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MEET THE PRESIDENT

Peter Wayne



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

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Peter H. Wayne IV, who bridges Generation X and Y, hopes to build on what previous leaders have created and show younger lawyers the value of LBA membership. Learn more about his family, career and history with the LBA in a personal profile.



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The LBA's Foundation: Relationships Forged within Its Membership

Happy New Year! With this being my first column as president of the Louisville Bar Association, I initially struggled to determine what I was going to write about. Fortunately, however, a good friend recently asked me a simple question that inspired this column. He asked, "Why become President of the LBA?" And, for me, it was a simple answer. It is the tremendous appreciation I have for the organization and its people.

In 2007, upon returning to Louisville after working in Cincinnati and finishing law school, I found myself establishing a solo office for the Garretson Law Firm in the Starks Building downtown. I knew that in order to be successful, I had to leave the confines of my office. Therefore, I promptly joined the LBA to network on behalf of my firm and gain a greater sense of community among my new peers. Admittedly, I was largely unaware of the purpose and mission of the LBA upon joining; however I came to quickly realize that the LBA is an outstanding community of driven leaders who take pride in their profession, the way it is practiced, and who recognize that by working together, they can have a measurable impact on the city and surrounding areas.

Seeing as I too wanted to make an impact, and quite frankly felt inspired by other members, I quickly became engaged in the Young Lawyers Section. This then led to becoming its chair, which in turn afforded me the opportunity to join the LBA Board of Directors. Joining the board was one of the more meaningful moments of my professional career as it afforded me the invaluable opportunity to work alongside some of the most accomplished lawyers in Louisville, many of which had a profound impact on me. I am immensely grateful for these relationships.

Being a member of LBA has been fundamental to my professional career, as it has helped me navigate experiences with a level of confidence I could never have built on my own. Perhaps you feel the same. The practice of law is an incredibly rewarding yet challenging profession—and I imagine, this is a sentiment you can agree with wholeheartedly. Spending a career largely focused on addressing clients' problems can feel overwhelming at times. Acknowledging this reality, it has been both comforting and beneficial to lean on fellow LBA colleagues for support, collaboration, and inspiration.

Through relationships forged within the LBA, I have been able to overcome my professional challenges, and at times, failings, with the confidence that with each day, I become better equipped to handle what comes next. Additionally, I take comfort in knowing that success in life is often simply predicated upon just showing up and doing the best you can and remembering that you are never alone. Quite simply, someone has been there and done that before. Thus, the LBA is the perfect organization to allow lawyers to depend on and learn from one another; in fact, these relationships are the cornerstone of our organization.

I challenge you to become engaged in the LBA in 2020, because I am confident that you will not only get much in return from your participation, but also you will inspire someone else. And what's more, a more robust and active LBA creates a more collegial and enjoyable practice for us all—the legal community and beyond. Therefore, whether you are a seasoned lawyer at a large firm, or a young

lawyer building a practice or general counsel in a local company, take comfort in knowing that you are not alone, and you have others who have come before you

who can help give you advice and support when trying to determine your next step. No matter the advancement in technology, true relationships are the key to success, and the LBA, at its core, is about relationships with fellow attorneys—always has been and always will be.

In closing, whether it's a legal event focused on educating our community or touring Louisville City FC's new stadium, my primary goal as president is to help create opportunities for LBA's membership to come together, forget about day-to-day work, and focus on building relationships with one another. The practice of law is always better when we know and respect those we work with, and I am determined to move the LBA forward by helping people reconnect with one another and feel a greater sense of community. I truly look forward to helping reengage our membership while celebrating these relationships. Come join me!

Feel free to get in touch anytime, (502) 715-2823 or peterhwayne@gmail.com. I look forward to serving you! If you have any ideas on how to engage our membership and/or topics, events, or service opportunities you think we should pursue, please let me know. Thanks!

Sincerely,



Peter H. Wayne IV
LBA President



Introducing the 2020 Executive Committee



Deena G. Ombres

Assuming the role of president-elect is Deena G. Ombres, Chief Compliance Officer for Springstone, Inc., where she is responsible for its healthcare and regulatory compliance program including adherence to the False Claims Act, Stark laws, Anti-Kickback Act and HIPAA.

Deena is a past president of both the Louisville Bar Foundation and the Women Lawyers Association of Jefferson County and a past board member of the Legal Aid Society and Best Buddies Kentucky. She currently serves on the Board of Directors of Doctors & Lawyers for Kids. A graduate of the LBA's Leadership Academy, Deena has also chaired the LBA's In-House Counsel Section and the KBA's Corporate House Counsel Section. She received her J.D. from the University of Louisville Brandeis School of Law in 1999.



Seth A. Gladstein

Moving up to vice-president/treasurer is Seth A. Gladstein, a sole practitioner who represents plaintiffs in medical negligence, nursing home negligence and other serious injury cases. He began his legal career as a litigator in New York City before returning to Louisville in 2005 to join Stoll

Keenon Ogden where he represented defendants in medical negligence, insurance bad faith and commercial litigation cases.

Seth is a member of the Board of Governors of the Kentucky Justice Association and a member of the Board of Directors of the Jewish Community of Louisville. A graduate of the LBA's Leadership Academy, he chairs the Member Services Committee. He received his J.D. from the Chicago-Kent College of Law at the Illinois Institute of Technology in 2001.



Katherine L. Crosby

Joining the Executive Committee as secretary is Kate Lacy Crosby, a litigator at Tachau Meek where she represents individuals and businesses, both as plaintiffs and defendants, in a wide variety of matters ranging from contract and insurance coverage disputes to professional negligence, employ-

ment discrimination and trade secret infringement claims. Before entering private practice, she was a law clerk for the late Judge John G. Heyburn II of the U.S. District Court for the Western District of Kentucky and the late Judge Boyce F. Martin Jr. of the U.S. Court of Appeals for the Sixth Circuit.

Kate serves on the Board of Directors of the Louisville Story Program and leads the Kentucky Lawyer Chapter of the American Constitution Society. She received her J.D. from the University of Michigan Law School in 2007.

Justice Nickell Sworn in as Supreme Court Justice



Justice Christopher Shea Nickell of Western Kentucky was formally sworn in as a justice of the Kentucky Supreme Court at an investiture ceremony Wednesday, December 11, at the state Capitol in Frankfort. Chief Justice John D. Minton Jr. administered the oath of office.

Justice Nickell was elected to serve the 1st Supreme Court District, which is composed of the commonwealth's 24 westernmost counties. He served the past 13 years as a Kentucky Court of Appeals judge for the 1st Appellate District.

Justice Nickell was elected to fill the vacancy resulting from Justice Bill Cunningham's retirement last February. Justice David C. Buckingham was appointed to fill the vacancy until the November election. ■



Kentucky Administrative Office of the Courts Jefferson Trial Courts • 2020 Holiday Schedule

Regularly scheduled court will not be in session on the following dates.

New Year's
Tuesday, December 31, 2019
Wednesday, January 1, 2020

Martin Luther King, Jr. Day
Monday, January 20, 2020

Spring Holiday - half-day
Friday, April 10, 2020

Memorial Day
Monday, May 25, 2020

Independence Day
Friday, July 3, 2020

Labor Day
Monday, September 7, 2020

Presidential Election
Tuesday, November 3, 2020

Veterans Day
Wednesday, November 11, 2020

Thanksgiving
Thursday, November 26, 2020
Friday, November 27, 2020

Christmas
Thursday, December 24, 2020
Friday, December 25, 2020

New Year's
Thursday, December 31, 2020
Friday, January 1, 2021

Conference Schedule

(Please note that ** signifies light dockets.)

District Judges' Spring College
(Lexington, KY)
April 20-22, 2020

**Public Defenders' Conference
(Covington, KY)
June 22-23, 2020

**KBA Conference
(Covington, KY)
June 24-26, 2020

**Prosecutors' Conference
(Louisville, KY)
August 19-21, 2020

District Judges' Fall College
(Lexington, KY)
September 20-23, 2020

Circuit Judges' Judicial Fall College
(Louisville, KY)
October 25-28, 2020

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A New Year, A New Decade, A New Opportunity: Introducing Formal Mentoring to the Louisville Bar

Chapin Elizabeth Scheumann

Grandmother Willow has always been one of my favorite Disney characters. Her wit is as sharp as the snap in her branches. She successfully mediates a dispute between a pug and a raccoon. And, above all else, her mentoring of Pocahontas gives the young woman the courage needed to challenge “the way things are.”

90s animated films aside, popular culture is full of examples of the difference a mentor can make in a person’s life. I can’t believe that Luke Skywalker would have been able to help the Rebellion overthrow the Empire without the counsel of Obi-Wan and Yoda. Certainly Harry Potter would not have vanquished He-Who-Must-Not-Be-Named without the wisdom imparted to him by Professor Dumbledore (and the brains of Hermione Granger, but that’s another issue for another day). And, no matter how horrible a dictator President Snow was, he still ensured that all Hunger Games tributes were mentored by the victors who had come before them.

I submit that the reason why so many of the most memorable storylines that we know and love feature strong mentoring relationships is that mentoring is valued across cultures, across genders, and across generations.

At some point in our lives—either personally or professionally—we will come to a crossroads similar to one that someone else has encountered while on their own journey. Changing jobs or career paths, problems with a boss or opposing counsel, even managing staff or general work-life balance problems. Someone else has been there before. Why would we not want to at least hear their stories to help inform how we will tackle these challenges ourselves?

Studies have continued to demonstrate that there is real value in doing just that. In 2016, the Center for Workplace Leadership reported that 71 percent of Fortune 500 companies had mentoring programs in place. The results from other studies in recent years help explain why this may be the case.

According to a five-year study of 1000 employees released by Gartner in 2006, 25 percent of employees who enrolled in a mentoring program had a salary-grade change, compared to only 5 percent of employees who were not enrolled. Furthermore, retention was higher for both mentees and mentors (22 percent higher and 20 percent higher, respectively) than for employees who did not participate in mentoring.

In 2015, the Harvard Business Review found that, among CEOs who were part of formal mentoring programs, 84 percent reported that mentors had helped them avoid costly mistakes, and that they had become proficient in their roles faster. Additionally, 69 percent identified that they were making better decisions.

Mentoring makes success personal—for both the mentee and mentor. The mentee has



someone who is directly invested in his or her growth, advancement and satisfaction. The mentor has extra incentive to be the best that they can be in order to serve as a model for his or her mentee. This symbiosis benefits not only the mentee and mentor, but their respective employers as well.

So why haven’t lawyers followed in the steps of these Fortune 500 companies to make formal mentoring part of our practice?

Perhaps the problem lies in the difficulty lawyers have in admitting that we need help, or that we don’t already have all the answers. We want to stand out as “the best” at what we do to our clients, our managing partners, or even the competing firm down the street. So, inevitably, there’s always that one extended family member at the holidays that will ask the litigator a substantive question about their taxes or a real estate trust. While in that instance it may be easy to refer Uncle Joe to a colleague who specializes in that area, it is often harder to admit to ourselves that we don’t know how to address some of the day-to-day challenges, or even larger career turning points, that we will and do face as lawyers or even just as human beings.

Maybe instead the roadblock to mentoring in law is in how different our workplaces are. Not everyone practices in a regional firm with many offices where informal mentors may abound, or which may even have a formal mentoring program in place. Instead many practice solo, or with a few select others, in environments where mentors may be scarce or even non-existent.

Speculation aside, the reason for the difference is not as important as the difference itself. The fact is that many, if not most, Kentucky lawyers do not have access to a formal mentoring program, and therefore are likely to miss out on the many benefits that a mentoring relationship could provide to them.

This is a need that the LBA’s Gender Equality Committee is working to meet. In Spring 2020 we will debut a mentoring program for LBA members that will pair mentees of any age, ex-

perience level and area of practice with a more seasoned mentor. The year-long program will begin with 25 matches. These pairings will be made based upon the background of the mentee and mentor, as well as the expressed needs and goals of the mentee and the skills and experience of the mentor. A member of the Gender Equality Committee’s Mentoring Subcommittee will follow along with each

match throughout the year, providing support to the match to help both parties make the match as successful as possible.

Later this month applications will open for both mentees and mentors to be a part of this inaugural class. My fellow committee members and I hope that you will consider joining in this exciting new effort to see the difference mentoring can make in your practice, and our legal community at-large.

After all, mentoring helped Katniss survive the Hunger Games, the Rebellion bring peace to the galaxy and Harry end the terroristic reign of Voldemort. Just imagine the impact it could have on you, our bar, and our profession. The possibilities are endless when you are standing on the shoulders of giants.

Chapin Elizabeth Scheumann is an associate at Schiller Barnes Maloney. She serves on the LBA’s Gender Equality Committee and its Mentoring Subcommittee. Scheumann’s enthusiasm for mentoring comes from her work with Big Brothers Big Sisters of Kentuckiana as a Big Sister. ■



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Louisville Law Reflects on 2019, Looks Ahead to 2020

Dean Colin Crawford

As we head into 2020—and a new decade—I find myself reflecting on the past year.

2019 was an exciting year for the University of Louisville School of Law in many ways.

We saw an outstanding class graduate in the spring and welcomed in another strong class a few months later. We hired new faculty members and bid farewell to others—Professor Rick Nowka retired and Professor Justin Walker was sworn in as a U.S. District Court judge, although we are happy that Judge Walker will maintain an affiliation with the School of Law.

We celebrated alumni and friends of the School of Law at our annual Alumni Awards, where Justice Lisabeth Hughes (Class of 1980) received the Law Alumni Council's highest honor, the Lawrence Grauman Award. In her remarks, Justice Hughes delivered a moving tribute to the many people who have helped shaped her life and work.

Another significant alumni event was the reception honoring Justice David Buckingham (Class of 1977). Justice Buckingham, sworn into the Kentucky Supreme Court in April, is just the fourth justice to have served on all four levels of the Kentucky unified court system. In fact, the other three justices to have this same designation also have ties to Louisville Law, whether as alumni or former students—a fact of which we are very proud.

This fall, we also presented the Brandeis Medal to Pulitzer Prize-winning journalist Bob Woodward. The Brandeis Medal is the School of Law's highest honor and is awarded to those who display a commitment to Justice Brandeis' values of individual liberty, concern for the disadvantaged and public service. The event consisted of a discussion between Mr. Woodward and Howard Fineman (Class of 1980), analyst and writer for NBC News and MSNBC. They discussed a range of topics, from the current administration to Mr. Woodward's interactions with the nine presidents about whom he's written books and the lessons he learned from breaking the Watergate scandal for *The Washington Post*.

Also in 2019, we welcomed a new Senior Director of Development, Wendell Clark, a Kentucky native with a strong commitment to this School and the future of the Commonwealth. Wendell and I have met with many alumni and members of the local bench and bar to learn more about their interests and how the School of Law can be a strong partner. I'm proud to report that as of early December 2019, we saw a 67 percent increase in giving over December 2018. This increased engagement is very encouraging and further drives home my belief that Louisville and the School of Law need each other. I am very excited to see

how these relationships deepen in the year to come.

As I reflect upon this year, I am also once again led to think about the many ways in which the School of Law provides vital services to the larger community. Community engagement matters here, and our faculty continue to demonstrate that value in a variety of ways. Faculty members share their skills and expertise to a variety of organizations outside of the university. Below is just a small sampling of our faculty engagement:

Professor Ariana Levinson

- Member, Louisville Association for Community Economics, Governance & Membership Committee

Professor Grace Giesel

- Advisor and recorder, Advisory Committee, Kentucky Supreme Court's Jefferson County Business Court Docket Pilot Project

Professor Samuel Marcossou

- Vice chair, Fairness Campaign Coordinating Committee

Professor Luke Milligan

- Member, Kentucky Advisory Committee, U.S. Commission on Civil Rights

Professor Lisa Nicholson

- Member, Legal Aid Society Board
- Board Commissioner, Louisville Metro Housing Authority

Professor Emily Whelan Parento

- Co-chair, Cabinet for Health and Family Services transition team for Gov. Andy Beshear

Professor Cedric Merlin Powell

- Recently retired as chair of TARC's Board of Directors (first appointed in 2008)

Professor Laura Rothstein

- Faculty liaison and coordinator, Partnership with Central High School Law and Government Magnet Program

Professor Shelley Santry

- Member, Louisville Metro Domestic Violence Prevention Coordinating Council
- Member, Center for Women & Families Board

Professor Enid Trucios-Haynes

- Leads monthly Know Your Rights presentations at Boone County Jail through a U.S. Department of Justice, Executive Office of Immigration Review (EOIR) Legal Orientation Program in collaboration with National Immigrant Justice Center

- Member, Kentucky Advisory Committee, U.S. Commission on Civil Rights
- Co-director and founder, Cooperative Consortium for Transdisciplinary Social Justice Research

Professor Manning Warren

- Lifetime liaison to International Services of the American Red Cross
- Immediate past chair, American Red Cross, Kentucky Region, Board

Professor Russell Weaver

- Member, Kentucky Advisory Committee, U.S. Commission on Civil Rights

As for me, I am wrapping up my year as a Bingham Fellow, the community engagement program offered by Leadership Louisville. This experience has been eye-opening and rewarding. Over the year, I have met with the other 2019 fellows to explore the ways that community and businesses can positively impact student achievement and seek solutions to current barriers to educational achievement at all stages of the education pipeline. I hope I have contributed to giving back through my team project; I have certainly learned a great deal about the Commonwealth's successes and its challenges at every stage of the educational pipeline. In particular, what I have learned will help me work with our admissions staff and others to attract a more diverse class in every sense of that word.

My Bingham Fellows class will present our project later in January. I am grateful for the opportunity to explore a topic—education—that is dear to my heart while also being further exposed to the students and educators in Louisville. And working alongside energetic, engaging civic leaders has been wonderfully inspiring.

I have also been named to two local boards of directors: Actors Theatre of Louisville and the Community Foundation of Louisville. I am excited to further engage with these organizations and continue growing roots in this community. I am also grateful to our alums and supporters, who have been so welcoming and supportive to me as I complete my second full year here in Louisville.

As you can see, Louisville Law is on a strong path as we head into 2020, and I look forward to seeing what we can achieve together this year.

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. ■



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The 2020 Experience: Labor and Employment Edition

Ashby Angell & Tom Birchfield

The year 2020 is sure to bring some new and interesting challenges in the field of labor and employment. Employers and lawyers alike will be attempting to navigate the new and proposed changes to a number of aspects of the field.

The DOL's Proposed Joint Employment Rule

In April of 2019, the U.S. Department of Labor (DOL) announced a proposed rule to clarify responsibilities of joint employers under the Fair Labor Standards Act (FLSA) for the first time in nearly 60 years.

Under the FLSA, joint employers are liable for all minimum wage and overtime violations. In an attempt to clarify the joint employer rule, the DOL has proposed a four-part test to determine whether a business is a joint employer under the FLSA. Those factors include whether the potential joint employer exercises the authority to: (1) hire or fire the employee; (2) supervise and control the employee's work schedules or conditions of employment; (3) determine the employee's rate and method of payment; and (4) maintain the employee's employment records. The crux of the four-factor test is whether the potential joint employer exercises sufficient control over the terms and conditions of the employee's work.

The DOL has also proposed additional "economic dependence" factors that are not relevant to the joint employer analysis. Those factors include, but are not limited to, whether the employee: (1) is in a specialty job or a job otherwise requiring special skill, initiative, judgment or foresight; (2) has the opportunity for profit or loss based on his or her managerial skill; and (3) invests in equipment or materials required for work or for the employment of helpers.

The DOL's New Overtime Rule

In September of 2019, the DOL announced a final rule to update the FLSA's overtime regulations. The final rule updates the earnings thresholds certain employees must meet to be considered "salaried" employees. The new rule raises the "standard salary level" from the current \$455 per week to \$684 per week. This is the equivalent of approximately \$35,568 per year for a full-time employee. The rule also raises the total annual compensation level for "highly compensated employees" from \$100,000 to \$107,432 per year. Finally, the rule allows employers to use non-discretionary bonuses and incentive payments, including commissions, to satisfy up to 10 percent of the standard salary level.

According to a press release issued by the DOL, "[t]he Department estimates that 1.2 million additional workers will be entitled to minimum wage and overtime pay as a result of the increase to the standard salary level. The

Department also estimates that an additional 101,800 workers will be entitled to overtime pay as a result of the increase to the [highly compensated employee] compensation level."

The DOL's Proposed Changes to Tip Credit Regulations

The FLSA allows an employer whose employees receive tips to take a "tip credit" for the amount between the wage it pays to an employee and the federal minimum wage. If an employee does not receive sufficient tips to make up the difference, the employer is responsible for that difference.

Under the new rules proposed by the DOL, employers would be able to take tip credit for

of a Board-conducted secret ballot election."

The proposed amendment to the blocking charge policy would require parties attempting to block an election to offer evidence (in the form of witnesses and a description of their anticipated testimony) in support of the alleged underlying unfair labor practice. In addition, the proposed rule regarding voluntary recognition states that an employer's voluntary recognition will not bar processing an election petition unless the union and employer notify their regional NLRB office, the employer posts a notice of recognition, and the 45-day window for employees to file a decertification or rival union petition passes without such a petition.

Stephens' claim is that she was discriminated against on the basis of her *gender identity*—again, a category not expressly covered by Title VII.

The funeral home attempted to seek a religious exemption under the federal Religious Freedom Restoration Act, but the Sixth Circuit found no merit in the argument. Instead, the court held that Title VII prohibits discrimination on the basis of gender identity, because of its prohibition on discrimination on the basis of sex and sex stereotypes. The court noted that discrimination based on a person's transgender status is necessarily discrimination on the basis of sex: "it is analytically impossible to fire an employee based on that employee's status as a transgender person without being motivated, at least in part, by the employee's sex."

Legislation to Watch in Kentucky

A little closer to home, at the start of the 2019 legislative session in Kentucky, bills were filed in the House and the Senate proposing to expand anti-discrimination protections to Kentuckians based on sexual orientation and gender identity in housing, employment, public accommodations and financial transactions. The bills did not proceed to a vote, but it is possible that such bills will be introduced again in 2020, regardless of the outcome of the Supreme Court's rulings on *Altitude Express* and *Harris Funeral Homes*.

Though we cannot predict the future, Kentucky employers should be prepared for the possibility for other changes to the law in 2020 and beyond. A bill to support medical marijuana, for instance, could make its way through the Kentucky legislature as medical marijuana gains popularity throughout the country. Another possibility is a paid sick leave law. Kentucky does not currently have laws pertaining to paid sick leave or paid maternity leave, but bills supporting both were introduced during the 2019 legislative session. On the heels of 2019's Kentucky Pregnant Workers Act, paid leave laws would not be wholly unexpected.

Tom Birchfield is the managing partner of the Louisville office of Fisher Phillips, where he exclusively represents employers in federal and state courts and before various administrative agencies throughout the nation. Ashby Angell, an associate in the Fisher Phillips Louisville office, focuses her practice on labor and employment law across various industries including manufacturing, healthcare and media. ■



all of the time spent by an employee performing "related duties," including all work that is not directly tip-producing, provided such duties are performed within a reasonable time before, after, or contemporaneously with the tipped duties. For further explanation, the DOL explains "related duties" could include rolling silverware and filling salt and pepper shakers. In addition to the tip credit rules, the DOL also proposed rules related to tip pooling, including recordkeeping rules for employers that implement mandatory tip pools.

NLRB Union Election Rules

On August 9, 2019, the National Labor Relations Board (NLRB), in the first administrative rulemaking of the Trump NLRB, announced its proposed amendments to regulations governing the filing and processing of petitions for secret ballot union elections. The Board proposed amendments to, among other things, its blocking charge policy and voluntary recognition bar rule. The NLRB explained the proposed amendments are intended to "better protect employees' statutory right of free choice on questions concerning representation by removing unnecessary barriers to the fair and expeditious resolution of such questions through the preferred means

2020 SCOTUS Term: LGBTQ Issues

The Supreme Court heard oral arguments on two significant Title VII cases in 2019 and is expected to issue its decisions on those cases in 2020. The first case, *Altitude Express Inc. v. Zarda*, involved a skydiving instructor who claimed he was terminated after revealing his sexual orientation to a customer. He sued under the New York Human Rights Law and Title VII of the Civil Rights Act of 1964. Though Title VII prohibits employers from discriminating against individuals on the basis of sex, it does not explicitly prohibit discrimination on the basis of *sexual orientation*. (In contrast, the New York Human Rights Law does.) The Second Circuit ruled on the case in 2018, finding that discrimination on the basis of sexual orientation constitutes "sex discrimination" under Title VII.

In the second case, *R.G. & G.R. Harris Funeral Homes Inc. v. Equal Employment Opportunity Commission*, the Sixth Circuit similarly found in favor of a transgender employee who was fired from her position at a funeral home. Aimee Stephens, formerly known as Anthony Stephens, claimed she was terminated after announcing her intention to transition from male to female. The basis of





2019 LEADERSHIP CABINET

Thank you to the 2019 Leadership Cabinet. By making a contribution of at least \$250 per attorney at the firm, the following make it possible for Legal Aid Society to provide free civil legal help to ordinary Kentuckians and balance the scales of justice.

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As of 12/20/2019.

New Staffing Models That Reduce Unnecessary Employee Turnover

Cara Silletto, MBA, and Leah Brown

The reasons behind employee turnover can be complicated — and hard to pin down. Below is part 4 of a 6-part series delving into retention strategies and tips that make it easier to keep your employees.

It's no secret that the world we live in (especially when it comes to the workforce) is constantly evolving. We find that oftentimes, the ways companies have been run successfully in the past no longer align with the needs and expectations of today's new workforce. So to keep up, innovative thinking is required. Many of our younger workforce's top priorities in a job don't have to do with money, but with scheduling, other incentives and career advancement: All things that effective managers can adapt to and use to retain their top talent.

COULD YOU BE MORE FLEXIBLE?

To start off, companies have way more scheduling flexibility than managers often think they do. Where they fall short is putting the company history before the needs and reality of their workers. "How it's always been done" is useless when it comes to working around the complex schedules of today's workforce as managers have to factor in things like daycare open/close hours and student schedules.

There's not a one-size-fits-all solution when it comes to scheduling, so organizations must get creative (and solicit ideas from their employees). Does it make sense for your company to offer four 10-hour workdays? Should you expand your options for remote work hours? There can be several solutions when managers take time to find them.

WHAT COULD "ADVANCEMENT" LOOK LIKE?

Outside of scheduling needs, today's new workforce is also focused on their career advancement. It's a competitive world—and an employees' market—so managers should put as much importance on advancing a new hire to keep them keen to stay as they did in recruiting them in the first place.

But money is tight, and promotions to partner are few and far between: We get that. So creativity again has to be at the forefront of managers' minds. How can you develop an employee's career without giving them a pay raise or a new title? The opportunities are endless: Put them in charge of special projects. Give them a mentor. Let them be a mentor to incoming employees. Send them to conferences or seminars. Offer on-site classes or encourage other training opportunities. Introduce them to key leaders within the company to build their network. Cross-train.

The last thing today's new workforce wants is to be stagnant in their careers. So managers must make an intentional effort to stimulate movement, even when no official promotion or pay raise is available. The more you extend staff members' knowledge, skills and networks, the better your odds are they'll stick around to continue the process.

DO YOU NEED MORE JOB LEVELS?

In addition to this, we are seeing organizations and managers create more advancement tracks within a certain role. While a flat hierarchy was all the rage starting a few decades back, promotions are more readily available when there are more levels within the organization—so it may be time to create more layers in your hierarchy. This way, staff can "level up" more frequently from an entry-level 1 to a more advanced level 2 and eventually to a subject-matter-expert-level 3. This keeps staff from becoming discouraged about the rut they're in, which is what happens when employees see only one or two management positions that all staff are vying for.

Today's workforce was not taught the patience needed to spend five to ten years paying their dues before climbing the traditional corporate ladder from one rung to the next. Building new rungs into your ladder can help you retain a larger segment of your workforce.

WHAT INCENTIVES SHOULD YOU OFFER? AND WHEN?

Creating new "carrots"—or incentives to stay—can also make a huge impact in slowing the revolving door of today's employee turnover. What will make workers want to stay longer at your company? Ask them—and then implement their ideas as best you can.

Instead of only offering the current 12-month "carrot" where employees receive feedback and a small pay increase, celebrating employee milestones at shorter intervals—every quarter or every six months, for example—can keep employees more motivated. Sprinkling small incentives along an employee's career path—such as additional paid time off, access to new educational resources, a mentor, a seat on a committee, unique perks like free oil changes, etc.—can be more enticing.

Retention is a multi-piece puzzle. And managers have the power to create more effective solutions that will encourage employees to stay longer.

This article's content is adapted from Cara Silletto and Leah Brown's recent book *Staying Power: Why Your Employees Leave & How to Keep Them Longer*. The workforce thought leaders and speakers at *Crescendo Strategies* work with thousands of business leaders to help reduce unnecessary employee turnover. ■



LBA Officers Installed

Seth Gladstein (Vice-President/Treasurer), Gerald Toner (Immediate Past President), Deena Ombres (President-Elect) and Kate Crosby (Secretary) took the oath of office at a Board of Directors meeting last month. Not pictured is Peter Wayne who will serve as President.

Children's Book Celebrates Mom Lawyers



Michelle Browning Coughlin, a partner at Wyatt Tarrant & Combs recently authored a children's book, *My Mom, the Lawyer*, letting you read along as kids tell you about their inspiring mom-lawyers. Not only is the book the perfect gift for moms who are lawyers or for parents raising an aspiring young lawyer, all of the proceeds are going towards MothersEsquire, a bar association of over 4,000 members whose mission is to achieve gender equity in the legal profession.

My Mom, the Lawyer, published by Butler Books, is now available to purchase online at ButlerBooks.com, as well as at Carmichael's on Frankfort Avenue and Carmichael's Kids on Bardstown Road.



Coughlin is the founder of MothersEsquire, and is known nationally as a leader on the issue of gender equity, and for her achievements in promoting diversity in the legal profession. In 2019, Coughlin addressed the Florida Supreme Court

in support of parental continuance for all lawyers. She was honored in 2018 by the Kentucky Bar Association with its Nathaniel R. Harper Award for her efforts to promote diversity. She was the 2019 Keynote speaker at the Women Lawyers Association of Jefferson County's annual luncheon, and was honored by the American Bar Association as one of the "100 Women Who Inspire Us" during their Women in Litigation Joint CLE conference held in celebration of the 100th anniversary of the passage of the 19th Amendment.

Coughlin is also a well-regarded intellectual property and data privacy lawyer representing large and small companies in their trademark matters, as well as celebrity and sports figures in their trademark, copyright and licensing matters. She has been named a "Rising Star" for Intellectual Property by Super Lawyers. ■

THE LOUISVILLE BAR FOUNDATION



Angela McCorkle Buckler

LBF Elects Officers for 2020

Angela McCorkle Buckler has been elected president of the Louisville Bar Foundation for 2020. She is vice president and associate general counsel at Republic Bank and Trust Company. Prior to joining Republic Bank's legal department, McCorkle Buckler served as associate general counsel and interim general counsel at Farm Credit Mid-America, and was in-house counsel for Atria Senior Living. A former partner at Wyatt Tarrant & Combs, she has extensive experience in risk management, labor and employment issues, data privacy and security, business continuity, and crisis management. She is a graduate of the University of Louisville Brandeis School of Law and a past president of the Women Lawyers Association of Jefferson County. McCorkle Buckler has served on the board of the Louisville Bar Foundation since 2012, leading the Grants Committee as chair from 2014 to 2016.

Other LBF Officers for 2020 include:

John E. Selent, president-elect; Philip C. Eschels, vice president and treasurer; Gretchen C. Avery, secretary; Alex Dathorne, past president.

13 Attorneys Join Distinguished Ranks of LBF Fellows in 2019

The LBF Fellows Program is vital to creating and sustaining a strong foundation. The LBF Fellows Program recognizes individuals who have achieved success in the legal profession and whose generous personal gifts have supported the law-related mission of the Louisville Bar Foundation. Fellows contribute or pledge a minimum of \$1,000 to the Louisville Bar Foundation. Pledges may be made in equal installments over a four-year period. Contributions to the Fellows Program are applied to the Foundation's endowment, thereby increasing the amount of grant funds available in future years. To make your gift to the endowment, call (502) 292-6734 or donate online at www.loubar.org/foundation/contribution.

2019 Fellows

(as of 12/1/2019)

James M. Bolus Jr.

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Hon. Annie O'Connell

Loren T. Prizant

Josh P. Schneider

Brennan J. Soergel

Evan G. Spalding

T. Morgan Ward Jr.

Peter H. Wayne IV

Foundation Sets New Record with 2019 Grant Awards

The Louisville Bar Foundation awarded five additional grants in the final quarter of 2019, bringing the total amount of funds awarded this year to more than \$158,000. This is the most grant funds ever awarded by the Foundation in a single year. The Louisville Bar Foundation is the charitable giving arm of the Louisville Bar Association and it makes grants to local not-for-profit organizations for the delivery of legal services to the poor, improvement of the judiciary, and law-related public education. Since its founding in 1982, the Foundation has distributed more than \$2.9 million in grant funds. The Foundation is supported by charitable contributions from individual attorneys and law firms.

Catholic Charities of Louisville

Naturalization Assistance Program — \$15,000

The Immigration Legal Services Office of Catholic Charities provides legal assistance to low-income individuals seeking to resolve immigration status. Louisville has only two nonprofit agencies providing legal services to the low-income community and a backlog for these services exists, particularly for immigrants who are lawful permanent residents seeking naturalization. LBF funding will help reduce this backlog by underwriting the legal assistance Catholic Charities will provide to more than 40 individuals and families.

LBA Bankruptcy Section

Jefferson County CARE Program — \$5,375

For more than 11 years, volunteer attorneys throughout Kentucky have been donating their time to provide Credit Abuse Resistance Education (CARE) programs to high school students. These sessions are designed to educate students on responsible credit practices so they may make informed financial decisions as adults. In Jefferson County, volunteer attorneys, organized in coordination with the LBA Bankruptcy Section, make these sessions available to over 23 local high schools. In collaboration with the Kentucky Bar Foundation, the LBF grant will underwrite the production and distribution of the instructional materials volunteer attorneys provide to the students for these sessions.

Kentucky Equal Justice Center

Louisville Wage Claim Clinic — \$5,000

As a poverty law research and advocacy center, Kentucky Equal Justice Center (KEJC) works with the regional legal aid programs to promote equal access to justice for all Kentuckians. KEJC collaborates with community partners on poverty law issues such as health care, food justice and workers' rights. The LBF grant will fund a series of free clinics in Louisville for workers who are experiencing problems in the workplace, specifically issues of nonpayment of wages for work performed. At these clinics, workers will receive education and legal advice on workers' rights and remedies available through the Kentucky Labor Cabinet.

Kentucky Refugee Ministries

Immigration Legal Services — \$10,500

Kentucky Refugee Ministries provides legal services to immigrants who have resettled in the Louisville area. Many of these immigrants need to file applications with U.S. Citizenship and Immigration Services for permanent residence status or to petition for asylum. The LBF grant will provide partial fee subsidies for immigrants who cannot afford to pay the entire cost of preparing and filing these documents.

Society for the Prevention of Aggressiveness and Violence Among Adolescents

Ambassadors of Nonviolence Program — \$2,000

Society for the Prevention of Aggressiveness and Violence Among Adolescents (SPAVA) provides mentoring and instructional programs in K-12 classes throughout Louisville's schools and provides students with conflict resolution tools. Volunteers, including local attorneys, donate their time to conduct weekly programs in the classroom to guide students in a character development program that emphasizes respect, honor and integrity and teaches students how to diffuse anger and aggression in nonviolent methods. The LBF grant will help underwrite the cost of preparing and producing the instructional materials that are provided to students during these sessions.



W E L C O M E

to Louisville Bar Association's

BENCH & BAR SOCIAL

Thursday, January 23
Paristown Hall
724 Brent St. | 6 p.m.

LBA Members: \$75
Gov't/Public Service Attorneys & YLS Members: \$65
Non-Members: \$100
(prices include two drink tickets)

Firm/Company Sponsorship: \$600
(includes 8 tickets & limited reserved seating)

RSVP by Thursday, January 16
Contact (502) 583-5314 or mmotley@loubar.org



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Grand Prize: Las Vegas!

Viva Las Vegas! Home to bright neon lights, world famous entertainment, casinos, pulsating night life, legendary restaurants and top cuisine, Las Vegas is a city that never sleeps. Few cities in the world can compete with its extraordinary number of entertainment options. Las Vegas is also ideally situated to explore the Southwestern United States. It is centrally located close to great natural attractions like the Grand Canyon, Death Valley, Bryce Canyon and Zion National Park. The grand prize includes a 7 night/8 day stay at The Jockey Club, airline tickets for two from Louisville to Las Vegas (up to \$1,000), and a \$500 VISA Gift Card.

Or – CASH OPTION: The winner of the grand prize can instead opt to take a cash award of \$1,500.

Second Prize: Hotel Distil

Viva Louisville! Welcome to Louisville's newest and most luxurious hotel experience. With a storied location on Whiskey Row, a rooftop bar and bourbon program, Hotel Distil is part of the Autograph Collection of boutique hotels. The second prize includes one-night accommodation for 2 guests in a King Suite, Hotel Distil exclusive bourbon tasting kit, bourbon flights for two in Bitters End, and a \$200 gift card to Repeal.

Third Prize: Mystery Prize

Coming in third does not mean coming in last – not with this mystery prize! The winner of this mystery package is guaranteed to be amused and enthused. The person holding the winning raffle ticket for this prize could be enjoying a night on the town, a barrelful of brew, or a stash of cash. Go ahead, roll the dice and buy a ticket. Viva la Vida!



HOTEL DISTIL

REFINED

Tickets are \$25 each. The winning ticket will be selected at the 2020 Bench & Bar Social on Thursday, January 23 (need not be present to win). Proceeds benefit the Louisville Bar Foundation.



MEET THE PRESIDENT

Peter Wayne

The LBA welcomes its 2020 president, Peter H. Wayne IV, General Counsel to Forge Consulting and its affiliated companies Advocacy Trust LLC, Advocacy Inc. and Advocacy Wealth Management (collectively the “Forge Companies”). He also serves as business development officer for Advocacy Trust LLC. From 2009 to 2011, he served as a settlement planner for Forge Consulting LLC before leaving to gain more experience at Wyatt Tarrant & Combs and Stock Yards Bank & Trust Company.

Peter serves on the board of Louisville Public Media and has previously served on the boards of the Louisville Preservation Fund and Louisville Asset Building Coalition. In 2014, he was named by *Louisville Magazine* as a “Top Lawyer” in the area of Elder Law; and in 2016, he was included in *Business First’s* “Forty Under Forty.” A graduate of the LBA’s Leadership Academy, he received his J.D. from Northern Kentucky University’s Chase College of Law in 2006.

A Close Family

Talk to Peter Wayne for more than a few minutes and one thing becomes clear: He values family ties above all else. One of his strongest childhood memories is “being outside throwing a football or playing basketball with my dad for hours.”

The youngest of three children – he has two sisters who are 6 and 9 years older, respectively – Peter grew up

in a Catholic household that fostered more than two dozen children over the years. The children were being placed for private adoptions but first had to live in a neutral home. “I give my parents credit for being open-minded,” he said. “They are very progressive in the way they view the world from a social standpoint.”

His father is a retired physician and his mother is a homemaker who once worked for the developer of the DeLorean automobile. He stays in close contact with them. “To this day, my parents are my best friends. I call them every night on my way home from work.”

The three of them share a passion for Notre Dame football and Peter describes watching games as “almost a religious experience.” He and his father still travel to South Bend twice a year to see the Fighting Irish play live. Now a father himself – he has a daughter, Molly (age 6) and a son, Henry (age 3) – he is turning his children into Notre Dame fans too. “The beauty of having kids is that you get to brainwash them,” he said with a laugh.

His parents encouraged Peter and his sisters to have a broad range of interests. “They were adamant about exposing us to all the arts and sports and music, so we’d go to a football game, to the theatre and to a concert to get a unique rounded experience.”

His father stressed the importance of commitment. “Whatever you’re going to do, do it 100 percent. Don’t go halfway.”

In his youth, Peter enjoyed playing a variety of sports including soccer, football, basketball “and baseball when I was really young.” As a teen, he



was a life guard and swim coach at the Louisville Country Club. "Probably the greatest job I'll ever have," he mused. "You get to sit in the sun and play with kids most of the day."

Peter's parents are originally from the Detroit, Michigan area and introduced him to the "Motown Sound" of artists like Marvin Gaye, Smokey Robinson and The Jackson Five. "As I got older, I found I had an interest in music and it's not just one particular type of music either. I think that's why I like Louisville Public Media so much." He and his wife, Julia, enjoy jazz and sometimes catch live performances at Jimmy Can't Dance. "We just think it's a really fun place to see a show."

He hastened to add that he's a consumer of music, not a music maker. "I have no musical talent whatsoever. Zero. I'm in awe of people who can do it."

Work/Life Balance

Peter is intentional about carving out family time despite a grueling work schedule that involves a lot of travel. Saturdays are reserved for special outings with his son and daughter. "I may be gone during the week, but I never do anything work-related on a Saturday."

Like many professionals, Peter struggles to maintain a healthy balance between work and home. "It's the conflict between trying to advance my career and giving my kids the experiences and opportunities that I had," he noted. "It takes a lot of effort."

Peter is effusive in his praise for his wife, Julia. "She is the single most amazing person I know. I can be very busy and pulled in a lot of different directions. She's that constant state of calm in my life," he declared. "She's as beautiful inside as she is outside. I look at her every day and say 'How are you my wife?'"

Introduced by one of Peter's sisters, the couple met in 2006 at Hogan's Fountain in Cherokee Park following a charity run. She was dating someone else at the time but that soon changed. They married in 2009, his father serving as his Best Man.

After ten years, Peter says, "marriage is a beautiful thing in that I get to enjoy all of life's experiences with the single best person I know. My greatest accomplishments in life are convincing Julia to marry me - still not sure why - and the birth of our two children, Molly and Henry. No matter what life has in store, there is one thing I am certain of and that is Julia will be there and I am grateful for it."

Circuitous Career Path

Peter's career has taken several twists and turns. He began thinking about becoming a lawyer while still a student at St. Xavier High School. He went on to college at Miami University where he earned a Bachelor's Degree in finance. From there, he enrolled at Northern Kentucky University's Chase College of Law with the intention of one day going into real estate work, but a chance visit by a Cincinnati attorney, Matt Garretson, ended up setting him on an entirely different path.

"(Matt) came and spoke to our law school class. He had just started his law firm and a separate financial firm that operated very similarly," Peter recalled. "Many of his cases involved vulnerable minor children and I was really drawn to the dynamic of trying to put structures in place - financial mechanisms like trusts and other things - to protect the child, sadly, from outside influences that may not have their best interests in mind."

"I didn't even know that was a thing," he continued. "I didn't know you could help people with disabilities in that way."

Peter soon became an intern with the Garretson Law Firm and The Settlement Services Group, Matt Garretson's affiliated financial services firm, ultimately

switching from day to night school so he could work full time. On reflection, he believes that decision was pivotal. "I don't think I truly became comfortable in who I am, in the decisions I was starting to make until I went to night school."

Upon graduating and passing the bar in 2007, he returned to Louisville to open the Garretson Law Firm's and The Settlement Services Group's local offices. Soon thereafter, he began working for Forge Consulting LLC after it purchased The Settlement Services Group from Garretson. While at Forge he truly enjoyed the work and the continued development of his entrepreneurial skill set. However, after a few years, he realized that in order to grow he needed to spend time practicing law with other attorneys. "I wasn't in a law firm where I could interact with and learn from other attorneys."

In 2011, Peter joined Wyatt, Tarrant & Combs where he learned more about estate planning and worked for almost four years alongside longtime mentor and friend, attorney Jeffrey Yussman, who has provided career advice and guidance to him since he was a teenager. He was impressed by the level of legal talent at the firm. "They're all trained to think in that lawyer-like framework. It was an incredibly impactful experience."

Peter next moved to Stock Yards Bank & Trust Company where he worked in a more traditional banking and trust administration setting for just shy of two years. In 2016, he left that position to work again with Forge Consulting and its subsidiary companies, Advocacy Trust and Advocacy Wealth Management, where he gets to "be more entrepreneurial" and pursue his passion, which is helping special needs children.

"I truly love what I do," he said. "I enjoy the mediation part of law, trying to get two parties to see where the commonality is, trying to help attorneys who may not otherwise see a solution, find a solution. In our business, that's really what we do a lot of times. Take a solution that was mediated among the parties and then maximize that to the best of our ability to help protect the disabled person or their child."

Peter has no regrets about any of the career moves he's made. "I think life is how you build upon each experience. They're not independent of one another," he explained. "I have learned from every experience and tried to take as much as I can from each of them."

Bridging Generations

At age 38, Peter bridges the X and Y generations. One of his main goals as LBA president is creating an environment that is more appealing to a younger generation. "There are ways the Boomer generation does things and ways Gen X and the Millennials do things," he observed. "It doesn't make one right and the other wrong. It's just different."

Like many professionals his age, Peter uses technology extensively. But he's not unaware of its limitations, especially when it comes to communications. "People can be almost too reliant on technology for communicating. If you pick up a phone, generally speaking, you're going to have a pretty good outcome. Even if it's a difficult conversation, people are more likely to respect you for having it."

Peter knows the value of hard work. "I truly believe that at the end of the day, hard work wins out. If you're more hardworking and dedicated to something, I don't care how much technology changes things. I still think hard work wins the day."

He often hears young lawyers say that

they don't like where they are or what they're doing. "There are a host of factors that come into someone not being happy where they are," he noted. "But by having a large network, you get to see other experiences and say 'Maybe it is different over there, maybe they support people or communicate in a different way.'"

During his year as president, Peter hopes to build upon what previous generations have given to the LBA. "I view this year as an opportunity to transition the responsibility to the next generation."

"It's not that the younger generation is disengaged," he added. "We just have to speak to what they're engaged in. If they're not interested in what we're offering, then we need to look at what it is we're offering."

"I hope we can present to the next generation of bar leaders engaging events that will allow them to interact and perhaps show them that it's in their own self-interest to know other lawyers because they may not be in their same firms for the entirety of their careers," he said.

Nowhere was the value of networking more apparent than in Peter's own life. "When I came back to Louisville, I hadn't lived here since college. Therefore, I knew in order to make a name for myself I was going to have to network. One of the ways I found was to be involved in the bar association."

"There was an opportunity in the Young Lawyers Section and I quickly found friends there," he continued. "It gave me a resource to call upon when I had questions or things arose. I could pick up the phone and have a conversation with someone. It made it personal. It wasn't like I was calling some unknown person."

"The bar association is that medium by which people can have a tangible connection to others outside of their firms," he noted. "And I think that's a really valuable resource."

Looking Ahead

Peter wants the LBA to be a real voice for the legal community. "We are some of the most influential people in Louisville," he said. "Having that mantle, there's a responsibility to engage the community in a way that's meaningful."

Peter also believes lawyers are a key to the nation's success. "Lawyers are CEOs, they're heads of law firms and their governors and senators," he observed. "I don't think you can look at anything of major consequence in the history of our country without realizing that lawyers played a significant role in whatever it was."

To young people contemplating law school, Peter has this advice: "If you have a passion for understanding the reasons for why things are the way they are, law school is a good discipline for helping you understand the why. It gives you the critical analysis for trying to figure out the why."

Peter is grateful for the impact the LBA has had on his career. "I feel like this organization has been a huge part of my success. At moments where it's been hard and I've had challenges, professional or otherwise, it's been one truly consistent stable part of my life. I'm always blown away by the people here. I get to interact with attorneys and judges who are far more successful than I am. And I mean that not just in the financial sense - I mean they're just really smart and they've done some really incredible things. The fact that I even get to be considered among them as a peer at some level is not lost on me."



Louisville Bar Association

Awards Luncheon



The LBA's annual awards luncheon was held at The Marcus Lindsey on December 6. Members and guests gathered to recognize outstanding contributions made by colleagues to the legal profession and community at large. Information about this year's honorees can be found at www.loubar.org. Thanks to Republic Bank for its sponsorship of the luncheon.

MEETING SCHEDULES

Section Meetings

Section meetings are held at noon at the Bar Center, 600 W. Main St., Ste. 110.

Tuesday, January 14 – Intellectual Property Section

Thursday, January 30 – Young Lawyers Section

Meetings scheduled at the time of printing. Please watch for announcements in eBriefs or e-mail blasts for additional confirmed meeting dates. Guests are welcome to attend a meeting before joining the section. For reservations or to join a section, call (502) 583-5314 or visit www.loubar.org. ■

Legal Assistants of Louisville

The next regularly scheduled meeting of the Legal Assistants of Louisville will be held on Tuesday, January 21, at 11:30 a.m. at the Bristol Bar & Grille Downtown located at 614 W. Main Street. New officers will be sworn in. For more information about the organization, please contact Loretta Sugg, Vice President, at (502) 779-8546. ■

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 \$20. To learn more about the benefits of LAP membership, visit www.loupara.org. ■

CONTINUING LEGAL EDUCATION

29TH ANNUAL ALAN T. SLYN AND HON. RICHARD A. REVELL DOMESTIC RELATIONS UPDATE

Friday, March 6

Please join the Family Law Section for its “29th Annual Alan T. Slyn and Hon. Richard A. Revell Domestic Relations Update.” We are pleased to welcome back Diana L. Skaggs and Elizabeth M. Howell, Diana L. Skaggs + Partners, PLLC. They will address decisions that the Kentucky Supreme Court and the Kentucky Court of Appeals handed down during the 2019 calendar year, thereby bringing the practitioner up to date on the current state of Kentucky Domestic Relations Law. A panel discussion will follow the presentations, as time permits.

Lunch will be included with advanced registration. Please indicate if a vegetarian option is needed.

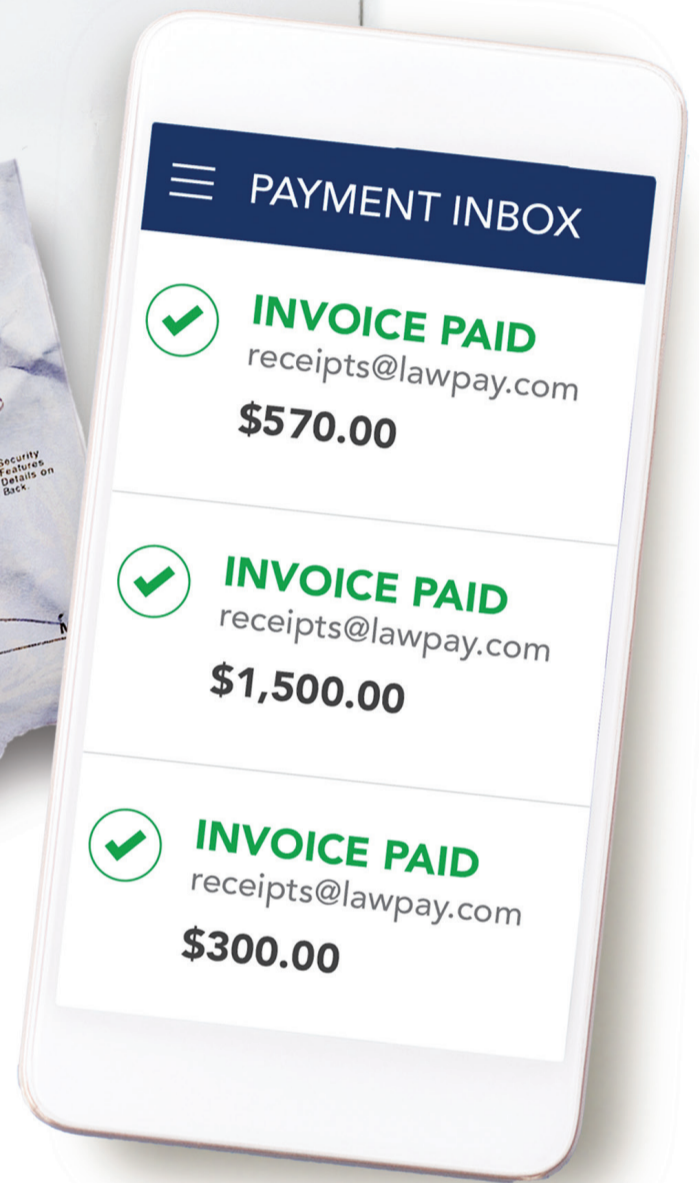
Speakers: **Elizabeth M. Howell** and **Diana L. Skaggs** of Diana L. Skaggs + Partners, PLLC

Time: 10:45 a.m. — Registration; 11 a.m. – 1 p.m. — Program
Place: LBA, 600 W. Main Street
Price: \$90 LBA Members / \$81 Sustaining Members / \$15 for qualifying YLS Members / \$20 for Solo/Small Practice Section Members / \$40 Government/Non-Profit / \$20 Paralegal Members / \$180 Non-members
Add On: \$15 printed handouts (electronic is included with registration fee)
Lunch included; please indicate vegetarian option
Credits: 2.0 CLE Hours — Pending with KBA and Indiana

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3 New Year's Resolutions That Will Enrich Your Retirement

Andrew McNair

For many baby boomers looking to retire in the next few years, the biggest worry is not whether or not they can retire, but if they'll outlive their savings.

It's a valid concern: One of every four people turning 65 today can expect to live past their 90th birthday, and one in 10 will live past 95, according to the Social Security Administration.

For a married couple, there's a 58 percent chance that one of them will live to 90.

With 10,000 boomers turning 65 every day, it's something on the minds of more than a fourth of Americans.

"I went into this business because I hated seeing people who'd followed the rules—saved money in a 401k, put their kids through college, gave to charity—get to retirement and find they didn't have enough to sustain them for more than a few years," says Andrew McNair, founder and CEO of SWAN Capital, and author of "Don't be Penny Wise & Dollar Foolish."

"It's not enough to have a certain amount of money in your portfolio, you want to have a guaranteed check coming *in addition* to your investments."

Whether you're years from retirement or planning for it now, McNair says these three New Year's resolutions will be the best you ever made:

Resolve to plan for expenses in retirement to equal or exceed your expenses today.

Many people assume their expenses will decline once they retire—they forget that they're going to have a lot more free time to do what they love, McNair says. "What are your dreams? Will you want to travel? Take up a new hobby? Meet friends for golf two or three times a week? Those likely are going to be expenses you don't have now," he says. Also, once you retire, things don't magically last forever. The rug in the dining room, the fridge in the kitchen—eventually they'll need to be replaced or repaired.

Also, as you age, medical expenses either appear or increase. Sit down and think about what your ideal retirement looks like, and presume that it will be for at least 30 years. Make a list

2020

and take a guess at what those activities cost—even if your retirement is years away. How much money will you need coming in each month or year?

Resolve to get most of your investments out of tax-deferred plans.

If you're working for a company that provides a match for 401k contributions, by all means, contribute up to the maximum match. "That's free money—you'd be crazy not to take advantage," McNair says. But anything beyond that should be invested in something that's more tax efficient: Roth IRA, municipal bonds,

life insurance or real estate. No one expects taxes will go down—they'll be going up. Uncle Sam already has a lien on your IRA or 401(k); don't let his lien, the taxes you'll owe, continue to grow. Go ahead and pay now, and your future retired self will be glad you did.

Resolve to have a portfolio that generates a steady or guaranteed paycheck.

The ideal financial security for retirement is having a guaranteed income that increases with inflation, McNair says. "You want to plan for an income that meets or exceeds your annual income now so, if you'll be getting \$1,000 a month from Social Security at age 62 and your current income is \$4,000 a month, you need to have a plan to guarantee \$3,000 a month to cover that gap." Annuities and life insurance are the only investments that provide a guaranteed income you cannot outlive, so consider them for at least part of your portfolio. "You don't want them to make up 100 percent of your portfolio, but they should provide the foundation," McNair says.

It's important to start thinking *now* about where you want to be in retirement and what combination of investments will ensure you have the lifestyle you want for as long as you live, he says.

"At 65, you don't want to be making risky investments because you're panicking about not having enough money."

Andrew McNair is founder and CEO of SWAN Capital, specializing in Wealth Management and Retirement Income. McNair is also the founder and CEO of the Veteran Benefit Project, which works with veterans and their families at no charge to ensure they receive all of the benefits they deserve. ■

**Congratulations to the
LBA Leadership Academy Class of 2019!**

The goal of the LBA Leadership Academy is to develop a corps of future leaders for the legal profession and community at large. Since its inception in 2006, over 200 attorneys have completed the Academy's requirements and been inducted as Fellows. Twenty new Fellows from the Class of 2019 were inducted at ceremonies held at the Bar Center on December 13, 2019.

Congratulations to the following attorneys:

Lyle J. Burnham, II, Jefferson County Attorney's Office	Jennifer W. Kleier, Karem & Kleier
Scott E. Burroughs, O'Bryan Brown & Toner	Stephen J. Mattingly, Dinsmore & Shohl
Querida L. Christian, Louisville Metro Public Defender's Office	Latevia Priddy, Wimberly & Associates
Sarah Lawson Clark, Phillips Parker Orberon & Arnett	Chapin Elizabeth Scheumann, Schiller Barnes Maloney
Brian R. Dettman, Dettman Law	Madison A. Shoffner, Office of the Commonwealth's Attorney
Ryan J. Dischinger, Louisville Metro Public Defender's Office	Jared J. Smith, McCoy, Hiestand & Smith
Kelsey Doren, Supreme Court of Kentucky	Christopher Snead, Sitlinger & Theiler
Alexa Cox Glibbery, Becker Law Office	Samuel W. Wardle, Frost Brown Todd
Chadler M. Hardin, Stoll Keenon Ogden	Melissa Weinstein, Legal Aid Society
Cassandra F. Kennedy, Legal Aid Society	Milja Zgonjanin, Office of the Commonwealth's Attorney

The 26th Annual LBA's Santa's Court Toy Drive is a Success!



Once again, the legal community joined together to make the holiday a merry one for local children in need. Gifts collected in the LBA's annual Santa's Court Toy Drive were donated to children participating in The Salvation Army's Angel Tree program. We had 34 law offices and many individuals participate. Over 1,200 toys were donated with an estimated total value of more than \$12,000 dollars! When this is combined with the more than \$6,700 in monetary contributions, the toy drive generated almost \$19,000 in total value for The Salvation Army's Angel Tree program. Amazing!

LBA extends a special thanks to the participating firms and their hard-working coordinators (listed below) and to those who contributed to the toy drive in their individual capacity, whether by donating their time, money or gifts. Space restrictions keep us from naming each of you, but please know your contribution mattered.

A huge round of applause to Frost Brown Todd, Satterley & Kelley, Stites & Harbison, Legal Aid Society, Boehl Stopher & Graves and Bingham Greenebaum Doll, who each raised a minimum of \$1,000! And, finally, thanks to Gravely Brewing Co. and LBA Leadership Academy graduates Scott Burroughs, Stephen Mattingly, Jennifer Kleier, Latevia Priddy, Sarah Lawson Clark, Melissa Weinstein and Chapin Sheumann, who organized a "Trivia Night" at the brew-pub to raise funds for the toy drive.

Bahe Cook Cantley & Nefzger (Julie Dotson)
 Bingham Greenebaum Doll (Betsy Rodway)
 Blackburn Domene & Burchett (Diane Laughlin & Brianna Polk)
 Boehl Stopher & Graves (Darryl Lavery & Tara Lawson-Harris)
 Brandeis School of Law (Janet Sullivan)
 Dinsmore & Shohl (Sarah McKenna & Daniel Briscoe)
 Frost Brown Todd (Tommy Gleason & Sam Wardle)
 Fultz Maddox Dickens (Caitlin Housely, Ashley Eade & Natalie Ferreri)
 Gazak Brown (Sharon Stauble-Smith)
 Goldberg Simpson (Mary Ann Rausch)
 Landrum & Shouse (Estella Row)
 Lawyers Mutual Insurance Company of Kentucky (Angela Edwards & Connie Harper)
 Legal Aid Society (Jenn Perkins)
 Louisville Bar Association
 Louisville Metro Public Defender's Office (Dana Childress)
 Lynch Cox Gilman & Goodman (Daura Marking)
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 O'Bryan Brown & Toner (Scott Burroughs & Morgan Mottley)
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 Republic Bank & Trust (Angela McCorkle Buckler & John Robinson)

Satterley & Kelley (Debbie Sarmento)
 Schiller Barnes Maloney (Deanna Tucker)
 Sitlinger & Theiler (Abby Tudor)
 Sparks White Baird Family Law (Deronda Hall)
 Stites & Harbison (Cathy Gammel & Sara Graham)
 Stoll Keenon Ogden (Thomas French)
 Tilford Dobbins & Schmidt (Tacasha Thomas)
 Wyatt Tarrant & Combs (Julie Watts)

Santa's Helpers

This year, we were fortunate to have help picking up toys from volunteers from the LBA Leadership Academy—Clare Souleyrette, Elisabeth Gray, Tommy Gleason, and Sam Wardle—and from UofL Law School—Laurel Hajek. They each generously gave time out of their days to gather the toys. This colossal job could not have been accomplished without their help.



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.

Highlands Office Storefront Available:

Highlands, high visibility Bardstown Rd storefront being converted to office space. Private parking. 300 sq ft. \$600/month rent. Available February 1, 2019. For more details contact Jim at (502) 291-7000.

Suburban Office Available:

An established law office currently has an office available for rent. This office-share environment has: copy machine, phone, fax, internet, receptionist and kitchenette. Please call Wallace Spalding at 502-456-2100 for additional information.

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.

Attorney Office space for Rent in Old Louisville (S. 4th St, Lou KY):

Office spaces for rent in Historic Old Louisville. Several options available in Magnificent Historic Mansion:

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1 office with adjoining room that can be used for secretarial office(s) or office with adjoining secretarial room. Approx. 8' x 10' each 1 large open space with enough room for 3 desks for support staff

(or)

Entire 3rd floor - 5 Office Suite with open secretarial area

Access to conference rooms, copy machine, fax and postage machine, and full kitchen. Free parking. Available January 1, 2018. For more details email mmalaw1@aol.com or call Laura Garrett at 502-582-2900.

Help Wanted

Through the LBA Placement Service

Litigation Attorney:

The LBA is currently working with a small, but growing, plaintiff's firm located on the east side of town that is looking to add an associate attorney. They are seeking a sharp Kentucky licensed attorney with at least a couple years of experience in personal injury or medical malpractice litigation, (plaintiff or defense). Salary is based on experience, plus benefits. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Help Wanted

Through the Legal Aid Society

Temp Research Fellow Needed:

The Legal Aid Society is hiring a part-time Research Fellow to track outcomes of domestic violence clients. The position is a temporary contract position through September 30, 2020, working no more than 20 hours per week. For job functions, qualifications, application process, etc. visit laslou.org (select About Us and click on Employment).

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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.

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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

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Authors names will be withheld only upon request.

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The Kentucky Chamber of Commerce has elected **Brian Cromer** to its Board of Directors. Cromer will serve on the 70-member board, which represents a cross-section of key business and industry leaders from across Kentucky. Cromer is a partner of Stites & Harbison based in the Louisville office. He serves as the chair of the firm's Business & Finance Service Group and his experience includes representing some of the largest U.S. and international companies through corporate transactions, legal disputes, mergers and acquisitions, venture capital and private equity investments, and corporate governance matters.

The American Bar Association Health Law Section has ranked **Stites & Harbison** 7th place in its Seventh Annual Regional Law Firm Recognition List for the South region for 2019. This year marks Stites & Harbison's sixth consecutive time being named to the Top 10 list.

Stites & Harbison announces the addition of **Calesia Henson**, **Alisa Micu** and **Carly Phelps**. Henson is a member of the Employment Service Group in Louisville. She received her J.D., *cum laude*, from the University of Louisville Brandeis School of Law in 2019. Micu is a member of the Business Litigation Service Group in Louisville. She graduated from Georgia State University College of Law, *magna cum laude*, in 2019. Phelps is a member of the Torts & Insurance Practice Service Group in Louisville. She earned her J.D. from the University of Louisville Brandeis School of Law, *magna cum laude*, in 2017.

Fund for the Arts has selected **Carolyn Purcell Michener** for the NeXt Ambassador Class of 2020. NeXt is a nationally recognized, 10-month program which prepares the next generation of emerging professionals for volunteer leadership roles within Greater Louisville's arts and cultural community. Michener is a member of Stites & Harbison's Business Litigation Service Group. Michener has a diverse litigation practice that includes complex business disputes, financial services litigation and product liability defense.

BTI Consulting Group recently selected **Stites & Harbison** as a standout in two key areas: investing in client relationships and client-facing communication in the prestigious BTI Client Service A-Team 2020: Survey of Law Firm Client Service Performance. BTI's Client Service A-Team is regarded as "the gold standard to assess how law firms honestly stack up in client service and delivery." The BTI Client Service A-Team is the only law firm ranking based solely on direct, unprompted feedback from corporate counsel.

Dinsmore & Shohl is proud to announce the creation of the Dinsmore University of Louisville Brandeis School of Law LGBTQ Scholarship. Through the generosity of partner John Selent, Dinsmore will fund half the annual tuition of a

student who either identifies as LGBTQ, or who has made significant contributions to the community. The scholarship program will become available to Brandeis students next fall, at the beginning of the 2020-2021 school year. Students will apply through the school, and a committee will determine the recipient.

Kellner Green is pleased to announce that **Macauley Campbell** has joined the firm as an associate. Campbell is a 2019 graduate of the University of Louisville Brandeis School of Law.

Batey Brophy is pleased to announce **David Spalding** has joined the firm. Spalding is a 2017 graduate of NKU Chase College of Law. He will practice in the areas of criminal defense and personal injury litigation.

Vaughn Pettit Legal Group is excited to announce the addition of attorney **Alicia Stofferahn**. Stofferahn will lead the firm's Family Law Section. With years of experience as a judicial staff attorney and in private practice, Stofferahn is uniquely qualified to handle divorce, child custody, support and parenting time issues, adoption and domestic violence matters.

Thomas Law Offices is pleased to welcome **Logan Wood**. Wood received her J.D. from the University of Louisville Brandeis School of Law in 2019. While in law school, Wood was the president of the Student Bar Association and the Kentucky Student Justice Association. She also received the Robert C. Jayes Memorial Award recognizing her leadership. Her primary area of practice is civil litigation.

Louisville Mayor Greg Fischer has appointed **T. Morgan Ward** to serve on Louisville Metro Government's Historic Landmarks and Preservation Districts Commission. Ward is a partner in Stites & Harbison's Business Litigation Service Group. His practice focuses on commercial litigation, real estate litigation, trust and estates disputes, regulatory litigation, constitutional law, insurance coverage litigation, trial practice, arbitration, mediation and appellate practice.

O'Bryan, Brown & Toner is pleased to announce that **Rebecca Lambert** and **Noel R. Halpin** have joined the firm. Lambert received her J.D. from the University of Louisville Brandeis School of Law in 2017. Her primary area of practice is insurance defense litigation with a focus on medical malpractice. Halpin earned his J.D. from the University of Tennessee College of Law. He joined O'Bryan Brown & Toner in October 2019 where he continues to practice matters involving insurance defense litigation.

The offices of **McBrayer PLLC** and those of **McBrayer McGinnis & Leslie, PLLC** have decided to forge separate paths. The Lexington and Louisville offices of McBrayer PLLC

are now separate and distinct from the Greenup and Ashland attorneys who will now practice as **McGinnis Leslie, PLLC**. The lobbying arm of McBrayer PLLC, **MML&K Government Solutions** located in Frankfort, Kentucky, still remains an integral part of McBrayer PLLC.

Marcia L. Sparks, **Emily A. White** and **Courtney L. Baird** are now practicing as **Sparks White Baird Family Law**. The new firm will continue its lawyers' traditional concentration in the practice of family law, including complex, high income and high net worth dissolution actions; difficult child custody and parenting issues; and challenging spousal and child support matters. The firm is located at 8001 Lyndon Centre Way, Ste. 102, Louisville, KY 40222. See their new website at www.swbfamilylaw.com. The telephone and facsimile numbers remain the same: (502) 589-0090 telephone; (502) 896-9295 facsimile.

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2020 Membership Renewals & Roster Photos

By now you should've received your 2020 membership renewal statement. They were mailed in late November to the address on file with the LBA. If you have recently moved and did not submit a change of address, please contact our office and we will forward a new statement. The renewal statement also serves as a proof for your roster listing. Be sure to flip the page and verify that all the information is as you'd like it to appear. If you need to make any change, please note them on the form. Dues must be received no later than January 31, 2020.

If you'd like to submit a photo or update your current photo for the 2020-2021 Pictorial Roster, please e-mail a high resolution jpg as an attachment to kkasey@loubar.org or send a hard copy to our office. Those who submit electronic photos will receive an e-mail as confirmation of receipt within two weeks.

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