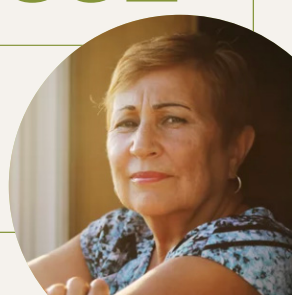
CASE BREAKOUT

| | |
|---|---|
| 211 | SUPPORT FOR EMPLOYMENT |
| 22 | PERSONAL SAFETY |
| 66 | HOUSING |
| 298 | FAMILY STABILITY |
| 160 | INCOME STABILITY |

CASE BREAKOUT

ESTIMATED PRIVATE ATTORNEY FEES SAVED *by* CLIENTS
**$2,643,332**

RECOVERED *by* CLIENTS
**$90,076**



# Résumé Tips and Tricks

*Renee Fulton*

When you've been a recruiter for decades, you've seen it all when it comes to résumés. Your résumé should show your work experience and skills in a manner that makes it easy for the reviewer to quickly understand your level of expertise and know what type of position you seek. You don't get credit for number of words on this project, so find a way to get to the heart of your experience in as few words as possible.

Here are some tips to get started:

- Most résumés should be no longer than two pages. If your résumé goes to the third page, you should be at the very top of your game, running an office, managing a large group and having a career of varied tasks. I always say you better "earn" that third page.
- Format your résumé chronologically. This means you list each job in order from the most recent to the oldest with your duties and successes under each position.
- When you list the firm's name, identify below it in italics the types of law practiced. Help the reader of your résumé know if Firm XYZ is a personal injury firm or corporate litigation firm, etc. Make sure to note what type of law experience you have.

**XYZ Firm, Louisville, KY** **August 2018 - Present**
***(Focus areas: Litigation, Employment Law, Corporate Real Estate and Finance)***

- *Do not use frilly or hard to read fonts.* Stick with professional fonts such as Times New Roman or Arial.
- Make sure your name, address and phone number are accurate and monitored daily. I can't tell you how often we try to speak to someone only to find their voice mailbox is full. Email messages sometimes go into the spam folder so monitor that daily, also.

**Joe Job**
**123 Main Street, Louisville, KY 40202 502-581-5555 jjob@yahoo.com**

- The space below your header information is a great place to show career achievements. This area can be a few sentences long and show the type of position you are seeking along with three to four bullet points of accomplishments/career achievements that will matter to the employer.
- Show all your licenses. Believe it or not, even as hard as it is to get licensed, about two in 10 résumés don't show their license(s). Example: "Licensed in KY and UBE high enough to transfer into Indiana."
- Use bullet points instead of sentences as they can be reviewed faster.
- Anticipate recruiter questions and answer them on the résumé. For example, pretend your job tenure in the last couple of jobs is five years each, but in the middle of those jobs you held a position for one year. The reviewer will immediately want to know why the position lasted only one year. What happened? Did you quit? Were you fired?

**ABC Firm (firm closure)** **August 2023 - August 2024**

Notice how the short job tenure jumps out at the reviewer, but the reason shown beside the firm name answers the question. The reason is neutral so the review will continue.

Only use this technique of answering obvious questions if the answer is favorable or neutral. Things like closures, losing clients, layoffs, etc. are neutral. Do not list anything on your résumé that is negative such as conflicts with bosses or co-workers or terminations. If asked in an interview, you would answer succinctly without a long story.

Job tenure in the last decade has continued to decline. People change jobs for many reasons and lots of those reasons are not well received. If you have had three jobs with two years' tenure in each, I know you will likely only stay two years at the position being hired. If you have some good reasons for such tenure, ensure that information is part of the résumé.

Example: ABC Firm merges with DEF Firm. Sometimes the way the company name and positions are listed on the résumé make it appear the job seeker has poor tenure when in reality they remained with the same company for many years. In such a situation, list the name of the surviving company with the full length of service.

**Alphabet Firm, Louisville, KY** **August 2018 - Present**
***(Company resulted from the merger between ABC and DEF)***

- For attorneys, most law firms will ask for a writing sample so have that prepared in advance for quick turnaround.
- One résumé does not fit all. You may need to tweak your résumé when applying to different positions to punch up one skill or the other.

The above tips and tricks will get you started on the right path. Also, working with a knowledgeable recruiter can help point out issues as well as highlight the right skills. We wish you well in your job search!

*Renee Fulton is a CPA and owner of Talis Group, Inc. Talis Group is a recruiting company helping clients hire professional level attorneys, legal support, accounting, human resources, technical sales, engineering and administrative and clerical candidates. Renee has served as Chairman of KYCPA's, "CPA's in Industry" committee as well as on the Editorial Board of KYCPA.* ■

# Mediation Blue Zones

*Tom Williams*

Have you heard of "blue zones?" A blue zone is a place where a higher number of people live to be 100 years old. People in these places, it is argued, live healthier lives. Costa Rica and Okinawa, Japan have been identified as generative blue zones.

The underlying concept of blue zones—that people are different because of the place they reside—is intuitive. Name something where context doesn't matter. Mediations are no different. A mediation, as you know, is a negotiation facilitated by an independent third party neutral.

Based upon my years of mediation experience, the context of a mediation may, in some circumstances, matter almost as much as logical arguments in resolving disputes. I am not suggesting that the facts and the law and power dynamics are not foundational to mediation results. What I am suggesting is that mediation context should be considered and is often ignored to the detriments of the participants.

Before addressing the importance of mediation context, however, I will address the importance of negotiation context. Because what is a mediation other than a facilitated negotiation?

## Negotiations Context

There are only a few experiences that I still remember from law school. My negotiations class is one. The class was set up as a competition. Each member of the class was given a partner, and each two-person team of negotiators were given a scenario to negotiate. The teams were graded on the results of the negotiation. The better the negotiation results, the better the grade. There were eight teams of negotiators paired up each week against a different opponent.

In the first negotiation, my team negotiated against a confident and out-spoken team. Consistent with our training, we established goals and an approach before the negotiation. The negotiation seemed to go smoothly as we reached toward an agreement within our objectives. Our opponents, however, exuded a disturbing sense of triumph as the negotiation moved to a conclusion. In a final caucus, my team revised our calculations assuming, because of our opponent's confidence, that we must have been mistaken. We came back, hat in hand, to the other team humbly expressing our mistake. The other team agreed and allowed us what was a better result.

At the next class, before announcing the results, our professor asked the teams to assess their performance. Our team assumed that we performed poorly. Our opponents, however, expressed their confidence, anticipating a great outcome.

When the results of the negotiations were finally revealed, my team learned that we, in fact, obtained the best results, earning an A for the negotiation. Our professor, thankfully, didn't allow us to miss the teaching moment here. He explained that, while our team performed objectively well under the artificial environment of a law school class, our opponents may have performed subjectively better. He underscored the fiction of the assignment pointing out that no one ever negotiates a scenario against three other teams. Instead, every negotiation is a "one-off" situation where the negotiator seeks both objective and subjective results. Under this evaluation of the negotiation, while we won the objective test of the negotiation, we may have lost in the real world of the subject needs of clients who want confidence in their advocates and reassurance by those advocates in the outcome.

> *(A) negotiation is not a race timed with a stopwatch. Instead, it is also a subjective relational process where context matters.*

This was an important lesson that I take with me to this day; specifically, that a negotiation is not a race timed with a stopwatch. Instead, it is also a subjective relational process where context matters. And the context is one of human beings with a wide range of emotions and expectations that are based upon their background and experiences. How, then, a negotiator maintains relationships and client confidence is as important as "objectively" good results.

Now back to the original question of this article: how a mediator creates a context where disputes are more easily resolved—what I am calling a mediation blue zone.

## Emotional Temperature

Marriage therapists warn that it takes an hour to reset after becoming emotionally flooded. For someone who is emotionally flooded, therapists recommend a walk or some other reset before having any serious discussions.

For most of us, that hour of being flooded is precisely when the most serious discussions are raised to the determent of all involved.

In the same way, mediators should take steps to ensure none of the mediation parties become emotionally flooded. One way this is accomplished, for example, is by avoiding opening statements that might do nothing more than trigger the other side.

But this begs the question: how does a mediator monitor and maintain the emotional temperature in a mediation? In a follow up to the seminal book, "Getting to Yes," leaders of the Harvard negotiation project wrote, "Beyond Reason, Using Emotions as You Negotiate." This book identifies what they have identified as the five core concerns of participants in a negotiation. These core concerns are both a lever and a lens. The concerns are a lever in the sense that consciously addressing the core concerns will positively increase the emotional temperature and they are a lens in the sense that they help diagnose when the emotional temperature has taken a turn for the worse.

I won't go into all of the five core concerns here, but I will point out one—our need for autonomy. No one likes to be told what to do, even if it is good for him or her. Thus, a wise mediator always respects the autonomy of the participants in a mediation never telling them what they "will do" or that they must resolve the matter. The parties will chafe at this approach. (I would be remiss if I didn't mention that the other core concerns are appreciation, affiliation, status and role. I would recommend this book to anyone.)

## Welcoming Emotions

While it is important to maintain the emotional temperature of a mediation, it is equally important to create a welcoming place for the participants to feel and appropriately express emotions. Law school teaches us to set aside emotions, but reality shows that emotions are real and a part of often what are emotionally charged situations.

In her book, "The Language of Emotions: What Your Feelings are Trying to Tell You," author Karla McLaren asserts that emotions are not good or bad—they are simply information. According to McLaren, each emotion contains a question. For example, when one feels anger it is often because some boundary has been violated. McLaren posits that while an emotion may be dishonorable, expressed by, for example, dumping rage on another, the emotion itself is not wrong. Thus, creating a "safe" space for the expression of emotions will often soften the position of the mediation participant and allow that participant access to higher-level decision-making capacities. The role of the mediator here is to receive the emotion being expressed while avoiding conditions where the emotion is dishonorably expressed, thus triggering retaliation. This mediation skill is simple but not easy.

In my experience, creating a "safe" space where every emotion is welcomed creates a container where something different can happen and frozen beliefs can thaw. What do I mean by frozen beliefs? Peace negotiators in war zones have learned that pure logical argument without a preliminary effort to affirm the position of the other is actually counterproductive. When one's position is perceived to be attacked with argument or "logic," the natural response is to defend the position with the consequence that the position becomes "frozen." These peace negotiators have learned that if one can affirm what one is able to affirm in the other, it creates the conditions where a frozen belief will thaw, and new beliefs may emerge. A mediator attempting to create a context where a dispute may be resolved should, therefore, affirm the anger of a participant and acknowledge the feeling that the participant's boundary has been violated. Affirming this emotion is potentially a step in thawing a frozen belief that is in the way of a potential resolution. Quite simply, it is sometimes important for a person to be heard on an emotional level so that person can access the rational level.

## Re-contextualizing

A mediation blue zone sometimes requires suggesting a bigger context within which the participants may evaluate success. If we take a step back, our legal system provides a narrow context where typically a result is monetized, and the roles of victim and perpetrator and winner and loser, are paramount. For example, I have noticed that some parties to a mediation will feel like a winner if they obtain $100,000 but feel like a loser if they only recover $90,000. Offering a bigger context where the individual's worth is not dependent on the result of the mediation often softens the frozen belief that a resolution is possible only if a certain result is obtained. The bigger picture shows us that new possibilities arise for every party to a negotiation when a dispute is resolved. As we know, litigation itself is no blue zone.

*Tom Williams is a member of Stoll Keenon Ogden. An advocate for restorative justice, Williams was featured on the Passionist Earth & Spirit Center's podcast in an episode entitled "Big Love: Attorney Tom Williams on Contemplative Practice, Compassionate Justice and the Lawyer as a Healer." Williams and his wife, Sarah, live in Louisville, Kentucky, and have three children — Lilly, Lincoln and Nelson.* ■

## 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. Hardymon** 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

**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.

## 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*

# Navigating Recent Changes to Sixth Circuit Rules and Procedures

*Brandon Girdley*

On April 2, 2024, the Federal Rules of Appellate Procedure (FRAP) governing panel rehearings and rehearings en banc were amended. The amendments took effect on December 1, 2024, and led to corresponding changes to the Sixth Circuit Rules and Sixth Circuit Internal Operating Procedures.

The FRAP amendments transferred the contents of Rule 35, which governed hearings and rehearings en banc, to Rule 40, which governed panel rehearings. The contents of both rules, which contained separate, overlapping and duplicative provisions, have now been consolidated into Rule 40. The new Rule 40 addresses panel rehearing and rehearing en banc together in a single, streamlined rule.

Subdivision (a) of the new Rule 40 clarifies that a party may seek panel rehearing, rehearing en banc or both. However, in doing so, the subdivision makes clear that panel rehearing is the ordinary and preferred means of revisiting a panel decision and that rehearing en banc is not favored. The Advisory Committee Notes also point out that, while the new Rule 40 allows a party to seek rehearing, it does not diminish the court's inherent power to order rehearing *sua sponte*, even if a petition for rehearing has not been filed.

Subdivision (b) of the new Rule 40 is meant to emphasize that panel rehearing and rehearing en banc are intended for different circumstances. The amendment highlights the distinction by contrasting the required content of a panel rehearing petition with that of a rehearing en banc petition. A panel rehearing petition must state each point of law or fact the petitioner believes the court got wrong and must argue in support of the petition. On the other hand, a rehearing en banc petition must open with a statement that does one of four things: (1) states that the panel decision conflicts with another decision of the court, and so the full court must consider the case to maintain uniformity with prior decisions; (2) states that the panel decision conflicts with a decision of the United States Supreme Court; (3) states that the panel decision conflicts with an authoritative decision by another United States court of appeals; or (4) states that the proceeding involves one or more exceptionally important questions. If the petition statement falls into category (1), (2), or (3), then the petition must provide citations to the conflicting case or cases.

Subdivision (c) of the new Rule 40 preserves the existing criteria and voting protocols for ordering rehearing en banc, which were carried over from the old Rule 35. A majority of the circuit judges in regular service who are not otherwise disqualified may order rehearing en banc. They may do so on their own or in response to a petition. No vote need be taken to determine whether a case will be reheard en banc, unless a judge calls for such a vote. This subdivision also reiterates the admonition from subdivision (a) that rehearing en banc is not favored.

Subdivision (d) of the new Rule 40 establishes uniform mechanics of a rehearing petition, including the time to file, the form, the length, the response and oral argument. Absent any order or local rule to the contrary, the time to file a petition for panel rehearing and rehearing en banc is the same: 14 days after judgment is entered or, if the panel later amends its decision, 14 days after the amended decision is entered. There is an exception to the time limit if one of the parties is the United States, a United States agency, a United States officer or employee sued in an official capacity, or a current or former United States officer or employee sued individually in connection with duties performed for the United States. In such cases, the 14-day time limit for filing a petition is extended to 45 days. The form of the petition must comply with Rule 32, which governs forms for briefs, appendices and other papers. The length of the petition is limited to 3,900 printed words or 15 handwritten or typewritten pages. No response to the petition is permitted unless requested by the court, but a petition will ordinarily not be granted absent a response. The Advisory Committee Notes explain that the use of the word "ordinarily" "recognizes that there may be circumstances where the need for rehearing is sufficiently clear to the court that no response is needed." However, before the court grants rehearing without a response to the petition, it should consider the possibility that a response might raise points about the propriety of a rehearing that might otherwise be overlooked. The Advisory Committee Notes give the examples that a response might point out that an argument raised by the party seeking rehearing has already been waived or forfeited, or that there are important parts of the record that had not previously been brought to the court's attention. There is no oral argument on whether to grant a petition for rehearing.

Subdivision (e) of the new Rule 40 explains what happens if a petition for panel rehearing or rehearing en banc is granted. The court has three options: (1) dispose of the case without any further briefing or argument from the parties; (2) order additional briefing or argument; or (3) issue any other appropriate order. This subdivision is analogous to Supreme Court Rule 16.1, which advises counsel that an order disposing of a petition for certiorari "may be a summary disposition on the merits."

Subdivision (f) of the new Rule 40 is a new provision. It governs a panel's authority after a rehearing en banc petition has been filed and explains that the filing of such a petition does not limit the panel's authority to take action on the case. For example, as the Advisory Committee Notes explain, a panel may conclude that it can fix whatever problem is identified in the rehearing en banc petition simply by amending its decision. Subdivision (f) clarifies that the panel is free to do so and that its hands are not tied simply because a rehearing petition was filed. Of course, even if a panel takes steps to fix the problem identified in the rehearing petition, the petitioner may not agree that the panel's actions actually fixed the problem. A party may also believe that whatever action the panel took to fix the problem inadvertently created a new problem. To address those possibilities, the rehearing en banc petition remains pending until disposed of by the court, even if the panel amends its decision in the interim.

Lastly, subdivision (g) of the new Rule 40 governs initial hearings en banc. It explains that a court may hear an appeal or other proceeding initially en banc, either on its own or in response to a party's petition. Like the admonitions in subdivisions (a) and (c), subdivision (g) reminds practitioners that hearings en banc—including initial hearings en banc—are not favored and will ordinarily not be ordered.

The FRAP amendments discussed above led to corresponding changes to the Sixth Circuit Rules. The contents of Sixth Circuit Rule 35 were transferred to Sixth Circuit Rule 40. Those contents explain the mechanics of a petition for rehearing en banc: what the petition must say on the cover sheet, the effect of a grant, and specifying that counsel is not obligated to file a petition for rehearing en banc because counsel's duty is fully discharged by litigating the case to a conclusion. Changes tracking the FRAP amendments were also made to the Sixth Circuit Internal Operating Procedures, or I.O.P.s. The Sixth Circuit I.O.P.s are meant "to provide useful information about the court's procedures and facilities, as distinguished from requirements of practice and procedure." They "describe the responsibilities, functions, organization, and procedures in the day-to-day administration of the court's operation. They also set out the work of the judges, bench assignments, calendaring, processing of opinions, and other operating procedures." Like the FRAP and Sixth Circuit Rules, I.O.P. 35 was consolidated into I.O.P. 40.

In addition to the changes stemming from the FRAP amendments, the Sixth Circuit recently made other miscellaneous changes. Sixth Circuit Rule 25, which governs filing and service and electronic case filing, was amended to allow *pro se* litigants to submit filings via an online portal. Sixth Circuit Rule 30, which governs brief appendices, was amended to specify that, in state death penalty cases, certain records must be filed if they are part of the state court record and are not available electronically. The Sixth Circuit Guide to Electronic Filing was amended to grant discretion to court clerks "to correct docket entry types, relief sought, or other process-related data in conformity with the rules or practices of the court." Finally, changes were made to the Sixth Circuit Pattern Jury Instructions. One new instruction was added concerning credibility of law enforcement officer witnesses, and existing instructions for several criminal offenses had their text and commentaries updated.

The Federal Rules of Appellate Procedure, Sixth Circuit Rules, Sixth Circuit Internal Operating Procedures, and Sixth Circuit Guide to Electronic Filing can all be found in a single document on the Sixth Circuit website, available here: *https://www.ca6.uscourts.gov/sites/ca6/files/documents/rules_procedures/Full%20FRAP%20Rules%20with%20LR%20and%20IOP%2011-27-24.pdf.*

*Brandon Girdley is an Associate with Wyatt, Tarrant & Combs' Litigation & Dispute Resolution and Labor & Employment service teams. He concentrates his practice on a broad range of matters, including commercial disputes, tort and insurance defense, appellate and labor and employment issues. Girdley is chair of the LBA Appellate Law Section.* ■

Please join the LBA at the Louisville Boat Club on March 6th for food and drinks at the legal community's premier gathering.

LOUISVILLE BAR ASSOCIATION

# Bench & Bar Social

**March 6, 2025**
**5:30p - 8:00p**
**Louisville Boat Club**
**4200 River Road**
**LBA Members: $85**
**Non-Members: $160**
**Table of Eight: $650**
*All credit cards subject to a 3% processing fee*

**Limited tickets!**
**Scan the QR Code, P. (502) 583-5314, E. mmotley@loubar.org**

*Thank you to our Silver Sponsor!*

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THE LOUISVILLE BAR FOUNDATION

# Win a trip to SAVANNAH, GA!

$25 a ticket

**LBF Raffle Grand Prize**

4-day / 3-night stay in the "Hostess City of the South"

To purchase raffle tickets, scan the QR Code or contact LBF Executive Director, Jeff Been, at (502) 292-6734 or jbeen@loubar.org. Tickets will also be available for purchase at the Bench & Bar Social on March 6, where prize winners will be announced. Limited number will be sold. Need not be present to win.

LOUISVILLE BAR ASSOCIATION
LAW • COMMUNITY • EDUCATION

# 2024 LBA Annual Report

2024 was yet another year of monumental change for your Louisville Bar Association. Most visible, of course, was the full transformation of your Bar Center, which we unveiled in April. There are now so many new spaces for our members to enjoy, from our bright and modern co-working space to our tech-filled meeting rooms in the Unified Technologies Conference Center. Behind the scenes, our team brought a brand-new member database and website online, two tools that make it easier than ever for you to control your own membership. We also launched our LBA Job Board, giving employers a new, cost-effective way to reach talented candidates across our legal community. And as always, we hosted scores of networking events, CLEs and professional development opportunities. It's clear that when it comes to building your legal career, membership in the LBA matters!

In 2025, we will celebrate the LBA's 125th anniversary – and after more than a century of service, the benefits of being an LBA member have never been better. Want to know how you can be a part of our progress? Email me anytime at kmiller@loubar.org.

Thanks,
Kristen Miller, Executive Director

## MEMBERSHIP

**90%**
total membership renewal

## CONTINUING LEGAL EDUCATION (CLE)

**62**
CLE programs offered

**867**
CLE attendees

## EVENTS

**23+**
Hosted events

Including:

- Celebrate Black History: Experiences of Black Women in the Law
- Basketball Tournament Trivia Night
- Bench & Bar Social
- Summer Associates and Newly-Admitted Attorneys Reception
- Pickleball Palooza: Return of the Whack!
- Free Lunch 'N Learn with Alliant and Clio
- Membership Appreciation and Awards Luncheon
- Lawlapalooza, Battle of the Legal Bands
- Student-Firm Networking Event
- Caffeine and Connections
- Bowling Night with LBA YLS
- Sips & Supplies Happy Hour, supporting the LBA's Back-to-School Drive
- Costumes & Candy Cheers
- Happy Hour at Ten20
- Wel @ Humana Wel-Being Expo
- HITT & Hops with Wel @ Humana
- Neon Nights with Wel @ Humana
- "What to Do About Student Loans in 2024" program
- "Legal Employers' Guide to Understanding and Preventing Suicide and Other Mental Health Emergencies" webinar
- "By Parties Unknown" film screening
- "Crip Camp: A Disability Revolution" film screening
- Earth Day Creek Sweep
- Viva Latinx Bootcamp at FOKO
- And more!

## NEW BENEFITS

**3** new member benefits offered

- Lead Marvels / LBA Knowledge Hub
- Talis Group
- LBA Job Board

## PUBLIC SERVICE AND PRO BONO

Amount raised in toys and monetary donations for the annual Santa's Court Toy Drive **$11,000**

- 16 Pro Se Divorce Clinics helped more than 80 individuals
- 29 speakers, 6 mock trial coaches, 1 mock trial judge and 17 students participated in our Summer Law Institute
- $3,000 raised at the LBA Basketball Trivia Night benefitting the Legal Food Frenzy

## KENTUCKY LAWYER REFERRAL SERVICE (KLRS)

**$1.3 million**
earned through KLRS referrals

- 12,200 calls received
- 75% of calls were converted to referrals
- Language Line (LL), translation services through KLRS for non-English speaking callers, was used for 187 calls
  - Languages - 167 Spanish, 6 French, 6 Haitian Creole, 2 Arabic, 2 Mandarin and 4 other language

## MISCELLANEOUS

- Bar Center Reopens: Renovated, Renewed and Revitalized!
- Ribbon cutting ceremony held for new space
- Created an online Job Board
- Created New LBA Section: AI/IP/Privacy Law
- Launched LBA Merch Pop-Up Store
- Bar Center opens new meeting spaces for rent
- Bar Center opens co-working space free for members
- Launched new website and new membership database

## PLACEMENT SERVICE

**13**
Permanent placements

**3**
attorney candidates placed

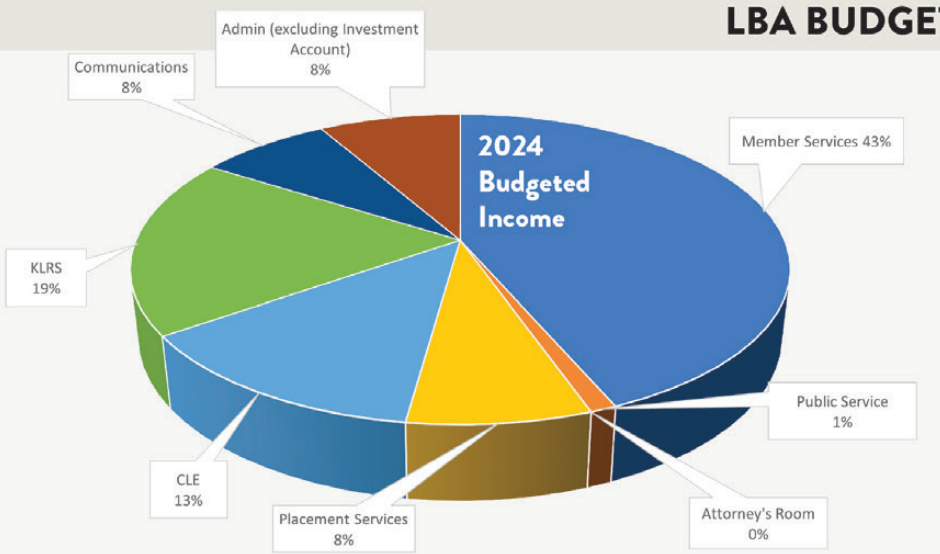
**2**
paralegals placed

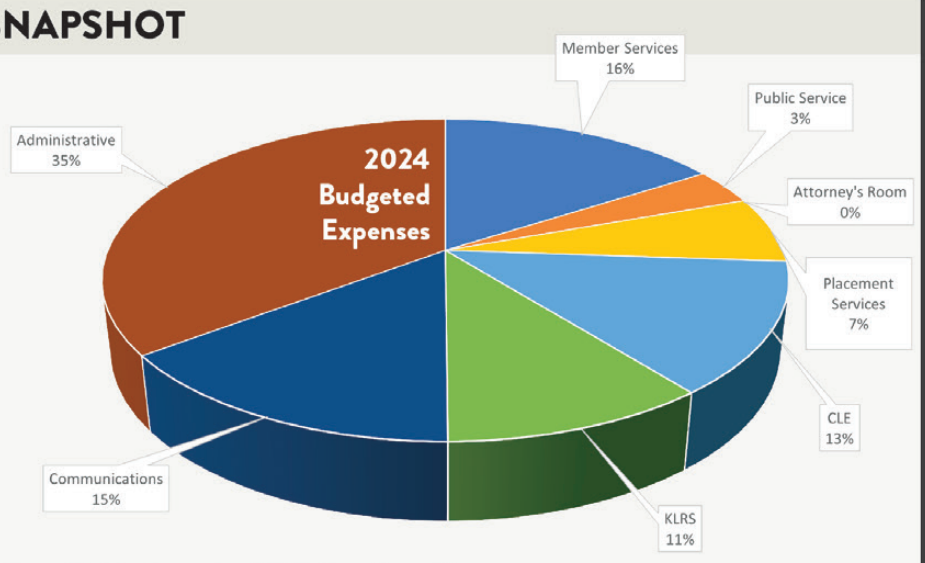
## FORUMS

**3** Jefferson County Court Conversations Hosted
- Family Court
- District Court
- Circuit Court

Hosted a Judicial Candidate Forum

## LBA BUDGET SNAPSHOT




▪ Membership ▪ Placement ▪ CLE ▪ KLRS ▪ Communications ▪ Admin (exc. invest acct) ▪ Public Service ▪ Attorney's Room

# The Only Constant is Change: State and Federal Criminal Law Updates

*William (Bill) H. Brammell, Jr.*

With 2025 underway, a lot is happening in criminal law and criminal justice reform. On the state level, Senate Bill 73, which passed the Kentucky Senate unanimously on Tuesday, February 11, criminalizes sexual extortion, commonly referred to as "sextortion." The bill, which is sponsored by Sen. Julie Raque Adams (R), defines sexual extortion as using threats to coerce individuals into engaging in sexual acts, producing explicit materials, providing payments or acting against their will. Under SB 73, sexual extortion is classified as a felony, with escalating penalties for cases involving minors or significant harm. The legislation also establishes civil remedies, allowing victims and their families to seek damages. Additionally, SB 73 mandates that schools and postsecondary institutions educate students and parents about the dangers of sextortion and display resources, such as hotline numbers and reporting information, to assist victims. The bill now goes to the House for consideration and will almost undoubtably be placed on the Governor's desk.

The legislature is again considering a bill that would establish a legal framework for compensating individuals wrongfully convicted of felonies within the Commonwealth. House Bill 206, sponsored by Rep. Jason Nemes (R), proposes creating a cause of action that would allow wrongfully convicted persons to seek financial restitution. Specifically, it outlines compensation amounts of $65,000 for each year of wrongful incarceration, $75,000 per year for time spent on death row, and $32,500 for each year served on parole. To qualify for compensation, the action would have to be filed within two years of a dismissal in the plaintiff's favor or the granting of a pardon (claimants released *prior* to HB 206 going into effect will have two years from the effective date). Further, if the exoneree has won or settled a civil suit stemming from their wrongful conviction and incarceration, any payment under the Act would be offset by their past award. The bill also proposes the establishment of a wrongful conviction compensation fund to facilitate these payments. Notably, a similar Bill was filed last session but did not become law.

House Bill 42, introduced by Rep. Chad Aull (D), seeks to prohibit registered sex offenders who have committed offenses against minors from participating in Halloween-related activities, defining such terms such as "costume" and "Halloween-related activity." As of February 4, HB 42 has been referred to the House Judiciary Committee for further consideration.

Before celebrating your next event with a balloon release, make sure to check in on the status of House Bill 53, introduced by Rep. Kimberly Banta (R), which seeks to criminalize the unlawful release of balloons. According to its terms, the bill aims to prohibit the intentional release, organization or causation of the release of ten or more balloons filled with lighter-than-air gases (hot air balloons and balloons released indoors are exempt). As of February 4, HB 53 has been referred to the House Judiciary Committee for further consideration.

Nationally, there have been several noteworthy actions taken that touch on the criminal law. On his way out the door, former President Joe Biden granted clemency to nearly all individuals who were on the federal government's death row, and a huge number of individuals who were convicted of non-violent drug crimes. In total, he granted 4,245 clemency acts during his term. Former President Biden faced heavy criticism for pardoning his son and other family members. He also came under fire for issuing "preemptive pardons" to several individuals who had been critical of President Trump and whom Biden believed would be investigated or charged by the Trump administration. These included Dr. Anthony Fauci, retired Gen. Mark Milley (former chairman of the Joint Chiefs of Staff) and members of the U.S. House committee that investigated the January 6, 2021, attack on the U.S. Capitol. At the end of the day, President Biden goes down in history as having granted clemency to more individuals than any other president during their four-year term. Continuing the trend, President Donald Trump granted clemency to every person charged or convicted for their role in the January 6, 2021, attack on the U.S. Capitol.

President Trump and his administration have quickly implemented several other non-legislative changes which will significantly impact the federal criminal justice system. Pam Bondi, who was confirmed as Attorney General on February 4, established a "Weaponization Working Group" on her first day in office. The group is tasked with reviewing cases involving former President Trump and the January 6 Capitol attack. Bondi has made clear that she intends to prioritize the prosecution of drug trafficking, gang violence and illegal immigration, while deprioritizing corporate enforcement and foreign influence cases. To this end, the Department of Justice announced a 180-day suspension of new investigations under the Foreign Corrupt Practices Act (FCPA). The Trump administration has also initiated the removal or reassignment of countless career DOJ officials, including those involved in previous investigations related to President Trump—raising concerns about potential politicization within the department.

Perhaps felt more in Louisville than elsewhere, the Trump administration issued a directive instructing the Department of Justice's Civil Rights Division to halt all ongoing civil rights litigation and to reconsider recent police reform agreements, known as consent decrees, established during the previous administration. As many reading this will know, this directive has significant implications for Louisville where a consent decree aimed at implementing comprehensive police reforms was finalized in December 2024 following a federal investigation into the Louisville Metro Police Department's practices. The freeze on civil rights cases places the future of Louisville's consent decree in jeopardy, potentially stalling or reversing the agreed-upon reforms addressing systemic issues within the city's police force. Notwithstanding the Department of Justice's change in position, Mayor Greenburg and leadership within LMPD have repeatedly committed themselves to carrying out the changes agreed to in the decree, whether they have federal oversight or not.

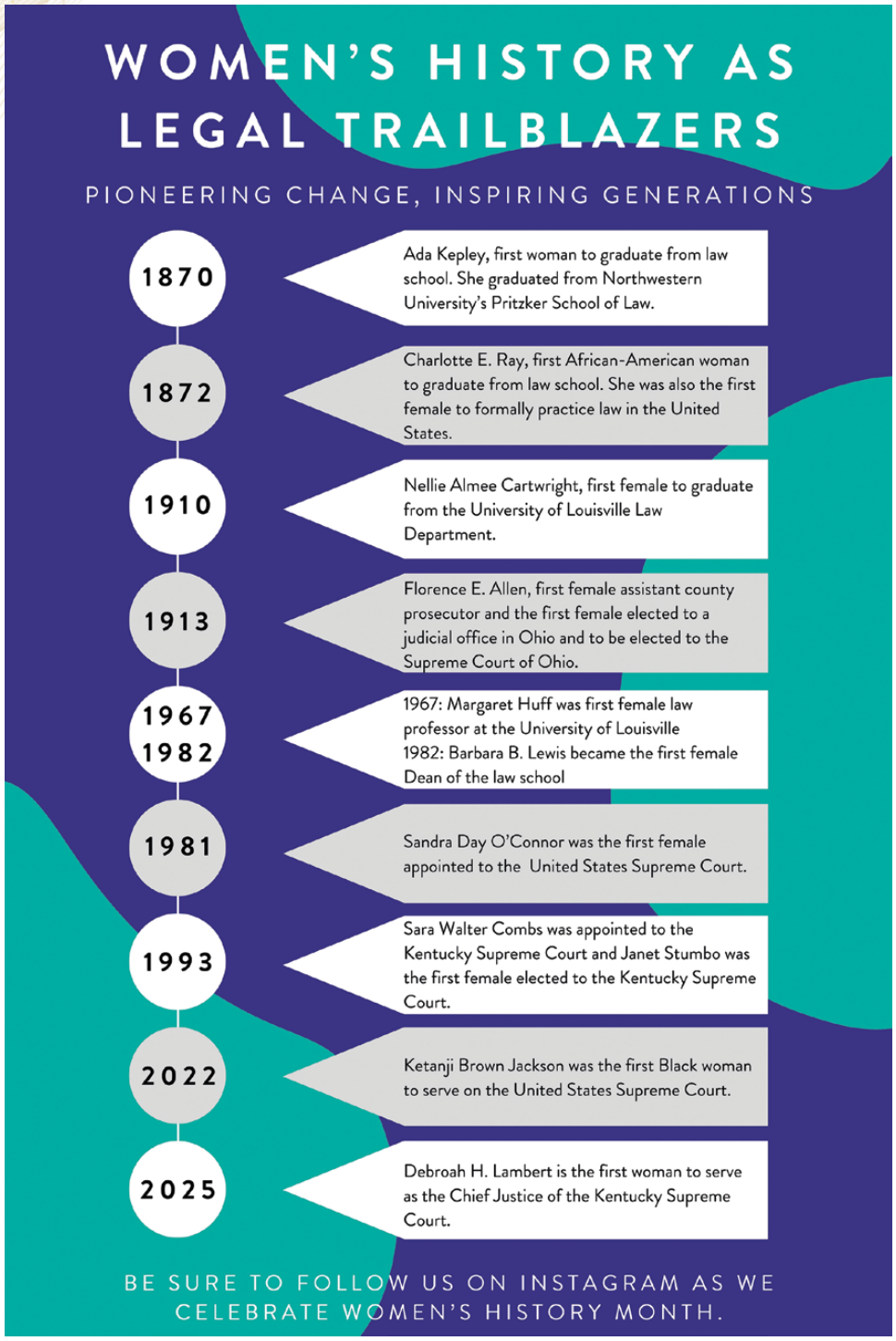
In terms of federal legislative developments, Senator Thom Tillis (R) has introduced a pair of bills that seek to create harsher penalties for those convicted of targeting law enforcement. The Justice for Fallen Law Enforcement Act, seeks to amend Title 18 of the United States Code to establish or enhance penalties for offenses committed against law enforcement officers. Specifically, the bill proposes life imprisonment or the death penalty for individuals convicted of murdering federal, state or local law enforcement officers. Additionally, it introduces a mandatory minimum sentence of 20 years for assaults resulting in serious injury to such officers. Similarly, the proposed Protect and Serve Act aims at establishing enhanced penalties for individuals who knowingly assault law enforcement officers, causing serious bodily injury, in circumstances affecting interstate commerce. The bill introduces a new federal offense that imposes significant criminal penalties, including imprisonment and fines, on those convicted of such assaults. Critics have argued that existing laws exist to protect officers and that the bill could perpetuate a misleading narrative of widespread attacks on law enforcement.

Independently or together, the policies discussed above have the capacity to engender tremendous change in the Commonwealth and across the country. No matter where you stand on the issues, make your voice heard. The issues facing the criminal justice system are serious, and the decisions that our state and federal leaders make have real impacts on our clients and communities. Only together can we build a more just and accessible Commonwealth and continue to build a criminal justice system that people trust.

*Bill Brammell is the chair of the LBA's Criminal Law Section, and is the managing partner of Wicker / Brammell, PLLC. Bill represents clients who have been charged with federal criminal offenses and is a member of the Western District's Criminal Justice Act Panel. Outside of the courtroom, Bill serves on the Board of Directors of the Home of the Innocence, and the Bluegrass Center for Autism. When not working or volunteering, he and his wife keep busy with their four children in Crestwood.* ■


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

**This Women's History Month, we delve into the past to highlight the experience of Maria C. Meuter, who served as the Louisville Bar Association's first executive director from 1952-1971. The following was originally printed in the March 2000 issue of *Bar Briefs* as part of the LBA's Centennial celebration.**




## The Way We Were – Kentucky Before World War II

Each year there were several women admitted to the Kentucky Bar but most of them got employment in a bank or school. It was impossible to get an interview with a law firm and with some government agencies. I had been employed by the Federal Land Bank of Louisville when I was 18 years old and had stayed with them in various departments. When I graduated from law school I was a clerk in the legal department.

I was sworn in to the Kentucky Bar in September 1939.

Then in the spring of 1940 I received my first announcement (invitation) of the annual meeting of the Bar which would be held in Louisville at the Kentucky Hotel. At the time I was still single and the announcement was addressed to Maria Coolman, Esquire. Now that Esquire really got me. In the announced program it stated that the President of the American Bar Association would speak at the annual luncheon. To me the President of the American Bar Association had to be the most important lawyer in the United States and it would be something I should not miss. I could not discuss this with my father William E. Coolman who was a member of the Indiana and Kentucky Bars. He thought ladies should not be lawyers. Not that they were unable but that there were things about the law that ladies should not hear. I had not told him that I was entering law school until I was ready to go to my first class so I really could not ask him about the annual meeting. I had already heard that the Smoker that the men held after the annual banquet was something that no woman would be allowed to attend. However, this luncheon had never had any kind of criticism that I had heard but there wasn't any reason to take a chance and get grounded. Luckily Dad had to go out of town that week and so the problem did not arise.

I still had the lawyers in the legal department at the bank to contend with. I waited until the day before the meeting and told my boss (a Harvard man) that I wanted several hours off to attend the luncheon. He informed me that I could have some time off since I had earned it but that ladies did not go to the annual meeting. I told him I paid my dues and had gotten the announcement and I was going. The other attorneys in the department tried to talk me out of it but I just had to go.

On the day of the luncheon about a half hour before meeting time I donned my flowered hat, called a cab, and set out for the Kentucky Hotel. When I arrived there was a line of about 20 men at the registration desk.

Louisville members of the National Association of Women Lawyers at the Old House Restaurant, Louisville, Kentucky, 1955.

I just stepped up at the end of the line. I ignored the stares from the men. Several more came in and when they saw me they went up and got ahead of one of the lawyers in line in front of me. Finally I was the only person left in line and the lady in charge of registration started gathering up her papers. I did not move. She looked at me and asked if she could help me. I told her "Yes, I would like to register." She smiled very sweetly and explained that they only registered lawyers. I told her that I knew that and that I was a lawyer. She started rattling those papers and looking around for help. Since there was no help about she went on and registered me.

The entrance to the dining room was at the back of the room so I had no trouble in entering. At one of the back tables I spotted one of the men I had attended some classes with and went over and sat down. After a few odd glances the men just seemed to accept the fact that I was there.

I looked around and never saw such a dreary sight. There were no decorations or flags to give some color to the room. There were just tables with white cloths on them. The speaker's table just had a white cloth, and it looked like some men were sitting on one side of a directors meeting table.

And then they served the food. We had country ham and blackeyed peas and fried potatoes. I wondered what this man who was the head of our profession thought of Kentucky. I don't remember his name or the name of the President of the Kentucky Bar Association but I do remember that day. It was some years before I attended another of those luncheons since marriage, World War II, and children intervened. Guess what they served—country ham, blackeyed peas, and fried potatoes. I hoped the day would come when I could change that menu and it finally did. That is a long story and someday I'll tell it. It was even a bigger disaster. ■

## Help Wanted

*Through the LBA and Talis Group*

**Litigation Attorney:**
As a Litigation Associate at Stoll Keenon Ogden, you will have the opportunity to work in a complex and ever-changing business sector. In this role, Associates support other attorneys and Members of the firm in delivering high-level legal assistance in an effort to protect and pursue our clients' interests. The ideal Associate will have a strong background and interest in complex business and tort litigation and enjoy collaborating and contributing to the attorney team serving clients with intricate legal issues. Some travel may be required, including the possibility of overnight stays. Candidates must have a minimum of two to four years practicing law in Business or Tort Litigation; consistently demonstrate personal qualities of honesty, character, leadership, integrity, maturity and firm loyalty; have exceptional organizational skills and ability to multitask; exceptional writing and legal drafting skills; and more. For further details, visit the LBA Job Board, https://www.loubar.org/placement-services.

**Labor & Employment Associate:**
The Louisville office of Frost Brown Todd seeks an associate with one to five years of experience in labor and employment law. Successful candidates will have experience with the range of employment-related litigation, including claims pursuant to Title VII, the ADA, the ADEA and similar state-law claims. Experience in OSHA work is also a plus. Applicants must also have a strong academic record, excellent research and writing skills, and the ability to work as part of a team. Frost Brown Todd offers a competitive salary and a comprehensive benefits package including medical (HSA with employer contribution or PPO options), dental, vision, life, short- and long-term disability, various parental leaves, well-being/EAP, sick and vacation time as well as a generous 401k retirement package. Associates are eligible for a quarterly objective bonus and an annual subjective bonus. The deadline to apply to this position is 30-60 days. Frost Brown Todd, LLP is an equal opportunity employer. For more details, visit the LBA Job Board, https://www.loubar.org/placement-services.

**Immigration Staff Attorney:**
Frost Brown Todd seeks a non-partnership track staff attorney with at least two years of experience in business immigration. Applicants must have a good academic record and excellent written and oral communication skills. This position would reside in one of the following FBT markets: Cincinnati, OH; Columbus, OH; Louisville, KY or Houston, TX. Frost Brown Todd offers a competitive salary and a comprehensive benefits package including medical (HSA with employer contribution or PPO options), dental, vision, life, short- and long-term disability, various parental leaves, well-being/EAP, sick and vacation time as well as a generous 401k retirement package. The deadline to apply for this position is 30-60 days. Frost Brown Todd, LLP is an equal opportunity employer. For more details, visit the LBA Job Board, https://www.loubar.org/placement-services.

## Legal Aid Director

The Legal Aid Society (LAS) seeks a dynamic individual to lead this historic agency with over 100-years of service to the local communities. The Legal Aid Society serves a fifteen-county area in Kentucky, including the city of Metro Louisville, providing a wide array of free civil legal services that focus on the safety, stability and health of individuals and families.

As the designated Legal Services Corporation Grant Recipient for the Louisville Metro and surrounding areas, LAS provides services to over 9,000 individuals annually.

Interested candidates should apply by submitting a resume, a list of three references, a writing sample, and a cover letter indicating their interest in the position and in serving the Legal Aid Society. This position will remain open until filled, but applicants are advised to submit their materials by March 16, 2025 for greatest consideration.

Materials should be submitted electronically at: https://recruiting.myapps.paychex.com/appone/MainInfoReq.asp?R_ID=6681611.

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## Office Space

**Attorney Office Space for Rent**
3809 Poplar Level Road, just down from Audubon Hospital and the Louisville Zoo.
1 office approx. 11' x 13'10"
1 office approx. 11' x 13'10"
Free parking. Access to conference rooms, copy, fax, postage machine, and kitchen. Building is newly renovated, ADA accessible, with elevator in building.
Call Micah Daniels @ 502-583-8300

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## Services

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**QDRO Preparation and Processing for:**
Defined Benefit and Defined Contribution Plans. Military, Municipal, State and Federal Employee Plans. Qualified Medical Child Support Orders. Collection of past due Child Support and Maintenance. Charles R. Meers, 2300 Hurstbourne Village Drive, Suite 600, Louisville, KY 40299 Phone: 502-581-9700, Fax: 502-584-0439. E-mail: Charles@MeersLaw.com.
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# MEMBERS *on the move*

*Beres*

*Duvall*

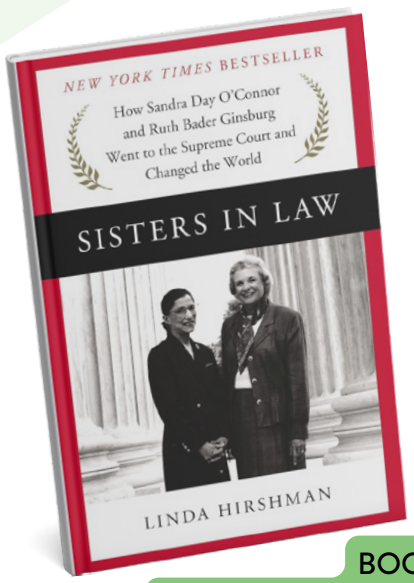
World Trademark Review (WTR) has recognized Stites & Harbison attorneys **Joel Beres** and **Scot Duvall** in the 2025 edition of *WTR 1000 – The World's Leading Trademark Professionals*. Beres has more than 25 years of Intellectual Property experience, and actively tries cases in both state and federal courts. A founding member and former co-chair of the firm's Intellectual Property and Technology Service Group, he manages all aspects of infringement litigation for both federal and state courts, including trial and appellate practice. He has also prepared and prosecuted trademark and copyright applications, prosecuted and defended trademark opposition and cancellation proceedings, negotiated and prepared trademark and copyright assignment and license agreements, and negotiated and prepared software licensing and consulting agreements. Duvall is an intellectual property attorney in the firm's Louisville office. He has practiced in the fields of trademarks and intellectual property for more than 25 years, including representing Top Fortune 500 companies. His practice includes brand development and clearance, and trademark registration in the U.S. Patent & Trademark Office (USPTO). His transactional experience includes licensing, contracting, due diligence and IP-related aspects of business transfer and franchise agreements. He also has experience in pre-litigation disputes as well as in litigation in the Trademark Trial & Appeals Board and federal courts.

DIVERSITY & INCLUSION COMMITTEE CORNER

> In the courtroom, I'm not defined by gender, but by my legal acumen.
> — Victoria Miller

PODCAST RECOMMENDATION

WOMEN IN LAW
ON THE RECORD




BOOK RECOMMENDATION

**MARCH 2025 AWARENESS CALENDAR**

- Women's History Month

LOUISVILLE BAR ASSOCIATION

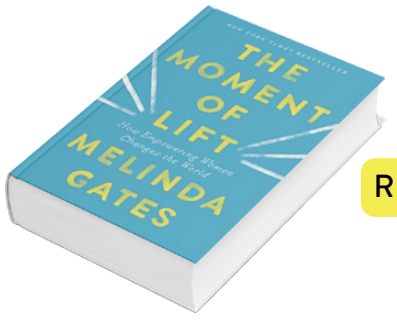
HEALTH & WELLNESS COMMITTEE

# HEALTH & WELLNESS CORNER

PODCAST RECOMMENDATION


## MARCH 2025 AWARENESS CALENDAR

- **Self-Injury Awareness Day: March 1**
- **World Sleep Day: March 14**
- **National Sleep Awareness Week: March 9-15**
- **Brain Awareness Week: March 10-16**
- **National Drug and Alcohol Facts Week: March 17-23**
- **World Bipolar Day: March 30**




BOOK RECOMMENDATION

DOCUMENTARY RECOMMENDATION


DID YOU KNOW?

**42% of women lawyers reported experiencing burnout, compared to 30% of male lawyers.**

**Female lawyers were 25% less likely than male lawyers to seek mental health treatment when experiencing symptoms.**

If you're interested in joining our committee or learning more about our work, please contact Lisa Anspach at lanspach@loubar.org. We meet monthly via Zoom, making it convenient to participate from wherever you are. Together, we can build a stronger, healthier legal community.


# Coworking Space

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