

BAR *briefs*

Louisville Bar Association

August 2020



1815, November 12—October 26, 1902

“Progress is the victory of a new thought over old superstitions.”

Elizabeth Cady Stanton



LOUISVILLE BAR ASSOCIATION
Pride in the profession. Service to the community.

VOLUME 20, NO. 08

Editorial Offices:

600 W. Main Street, Ste. 110
Louisville, KY 40202-4917
Phone: (502) 583-5314 • Fax: (502) 583-4113
admin@loubar.org • www.loubar.org

Lauren Butz Managing Editor
Kimberly E. Kasey Graphic Designer

Editorial Board

Bruce A. Brightwell, chair
Bonita K. Black
Courtney L. Baird
Dorothy J. Chambers
Anne K. Guillory
Lindsay Lopez
Kristin E. McCall
Charles E. Ricketts Jr.

Louisville Bar Association Board of Directors

Peter H. Wayne IV — *President*
Deena G. Ombres — *President-Elect*
Seth A. Gladstein — *Vice President & Treasurer*
Kate Lacy Crosby — *Secretary*
Gerald R. Toner — *Past President*
M. Beth Anderson
Bryan R. Armstrong
Colleen English Balderson
Bruce A. Brightwell
Thomas C. Gleason
Noelle B. Haegele
Daniel Hall
Caroline G. Meena
Thomas B. Simms
Virginia H. Snell

Hon. Angela McCormick Bisig — *Jefferson Circuit Court*
Hon. Denise Brown — *Jefferson Family Court*
Angela McCorkle Buckler — *LBF President*
Colin Crawford — *Dean, U of L School of Law*
Leslie M. Cronen — *Women Lawyers Association*
Amy D. Cabbage — *KBA Vice President*
Maria A. Fernandez — *ABA House of Delegates*
Ashlea Nicole Hellmann — *Young Lawyers Section*
Demetrius Holloway — *National Bar Association*
Theresa Men — *UofL School of Law*
Michael J. O'Connell — *Jefferson County Attorney*
Susan D. Phillips — *KBA Board of Governors*
Leo G. Smith — *Louisville Metro Public Defender*
J. Tanner Watkins — *KBA Board of Governors*
Hon. Erica Lee Williams — *Jefferson District Court*
Thomas B. Wine — *Jefferson County Commonwealth's Attorney*

Kent Wicker — *Counsel*
James B. Martin Jr. — *Tax Counsel*
D. Scott Furkin — *Executive Director*

Louisville Bar Foundation Board of Directors

Angela McCorkle Buckler — *President*
John E. Selent — *President-Elect*
Philip C. Eschels — *Vice President & Treasurer*
Gretchen C. Avery — *Secretary*
Alex Dathorne — *Past President*
Peter H. Wayne IV — *LBA President*
Deena G. Ombres — *LBA President-Elect*
Gerald R. Toner — *LBA Past President*

Kelly White Bryant
Kevin C. Burke
J. Christopher Coffman
Colin Crawford
Cynthia B. Doll
Gregory T. Dutton
Ingrid V. Geiser
Hon. Angela Johnson
Samuel E. Jones
Sara Veeneman Judd
Benjamin J. Lewis
Loren T. Prizant
John O. Sheller
Virginia H. Snell
Charles Hall Stopher
B. Todd Thompson
Joseph C. Ventura

Samuel G. Graber — *Tax Counsel*
Jeffrey A. Been — *Executive Director*

BAR BRIEFS is a monthly paper published by the Louisville Bar Association. The LBA does not necessarily share or endorse any particular views expressed in this paper by contributors thereto. The views are those of thoughtful contributors. Advertising does not imply endorsement by the LBA of products or services or any statements made concerning them.

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

CONTENTS

FEATURES

11

Shared Parenting Serves Children's Best Interests

Studies indicate that children fare better when divorcing couples share parenting time.
By A. Holland Houston

12

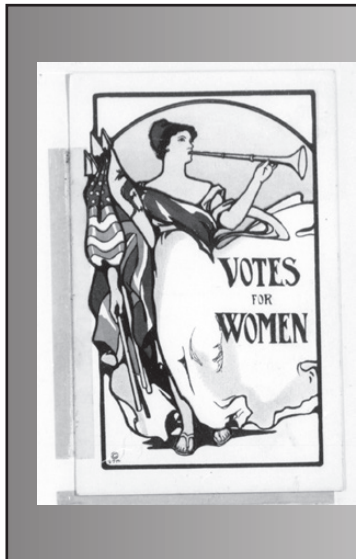
How a Woman's Right to Vote Came Down to a Son's Love for His Mama

With ratification at stake, a young Tennessee state senator, clutching a note from his mother, cast the deciding vote.
By Jennifer Kleier and Delores "Dee" Pregliasco

14

"Men, Their Rights and Nothing More; Women, Their Rights and Nothing Less"

The 15th Amendment at 150 and the 19th Amendment at 100
A review of the historical interplay between two constitutional amendments and their implications for today's electorate.
By Paul K. Stafford



In this issue

- 4 **Reflections on Remote Court Proceedings**
By Chief Judge Angela McCormick Bisig
- 5 **Opinion: What the World Needs Now....**
Restorative Justice
By Tom Williams
- 15 **Quarantine Photo Contest**
- 16 **4 Ways to Help Transition Pets to Post-Quarantine Routines**
- 18 **Classifieds**
- 19 **Members on the Move**
- 19 **Five Tips for Attorneys Getting More Leads on Facebook**
By Aron Solomon

Events

- 10 **Live Ethics Webinars with Sean Carter**
- 13 **Frazier History Museum Free Events**
- 15 **Meeting Schedules**

Departments

- 6 **Law School**
Louisville Law begins new academic year in context of pandemic, push for racial justice
By Dean Colin Crawford
- 8 **Legal Aid Society**
To Be Considered Seriously
By Andrew Chandler
- 10 **Louisville Bar Foundation**
There is Still Time to Become a Foundation Partner for 2020
- 16 **Public Service**
Back to School Drive
Join the LBA in Collecting Monetary Donations for JCPS Students in Need!



15

About the cover: The photo, taken January 6, 1920, depicts Governor Edwin Morrow surrounded by suffragists as he signs the Anthony Amendment, making Kentucky the 24th state to ratify the 19th Amendment to the U.S. Constitution.
Photo courtesy of the Library of Congress.



16

One Thing at a Time

It is easy to get caught up in the daily news cycle and to feel frustration, regardless of your political affiliation, about the state of American society today. The sheer volume of information that is forced upon us each day, and the number of decisions that we are asked to make, create a level of anxiety and mental exhaustion that I have never experienced before. This stress is often compounded by a lack of information or conflicting information about issues that affect our daily lives.

If all of this can seem a bit overwhelming, as it does for me at times, my best advice is to slow down and to simply take one thing, one moment, one day at a time. While this is not novel advice, it is tried and true and an inspiring example of this are the female suffragists whose efforts led to the adoption of the 19th Amendment on August 26, 1920.



While there are many great examples of leaders who fought through adversity to achieve their goals, the female suffragists of the early 1900s are particularly relevant given the number of striking similarities between 1920 and 2020—including such things as the Spanish Flu and COVID-19, the advancement of technology and workplace automation and the culture wars found throughout society. The female suffragists, however, never let a moment get too big to distract them from the goal of the passage and subsequent adoption of the 19th Amendment, which guaranteed women the right to vote.

As I mentioned in my article last month, change is never easy, but nothing right and just ever is. As such, whenever you feel overwhelmed by trying to balance being a good parent and lawyer, or trying to make the right decision about your child's education, or trying to be a good employee or leader of an organization, or trying to meet a deadline (such as a President's article), just remember to slow down and focus on one thing at a time so you don't lose sight of the ultimate goal, whatever it may be.

While it may not seem possible in the moment, I promise you can afford to slow down. Rarely, if ever, does anyone regret taking the time necessary to make a more informed decision. Alternatively speaking, when we rush, whether in our personal or professional lives, we make mistakes and we can lose sight of the things we cherish most. And, during these uncertain, and often chaotic times, we cannot afford to lose sight of those things we hold most dear. The reason the suffragists were ultimately victorious is because they never lost sight nor let anyone stand in the way of their ultimate goal, which was the adoption of the 19th Amendment.

The Louisville Bar Association recognizes and honors the 100-year anniversary of the adoption of the 19th Amendment and the achievements of the women who helped its passage. In addition to this month's *Bar Briefs* articles focused on the 19th Amendment, the LBA has created a page on our website dedicated to honoring this historic achievement and will host a seminar in the next few weeks about the 19th Amendment and its lasting impact on our society. The LBA is also committed to helping our members and others throughout our community register to vote in this year's election on November 3. *Information about how to make your voice heard on Election Day can be found below.*

As a proud husband, father to a seven-year-old daughter, a brother to two sisters, and a son, I am grateful for the female suffragists' determination in securing for women the right to vote, a right that none of us should take for granted. As such, I look forward to celebrating this historic achievement both professionally through the LBA in the coming weeks, and personally by voting on November 3, 2020.



(D)uring these uncertain, and often chaotic times, we cannot afford to lose sight of those things we hold most dear. The reason the suffragists were ultimately victorious is because they never lost sight nor let anyone stand in the way of their ultimate goal, which was the adoption of the 19th Amendment.

Sincerely,

Peter H. Wayne IV
LBA President



Election Day is fast approaching and the deadline to register to vote will be here before you know it.

The last day to register to vote in Kentucky for the General Election is Monday, October 5. You can register at www.GoVoteKY.com.

It takes less than five minutes!

Reflections on Remote Court Proceedings

Chief Judge Angela McCormick Bisig

As a legal community, we are all grappling with the previously unimaginable circumstance of the remote administration of justice. We are assuming the role we play in the legal landscape, without the tool of our very “presence” in court. By this I mean we are attending court via call-in conference lines, by Zoom and Skype, or in rare circumstances from behind a mask. It’s so prevalent in fact, that I’ve noticed these tools have become verbs. I hear lawyers and judges say we were “zooming” together last week. Or he “skyped” me into the proceeding. We are using our voices but not our expressions to communicate arguments.

With this new way of holding court, there are bound to be some human foibles. Bar readers may enjoy hearing some about the trials and tribulations of conducting a remote court—from a judicial perspective.

I have previously used this space to write about the justice system’s response to the COVID-19 pandemic and the ongoing protests in our community. These serious issues are both front of mind for those in our city. I thought it may be interesting to take a step back and look at the lighter side of the ginormous pivot we’ve all had to make in our daily routines, and the way we appear in court, and see the human side of this less-than-humanizing experience. I’ll share general encounters I’ve had in my own courtroom and some communicated to me by my colleagues. Then I will give an overview of the type of remote legal practice bloopers and blunders we are experiencing.

I am not funny. I generally feel ill-equipped to address any topic with humor. It’s too darn bad Judges Chauvin, Cunningham or McDonald-Burkman aren’t writing this column. They have shown themselves to have the potential for stand-up comedy. If the judicial-gig were to not work out, I can see each of them headlining at the Palace Theater. However, even without Chauvin’s lightning-fast wit, Cunningham’s ability to tell a corny joke or McDonald-Burkman’s skill with sarcasm some of these experiences are so silly even a humor-disabled judge like me may be able to garner a laugh.

In the category of common judicial experience is the person who puts the call on “hold” during a remote court appearance. This inevitably occurs when 20 or more attorneys are online during a motion hour or just during a normal morning call docket with several attorneys present. The phone-line from whence they are calling has all manner of bad hold music. This musical serenade is foisted unwillingly on all the other call participants and the court. All the judges have had this happen, and it could be you, *Bar Briefs* reader, who is the culprit. The 70s-era Muzak experience or the faux soothing vibes seem to have the opposite effect when played for a cast of people trying to attend court.

The best part of this occurrence is the sitting judge has the opportunity to place the offending party on mute. The worst part is that each time the judge calls a new case, they must unmute and check on the unintentional music player to see if he or she is on-deck to

participate. This causes everyone online to chuckle quietly. Word to the wise, check and see if your phone plays music when you place someone on hold. If it plays music, then DO NOT use this function when waiting to speak in court. If everyone would heed this one tip today, this article will have been worth the ink.

Another item I would check off as a common experience is saying: “It’s me” or “I’m here” on the call. Please remember, (and this is important) we cannot see you on a phone call. When people say, “It’s me,” it invariably gets the response from the court: “Who is me?” The other in this particular genre of call-in hazards is the “who is on first” battle of three or more attorneys. These attorneys are jumping in the mix to argue a legal point, or to try to one-up each other, while not stating their identity when speaking.

Again, this goes back to my prior point, we cannot see who is speaking on a phone call. While many on the bench know members of the bar by voice, we do not know everyone by voice. Even if we do, in an argument in which different voices are jumping in, it distracts from the argument when the court is trying to determine who is speaking. Here is a remote court pro-tip—it helps to announce who is speaking each time you address the court.

Many of us in legal profession often quip, “We cannot make this stuff up.” The impetus behind this sentiment is the true things that occur in courtrooms regularly are so unique and bizarre... we would defy a fiction writer to invent better stories than our reality. In this vein, based upon stories shared with me by my colleagues, and happenings in my own court, I give you several remote court appearance stories. These are all ACTUAL things that have occurred in Jefferson County Courts since the advent of remote proceedings. The names of the judges and courts are withheld to protect the innocent.

First, for the animal lover, during a remote hearing to suppress evidence in a criminal case, the judge asked the prosecution to call the next witness, at which time a dog on the call-in line barked. This prompted the judge to think, “Sir, raise your right paw.” I have also had a dog barking on a call-in court line, and I stopped with a smile, on the record, and ruled the dog out of order. Your pets seem to know when your attention is elsewhere and they are not shy about letting the court know as well. I do believe most judges are pretty patient and understanding about interruptions of the “Fido” variety, and as a result, I wouldn’t be too concerned about them.

Next for the foodies among us, one of my colleagues said during a criminal proceeding, the defendant on the line was also simultaneously discussing his dinner plans out loud with his family. In my division one week at motion hour, I could hear a participant loudly inquiring about what types of cheeses were available for his lunchtime ham sandwich. I have also seen people in Zoom meetings eating lunch, dinner and other snacks while participating. Why should our mutual love of food be left out of our remote court experiences? You

may be the judge of that.

In a heart-warming remote court experience, one of my colleagues explained that a criminal defendant on call from the jail was waiting for his attorney to sign on and used the opportunity to tell the judge it was his birthday...and the judge promptly wished him a happy birthday. The judge said this was awkward for her given that he was in jail for his birthday, but that he seemed very pleased with the exchange.

I think many judges have had the awkward experience in this new remote normal of finding themselves alone on the call line with a defendant or litigant before the attorneys have entered the call. This can be somewhat unnerving as you want to be polite, but not engage in any conversation with an unrepresented individual. I’ve even heard one colleague say that a person on a call used wireless headphones and that he could hear all manner of sounds emanating from the caller.

Finally, in my favorite remote litigation story, the participant signs on to the conference call about an hour in advance of a motion docket. By the time motion hour is ready to begin, he has fallen asleep and is snoring on the line. The judge muted the caller to save everyone the noise but had to unmute him every time a case was called with no attorney or defendant

to see if it was the “snorer.” The nap lasted the duration of the motion hour, and happily, the judge was able to speak with the individual about an hour later.

Remember what I said about not making this stuff up? The opposite experience from the sleeper participant is everyone speaking at the same time. This happens every single day. The visual cues that normally guide us are gone. There is no dance of rising in the courtroom to speak that anyone can see.

Overall, it is mine and my colleagues’ experience that everyone is making the best of a difficult situation. This new form of justice is beyond the realm of anything we contemplated when we were young, bright-eyed legal practitioners. For new practitioners and seasoned attorneys, this is challenging and different. The exercise of advocating and judging is, in large part, best done in person. We all hope we return to our normal practice soon. Perhaps we will take some lessons learned from the remote pandemic era courts with us as we carry on our pursuit of justice... or at a minimum we will have a few good stories.

Chief Judge Angela McCormick Bisig presides in Division 10 of Jefferson Circuit Court. ■



Supreme Court Orders Provide Additional COVID-19 Guidance

The Kentucky Supreme Court issued two new administrative orders on July 27 that clarify requirements for court proceedings, staffing, jury trials and evictions in light of the ongoing COVID-19 public health emergency.

Order 2020-55 increases access to court facilities while specifying that judges are responsible for ensuring appropriate social distancing and use of facial coverings in their courtrooms. It also amends previous orders to allow local officials greater flexibility on in-person staffing. For example, the Circuit Court Clerk’s office may limit the hours it is open to the public to allow staff time to prepare court dockets. The order may be viewed at https://kycourts.gov/courts/supreme/Rules_Procedures/202055.pdf.

Order 2020-56 permits the resumption of criminal jury trials after August 1 and civil jury trials after October 1. It sets forth how juror orientation and voir dire should be conducted and requires that a final pretrial conference be held no more than three days before the start of each trial. It also mandates the use of facial coverings by parties, attorneys, witnesses, jurors and members of the public and media.

The order further allows eviction actions to proceed as of August 1 and requires that all eviction filings be accompanied by new form AOC-1027 verifying compliance with the federal CARES Act.

Finally, the order suspends night traffic court in Jefferson County until further notice. It may be viewed at https://kycourts.gov/courts/supreme/Rules_Procedures/202056.pdf. ■

Bar Exam to be Administered Remotely

In yet another adjustment to the ongoing COVID-19 public health emergency, the next Kentucky bar exam will be administered remotely on October 5-6. Citing a surge of COVID-19 cases in the state, the Kentucky Supreme Court canceled earlier plans to administer the exam in person in separate sessions on July 28-29 and September 30-October 1.

All applicants registered for either in-person exam will automatically be registered for the remote exam. The Kentucky Office of Bar Admissions will administer an exam offered by the National Conference of Bar Examiners and notify applicants of the security, technology and procedural requirements for taking it remotely.

In a related development, the Kentucky Supreme Court also revised its temporary rule permitting applicants to seek temporary admission to practice subject to certain conditions including supervision by a licensed attorney. ■

What the World Needs Now...Restorative Justice

Tom Williams

In the spirit of Martin Luther King, Jr., our African American community in this country has been rising and taking to the streets to cash a check. They have suffered unspeakable harms and marginalization at the hands of a nation that had provided every American a promissory note of equal access and protection under the law. This urgent demand for justice we hear from our streets today should not be met by city leaders with confrontation and stagnation, but with an eye toward restorative justice, which we have examples of in our community's recent past—and during these protests.

While Dr. King saw that the arc of the moral universe is long, I believe it bends toward, and culminates with, a restorative justice. While in college, I had one professor who summarized the progress of this moral universe in a simple three-step process.

First, before Moses, he said, if a member of my tribe injured a member of your tribe, it would be appropriate for your tribe to destroy my tribe. The scales of justice would not be balanced, the scales would tip toward revenge.

Second, with Mosaic law came the notion of proportionality—an eye for an eye. Here, the scales of justice would balance. If you hurt me, I would hurt you back in equal proportion.

Third, with Jesus and other spiritual teachers, came the concept of loving one's enemies and transforming the pain of injustice so it was not transmitted. This love was a form of protest that invited the one who did harm into a new way of relating.

With this third step, the scales of justice would balance because the injustice would be absorbed and transformed—reaching beyond my tribe to people we might call the “other.” This love, however, would not address the systems that made the harm more likely. It would dramatize the wrong but would not change the system that may have increased its likelihood.

If step one was overwhelming revenge, and step two was proportionality, and step three was loving the enemy, what is step four I thought? I asked myself this question for years until I came upon restorative justice.

In my view, restorative justice is a systemic way of tipping the scales to a generative love that holds everyone involved accountable. In fact, under restorative justice, the binary image of the scales of justice is replaced with a trinitarian image of a third way. This trinity is a better image because wrongdoing impacts not only the one who was harmed and the one who caused harm, but also the community as a whole.

As we have seen, true justice is relational and involves the entire community. Restorative justice, however, is nothing new. It is an an-

cient, indigenous form of justice quietly being used in our Commonwealth as we speak creating effective and generative outcomes with our youth. It is, in my view, a systemic way to create generative love.

The principles of restorative justice have even taken to our streets. I have now witnessed what might be called “pop-up” restorative justice twice in Louisville.

The first example involved hate speech. A few years ago, the Islamic Cultural Center of Louisville on River Road was vandalized with hateful graffiti. The leaders of the mosque called for a community cleanup and for accountability and forgiveness for the one who caused the harm. This call for community-based justice was a call for restorative justice.

In answer to that call, more than a thousand people appeared for the community cleanup of the Mosque. Painting stations were created near the graffiti to let everyone there participate in the cleanup. New relationships were formed, waves of love and support poured forth. It was a generative day where the one who caused harm was utterly defeated. If the purpose of the one who caused harm was to divide the community, he did the opposite. He brought the community together and he strengthened its resolve because the community chose to use his ignorance as a catalyst for greater good—not as a basis for simple revenge or binary justice.

The second “pop up” example of restorative justice principles in action was at an early day of the Louisville protest.

You may have seen the image: a police officer was alone in the crowd and fearful for his safety. Five strangers came together and created a human shield around him. In the words of one of the protectors, they wanted to hold their fellow protestors accountable to non-violence. This officer wore the same uniform as those who had caused harm, but the protectors looked beyond the uniform to the man who was someone's son and a fellow human being. The essence of restorative justice is to not objectify the soul in front of you, but to look for ways to welcome him into your circle.

Perfectly modeling what they wanted from the police as a whole, the protecting protestors welcomed this officer into their newly formed circle of protection. This circle they created within the protest came from a deep, courageous and ultimately generative love. The circle they created probably changed the life of the officer who, to some, may not be deserving of protection simply because of the uniform he wore. This circle was an object lesson for the police saying, in essence, “Do unto others as we have done unto you.” This circle said to the police when a fellow officer has his knee on someone's neck, break ranks and protect

the human under that knee.

It has been said, if we practice an eye for an eye, we will all go blind. With an eye for the human behind skin color, or the human responsible for the hateful graffiti or the human underneath the police uniform, we will all begin to see.

Restorative justice dictates that those who create harm have an obligation to set things straight. The police, as an institution, must set things straight in this community and the country. The systems that make the police blind to the people they serve must be held accountable. The individual officers who cause harm must be held accountable. But we must never forget the human underneath the uniform and we must welcome them into our circle—like the protestors did in Louisville.

Restorative justice looks for a way to reintegrate the one who caused harm back into community—with accountability. Everyone belongs. In my opinion, it is this kind of belonging that the world needs now.

A few blocks from the protest incident on Second and Main this week, the mystic,

Thomas Merton, had a vision of the people of our community walking around shining like the sun. Merton saw that these people were not alien to one another. That no one was a stranger. That the spark of the divine was within each of us. None of that has changed.

We simply need a justice that provides us with a new lens so we can learn to see again anew: to see beneath the things that divide us to a deeper well of courageous love so ably demonstrated at the Mosque and by the protestors. Any other form of justice will not create the healing our world so desperately needs.

If you want to learn more about the restorative justice in Kentucky, reach out to Volunteers of America at (502) 585-9920 or www.voamid.org.

Tom Williams is a member of the Restorative Justice Advisory Board, Volunteers of America Attorney and chair of the Diversity and Inclusion Committee at Stoll Keenon Ogden. ■



BOWLES & BYER FAMILY LAW MEDIATION

Offering over 35 years of judicial experience



Judge Jerry Bowles
(Ret.)

502-558-6142
judgejerrybowles@gmail.com



Judge Joan Byer
(Ret.)

502-216-9030
judgebyer@gmail.com

... your first choice in family law mediation.



U OF BRANDEIS
SCHOOL OF LAW

Louisville Law begins new academic year in context of pandemic, push for racial justice

The 2020-2021 academic year will be a history-making one for education, and legal education will be no exception. For law, a profession and educational model that relies heavily on tradition and precedent, the global coronavirus pandemic has been a challenge for many reasons: a swift transition to distance learning, employment uncertainty, and a postponed and now remotely administered bar exam, to name just a few examples.

In addition, of course, this spring also brought the centuries-long struggle for racial justice to the national stage in a new way. Police violence and subsequent protests have consumed the conversation here in Louisville, and these are topics that we as a city — and as lawyers — need to face head-on.

It is in this context, amidst a pandemic and in a true national moment of reckoning, that the University of Louisville School of Law prepares to welcome a new class of future lawyers.

As Dean, I am extremely proud of the way our students, faculty and staff have united, and I look forward to what will surely be an unforgettable year. In this column, I will outline just a few of the things the local bench and bar can expect from Louisville Law this year.

NEW PROGRAMMING, STAFFING AIMED AT DIVERSITY, STUDENT SUPPORT

In July, Professors Laura McNeal and Cedric Merlin Powell, along with other scholars from the University of Louisville, the Student Bar Association, the Black Law Students Association, Bellarmine University and Louisville's Behavioral Wellness Clinic, participated in a virtual panel. The topic: Addressing Systemic Inequality: A Guide to White Allyship. The speakers covered a variety of topics related to our country's systemic racism: voting rights, the harm of neutrality in the face of inequality and the systemic inequalities in the education system.

Kalynn Walls, a rising 3L and incoming President of the SBA, was an organizer of this panel. She says SBA saw the need for a critical and constructive conversation about systemic inequality.

“As future lawyers, we have a role to play in this area,” she said, adding that she anticipates that SBA and its incoming Diversity Chair will organize more events — both virtual and safely physically distanced — surrounding the ongoing calls for justice in Louisville. She listed downtown cleanups, virtual panels with alumni and opportunities for law students to offer support to protestors who have been arrested as examples.

Of course, SBA will also support students — especially incoming first-years. Kalynn acknowledged that this class is entering law school at a particularly uncertain time.

“Every 1L — COVID or not — comes into law school not knowing what to expect,” she said.

SBA is organizing virtual panels consisting of upper-level students who can provide insights on their experiences with distance learning in the spring and offer support to incoming students.



Dean Coel

Kalynn and the SBA are working very closely with Crystal Rae Coel, Assistant Dean for Student Affairs and Diversity. Dean Coel comes to us after 25 years at Murray State University and brings with her a wealth of knowledge and energy for this new role.

In addition to the traditional duties of an Assistant Dean for Student Affairs — such as academic advising, student events, wellness and counseling — Dean Coel will also work with the School of Law community to develop and implement policies, training and programming to champion an inclusive and diverse law school.

Dean Coel knows from experience that law school can be a very stressful time, one that can be exacerbated by outside forces — whether it's a global pandemic, societal unrest or family demands.

“This Office of Student Affairs and Diversity will promote healthy competition and a collaborative spirit. When I was in law school, there were some wonderful people and initiatives, but they were often overshadowed by unnecessary arrogance, unhealthy anxiety or extreme jealousy. I want to help Brandeis to always focus on respect, commonalities and love,” she said.

NEW COURSE: BREONNA TAYLOR'S LOUISVILLE: RACE, EQUITY AND LAW

I will be moderating a one-credit course with this title. The course will meet once a week and every week will consider a different topic, from policing to housing and health care and educational opportunity or the lack thereof. Each session will feature a different speaker or speakers, with an aim to identify the solutions to address problems of systemic inequality and — as my colleague Cedric Merlin Powell so memorably said to me recently, “the pandemics of race.”

I also wanted to hear from students about the Black Lives Matter protests. For her part, when I asked how she wanted to see the School of Law engage issues of structural inequality, Elizabeth Muwanga, a rising 3L who is a dual degree student also completing an MS in Social Work at the Kent School, told me, “I would like to see people get uncomfortable.” By this, she said she meant that we need to recognize that “a lot of legal education is based on privilege. It is so hard for some students

(Continued on next page)

to get in and stay in. What I would like to see from the School is to say” to less-privileged students: “here are the resources.”

TRANSITION TO DISTANCE LEARNING

Amidst these challenging and important issues that Louisville Law – like all social institutions - must address in 2020-2021, we will also for the first time be teaching with a mix of teaching modalities. They include physically distanced, in-person classes, fully online courses, and hybrid courses – meaning a blend of in-person and online learning. Clinics and externships will largely continue to be in-person.



Professor McNeal

These options are not what any of us expected when we began our teaching careers, and I thank Professor Laura McNeal, a longtime champion of robust, thoughtfully designed online teaching, for her work in guiding the faculty into this new reality.

Professor McNeal, who holds a Ph.D. in Education, has a strong background in teacher education and educational policy. She also has experience teaching law classes online and has been a resource for faculty who need guidance on using remote learning platforms and best practices for distance learning.

Here, she shares some thoughts on her recent experience:

What are some lessons you’ve learned during this time?

This global pandemic has highlighted the importance of having an infrastructure in place to seamlessly convert to an online program in the event of an emergency. Whether it is another pandemic or a terrorist attack, we must be ready.

What is a major concern you have heard from faculty moving to online education for the first time, and how has the School of Law addressed that concern?

Most faculty were concerned about whether converting their traditional Socratic teaching method to an online format would foster the same robust collaborative classroom discourse.

As we know, the cornerstone of the Socratic teaching method is a dialectic classroom exchange that encourages divergent views, thoughtful analysis and meaningful connections to theory, research and practice. We addressed this concern by encouraging faculty to teach synchronous as opposed to asynchronous classes, which allow faculty and students to simultaneously be present for live lectures and discussion.

Are there any successes you would like to share?

We have been fortunate to have a dedicated group of faculty who have worked tirelessly to obtain the skills and knowledge to transform into an entirely online program, without compromising high-quality instruction. The faculty’s unyielding support to our students during these difficult times has been simply amazing. It is an honor and privilege to work with such a compassionate and dedicated group of scholars.

STUDENT VOICES

Given the exceptional character next year will take, I also wanted to take the emotional temperature of a few students as we approach what may sometimes be a turbulent year.

When asked about her experience with online learning, Elizabeth Muwanga reported that she had not had any online law classes before the Spring but that some of the experiences have been very positive. “I took Professor Abrams for Family Law this summer. She is a phenomenal teacher. It was a great class and left me prepared for the Bar and practice.” Elizabeth is also mother to five children, including five-year old twins. She spoke of the challenges “juggling my education and theirs, as well as parenting.” These COVID-19-induced challenges are especially great for students like Elizabeth who have caregiving responsibilities.

I later spoke with Sarah Hall, an incoming 1L who is taking part in our 3+3 Accelerated Law Program. This program allows eligible undergraduate students to enroll in law school during what would be their senior year, completing their final year of undergraduate studies alongside the 1L curriculum.

Sarah, a criminal justice major, said she has wanted to attend law school since she was 8 years old. She was inspired to pursue public service after watching her parents, both police officers.

She said that while starting law school during a pandemic is “nerve-wracking,” she did not want to defer starting.

“I’m really excited to just dive in,” she said. “I’ve been thinking about this and preparing for this for so long.”

Sarah, who was an undergraduate at the University of Louisville when it made the sudden transition to distance learning in the spring, said she was heartened by her experience then. She felt her professors and the university supported her, and believes “the administration at UofL is going to make sure that students have what they need to be successful.”

I also talked with incoming 1L Frank Bencomo-Suarez, who described his feelings approaching this year as “uncertain, but cautiously optimistic.”

Frank shared that he is less concerned with learning the course material online than with his ability to learn other skills, such as public speaking and debate, that often are developed in in-person classes. He also worries about meeting and connecting with fellow students when learning remotely; Frank has spent the past year as a legal intern at the ACLU of Kentucky, where he has heard attorneys in the legal department speak highly of the bonds they formed with law school classmates.

But Frank didn’t want to defer law school another year and is eager to pursue his goal of becoming a strong advocate for his clients.

“The idea that you could advocate for better drew me in to law school,” he said. “I’m looking forward to expanding my knowledge base. There’s a very particular way of thinking that law school develops in people. I’m very interested in learning to think like that.”

I was encouraged by the positive attitudes of our students. Recent months have not been easy for any of us and it was gratifying to be reminded of the excitement of engaging a new class of law students, and of the important work that lawyers and legal education performs in our society.



Colin Crawford, dean of the University of Louisville Brandeis School of Law, serves on the boards of both the Louisville Bar Association and the Louisville Bar Foundation.

To Be Considered Seriously

Andrew Chandler



Does the law exist for the purpose of furthering the ambitions of those who have sworn to uphold the law, or is it seriously to be considered as a moral, unifying force, the health and strength of a nation? The trouble with these questions, of course, is that they sound rhetorical and have the effect of irritating the reader, who does not wish to be told that the administration of justice in this country is a wicked farce. Well, if one really wishes to know how justice is administered in a country, one does not question the policemen, the lawyers, the judges, or the protected members of the middle class. One goes to the unprotected—those, precisely, who need the law's protection most!—and listens to their testimony.

—James Baldwin, "No Name in the Street"

As I stand at the door of the legal profession—clad with the badge of a lowly, yet "rising" 2L at the Brandeis School of Law—I often wonder how it will feel from the inside. The secondhand rumblings bouncing around the lecture halls about the practice itself hardly serve to bring that picture into sharper relief. I have, however, had the great fortune of working at the Legal Aid Society since February. This experience brought into view many a profound instance of compassionate, selfless and equity-driven advocacy for clients in need by our staff alongside volunteers from the private sector. It reminded me why I wanted to go to law school in the first place.

I decided early on that my life's work would be in the public interest sector. Full stop. Legal Aid was genuinely my first choice when looking for work after finishing my first semester with a Dean's List spot to my name. The language above from Baldwin speaks not only to my heart, but it also informs my head and hands toward working in the service of equal justice—something that carries such a deep imperative in American society, yet so often from my perspective, goes without sufficient emphasis in law school and beyond. One must survive an absolute onslaught of persuasion against attending law school in the first place, only to be met with more (and perhaps subtler) discouragement against joining the ranks of offices like the Legal Aid Society, the Metro Public Defender, the Department of Public Advocacy, etc.

I recognize that it is impossible and perhaps unfair to labor under the expectation that every law student ought to set themselves ablaze with a passion to pursue a career in public interest. It is nevertheless reasonable, though, to think that our legal education and culture would strongly emphasize this type of work as being core to our democracy. Yet there is a lingering perception that this is a suboptimal path to follow, especially for students who demonstrate a promising academic performance in their first year.

I interacted with an attorney early last semester who met my proud statement of having recently accepted a position at Legal Aid with profound confusion. "Is that just some passion project? You don't need to be doing that." I have also been told that the risk of closing doors to perceived superior practices is far too great. Statements like, "Start at big law and work your way down to public interest if that's what you really want. It'll be hard to do that in reverse," have characterized the responses from a number of legal professionals when told my ambitions. I have also been called "closed minded," and they say you can always donate to the cause instead of sinking your career into it.

During a performance at Carnegie Hall in June of 1963, folk singer and social activist Pete Seeger said to the audience, "If you would like to get out of a pessimistic mood yourself, I've got one sure remedy for you. Go help those people down in Birmingham, Alabama and Mississippi. All kinds of jobs that need to be done. It takes hands and hearts and heads to do it. *Human beings* to do it." I take that sentiment very seriously.

My role in the world, and my driving force behind pursuing a law degree, is not to commit narrowly to the service of donating and expressing public support—though both are highly necessary actions in their own right and essential to the cause. Rather, the obligation in which I find myself entrenched involves devoting a career's worth of time and talent in the pursuit of equal justice. It is a critical role to play, in my view. Somebody ultimately has to walk to court with the folks who would otherwise go unrepresented. Somebody has to argue and guard against evictions, convictions and the premonitions of a denied protective order. To be an agent of that "moral, unifying force" is the ultimate end to my pursuit of a law degree.

I do not want this to be construed as battle cry for all students and practicing attorneys to forcibly reverse course on their ambitions and take up the mantle of public service. In fact, it must be said that many in the private sector have allied themselves not only as friends and volunteers of Legal Aid, but also as fierce defenders and vocal advocates in the public arena. Instead, my request is that we quash the implicit elitism of "don't-do-this-with-your-life" type statements that serve to impart on service-minded law students that their careers could be better spent elsewhere. If the pursuit of justice is to succeed, the legal community must take seriously, as Baldwin urges, their obligation to the poor, voiceless and marginalized. Further, it must take seriously those students who wish to be agents of that solemn obligation.

Andrew Chandler is a research fellow at the Legal Aid Society. ■



Your **UNDUPLICATED** Office Technology,
Equipment and Service Professionals

DUPLICATOR

SALES & SERVICE

LOUISVILLE • LEXINGTON • ELIZABETHTOWN • LONDON

(502) 589-5555 | (800) 633-8921

Quality with Service...

- Office Equipment
- Professional Printing
- Document Management
- Managed I.T. Services
- Corporate Mailing Systems
- Integrated Technology Services
- Managed Print Services

 duplicatorsales.net



RICOH SAVIN Lexmark HP FP Microsoft

Bixler W. Howland - THE CIVIL MEDIATOR
MEDIATION SERVICES

Now Offering Online Mediations!

- Available in Kentucky & Indiana
- No Preparation Costs
- Online Booking Available

thecivilmediator.com

(502) 582-3711 | bixler@loulaw.com
2721 Taylorsville Road | Louisville, Kentucky 40205



Certified Civil Mediator

The American Board
of Trial Advocates
is pleased to
announce
the election
of

The Kentucky Chapter of ABOTA's Executive Committee

Kentucky Chapter Leaders



PRESIDENT
Hans G. Poppe
The Poppe Law Firm



TREASURER
Clay M. Stevens
Napier Gault Schupbach & Stevens, PLC



VICE PRESIDENT
Beth H. McMasters
McMasters Keith Butler, Inc.



NATIONAL BOARD REPRESENTATIVE
Richard M. Rawdon, Jr.
Richard M. Rawdon, Jr. Attorney at Law



SECRETARY
Sheila P. Hiestand
McCoy, Hiestand & Smith, PLC

About the American Board of Trial Advocates

ABOTA is dedicated to the preservation and promotion of the Seventh Amendment to the U.S. Constitution, which guarantees the right to civil jury trials. ABOTA's primary goal is to educate the American public about the history and value of the right to trial by jury. Founded in 1958 with a membership of more than 7,600 experienced attorneys representing both the plaintiff and defense bars in civil cases, ABOTA is dedicated to elevating the standards of skill, integrity, honor and courtesy in the legal profession.

The Kentucky Chapter of ABOTA only invites qualified attorneys with at least 10 jury trials and adhere to the principles of civility, ethics and professionalism.

American Board
of Trial Advocates™



Visit abota.org for more details.

There is Still Time to Become a Foundation Partner for 2020

The Louisville Bar Foundation is pleased to announce that 27 local firms or corporate in-house legal departments have signed up as “Foundation Partners” in 2020. The Foundation Partners program was established to recognize those that help continue the good works of the LBF by making a \$45 minimum tax-deductible contribution to the Foundation for every member of the firm or legal department. Firms or legal departments with five or more attorneys are eligible for recognition as Foundation Partners.

The combined support from the attorneys represented by the firms and legal departments listed below is

more than \$25,000. The generosity of the Foundation Partners and other individual LBA member attorneys makes it possible for the LBF to support and improve legal services for the poor, law-related public education and our judicial system.

Earlier this summer the Board of Directors of the Foundation awarded more than \$90,000 to local non-profits offering law-related programs. Funding priority was given to groups offering direct legal services to those in our community disproportionately and adversely affected by the COVID-19 pandemic. With grant funding, these groups are mobilizing to

help individuals navigate the unemployment benefits process, establish guardianships for children, design safety plans for domestic violence victims, and to offer protection for abused children. Our profession is helping in these times through our collective gifts to the Foundation.

The Louisville Bar Foundation thanks all contributing attorneys for their generous support. ***It is not too late to join this list!*** For more information about how you can become a Foundation Partner, please contact Jeffrey A. Been at (502) 292-6734 or at jbeen@loubar.org.

Applegate Fifer Pulliam
Bahe Cook Cantley & Nefzger
Dinsmore & Shohl
Frost Brown Todd
Goldberg Simpson
Kaplan Johnson Abate & Bird
Kaufman & Stigger
LG&E and KU Energy
McMasters Keith Butler
Morgan Pottinger McGarvey
Napier Gault Schupbach & Stevens
O'Bryan, Brown & Toner
Phillips Parker Orberon & Arnett
Republic Bank & Trust Company

Retired Judges Mediation and Arbitration Services
Schiller Barnes Maloney
Sewell & Neal
Sitlinger & Theiler
Smith & Smith, Attorneys
Stites & Harbison
Stoll Keenon Ogden
Tachau Meek
Thomas Law Offices
Thomas, Dodson & Wolford
Thompson Miller & Simpson
Turner, Coombs & Malone
YUM Brands, Inc. and KFC Corporation

Live Ethics Webinars with Sean Carter

The Passion of the Barrister: An Ethical Lawyer is a Happy Lawyer

8-5-2020 | 1:00 pm
1.0 CLE Ethics Credit – pending

Has the practice of law lost its spark for you? Do you feel like you are just going through the motions? In this highly humorous yet motivating legal ethics presentation, legal humorist Sean Carter will show you how to re-ignite your passion for the law by focusing on the ethical precepts which govern our profession. By examining the rules of our canon (and their underlying purpose), Mr. Carter hopes to remind you of the privilege and honor it is to be allowed to engage in the practice of law.

If You Can't Say Something Nice, Shut Up!: The Ethical Imperative for Civility

8-19-2020 | 1:00 pm
1.0 CLE Ethics Credit – pending

As children we were all taught, “If you can't say something nice, then don't say anything at all.” Well, that advice holds especially true for lawyers. Whether in open court, a deposition, or contract negotiation, lawyers who choose to “go low,” run a high risk of bar discipline. Increasingly, disciplinary authorities are treating the once aspirational goal of civility as a mandate. Therefore, it's important for all lawyers to be reminded of their obligation to “play nice.”

BAR STATUS	PRICE
LBA Member	\$55.00
LBA Sustaining Member	\$50.00
LBA Paralegal Member	\$25.00
Non-member	\$125.00

From Competence to Excellence: The Ethical Imperative for Excellent Client Service

8-12-2020 | 1:00 pm
1.0 CLE Ethics Credit – pending

The very first rule of the ethics canon calls for lawyers to provide competent representation to clients. Yet, mere competence isn't enough to satisfy our ethical obligations to our clients. We must instead strive for excellence. In this unique webinar Sean Carter will highlight the need for excellence in client service and demonstrate the consequences of mediocrity by recounting the sagas of past Ethy Award nominees—lawyers who earned CLE infamy for the failure to provide excellent client service.

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

8-26-2020 | 1:00 pm
1.0 CLE Ethics Credit – pending

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 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.

Due to the partnership with Mesa CLE, the LBA will NOT be accepting registrations for these webinars. Please visit the LBA website's CLE calendar, www.loubar.org, for the link to register and the cancellation policy.



Shared Parenting Serves Children's Best Interests

A. Holland Houston

Your kids might not be able to play team sports for the foreseeable future, but if you're a family lawyer or mediator, you can guide your divorce and custody clients or participants to be team players, albeit on what some critics have called "parenting teams," pulled from Swedish child psychologist Malin Bergström's book, *Divorcing with Children: Parents in Two Homes*.

Renown in equal parenting circles, Bergström has long studied the effects of various parenting arrangements on children's overall wellness who come from divorced families. Her latest book seems to implicate both the United Nations Convention on the Rights of the Child from 1989 and the Fourth Convention on Equal Parenting in 2019 wherein she uses evidence from her experiments following large numbers of children at different ages to advocate a global best interests of the child standard for parenting time, which so happens to be joint custody and equal parenting.

While one would think our Nordic neighbors founded the concept of co-parenting and joint custody as shown by their progressive policies around paid leave, gender equality and health care, to name a few, research around Bergström's studies would indicate Kentucky might have laid the groundwork for the presumption of joint custody and equal parenting time in KRS 403.270(2), as amended in 2018. Many credit the Swedes with a co-parenting arrangement called nesting—when the kids stay in the marital home and the parents move in and out of the nest. Yet, the Norse may not have that great of an edge on American family law, specifically Kentucky family law, where children's best interests are (and have been) the lodestar in custody and parenting decisions.

Kentucky's KRS 403.270(2) incorporates several of the Fourth Shared Parenting Conference's recommendations to ensure courts and legislatures focus on a child centered approach to custody. It has its detractors, though, who argue a presumption of equal time gives too much weight to the parent's wishes and prioritizes a parent's right to raise their children over parenting in children's best interests, which is by its invention, child-centered. The Shared Parenting Conference made recommendations as set out by Edward Kruk, Ph.D. in a *Psychology Today* blog in April 2019. To wit,

First, we call upon the UN Committee on the Rights of the Child, governments and professional associations to:

- identify shared parenting as a fundamental right of the child
- focus on the specific need of children of separated and divorced parents to know and be raised by both of their parents, and to endorse shared parenting as best ensuring that this need is protected
- respect the views of children of separated and divorced parents in regard to their stated preferences for post-separation living arrangement
- clearly define and operationalize the concept of the "best interests of the child"

in the context of parental separation, toward an evidence-based, child-focused understanding of "best interests"

- identify shared parenting as in the best interests of the child, as it maintains children's relationship with both parents and reduces conflict between parents
- ensure to the maximum extent possible the survival and development of children of separated and divorced parents, and to take all appropriate legislative, administrative, social and educational measures



to protect these children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including parental alienation as a form of emotional child abuse and family violence

The Shared Parenting Conference recommendations are an attempt to address and reduce Adverse Childhood Experiences (ACES) that result from high conflict divorce and break-ups and are antithetical to well-adjusted children. The bench, bar, psychologists and therapists know this. They are also keenly aware that children are spoils of war to entrenched parents who will stop at nothing to "beat" each other in a custody "battle."

Thankfully, the warrior method may be slowly losing its popularity, though, as celebrities and run-of-the-mill parent-vloggers go public with their break-ups and parenting misadventures. Mass disclosures of once verboten subjects like infidelity, non-specific sexuality, objection to marriage as patriarchal, or limiting and general dissatisfaction with one's partner or marriage, have normalized both cohabitation and divorce.

Combine evidence from Dr. Bergström and other longitudinal studies of kids of divorce and how well they are faring in two parent homes, with omnipresent confessional relationship essays, and breaking up is no longer either taboo, or really that hard. Creating

customized parenting plans doesn't have to be either. And that's where the teamwork can really play off. How do you get great? Practice. Practice. Practice.

Although our parenting statute, KRS 403.320, still contains the word "visitation" (as if a child is visiting a parent in prison or going to a pre-funeral service) lawyers and mediators have long since worked around it to devise parenting arrangements that work for kids. Kentucky family courts may not restrict reasonable parenting time unless they find after

too much deference to parental superiority versus what is best for the child. Dr. Bergström's approach (and the recommendations of the Shared Parenting Convention) are the more modern of the two, as they require parents to reframe ownership and entitlement that spring from inherent parental rights to children, in favor of a communal and state based (I know that's hard for Americans to grasp) duty to coparent for the good of the state's children.

For the trendiest approach to parenting altogether, one can usually count on Goop's founder, Gwyneth Paltrow. In 2014 or so, Paltrow announced publicly she and Coldplay's Chris Martin were consciously uncoupling. Paltrow borrowed the phrase reportedly from "lifestyle guru" Katherine Woodward Thomas, to describe a compassionate divorce that accounted for the privacy and psychic health of the two children of the mega stars. People roasted Paltrow.

At first.

And then the idea of a non-adversarial divorce or breakup that looked to the kids' futures and best health took off like wildfire stoked with medicinal herbs in a bespoke freestanding fireplace, with cedar blessed by Deepak Chopra somewhere in Santa Monica, or at least on Goop's website.

Not to be outdone as a coparenting pioneer, Paltrow, whose company was worth \$250 million in 2018 and whose personal net worth was at least \$100 million in 2018, is remarried and has offered her parenting schedule up for anyone who is:

- a) cohabiting or married
- b) whose partners each have kids from prior marriages or cohabiting arrangements, and
- c) who can afford it.

From an interview in the *Times of London*, Paltrow said she and Brad Falchuk, her husband, live together at her house four nights a week with her children from her marriage to Martin. The other three nights, Paltrow is with her children at her home without Mr. Falchuk, who spends those three nights with his children who aren't Paltrow's.

Such an arrangement should come in handy when Non Traditional Instruction (NTI), contained here in KRS 158.070(9), is replaced with in person school across the country during COVID-19, for those who don't have full time, in home, individual tutors, or gurus, if you will. Would Dr. Bergström approve of parents farming out their "duty" to instruct their children via NTI? I think she would. And if she didn't, perhaps she could be persuaded with a jar of Goop Glow, some ashwagandha supplements, a juicer and some nice chakra balancing oils.

Parental Teams: Power Up. This is your year.

A. Holland Houston is an Attorney at Law and vice-chair of the LBA's ADR/Mediation Section. ■



How a Woman's Right to Vote Came Down to a Son's Love for His Mama

Jennifer Kleier and Delores "Dee" Pregliasco



Photo courtesy of The Filson Historical Society, Louisville, KY, COS-22

August 26, 2020 will mark the 100-year anniversary of the adoption of the 19th Amendment. The Amendment guarantees that the right of citizens to vote shall not be abridged by the states or federal government on the basis of sex. It was the culmination of a long and tumultuous fight by both fearless female suffragists and their male allies.

The suffragist movement had its roots in the abolitionist movement of the 1830's with the first woman's convention in the United States taking place in 1848 at Seneca Falls, New York. California Senator Aaron Sargent introduced a woman's suffrage amendment in Congress in 1878 but it failed. *The Women's Rights Movement, 1848-1920: US House of Representatives: History, Art & Archives* (n.d).

The movement struggled to gain traction and focus, causing historian Nancy Woloch to describe early suffragists' efforts as "a crusade in political education by women and for women, and for most of its existence, a crusade in search of a constituency." (1994) *Women and the American Experience*. New York: McGraw-Hill, Inc.

Long before the passage of the 19th Amendment, women had either limited or full rights to vote in several states and territories. In rural areas of Kentucky, women who were head of household and paid taxes were granted the right to vote on tax and education issues in 1838. In 1894 women won school suffrage in Lexington, Covington and Newport. Although the Kentucky legislature took away these rights from 1902-1912, Kentucky women were always very active in the suffragist movement.

Virginia Penny of Louisville became Vice President of The Equal Rights Association in 1867. Mary Barr Clay of Richmond, daughter of abolitionist Cassius M. Clay, served as the Vice President of the National Woman's Suffrage Association (NWSA) and Vice President and President of the American Woman's Suffrage Association (AWSA). She also helped organize the first AWSA convention south of the Mason Dixon line in Louisville in 1881. Laura Clay, Mary's little sister, was also a prominent figure in the national and southern movements. *Kentucky and the 19th Amendment: U.S. National Park Service*, (2019, September 23).

The territory of Wyoming granted women the full right to vote in 1869 and became the first state to give women this right in 1890 when it finally achieved statehood. Colorado followed in 1893 and Utah and Idaho in 1896. In 1913 Illinois extended the full right to vote to women with Montana following suit in 1914. In 1916 Woodrow Wilson, who strongly opposed a national amendment, was elected to the Presidency. Suffragists became more determined than ever to win the vote prior to the next election in 1920 and began an arduous campaign in New York.

Women gained the right to vote under New York's constitution in November of 1917. Just two months later, Jeanette Rankin of Wyoming, the first female representative to the United States Congress, presented the bill authorizing the amendment to the House of Representatives. While the House barely met the 2/3 requirement to pass the bill, suffragists had faith it would easily pass the more liberal Senate. However, the 1918 Spanish Flu Pandemic threw another hurdle in front of suffragists and a group of Senators consisting of Southern Democrats and Conservative Republicans were able to stop the bill. Dubois, E. (2020, March 27). *19th Amendment Ratification*.

But suffragists were not to be deterred and continued to fight for the right to vote on a national level. The United States had entered World War I in April of 1917 and, under the leadership of Carrie Chapman Catt, the National American Woman's Suffrage Association (NAWSA) became very vocal in its support of the war. Catt and other leaders argued that in order to make the world safe for democracy it was vital to include women in the democratic process at home. Women played a key role in the war, stepping into roles formerly thought to be only for men. Suffragists argued that continuing to disenfranchise women and silencing their voice would only impede their ability to fully aid the United States in its war efforts. Eventually President Wilson changed his tune and advocated for passage of the amendment. Dubois, E. (2020, March 27). *19th Amendment Ratification*.

The midterms in November of 1918 shifted control of Congress to Republicans, clearing the way for passage. The House voted yes in May of 1919 and the bill moved to the Senate. Despite a Democratic Senator's effort to amend the bill to only include white women, the Senate passed it on June 4th. Dubois, E. (2020, March 27). *19th Amendment Ratification*.

On June 10, 1919 Michigan, Wisconsin and Illinois became the first of the necessary 36 states to ratify the Amendment. Editors, H. (2020, July 1). *19th Amendment*.

On January 6, 1920 Kentucky became the 24th state to ratify it and two months later the Kentucky legislature voted to give women the right to vote in Presidential Elections. *Kentucky and the 19th Amendment: U.S. National Park Service*, (2019, September 23).

The summer of 1920 brought rising tensions in Tennessee as the state legislature debated the ratification of the amendment. If passed, Tennessee would be the 36th and final state necessary for ratification. The heated battle became known as the "War of Roses" due to suffragists wearing yellow roses to signify their support for the amend-

(Continued on next page)



Minor League of Women Votes, 12/12/23. Library of Congress nppc.10094. <https://www.loc.gov/pictures/item/2016836367>.

(Continued from previous page)

ment and anti-suffragists wearing red roses to demonstrate their dissent.

The Senate quickly passed the measure but it stalled in the House leading to weeks of debate. Anti-suffragists viewed the amendment as a continuation of the Civil War and feared that passage would threaten white supremacy. Josephine Pearson, President of the Tennessee State Association Opposed to Women's Suffrage, led the fight against the amendment to protect what she saw as the traditional southern way of life. Even many white suffragists had long been wary of allegiances with abolitionists, especially black women, for fear it would undermine the ability to ratify the amendment in Southern states. Cohen, J. (2020, May 8). *The Mother Who Saved Suffrage: Passing the 19th Amendment*.

On August 18, 1920 the Amendment was finally called to a vote in the Tennessee House. Harry Burns, a 24-year-old senator, cast the deciding vote. Pinned to his lapel was a red rose, signifying his opposition to the amendment. In his hand he clutched a note from his mother, a woman by the name of Phoebe Ensminger Burn, known to her friends as Miss Febb. The note read, in part, "Hurrah and vote for suffrage. Don't keep them in doubt...Be a good boy and help Mrs. Catt put the 'rat' in ratification. With lots of love, Mama."

After shocking the room with his vote, Henry ran for safety and hid from the angry crowd. It was said that "he invoked the fury of his red rose carrying peers while presumably avoiding that of his mother—which may very well have been the more daunting of the two." Henry later defended his vote by saying "I know that a mother's advice is always safest for her boy to follow and my mother wanted me to vote for ratification"

Cohen, J. (2020, May 8). *The Mother Who Saved Suffrage: Passing the 19th Amendment*.

On August 26, 1920, Bainbridge Colby, then Secretary of State, certified the ratification and the 19th Amendment became law. Tennessee ratifying the Amendment in the summer of 1920 allowed approximately 1/3 of eligible women to cast their vote in the presidential election in November of that year. The Republican Senator of Ohio, Warren G. Harding, defeated the Ohio Democratic Governor, James M. Cox, to become the 29th President of the United States. Dubois, E. (2020, March 27). *19th Amendment Ratification*.

August 26th, now known as Women's Equality Day, is an opportunity to celebrate and reflect on the strides we have made towards achieving gender equality. More importantly though, it's a day to evaluate opportunities in our lives to continue the work of those who have gone before us. Some of these may be small, some may be large, some may come to us naturally, some we may have to actively seek out.

The LBA's Gender Equity Committee is doing the hard work to create both equity and equality for women in the law and has many opportunities to offer members who would like to make a difference. If you are interested in joining the cause, please contact lanspach@loubar.org. Hurrah!

Jennifer Kleier is a partner at Karem & Kleier Law and chair of the LBA's Gender Equity Committee. Dee Pregliasco is retired from Pregliasco Straw-Boone, Doheny Banks & Mudd; is a practicing mediator; and an adjunct professor at the Brandeis School of Law. ■



National Anti-Suffrage Association. Library of Congress. Harris & Ewing. <https://www.loc.gov/pictures/item/97500067/>



Celebrating 100 Years

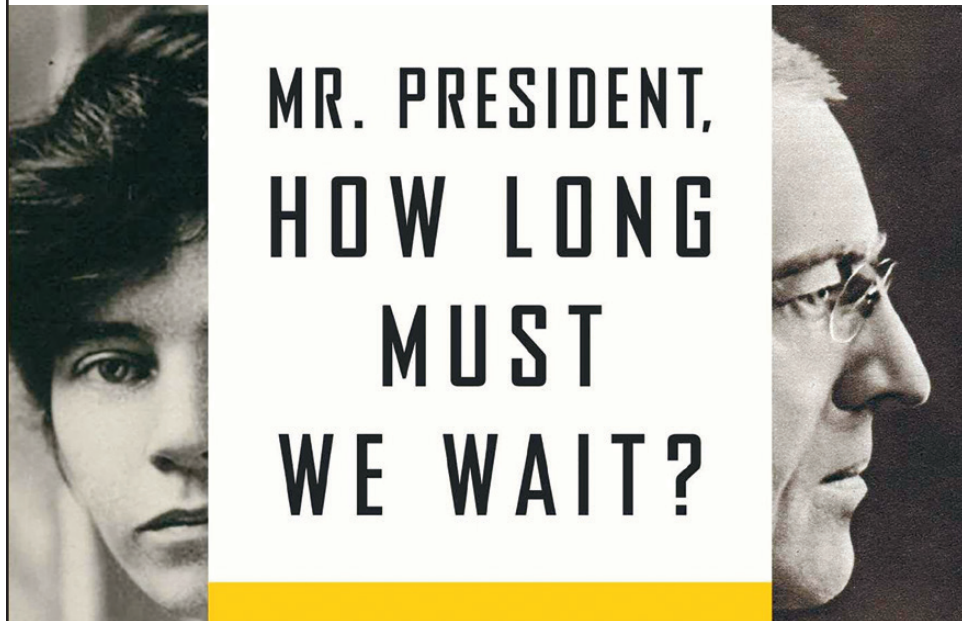
The Louisville Bar Association recognizes and honors the 100-year anniversary of the adoption of the 19th Amendment and the achievements of the women who helped secure its passage. To celebrate the anniversary, the LBA has created a page on its website, www.loubar.org, dedicated to honoring this historic achievement. The page includes upcoming webinars, podcasts, videos, articles and exhibits.

The page can be found under the Public Resources tab.

frazier

KENTUCKY HISTORY MUSEUM

Check out these free programs offered by the Frazier History Museum:



WOMEN'S EQUALITY DAY: AUTHOR TALK WITH TINA CASSIDY

Friday, August 21

7- 8 p.m.

Virtual Event

Tina Cassidy, author of *Mr. President, How Long Must We Wait?* Alice Paul, Woodrow Wilson and the Fight for the Right to Vote will be interviewed by journalist Pam Platt. Cassidy writes about women and culture. She is also the author of *Birth: The Surprising History of How We Are Born* and *Jackie After O: One Remarkable Year When Jacqueline Kennedy Onassis Defied Expectations and Rediscovered Her Dreams*. Books may be ordered online at www.carmichaelsbookstore.com. This is a virtual event in collaboration with Carmichael's Book Store. Register at www.fraziermuseum.org/wed.

WOMEN'S EQUALITY DAY

Saturday, August 22

9 a.m.- Noon

Virtual Event

Presented by the Louisville Metro Office for Women, the League of Women Voters Louisville, and the Frazier History Museum, a celebration of the 100th anniversary of the 19th Amendment and includes presentations and inspiring speakers. Poet and artist Hannah Drake will present an original work, Tina Cassidy, author of *Mr. President, How Long Must We Wait?* Alice Paul, Woodrow Wilson and the Fight for the Right to Vote will offer the keynote address. Visit www.fraziermuseum.org/calendar-of-events for more information.

LET'S TALK | BRIDGING THE DIVIDE: WHAT IS A VOTE WORTH?

Tuesday, September 8

6 -7 p.m.

Virtual Event

What is a vote worth? With the November election drawing near, we tackle that question as we commemorate the centennial of a woman's right to vote, look at the recent bipartisan agreement on absentee ballots in Kentucky's primary elections, and address ongoing concerns about voter suppression. Panelists include Joshua Douglas, Professor at the University of Kentucky College of Law; Michael Adams, Secretary of State (KY); Rick Green, Editor of *The Courier Journal*; Sadiqa Reynolds, President of the Louisville Urban League; and Amina Elahi, City Reporter at WFPL. Co-moderated by Rachel Platt and Renee Shaw, host of KET's Kentucky Tonight. Register at www.fraziermuseum.org/calendar-of-events/what-is-a-vote-worth.

“Men, Their Rights and Nothing More; Women, Their Rights and Nothing Less”

The 15th Amendment at 150 and the 19th Amendment at 100

Paul K. Stafford

Annually, our nation commemorates Black history in February and women’s history in March; however, in 2020 we are commemorating the anniversaries of two seminal movements culminating in the ratification of two constitutional amendments—the 150th anniversary of the 15th and the 100th anniversary of the 19th. It is no more possible to understand the significance of Black history or women’s history within the confines of a designated month than it is possible to understand the significance of these two amendments without first understanding the history of those Americans these amendments are intended to protect.

Whose America?

When explorer Christopher Columbus “discovered” the “Mundus Novus” in 1492, it had already been “discovered” by other explorers and was already inhabited by non-European men and women for centuries; however, soon after its “discovery,” America experienced a continuous influx of European colonists and African slaves upon its shores—and a continuous subjugation of non-Europeans within its land. These men, women, non-Europeans, Europeans, and slaves comprise the fabric of America’s history.

Through the Declaration of Independence, the 13 colonies formed a republic and declared the rights of its men (but not its women) and the independence of its colonists (but not its slaves), stating: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.”

The Articles of Confederation were drafted, favoring governance through state sovereignty over central authority. States were charged with the responsibility to safeguard the rights articulated in the declaration, but were less than successful in their charge. The Constitutional Convention was called, and a constitution was created. Twelve proposed amendments followed, 10 of which were ratified and became the Bill of Rights.

After the ratification of the Constitution and the Bill of Rights, the federal government did not serve as the custodian of liberty, equality and voting rights. The Bill of Rights only applied to the federal government, equal protection was a concept absent from the Constitu-

tion, and the federal government deferred to the states on voting rights. However, after the Civil War—and through the 13th, 14th, and 15th Amendments (often referred to as the “Reconstruction Amendments”)—and the 19th Amendment (referred to as the “suffrage amendment”), those protections were explicitly extended to men of all races, former slaves and women.

The “Reconstruction Amendments”

The Constitutional Convention was not intended for all Americans. Slavery remained after the ratification of the Constitution and the Bill of Rights, as did the continuing tension between Jeffersonian states’ rights and Hamiltonian federalism. During the Civil War, the Emancipation Proclamation declared free all persons held as slaves within the “rebellious states,” freeing millions of slaves in the U.S. at the time. Within this contextual focus upon liberty, the Constitution’s 13th Amendment (1865) abolished slavery in the United States.

Even with the 13th Amendment’s ratification, equality was a concept constitutionally unavailable to Blacks, made evident in *Dred Scott v. Sandford* in which the Supreme Court held that the Constitution was not intended to include citizenship for Black Americans, whether slave or free. The 14th Amendment (1868) addressed this disparity, stating that all persons born or naturalized in the United States are citizens of the U.S., and that no state shall make or enforce any law that abridges the privileges and immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process; nor deny any person the “equal protection of the laws.” The 14th Amendment goes on to penalize the inhibition of the right of male citizens to vote, but says nothing of female citizens.

The 15th Amendment (1870) states that “[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” Together, the 13th, 14th, and 15th Amendments constitute the “Reconstruction Amendments;” however, the Compromise of 1877 saw the end of Reconstruction and the advent of Jim Crow laws in the South, which suppressed voting and effectively disenfranchised Black Americans, aided by the passage and imple-

mentation of Black Codes, generalizations perpetrated through the “Dunning School,” and the federal court’s deference to states in condoning discriminatory actions.

This overt voter intimidation and suppression continued through the civil rights movement, the Civil Rights Act of 1964, and the Voting Rights Act of 1965 and continues to have implications today through such cases as *Shelby Cty. v. Holder*.

The “Suffrage Amendment”

The women’s rights movement was born in the process of advocating for the end of slavery and the rights of Black Americans—evidenced by abolitionists Lucretia Mott and Elizabeth Cady Stanton being barred from attending the 1840 World Anti-Slavery Convention in London, which prompted the Women’s Rights Convention in Seneca Falls, New York, in 1848 that resulted in the creation of the “Declaration of Sentiments,” which demanded equality with men before the law.

In 1866, the American Equal Rights Association—dedicated to suffrage for all regardless of race or gender—was formed. After the passage of the 14th Amendment, and with conflict over whether to support the 15th Amendment, the National Woman Suffrage Association, or NWSA, focused on amendment of the Constitution, and the American Woman Suffrage Association, or AWSA, focused on amendment of state constitutions. Following the Supreme Court’s 1873 ruling in *The Slaughterhouse Cases* refusing to extend the 14th Amendment rights associated with federal citizenship to state citizenship and the court’s deference to discrimination the following year in *Minor v. Happersett*, ruling that any remedy of woman’s suffrage should be sought at the state constitutional level, suffrage efforts continued.

In 1890, the NWSA and AWSA merged to form the National American Woman Suffrage Association with Stanton as its first president. In 1896, the same year as the *Plessy v. Ferguson* decision condoning “separate but equal,” the National Association of Colored Women was formed with the goal of achieving equality for women of color. Due to the increasing political support for women’s suffrage, and due in part to the efforts of the National Woman’s Party and the 1916 election of Jeannette Rankin, of Montana, as the first woman elected to the U.S. House of Representatives, debate began on a suffrage amendment in 1918 in the U.S. House, and the amendment passed.

With the support of President Woodrow Wilson, the suffrage amendment was able to pass the U.S. Senate in 1919, using the language of the women’s suffrage amendment of 1878 and mirroring the 15th Amendment, stating that “[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.” Upon the ratification of the 19th Amend-

ment on August 18, 1920, women were granted the constitutional right to vote.

What do the Ratification Anniversaries of the 15th and the 19th Amendments Mean Today?

In this election year, the meanings ascribed to these anniversaries are varied. One meaning is undoubtedly that—although the field of candidates in a particular political contest often may not be diverse or representative of the electorate—men of color, former slaves and women must remain diligent as an informed electorate in the exercise of their enfranchisement.

For example, with numerous female candidates, two African-American candidates, an Asian-American candidate, and the first openly gay presidential candidate, the 2020 Democratic presidential primary was the most diverse field of presidential candidates in this country’s history; however, the majority of these diverse candidates did not survive long enough to see Super Tuesday. It is also worth noting that, even following the presidency of a Black American, the leading Democratic presidential candidate is a 77-year-old white male, preparing to face a 73-year-old white male in the November 2020 general election. Nonetheless—although voting rates vary among various demographics according to the type of election—a vote is a voice, and every vote matters in maintaining this republic.

A larger meaning is that the nation should respect, commemorate and be forever mindful of the historical struggle to give true meaning to its creed—being an indivisible nation, ensuring equality and espousing the inclusive concepts of liberty and justice for all—to men of all races and color through the passage of the “Reconstruction Amendments” and to women through the “Suffrage Amendment.” Americans (and American history) must recognize and respect the societal and governmental evolution each amendment represents.

Finally, in commemorating the ratifications of the 15th and the 19th Amendments, we must acknowledge both the higher calling and aspirational principles of our grand experiment in this pluralistic republic as well as reaffirm that all Americans are essential toward forming a more perfect union. Onward.

This article was reprinted with the permission of the author and the State Bar of Texas. It was originally printed in the June 2020 issue of the Texas Bar Journal.

Paul K. Stafford has been a business litigator for approximately 25 years and a student of constitutional history his entire life. He is a past president of the Dallas Bar Association (2012) and currently serves on the State Bar of Texas Diversity in the Profession Committee. ■



Anti-Discrimination Rule Proposed

In February, the Louisville Bar Association and its Gender Equity Committee submitted a proposed amendment to the Kentucky Rules of Professional Conduct to address discrimination in the legal profession. Kentucky is in a minority of states that does not directly address discrimination in its professional conduct rules. The KBA Rules Committee will be considering the LBA’s proposed rule amendment and potentially voting on it at its next meeting in September. If you would like more information about the proposed rule amendment and how you can lend your support to this important initiative, please contact Lisa Anspach at lanspach@loubar.org. ■

Farewell, Lea!



Lea Hardwick, who served as director of the LBA's pro bono/public service programming over the last three years, accepted a new position with the Legal Aid Society last month. During her time with us, Lea helped guide successful outreach projects—including free bi-monthly pro se divorce clinics as well as the Attorney Bowl, Summer Law Institute, summer intern program, Back to School supply and Santa's Court toy drives—that evidence the legal community's generosity and improve the quality of life for many Louisvillians. While we'll miss her being in the office on a daily basis, we look forward to her continuing contributions as a volunteer member of both the Pro Bono Consortium and Public Service Committee. ■



Solo & Small Practice section hosts: **Five Keys to a Profitable Practice**

In this powerful yet practical workshop, you will learn the five simplest ways to grow your practice profitably:

1. Learn the only five ways to increase your profits.
2. Define your unique selling proposition and turn it into a powerful, competitive tool.
3. Dramatically increase your lead generation and conversion skills.
4. Develop your guarantee to attract customers.
5. Significantly increase cash flow and profit margins.



Speaker: Mark McNulty



Tuesday, August 4, 2020
12:30 p.m. - 1:30 p.m.
LBA Members: FREE | Non-Members \$15.00

This webinar does not include CLE credit. This is a LIVE program and any post-event recordings will be subject to the On Demand fee(s).



Have You Moved?

The 2020-2021 LBA Pictorial Roster is going to print!

Be sure to let us know if you've recently switched firms, opened your own practice or simply gotten rid of your fax.

Updates should be sent to mmofley@loubar.org prior to Friday, August 14.

MEETING SCHEDULES

Louisville Association of Paralegals

Check out upcoming educational programs and special events on the Louisville Association of Paralegals website at www.loupara.org. The LAP offers joint membership with the Louisville Bar Association for voting members and joint LAP/LBA members may attend most LBA CLE programs at the discounted rate of \$15. To learn more about the benefits of LAP membership, visit www.loupara.org. ■

Legal Marketing Association

Please join the Kentucky Legal Marketing Association for its monthly free webinar, "Cultivating Diversity and Inclusion in Your Firm," on Wednesday, August 19, from 12:30 to 1:30 pm.

As racial injustice has been brought to the forefront over the past several months, it is critical for law firms to revisit their diversity and inclusion strategies, and assess their D&I plans. Not only is it the right thing to do, but it is a client development concern, as clients are more often considering the diversity of the workforce when choosing the firms they hire.

Ann Mary Quarandillo, Marketing & Client Relations Director at Sturgill, Turner, Barker & Moloney, will talk with Danny Murphy, Chief Diversity Officer and Director of Community Relations at the University of Kentucky J. David Rosenberg College of Law. Murphy has a unique perspective on how these matters work in our profession, as both a practicing attorney and a Dean working daily with the community. We encourage you to submit questions ahead of time to shape a useful and productive conversation.

If interested in attending please e-mail Katie Lange, KY LMA Chair at katie.lange@protem.pro by August 17. An e-mail will be sent with the link for the webinar 24 hours before the program. ■

ENTER TO WIN QUARANTINE PHOTO CONTEST

DEADLINE FRI., AUGUST 14

WHETHER IT WAS BY DOING BURPEES IN YOUR FRONT LAWN, WATCHING YOUTUBE TUTORIALS ON HOW TO CUT YOUR BANGS OR TRYING TO BECOME THE NEXT TOP CHEF BY BAKING BANANA BREAD, THE LBA WANTS TO KNOW HOW YOU HAVE SPENT YOUR TIME IN QUARANTINE! SEND A PHOTO OF YOUR FAVORITE QUARANTINE MEMORY TO Lbutz@loubar.org BY FRIDAY, AUGUST 14 AND WE WILL FEATURE THE BEST OF THE BEST IN THE SEPTEMBER ISSUE OF BAR BRIEFS! PHOTOS OF FURRY COWORKERS ENCOURAGED!



QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
Attorneys At Law

Due to their continued growth, a multi-office national law firm is seeking **ATTORNEYS** for its Louisville and Lexington offices. The litigation department seeks individuals with experience in civil trial and/or insurance defense litigation.

Portable book of business is a plus.

E-mail resume to resume@qpwbllaw.com



Back to School Drive

Join the LBA in Collecting Monetary Donations for JCPS Students in Need!



The 2020-2021 school season is gearing up to start on August 25. Even though it will begin as non-traditional online learning, students are still in need of supplies! The LBA offers a great opportunity to support local children in need through its Back to School project.

Due to the uncertainty surrounding the coronavirus pandemic, we are only accepting monetary donations this year. Just \$35 provides a complete backpack stocked with a year's worth of supplies. \$25 provides all supplies. All donations are tax deductible and checks should be made payable to the Louisville Bar Center. Donations can also be made online through the LBA's website at www.loubar.org.

Donations will be split between Jefferson County Public Schools in need and the West End School.

All donations must be received no later than Friday, August 21.

If you have any questions, please contact Marisa Motley at (502) 583-5314 or mmotley@loubar.org.



**Deadline:
Friday, August 21**

4 Ways to Help Transition Pets to Post-Quarantine Routines



As states ease COVID-19 restrictions and people get out of the house to return to work, pets around the country may see their daily routines of hanging out with everyone come to an end.

Some dogs and cats handle routine changes easily. For others, a routine change at home can cause behavior issues, nervousness or separation anxiety.

A Suzy survey of 5,000 U.S. pet owners found nearly 70 percent of respondents are concerned their pets will have new or additional anxiety when they return to work. It's important to prepare pets for changes in routine, especially those that are new to a home, for their well-being and harmony of the whole family.

Consider these post-quarantine transition tips.

Make a Plan

The key to any plan is making sure everyone knows what to do. This goes for veteran pet owners and the owners of more

than 221,000 new pets adopted or fostered since March, according to the 24Pet ShelterWatch Report. Pet owners should agree on the plan for their pets and details should be shared with children who help with care.

"Pet owners should make a plan with minimal and realistic changes to help their dogs or cats adapt to new routines," said veterinarian Elizabeth DeLomba, MBA, senior veterinary services consultant at VetriScience Laboratories. "Start by offering your pets belongings that make them feel safe and comfortable and add small things that promote mental and physical stimulation."

Practice the New Routine

Ease your pet into being alone by spending short periods of time away from him or her both in and outside the home and work your way up to hours of separation.

Use practice time to get your dog or cat used to what happens before you leave for work, comfortable with a crate or other safe space and acquainted with a new toy, treat

or someone who will check on him or her during the day.

Before you leave, take your pet for a walk or play at home to get energy out prior to your departure. When it is time to leave, don't make a big deal out of leaving. Say goodbye long before you leave then leave calmly.

Try a Calming Supplement

The survey revealed that 65 percent of respondents plan to use a nutritional supplement to help their dog or cat cope with any anxiety a new routine brings. Over the counter calming supplements can help pets relax during stressful times without changing their personality or energy level. Calming supplements come in bite-size chews or a liquid dosage and can help relieve stress for dogs and cats of all breeds and sizes.

"Fear and anxiety disorders affect 23 million dogs in the U.S. alone," DeLomba said. "Supplements may offer a convenient approach for managing separation anxiety and other behavioral issues. The

ingredients in supplements work together to make a positive impact on behavior and anxiousness, which results in a calmer, more focused pet."

Keep Them Stimulated

Don't let your dog or cat feel bored when home alone. Play music, keep a television on or use a white noise machine to create some constant sound. If your pet isn't into watching television, keep him or her busy with a treat-dispensing toy that requires some work. Or stuff a toy with peanut butter, freeze it and give it to your dog when you leave. These ideas can help keep your pet's mind stimulated and encourage him or her to focus on something other than being alone.

Start thinking about a plan for your pet and ask your veterinarian if you have concerns about behavioral changes. Learn more and find the full survey results at vetriscience.com. ■

LAWPAY[®]

AN AFFINIPAY SOLUTION

POWERING PAYMENTS FOR THE LEGAL INDUSTRY

The easiest way to accept credit,
debit, and eCheck payments

The ability to accept payments online has become vital for all firms. When you need to get it right, trust LawPay's proven solution.

As the industry standard in legal payments, LawPay is the only payment solution vetted and approved by all 50 state bar associations, 60+ local and specialty bars, the ABA, and the ALA.

Developed specifically for the legal industry to ensure trust account compliance and deliver the most secure, PCI-compliant technology, LawPay is proud to be the preferred, long-term payment partner for more than 50,000 law firms.

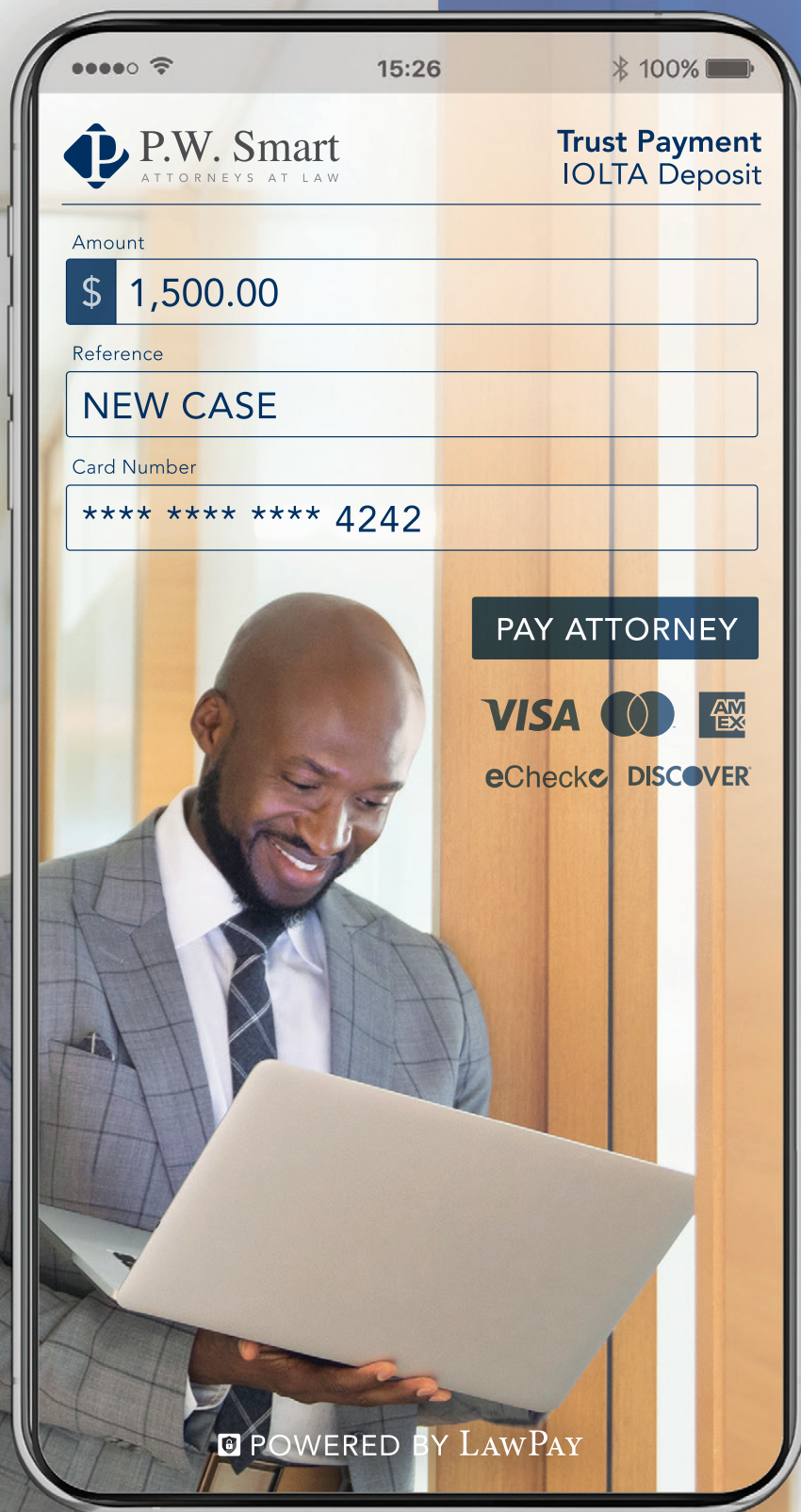


LOUISVILLE BAR

A S S O C I A T I O N

Pride in the profession. Service to the community.

ACCEPT MORE PAYMENTS WITH LAWPAY
866-554-9202 | lawpay.com/loubar



LawPay is a registered agent of Wells Fargo Bank N.A., Concord, CA and Citizens Bank, N.A., Providence, RI

Services

Witness Location Service:

Will locate your missing witness anywhere in the country for the flat fee of \$180 plus database expenses. Using our proprietary databases and the telephone, we will talk to the witness and ask them to call you. If you don't want them contacted, we will furnish you their current address and cell number. Call Capital Intelligence, LLC 502-426-8100 or email jsniegocki@earthlink.net.

KBA Disciplinary Complaints:

Cox & Mazzoli, PLLC
Michael R. Mazzoli is accepting a limited number of attorney disciplinary matters. Mr. Mazzoli is talented, experienced and discreet (502) 589-6190 • mazzolicmlaw@aol.com 600 West Main Street, Suite 300 Louisville, KY 40202

THIS IS AN ADVERTISEMENT

False Claims Act / Qui Tams /

Whistleblower:

Cox & Mazzoli, PLLC
Scott C. Cox and Michael R. Mazzoli, both former Assistant United States Attorneys, are accepting new clients who have knowledge of fraud and false billing claims against the federal government (502) 589-6190 / mazzolicmlaw@aol.com 600 West Main Street, Suite 300 Louisville, KY 40202

THIS IS AN ADVERTISEMENT

Arbitrations Against Securities Brokers:

James P. McCrocklin, NASD/FINRA "Chairman qualified", has over 30 years experience as an arbitrator and Claimants Counsel before FINRA panels. Mr. McCrocklin is available for confidential and free case evaluations for clients who have experienced excessive losses in their investment accounts. Mr. McCrocklin has successfully collected millions on behalf of aggrieved investors. Call (502) 855-5927 or e-mail jmccrocklin@vhrlaw.com.

THIS IS AN ADVERTISEMENT

Help Wanted

Through the LBA Placement Service

Associate Attorney:

The LBA is currently working with a law firm located on the east side of Louisville that is seeking to add a new Attorney to their growing practice. Their practice consists of a variety of defense work for public entities, and they frequently defend public service employees such as Police Officers, etc. They are seeking a candidate with at least two years of experience in civil defense work and licensed to practice in Kentucky. No new grads, unless they have years of related experience prior, as their ideal candidate will have 2-10+ years of experience as a practicing Attorney. No book of business needed, as there is plenty of work to keep the candidate busy. Salary is based on experience, plus incentive pay and full benefits, which includes payment of all license fees, CLE's, organizational dues and liability insurance. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Advertising copy is carefully reviewed, but publication herein does not imply LBA endorsement of any product or service. The publisher reserves the right to reject any advertisement of questionable taste or exaggerated claims or which competes with LBA products, services or educational offerings.

Environmental Law:

Ronald R. Van Stockum, Jr.
502-568-6838
rvs@vanstockum.com
THIS IS AN ADVERTISEMENT

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.

THIS IS AN ADVERTISEMENT

Immigration Consultant:

Dennis M. Clare is available to practice immigration and nationality law. Member of the American Immigration Lawyers Association. Law Office of Dennis M. Clare PSC, Suite 250, Alexander Bldg., 745 W. Main St., Louisville, KY 40202, (502) 587-7400.

THIS IS AN ADVERTISEMENT.

Discrimination Issues & Other

Related Matters:

Samuel G. Hayward is available for consultation of discrimination and other related matters for either plaintiff's or defendant's practice. Mr. Hayward has over forty years' experience in this area with Title 7, 1983, and sexual harassment cases. Samuel G. Hayward, 4036 Preston Hgwy, Louisville, KY 40213, (502) 366-6456.

THIS IS AN ADVERTISEMENT.

Office Space

Offices Available in Downtown

Louisville:

An established law firm with offices in Lexington and Louisville currently has office space available for rent immediately. This office-share environment in our Louisville office includes 3-5 adjoining offices (each with fantastic views of downtown), building security, a secretarial workstation, access to conference rooms, lobby/receptionist and conveniently located kitchen/restrooms. Please call 859-514-7232 for additional information and/or to view the offices.

Attorney Office Space for Rent in Old Louisville Area.

(S. 4th Street)

1 large office approximately 16' x 16'
1 office approx. 8' x 10'
1 office approx. 8' x 10' - with adjoining Room that can be used for secretarial office Or storage/copy area
1 large open space with enough room for 3 - 4 desks for support staff
Access to conference rooms, copy, fax and postage machines and kitchen.
Free Parking. Rent one or all four - all on 3rd floor.
Call Laura Garrett @ 502-582-2900

Office Space Available:

One Riverfront Plaza - river view; 1 to 3 offices available (2 furnished) on 20th floor; library/conference room; secretarial services and/or space available. (502) 582-2277.



DOWNLOAD

ADVERTISING RATES

Advertising Rate & Specification sheets are available for download visit www.LOUBAR.org, click on "Bar Briefs" select "Advertise"

Ads must be submitted in writing to Kimberly Kasey via e-mail to kkasey@loubar.org

GET PUBLISHED!

Bar Briefs is a national award winning monthly publication of the Louisville Bar Association. With a circulation of more than 2,700 readers, *Bar Briefs* offers informative articles on current issues of interest in the law.

Bar Briefs relies heavily on contributions by generous volunteers. The LBA welcomes article submissions from attorneys, paralegals and other professionals.

Article types include, but are not limited to:

- Substantive law-related articles
- General interest articles
- Essays or humor
- Book reviews
- Letters to the Editor
- Poems
- Quick Tips
- Comics

Contact Lauren Butz
lbutz@loubar.org

MEMBERS on the move



Gilbert



Klein



Rutledge



Weis

Frost Brown Todd's ongoing efforts to create an inclusive environment where everyone has an equal opportunity to succeed has earned the firm the title of "Gold Standard Law Firm" by the Women in Law Empowerment (WILEF). FBT is one of only 48 U.S. law firms to receive this certification. WILEF awards the designation to a select number of law firms who meet specific requirements, including having a certain number of women as equity partners, in firm leadership positions, and in the ranks of their most highly compensated partners.

Elder Law Solutions is pleased to announce that **Larisa Gilbert** has joined the firm. After years of experience helping her and her husband's parents manage their changing medical, residential, and financial needs, Gilbert knows first-hand the importance of helping loved ones plan for their future in a way that preserves the dignity that comes with maintaining both choice and control as they age. The daughter of a career military officer, she is particularly passionate about helping veterans to integrate their VA and retirement benefits into a plan that provides security for their future and clear guidance for their families.

The Louis D. Brandeis American Inn of Court recently selected Stites & Harbison attorney **Aaron Klein** as an Associate member. The mission of the Louis D. Brandeis American Inn of Court is to foster excellence in professionalism, ethics, civility and legal skills. Klein is a member of the firm's Construction Service Group. His practice focuses on advising owners, contractors, subcontractors, design professionals, and trade and materials contractors in all phases of the building process. He brings value to clients through experience in both construction litigation and transactional matters. Outside of the firm, Klein serves as the Vice President of the Kentucky Bar Association's Construction and Public Contracting Section and holds leadership positions in the American Bar Association's Forum on Construction Law.

Stoll Keenon Ogden member **Thomas E. Rutledge** has been appointed as a Founding Fellow and member of the Board of Directors of the American College of LLC and Partnership Attorneys. Rutledge is a nationally recognized authority on business entity law including partnerships, limited partnerships and limited liability companies. He is a former chair of the LLCs, Partnerships and Unincorporated Entities Committee of the Section of Business Law of the American Bar Association and is co-author of Ribstein and Keatinge on Limited Liability Companies, a nationally recognized multi-volume treatise.

Thomas Law Offices is pleased to announce that **Kevin Weis** has joined its team of attorneys in the firm's Louisville office. He is a 1999 graduate of the University of Louisville Brandeis School of Law. For over 20 years Weis has practiced almost exclusively in all areas of plaintiff's personal injury law, with the majority of his current practice devoted to medical negligence and motor vehicle cases. For his entire career Weis has been an active member of the American Association for Justice and the Kentucky Justice Association, including election by his peers to the KJA Board of Governors the past eight years where he has served as co-chair of membership. ■

The Best Things in Life are FREE...

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

Send announcements to Lauren Butz: lbutz@loubar.org.

Notices are printed at no cost, must be submitted in writing and are subject to editing. Items are printed as space is available. News releases regarding lawyers who are not LBA members in good standing will not be printed. Peer review rating announcements are not published, these include, but are not limited to: Best Lawyers, Super Lawyers, Chambers and Martindale-Hubbell. Others will be considered on a case-by-case basis.

In Memoriam



Hon. Michael O. McDonald, age 86, died July 16. He served as a judge of Jefferson Circuit Court (1971-1980) and the Kentucky Court of Appeals (1980-1995). The author of more than 1,700 appellate opinions, he was the LBA's Judge of the Year in 1976. A graduate of the University of Louisville Brandeis School of Law, he was instrumental in founding the Louisville-Jefferson County Public Defender's office, the first full-time public defender program in Kentucky.

Judge McDonald is survived by four of his five children, including Jefferson Circuit Judge Judith McDonald-Burkman and retired circuit judge Martin McDonald. Memorial gifts can be made to the Sisters of Charity of Nazareth, Flaget High School Alumni Association, Trinity High School or the Kentucky School for the Blind Charitable Foundation. ■

Five Tips for Attorneys Getting More Leads on Facebook

Aron Solomon

At NextLevel, we work only with lawyers and law firms. In our more than decade of experience, through trial and error, we've become experts in Facebook, designing and placing Facebook ads, and generating leads for our clients. Here are the five best practices we've developed for getting leads on Facebook to allow you to profit from our decade of trial and error:

- 1. Create a campaign based on one practice area.** Even if you practice across areas of practice, do one campaign for each area. For example, motorcycle accidents, medical malpractice, etc. When you build one campaign per practice area it is easier to compare campaigns and find out what practice areas will work on Facebook and what areas will not, for whatever reason. Event-driven cases like car accidents are much more difficult to get than medical malpractice because when someone has a car accident they know they need a lawyer and they go to Google to search for one. When someone sees an ad for a certain type of medical malpractice, such as misdiagnosis of cancer, many people don't even know they can sue for this. Your campaign needs to be educational if you're going to convert.
- 2. When creating your ads, always keep your audience in mind.** It's better to talk about what you can do for people—that you care about them and have empathy—than to talk about your achievements. Sure, they want to know that you have achievements but how does that translate in a resonant way to them? Give prospects something like "We don't settle," or "We have the resource to go all the way." Stay away from far greater generalities such as "We work hard for you" or "We are battle-tested."
- 3. Capture their attention.** You basically have 1-3 seconds to grab someone's attention while they are scrolling Facebook. That's it. You need to have a stunning visual. Videos and slideshows work great. Colorful moving pictures. Let the pictures tell the story and don't use too much text. On Facebook, the temptation is to try to do more, but less is more. Trust us on this.
- 4. The text above the visual is crucial.** You only have three short lines or about 125 characters before the words go to a "see more" button. We strongly recommend making the first sentence the payoff. "Free Consultation for Medical Malpractice Victims." Then your second sentence can be informative. "Millions Won for Victims!" And the third sentence is your call to action—your CTA—"Sign Up Today!"
- 5. Creating the audiences is the art.** If your ad is for birth injuries your audience can be made up of people who have shown an interest in baby products, and have shown an interest in hospitals and have searched medical terms having to do with birth injuries. Creating audiences can be complex, so you really need to think it through.

Please stick with what you try. When you try something on Facebook, you need to try it a few times as you rarely have success right away. Give yourself the permission to try again and again to see if something is going to click.

Aron Solomon is founder of LegalX and CEO of Mission Watch Company. ■

Let me help
guide you to a
rapid resolution!

JAY DILBECK
Mediations & Arbitrations
Experienced / Reasonable Rates
(502) 595-6500 • jay@dilbeckandmyers.com

Serving your practice as our own

For more information call us at 502-568-6100 or
Submit for a quick quote at www.LMICK.com



Louisville Bar Association
600 West Main Street, Ste. 110
Louisville, KY 40202-4917

RETURN SERVICE REQUESTED

Louisville Bar Association

BARbriefs

PRSR STD
US Postage
PAID
Louisville, KY
Permit # 708

FOLLOW US ON

facebook®



WWW.FACEBOOK.COM/LOUBARASSOC



Carol S. Petitt



Scott Porter



Molly Isaacs-McLeod

Mediation Service

- ▲ Civil
- ▲ Environmental and Construction
- ▲ Family and Elder Care

Available statewide

502.242.7522

info@vplegalgroup.com

Retired Judges Mediation & Arbitration Services

Over A Century of Judicial Experience!

Let us put Judicial Experience to work for YOU

full mediation & arbitration service • reasonable hourly rates no administrative or advance fees

AVAILABLE FOR VIDEO CONFERENCE MEDIATIONS STATEWIDE

P.O. Box 70318 • Louisville, KY 40270-0318

(502) 721-9900 • Fax (888) 389-3559

Email: retiredjudges@twc.com

www.retiredjudgesmediation.com



Judge Tom Knopf
(Ret)



Judge Ann Shake
(Ret)



Judge Steve Ryan
(Ret)



Judge James M. Shake
(Ret)

This is an advertisement.



Join the LBA in Collecting Monetary Donations for
JCPS Students in Need!

Details on pg.16 and online www.loubar.org