

BAR*briefs*

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Law Schools & Young Lawyers





**LOUISVILLE BAR
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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.

CONTENTS

FEATURES

16 **Speaking the Queen's English: How One Young Lawyer is Trying to Make It in a Specialized Practice**

With guidance from a mentor, a fledgling attorney is learning the ins and outs of intellectual property law.

By Peter J. Rosene

Law Schools in the Bluegrass



This issue highlights the state's three law schools—at the University of Louisville, University of Kentucky and Northern Kentucky University—as well as the Pre-Law Program at Bellarmine University.

pg. 12-15

In this issue

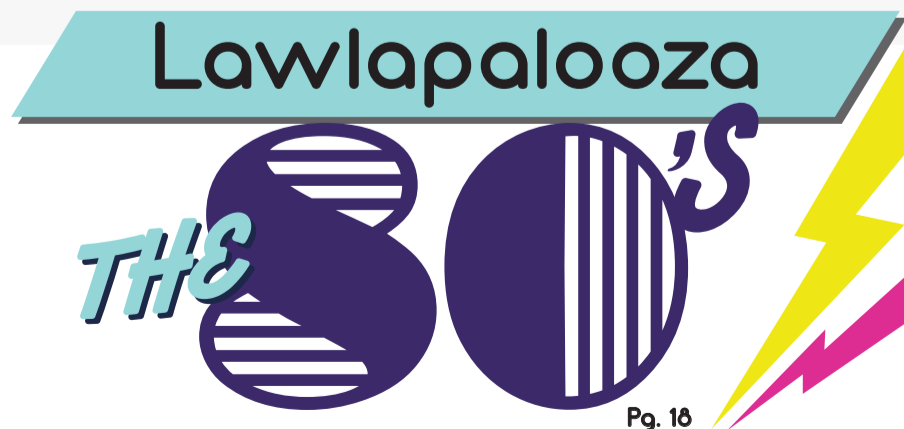
- 4 **Denying Dreams**
By Judge Brian C. Edwards
- 5 **Member Benefit:**
Group Health Insurance for Firms
- 10 **Crossword Puzzle**
Pin Cites May Be Required. By Earl L. Martin III
- 18 **Classifieds**
- 19 **Members on the Move**

Events

- 18 **Lawlapalooza**
- 19 **CLE**
- 19 **Meeting Schedules**

Departments

- 6 **Public Service**
Back to School
2019 Summer Law Institute Wrap Up (see pg. 7)
- 8 **Legal Aid Society**
An Ode to My Legal Aid Family. By Sue Eng Ly
- 9 **Louisville Bar Foundation**



Pg. 16

Returning to the Law as an Integrated Whole

Late July and early August bring back memories of swimming, cookouts, baseball and long awaited vacations. There was a year in all lawyers' lives, however, when summer consumed us with dread. That was the year we took the bar exam, struggling to master—or making the valiant attempt to master—a plethora of topics we hoped and prayed never to address again.

My goal in this brief essay is NOT to romanticize the bar exam as the one, brief moment when we were prepared to conquer the world of law on any topic thrown at us. Few would contend that the bar exam was a meaningful stop along the way of their chosen career path. I simply use that awful experience to draw our attention to the value of a holistic approach to the law, what we have probably lost in the exclusivity of specialization and what steps might be taken to re-expand our legal horizons for the betterment of our clients, our community and ourselves.

The word "holistic," often used in the medical profession, is defined as an approach to an endeavor "characterized by comprehension of the parts of something as intimately interconnected and explicable only by reference to the whole." Keeping this definition in mind, I first ask whether specialization has reduced our sense of the law as an interconnected profession composed of many parts. Obviously I believe specialization has had that effect or I wouldn't be putting these thoughts on paper.

At the same time I accept and embrace specialization as allowing us to address complex topics in a focused and concentrated manner for the obvious betterment of our clients. Every year specific areas of the law require more of our time to understand and master. For most of us, launching into an unfamiliar specialty would be tantamount to malpractice.

There was a time, not so very long ago, when lawyers mastered numerous areas of the law with proficiency. Lincoln was apparently such a lawyer as were immediate past generations whose names still grace the doors of major firms here in Louisville. In the morning the brilliant general practitioner might appear in Common Pleas Court to represent a civil litigant, then compose an estate plan in the afternoon and prepare for contract negotiations that evening. In small towns and throughout rural Kentucky those general practitioners still exist and thrive, serving their clients and their communities well.

For the most part, however, members of the Louisville bar have increasingly refined their practice to one or two specialties. As noted above, this has served them and their clients well. With every advance, however, there is often a downside. Refining one's skills can thus lead to confining one's understanding of the global aspects of the law, let alone isolating one specialist from his/her sisters and brothers in other specialties.

As you may be aware from information set forth in earlier columns and the recent survey you received, the LBA has been addressing several issues related to retaining and augmenting relevance for LBA members and prospective members. The LBA Board is one setting in which lawyers of diverse practice areas gather every month to find common ground and address trends or developments in the law.

One, but certainly not the only, topic discussed has been a feeling of separation or even alienation by members of the criminal prosecutorial bar from their colleagues in the civil bar. Daily life in the Hall of Justice or circuit court seems distant and unrelated to that of their colleagues in private offices and conference rooms. To a great extent it is. Additionally their compensation is absurdly less than that of lawyers in private practice. Consequently they wonder: What benefit do I gain from membership in a voluntary bar association such as the LBA?

Similarly, someone who practices with one of Louisville's

in-house corporate law firms may feel little nexus with the judiciary and those engaged in various sub-specialties of criminal and civil law. Even within one sub-specialty of trial work there may be limited, if any, contact with lawyers in another sub-specialty of trial work. The examples are countless: large firm practice seems like another world from that of a boutique firm; an estates and trust specialist may have no conception of the daily lives of the divorce lawyer; the worker's compensation expert may never see the inside of state or federal courts.

In short, specialization has led to a balkanization of the legal profession in which one specialty area feels estranged, oblivious to, or worse—superior to another specialty area. Thus, the LBA is challenged to find common ground amongst all specialties while continuing to provide meaningful service to each, individual specialty.

What are the broader ramifications of this paradigm? Sometimes we become too close to our own professional experience to engage in self-analysis, so I'll start with an analogy to the medical profession. We have all been patients. We have all seen medicine become increasingly specialized. While internists, family practitioners and pediatricians try to grapple with the big picture of a patient's signs, symptoms and diagnosis, too often they are reduced by various external forces to serving the role of gatekeepers. Specialists to whom patients are referred have limited interface with referring internists, etc. let alone their colleagues in other specialties. As patients, we lawyers are certainly appreciative of these specialists' deep, medical expertise, but we also occasionally wonder: Why didn't someone grasp the bigger picture? And that's the moment we should look in the mirror and ask the same question.

Simply stated, the value of feeling engaged and invested in the holistic aspects of legal practice goes beyond collegiality, or perpetuating the LBA, or better understanding the professional challenges of our colleagues in other specialties. A few examples will hopefully underscore this.

Recently, both nationally and locally, our courts have come under attack by politicians displeased with a specific court ruling. The courts have been demonized and portrayed as pawns of the political right or left. For ethical reasons the judiciary have been precluded from proper response. As one body lawyers should rise up and speak with a unified voice. While some lawyers have done so, many have not. One possible reason is that they have become estranged from the judicial system in pursuing their own specialty. Another may be that the decisions under attack have no immediate bearing on their area of practice.

Problems of over-crowded jails and issues such as the decriminalization of crimes involving drug possession or the inconsistency of sentencing guidelines from one jurisdiction to the next capture the attention of prosecutors and criminal defense lawyers, but often escape the radar of lawyers practicing only civil law. The same applies to developments in constitutional law as the Supreme Court inches towards more conservative rulings. Immigration law will increasingly take center stage in the years to come, but few of us know even the basic constructs of that specialty.

When our lives are so thoroughly and solely immersed in our own area of expertise, we risk missing or misunderstanding these legal developments and their broader impact on the populous as a whole. In short, we lose the capacity to fulfill the traditional role of lawyers as both learned interpreters of the law and as the stabilizing conscience of the communities we serve. Moreover, when ruled by our better angels, lawyers have often served as society's moral compass. Without intent or malice, we thus cede these roles to those less likely to have a

lawyer's eye for justice, compromise and a balanced approach.

In light of all this, I ask us to consider several steps to develop a better sense of the law as an integrated whole. None of these steps can be accomplished without effort, but they are all relatively painless.

First, we can open our minds and our awareness to other practice areas. Engaging colleagues in simple inquiries would be a starting point. What's new in your specialty? What are the hot topics? How does what I do potentially relate to what you do? And how might that impact my clients? On a more scholarly level, we can read more closely news accounts related to legal developments outside of our comfort zone. When the *Law Summary*, *KBA's Bench & Bar*, or the LBA's *Bar Briefs* hit our desks we can take an extra 15 minutes to scan a case or article that might otherwise escape our attention. And for those of who seldom appear in court, we could take time to drop in on a criminal or civil trial, or venture into family or probate court.

Second, we can become more engaged in the LBA and its many outreach programs. The Summer Law Institute comes immediately to mind, offering the opportunity to interact with local high school students interested in a legal career. Additionally, there is always a need for volunteers to work with the Legal Aid Society. Many young lawyers eager to gain trial experience have found this route fulfilling and instructional. Involvement in a section with a broader scope than our normal practice is always an option. The list goes on and while these options aren't for everyone, they are a means to broadening our perceptions of the larger legal community.

Finally, the KBA could address the issue of expanding our legal perspective with a relatively simple tweaking of current CLE policy. With the exception of an ethics requirement, we are given free rein on how we fulfill CLE mandates. Offerings range from detailed presentations on specialty areas to "legal light" discussions by authors and celebrities. At this year's KBA convention I attended "Spotlight" sessions that ran the gamut of being simply entertaining to a presentation on criminal justice sentencing reform featuring Senator Rand Paul. The latter was fascinating, expanding my legal mindset into a crucial topic well beyond my daily practice. It would definitely be within the realm of the proposal that follows.

I suggest a required hour or two of "CLE 101." Courses under this rubric would summarize recent developments, hot topics or even more expansive societal issues on subjects such as criminal law, immigration law, constitutional law, family law or even tax, estate planning, etc. These CLE hours would not assume any expertise in these areas, nor would it venture down the rabbit hole of minutiae. Instead, these courses would present an overview of the law in that area, how it is changing and how those changes might affect our practice or, better still, society at large.

Time for questions would be at least 10 minutes and attendees would be encouraged in advance to become engaged in the process. Speakers would stress that there are "no dumb questions." The individual(s) conducting the CLE would know



(Continued on page 6)

Denying Dreams

Judge Brian C. Edwards

The United States Constitution was created in part to serve as the framework for the protection and preservation of those inalienable rights articulated in the Declaration of Independence. Those rights include the preservation of “life, liberty and the pursuit of happiness.” Inherently intertwined within those rights is the right to dream.

A significant component of our ongoing debate over immigration reform involves determining what degree of protection should be afforded to those young people in the United States who are frequently referred to as Dreamers. The Dreamers are the intended beneficiaries of the DREAM (Development, Relief, and Education for Alien Minors) Act which was a legislative proposal designed to create a pathway to permanent residency and citizenship for foreign born individuals who were minors when they entered the United States. The DREAM Act would also provide protections against deportation for those who maintain clean records and who wish to pursue educational opportunities and/or serve in the military.

Although the DREAM Act failed to gain congressional passage, many of the protections afforded by the DREAM act were encompassed in President Obama’s DACA (Deferred Action on Childhood Arrivals) Executive Order which was signed in 2012.

Proponents of the DREAM Act and DACA point to the fundamentally American principle of protecting the rights of young people who have spent most of their lives in the United States, who want to continue to reside in the United States, and who want to serve, study, learn and dream. However, those proponents became disappointed when on September 5, 2017, President Trump ordered an end to the DACA program. The end of DACA would subject approximately 800,000 young people who came to the United States as children to possible deportation and would deprive them of the opportunity to work, study and dream within the only country in which many of these individuals can ever remember living.

The failure to protect the rights of young people who wish to study, learn and dream is not without precedent. Prior to the Civil War,

it was a crime to teach African Americans to read in a number of our nation’s southern states. Those found to have violated these laws were subjected to fines, floggings, possible imprisonment and sometimes death. (*In the Matter of Color...* A. Leon Higginbotham, Oxford University Press, 1978.) Indeed, preventing these African Americans from learning to read was simply the antecedent to preventing them from dreaming.

Approximately 60 years prior to the emergence of the Dreamer movement, renowned author and poet Langston Hughes discussed the consequences that can occur when the right to dream is impeded. In what is probably his most famous poem, *Harlem (What Happens to a Dream Deferred?)*, Hughes wrote:

*What happens to a dream deferred?
Does it dry up
Like a raisin in the sun?
Or fester like a sore —
And then run?
Does it stink like rotten meat?
Or crust and sugar over —
Like a syrupy sweet?
Maybe it just sags
Like a heavy load.
Or does it explode?*
Langston Hughes - 1951

Nearly 70 years after the publishing of *Harlem*, the words of Langston Hughes continue to resonate within today’s society. In the midst of our nation’s current state of political divisiveness regarding immigration and other issues, it sometimes feels as if our nation is on the verge of exploding from within. It is difficult to imagine how depriving young people in our nation of the right to dream will do anything to mitigate against such an explosion.

Depriving young people of the opportunity to learn and to dream does not currently, nor has it ever, contributed to the greatness of America. On the contrary, it has deprived our nation from benefiting from the contributions of millions of men and women who were not given the opportunity to study, learn and dream. These men and women could have cured diseases, created groundbreaking inventions and provided

visionary leadership.

At a 1992 meeting of the American Bar Association, United States Supreme Court Justice Thurgood Marshall read another Langston Hughes poem entitled *Let America Be America Again*. However, the message conveyed in Hughes’ 1935 poem is much different than the message associated with the similar phrase that has become the motto of our nation’s current president. It was not a message asking for America to reclaim the “patriotic wreath” of past glory days but was instead a message of hope for a future that provides the opportunity for the acquisition of true glory, promised but not delivered, in days past.

*Let America be America again.
Let it be the dream it used to be.
Let it be the pioneer on the plain
Seeking a home where he himself is free.*

(America never was America to me.)

*Let America be the dream the dreamers
dreamed —
Let it be that great strong land of love
Where never kings connive nor tyrants
scheme
That any man be crushed by one above.*

(It never was America to me.)

*O, let my land be a land where Liberty
Is crowned with no false patriotic wreath,
But opportunity is real, and life is free,
Equality is in the air we breathe.*

(There’s never been equality for me,
Nor freedom in this “homeland of the free.”)
...

*I am the poor white, fooled and pushed
apart,
I am the Negro bearing slavery’s scars.
I am the red man driven from the land,
I am the immigrant clutching the hope I
seek —
And finding only the same old stupid plan
Of dog eat dog, of mighty crush the weak.*
...

*Yet I’m the one who dreamt our basic dream
In the Old World while still a serf of kings,
Who dreamt a dream so strong, so brave,
so true,
That even yet its mighty daring sings
In every brick and stone, in every furrow
turned
That’s made America the land it has be-
come.*
...

*For all the songs we’ve sung
And all the hopes we’ve held
And all the flags we’ve hung,
The millions who have nothing for our
pay —
Except the dream that’s almost dead today.*
...

*Sure, call me any ugly name you choose —
The steel of freedom does not stain.
From those who live like leeches on the
people’s lives,
We must take back our land again,
America!*

O, yes,
I say it plain,
America never was America to me,
And yet I swear this oath — America will
be!

*Out of the rack and ruin of our gangster
death,
The rape and rot of graft, and stealth, and
lies,
We, the people, must redeem
The land, the mines, the plants, the rivers.
The mountains and the endless plain —
All, all the stretch of these great green
states —
And make America again!*
Langston Hughes - 1935

Hughes’ poem articulated his personal frustration with the systematic denial of opportunity for poor people of all races in our nation. When he wrote about those:

*‘Who dreamt a dream so strong, so brave,
so true,
That even yet its mighty daring sings
In every brick and stone, in every furrow
turned
That’s made America the land it has be-
come.’*

He spoke of how the essence of America is in the dreams that we all have. And when he wrote:

*‘Except the dream that’s almost dead
today.’*

He was articulating his fear that one day, America may stop allowing dreamers to dream.

In both *Harlem* and *Let America Be America Again*, Hughes alludes to the inevitable consequences of the denial of opportunity and the suppression of dreams. Throughout his illustrious career, the consequences incurred when dreams are suppressed and promises are not honored was a frequent theme of Langston Hughes’ writings.

Langston Hughes was not a lawyer. He did not have the formal education regarding our Constitution that is provided within our nation’s law schools. However, he seemed to understand the fundamental principles articulated in our Constitution better than most. Hughes passionately summed up the promises articulated by our nation’s founding fathers when he wrote:

*‘O, let my land be a land where Liberty
Is crowned with no false patriotic wreath,
But opportunity is real, and life is free,
Equality is in the air we breathe.’*

Only time will tell whether he also understood what the consequences will be if our nation denies young people the opportunity to dream and fails to honor the promises made to us all by our founding fathers.

Chief Judge Brian C. Edwards presides in Division 11 of Jefferson Circuit Court. ■



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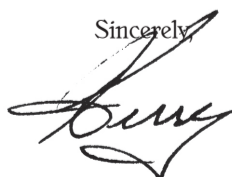
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and be expected to follow the broader nature of the subject matter. Significant issues and their ramifications would be emphasized over practice pointers.

As with all CLE credit, including the requisite ethics requirement, members of the bar would be honor-bound to specify that they had attended one or two hours of these "101 courses." No mini-bar exam would follow. Attendees would be encouraged to give feedback as to whether the goals of the offering were met or missed. While in some cases it might spur the attendee to expand their practice expertise, the primary goal would be to achieve better understanding of a foreign specialty area and greater integration into the law in its global sense.

Some might suggest that such a requirement would restrict their education as to their specialty. In response, I note that the mandated 12 hours of CLE per year is a minimum, not a limit. No one would likely have to sacrifice a crucial hour on the Rule in Shelley's Case. Without being too snarky we have all attended CLE where the folks beside us are reading the newspaper, their e-mails or texting friends on where to make dinner reservations. Sometimes we are those folks. So it's not as if the intensive nature of CLE would be lost. To be frank, in the law, continuing legal education is not nearly as demanding as its equivalent in medicine and other professions. The advantage of that reality is that it gives us a lot of room for creativity in what and how subjects are planned and presented.

I fully realize that the thesis and proposals contained in this piece might seem radical to some readers. To others they might appear quaint or even superfluous. After all, "that train's already left the station" and even a modest re-visiting of the law as an integrated whole is impractical. I submit that idealistic or not, reflection on and restoration of the role of lawyers as the crucial arbiters of our culture is borne out by current events. Society once looked to lawyers to temper the injustices and extremes practiced by those unschooled in the moral precepts of a nation built on laws, not people. I simply urge us to occasionally remove the blinders created by our highly specialized profession; to become more engaged in the legal issues affecting ourselves and our society; and by doing so, position ourselves to better understand those issues and, when moved, to speak out as the "Lincoln lawyers" we once were.

Sincerely,

Gerald R. Toher
LBA President



Join the LBA in Collecting School Supplies for Elementary Students in Need!

As stores begin to stock their shelves with a back-to-school items, the LBA offers a great opportunity to support local children in need through its Back to School project.

Donate crayons, notebooks, folders, pencils, markers, rulers, scissors or even cash to help an underprivileged elementary student start the school year off right. Just \$35 provides a complete backpack stocked with a year's worth of supplies. \$25 provides all supplies. All donations are tax deductible and checks should be made payable to the Louisville Bar Center.

The LBA's drive is one of the few that coordinates directly with the Jefferson County Public Education Foundation (JCPEF) to identify the schools most in need. Each year, we select four to six schools with very high percentages of students on free or reduced lunch programs, and then work with the Family Resource Centers in those schools to match children with necessary supplies. This process ensures that all donations reach students and families with the greatest need.

Contributions may be dropped off at the LBA or collected within offices for the LBA to pick up. All donations must be received no later than Wednesday, August 7.

Sign up your firm, section or group today by contacting Lea Hardwick at the LBA at (502) 583-5314 or lhardwick@loubar.org.

Deadline: August 7, 2019

How Can I Help?

- Donate School Supplies!
- Sign up you firm, office or group
- Make a monetary donation (\$35 provides a backpack with everything for a full school year; \$25 will provide all necessary supplies)
- Checks should be made payable to the Louisville Bar Center



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2019 Summer Law Institute Wrap Up

The annual Summer Law Institute (SLI), sponsored by the LBA, University of Louisville Brandeis School of Law and Bellarmine University and generously funded by the Louisville Bar Foundation was held June 16-22 at the law school.

The SLI is a 7-day residential program open to high school students interested in the law and legal careers. Admission to the program is competitive: Students have to submit an application with recommendations and a personal statement. This year the LBA had double the number of applicants as last year! The 2019 class was made up of 32 students from public and private schools in Jefferson County and across Kentucky, including students from Meade, Pike, Kenton, Trigg, Daviess, Henry, Laurel, Scott and Marion counties.

During the week, the students attended panel discussions and seminars by local attorneys and judges, visited the Jefferson County and federal courthouses and presented a mock trial. This year, due to the generosity of the Louisville Bar Foundation, Brandeis School of Law and the Ruth and Jim Wagoner Mock Trial Endowment Fund, we were able to award 14 scholarships to this class.

The SLI would not be possible without the members of our legal community listed below who volunteered their time to meet with the students and share their expertise. Special recognition must go to **Judge Joan "Toni" Stringer** and **Judge Tanisha Hickerson**, who presided over the mock trials on the last Saturday of the program. And a big thanks to **James R. Wagoner**, Jefferson County Attorney's Office, and **Trent Burns**, Turner, Keal & Button, who were responsible for the mock trial portion of the program. They were assisted by students from the Bellarmine Mock Trial Team— **Andrew Chandler, Jillian Sauer, Tamir Helmy, Sean Johnson, Shamir Patel, Emily Weber, Annie Wamsley, John Grevious**, and **Anna Nars**. The mock trial is a highlight of the camp and without the involvement of the team from Bellarmine, there would be no camp.

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James Wilkerson, *Office of the Jefferson County Attorney*

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Thank you to the following judges who allowed students into their courtrooms to observe proceedings:

Hon. Charles Cunningham

Hon. Annette Karem

Hon. Anne Delahanty

Hon. Lisa Langford

Hon. Brian Edwards, Chief Judge

Hon. Judith McDonald-Burkman

Hon. Tanisha Hickerson

Hon. Annie O'Connell

A special thank you is extended to **Judge Charles R. Simpson**, United States District Court for the Western District of Kentucky, for meeting with the students. And to **Vanessa L. Armstrong**, Clerk of the U.S. District Court for the Western District of Kentucky, who coordinated the visit to the federal courthouse, which also included a presentation by the U.S. Marshall Service. Much appreciation also goes to **Carla Kreitman, Angela Bilewicz** and **Julie Hayes** for organizing the visit to Jefferson District and Circuit courts. The students enjoyed the opportunity to observe court proceedings and meet with the judges.

Last, but certainly not least, thank you to the chaperones who kept the students healthy, happy and safe: **Lindsay Beets, Chelsea Weber** and **John Weber**.





2019 Associates for Justice Campaign

The following firms participated in the 2019 Associates for Justice Campaign raising \$15,000 to support Legal Aid Society's mission. 100 percent of associates in these firms gave to Legal Aid Society.

- Bingham Greenebaum Doll
- Dinsmore & Shohl
- Fisher & Phillips
- Frost Brown Todd
- Middleton Reutlinger
- O'Bryan Brown & Toner
- Phillips Parker Orbersen & Arnett
- Seiller Waterman
- Stites & Harbison
- Stoll Keenon Ogden
- Thompson Miller & Simpson
- Turner, Keal & Button
- Wyatt Tarrant & Combs

An Ode to My Legal Aid Family

Sue Eng Ly

Four years ago, my life was a struggle bus. I was unhappily living in Boston and working at an unfulfilling job. In an effort to find joy, I decided to start fresh in Louisville, Kentucky, which is where I came to encounter the Legal Aid Society. While there, I served as an AmeriCorps volunteer and supported the attorneys in their work for the poor. At the start of my service, I was feeling aimless. I knew I wanted to work in marginalized communities and advocate on their behalf, but I did not know if it was possible to do that and be happy. I did not know if it was possible to work towards a more just and fair system without burning out. However, my time at Legal Aid showed me that happiness in the midst of that work was possible.

Working alongside people who found meaning in the legal profession was empowering. Their wisdom exposed me to the unending legal issues that low-income individuals face. Their empathy comforted me when my heart could not handle another sad client story. More than anything, the Legal Aid staff was my family away from home. They gave me the opportunities to learn and experience the injustices in our communities while also finding the time to lift me up when it got too

difficult. Legal Aid showed me that advocacy is a team effort. My experiences at Legal Aid paved my path to law school. After years of feeling unanchored, I finally felt as though I had something worth doing by going to law school.

When I went to law school, I carried my experiences from Legal Aid with me. They served as my compass, guiding me through the challenges of school. Navigating law school felt like a never-ending game that I had to play but was doomed to lose. Oh, this is an old school law that no one uses anymore but I still need to know it for the final? Cool. It was so easy to get caught up in my own negative feelings. I found that my experiences at Legal Aid were important for me to get out of that funk.

Thinking about the work I had done at Legal Aid often made law school much more meaningful because it would remind me of my reasons for wanting to go in the first place. I had an internal drive rooted in a purpose—to better advocate for people in marginalized communities—and working at Legal Aid undoubtedly helped shape that meaning for me. No matter how taxing and frustrating school got, I knew I could rely on my roots

from Legal Aid to help me through it.

Having a public service background made the experience of learning the law more meaningful for me. The rules we learned were usually dry and difficult to grasp. But once I considered the underlying social issues of the case, it made the law easier to understand. My experiences in public service gave me context as to why a judge would rule a certain way. Through that process, I learned how to recognize aspects of the law that disproportionately impacted some groups of people over others.

My experiences working in public service got me through law school and will continue to get me through my legal career. As I begin my next chapter in life, I have a better understanding of the impact that laws can have on people. Not only have I learned what the law is, but I have seen its consequences on the front lines of public service. I have seen what good laws can do to people and have seen what terrible laws do for them. That knowledge is what will keep my fire going.

Sue Eng Ly was an Americorp Vista at Legal Aid Society in 2016. She is a recent graduate of the University of Louisville Brandeis School of Law. ■

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LBF Awards \$105,500 in Grants to Local Nonprofits

The Louisville Bar Foundation recently awarded \$105,500 in grants for 14 law-related programs in the Louisville area. These grants were approved by the Board of Directors at its board meeting in June. These grants are made possible by the generosity of Louisville area lawyers and law firms who make charitable gifts to the Foundation through dues check-offs, Foundation Partner contributions, and participation in the LBF Fellows Program. The Foundation is grateful for this generous support. Additional grants may be awarded in December. The deadline for grant applications will be October 18. For more information on the LBF's grants process or to make a charitable contribution in support of the LBF's grantmaking activities, contact Jeff Been at 292-6734 or jbeen@loubar.org.

CASA of the River Region – Advocacy Academy – \$10,000

CASA provides advocacy services to children with active cases in Family Court. To increase the number of volunteer advocates, CASA must continually train and provide continuing education. The LBF grant will support CASA's "Advocacy Academy" program and increase its number of trainings to boost volunteers' advocacy skillset and the understanding of interrelated child welfare, justice and medical systems.

Centerstone – Improving Child Welfare and Court Collaborations – \$1,000

Centerstone (formerly Uspiritus) serves children who need intensive support to overcome the effects of abuse, neglect, homelessness or other trauma, with the goal of helping the youth become stable, self-sufficient adults. Centerstone's therapists, case managers and program directors attend more than 500 court proceedings each year. These appearances involve hearings regarding the youth's custody status, termination of parental rights and charges facing the youth. LBF funds will support coordination of these efforts among the various staff involved and travel expenses.

Doctors & Lawyers for Kids – Expansion of Services to Smoketown – \$20,000

Doctors & Lawyers for Kids is a collaborative effort of the Legal Aid Society, LBA, UofL Pediatrics, and Family Health Centers that assists children from low-income families by training healthcare providers to recognize unmet legal needs that affect patient health and by having free legal services available to families in need. LBF funds will be used to expand services to the Smoketown Family Wellness Center.

ElderServe – Crime Victim Services – \$7,500

With a mission to empower older adults to live independently and with dignity, ElderServe offers a variety of programs, including Crime Victims Services which is designed to reduce the barriers to accessing the justice system by older crime victims. Advocates support the victims in criminal court, family court and guardianship court. Advocates also assist victims of domestic violence in filing for emergency protective orders. LBF funds will be used to provide transportation to and from court, for program supplies and other essentials.

Jefferson Courtroom Upgrade Project – Technology Support – \$8,000

Beginning in 2012, JCUP's goal has been to equip Jefferson Circuit Courtrooms with audio-visual technology to allow litigants to meaningfully communicate with juries. This state-of-the-art presentation equipment requires ongoing technology support to ensure functionality. LBF funds will provide upgrades and technology services to maintain these enhanced courtroom features.

Kentucky Resources Council – Advocacy on Energy and Environmental Issues – \$5,000

The Kentucky Resources Council advocates on environmental or energy issues that may adversely affect the health or quality of life of low-income communities. KRC provides legal advocacy without charge to nonprofit community groups who would not otherwise be able to afford representation on these issues. LBF funds will support KRC's advocacy for these groups in Metro Louisville.

Kentucky YMCA Youth Association – Financial Scholarships – \$5,000

Each year, the YMCA Youth Association conducts the largest Youth & Government program in the nation. It educates participants on how our government and judiciary work and it instills in them a deeper understanding of our legal system. The LBF grant will provide financial scholarships for approximately 30 students in underrepresented schools in Jefferson County to attend these programs.

La Casita Center – Legal Outreach and Clinic Services – \$11,000

In addition to the numerous social, nutritional and cultural programs La Casita Center provides in the Latino immigrant community, it specifically conducts outreach to Latina women and families in need of legal services. Through its targeted outreach and legal clinics, participants receive help on understanding the legal system, immigration issues, family law matters

and other legal problems. LBF funds will support the Center's targeted outreach to the Latino community and the development of a pro bono attorney panel to assist program participants in understanding legal problems and how to resolve them.

Legal Aid Society – Eviction Defense Program – \$20,000

Legal Aid's Eviction Defense Program is focused on addressing the high number of evictions in Jefferson County, nearly double the national average. More than 90 percent of tenants in eviction court are unrepresented and fail to understand their legal rights and the housing resources that may be available to them. The program aims to recruit and train volunteer attorneys to provide legal advice, counsel and representation to low-income tenants who live predominately in neighborhoods with high concentration of poverty and substandard housing. LBF funds support a staff attorney who will recruit and train volunteers, provide legal services and conduct outreach to communities.

Louisville Bar Association – Pro Bono Consortium and Human Rights Section – \$1,000

The LBA's Pro Bono Consortium and the LBA Section on Human Rights are jointly working to increase pro bono representation in immigration law cases, particularly where the person needs representation in bond hearings, citizenship or naturalization hearings, or in matters before Family Courts. The language barrier between an immigrant and a pro bono attorney oftentimes impedes effective representation. A grant from the LBF will assist in providing interpreter services so these pro bono services can be supported.

Louisville Bar Association – Summer Law Institute – \$9,000

The Summer Law Institute is a partnership of the LBA, the University of Louisville Brandeis School of Law and Bellarmine University. The program provides high school students with an opportunity to interact with prominent local attorneys, judges and professors during a 7-day, 6-night residential program. It is designed to attract talented, ambitious students who are interested in a career in the legal profession. LBF grant monies will cover a portion of the direct costs of the program, such as housing and meals, thereby keeping the tuition affordable.

Mission Behind Bars and Beyond – Mentor Training Program – \$3,500

MB3 provides a mentor support network to individuals who are returning to the community from incarceration. This intensive mentoring support has been instrumental in reducing recidivism and removing many of the barriers and obstacles faced by citizens returning to their community. MB3 has trained over 200 individuals to serve as mentors but has a waiting list of individuals requesting to be matched with mentors. LBF funds will be used to train additional mentors.

University of Louisville School of Law – Ackerson Law Clinic Mediation Program – \$2,000

The Ackerson Law Clinic at the University of Louisville's Brandeis School of Law offers students who have completed initial course requirements the opportunity for practical experience by representing clients under the supervision of clinical instructors. The Mediation Program allows students to apply their mediation skills to assist low-income clients on issues which traditionally complicate and delay judicial resolution of Family Court disputes – custody, visitation, child support. LBF funds support this program designed to help the underserved population, to improve the efficiency of Family Courts and to enhance the practical skills of law students.

YMCA Safe Place – Truancy Court Diversion Program – \$2,500

The YMCA Safe Place works in close collaboration with JCPS schools and the Jefferson Family Courts to offer a Truancy Court Diversion Program for middle school students at risk of court referral. This diversion program offers a mix of programs and individualized supports to engage first-time, non-serious offenders, ages 10-14, in activities and support networks that reduces the chances that the student will enter the juvenile justice system. LBF funds support a judicially-supervised intervention program that will work with 60 youth to decrease unexcused and truant absences from school.



There is Still Time to Become a Foundation Partner for 2019

The Louisville Bar Foundation is pleased to announce that 25 local firms or corporate in-house legal departments have signed up as "Foundation Partners" in 2019. The Foundation Partners program was established to recognize those that help continue the good works of the LBF by making a \$45.00 minimum tax-deductible contribution to the Foundation for every member of the firm or legal department. Firms or legal departments with five or more attorneys are eligible for recognition as Foundation Partners.

The combined support from the attorneys represented by the firms and legal departments listed below is more than \$26,000. The generosity of the Foundation Partners and other individual LBA member attorneys makes it possible for the LBF to support and improve legal services for the poor, law-related public education and our judicial system.

All LBA members in the following law firms or corporate legal departments (five or more attorneys in the firm) made contributions to the LBF in 2019:

Applegate Fifer Pulliam
Bahe Cook Cantley & Nefzger
Bingham Greenebaum Doll
Dinsmore & Shohl
Frost Brown Todd
Goldberg Simpson
Kaplan Johnson Abate & Bird
LG&E and KU Energy
McMasters Keith Butler
Middleton Reutlinger
Morgan Pottinger McGarvey
O'Bryan, Brown & Toner
Phillips Parker Orberon & Arnett
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& Arbitration Services
Sitlinger, McGlincy & Theiler
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Tilford Dobbins & Schmidt
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Wyatt, Tarrant & Combs
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The Louisville Bar Foundation thanks all contributing attorneys for their generous support. It is not too late to join this list! For more information about how you can become a Foundation Partner, please contact Jeffrey A. Been at (502) 292-6734 or at jbeen@loubar.org. ■

Pin Cites May Be Required

Earl L. Martin III

Across

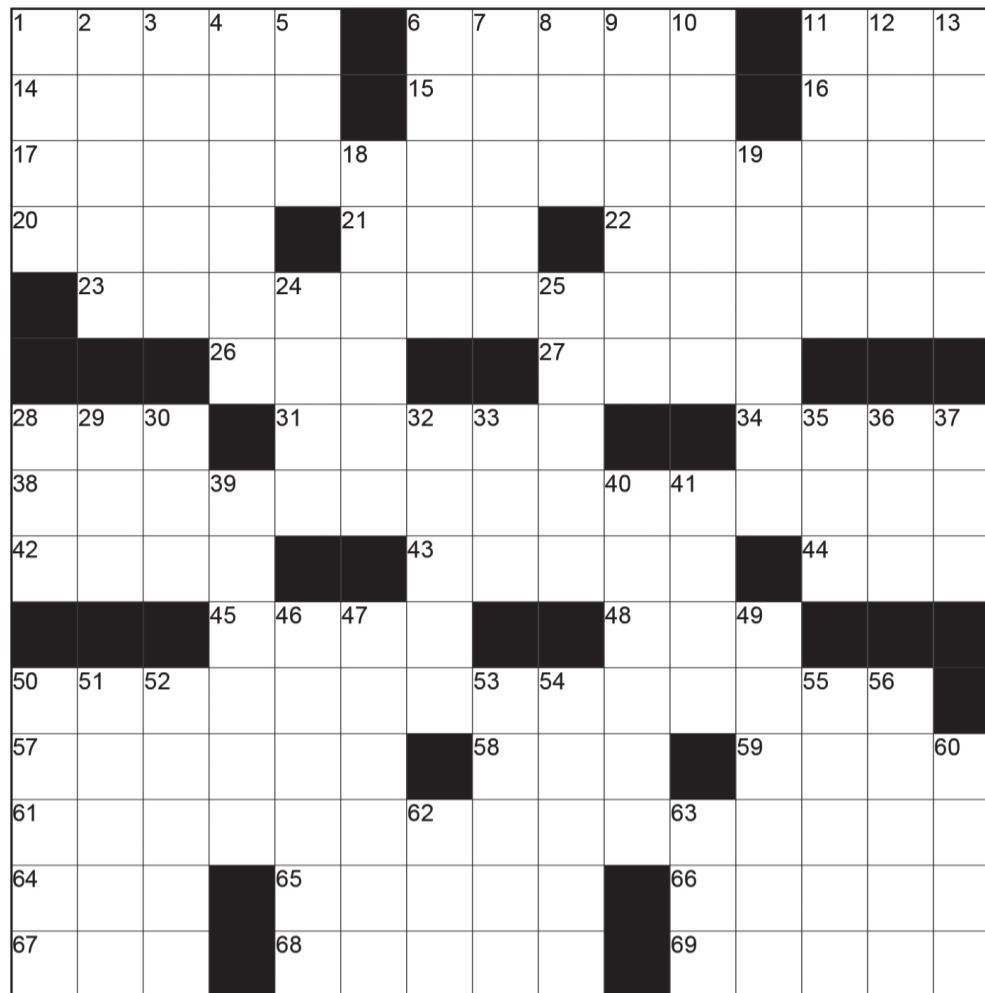
- 1 Fencing tools
 6 Oldsmobile model
 11 Target for some tests (abbr.)
 14 "You can ___ horse to water..."
 15 Something vinyl had that digital music lacks
 16 72, generally
 17 *See 38-Across
 20 Give the cold shoulder
 21 Above and beyond, in poetry
 22 Saharan nomad
 23 *See 38-Across
 26 Blackout cause, in sci-fi
 27 What most solvers of this puzzle were, at one time
 28 Lout
 31 ___ Yat Sen, first President of China
 34 Shade of blue-green
 38 What each of the starred entries would be a good name for?
- 42 Location of Paris?
 43 Maker of Reynolds Wrap
 44 L.A. Law actress Susan
 45 Author of *James and the Giant Peach*
 48 Storm maker, at one time
 50 *See 38-Across
 57 1975 Oscar-winning song from "Nashville"
 58 Jr.'s jr.
 59 Lets go
 61 *See 38-Across
 64 Jim and Tammy's "The ___ Club"
 65 FDR's first veep John ___ Garner
 66 Casual fishing spots
 67 Part of iOS (abbr.)
 68 *Lord of the Rings* actress Liv
 69 Keys, of a kind

Down

- 1 Shady trees
 2 Underlings
 3 Enjoy immensely
 4 Consumable
 5 ___ Paulo, Brazil
 6 Half-___ (barely trying)
 7 One cubic decimeter
 8 Tokyo, formerly
 9 "___ peace"
 10 More than right?
 11 Former VP Agnew
 12 Claimed
 13 What's at the bottom of the barrel
- 18 Con, in other words
 19 Complain to, vehemently
 24 Source for online film info, familiarly
 25 Like some sections
 28 Frequently, in poetry
 29 Broadcast
 30 To partner?
 32 Marshy area
 33 Ragin' Cajuns school, for short
 35 Proof abbreviation
 36 Dubai nation, for short
 37 Democratic primary candidate Klobuchar
- 39 Rhet's term for Scarlett
 40 "___, no pearl"
 41 Mother of the Titans, in myth
 46 Not there
 47 Height of popularity
 49 Some residents of the Arabian Peninsula
 50 Small twists of smoke
 51 Like grumbling stomachs
 52 Butcher options
 53 Dorothy, to Em
 54 More delicate
 55 Office product
 56 John ___, inventor of the steel plow
- 60 Worrying sound for a hiker?
 62 NBC offering
 63 Center prefix

Answers on page 19.

Earl L. Martin III is a partner at Boehl Stophrer & Graves. His crossword puzzles have appeared in The New York Times and USA Today. ■



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\$199.00 After noon October 22, 2019
and at the door

Continuing Education credits have been approved by the Kentucky Real Estate Commission. Continuing Legal Education credits are pending through the KBA.

For more information or to register, see the LBA's CLE Calendar on its website: www.loubar.org or contact Lisa Anspach at 583-5314 or LAnspach@loubar.org.

The Louisville Bar Association is pleased to announce that the following attorneys have been accepted to participate in the 2019 Leadership Academy:

Jenny E. Bobbitt, Bingham Greenebaum Doll

Lyle Burnham, II, Jefferson County Attorney

Scott E. Burroughs, O'Bryan, Brown & Toner

Querida L. Christian, Metro Public Defender's Office

Sarah Lawson Clark, Phillips Parker Orberson + Arnett

Brian R. Dettman, Dettman Law

Ryan J. Dischinger, Metro Public Defender's Office

Kelsey Doren, Court Administration, Jefferson County Courts

Alexa Cox Glibbery, Becker Law Office

Chadler M. Hardin, Stoll Keenon Ogden

Cassandra F. Kennedy, Legal Aid Society

Jennifer W. Kleier, Mulloy & Karem

Stephen J. Mattingly, Dinsmore & Shohl, LLP

Latevia Priddy, Wimberly & Associates PLLC

Chapin Elizabeth Scheumann, Schiller Barnes Maloney

Madison A. Shoffner, Office of the Commonwealth's Attorney

Jared J. Smith, McCoy Hiestand & Smith

Christopher Snead, Sitlinger & Theiler

Samuel W. Wardle, Frost Brown Todd, LLC

Melissa Weinstein, Legal Aid Society

Jason P. Woodall, Middleton Reutlinger

Milja Zgonjanin, Office of the Commonwealth's Attorney

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9:00 AM - 4:30 PM | 6.0 CLE Credits - pending
Louisville Bar Center | 600 W. Main St., Ste. 110
Watch for email & website updates for more information!



DEAN COLIN CRAWFORD

As we prepare to head into the 2019-2020 academic year, it's a good time to reflect on highlights from the past year, one that I am affectionately calling the "year of 92."

The number represents two statistics of which the University of Louisville School of Law is very proud.

First, **92 percent of our first-time takers of the February 2019 Kentucky bar exam passed on the first try** – the highest first-time taker rate in the Commonwealth. The number also surpasses the state average pass rate of 75 percent for first-time takers.

I, along with our faculty and staff, are extremely proud of these graduates and am pleased to welcome them to the legal profession.

Secondly, but of no less importance, **92 percent of the Class of 2018 was employed 10 months after graduation**, the measurement used by the American Bar Association. The majority of these positions are full-time jobs that require bar passage, so we are very proud that our graduates are finding real ways to put their legal education to use, and I am grateful to our Office Professional Development, for helping us produce a strong placement rate.

These statistics deserve celebration. The most recent national ranking from U.S. News and World Report places **Louisville Law at number 41 out of 192 law schools for its employment rate 10 months after graduation.**

Looking ahead, we also have much to be excited about. I invite you to take a look at some of our plans for the upcoming academic year. I look forward to continuing our strong relationship with the local bench and bar as we embark on another year.

NEW FACULTY MEMBER

We are proud to welcome Emily Whelan Parento to our faculty. Emily will be teaching health law, torts and administrative law. Emily comes to us from the O'Neill Institute for National and Global Health Law at Georgetown Law. She has also taught at the University of the Pacific McGeorge School of Law and was a visiting professor at Louisville Law several years ago.



PROFESSOR EMILY WHELAN PARENTO

Her primary scholarly focus is the intersection of domestic health law and policy with the human rights framework for the right to health and health equity.

Emily, a Kentucky native, served as Executive Director of the Office of Health Policy for the Commonwealth of Kentucky, advising the administration of Gov. Steven Beshear during the implementation of the Affordable Care Act.

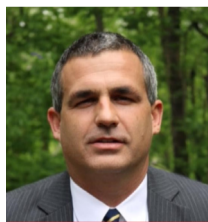
She also served as a federal judicial clerk for the Hon. John G. Heyburn II, U.S. District Court for the Western District of Kentucky and practiced litigation at Davis Polk & Wardwell in New York and California as well as at Stites & Harbison here in Louisville.

We are pleased to have Emily join our faculty, and I know she will be a great asset to the School of Law and the legal community in Louisville and the Commonwealth.

FELLOWSHIP PROGRAM LAUNCHES

Established this academic year, the Ordered Liberty Program is committed to an enduring effort, namely the struggle to find the right balance between justice, order and freedom through the advanced study of five concepts: federalism, separation of powers, originalism, natural rights and the common good.

This program will incorporate a speaker series, an academic symposium and study abroad opportunities in Eastern Europe that will focus on the transition to post-Communist legal systems. Student



PROFESSOR LUKE MILLIGAN

fellows will also gather for monthly discussions of an assigned essay, participate in one funded group trip per semester and work on a research paper to be completed during their upper-level years of study, for credit toward graduation.

Professors Luke Milligan and Justin Walker are the program's co-directors and report that the program's inaugural class of 12 fellows will kick off the program, along with UofL's McConnell Scholars, with an intellectual retreat in October.

The groups will travel to the Michigan home of the late Russell Kirk. Kirk was, of course, a celebrated theorist of right-of-center political thought in the U.S. and the author of many celebrated works, including *The Conservative Mind*.



PROFESSOR JUSTIN WALKER

PROFESSOR TAPPED FOR FEDERAL BENCH

Readers have likely seen the news that he was nominated in June by President Trump to sit on the U.S. District Court for the Western District of Kentucky.

Justin joined the faculty at Louisville Law in 2015, where he teaches Lawyering Skills and Writing for Practice; he will co-teach a seminar on the Confrontation Clause this Fall. After graduating from Harvard Law School, Justin spent a year clerking for then-Judge Brett Kavanaugh on the U.S. Court of Appeals for the District of Columbia. He also clerked for Justice Anthony Kennedy.

I am confident that Justin will make a strong addition to the federal bench. He is well-regarded among his colleagues and students and has a true respect for the law. I look forward to following his career and to finding ways to continue his involvement with the School of Law.

ENTERING A NEW ERA OF LEGAL EDUCATION



PROFESSOR LAURA MCNEAL

As I wrote about extensively in my July Bar Briefs column, we at Louisville Law are also moving forward into a new way of delivering legal education and are offering several options for online learning for bar-tested courses this year.

Professor Laura McNeal, who has a social sciences PhD in addition to her JD, will serve as Director of Online Education beginning January 2020. She will develop protocols and metrics to help us evaluate the success of this pilot.

2019 BRANDEIS MEDAL

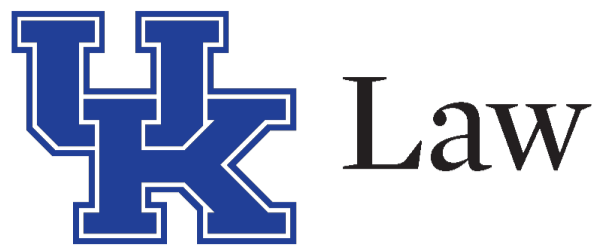
Finally, I am excited to announce that we will award the 2019 Brandeis Medal to Bob Woodward, now an associate editor at The Washington Post, who came to fame as an investigative journalist reporting with Carl Bernstein on the Watergate scandal.

Mr. Woodward will be honored on October 16 at an event featuring an interview of him conducted by 1980 Louisville Law graduate Howard Fineman, a news analyst at NBC/MSNBC and former global editorial director of The Huffington Post.

Details about this event are forthcoming, and I hope to see many of you there.

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ALL RISE!

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UK Law is a student-centered, supportive public law school that aspires to empower tomorrow's leaders to rise towards their personal best and to pursue a meaningful impact on the law, the profession, and the world beyond. UK Law represents a tradition of excellence and a valuable legal education. We are a community of world-class faculty who produce a broad range of nationally and internationally-recognized research. Our distinguished alumni and students serve their communities, the Commonwealth, and the nation with professionalism. At UK Law, we pride ourselves on providing a high quality, yet affordable, legal education that effectively prepares graduates for professional careers. This is what sets us apart and makes us UK Law.

UK College of Law has been recognized as a Top 10 Best Value Law School by National Jurist Magazine for six consecutive years. This reflects that UK Law continues to excel in some key areas, including employment, affordability, and debt load of graduates.

Founded in 1908 and located in the heart of the Bluegrass, UK Law offers 17 clinical and externship opportunities, a network for career development, student organizations, social activities and community service (including advocacy teams and student-run law journals), four dual degree programs, and the new 6-Year BA + JD Program. With a small student-to-faculty ratio and open door teaching philosophies, students have the opportunity to develop personal relationships with their professors, fostering a collaborative, supportive environment. Finally, UK Law's Office of Continuing Legal Education (CLE) offers instructional services and legal practice publications to maintain the professional development of practicing lawyers, law school faculty, the judiciary, and law students. This is what sets us apart and makes us UK Law.

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WHY SOME STUDENTS COMMUTE (AND THEIR SECRETS FOR DOING IT)



RHYS CUNDIFF

I didn't even know I wanted to be a lawyer until I had a family with four kids and was in the midst of a professional career, so dropping everything and going to traditional law school for three years was a nonstarter for me. The Chase evening program allows me to maintain my career and attend law school at the same time. The commute from Louisville is well worth it when compared with the alternatives of an interrupted career with larger student

loans or giving up on the dream for lack of a viable option.

Managing my time among work, school and family is a tough balance, and I wouldn't be able to do it without the support of my wife. The classes are tough and the reading and studying outside of class require me to set a schedule and stick to it. Having a fellow Louisvillian in the program to carpool and debrief with has made the experience considerably easier and more enjoyable.

WAY POINT Kentucky Speedway, I-71 Exit 56



MEGAN PRICE

I wanted to pursue a law degree, but didn't want to put my life on hold for three years. I have a job and a family with kids, so I wanted to attend an evening program that allowed me to continue to live my life while working toward my goal.

I study mostly at night, the weekends and when my kids are sleeping. I am also lucky that I work for an employer that gives me the flexibility to take time off when I need to study. I study

during my lunch breaks at work, and I get to campus early before class to finish my reading.

The commute is definitely tough, but as I have gotten further in school I have been able to schedule classes only a few nights a week. The past three years have taught me amazing time management skills that I know will help me in the future.

WAY POINT 'Florence Y'All' water tower, I-71/75 Exit 181



NICK THOMPSON

Chase understands there are those of us who have the desire to advance our professional careers but do not have the option to forgo income.

Commuting to Northern Kentucky from Louisville certainly presents its difficulties, but support from family, friends, and co-workers has reduced the stresses of law school substantially.

Carpooling with another evening student at Chase has allowed us both to thrive our first year by using the long rides to review information and discuss our understanding of the subjects we are learning.

The schedule actually allows my time management to fall right into place because there is just enough free time to relax once in a while, but never to procrastinate.

ARRIVAL Chase College of Law, I-275 Exit 76

HOW CHASE MAKES IT POSSIBLE

Evening classes meet from 6:30 to 9:15 p.m. Tuesdays and Thursdays and three or four Saturday mornings a semester.

First-year students may choose to begin classes in May or August. Summer sessions have abbreviated schedules.

Evening students typically graduate in four years, instead of the three years for full-time

students. Evening students, however, can graduate in three-and-a-half years, with approval for additional classes some periods.

Classes are taught by the same professors who teach full-time day classes, and evening students have the same opportunities to participate in clinics, externships, and other activities that full-time students have.



Details for the evening division are available online at chaselaw.nku.edu/prospective/juris-doctor/eveningprogram.html or by contacting Ashley Siemer, director of student affairs and enrollment management, at 859-572-5841 or chaseadmissions@nku.edu

Bellarmino University (Pre-Law Program)

Pasteur Hall 208A • 2001 Newburg Road • Louisville KY 40205
www.bellarmino.edu



Law Schools in the Bluegrass

Bellarmino's Pre-Law Program Adds Faculty Member, Further Expands Law-Related Opportunities for Undergraduates

Bellarmino University's Pre-Law Program continues to expand opportunities for its numerous student-members to explore potential legal careers and equip themselves with the inspiration and skills to succeed in law school. Among other components, the Pre-Law Program provides students with:

- One-on-one and small group consultation throughout the program, including law school application review, with program faculty;
- Together with the student-run Pre-Law Society, events that connect students with a large network of supportive peers at various stages in the Pre-Law process;
- Guest speakers and other events about topics involving current legal issues, law practice and law schools; and
- Opportunities to hone real-world legal skills, both in and outside the classroom, before law school begins, including non-paid, for-credit legal internships.

The overall aim of the program is to not only place students in a law school that ideally matches their strengths and career aspirations, but to ensure that students enter law school knowing what to expect and why they are ultimately there. Examples of recent events include law school application workshops, LSAT and logic review courses, a Constitution Symposium (co-sponsored with the Political Science Department), law school film nights, a Kentucky Law School Panel (featuring admissions officers from Kentucky law schools) and law career guest speakers.

Dr. Lee Remington, associate professor of Political Science and director of the Pre-Law Program, has been joined by Dr. David Scott, assistant professor of Philosophy, who served as interim director of the program during Dr. Remington's sabbatical last fall and will serve as co-director with Dr. Remington during the 2019-2020 academic year. Dr. Remington received her undergraduate degree in government and history from Morehead State, her J.D. from the Brandeis School of Law, where she served as a member of the *Brandeis Law Journal*, and her Ph.D. in judicial politics from the University of Kentucky. Dr. Scott received his B.A. from Vanderbilt University and J.D. from Harvard Law

School. Dr. Scott then practiced law at a major law firm in Nashville, Tennessee and served as a chief legal officer for a technology startup before receiving his Ph.D. in philosophy from the University of Kentucky.

During his first year at Bellarmino, Dr. Scott, who has years of experience teaching formal logic and LSAT tutoring, held a series of one-on-one and group sessions that introduced students to various logical concepts, reasoning skills and LSAT strategies, an initiative that he will expand this year. "Much of what LSAT preparation and the first year of law school involve is learning to *think* like a lawyer," Scott said. "I am already very



impressed with the breadth of law-related course offerings and organizations, like our highly competitive mock trial team, that help Bellarmino students excel in precisely that area before law school even begins."

One of Bellarmino's innovative learning initiatives for students interested in pursuing a law degree is the program's legal internship program. Since its inception, the internship program provides pre-law students with unquantifiable opportunities. The program attempts to match students with a firm or other legal entity in their area of interest such as domestic law, immigration law, criminal defense and civil litigation. Students receive three (3) hours of political science class credit for a minimum of 90 hours of internship work performed in a semester. Drs. Remington and Scott consider the internship program both an invaluable introduction to the day-to-day reality of law practice and an essential

component of a liberal arts education, as experiential learning has become such an integral part of the latter.

As a condition to joining the program, firms agree that students will be much more than mere "gofers" making copies or delivering documents. Students will perform legal tasks such as drafting basic legal documents, accompanying attorneys to courthouse hearings and sitting in on client consultations. Bellarmino's pre-law students have had the chance to intern with such area legal entities as the Jefferson County Commonwealth Attorney's Office, a Jefferson County Circuit Court Judge, an immigration law firm, criminal defense firms and general practice firms. As a result, students have gained invaluable experiences such as the following: interpreting Spanish for international asylum-seekers, sitting in on criminal trials, seeing behind-the-scenes interactions between judges and attorneys and drafting basic legal documents such as affidavits.

A dinner celebrating the legal internship program's student participants is held each year in April. The dinner and program recognize students and their providers for their contributions. Several awards are presented, including the Alberta O. Jones Award. Alberta O. Jones was the first African-American female to pass the Kentucky Bar Exam and the first female (of any race) to serve as a prosecutor in the Commonwealth of Kentucky. Ms. Jones was murdered in 1965 and her murderers remain unpunished. This annual award recognizes an outstanding legal intern attending law school in the upcoming fall. Award requirements include:

- A graduating senior with a GPA in the top third of his/her class.
- Must have successfully completed at least one semester of the internship program.
- Must be accepted to, and plan to attend, an accredited law school in the upcoming fall.
- Preference is given to:
 - a. Students traditionally associated with a minority status including those based upon race, gender and/or ethnicity, OR
 - b. Students who have overcome some obstacle or hardship in their lives to achieve success.

For more information about Bellarmino's Pre-Law Program or Legal Internship Program, including how you can support the program, how you can obtain an intern, or other general questions, please contact:

Dr. Lee Remington at (502) 272-7859, lremington@bellarmino.edu or Dr. David Scott at (502) 272-7444, Dscott3@bellarmino.edu.

Speaking the Queen's English: How One Young Lawyer is Trying to Make It in a Specialized Practice

Peter J. Rosene

I think every young attorney wonders to themselves at least once (in private of course), if not a hundred times, "Do I know what I'm doing?"

It's an honest question and one that has, indeed, crossed my mind in the upper level of that range in my two years out of law school. I had dinner with a seasoned Louisville trial attorney during my first week of finals fall semester of 1L at UK, and I remember as if it were last night, him saying that every young attorney knows just enough to be dangerous when they get out of law school. In other words, you know a great deal about how to be a student of the law, but you know very little about being a lawyer. A bit frightening, right? Especially right before a contracts exam, but it turned out to be the most important piece of perspective so far in my early career.

At no place has this advice come into greater relief than where I am today. Almost a year ago, I had the privilege of totally falling backwards into an intellectual property practice at the McBrayer firm with my now-mentor, Jack Wheat. IP is an innately fascinating, highly specialized, frequently technical, sophisticated area of the law, and the thought of going into this field right out of, or nearly right out of, law school is enough to make me wonder, out loud this time, how does a young attorney get into and succeed in a specialized practice area?

Recently I was sitting in Jack's office, and we were pondering this very question, like you do. What makes a legal practice area "specialized," and how does one "make it" in that field? I will briefly try to describe my experience such that maybe at least one person might benefit from a young attorney's limited wisdom in attempting to answer these questions.

As with any good brief or discovery request, we need to define our terms and state our rules. What do I mean when I say a practice area is "specialized?" Well, it could mean from a superficial understanding of the word that not a lot of attorneys practice in that given area. A few months ago, I was fortunate enough to attend the annual International Trademark Association (INTA) convention in Boston, which was attended by some 12,000-13,000 IP attorneys from around the world. It was an almost overwhelming amount of people for a new kid like me, but really, that number would be just a fraction of the total number of attorneys just practicing in the U.S. in areas other than intellectual property.

So maybe that definition is a good place to start, but, as you can probably imagine, there is a great deal more to it than that. As an initial matter, when I am talking about specialized practice areas, I am primarily referring to, of course, IP which includes trademarks, patents, copyrights and trade secrets, but my thoughts might be applicable to other specialty areas such as securities regulation, bankruptcy, tax, maritime law, labor law, health care and international law. What follows are a few attributes I believe are common to each of these fields.

First, they are governed by labyrinthine statutory frameworks. Any unwitting law student or attorney attempting a leisurely reading of the Securities Exchange Act of 1934, as I did far too often in preparation for class in law school, will find it reads something like subsections of nonsensical jargon written by, go figure, other attorneys in that specialized practice area.

Second, these practice areas require an understanding of complex administrative and quasi-judicial legal structures with their own courts and rules of procedure, for instance the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office, where we regularly litigate. And woe to the attorney who fails to join the Copyright Office in their infringement complaint for a work that happened to also be rejected for registration by the Copyright Office.

Third, there is, of course, a glut of case law interpreting these various statutes and procedures. For instance, there are the voluminous specialized case law reporters, such as the United States Patents Quarterly (and U.S.P.Q.2d), containing some 106 years of intellectual property case law.

Finally, there are your opposing and co-counsels, who are also specialists well-familiar with every detail of every statute, administrative procedure, and current case law interpretation by heart. See Jack. In other words, there's no bluffing your way through it.

After listing these attributes (and freaking myself out all over again), this leads to the second question: how do you succeed in a specialized practice area? As far as Jack and me, our respective experiences in entering our specialized field were very different.

For those in the IP field in Louisville (and probably in the region), Jack likely needs little introduction. Jack is one of those enviable attorneys who can pretty much do, and has done, it all. He's both an expert trial and appellate advocate who can write a *Steele*-defeating summary judgment brief in Kentucky state court as well as present a masterful oral argument at the United States Supreme Court. He is also a pragmatic transactional attorney, in addition to one who can easily navigate the winding administrative processes of the U.S. Patent and Trademark Office. Last, but not least for my purposes, Jack teaches IP at the University of Louisville Brandeis College of Law and in CLE settings.

However, he somehow got where he is without his own Jack Wheat. Instead, he got his start, of all places, with an IP infringement case that fell into his lap during his final semester at Brandeis as part of his clinical internship at Legal Aid. It involved one of the most popular kid icons of the last 40 years—Cabbage Patch Kids, which were very closely based upon dolls actually produced by a Louisville-area artist, while the defendants took credit for the design and concept. He continued with and, mid-trial, settled that case a few years later, soon thereafter hanging his own shingle and starting one of the first IP boutique practices in the state. This is a long-winded way of saying, Jack started on his own as a self-taught IP attorney.

On the other hand, I'm just your average second-year lawyer trying to keep up with this guy. The one (and possibly only) edge I do have on Jack is that I've been blessed with a series of brilliant and ethical mentors, the current one included, who taught me the fundamentals and gave me the confidence needed to become a specialized practitioner. My uncle, John Bush—the seasoned Louisville trial attorney mentioned *supra*—has

and continues to impart advice upon request, sometimes daily, about what it means to be not just a good attorney, but a GOOD attorney, meaning not only being a proficient practitioner, but an ethical and right-minded one who realizes and learns from the boundaries of his knowledge.

I also had the privilege of clerking for the Honorable Judge Ernesto Scorsone in Lexington my first year out of law school. He taught me the virtues of fairness, collegiality, and that there is no greater substitute or benefit than following the letter of the law. This early mentoring, leading to the current guidance I now have every day, has gone a long way in instilling the foundation necessary to wade into the murky, and sometimes treacherous, waters of specialized practice.

Jack and I both stumbled into our field in different ways, Jack being self-taught and me being mentored in the field, but during that conversation in his office we came to the same conclusion that mine was the preferred method—get a mentor.

Maybe I lucked out. I have the benefit of a great IP mentor, but, regardless, what I've found is that you need those people to fill a multitude of roles. They're there to tell you not only what you can do, but also what you must do. They're there to teach you the nuts and bolts of this administrative procedure or that statutory provision or which point of law might serve you best in your argument. They're there to point out that while you may "speak the Queen's English," you need to learn how to *advocate* with the Queen's English. And they're there to assure you that you're doing fine, that you will learn from what you're doing and that one day you will be great.

Luck is a start, but it truly begins with you understanding your limits and your potential in your special area of practice. You may have graduated Order of the Coif nine months ago, but I must tell you: you don't know everything. Do not pretend to know the answer because the more experienced practitioners in that specialized field, whatever it is, will know, and you, and more importantly your client, will pay for it if you try and bluff your way through. Instead, ask a million questions. Study the content. If you're a young securities regulation attorney, or a young bankruptcy attorney, or a young IP attorney, or whatever, live it, breathe it, and learn. Do not take any piece of guidance for granted. Then maybe one day we'll be decent enough to tell someone else how it's done.

Peter J. Rosene received his J.D. from the University of Kentucky College of Law in 2017, after which he served as staff attorney for Judge Ernesto Scorsone in Fayette Circuit Court. He now practices as an intellectual property attorney at McBrayer PLLC. ■



“If you're a young securities regulation attorney, or a young bankruptcy attorney, or a young IP attorney, or whatever, live it, breathe it, and learn.”

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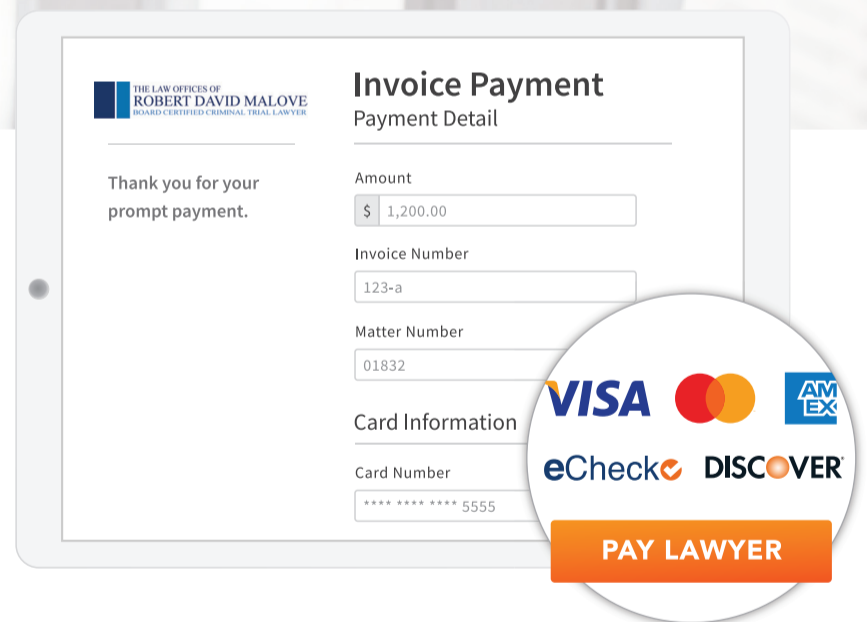
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Bingham Greenebaum Doll is pleased to announce that **Christopher W.D. Jones** has been named co-chair of the firm's Business Services Department and that **Jeffrey A. McKenzie** has been selected to chair the firm's Partnership Board.

Sharon Handy was recently elected as board chair for the Girl Scouts of Kentuckiana. Handy was elected for a three-year term. Handy is a member of Seiller Waterman where her practice focuses on commercial transactions, business law, charitable organizations, probate & estate administration, estate & tax planning, trusts, real estate, employment law, employee benefits (ERISA) elder law and tax.

Edwin S. Hopson has been announced as the winner of the 2019 Brandeis School of Law Alumni Award. Hopson is currently senior counsel at Wyatt, Tarrant & Combs and serves as a member of the firm's Labor & Employment Service Team. Hopson has served as president of the Louisville Ballet Company and the Bellewood Presbyterian Home for Children.

Vince Aprile, who practices with Lynch, Cox, Gilman & Goodman, has been re-appointed to the editorial board of *Criminal Justice* magazine, the quarterly publication of the American Bar Association's Criminal Justice Section. Aprile has previously been a member of the magazine's editorial board and twice served as its chair. He continues as the author of his column, *Criminal Justice Matters*.

DBL Law partner **Bill Brammell** has been selected to co-present two breakout sessions at this year's KYSHRM Conference. He will present "EEOC, from A to Z," and "What to Do When Government Comes Knocking." Brammell practices in the areas of civil and commercial litigation, including defending employment discrimination claims, administrative law, contract negotiation and white-collar criminal defense.

Dinsmore & Shohl has earned multiple honors from the *National Law Journal* for the fifth consecutive year. Dinsmore landed at No. 86 on the NLJ 500, which ranks the largest U.S.-centric law firms. It also ranked 79th nationally on the *Journal's* Women's Scorecard, which accounts for female representation across all attorney positions.

McBrayer PLLC is excited to announce the expansion of the firm with seven new attorneys joining from Reed Weitkamp Schell & Vice. The new attorneys are **Ivan J. Schell, Alan D. Pauw, Maria C. Doyle, Michael W. Oyler, Trevor L. Earl, Ridley M. Sandidge Jr., and Maxine E. Bizer**. In July, all McBrayer personnel moved to their new home at 500 W. Jefferson St., Ste. 2400. ■

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Establishing Evidentiary Foundations with A/V Presentation Equipment at Judicial Center

Thursday, August 8

The focus of the program will be on the method for establishing evidentiary foundations when using computers, projectors & projection screens, document cameras and telestrators for the presentation of evidence, and how to make your record for appeal when using the digital technology in Jefferson Circuit courtrooms.

CLE will be held at the Judicial Center, 700 W. Jefferson Street

Speaker: TBA

Time: 11:45 a.m. — Registration; Noon — 1:15 p.m. — Program
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*This CLE program is repeated the second Thursday of each month.

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MEETING SCHEDULES

Section Meetings

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

Thursday, August 29: 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. ■

Women Lawyers Association

Women Lawyers Association will host a lunch meeting on Thursday, August 8, at noon (registration starts at 11:45 a.m.), at the Bristol Bar & Grille Downtown located at 614 W. Main Street. Megan Metcalf will discuss her work with Doctors & Lawyers for Kids and all the work DLK is doing for our community. Lunch costs \$18 (cash/check) or \$18.50 (credit card). Please send your RSVP to womenlawyersassociation@gmail.com. If you cannot attend this month, we host meetings the second Thursday of every month and social events at various times throughout the year. ■

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. ■

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Crossword Puzzle
by Earl L. Martin III.
See page 10



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