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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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Food, fellowship and fun ruled the night at the annual Bench & Bar Social on January 23. See photos from this premier networking event on pages 14-15. Additional photos can be viewed at www.loubar.org and www.voice-tribune.com/photo-galleries

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LOUISVILLE unplugged

Join the LBA for our 2nd Louisville Unplugged at Louisville Public Media on Tuesday, June 9, beginning at 5:30 p.m. Enjoy a discussion about the upcoming presidential election and learn more about the work of Louisville Public Media.

Cocktails & light hors d'oeuvres will be served.

The Hardest Part is Asking for Help

Like many things in life, the hardest part is acknowledging that something must be done, action must be taken and that you need help. The practice of law is a challenging profession, and I am often reminded of this in my daily work life at the Forge Companies. Whether we are hiring a new employee, updating our information technology program, deciding if a distribution from a trust account is permissible or evaluating a new line of business, the law plays an important role when making every decision.

While no one expects me to be correct 100 percent of the time with the advice I provide to my company, I feel pressure that I admittedly put on myself, to be correct all the time. This stress can sometimes take its toll. As a result, I find that exercise, specifically running to techno music (and to an occasional Disney song—thanks to my kids), is the best way for me to process this stress. I do not believe, however, that what works for me should work for everyone else, nor do I believe that running alone is enough at times. As such, at various points during my educational and professional career, I leaned on others for support and guidance. These individuals most often include my wife, parents, and close friends, many who are members of the LBA, but at other times, I have consulted professional counselors.

In addition to me personally, I also have experience with watching and trying to help others as they cope with stress, depression and addiction. There were some that were able to recover, while others sadly were not. That said, for those who do find a path to recovery, it is often as a result of that individual's acknowledgement that they cannot do it alone, which leads them to seek help from others. I had first-hand experience with this during my youth while witnessing someone close to me struggle with addiction. While it was extremely difficult watching this individual, her recovery has been one of the most inspiring and impressive things I've seen in my life. This person admits, however, now with over 20 years of sobriety and success in managing her struggles, there are still hard days—always will be. However, because this person sought help from others, including professional help, she now has the tools to manage the difficult days and the peace of mind to enjoy the good ones.

My experience is certainly not unique, but rather something that many lawyers will face during their career—regardless of whether they admit it or not. This is supported by a study conducted by the American Bar Association and the Hazelden Betty Ford Foundation that found that 28 percent of over 12,825 practicing lawyers polled reported a problem with depression. This is over three times the rate found in the general population. Therefore, when you consider the entire population of attorneys in this country, roughly 1.2 million attorneys, over 336,000 reported symptoms of clinical depression. This same study also identified that levels of stress, anxiety, and drinking were also significant, with 23 percent, 19 percent, and 20.6 percent experiencing symptoms, respectively.

My hope in sharing both my personal experiences and national statistics is that it inspires you to seek help or for you to speak with someone you love about how they cope with their stresses and anxieties. I have no shame in admitting that I have sought help and guidance from others, rather I take pride in the decisions that I made as a result of the help—results that have me enjoying my private and professional life now more than at any other point. And, as I said above, many times those who I leaned on are members of this organization, and I don't want that to be lost on anyone.

Organizations such as the LBA create life-long relationships, some friendships, others business related, and still others somewhere in between. One

of the greatest things the LBA does is provide attorneys in Louisville and the surrounding area a support structure, a sense of community, a group of people to ask for help. No matter where you are in your life, an opportunity to help someone else will come, and being a member of the LBA will provide you with an opportunity to make a life-long impact.

In addition to the LBA, the Kentucky Bar Association offers wonderful help through the Kentucky Lawyer Assistance Program (KYLAP). KYLAP offers help to lawyers, law students and judges who are struggling with mental health issues, such as depression, alcohol and drug abuse, stress, compulsive gambling or other conditions that may adversely impact the individual's personal or professional life. Self-referrals and referrals from third parties are completely confidential, so if you or someone you know could use help, please consider contacting KYLAP as it may very well be the first step to your or their recovery. Finally, if nothing else, give some thought to the numerous resources that are also available through KYLAP, all of which can be found here: <https://www.kylap.org/resources/>.

In closing, if you find yourself struggling with anxiety, depression or addiction, please give thought to asking for help. And, if you don't struggle personally, then I ask that you make yourself available to help others by donating your time and talents to helping those in need. This can be done by participating in the LBA or through the KYLAP. Any help is always valued and greatly appreciated. Finally, let's all help break down the stigma for lawyers that we must be perfect, that we must be stoic, and that we cannot ask for help. Let's be there for one another, help one another, and support one another—this makes for an engaged and healthy Bar.



One of the greatest things the LBA does is provide attorneys in Louisville and the surrounding area a support structure, a sense of community, a group of people to ask for help. No matter where you are in your life, an opportunity to help someone else will come, and being a member of the LBA will provide you with an opportunity to make a life-long impact.

Sincerely,

Peter H. Wayne IV
LBA President

Legal Family Dinner Table

Chief Judge Angela McCormick Bisig

One of the best parts of my current job has been getting to know my circuit court colleagues. I like them. When I served as law clerk back in the late 1980s, for then Judge William McAnulty (later Justice), all levels of court were still in the Hall of Justice. District court was on the first floor, and circuit court was up the escalator (or concrete steps) on the third. Given this layout, the judges were in close quarters in those days. When Judges Ellen Ewing, Rebecca Westerfield, John Potter, Mike O'Connell or other then-members of the circuit term would pop in to say "good morning," or swipe a cup of coffee from Mac's well stained Mr. Coffee machine, it was difficult for me to process that they were actual people and not just judges. It was a small pleasure for me to see them interact and poke fun at each other off the bench.

In this spirit, I wanted to dedicate some of my regular *Bar Briefs*' columns to provide a picture of today's circuit bench. The plan is to present my colleagues two at a time and give readers some background and observations. When my children were still home, I made them answer the question "What was the best part of your day?" before they could get up from the dinner table. Later, at my own mother's urging, I added the requirement of stating the worst part of the day. This became known around our glass top kitchen table as simply "best and worst." The lightning fast shout out of the best/worst to gain post-dinner liberty was a staunch family tradition.

So, imagine us (the members of the Louisville Bar) at a large legal dinner table together. Before you end your time here at our table, you will learn each featured judges' thoughts on the best and worst parts about their job as a judge. This installment will feature the judges in Divisions 1 and 2 and then each month we will invite two more to our table. I hope you enjoy.

Judge Barry Willett – Division 1



Judge Barry Willett in Division 1 is one of the most senior of the current circuit court judges. He began on the bench in 1999 and served as a Special Justice on the Kentucky Supreme Court in 1998. Judge Willett also served as chief circuit judge in 2010 and 2011.

I can honestly say it has been a delight getting to know and serve with Judge Willett. He is not the type of person who speaks just to hear himself talk. He is a good listener and lightning quick with a comeback.

While he can have the tough, bearded exterior of an outdoorsman, he also has a mischievous wit and a big heart.

One of Judge Willett's interests is the great outdoors. He enjoys camping and fly fishing with his son and other friends. He appreciates a good meal, and as a true Kentuckian, has a wealth of knowledge about bourbon. In our morning circuit court coffee gathering, if you begin a sentence: "I may have handled this the wrong way..." he is quick to respond with a quip: "Oh yes, I'm sure you did," with a wry smile, before patiently listening to the details of your situation and offering intelligent feedback. He brings us donuts and is probably the most faithful attendee of morning judges' coffee.

Judge Willett is a true student of the law and keeps organized files and educates himself on legal updates. He does much of his own legal research. He regularly brings recent appellate opinions to our term coffee. He also has a generous spirit and is a loyal friend. An early riser, he is one of the first to arrive at the courthouse each morning. Prior to his time on the bench, Judge Willett served as a trial attorney for many years. In 1997, he served as the president of the Kentucky Justice Association.

When I asked Judge Willett what he liked most about the job of judge, he discussed appreciating the intellectual challenge of presiding over both civil and criminal cases. He enjoys the talented trial lawyers that practice in his court and the breadth of legal issues that he faces each day. He sees his most important role as creating a level playing field for a fair trial for everyone involved.

When questioned about his least favorite part of his job, Judge Willett discussed the volume of cases judges must handle. He believes the number of both civil and criminal cases filed over the years has increased and lamented the challenging nature of conducting 20-plus hearings on any given day. He wishes he had more time to write more detailed orders on each case. Of course, he notes the upside of the large volume of cases is genuinely enjoying the daily interaction with the members of the Bar.

Judge Annie O'Connell – Division 2



Judge Annie O'Connell began her work in Division 2 of Jefferson Circuit Court in November of 2018 and hit the ground running.

Although it has taken years for others, she has already presided over a capital murder case in her tenure on the bench. She is one of my colleagues that I not only have the pleasure of serving with on the bench, but was able to observe her as a practicing lawyer in my court. Judge O'Connell exudes professionalism and competence. Whether discussing court issues or where to have lunch, she brings an intellect and curiosity that are impressive.

As an attorney, and I'm sure on the bench, she is always well-prepared. It was clear she developed a strong and caring rapport with her clients and that she had compassion for their struggles.

I attended an old English tea with Judge O'Connell over the holiday season. It struck me how creative she was in talking with other individuals in attendance about best strategies for handling challenges they face. I learned something watching her gently querying a friend about how she could deal with the stress of being swamped at a difficult job.

Prior to coming on the bench, Judge O'Connell had her own law practice as well as serving as a Parent's Attorney in Jefferson Family Court on the Dependency, Neglect and Abuse Docket. She served as an adjunct professor at the University of Louisville Brandeis School of Law in the Spring of 2017. She also served as a Louisville Metro Public Defender from 2006 until 2011. In 2012, Judge O'Connell received the Frank E. Haddad, Jr. Young Lawyer Award from the Louisville Bar Association. She attended the LBA's Leadership Academy in 2010. She also completed the Spanish Language and Cultural Immersion Program.

When asked her favorite thing about being a judge, Judge O'Connell responded that she appreciated the staff: deputies, clerks, administrative staff, lawyers, other judges. "I couldn't do my job without them," she says. When asked the worst thing about being a judge, Judge O'Connell responded. "Our staff doesn't get paid enough for what they do." This sentiment is certainly one many of the judges share. Judge O'Connell enjoys her work on the bench and has been a thoughtful addition to the circuit court term.



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

Gwendolyn Horton Receives Trailblazer Award

At ceremonies held on February 27, Gwendolyn Horton, an attorney in the Legal Aid Society's Housing & Government Benefits Section, received the Justice William E. McNulty Jr. Trailblazer Award. Named in memory of the first African American to sit on the Kentucky Supreme Court, the award honors those who have had a significant impact in improving racial and ethnic diversity in the legal profession.



Ms. Horton, a graduate of the University of Kentucky College of Law, has long dedicated her career to public service. In the 1970s, she was one of the first women to serve as an FBI agent. She has also been an attorney for the Kentucky Human Rights Commission and the Louisville Metro Public Defender's Office. In her current role at Legal Aid, she is a calm and steady advocate for those facing eviction, homelessness and other dire situations. "Her work is absolutely critical to this agency and to our community," noted Executive Director Neva Polley Scott. "She keeps people living in their homes instead of on the streets on 20 degree freezing nights."

Also recognized at the awards ceremonies were students in Central High School's Law & Government magnet program who were winners of an essay contest and a student at the Brandeis School of Law who received a scholarship co-presented by the LBA's Diversity Committee and the Charles Anderson Chapter of the National Bar Association.

The awards ceremonies followed the LBA's annual Black History Month program which featured a screening of the biopic *Harriet* about Harriet Tubman's escape from slavery and work with the Underground Railroad. ■

New Chief Bankruptcy Judge Appointed



The United States Bankruptcy Court for the Western District of Kentucky recently announced the appointment of the Hon. Alan C. Stout as Chief Judge for the district effective December 31, 2019. Chief Judge Stout succeeds Judge Thomas H. Fulton, who had served in that role for seven years. Chief Judge Stout has served as a United States Bankruptcy Judge in the district since October 25, 2011. He will continue to hold court in Louisville, Kentucky and Paducah. ■

Supreme Court Clerk Retires



Supreme Court of Kentucky clerk Susan Stokley Clary retired February 1 after 25 years of service. Clary held an appointed position and was responsible for the custody, control and storage of all Supreme Court records. She was also court administrator and general counsel for the court. Kelly Stephens has been named interim clerk of the Supreme Court. ■

District Court Administrator Retires



Julie Hayes, who served as administrator of Jefferson District Court for the past 16 years, retired effective January 31. Hays worked more than 30 years for the Kentucky Court of Justice, serving in positions ranging from judicial secretary to deputy circuit court clerk to pretrial services officer. "Julie has been with the Jefferson trial courts from the time of manual typewriters, carbon paper and court reporters to e-filing, e-warrants, text message alerts and the JAVS system," noted Chief Court Administrator Carla Kreitman. "It's been a challenging, ever-changing system and Julie has led much of the progress."

Succeeding Hays as District Court Administrator is Kelsey Doren, who previously worked for the Kentucky Department of Public Advocacy as an Assistant Public Advocate and Interim Directing Attorney. A graduate of Elon Law School in Greensboro, North Carolina, Doren recently participated in the LBA's Leadership Academy. ■

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Judge, Lawyer Discuss Trends in Bankruptcy Law

Dean Colin Crawford

Bankruptcy law is a practice area that tends to be an all-or-nothing proposition. If you do bankruptcy, you generally need to be all-in. And it is not viewed as a practice area for the faint of heart. The Code can be complicated and emotions run high.

If bankruptcy law practice had a spokesperson, April Wimberg could be it. During a recent conversation about her practice, Wimberg

expounded on the passion she has for this area of law—one that she says is exciting, fast-paced and very interesting.

“I don’t care what you do as a lawyer—you are going to touch bankruptcy at some point in your career,” says Wimberg, a 2013 graduate of Louisville Law and partner at Dentons’ Louisville office. “Whether it’s family law or transactional law, it just always comes up.”

Wimberg, who spent 10 years working on Wall Street and in corporate strategy for Fortune 500 companies before entering law school, began her legal career in general litigation. When she was asked if she wanted to explore bankruptcy work, another bankruptcy lawyer told her that the bankruptcy bar is like a family.

“I found that’s not just true on the regional level—it is nationwide. It’s a very small practice and you eventually just meet the same people over and over,” she says. “Because of that, we don’t have as many of the disputes as some civil litigators may come up against. I have made arguments before on the winning and the losing side, and afterwards, I’m always told, ‘Great argument, April.’”

That collegiality and respect is one reason Wimberg says she enjoys her work so much. Another reason is the judges. Wimberg praises the expertise and expediency of the bankruptcy judges.

“They’re very fast with their rulings. They’re very consistent with their rulings. They’re very educated in the law,” she says.

That “rocket docket” pace is important in bankruptcy cases, where clients often need to quickly preserve collateral, access funds and pay employees. Wimberg shares that she recently filed a motion on a Wednesday and was in trial by that Friday.

Wimberg also notes that the Bankruptcy Code is fairly new law. The current code was enacted in 1978 and was significantly revised in 2005. Because of that, “there are still a lot of split decisions in circuit courts or unanswered questions that courts grapple with,” she says. As a result, “[y]ou will see bankruptcy cases go up the circuits and the Supreme Court more than you would expect.”

When asked about trends in bankruptcy, Wimberg points to rural health care. That industry faces challenges with Medicaid and Medicare reimbursements and with the capital needs of smaller hospitals and nursing homes, she says.

Hemp farming is another area where Wimberg forecasts bankruptcies. “There’s a lot of capital investment going into that industry. It’s very fast and furious. I just don’t know anything that takes off so quickly,” she says. “I think that hemp prices have fallen quite a bit and I think farmers are struggling with the capital investments they’ve made.”

While bankruptcy is a business decision, it’s not without emotional ties. Wimberg represents both creditors and debtors and emotions can come into play on both sides. On the creditor side, small businesses can struggle with the seeming unfairness of customers who don’t pay and then file bankruptcy. “On the debtor side, it’s very emotional in that they think that they’ve failed. That’s a very hard step for most people to take,” she says.

But Wimberg looks at the positive: “We’re blessed to live in this capitalist society. You can

take risks and you can start a business and you can start over if it doesn’t work out. They can eventually start over.”

* * *

After speaking with April, I called one of our local bankruptcy judges, Thomas Fulton. Tom has served as a bankruptcy judge in the Western District of Kentucky since 2002 and was the Chief Judge from 2012 to 2019. He retires later this year. I asked him for an update on new issues he sees emerging in bankruptcy practice. His responses reiterated both the technicality of bankruptcy law, and its potential emotional force.

The judge drew my attention to two issues. First, he expressed concern with lawyers filing under Chapter 13 of the Code, the so-called “wage earner’s plan,” which allows debtors with regular income to repay over a pre-defined period. This also assures the lawyers get repaid their fee.

In many cases, the judge offered, a client might be better served by a Chapter 7 filing, but that requires payment of a legal fee upfront, “but the Chapter 7 debtor may not have the \$1,000, \$1,200—whatever the going rate is.” Consequently, attorneys are putting debtors into Chapter 13 instead, which has fees that can be paid off over time but which may ultimately cost debtors more in the long run.

In addition, Judge Fulton anticipates the differences in the handling of student loan debt in bankruptcy proceedings will require resolution by Congress or the Supreme Court. In the Sixth Circuit, he explained, student debts in bankruptcy may be discharged only for hardship. “Hardship” is defined using the three-prong test announced in the *Brunner* case (831 F.2d 395 (2d Cir. 1987)), which considers a person’s current and anticipated future financial situation and whether they have made payments.

The problem, Judge Fulton says, is that students in some schools, especially for-profits, get little to no counseling on taking out their loans and they get into a situation where they are not earning what they’d hoped and cannot repay the loans. They thus fail the *Brunner* test and cannot discharge student debts. He would therefore like to see both greater guidance from Congress or the Supreme Court, or greater leeway for bankruptcy courts than the *Brunner* case allows.

I am grateful to April and Tom for this peek into their complicated—and surprisingly emotional—practice area and look forward to seeing how the issues they identified play out in the months and years to come.

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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Need to Retain Your Talent? Start with Building Trust

Cara Silletto, MBA, and Leah Brown

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

Today's new workforce does not blindly trust leadership: organizations have to work for it. That mindset stems from a few things. Millennials (born 1981–1996) have grown up surrounded by a 24/7 news cycle and more information than ever about people in leadership positions taking advantage of their power. So it's no wonder that the new generation of employees cycling into the workforce want transparency from management.

Leaders and organizations must gain the trust of their staff over time, and this process requires authenticity and good intentions. Trust is an asset, and companies should treat it as such. Trust also increases productivity, which drives the bottom line. But trust is also something where continuous effort needs to be made, because it's a fragile concept.

Are You Prepared to Explain "Why?"

"Because I said so" is no longer a justification most staff will accept. Your workforce

wants to know the "why" behind policies and decisions made. Remember: If management doesn't explain its reasoning for things, employees will make their own assumptions. That quickly turns into an "us vs. them" hearsay battle.

It's helpful for managers to think about some basic questions to help guide the transparency process. Do staff know how and why company-wide decisions are made? Are wage ranges clearly defined? Are career paths identified and discussed with staff? Do managers accept social media friend requests from employees? There are various options to consider, but you may find that a shift down the transparency spectrum toward more openness could help your retention efforts.

Share More with Staff

Your staff generally wants more information from company leaders. So, re-institute a company-wide newsletter, put up news boards around the building, and hold regular open-forum Town Hall meetings.

One-on-one time with your employees can also pay huge dividends. Companies have done exit interviews for years, but many

managers could benefit from instituting "stay" interviews as well. These give leaders a chance to check in with their staff on a regular basis and build stronger, more genuine relationships.

There's plenty of ground to cover in these interviews: What does a great day look like for your staff? A frustrating day? Do they feel they're treated with trust and respect? Are they getting proper recognition for their work? What do they like and dislike about their position? What resources do they need? Figuring out the answers to these questions lays the groundwork for developing more effective retention strategies.

Don't Allow Anyone to "Eat Their Young"

Beyond all this, it's also important that managers ensure their seasoned staff members aren't chasing away good new hires. Dumping a larger workload onto newer employees, giving them the equipment or tasks no one else wants, and belittling them for not knowing something are never acceptable. If you know this behavior exists, you must stop staff from "eating their young" and pushing away good people. Otherwise, the incoming workforce will keep spinning the revolving door and find other places to

work where they're valued. And they'll tell their friends never to apply at your firm.

Like in any other relationship, employer-employee trust also has to be built – it's no longer a given simply because of a title or seniority. Increasing transparency and building this trust can become the lasting foundation for creating a better culture of retention at your company.

*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. Contact Jessica Ray (Jess@crescendostrategies.com) to see how Crescendo Strategies' programs or Workforce Retention Bootcamp could help your organization. ■*



Community Resources Abound for Taxpayers

Nick Maraman and Cassandra Kennedy

It's that time of year again—the tax filing season. Many dread it; many look forward to receiving their refund. Many of these taxpayers are not sure where to turn if they encounter an issue with their taxes. But there is good news—Louisville has many resources for taxpayers in our community, regardless of their income. Whether a taxpayer just needs to file a simple return or needs a tax attorney's help on a complicated legal case, there are many places in our community to turn for help. A few of these resources are described below.

Legal Aid Society's Low Income Taxpayer Clinic

Legal Aid Society serves as a federally-designated Low Income Taxpayer Clinic. We assist taxpayers who have incomes below 250 percent of the federal poverty level when they are facing a controversy before the IRS. Three Legal Aid staff attorneys provide tax controversy representation year-round. Although Legal Aid's general service area includes Jefferson and 14 surrounding Kentucky counties, Legal Aid's Low Income Taxpayer Clinic accepts clients throughout the entire western half of the Commonwealth. Types of cases accepted include: audits; issues with tax credits, including the Earned Income Tax Credit; Innocent and Injured Spouse requests; representation in the United States Tax Court; and various collection matters, including Offers in Compromise with the IRS.

Legal Aid's Low Income Taxpayer Clinic is located at the Legal Aid Society office at 416 W. Muhammad Ali Blvd., Suite 300. Interested clients can contact Legal Aid at (502) 584-1254. More information about Low Income Taxpayer Clinics and other clinic locations can be found at www.taxpayeradvocate.irs.gov/about/litc.

Free Tax Return Preparation

The Louisville Asset Building Coalition provides free tax return preparation services for those making less than \$66,000 per year through the Volunteer Income Tax Assistance (VITA) program. The VITA program provides

IRS-certified volunteers who complete tax returns for eligible clients. Often the volunteers are accountants or accounting students and each tax return goes through an accuracy check before filing. The VITA sites are located at the Louisville Urban League, Americana Community Center in South Louisville and multiple other locations throughout Jefferson County. To make an appointment, taxpayers should call (502) 305-0005 or visit the Louisville Asset Building Coalition's website at www.labcservices.org.

In addition, the AARP Tax Aide program provides free tax return preparation services for taxpayers 50 and older. There are multiple locations throughout the Louisville area. More information can be found at www.aarp.org/money/taxes/aarp_taxaide.

Finally, the IRS Free File program provides multiple options for taxpayers who are comfortable preparing their own tax returns. For those with incomes at or below \$69,000, the IRS offers free software to prepare and e-file tax returns. For those with incomes above \$69,000, the IRS offers free fillable PDF forms that can be e-filed. More information can be found at www.irs.gov/e-file-providers/before-starting-free-file-fillable-forms.

Taxpayer Advocate Service

The Taxpayer Advocate Service (TAS), an independent organization within the IRS, has a team of case advocates in its Louisville office who work to resolve taxpayer issues. Any taxpayer, regardless of income, can qualify for TAS services as long as (1) they have experienced a delay of more than 30 days in resolving their tax issue; (2) they have not

received a response to an issue by the date that the IRS promised; or (3) they are experiencing an economic hardship or significant cost. TAS can often cut through administrative red tape and seek answers for these taxpayers. TAS also provides systematic advocacy and community outreach. The local TAS office can be reached at (502) 912-5050.

Taxpayer Bill of Rights

Are you familiar with the Taxpayer Bill of Rights? Championed by former National Taxpayer Advocate Nina Olson, the IRS adopted a Taxpayer Bill of Rights in 2014. These rights apply to all taxpayers in their dealings with the

IRS. As explained by TAS, "the Taxpayer Bill of Rights groups the existing rights in the tax code into ten fundamental rights, and makes them clear, understandable, and accessible." These include the right to: (1) be informed; (2) quality services; (3) pay no more than the correct amount of tax; (4) challenge the IRS's position and be heard; (5) appeal an IRS decision in an independent forum; (6) finality; (7) privacy; (8) confidentiality; (9) retain representation; and (10) a fair and just tax system. Detailed information about these ten rights and the full Taxpayer Bill of Rights can be found on the TAS website at www.taxpayeradvocate.irs.gov/taxpayer-rights.

received a response to an issue by the date that the IRS promised; or (3) they are experiencing an economic hardship or significant cost. TAS can often cut through administrative red tape and seek answers for these taxpayers. TAS also provides systematic advocacy and community outreach. The local TAS office can be reached at (502) 912-5050.

IRS and Kentucky Department of Revenue

The IRS has a physical office in Louisville called the Taxpayer Assistance Center (TAC). The IRS Taxpayer Assistance Center is located on the sixth floor of the federal building in downtown Louisville at 600 Dr. Martin Luther King Jr. Place. At this office, taxpayers can obtain tax forms, have tax transcripts printed or have their identities verified if they are having or previously experienced identity theft issues. Appointments should be made prior to going to the IRS Taxpayer Assistance Center by calling (844) 545-5640.

The general IRS phone number is 1-800-829-1040. Although hold times can be long on the general IRS number, the IRS also has a Practitioner Priority Line for tax attorneys, enrolled agents and accountants who are working with clients to resolve their tax issues and who have an IRS Power of Attorney. That number is 1-866-860-4259. The Kentucky Department of Revenue can be reached by phone at (502) 595-4512. Their local office is at 600 W. Cedar St., Louisville, KY 40202.

How Legal Aid Helps Taxpayers

"Ms. Stewart" is a 74-year-old retiree who came to the Legal Aid Society because she

owed more than \$14,000 in tax debt to the IRS. With Stage IV emphysema, Ms. Stewart had drained her savings paying for her medical treatments. In 2014 and 2015, she had received income from private disability insurance through her employer and omitted that from her tax return, leading to the IRS tax debt. Ms. Stewart had mistakenly believed she had paid her private disability insurance premiums and any benefits would not be taxed; however, the disability was actually an employee benefit that was taxable. She was worried about a Social Security levy and didn't want her children to have to deal with her IRS debts after she passed away. An attorney with the Legal Aid Society Low Income Taxpayer Clinic filed an Offer in Compromise with the IRS, asking the IRS to settle her tax debts for \$910. Due to Ms. Stewart's low income (Social Security of only \$1,200 per month), the IRS agreed to settle the debt. When the Legal Aid attorney called her with the good news, she was completely relieved: "I am so grateful to you. You have been a lifesaver. Thank you."

Thirty-three-year-old "Samantha" came to the Legal Aid Society after the IRS alleged she owed nearly \$9,000 in tax debt due to unintentionally omitting a workplace sexual harassment settlement from her tax return. Since leaving her employer, Samantha had turned to drugs to cope with the trauma. But Samantha then decided to turn her life around. When she came to Legal Aid, she had just completed an intensive drug treatment program. The IRS debt concerned her and she wanted to make amends to ensure any future income would not be levied. The Legal Aid Society Low Income Taxpayer Clinic prepared an Offer in Compromise for Samantha. Due to her unemployment and lack of assets, Samantha offered \$10 to settle her debt. The IRS accepted the \$10 offer and wrote off the remaining \$8,848 debt. In exchange, Samantha will file all tax returns over the next five years and pay any taxes due.

How Can You Help?

If you have a low-income client who needs assistance with a tax matter—or if you would like to volunteer to take on a tax case *pro bono*—please contact the Legal Aid Society Low Income Taxpayer Clinic at (502) 584-1254.

Nick Maraman is the Senior Attorney of the Economic Stability Unit at the Legal Aid Society. Reach him at nmaraman@laslou.org. Cassandra Kennedy is a Staff Attorney in the Economic Stability Unit. Reach her at ckennedy@laslou.org. Both Nick and Cassandra practice in the Legal Aid Society's Low Income Taxpayer Clinic. ■



Whether a taxpayer just needs to file a simple return or needs a tax attorney's help on a complicated legal case, there are many places in our community to turn for help.

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Don't Overlook the Tax Aspects of Short-Term Rentals

Jim Nitsche

Anyone wishing to offer a dwelling unit as a short-term rental (STR) within Louisville Metro (the City) should first become familiar with the rules, including the tax rules, governing such rentals. Before worrying about taxes, an STR applicant should beware of a few preliminary obstacles.

Perhaps the first thing to recognize is that the City's STR rules do not supersede lease agreements, homeowner's or condominium association bylaws, deed restrictions, covenants or any other law or private agreement that prohibits the use of a dwelling unit as an STR. See *Hensley v. Gadd*, 560 SW3d 516 (Ky. 2018) (deed restrictions prevented commercial use of residential property). In addition, the City's STR rules do not govern STRs in cities that have independent zoning laws, including Anchorage, Douglas, Graymoor-Avondale, Hurstbourne, Indian Hills, Jeffersonstown, Lyndon, Prospect, Shively, St. Matthews and St. Regis Park.

The City's ordinance authorizing STRs was enacted in 2015 and amended in 2019. As of January 31, 988 STRs had been registered with the City. According to the STR ordinance, anyone wishing to register as an STR host may do so by filing an application with Develop Louisville, a division of Planning & Design. The 2019 amendment increased the application fee to \$100. Registrations are renewable annually.

Depending on the zoning classification of the proposed STR, an aspiring STR host may need to obtain a conditional use permit (CUP) to operate a dwelling unit as an STR. The process of obtaining a CUP can be

time-consuming and expensive. Very generally speaking, if a dwelling unit is both zoned "residential" and the primary residence of the applicant, a conditional use permit will not be required. Conversely, if the dwelling unit is not the primary residence, the applicant will need a CUP. If the dwelling unit is zoned "mixed use," only the STR registration is necessary. Finally, if the dwelling unit is zoned "TNZD" (i.e., located in Old Louisville), a CUP will be needed in all cases.

The STR ordinance includes a provision requiring every STR to comply with all applicable federal, state and local laws. The original STR ordinance specifically required the STR host to collect and remit the City's 8.5 percent transient room tax every month, but made no mention of the City's 2.2 percent occupational license tax. As amended in 2019, the ordinance requires every STR host to register with the City's Revenue Commission for the purpose of collecting and remitting the transient room tax and paying the occupational license tax. Although the occupational license tax ordinance includes a limited exception for certain "passive" real estate activities, the Revenue Commission takes the position that, since STRs necessarily include the provision of some services, the occupational license tax ordinance's limited exception does not apply to STRs.

The STR ordinance excuses the host from collecting and remitting the transient room tax—but not from filing a monthly return—if the hosting platform used by the host has an agreement with the City to collect and remit the tax. So far, only Airbnb has such an agreement. This means that an STR host that uses

multiple hosting platforms including Airbnb will have to carefully track which platform is being used by its renters to ensure that all transient room taxes are properly collected, remitted and reflected on the monthly return.

Aside from local taxes, prospective STR hosts should know they'll be obligated to collect the 6 percent Kentucky sales tax and the 1 percent Kentucky transient room tax on their rental receipts, whether or not they are signed up under the City's STR ordinance. This means, among other things, that the STR host will have to register with the Kentucky Department of Revenue (KDOR), obtain the required permits, and collect and remit sales and transient room taxes monthly.

In this regard, the prospective STR host should know that, with the exception noted below, once the host registers with the KDOR to collect and remit sales taxes, the host will receive a blank sales tax return every month. If the host fails to file a return, the KDOR will complete one for the host, and the host will then be put to the trouble of correcting it. Thankfully, the law gives the KDOR discretion to excuse monthly filing and allow quarterly filing instead. An STR host who wants to avoid monthly sales tax filing must request relief in writing. In contrast to the sales tax law, the transient room tax law does not authorize the KDOR to excuse the monthly transient room tax filing requirement.

If an STR host decides to employ a corporation (not advisable) or a limited liability company to hold a dwelling unit for use as an STR, the Kentucky limited liability entity tax will need to be paid. The minimum tax is \$175 per year. In addition, no matter how the

STR dwelling unit is held, if the rental income is subject to federal income tax, it also will be subject to Kentucky income tax.

From a federal income tax perspective, if a dwelling unit is used during the tax year as a residence of the taxpayer and the property is rented for less than 15 days during the year, the rental income is excludable from gross income. Thus, an STR host could, for example, rent their dwelling unit for Thunder Over Louisville, Derby, Forecastle and Louder Than Life, in the process collecting enough to pay a year's mortgage, and not pay a penny of federal (or Kentucky) income tax. This factor alone could make STRs extremely attractive, particular for those already inclined. Of course, if the STR dwelling unit is rented for 15 days or more during the year, the rental income will be subject to federal and Kentucky income tax.

As can be seen, operating a legal STR in the City is not without some costs, both in time and money. That being said, a person who operates an illegal STR could become obligated to pay taxes, penalties and interest on any deficiencies assessed by the City or the KDOR. In addition, a person who advertises an unregistered STR within the City is subject to a penalty of \$125 for each day the unregistered STR is advertised.

James Nitsche of Wyatt Tarrant & Combs focuses his practice on federal, state and local tax matters, with particular emphasis on the taxation of business entities and business transactions. ■



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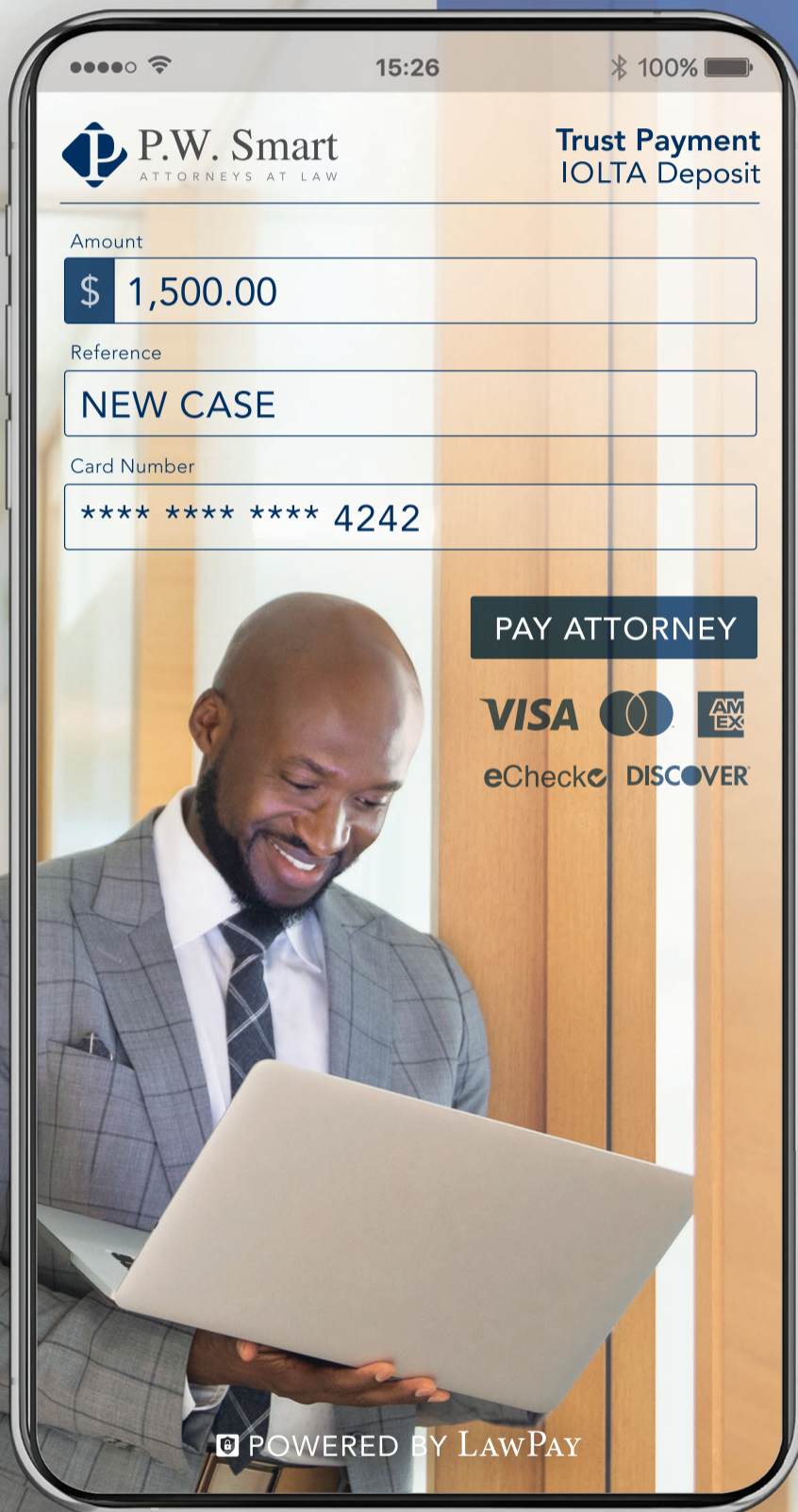
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29TH ANNUAL ALAN T. SLYN AND HON. RICHARD A. REVELL DOMESTIC RELATIONS UPDATE

Friday, March 6

Guest speakers Emily Cecconi, Nathan Hardyman and Elizabeth Howell 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: **Emily T. Cecconi, Nathan R. Hardyman and Elizabeth Howell** 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
\$15 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 — Approved with KBA and Indiana

LBA ENVIRONMENTAL LAW SECTION & UL JOURNAL OF ANIMAL AND ENVIRONMENTAL LAW

Fourth Annual Symposium

Friday, March 27

The LBA is excited to once again partner with the University of Louisville's Journal of Animal and Environmental Law for the next installment of this symposium.

Topics include:

- Resilience Justice
- Energy and the Environment in the 2020 Legislative Session
- The Link Between Animal Abuse and Crimes Against People

Lunch included with advanced registration.

Speakers: **Professor Tony Arnold**, University of Louisville Brandeis School of Law; **Joy Estes**, Kentucky Link Coalition Director; and **Tom FitzGerald**, Kentucky Resources Council

Time: 8:45 a.m. — Registration; 9 a.m. — 1 p.m. — Program
Place: LBA, 600 W. Main Street
Price: \$120 LBA Members | \$108 Sustaining Members | \$15 Paralegal Members
\$15 for qualifying YLS Members | \$20 Government/ Non-Profit Members
\$25 Solo/Small Firm Section Members | \$240 Non-members
Add On: \$15 printed handouts (electronic is included with registration fee)
Credits: 3.0 CLE Hours — Approved KBA and Indiana

CAUTIONARY TALES: THE IMPORTANCE OF BENEFICIARY REVIEW

Tuesday, April 21

Regular beneficiary reviews are important to help avoid pitfalls when death occurs. Discuss good questions to ask during the beneficiary review. Annuity beneficiary reviews can streamline a client's entire legacy plan.

Thank you to our Presenter Sponsor



Speaker: **Patricia R. Taylor**, Lincoln Financial Distributors

Time: 11:45 a.m. — Registration; Noon — 1 p.m. — Program
Place: LBA, 600 W. Main Street
Price: \$40 LBA Members | \$36 Sustaining Members | \$15 Paralegal Members
\$15 for qualifying YLS Members | \$20 Government/ Non-Profit Members
\$80 Non-members
Add On: \$15 printed handouts (electronic is included with registration fee)
Add \$8.50 for lunch, if ordered
Credits: 1.0 CLE Hour — Approved with KBA and Indiana

CONTINUING LEGAL EDUCATION

LBA ETHICS BROWN BAG

Annual Spring Ethics Program: 2019 Developments in Professional Responsibility

Thursday, May 7

In this two-hour presentation, Professor Giesel will discuss recent developments in professional responsibility, focusing on recent ABA opinions, recent changes to the Kentucky Rules of Professional Conduct, and several recent national cases raising interesting ethics issues.

Lunch included with advanced registration. Please indicate if a vegetarian option is requested. This program is hosted by the Louisville Bar Association in partnership with the University of Louisville Brandeis School of Law.

Speaker: **Professor Grace M. Giesel**, University of Louisville Louis D. Brandies School of Law

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 Paralegal Members
\$15 for qualifying YLS Members | \$25 Solo/Small Practice Section Members
\$45 Government/Non-Profit Members | \$180 Non-members
Add On: \$15 printed handouts (electronic is included with registration fee)
Credits: 2.0 CLE Ethics Hours — Approved by KBA and Indiana

LBA NATIONAL SPEAKER DAY LONG

More Effective Writing Makes More Effective Lawyers: Useful Strategies, Crucial Details, and Lots of Practical Tips

Wednesday, June 3

Knowing the law is essential—but so is being able to communicate about it. Join writing coach and former attorney Rick Horowitz for a lively and practical session that will reintroduce you to your legal-writing toolbox, including a few tools you didn't know were in there.

This class explores the fundamentals (and the critical details) of creating clear, well-organized, persuasive legal documents. Briefs, memos, client letters, even daily correspondence benefit from your deeper understanding of what goes into successful writing, so we'll examine good and not-so-good writing to see what worked, what didn't, and why:

- What should you include, and what can you leave out?
- What's the most effective structure for this document, and this audience?
- Should you use an outline? Are there better options?
- What has to happen between "first draft" and "send"?
- How can you steer clear of those grammar and usage potholes that undermine your credibility?
- How do you survive the in-house editing process?
- And do you really need all that "legalese"? (There's a reason people tell lawyer jokes...)

Join us at LBA on Wednesday, June 3, for this full-day workshop. You'll come away with new skills, new strategies, and new confidence. Sign up now—and spread the word!

More details on this CLE program can be found on the LBA website: www.loubar.org.

Speaker: **Rick Horowitz**, Prime Prose, LLC

Time: 8:45 a.m. — Registration; 9 a.m. — 4:30 p.m. — Program
Place: LBA, 600 W. Main Street
Price: \$240 LBA Members | \$216 Sustaining Members | \$75 Paralegal Members
\$75 for qualifying YLS Members | \$120 Government/Non-Profit Members
\$75 Solo/Small Firm Section Members | \$480 Non-members
Credits: 6.0 CLE Hours — Approved with KBA and Indiana

CLE Cancellation Policy: All cancellations must be received by the LBA 24 hours in advance to receive a credit or refund. "No shows" or cancellations received the day of the program will require full payment. Substitutions will be allowed. Please Note: The cancellation policies for certain programs, e.g. the AAML/LBA Family Law Seminar, KY Commercial Real Estate Conference, MESA CLEs, etc., are different. Please visit our CLE Calendar at www.loubar.org for details.

MARK YOUR CALENDAR!

11th Annual Lively M. Wilson Memorial Lecture Series on Ethics, Professionalism and Civility

Tuesday, June 16

Mark your calendars for the 11th Annual Session of the Lively M. Wilson Memorial Series on Professionalism (formerly known as the Louis D. Brandeis Inn of Court Annual Ethics Program).

Speakers and topics to be announced.

Lunch is included with advanced registration. Please indicate if a vegetarian lunch is requested. This CLE is a partnership with The Louis D. Brandeis Inn of Court, the Louisville Bar Association and Stites & Harbison

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 Paralegal Members | \$15 for qualifying YLS Members | \$25 Solo/Small Practice Section Members | \$45 Government/Non-Profit Members | \$180 Non-members
Add On: \$15 printed handouts (electronic is included with registration fee)
Lunch is included with advanced registration
Credits: 2.0 Ethics CLE Hours — Approved with KBA and Indiana

LBA NATIONAL SPEAKER DAY LONG

ADVANCED NEGOTIATION STRATEGIES FOR LAWYERS

Thursday, June 25

Featuring *MARTIN E. LATZ*, international negotiation expert and author of *Gain the Edge! Negotiating to Get What You Want*

THIS ADVANCED NEGOTIATION SEMINAR will increase your arsenal of strategies, techniques and tactics and help you further develop the strategic mindset that's at the heart of successful negotiation. Leave behind the intuitive and instinctive—along with their inherent uncertainties.

Going beyond the basics, Latz teaches you how to avoid divulging strategic information, how to maximize your leverage, how to counter “objective” standards, and the strategies for successful closing. Plus, he'll share his secrets for avoiding and breaking impasses and responding to and utilizing risky negotiation tactics like walkouts and bluffing.

Even if you've been negotiating for years, you'll leave this seminar with new strategies you can use in your next negotiation.

Martin Latz is one of the nation's leading experts and instructors on negotiating techniques. A Harvard Law honors graduate, Marty will help make YOU a more effective lawyer.

Agenda and more information available online at www.loubar.org.

Speaker: **Martin E. Latz**, Latz Negotiation Institute

Time: 8:45 a.m. — Registration; 9 a.m. — 4:30 p.m. — Program
Place: LBA, 600 W. Main Street
Price: \$360 LBA Members | \$324 Sustaining Members | \$175 Paralegal Members, qualifying YLS Members, Government and Non-Profit Members, or Solo/Small Firm Section Members | \$720 Non-Members
Credits: 6.0 (Including 1.0 Ethics) CLE Hours — Approved with KBA and Indiana

LOUISVILLE BAR ASSOCIATION IN PARTNERSHIP AMERICAN CONSTITUTIONAL SOCIETY

Annual U.S. Supreme Court Review

Tuesday, June 30

The American Constitution Society and the LBA's Appellate Law Section invite you to their 7th annual U.S. Supreme Court Review CLE program. The seminar will address the key cases before the U.S. Supreme Court during October Term 2019. The court will recap key opinions from the previous year, discuss any new or continuing trends at the Court, and preview the upcoming Term.

Lunch included with advanced registration.

Speakers: **Michael P. Abate**, Kaplan Johnson Abate & Bird and more, TBA.

Time: 10:45 p.m. — Registration; 11 a.m. — 1 p.m. — Program
Place: LBA, 600 W. Main Street
Price: \$90 LBA Members | \$81 Sustaining Members | \$15 Paralegal Members | \$15 for qualifying YLS Members | \$25 Solo/Small Practice Section Members | \$45 Government/Non-Profit Members | \$180 Non-members
Add On: \$15 printed handouts (electronic is included with registration fee)
Lunch is included with advanced registration
Credits: 2.0 CLE Hours — Approved with KBA and Indiana



Effective November 1, 2019 members of the Solo-Small Practice Section may attend **ALL*** live CLE programs for **\$25.00**.
(*with the exception of special events and partnered webinars).

You Can Be Even Better at This! An Invitation to Louisville-Area Attorneys

Rick Horowitz

Say you could spend one day — just a single day — in a beautiful room in downtown Louisville, and come away from the experience a better writer, and a more capable attorney, than you were that morning.

Worth your time? You bet.

The day in question is **Wednesday, June 3** — you'll want to put it on your calendar. The beautiful room is at the **Louisville Bar Association**. And we're calling the gathering "**More Effective Writing Makes More Effective Lawyers.**"

I'm excited to accept Lisa Anspach's invitation to lead my third annual session for LBA, and I hope you'll join us for what's sure to be another lively and practical — even entertaining! — day together. You'll earn a fistful of CLE credits, of course, but the benefits don't stop there. For instance:

You'll end the day equipped with better insights about the way you *currently* approach your legal writing, and new ways to think about it. ("I'm having a moment!" one of our attendees exclaimed at a similar session just weeks ago — and she definitely meant it as a plus!)

But it's not just theory. You'll also end the day armed with plenty of helpful tools and tips to get you past the parts of the legal-writing process that tend to trip you up most often. Among the topics we're likely to cover?

- What you include and exclude, and in how much detail — one of the great balancing acts in legal writing;
- How you organize and sequence the things you include for maximum impact, whether you're trying to inform, to persuade, to reassure...;
- How you cope with that blank screen when it's actually time to *start writing*;
- How to craft sentences, and even choose particular words, to express things clearly — when you *want* to be clear, that is — and with the appropriate tone;
- How much “legalese” is *too much*

legalese?

- How to wrestle with the reality that legal writing is often a *team* sport.

And these tips and tools will help you *how*?

You'll make more productive use of your time. You'll make better decisions *throughout* the writing and editing process. You'll write crisper, clearer, better organized, more informative, more persuasive legal documents of all types. You'll be better understood (when you *want* to be better understood) by the various people who'll be reading what you're writing.

In short, you'll be more effective on behalf of your clients, your law firm, your agency, your organization.

Worth it? Well, consider these reactions from recent attendees:

“Outstanding class.”

“Useful, practical skills and tools to add to my personal tool kit for legal writing.”

“Engaging teaching style, interactive, and a good mix of both theory and concrete tips.”

“Showed DEEP insight into the lawyer's writing process.”

“Rick's style makes the day fly by.”

“I've never learned so much and had such fun in a CLE.”

There are lots more where those came from, but you get the idea: You'll find it a day well spent. So I hope you'll sign up. And I hope you'll spread the word to your colleagues.

I'm looking forward to our conversation in that beautiful room — **Wednesday, June 3**, at the **LBA**.

See you then!

Rick Horowitz is the founder and Wordsmith in Chief of Prime Prose, LLC, offering writing, editing, and messaging services to institutions and organizations across the country. ■





23RD ANNUAL FAMILY LAW SEMINAR:

“Run Your Family Law Practice – Don’t Let it Run You”

April 23-24, 2020

Families are changing. Laws are changing. Are you up to speed on all the best ways to navigate your family law cases? This two-day seminar will focus on current family law trends and best practices to make the most of your family law cases and practice of law.

The seminar is open to all interested individuals, but members of the legal community who practice family law are especially encouraged to attend.

Agenda

Thursday, April 23, 2020		
8:30 a.m. – 9:00 a.m.	Registration & Continental Breakfast	
9:00 a.m. – 11:00 a.m.	Gatekeeping	Deborah O. Day, Psy.D. Licensed Psychologist
11:00 a.m. – 11:15 a.m.	Break	
11:15 a.m. – 12:15 p.m.	Ethics of Mediation	Hon. Joan Byer, Bowles & Byer and Rebecca Simms, Simms Russell Law
12:15 p.m. – 1:00 p.m.	Lunch	Remarks from National AAML
1:00 p.m. – 1:15 p.m.	Casey’s Law	William L. Hoge, III + County Attorney
1:15 p.m. – 1:45 p.m.	Supreme Court Update	Lori B. Shelburne, Gess Mattingly & Atchison
1:45 p.m. – 2:45 p.m.	Money Issues	Dean Dorton Allen Ford
2:45 p.m. – 3:00 p.m.	Break	
3:00 p.m. – 4:00 p.m.	Difference Between Family & Juvenile Courts	Dory & Eddy Thompson, Thompson Law
4:00 p.m. – 5:00 p.m.	Annual Judicial Panel: Jurisdictional Issues	Moderator: Steve J. Kriegshaber, Goldberg Simpson CONFIRMED Judge Mehler Judge Messer
5:00 p.m.	Adjourn	
Friday, April 24, 2020		
8:30 a.m. – 9:00 a.m.	Registration & Continental Breakfast	
9:00 a.m. – 10:00 a.m.	Practice Hygiene	Gilbert B. Feibleman, Feibleman Case Wilson and Lori B. Shelburne, Gess, Mattingly & Atchison
10:00 a.m. – 11:00 a.m.	Six Social Impacts	Susan Myres, Myres & Associates & National AAML President
11:00 a.m. – 11:15 a.m.	Break	
11:15 a.m. – 12:15 p.m.	Attorney Fees & Client Relations	Gilbert B. Feibleman, Feibleman Case Wilson
12:15 p.m. – 12:30 p.m.	Lunch	
12:30 p.m. – 1:00 p.m.	Appropriate Billing/Review of Best Practice	Louis I. Waterman, Goldberg & Simpson
1:00 p.m. – 1:45 p.m.	KyLAP	Yvette Hourigan, KyLAP
1:45 p.m. – 2:00 p.m.	Break	
2:00 p.m. – 3:00 p.m.	Ethics	Collin D. Schueler, UK College of Law

For more information and to register visit www.loubar.org

Sign up prior to March 27 and receive a discount!

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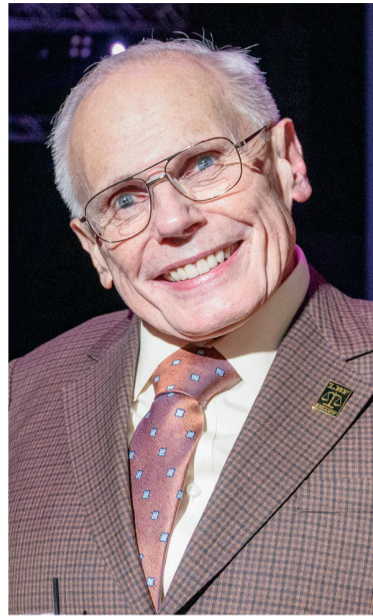
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Bench & Bar Social

Food, fun and frivolity ruled the night at the Bench & Bar Social on January 23. Old Forester's Paristown Hall provided the perfect setting for the Louisville legal community's largest annual gathering. Performers from CirqueLouis and sleight-of-hand magic by Richard Darshwood ("The Whiskey Wizard") added to the festivities. Several lucky guests walked away with prizes in a raffle benefiting the Louisville Bar Foundation.



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3 Strategies for Negotiating When Outside Influences Weigh In

Martin E. Latz

What can you do when someone not directly involved in the negotiation—a client's spouse, silent partner, neighbor, outside advisor or just a friend or colleague—weighs in and plays a counterproductive role?

And what if it's happening to the other side, but threatening to mess up the whole negotiation?

Here are my recommendations.

1. Identify influencers' interests

Identify early on all possible parties that might have an impact on the negotiation and the decision-makers. Be overinclusive, too. It may not appear that a person's opinion might matter. But their later thoughts could make the difference between a deal or no deal.

Then explore their interests and needs and evaluate which overlap or conflict with your or your client's interests.

Let's say your 40-year-old client built her business from the ground up and wants to sell and take a big equity interest and a formal role in the acquirer.

But her spouse has a more conservative approach to risk and money and wants her to cash out and spend more time with their family.

If you don't identify and evaluate that spouse's interests early on and address and prioritize them relative to your client's interests and needs, you will almost certainly have a major headache down the road.

Also evaluate how, why and the extent of their influence. Then incorporate all of this into your strategic negotiation plan. Do this for those who may influence your side and your counterparts.

2. Consider involving them in the process

Most significant negotiations involve two major formal opportunities to involve external influencers: a) the strategic planning process, and b) the actual negotiation.

Of course, informal opportunities also exist, like a periodic call or email to bring them up-to-speed on the negotiations.

Consider bringing that external influencer inside your strategic tent, even if it's only as part of an early brainstorming session.

Why? Because influencers' relationships with decision-makers automatically give them an impact. Managing that impact and ensuring they play a productive role is crucial.

Don't discount the upside benefit of their involvement, either. There's often a very good reason they have influence, as they might be particularly creative, have helpful

experience or expertise, etc.

Plus, influencers sometimes just want an opportunity to provide input. Or they might just want to be kept up-to-date on the deal's progress. Involving them in some way can satisfy this interest and reduce the likelihood they might negatively impact it at the last minute.

Of course, it may be best to freeze them out if their involvement conflicts with your goals and interests.

I once consulted on the sale of an Arizona-based high tech company to a large New York-based private equity group. The Founder/CEO and his major investor controlled the company. Yet they brought a team of 10 to New York for the first meeting with the private equity group.

Only 4 of the 10 really played a role in the meeting. But it was a savvy move as the others, several of whom were minority investors, could have caused problems later if they didn't like the deal.

One final note: it can be extremely difficult to do any of this if it's an outside party influencing your counterpart. You may have little control or even contact with them. However, consider raising their role with your counterpart if their interests conflict with your counterparts.

3. Share your written strategic negotiation plan

Finally, one reason many influencers cause problems results from their weighing in without fully appreciating the overall strategy or context of the negotiation. For instance, they might suggest a deal is not worthwhile without understanding that your leverage is extremely weak given your really bad alternative/Plan B.

Or they might tell your client the lawsuit settlement seems unreasonable, being unaware that a jury in a comparable case just decided against a similarly situated defendant.

What can you do here, assuming they have significant influence on the decision-maker? Educate them. Share with them a more complete strategic picture, which you've hopefully documented in a written strategic negotiation plan that includes the major strategic elements of the process.

Martin E. Latz is founder of Latz Negotiation Institute, a national negotiation training and consulting firm based in Phoenix and author of "Gain the Edge! Negotiating to Get What You Want." Latz will be at the Bar Center on June 25, 2020 to present his seminar, GAIN THE EDGE® Negotiation Strategies for Lawyers. ■



2020 Section Leadership NEEDED!

Current open positions:

- ADR/Mediation: vice-chair
- Environmental Law: vice-chair
- Labor & Employment Law: vice-chair
- Disability & Workers' Compensation Law: chair and vice-chair
- Taxation Law: chair and vice-chair

For more information, or to volunteer, please contact Lisa Anspach at (502) 583-5314 or lanspach@loubar.org.



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To learn about bequest funds and the Foundation's family philanthropy services, contact Jennifer Fust-Rutherford at giving@cflouisville.org or 502.855.6953.

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 Assistants of Louisville

The next regularly scheduled meeting of the Legal Assistants of Louisville will be held on Tuesday, March 17, at 11:45 a.m. at the Bristol Bar & Grille Downtown located at 614 W. Main Street. The guest speaker will be Dawn Johnson, trainer for Frost Brown Todd. Johnson specializes in new hire and skill enhancement training. For more information about the organization, please contact Alisha Million, Vice President, (502) 581-9861 or amillion@taligroup.com. ■

Section Meetings

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

Thursday, March 26 – Young Lawyers

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 Marketing Association

The Legal Marketing Association's Kentucky Chapter will meet on Thursday, March 19, at 11:45 a.m., in the Louisville office of Stites & Harbison: 400 W. Market St., #1800. The program will be a Media Panel "What You Want in Your Media Pitch, What Is News and What Is Not News?" Speakers: Kristin Pierce, Morning News Anchor at WHAS-TV; Mark Green, VP Editorial Director at The Lane Report; Kirby Adams, Feature Reporter at Louisville Courier Journal; and Lisa Benson, President & Publisher at Louisville Business First. Please RSVP to Katie Lange, LMAKY Chair, katie.lange@protiem.pro by Monday, March 16. The cost of the presentation and lunch is \$25 for LMA members and non-members. ■

2020 Summer Law Institute Applications Available

Applications are now being accepted for the LBA's annual Summer Law Institute, a seven day, residential program for high school students interested in the law. The 2020 camp, scheduled for Sunday, June 14 through Saturday, June 20, is held at the Brandeis School of Law and is a partnership between the LBA, the Brandeis School of Law and the Bellarmine University Mock Trial Team.

The application deadline is Friday, March 27. More information about the program and an application packet is available on the LBA website or by contacting Lea Hardwick, lhardwick@loubar.org. Tuition is \$300 for the week and a limited number of scholarships are available. The SLI is made possible by a generous grant from the Louisville Bar Foundation. ■

SUMMER IS JUST AROUND THE CORNER It's Time to Plan for Summer Interns



Summer will be here soon and the LBA is in the process of finding full and part time jobs for Central High School Law & Government students. Why not take a chance on a high school student? The impact on both the student and your firm just might have a lasting effect on our legal community.

The Summer Intern Program is a partnership between the LBA and Central High School that allows students the opportunity to intern for local law firms and offices,

gaining insight into the legal profession and the opportunity to interact with legal professionals, as well as valuable work experience. In turn, the SIP affords employers increased productivity and the opportunity to impact the future of the profession.

These jobs have been life changing for many students. And the cost is as little as \$1,500 for part-time and \$3,000 for a full-time student. If you are unable to host a student in your office this year, you can still support this program by sponsoring a student to work in a government or public interest office. Last year, sponsorships allowed us to place students at the Legal Aid Society and the Public Defender's.

Please contact Summer Internship Program Committee Chair, Diane Laughlin at dlaughlin@bdblawky.com or Lea Hardwick at (502) 583-5314 or lhardwick@loubar.org if you can help a student this summer. ■

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Through the LBA Placement Service

Defense Litigation Attorney:

The LBA's placement service is currently working with a well-established downtown Louisville law firm that is known for having some of Louisville's top litigators. They specialize in Insurance and Medical Malpractice Defense Litigation. This firm is seeking to add one or possibly two Attorneys who have at least 1-2 years of litigation experience, (interested in candidates with more experience as well), and a strong desire to litigate. Candidate(s) must be licensed in KY and in good standings. Compensation package is commensurate with experience, plus benefits. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Associate Attorney:

Growing Louisville law firm located on the east side of town is currently looking for an Associate Attorney with at least 2-3 years of litigation experience to assist with the firm's plaintiff's practice. Advancement potential is there due to the firm's growth. Salary is commensurate with experience, plus full benefits. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

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Offices Available in Downtown Louisville:

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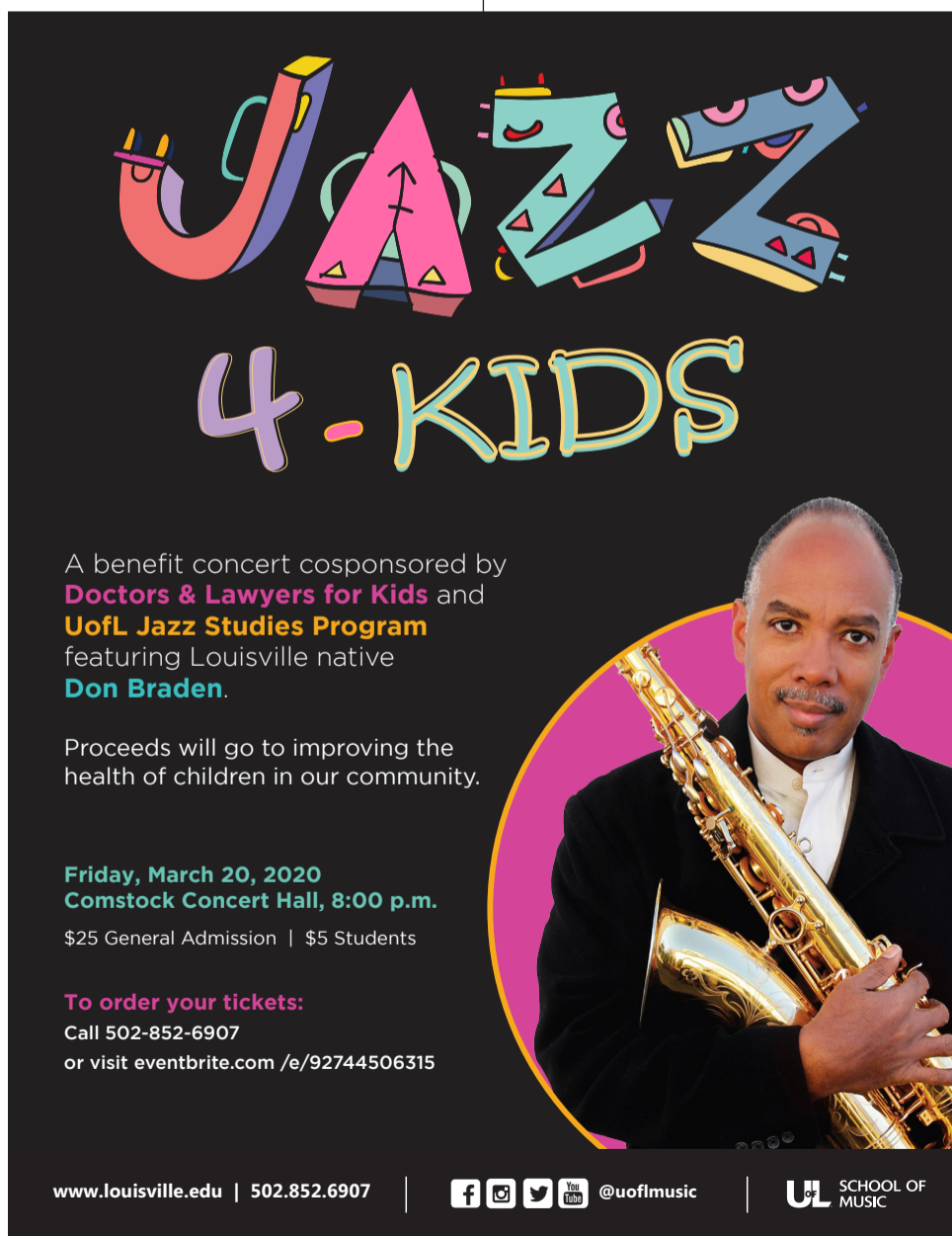
Samuel G. Hayward is available for consultation of discrimination and other related matters for either plaintiff's or defendant's practice. Mr. Hayward has over forty years' experience in this area with Title 7, 1983, and sexual harassment cases. Samuel G. Hayward, 4036 Preston Hgwy, Louisville, KY 40213,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

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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.

Bingham Greenebaum Doll has joined Dentons US to form **Dentons Bingham Greenebaum** as part of Dentons' "Project Golden Spike." Building on Dentons' global polycentric model, the new national partnership increases the quality and breadth of service to clients on a national and global scale, while also enabling member firms to retain their defining characteristics and provide in and of the community insight wherever clients need it.

McMasters Keith Butler is proud to announce that **Amy L. Cooper** has joined the firm as an associate. Cooper earned her J.D. from Emory University School of Law in 2012, where she was inducted into the National Order of Barristers due to her exceptional oral advocacy skills. Her primary area of practice is defense of professional negligence claims made against physicians, health care personnel, hospitals and long-term care facilities.

The Human Rights Campaign annual Corporate Equality Index (CEI) ratings are out, and it lists **Frost Brown Todd** as a "Best Place to Work for LGBTQ Equality." The firm received a perfect 100 percent rating for the sixth consecutive year and is one of more than 680 major U.S. businesses to earn top marks in 2020. The CEI is a national benchmarking survey and report that reviews corporate policies and practices related to workplace equality. Frost Brown Todd met the three key pillars of the CEI's rating criteria, including non-discrimination policies across business entities; equitable benefits for LGBTQ workers and their families; and supporting an inclusive culture and corporate social responsibility.

Leadership Louisville recently announced that **Brian Bennett** is one of 44 community leaders selected for membership in the 2020 Bingham Fellows class. This year's focus for Bingham Fellows is to study what it means for Louisville to be a top-tier city and the steps required to achieve that goal. Bennett is a partner of Stites & Harbison where he focuses on financial institutions, real estate and complex commercial litigation in state and federal courts, in addition to banking and financial services compliance. Within the firm, Bennett serves on the Diversity Committee and Louisville

Office Recruiting Committee.

Governor Andy Beshear appointed **Demetrius Holloway** to the Kentucky Personnel Board to serve a term expiring January 1, 2024. The Kentucky Personnel Board oversees state government personnel standards and serves as an impartial judge of state employee-employer disputes. Holloway is a partner of Stites & Harbison where he represents employers in the defense of employment-based claims asserted under both Kentucky and federal law including, but not limited to, claims asserted under the ADA, ADEA, FMLA, Title VII and the Kentucky Civil Rights Act. Holloway is chair of the firm's Diversity Committee and is a member of the Firm Recruiting Committee.

Stites & Harbison has been named one of the "Best Places to Work in Kentucky" for 2020 in the medium company category. The firm has achieved this honor 14 times. "Best Places to Work in Kentucky" is hosted by the Kentucky Society for Human Resource Management in conjunction with The Kentucky Chamber of Commerce.

Phillips Parker Orberon & Arnett is pleased to announce that **Katherine T. Watts** and **Matthew A. Piekarski** are now partners with the firm. Watts focuses her practice on the areas of medical malpractice defense, professional liability defense, employment/discrimination defense, and premises liability defense. She is a graduate of the University of Louisville Brandeis School of Law. Piekarski's practice is focused on defending claims of medical and dental malpractice, claims against municipalities and law enforcement, premises liability claims, and motor vehicle accident claims. Piekarski is a graduate of the University of Louisville Brandeis School of Law.

Phillips Parker Orberon & Arnett is pleased to announce that **W. Thomas Rump IV** has joined the firm as Of Counsel. Rump obtained his J.D. from the University of Louisville Brandeis School of Law in 2001. His practice will focus primarily on civil litigation defense.

Wyatt, Tarrant & Combs is pleased to announce that partner **Michelle Browning Coughlin** served as the keynote speaker at the ABA Women Rainmakers'

Women of Legal Tech Summit, speaking on the topic of closing the gender gap for women in legal technology. Coughlin is the founder of MothersEsquire, whose mission is to achieve gender equity in the legal profession. She is the recipient of the Nathaniel R. Harper Award from the Kentucky Bar Association for her achievements in promoting diversity in the legal profession. Coughlin focuses her practice on intellectual property and data privacy. She represents large and small companies in their trademark matters, as well as celebrity and sports figures in their trademark, copyright and licensing matters.

Stoll Keenon Ogden is pleased to announce **Steven T. Clark's** election to partnership. Clark is a member of the firm's Labor, Employment & Employee Benefits practice. He represents employers in a wide variety of workplace issues, including discrimination claims, wage and hour disputes, compliance and prevention. Clark advises and counsels employers on day-to-day labor and employment issues, such as employee leave matters, workplace harassment and reasonable accommodations. His expertise on ADA compliance extends beyond the physical features of a facility or office and includes best practices on website design.

Dinsmore & Shohl has elected **Donna King Perry** to return the firm's board of directors and has named **Matthew P. Gunn** to serve as the leader of the firm's Immigration Practice Group. Perry joins the 18-member board for a three-year term effective immediately. She focuses her practice on labor, employment and general litigation. Gunn is a partner in the firm's Louisville office and has concentrated his practice in business immigration law for over 20 years.

Dinsmore & Shohl is pleased to announce **Alex D. Croft** has joined the firm. His practice focuses on estate planning and tax law. Croft serves on the estate planning counsel of Louisville, is a member of the KBA Young Lawyers Division, and is on the board of directors at Cabbage Patch Settlement House. He received his J.D. from the University of Louisville Brandeis School of Law. In his spare time, Croft volunteers with the Legal Aid Society. ■

In Memoriam



Samuel "Sam" Carl, age 66, died on January 31 after a valiant battle with cancer. A graduate of the University of Louisville Brandeis School of Law, he was a sole practitioner focusing primarily on personal injury cases and a longtime participant in the Kentucky Lawyer Referral Service.

He is survived by his life partner, Robin Koch Howard, and two adult children. Memorial gifts can be made to the Cystic Fibrosis Foundation, 1941 Bishop Lane, Suite 108, Louisville, KY 40218.



John Michael Longmeyer, age 80, died on January 31. A graduate of the University of Louisville Brandeis School of Law, he practiced law in Louisville for 50 years and was a Counselor Emeritus member of the LBA. He is survived by his wife, Janice, five adult children, 14 grandchildren and one great-grandchild. Memorial gifts can be made to Little Sisters of the Poor, 15 Audubon Plaza Drive, Louisville, KY 40217.



Richard G. Segal, age 82, died on January 5. A graduate of the University of Pennsylvania Law School and a Counselor Emeritus member of the LBA, he was a partner at Segal & Shanks and had recently retired from Lynch, Cox, Gilman & Goodman. He is survived by his wife, Marsha, two adult children and five grandchildren. Memorial gifts can be made to The Temple, 5101 U.S. Hwy. 42, Louisville, KY 40241.

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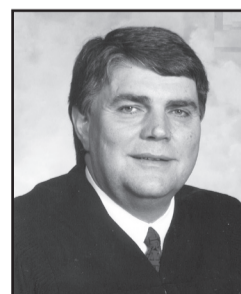
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