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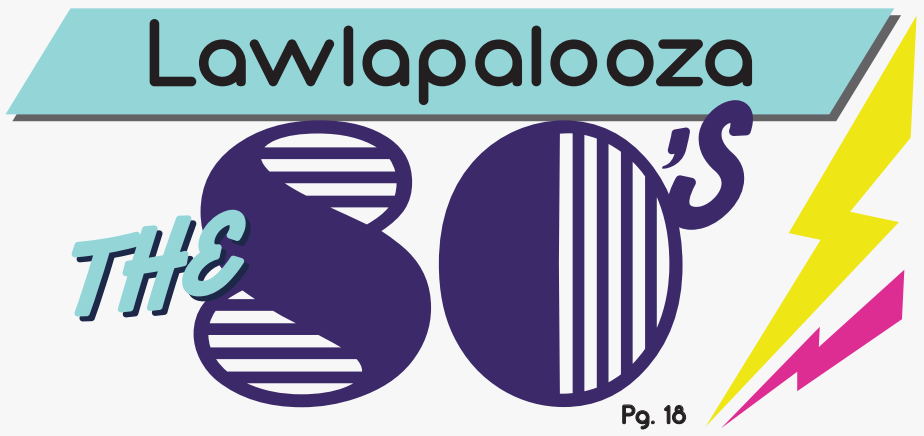


Let Us Now Praise Younger Lawyers

In past columns, I have addressed topics which often reflect the insight of a senior counselor. Not surprising, since that's my perspective in chronological years and practice experience. The law has obviously changed considerably over the past 40 years, and I have enjoyed reflecting upon those changes. Now, however, it's time to come full circle, taking note of and paying homage to the youth of our LBA.

First, lawyers entering the practice of law in the modern age are attuned to numerous technical tools and skills never imagined when lawyers of my generation were sworn into practice. The first, and most obvious, "tool of the trade" was the computer in its many iterations. The computer, in turn, has permitted the scope of research to expand by use of specific search engines such as Lexis, Westlaw and the internet in general. While mine was the first generation to be exposed to Lexis as a search tool, my exposure was mere adjunct to the traditional methods of "hard copy" library research. Additionally, Lexis was elementary in its breadth and often contained only the most recent decades of state and federal case law. Many of my peers never advanced to more extensive computer and internet-related research. And few of us can navigate a complex search with the innate speed and accuracy of our younger colleagues.

This seemingly innate, high level of technical proficiency reaches well beyond the law library—or today, the desktop or portable computer, iPad, Surface or their various iterations. It extends into the courtroom, the boardroom or any other setting where visual presentation in the broadest sense plays a significant role in communication. While trial boards will always have value in the art of courtroom persuasion, the constantly evolving techniques by which specific evidentiary points can be located, projected, then highlighted for emphasis for the jury are seemingly endless. And the control of this process belongs mainly within the skill sets of younger lawyers.

In short, younger lawyers understand the technology that drives our society. They've practically teethed on iPhones and complex electronic games. While we of a certain age sometimes voice our compliments as a joke—"If you want that remote control to work, give it to a 5-year-old"—the joke is founded in truth. More importantly, individuals who have grown up in the computer age understand the logic of what the technology is meant to demonstrate—be it a paragraph from a key article, a telling line in a medical record or a clause in a lengthy contract. Younger lawyers naturally laser in on that which is most relevant and then, without fumbling, highlight it.

Beyond the search to uncover statutes, regulations or cases on a certain point, there are numerous technology-enabled social media that have become invaluable in other respects. Facebook—for better or worse—immediately comes to mind. Parties to litigation, witnesses and even expert witnesses often exchange information freely on Facebook or other such social media that gives crucial insight into their thoughts, perspectives and recent activities. Obviously, this may be of inestimable value for the lawyer preparing to examine those individuals. Furthermore, a simple Google search often uncovers news articles, authored pieces or general information about a witness (expert or otherwise) that can prove invaluable in trial, negotiations or simply background information.

The above is by no means intended to limit the skills of younger lawyers of the Bar to technology and the rapidity and facility of its use. They are far more than tech geeks. To a great extent, these tools merely permit a younger generation to go through the same process that an older generation pursues, but with speed and accuracy previously unimagined.

In addition to all of this, however, there are major realignments occurring in the foundations of our society, and the youngest members of the Bar are most finely attuned to these often tectonic like shifts. These shifts involve not only the law but also politics, economics, religion, morality, precepts of human rights and an ongoing list that evolves daily. While younger lawyers may, at times, lack a breadth of historical perspective by which to assess these changes (as discussed in several of my previous columns), no one fully feels and comprehends the impact of these changes like the emerging generations—younger lawyers for the purposes of this essay.

Lawyers may learn their craft in school and master it in the years of practice that follow, but they are molded as members and contributors to society by their hours outside of the workplace as well as their billable hours at the office, home or on the road. In years past, many of us bought into the concept that the longer the hours we spent working, the better the lawyers we would become. I see that philosophy accepted less every year with the induction of new members of the Bar.

A complex mix of reasons may explain this phenomenon. I certainly can't capsulize those reasons in one paragraph, but I have some thoughts about a few. First, increasing diversity and gender equality in the practice itself has wrought sweeping changes. Statistically, most law schools show that 51 percent or more of their graduates are now women. When those women choose one day to have children, it goes without saying that their sensibilities not only change, but effect positive change in the legal community. These changes extend to their male peers as well. Flextime, increased work at home, and flexibility in practice has become a norm rather than an exception.

A second sweeping factor in the lives of youth today is that student debt hangs over their heads in many instances. There is an obviously negative aspect to this: When will this debt end? When will they be able to afford a house or larger family? While not desiring to appear Pollyannaish on a topic as burdensome as that of student debt, there is an upside to this recent reality of education: younger lawyers seem to thrive without a treasure trove of possessions (well, maybe a new iPhone or SUV, but fewer possessions in quantity) or other expensive accoutrements of life. If the 1980s culture, glamorized in movies like *Wall Street*, was epitomized by the phrase, "Live hard, work hard, play hard," today's norm seems more simply: "Work to live, rather than live to work."

The hope ... is that every generation of lawyers will learn from those that have gone before, and that those who have gone before will see their lives and practices enhanced and expanded by the rising of new generations.

Another way of looking at this trend in work life goals is that young lawyers have the opportunity to segregate themselves from the pressures of billing hours and to spend more time in other aspects of life. As an advocate for parents fully engaged in family activities, while simultaneously an advocate for involvement in the profession and the Bar's wide range of activities, I perceive these as positive developments within the profession.

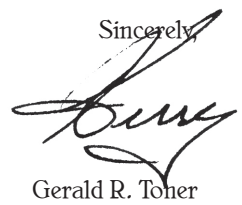
The converse trend is evidenced when I see folks at coffee houses, out walking or even in a group of people absorbed in some iteration of a cell phone, computer or Bluetooth device rather than being engaged with persons in their immediate presence. But this is a column intended to praise, not question. And while absorptions in long distance or at least indirect communications may limit interpersonal face-to-face exchanges, it also has the potential to broaden the younger generation of lawyers' perspective on all aspects of life.

Younger lawyers—for the most part—have traveled more, lived abroad (or in other cities of the U.S.), developed friendships spanning the globe and been exposed to customs and cultures that are simply alien to many of us. This lends a perspective on legal problems that takes on a more sophisticated Weltanschauung—or specific, unique worldview—than prior generations. Thus, we see an increasing number of younger lawyers engaged in immigration law, public interest law, poverty law, as well as the opposite end of the spectrum: international trade and treaty law, maritime law and entirely different systems of law than our own.

Anytime a member of one segment of society (here, a senior lawyer) ventures to comment upon members of another segment of society (i.e., younger lawyers), there arises the legitimate question of whether the former is unerringly patronizing the latter. I hope I've refrained from doing so by sharing my personal, simply observational thoughts on our younger lawyers. I have not sought to be exhaustive or empirical in my musings. To attempt to do so would fail, if only because I totally confess to being an outside observer rather than an insider experiencing the phenomenon I am observing.

I do hope that I've focused on areas that distinguish one generation of lawyers from another and accurately assessed a brief sampling of the talents, strengths, and variety of perspectives that I believe are possessed by younger LBA members. The hope, of course, is that every generation of lawyers will learn from those that have gone before, and that those who have gone before will see their lives and practices enhanced and expanded by the rising of new generations. This process is not as easy as it sounds, but it is one that, if pursued, will reap benefits for all concerned.

Sincerely,



Gerald R. Toner
LBA President

An Overview of Legal Concepts Involved in "Crimmigration" Cases

Duffy B. Trager

If you are reading this, you likely understand that *Padilla v. Kentucky*, 559 U.S. 356 (2010) requires that a criminal defense attorney advise their client whether a plea carries a risk of deportation. In *Chaidez v. U.S.*, 568 U.S. 342 (2013), the U.S. Supreme Court said that *Padilla* is not retroactive. Thus, after *Padilla*, criminal attorneys must advise their clients on the immigration consequences of guilty pleas, or recommend that their clients seek advice from an attorney who specializes in criminal and immigration law.

The following is meant to be a general overview of some, but certainly not all, of the legal concepts at the intersection of criminal and immigration law—otherwise known as "crimmigration." Since this area of law is extremely complex, constantly changing, and because in many cases the federal courts have not analyzed Kentucky crimes alongside immigration provisions, the author recommends that you contact an attorney who specializes in immigration and criminal law before advising your client of the immigration consequences of a criminal conviction. The following should not be construed as offering legal advice regarding your client's individual circumstances.

The first step in a crimmigration analysis is to determine whether you can avoid a conviction entirely. A conviction under immigration law requires a formal adjudication of guilt by a court, or if the adjudication of guilt is withheld: (i) a judge or jury has found the noncitizen guilty or the noncitizen has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt; and (ii) the judge has ordered some form of punishment, penalty or restraint on the noncitizen's liberty to be imposed. Immigration and Nationality Act (INA) § 101(a)(48)(A).

A conviction includes a diversion agreement so long as there was a plea of guilt. A conviction also includes a plea of no contest or an *Alford* plea. A conviction does not include deferred prosecution or informal diversion, so long as there was no plea of guilt. An expunged conviction is still a conviction for immigration purposes. If you do expunge an offense you should give a certified copy of all court documents to your client. After expungement your client will be unable to access these documents for use in removal proceedings where in certain scenarios he/she will have the burden of proof.

If your client has a conviction, then the second step in evaluating the immigration consequences of that conviction is to know what your client's immigration status is, if any. Your client may have no lawful immigration status, be a lawful permanent resident (i.e. a green card holder), a refugee, a recipient of asylum, a DACA recipient (otherwise known as Dreamers, this is not an immigration status, but rather DACA recipients are allowed to remain and work in the U.S. lawfully), a recipient of Temporary Protected Status, be on a temporary nonimmigrant visa (e.g. a visitor's visa (B1/B2), student visa (F), an H1B for a specialty occupation), or numerous others. Although the crimmigration rules are specific to each of these immigration statuses, the overall inquiry centers around whether you should be looking at INA § 212 or § 237.

If a noncitizen has been "inspected and admitted," you must look to INA § 237. Inspected and admitted means the noncitizen has been inspected by an immigration official and allowed to enter the U.S. This includes a lawful permanent resident as well as a noncitizen who was admitted to the U.S. on a temporary visa because each have been inspected and admitted by an immigration official. If either of these two noncitizens were convicted of a deportable offense, they could be placed in removal proceedings by the Department of Homeland Security (DHS) under INA § 237(a)(2).

On the other hand, noncitizens subject to INA § 212 include noncitizens who entered the U.S. without inspection (for example someone who crossed the Rio Grande river to enter the U.S. without authorization), who were paroled into the U.S. (immigration law parole is distinct from criminal law parole), who arrived at a border or port of entry or who are applying for a visa or adjustment of status to that of a permanent resident.

Consider, for example, a noncitizen who entered the U.S. without inspection and a lawful permanent resident, both of whom were convicted of one count of possession of marijuana. The noncitizen who entered the U.S. without inspection could be placed in removal proceedings by the DHS under INA § 212(a)(2). The permanent resident could be placed in removal proceedings under INA § 237(a)(2). While there is an exception for 30 grams or less of marijuana under INA § 237(a)(2), there is no parallel exception under INA § 212(a)(2). Further complicating things, if the permanent resident mentioned above attempts to reenter the U.S. after a trip abroad, he/she is seeking admission and subject to INA § 212 which does not include the exception for 30 grams or less of marijuana discussed above.

After you have established that you have a conviction, and you have determined whether INA section 212 or 237 applies, the next step is to determine whether the convicted crime fits within the immigration statute. When you look at INA sections 212 and 237, you won't see Kentucky crimes or any other state's crimes. You will see generic classifications of crimes. These include crimes involving moral turpitude (CIMT), aggravated felonies, offenses relating to a controlled substance, domestic violence offenses, crimes of child abuse and many others. In order to determine the immigration consequences of convictions, you must look to case law from the U.S. Supreme Court, the relevant Federal Circuit Court of Appeals, the Board of Immigration Appeals (BIA) and relevant state court cases interpreting the statute of conviction.

A CIMT "refers generally to conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general…" *Matter of Franklin*, 20 I&N Dec. 867, 868 (BIA 1994). A conviction for an offense that includes as an element the intent to deprive the rightful owner permanently of his or her property is a CIMT. *Matter of De La Nues*, 18 I&N Dec. 140 (BIA 1981). Any crime involving fraud is typically a CIMT. *Jordan v. DeGeorge*, 341 U.S. 223 (1951). Burglary is generally a CIMT. *Matter of Louissaint*, 24 I&N Dec. 754 (BIA 2009).

Simple assault (not on law enforcement, not with a weapon and not resulting in serious physical injury) is generally not a CIMT. *Matter of Ahortalejo-Guzman*, 25 I&N Dec. 465, 466 (BIA 2011) citing *Matter of Fualaau*, 21 I&N Dec. 475, 477 (BIA 1996) & *Matter of Short*, 20 I&N Dec. 136, 139 (BIA 1989). The BIA has held that domestic battery is not a CIMT if the offense does not require the actual infliction of physical injury, but merely offensive touching. *Matter of Sejas*, 24 I&N Dec. 236 (BIA 2007); see also *Matter of Sanudo*, 23 I&N Dec. 968, 970-73 (BIA 2006) (California domestic battery statute did not qualify as a CIMT because it did not require anything more than nonviolent "touching.") The BIA held that aggravated assault on a police officer is a CIMT. *Matter of Danesh*, 19 I&N Dec. 669 (BIA 1988).

A noncitizen is not subject to INA § 212(a)(2) for a single CIMT if the "maximum penalty possible for the crime of which the alien was convicted…did not exceed imprisonment for one year and…the alien was not sentenced to a term of imprisonment in excess of six months (regardless of the extent to which the sentence was ultimately executed)." INA § 212(a)(2)(A)(ii)(II). This is known as the petty offense exception and it can be very useful for noncitizens who are only subject to INA § 212(a)(2) for a single CIMT.

For example, while Kentucky Revised Statutes (KRS) § 514.030 Theft by Unlawful Taking (under $500) would generally be a CIMT, a sentence of six months or less on the offense would fit the petty offense exception because that crime is punishable by a maximum sentence of imprisonment of 12 months. KRS § 532.090. However, there is no parallel exception in INA § 237(a)(2), and therefore the petty offense exception will not excuse a CIMT if the noncitizen was properly charged under INA § 237(a)(2). The petty offense exception does not include controlled substance offenses, nor does it excuse two or more CIMT convictions.

Aggravated felonies are listed at INA § 101(a)(43). A lawful permanent resident or other noncitizen may be removed from the U.S. and ineligible for many forms of relief from removal if convicted of an aggravated felony. For example, they will not be able to get immigration status through a family member, and if the crime is "particularly serious" they will be ineligible for asylum.

An aggravated felony doesn't actually have to be a state felony. See *Lopez v. Gonzalez*, 549 US 47, 55 n.6 (2006); *Matter of Aruna*, 24 I&N Dec. 452 (BIA 2008). Included in the aggravated felony definition is a crime of violence. INA § 101(a)(43)(F). A crime of violence is also required for an offense to be a crime of domestic violence. INA § 237(a)(2)(E)(i). The INA directs us to 18 U.S.C. § 16 for the definition of a crime of violence. In *Sessions v. Dimaya*, 584 U.S. ___ (2018), the Supreme Court affirmed the Ninth Circuit's finding that section 16(b) of 18 U.S.C. was unconstitutionally vague. Thus, under *Dimaya*, the DHS can no longer rely on section 16(b) of 18 U.S.C. to establish deportability.

However, earlier this year in *Stokeling v. U.S.*, 586 U.S. ___ (2019), the Supreme Court interpreted the definition of a crime of violence under the Armed Career Criminal Act, a federal sentence enhancement statute that is nearly identical to 18 U.S.C. § 16(a), to include force sufficient to "overcome the resistance of the victim." Thus, there may be further litigation over § 16(a) as it pertains to a crime of violence in the INA.

Aside from whether the conviction has immigration consequences, attorneys should also be aware of the record that the immigration judge may review. When the state conviction is not a categorical match to the generic federal crime, the immigration judge may look at documents within the record of conviction. See *U.S. v. Taylor*, 495 U.S. 575, 602 (1990) (in the context of a jury trial defining the record of conviction as the "indictment or information and jury instructions"); *see also U.S. v. Shepard*, 544 U.S. 13 (2005) (in the context of a guilty plea, "the charging document, the terms of a [written] plea agreement or transcript of colloquy between the judge and defendant in which the factual basis for the plea was confirmed by the defendant, or to some comparable judicial record of this information").

Therefore, even if the noncitizen pled guilty to or was convicted of a crime that was not an offense described in INA sections 212 or 237, the immigration judge may make a finding that the record of conviction demonstrates that the essential elements of the generic crime were met.

If there was already a conviction that makes a noncitizen subject to removal from the U.S., you may be able to seek post-conviction relief if your client was not advised of the immigration consequences of a conviction per *Padilla* and/or *Strickland v. Washington*, 466 U.S. 668 (1984). Immigration law will only recognize a vacated conviction if the conviction was vacated based on a constitutional defect, not for rehabilitative purposes.

Duffy B. Trager is a partner at Russell Immigration Law Firm. ■

MEMBER NEWS

Baker Elected VP of National Bar

Lonita K. Baker, attorney at Sam Aguiar Injury Lawyers and LBA board member, has been elected to a two-year term as vice-president of the National Bar Association, the nation's oldest and largest network of predominately African American attorneys and judges. She was sworn in on July 25 along with other elected officers during the NBA's 94th annual convention in New York City. This is Baker's second elected position with the NBA; she previously served as an at-large board member.

Baker (center in the above photo) is only the third Kentucky lawyer to hold an elected position in the NBA. The late Charles W. Anderson, Jr., who served in the Kentucky House of Representatives, was the NBA's 12th president in 1943-1945 and Gerald A. Neal, who serves in the Kentucky Senate, was vice-president in 1979-1980. ■

Walker Nominated for Federal Bench

Photo courtesy of the University of Louisville

Justin R. Walker, associate professor of law at the Brandeis School of Law and attorney at Dinsmore & Shohl, has been nominated by President Donald Trump to a seat on the U.S. District Court for the Western District of Kentucky. If confirmed by the Senate, Walker will succeed Judge Joseph H. McKinley who has taken senior status.

Walker previously clerked for Justice Brett Kavanaugh when he sat on the U.S. Court of Appeals and for Justice Anthony Kennedy on the U.S. Supreme Court. He teaches legal writing and lawyering skills and is co-director of the Ordered Liberty Program at the Brandeis School of Law. ■

Judicial Branch Moves Court System's Web Address

kycourts.gov

As a first step in improving its website, the Judicial Branch has moved to a new web address at *kycourts.gov*. Users will automatically be redirected from the previous address of *courts.ky.gov* to *kycourts.gov*.

The state court system's web address was changed in conjunction with moving the website to an updated platform. While visitors to the website won't experience many differences right away, the changes are part of a plan to make the website mobile responsive and easier to use.

Users are encouraged to update their online bookmarks and any other items with the web address to reflect the new address of *kycourts.gov*.

Appellate Lawyers Offer Insight into the Practice

Dean Colin Crawford

Appellate law can be a tough career path to pursue. It tends to be more solitary than much of legal practice and requires a good deal of experience and exceptional analytical ability and writing skill. Moreover, the road is narrow and hard to penetrate. And after speaking with two accomplished appellate lawyers who are friends of the University of Louisville School of Law, one thing is clear to me: appellate practice is more than a career—it is a passion. As my discussions with the two appellate lawyers revealed, furthermore, their passion for appellate practice is driven by an interest in and an ability to engage some of the most urgent social and political questions of our day.


Abate

For Michael Abate, a partner with Kaplan Johnson Abate & Bird, that passion was sparked as a student at Stanford Law School. He was one of the first students to work in the school's Supreme Court Litigation Clinic.

"I spent half of my law school career working on briefs and helping prepare attorneys and moot attorneys for oral arguments before the Supreme Court," he said. "In our first semester, we filed four petitions at the court to have them review certain issues and all four were granted, which is pretty unheard of. I got the bug of appellate brief writing."

After law school, Abate clerked for Judge Diana Gribbon Motz of the U.S. Court of Appeals for the Fourth Circuit. From there, he went to the Department of Justice, where he spent two years in the trial section and six years in the appeals section.

He credits his years as a government lawyer in building his appellate career.

For another lawyer, the path to an appellate practice also included high-profile clerkships. After graduating from Columbia University School of Law, Benjamin Beaton, a partner at Squire Patton Boggs and co-chair of the firm's Appellate & Supreme Court Practice, clerked for Judge A. Raymond Randolph of the U.S. Court of Appeals for the DC Circuit and for Justice Ruth Bader Ginsburg at the U.S. Supreme Court.


Beaton

Beaton is another friend of Louisville Law and will be co-teaching a seminar on constitutional law in trial courts this spring with my colleague Justin Walker (whose nomination to the U.S. District Court for the Western District of Kentucky is currently pending confirmation.) The seminar, focused on the Confrontation Clause, will examine how the Supreme Court's opinions impact the day-to-day work of a federal trial court.

The seminar will be "a way to connect the work of the Supreme Court—which really ushered in a revolution in the understanding of the Confrontation Clause over the last generation or so—to connect those decisions to the very practical aspects of how judges, prosecutors and defense lawyers operate in the federal courts," Beaton said. It seems to me that the seminar will also thus give our students valuable insight into the life and thought processes of a working appellate lawyer.

In June, Abate and Beaton spoke at the U.S. Supreme Court Review CLE program co-hosted by the American Constitution Society and the LBA's Appellate Law Section. Their reflections on the event further suggested to me the increasing importance of appellate practice.

I spoke with Abate before the CLE event. He noted a trend he has observed in the Supreme Court's treatment of administrative law.

"I think we're seeing the beginnings in a real shift in government power from the administrative state to the judicial branch and that's going to have reverberations, I think, for years and years to come," Abate said. He identified the questions he thinks will increasingly drive the Supreme Court in the process, including "at a very basic level, the amount of authority that the Supreme Court is willing to let Congress cede to agencies to make rules, and the deference that courts are willing to give to agencies, both when issuing rules and when interpreting the rules that they've issued." Of course, appellate lawyers are going to be key to laying out the arguments for the Supreme and lower courts to consider as these trends develop.

I was able to speak with Beaton after the CLE event, and he talked with me about his observations of this most recent term. "While we got clarity on a couple of issues, much more remains to be determined about the impact and the effect of the Roberts-Kavanaugh Court than has already been determined. My message is, stay tuned in a year and in five years and we'll see how much is the same and how much is changed," he said.

As with Abate, Beaton's comments suggest a growing role for the importance of appellate lawyers. For example, he pointed to the court's recent gerrymandering ruling, *Rucho v. Common Cause*, in which the court held that partisan redistricting is not reviewable by federal courts. Rather, said the court, it is a political question.

Beaton's observations about this case echoed Abate's as to the growing struggle over the limits of judicial and executive power. He explained that the case "really went to the heart of two competing visions in terms of how robust a role the courts will play in policing perceived problems in our democracy. It's a full-throated debate that plays out between the majority from Chief Justice John Roberts and the dissent from Justice Elena Kagan. That really came out as a heavyweight bout between those two about the role of the courts in that specific case and more generally," Beaton said. This also means, once again, that the appellate lawyers will be a key part of these ideological and philosophical questions.

For instance, Beaton observed, "that case has a tremendous, immediate impact on the actual composition of our elected government at a state and federal level heading into the 2020 elections."

I am thankful to both Michael and Ben for sharing their expertise with me, and for their support of Louisville Law. As their observations demonstrate, appellate lawyers will continue to play major supporting roles in framing questions central to the nature and shape of our democracy in years to come.

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

Inside The Interrogation Room:
Manipulation Brings False Confessions

Brian Leslie

True crime shows comprise one of the most popular genres in the entertainment culture. People are fascinated with who did it and why; how they got caught or got away.

More and more, though, it seems the storyline is "falsely accused" and "false confession." Curiosity and fascination deepen when the possibility emerges that the convicted criminal may actually be an innocent victim. Recent developments regarding the central figure in Netflix's controversial documentary series, "Making a Murderer," is a case in point.

In numerous cases where prime suspects end up in jail, defense attorneys later go back to the beginning and, with the help of forensic and interrogation experts, expose flaws in the evidence gathering and, often, in the way investigators interviewed suspects. In "Making a Murderer," Steven Avery is in prison for the murder of Teresa Halbach. Avery denied carrying out the crime, and his attorney, Kathleen Zellner, recently won a request that could help lead to a new trial.

The conviction was based in part on the confession of also-convicted 16-year-old Brendan Dassey, Avery's nephew. However, the teen later recanted the confession, which he gave without a lawyer present. It was claimed that Dassey was coerced and intimidated by investigators. Attempts by Dassey's attorneys to have his confession overturned have bounced through state and federal courts since his conviction.

Without his confession, there wasn't much of a case. With a suspect like Dassey, who has reported intellectual disabilities, interrogators often try to build a rapport so the suspect will see them as being good guys trying to help. That's particularly effective with someone as young as Dassey. You can convince a 16-year-old of anything, especially if they're in a vulnerable position.

The Netflix series investigated the law enforcement and judicial procedures in the case and suggested: 1) evidence may have been planted and, 2) that Dassey's confession came due to interrogators pressuring him.

The latter occurrence, statistics show, happens a disturbing amount of the time in law enforcement, and the public isn't aware of it. Let's take a peek inside the interrogation room and see how forced and false confessions happen.

There's a misnomer about what occurs inside the interrogation room. One of the issues is that what juries see in an interrogation video is not necessarily what's really occurring. Some of the interviewing language and techniques that are used are sometimes not explained to juries.

Remember, the whole point of an interrogation is to get a confession, and it can lead to all kinds of tricks to get just that.

The "narrative trap." When investigating how interrogations went down, I look at how the questions were constructed, and also how law enforcement got to the point where they targeted the suspect. The narrative trap is when a question is constructed in such a way by the interviewer that the context may not be understood completely by the suspect. Thus he or she provides an answer that may be incriminating.

But when a jury looks at that video, they don't know why certain questions are being asked. Or, why is a rapport being built between the interrogator and the suspect? Or, why during rapport-building was the suspect given their Miranda Rights—their right to silence—which they soon forgot in an hour during the interview?

Blackout confessions. Drug use and drinking get brought up in interrogations, and interrogators sometimes will use it as a way to establish having something in common with the suspect. The questioner will say something like, "Yeah, I've had a few too many drinks and done things I didn't remember. A lot of us make mistakes like that. Maybe you had too much that night." The interrogator engages in rapport-building, and questions can come in a sneaky way, eliciting responses that can be seen as incriminating. The innocent suspect gets tricked into a confession. He or she leaves the interview thinking everything is fine, and the next thing they know, they're arrested.

Minimizing and maximizing. Interrogators talk suspects into a confession sometimes by telling them "coming clean" will result in a minimized sentence. Otherwise, they say, it could be the maximum. The pressure builds on the suspect to confess.

One of the key issues is the pressure of the press and local community. The police believe they've targeted the right person, but there can be biases and a lack of information or hard evidence. That happens because they're not using the inductive method of investigation, which considers all evidence—not just the part that fits their original theory.

You have to ask yourself: Why would someone confess something he or she didn't do? Sometimes they're being led down a garden path by interrogators. The suspect believes they're helping interrogators solve the problem—when in reality they're on a path to prison.

Brian Leslie (www.criminalcaseconsultants.com) *is a forensic expert focusing on coercive police interrogation and interview techniques. The author of three books — Reaction Analysis Profiling, Deception of a Witness, and Visual Liar — Leslie has over 15 years of previous law enforcement experience.* ■

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When a Lawyer Gets Overwhelmed with Fear, Anxiety and Depression in Their Life

Stanley Popovich

Are you a lawyer who privately struggles with stress, anxiety, depression, addiction and don't know where to turn?

Do you know a fellow lawyer or anyone else who struggles with fear and various mental health issues and do not know how to help relieve their suffering?

If so, there is hope for your situation. Many lawyers are unaware of how to overcome their mental health issues, however help is available if you take the time to address these issues in your life.

Here is a short list of techniques that a lawyer can use to help manage their depression and fears and get their life back on track once and for all.

1. Make the choice to get better: The first step on your recovery from your mental health situation is admitting you have a problem. The second step is to set some time out of your busy schedule to get assistance on how to overcome fear, anxiety and depression in your life. Many lawyers work long hours and sacrifice their mental health over their careers. This can be a fatal mistake. Ignoring your depression and anxieties can ruin your career and your personal life. Learn the mistakes from other lawyers who neglected their mental health and ended up ruining their lives. You cannot have a successful law career or family life if your mental health issues overwhelm you on a daily basis.

2. Drugs and alcohol will only make things worse: Avoiding your mental health problems through the use of drugs and alcohol is not the answer. Eventually, you will have to confront your fears and depression. Save yourself the time and heartache and confront your problems now rather than later. Many professionals and former addicts have said that drugs and alcohol will only add more misery to your situation. Be smart and learn how to cope with your mental health issues the right way.

3. Learn to take it one day at a time: Instead of worrying about how you will get through the rest of the week, try to focus on today. Each day can provide us with different opportunities to learn new things and that includes learning how to deal with your problems. You never know when the answers you are looking for will come to your doorstep. We may be 99 percent correct in predicting the future, but all it takes is for that one percent to make a world of difference.

4. Learn how to manage your fearful thoughts: When encountering thoughts that make you fearful or depressed, challenge those thoughts by asking yourself questions that will maintain objectivity and common sense. Always focus on the facts of your current situation rather than on what your fearful thoughts are telling you. In addition, a person should think of a red stop sign that serves as a reminder to stop focusing on that thought and to think of something else. A person can then try to think of something positive to replace the negative thought.

5. There are other options rather than suicide: Regardless of your situation, things do not stay the same. You may feel lousy today, but it won't last forever. This includes your current situation. Nothing remains the same over time. There are many people and organizations that are willing to help you, but you must be willing to take advantage of this help. Every problem has a solution. You just have to find it. If things are so bad that you are unable to function, drop everything and go to your local hospital or crisis center immediately. The people there will take care of your situation right away.

6. Read something that will uplift your spirits: A technique that is very helpful is to have a small notebook of positive statements that makes you feel good. Whenever you come across an affirmation that makes you feel good, write it down in a small notebook that you can carry around with you in your pocket. Whenever you feel depressed, open up your small notebook and read those statements.

7. Take a small break to unwind: Sometimes we get stressed out when everything happens all at once. When this happens, a person should take a deep breath and try to find something to do for a few minutes to get their mind off of the problem. A person could get some fresh air, listen to music, or do an activity that will give them a fresh perspective on things. Taking a small break can help prevent you from getting anxious and overwhelmed throughout the day.

8. Learn from your past experiences: In every anxiety-related situation you experience, begin to learn what works, what doesn't work, and what you need to improve on in managing your fears and anxieties. For instance, you have a lot of anxiety and you decide to take a walk to help you feel better. The next time you feel anxious you can remind yourself that you got through it the last time by taking a walk. This will give you the confidence to manage your anxiety the next time around.

9. Take advantage of the help that is available around you: If possible, talk to a mental health professional who can help you manage your fears, anxieties and depression. Many law associations offer support groups and lawyer mental health assistant programs that can offer immediate assistance. By talking to a professional, a person will be helping themselves in the long run because they will become better able to deal with their problems in the future. A counselor can also provide additional advice and insights on how to deal with your current issues.

Stanley Popovich is the author of "A Layman's Guide to Managing Fear." For more mental health advice for lawyers and anyone else who struggles, please visit the Article and Blog Section of Stan's website at www.managingfear.com. ■

Waking the Dead: The Nine Lives of the Print Legal Treatise

Kurt X. Metzmeier

When I became a law librarian in the mid-1990s at the dawn of the Internet, the refrain in legal circles was that "the book was dead." But over the years, I noticed that there have been some uncanny varieties of law book that simply won't die. And that these walking dead might in fact still have a reason to live.

True, law librarians have sent a few varieties of law book (mostly) to the great beyond. Print case reporters—which themselves were coffins of entombed judicial decisions—have been dispatched and their contents freed to take their place on many online platforms. We destroyed the old print Shepard's Citators with perhaps unsettling relish, staking them to their graves securely so they could never rise again.

But one variety of law book remains, battered but unbeaten: the multivolume legal treatise. In theory, it was ripe to go, too. It was big, cumbersomely updated with pocket parts or loose-leaf pages, and expensive. In fact, many treatises have been integrated into the databases of their publishers, becoming valuable proprietary content.

That might be the law-treatise-as-law-book's saving grace. Unlike a database, a printed book comes with no exclusive license. Under copyright's first-sale doctrine, the print legal treatise stands free from the entanglements of such agreements. An owner of a Westlaw electronic database contract can physically own a Lexis law book—and will continue to own that book long after the Westlaw contract expires. (As readers well know, no matter how long one pays for a database once it is cancelled all rights one has in that database's resources disappear in a puff of smoke). The rights to use a book are undying; the rights to a database are as ephemeral as ghost.

Moreover, if you own a print copy of a treatise, say *Nimmer on Copyright*, everyone in the office can use it. No password, no obligation to pay extra for every additional account.

Some Favorite Titles

One of the most popular and useful titles is Wright & Miller's *Federal Practice and Procedure* which has been "cited by federal courts over 90,000 times and by the U.S. Supreme Court every year since 1973." The heart of the set offers commentary on each of the federal rules of criminal and civil procedure with "extensive analysis of each rule as interpreted and applied by the federal courts." In addition to the rules volumes, there are several volumes analyzing every federal jurisdiction statute in detail.

Not only is it invaluable in cutting through knotty issues in federal litigation but it can be used in conjunction with *Rules of Civil Procedure Annotated* (*Kentucky Practice*, vols. 6-7) to add an extra layer of analysis to Kentucky rules of civil procedure whose language is based on a federal rule.

Among the sets neglected at a litigator's misfortune is *AmJur Trials*. This set, which releases new volumes each year, gives a step-by-step "cook-book" for litigating various legal issues. For example, the latest volume has articles that describe litigating such issues as inter vivos trusts, chain-reaction automobile accidents, hand-surgery medical practice, and the interstate compact of dependent children. A typical trial article (ranging in size from 100 to 400 pages) will include legal commentary, pretrial checklists and forms, discovery forms and checklists, trial practice tips, and forms on opening and closing statements, checklists and sample questions for examining and cross-examining fact and expert witnesses, and jury instructions. Each article has its own index and there is a regularly updated comprehensive index to the whole set.

Another useful set is *Causes of Action, 2d*. As the title suggests, COA 2d (as it is known) is an encyclopedia of every cause of action that could be sued upon, with a precisely framed description of the action and each of the elements that must be proved to show the cause and to proof damages. Once the cause of action is described, sections of additional commentary advise how each of the elements might be demonstrated to the court. There are checklists of all the necessary steps in the litigation process, sample forms and a damages awards survey.

From LexisNexis there is *Bender's Forms of Discovery*, a comprehensive collection of interrogatories and deposition questions arranged alphabetically. In addition to discovery forms for over 200 categories, the treatise boasts "charts comparing the discovery rules of the 50 states with the various federal discovery rules, as well as appendices providing the text of the state discovery rules at variance with the federal rules."

These are but a few of the titles that law firms may have cancelled but still haven't given up the ghost in law libraries.

UofL Law Library Collection

As a research library, the University of Louisville law library still maintains a tightly curated collection of major multivolume legal treatises in print for the use of our students, faculty, staff and visitors. Recently we renewed our Thomson Reuters titles. Attorneys without Westlaw or with limited Westlaw accounts, can benefit from visiting us to consult these premier continuously updated resources. And, to be honest, some users find these complex sets easier to use in print. (Researchers downtown might find it quicker to check with the Jefferson County Public Law Library, located in the Old Jail Building, *www.jcpll.net*. A check of their website indicates they own several of the titles referenced above).

Searching the UofL Law Library Catalog

In the UofL catalog, legal materials tend to disappear in search results. Because of this, the Law Library has search box that limits to its collections. Users are encouraged to Search the Law Library from our catalog page, *https://louisville.edu/law/library/catalog*.

One cautionary note for users of the Law Library online catalog. If you find *Federal Practice and Procedure* in the catalog, you'll see the following availability note:

v.24 Available -- Law Library Basement - Library use only -- KF8840.W68 1982

Don't think this means the library only has volume 24. Because of a quirk in the software, the catalog displays only the newest replacement volume. (By the way, the "1982" in the call number only means this edition of the set has been continuously updated since 1982).

Because they must regularly be updated and used as a system, these treatises don't circulate, but the Law Library is happy to see local attorneys visit to use these titles. We have several free scanners and a copier for public use. And we are happy to answer any questions to make your research visit more effective.

Visiting UofL's Law Library

Library hours vary so check ahead *https://library.louisville.edu/law/hours*. Finding parking is challenging but a little easier during weekends and on nights; see here for details: *https://louisville.edu/parking/visitors*. Feel free to use our Wi-Fi while visiting: *http://louisville.edu/it/departments/communications/wireless/wireless-access-for-guests*.

Shadows of the Future

Of course, the refinement of eBook technology might make the use of online legal treatises easier to use. But it will require a change to copyright law or less restrictive licensing to keep the print treatise from being, as Justice Scalia said in another context, a "ghoul in a late-night horror movie" that continues to "shuffle abroad, after being repeatedly killed and buried" by commentators and futurists.

Kurt X. Metzmeier is the associate director of the law library and professor of legal bibliography at the University of Louisville Brandeis School of Law. He is the author of Writing the Legal Record: Law Reporters in Nineteenth-Century Kentucky, *a group biography of Kentucky's earliest law reporters, who were leading members of antebellum Kentucky's legal and political worlds.* ■

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

Thursday, September 12

The focus of the program will be on the method for establishing evidentiary foundations when using computers, projectors & projection screens, document cameras and tele-strators 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
Place: Jefferson Circuit Court, Division One, Courtroom TBA
Price: $100 LBA Members / $150 Non-Members / $20 Paralegal Members
Credits: 1.0 CLE Hour — Approved by KBA and Indiana Supreme Court

**This CLE program is repeated the second Thursday of each month.*

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.

Getting Things Done
A Law Practice Management Workshop

October 9, 2019
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!

Guest Speaker:

Francisco (Frank) Ramos, Jr.

Francisco ("Frank") Ramos Jr. is the Managing Partner of Clarke Silverglate, P.A. where he practices in the areas of commercial litigation, drug & medical device, products and catastrophic personal injury. He is AV Rated and is listed in Best Lawyers in America for his defense work in product liability matters. He starts his 21st year at Clarke Silverglate and his 22nd year of practice. He has tried personal injury, medical malpractice, product liability, 1983 and inverse condemnation cases to verdict and has spoken and written extensively on trial skills, and as a certified mediator, has resolved various matters through alternative dispute resolution.

Law Student's Summer in Puerto Rico Ignites Passion for Service

Nickole Durbin Honored During Hispanic Heritage Month

During Hispanic Heritage Month, the LBA Diversity Committee recognizes the importance of advancing justice within the Hispanic/Latino community. That has included the recognition of individuals whose professional efforts have advanced justice with the Lee A. Webb Award.

Past recipients of the award have been Ellie Kerstetter (2013); Enid Trucios-Haynes (2014); Edgardo Mansilla (2016); and Danny Alvarez (2018).

This year the committee wanted to recognize a law student who received its Legal Opportunity Scholarship for work that reflects the values of Hispanic Heritage Month. That student is Nickole Durbin, a 3L at the Brandeis School of Law, whose experience and current work are examples of these values.

When Nickole applied for the scholarship last year, two faculty members wrote to support her. They spoke of her leadership abilities, academic success, character and values, and her deep commitment to public service. They noted the respect and friendship she has with her classmates. One noted the special and valuable perspective on diversity that Nickole has because of her Puerto Rican heritage:

> "Nickole has helped many students, faculty, lawyers and members of the Louisville community to understand the multiple layers of marginalization and oppression that Puerto Ricans face. She engages many people in conversations about the issues facing Puerto Rico…and advocates for a broader sense of justice that remedies more than a century of subjugation by the dominant U.S. institutions and culture…Louisville and its legal community have become increasingly multicultural and international, understanding and embracing diversity, inclusion and opportunity to extend to many different racial, ethnic and immigrant groups. Nickole represents the millennials' 'next wave' of diversity, inclusion and opportunity."

Before receiving the LBA scholarship, Nickole demonstrated leadership as president of Region X of the Hispanic National Bar Association Student Division. During the past year she attended a conference at which she was able to network with fellow Latino attorneys from across the country. She has worked to network with law schools in the Tennessee, Kentucky and Ohio region.

Nickole's Puerto Rican heritage has been an important factor in her work. "I have learned that it is essential to embrace my diversity in my professional work and use this diversity to show the general public the strength that comes from diversity." She has done this not only through her leadership but through her teaching in the Street Law program at Central High School last year, where many of the students also have Hispanic/Latino backgrounds and can look to her as a role model.

This summer, Nickole focused on her commitment to her Hispanic roots through her work at the U.S. Attorney's Office in the District of Puerto Rico. While there, she worked in the child exploitation and financial corruption unit. She specifically asked for the child exploitation unit because of her background in family law working for a year with dependency, neglect and abuse cases. She wanted to experience the criminal side of the legal system, as all her prior work has been focused in civil law. She found the work to be a challenge and learned a lot from it.

In reflecting on her work in Puerto Rico and its relationship to diversity in the workplace, Nickole noted that:

> "Living in Puerto Rico for three months reiterates the importance of diversity. Obviously with my family all being here I am used to having diversity in my personal life, but seeing diversity in the legal field has made such a difference to me. Walking into an office knowing absolutely no one and having people who look like me made me feel right at home. I think that's so important to me because having my community in the workplace made my experience that much better. Even though I am working on the federal level where every court document is in English, I still had to use my Spanish when reading evidence such as medical records and police reports. This shows how important it is to know a second language and has challenged me to keep up with learning new Spanish legal jargon. Having such a diverse work environment has made my summer even more enjoyable and made my desire to work in Puerto Rico permanently even stronger."

Nickole further noted that the internship relates to her goals as follows:

> "This summer challenged me academically working in an area that I had zero experience with and has made me feel more prepared to work in the future. Staying here for the summer working in a legal capacity has helped me decide that this is the community I need to serve. Seeing cases firsthand continually motivates me to work hard for the people who cannot fight for themselves. I have seen the devastation of Hurricane Maria firsthand following the months after the storm, but to still see people living in houses with tarps as a roof and inconsistent power almost two years later helps me grasp that there is still so much work to be done. In addition, this summer has been a turning point in Puerto Rico in terms of how people are standing up for themselves in a time where the people in power do not reflect the viewpoints of everyone anymore. I am continually amazed and proud of the resiliency of my people and how people are making history by standing up for what they believe in. Knowing that in the near future I can elevate the voices of my fellow people in a place where our voices are often lost in the greater scheme of things helps power me through law school."

About Hispanic Heritage Month

Each year, Americans observe Hispanic Heritage Month by celebrating the histories, cultures and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America.

The observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988 to cover a 30-day period starting on September 15 and ending on October 15. It was enacted into law on August 17, 1988 with the approval of Public Law 100-402.

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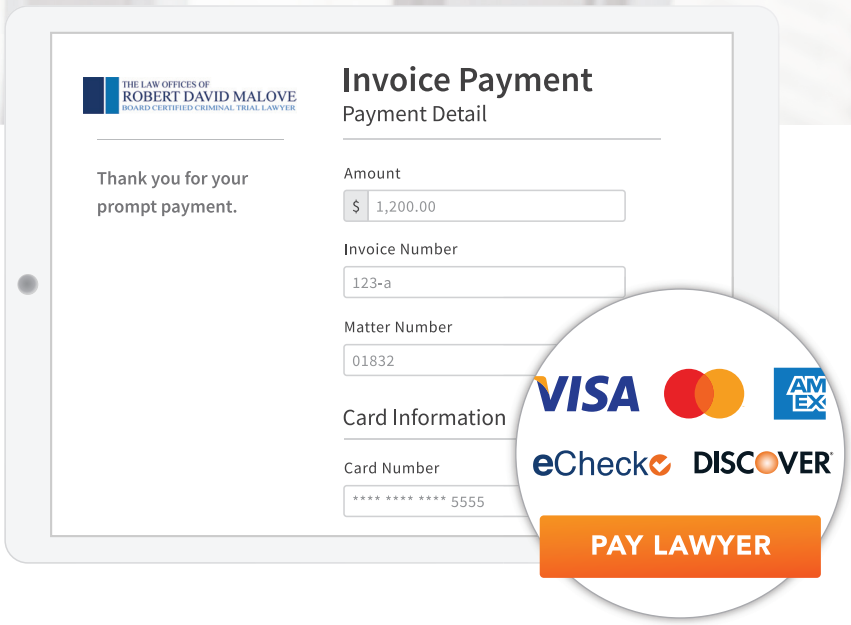

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THE BAIL PROJECT

Louisville

Leo G. Smith

Across the country, many poor people accused of crimes must sit in jail waiting for a resolution of their charges solely because they cannot afford to pay a cash bail. This is based on the long-held, misguided belief that the only way to ensure a person will return to court is to require that person (or a relative or close friend) to post a cash bail.

Pretrial incarceration has far-reaching negative consequences for individuals held in custody for any length of time which, in turn, impacts society as a whole. Some of the negative consequences for an accused individual who is languishing in jail awaiting trial are: (1) loss of employment, (2) loss of housing, (3) loss of custody of children, (4) interference with educational opportunities and (5) inability to care and provide for a spouse or significant other, a child, an elderly or disabled parent. Additionally, pretrial incarceration seriously undermines one of the most cherished and basic principles of our criminal justice system, the presumption of innocence.

In short, it has a devastating impact on the poor and needy, which has been acknowledged by the "3 Days Count" program initiated by Chief Justice Minton throughout the Kentucky Court of Justice, and which also was the focus of a program sponsored last year by the Chief Justice's Commission on Racial Fairness in the courts entitled "Pretrial Justice: What's Bail Got To Do With It?" Race and poverty continue to be the factors that most challenge and too often compromise fairness and equal justice in our system, from arrest through prosecution, trial and sentencing.

A particularly troublesome effect of pretrial incarceration is the compromising impact it has on the exercise of constitutional rights, including the 5th, 6th and 14th Amendments. Those who are unable to post cash bail and facing months, maybe even years, of pretrial detention, are confronted with the Hobson's choice of either accepting a plea deal that results in release and return home, which requires a waiver of the aforementioned constitutional rights, or maintaining their innocence but remaining in custody until their case goes to trial.

As several recent studies have established, pretrial detention has a coercive effect on the exercise of the constitutional right to trial and results in innocent people pleading guilty to crimes that they did not commit in order to secure their freedom, something a fair justice system cannot condone and a civilized society should not tolerate. In light of this unjust, imbalanced, two-tiered system of justice for the poor versus those with the means to effectuate their rights, the national Bail Project was created in 2017.

> ***The Bail Project . . . pays bail for tens of thousands of low-income people, reducing the human suffering caused by unaffordable cash bail and building on the work of grassroots groups and movements for decarceration and racial justice.***

The Bail Project began and grew out of the Bronx Freedom Fund. That fund was established in 2007 and was New York City's first community bail fund. Eventually, it became a separate, independent nonprofit organization designed to combat mass incarceration by reforming the money bail system—"one person at a time." Richard Branson and Mike Novogratz are among the project's largest financial benefactors and, according to its website (*www.bailproject.org*), Advisory Board members include Danny Glover and John Legend.

Robin Steinberg, CEO of the Bail Project, formally launched the program in a TED talk in April 2018 (*https://www.ted.com/talks/robin_steinberg_what_if_we_ended_the_injustice_of_bail*), with the ambitious goal of bailing out over 160,000 people in the next five years, all while collecting stories and data to prove, as has been done in the Bronx, that money is not necessary to ensure someone returns to court. The Bail Project works with local partners in high-need jurisdictions and pays bail for tens of thousands of low-income people, reducing the human suffering caused by unaffordable cash bail and building on the work of grassroots groups and movements for decarceration and racial justice.

The Bail Project identifies community members in pretrial detention, pays their bail and provides support throughout the legal process. Its model leverages the fact that bail money is returned when people make their court appearances, allowing it to maintain a revolving bail fund and maximize its impact. And, working with local universities, it will measure the socioeconomic impacts of unaffordable cash bail with the goal of informing legislative reform.

In doing so, the Bail Project represents an unprecedented effort to combat mass incarceration at the front end of the system and, in the process, restore the presumption of innocence, reduce the human and financial costs of jail crowding and improve both the fairness and the efficiency of the criminal justice system by enhancing due process without jeopardizing public safety.

Building on the collaborative model established in New York, Tulsa and St. Louis, Louisville and Detroit were added as sites in 2018, followed by Chicago, Indianapolis, Spokane, Baton Rouge, Cleveland, San Diego and Compton, with a goal of opening 40 sites over the next five years.

The Bail Project partnered with the Louisville-Jefferson County Public Defender's Office in opening an office in our city. Former Chief Public Defender Dan Goyette and then Director of Louisville Metro Department of Corrections Mark Bolton were instrumental in persuading the Bail Project to bring its program to Louisville.

Bail Project Louisville posted its first cash bail in May 2018. It currently has three full-time employees in Louisville. The site manager is Shameka Parrish-Wright, and staff members include Holly Zoller and Joshua Poe. They have helped demonstrate that releasing people on their own recognizance along with innovative, albeit common-sense, support measures such as text-messaging reminders about upcoming court appearances and assistance with transportation, is at least as effective as the traditional practice of requiring cash bail.

The Louisville Metro Public Defender's Office provides space for the Bail Project in its offices at Advocacy Plaza and at the Hall of Justice, and its attorneys and social workers collaborate in the Bail Project's work and stated objectives on behalf of clients in representation that is holistic in scope.

Metro Corrections has cooperated with the Bail Project from the outset and cleared the way for Bail Project employees to have ready

access to inmates who were being considered as candidates for the project posting their cash bail.

And, with the large number of postings undertaken by the project, Circuit Court Clerk David Nicholson also has been supportive and collaborative in facilitating the work of Bail Project employees in timely posting cash bails at the Hall of Justice.

Indeed, most of the stakeholders in the system recognize the need for the program and have been receptive to its efforts and contributions. Tom Wine, our Commonwealth's Attorney, who also serves as co-chair of the Metro Criminal Justice Commission's Jail Policy Committee and as the vice-chair of the Pretrial Justice Institute Board of Directors, has supported the Bail Project and various reform efforts. He recently observed that:

> "The two primary purposes of pretrial bail are to insure accused persons return to court and that they do not reoffend while awaiting disposition of the charges. Thirty years ago when bail was set, it was anticipated the accused or someone on his behalf would post money or property. The defendant had 'skin in the game' and therefore would abide by the conditions of release. Now bail has become punishment, because poor people don't always have the resources to post bail. The Bail Project levels the playing field, taking the place of a friend or relative who is willing to risk resources to allow the accused to remain free until the case is resolved. Here in Jefferson County, over 90 percent of persons for whom the Bail Project has posted bonds, have returned to court and not reoffended, even though they don't have 'skin in the game.' This success should cause all of us in the criminal justice system to re-evaluate the value of cash bails."

In most cases, the amount of cash posted by the Bail Project is $5,000 or less. From May 2018 to mid-August 2019, the Bail Project has posted cash bail in over 1,200 cases, in a total amount of well over $4,000,000 in Louisville alone. Over 90 percent of the individuals for whom cash bail was posted are indigent defendants represented by the Public Defender's Office.

Notably, individuals who had cash bail posted for them by the Bail Project returned to court at an impressive rate of over 90 percent, including many who are homeless. This rate of return compares favorably with those who were released by the court ROR (a promise to return to court) on the recommendation of AOC Pretrial Services, further demonstrating that those who were unable to post cash bail due to their socio-economic status also should have been ROR'd.

As previously mentioned, the Bail Project doesn't just post cash bail. It reminds individuals of their court dates and often provides transportation assistance to court. In many cases the Bail Project also refers the people it gets released to various agencies for assistance in other areas of need.

On June 12, 2019, the Bail Project organized a "Citizens March" with members of the Louisville office of the Presbyterian Church (USA) to raise awareness about the inequities of cash bail and as a call for bail reform. In route from the Presbyterian Headquarters to Jefferson Square, the march passed the Galt House, which was the site of the Kentucky Bar Association Annual Convention. Many attorneys at the convention joined in the march to support the Bail Project's efforts to address the issue of mass incarceration and the fundamental unfairness of the cash bail system.

At the conclusion of the march and the rally at Jefferson Square, the Bail Project employees walked across the street and paid cash bails totaling over $140,000 (of which $10,000 was raised by the Presbyterian Church (USA)).

Like many cities around the country, Louisville has had to deal with chronic overcrowding in its local jail, including imposition of a consent decree to address the problem and jail conditions decades ago. In 2018, the cost to house an inmate per day at the Main Jail facility was $80.51. (See LMDC Fact Sheet at *www.louisvilleky.gov/government/corrections/fact-sheet*.) The cost for an inmate with acute medical or mental health needs can be as much as $200 per day. By posting over 1,100 cash bails to date, the Bail Project has provided significant benefit to the Louisville community by helping to address over-crowding at the jail and the human and financial costs associated with it.

In addition to the goal of reducing mass incarceration, the Bail Project seeks to address the patent economic inequality that exists in the cash bail system. Other organizations have recognized this problem in the criminal justice system as well.

In March 2019, Arnold Ventures announced a major award for justice initiatives, including bail reform. "[T]he country's bail system penalizes the poor and minorities because when bail is an option, the fees charged to this group are out of whack. African-American men typically pay 35 percent more in bail fees compared to white men charged with the same crime, according to the foundation." *See Texas Billionaire John Arnold Gives $39 Million to Reform America's Broken Bail System*, Forbes, Kristin Stoller (March 19, 2019).

In a little over a year, Bail Project Louisville and its hardworking employees have had a real and profound impact on the achievement of a more equitable bail system. The project is becoming one of many catalysts for reform of the cash bail system in Kentucky. While the Bail Project's efforts continue, it has already made a positive difference in the lives of many people, in our community, and on the quality of justice in our legal system… one cash bail at a time.

Leo G. Smith is the Chief Public Defender at the Louisville Metro Public Defender's Office. ■

LAW POEM

RANDOM THOUGHTS ABOUT THE COURTROOM

Douglas Haynes

Lemons into lemonade?

I can certainly try.

A rainy morning?

Visions of wild flowers.

Traffic jams?

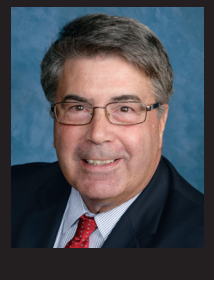
Moments of song searches on the radio.

Walking into court for trial?

I'll have to get back to you on that.

Or perhaps some things

Are just lemons only.



Douglas Haynes is a family law attorney and mediator with Fernandez Haynes & Moloney in Louisville.

Expungement: An Effective But Underused Remedy

Benham J. Sims

Many Kentuckians mistakenly believe that dismissed charges are erased from their records automatically or that employers do not look at charges that occurred over five years ago. This really is an example of "fake news" because it is not true!

Charges do not, and never have, fallen off a criminal record after five years. Minor traffic offenses, excluding DUIs, are automatically purged from the Kentucky Transportation Cabinet's driving records after five years, but these same offenses and all criminal convictions and charges—even those that were dismissed—remain on a Kentucky criminal record forever.

The only process for removing charges and convictions from a Kentucky criminal record is by petitioning the sentencing court to expunge the record. Even if the Governor of Kentucky has granted a full and complete pardon, charges and convictions remain on the criminal record until they are expunged. Sadly, some people who have received a Governor's pardon have never expunged their records.

The problem this creates is that the internet has made criminal records available to millions of users. To save money, many employers run criminal background checks from data collected from state databases years ago. One study revealed that one in three background checks have incomplete, inaccurate or false information on their reports.

It is, therefore, crucial to expunge the record to be able to show a potential employer that the official state record does not contain charges or convictions. Kentucky's expungement law forbids employers from discriminating against an applicant if his or her charges or convictions have been expunged. In fact, it directs the courts and employers to treat them as if they did not occur.

Now more than ever, it is critical that criminal records be expunged to protect people's privacy, allow them to advance in a career, maintain their ability to volunteer at their church or YMCA, and accompany their children on a school field trip or in their classroom.

Yet, despite expungement reform in recent years, only 2,000 Kentuckians—out of the 136,000 eligible to expunge their criminal records—have done so. The latest statistics on expungement show that less than 3 percent of those eligible for felony expungement have petitioned a Kentucky court to have their records expunged.

Kentucky is no different than other states that have passed expungement reform. A recent study by the University of Michigan Law School revealed that only 6 percent of eligible individuals in the state of Michigan pursue an expungement within five years. The most startling revelation from the Michigan study is that those who did expunge their criminal records, on average, saw their wages increase by more than 25 percent within two years of expungement.

In Kentucky, a person convicted of certain misdemeanors is eligible for expungement provided he or she has not been convicted of a felony or misdemeanor in the five years prior to filing, has no pending felony or misdemeanor charges, five years have passed since completion of sentence or probation (whichever is longer) and the offense is not one subject to enhancement for a second or subsequent offense or the time for such enhancement has expired. The offense cannot be a sex offense or an offense committed against a child. In the case of a misdemeanor DUI, the person must wait 10 years after completion of sentence or probation (whichever is longer) to file for expungement. There is a $100 fee to file for expungement of a misdemeanor.

In 2016, the Kentucky General Assembly passed House Bill 40 which for the first time permitted the expungement of 61 eligible Class D felony offenses. Earlier this year, the General Assembly passed Senate Bill 57 permitting the expungement of hundreds of Class D felony offenses previously barred from expungement and reducing the filing fee from $500 to $250.

A person is generally eligible to have a Class D felony expunged provided he or she has not been convicted of a felony or misdemeanor in the five years prior to filing, has no pending felony or misdemeanor charges and at least five years have passed since completion of sentence or probation/parole (whichever is later). The offense cannot be a sex offense, an offense committed against a child or an offense involving breach of public trust. Felony DUIs are likewise not eligible for expungement.

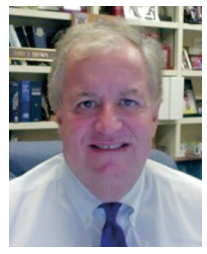
Expungement of a felony is not automatic. Prosecutors and victims can, and often do, object to a petition to void and expunge a felony. If the prosecutor or victim objects, the court will schedule a hearing within 120 days of the Commonwealth's response. The prosecutor must specify in the objection the reasons for believing a denial of the petition is justified.

At the hearing, which the petitioner and his or her attorney must attend, the petitioner must prove by clear and convincing evidence that:

1. Vacating the judgment and expunging the record is consistent with the welfare and safety of the public;
2. The action is supported by the petitioner's behavior since the conviction as evidenced that he or she was active in rehabilitative activities in prison and has lived a law-abiding life since release;
3. The vacation and expungement are warranted by the interests of justice; and
4. Any other matter deemed appropriate or necessary by the court to make a determination regarding the petition for expungement is met.

It is important to prepare for the hearing with an experienced criminal defense attorney. The petitioner may testify as to the specific adverse consequences he or she may be subject to if the petition is denied. The court may hear testimony of witnesses and any other matter the court deems proper and relevant to its determination regarding the petition. The Commonwealth may present proof of any extraordinary circumstances that exist to deny the petition. A victim of the offense listed in the petition also has the opportunity to be heard.

If the court determines that circumstances warrant vacation and expungement and that the harm otherwise resulting to the petitioner clearly outweighs the public interest in the criminal history record being publicly available, then the original conviction shall be vacated and the record shall be expunged. The order of expungement does not preclude a prosecutor's office from retaining a nonpublic record for law enforcement purposes only.



Benham J. Sims III is a solo practitioner in Louisville and president of HelpExpungeMe.com. ■

Thanks to our 2019 Back 2 School Drive Participants!

A big thank you to those who participated in the LBA's Back to School Drive and helped to provide essential school supplies to the West End School and five elementary schools (Martin Luther King Jr., Phillis Wheatley, Atkinson, Roosevelt-Perry and Maupin). JCPS identified these five schools as "high need" based on the percentage of students in the free or reduced lunch program. Many school supplies were donated and more than $5,500 was raised to purchase more! Due to the generosity of the legal community, the LBA was able to donate some extra funds to the Family Resource and Youth Service Coordinators at each school to use for the benefit of their students during the year.

THANK YOU to members of the following firms and individuals:

Bahe Cook Cantley & Nfzeger
Cherilyn Baird
Teri Barnett
Bingham Greenebaum Doll
Blackburn Domene & Burchett
Coulter Reporting
Dinsmore & Shohl
Fultz Maddox Dickens
Frost Brown Todd
Laurel Hajek
Jefferson County Attorney's Office
Jefferson County Public Defender's Office
Landrum & Shouse
Lawyers Mutual Insurance Company of Kentucky
Legal Aid Society
Louisville Bar Association
Mayer Harrod Law Group
McMasters Keith Butler
Middleton Reutlinger
Mary & John Miles
Phillips Parker Orberson & Arnett
Schiller Barnes Maloney
Sparks White Family Law
Stites & Harbison
Wyatt Tarrant & Combs

Special thanks to members of the Kentucky Chapter of the Association of Legal Administrators (KYALA), who sorted the supplies and to Sam Wardle, Jason Woodall, Kelsey Doren and Christopher Snead, LBA's Leadership Academy representatives, who helped sort and deliver school supplies to the Family Resource Center Coordinators at the six schools. And to Felix Sharpe at Dinsmore & Shohl who coordinated a "Trivia Night" to fundraise for the drive!

Pictured at top: LBA Leadership Academy members: Kelsey Doren, Jason Woodall, and Sam Wardle, sort donated school supplies at the LBA. Not pictured: Christopher Snead. Pictured above: KYALA members, Diane Smith, Briaunna Polk, Gladys Smith, and Laura Cassaro, sort donated school supplies at the LBA. ■

2019 Summer Internship Program Wraps Up!

As the summer draws to a close and students head back to school, the LBA is wrapping up its 2019 Summer Internship Program (SIP). This year, eight students from Central High School's Law and Government magnet completed summer internships at Louisville law offices. This annual program gives the interns insight into the legal profession and the opportunity to interact with legal professionals, as well as valuable work experience. In turn, the employers benefit from increased productivity and the opportunity to impact the future of the profession.

We thank the firms, mentors and their interns listed below for taking part in the program. We also are grateful to **Stoll Keenon Ogden** and the **Brandeis School of Law**, who along with the LBA, sponsored interns at the Legal Aid Society. We look forward to seeing these students' progression through their studies and potential careers in law.

Blackburn Domene & Burchett
Mentor: Diane Laughlin
Intern: Cheyenne Guthrie

Dinsmore & Shohl
Mentors: Felix Sharpe & Beth Kallio
Intern: Forever Reed

Frost Brown Todd
Mentors: Jason Cebe, Jason Williams & Patty Cobb
Intern: Wychofflyn Morris

Wyatt Tarrant & Combs
Mentor: Beth Mattingly
Intern: Larry Roberts

Legal Aid Society
Mentors: Meagen Agnew & Neva-Marie Polley Scott
Interns: Adriana Badie, Charles Miller & Sebastian Francisco

Kaplan Johnson Abate & Bird
Mentor: David Kaplan
Intern: Khyana Hayden

Thank you to the Summer Internship Committee:
Diane Laughlin, Chair, *Blackburn Domene & Burchett*
Vanessa Armstrong, *U.S. District Court for the Western District of Kentucky*
Gretchen Avery, *Avery & Schurman*
Angela Edwards, *Lawyers Mutual Insurance Company of Kentucky*
Thomas French, *Stoll Keenon Ogden*
Joseph P. Gutmann, *Central High School Law & Government Program*
Hon. Brian Edwards, *Jefferson Circuit Court*
Hon. Erica Williams, *Jefferson District Court*

And, finally, thank you to **Katelyn Becker, Jenny Bobbitt, Bryce Cotton, Vanessa Rogers** and **Felix Sharpe**, who joined committee members to meet with the students to help them with their resumes and to prepare for summer job interviews. A special thanks to LBA Board member and Central High School alumnus, **Daniel Hall**, the featured guest speaker at the end-of-summer luncheon honoring the students and their mentors.

Last and certainly not least, the LBA wishes to express its appreciation to Diane Laughlin, chair of the LBA's Summer Internship Program Committee, for all her hard work again this year to make this program a success. ■

Volunteers Needed!

The Louisville Bar Association hosts legal clinics twice a month at the Judicial Center to help pro se litigants as they complete the self-help pleadings necessary to file their own divorce cases. The clinics are intended to give access to court services to the most needy in our community.

We are always in need of volunteers to help staff these clinics, which are held 10 a.m. to noon twice a month on Fridays. Even if you are not a family law attorney, we can quickly bring you up to speed on the forms. To volunteer or if you have questions, contact Lea Hardwick at the LBA at *lhardwick@loubar.org* or (502) 292-6729. ■

Vacation Spot

Beachfront Home to Rent:
3 bdrm., 2 bath, Gulf Front Home, boating, pool, tennis located in gated enclave on Palm Island, Florida b/t Sarasota and Ft. Myers. Home comfortably sleeps 8 with new queen sleeper sofa. View details at VRBO #1433280, call Rebecca Smith at 502-396-1764 or Michelle at 941-445-2621 for booking.

Seeking Prosecutor

Prosecutor Wanted:
BardstownInjustice.com
Charles Monin
(502) 249-0598

Help Wanted

Through the LBA Placement Service

Associate Attorney:
Leading mortgage creditor rights firm seeks full time associate attorney for its Louisville, Kentucky office. The firm specializes in real estate matters and representing mortgage lenders. Primary duties will include real estate transactions and creditors rights litigation in the state of Kentucky. Qualifications: Must be licensed by the Kentucky Bar and prefer you to have two to five years of related legal experience. Competitive salary with excellent benefits offered. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

Litigation Attorney:
The LBA Placement Service is currently working with a small, but growing law firm located in the Middletown area of Louisville. They are looking for an associate attorney who has 1-5 years of experience handling civil litigation matters, with insurance defense experience preferred. Candidate should have excellent research and writing skills and be comfortable making court appearances in the Greater Louisville area. Opportunity for candidate to develop his or her own trial practice, Kentucky license required. Competitive salary with bonus opportunities and benefits. Send resumes in MS Word format to the LBA Placement Service Director, David Mohr, dmohr@loubar.org.

ADVERTISING RATES AVAILABLE FOR DOWNLOAD

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fax: (502) 583-4113

Office Space

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

Law Offices for Rent:
Two offices side by side for rent at 125 South 6th Street. Includes surface parking next to building, utilities, phone, basic office supplies, copier, fax & internet. Call Lowen & Morris at 587-7000.

Office Space Available:
Two offices available. Sturm, Paletti & Peter, PLLC, 713 East Market Street. Very attractive full size offices with windows. All administrative facilities and services. Easy private parking. Litigation and corporate transaction referrals. Contact Howard Sturm at 502.589.9254 or hsturm@spplegal.com.

3 Attorney Offices:
3 Attorney Offices in the heart of St. Matthews. New offices with all utilities provided, conference room, efficiency kitchen and client waiting area/room. $650 per office. Call (502) 895-5565 or (502) 418-6969.

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

Tired of Fighting That Downtown Traffic?
East End Office Space For Rent – Only $400.00 a month. Rent includes use of two (2) large conference rooms, copier, receptionist, telephone, fax, internet and parking. Conveniently located at the corner of Breckenridge Lane & Taylorsville Road – literally seconds from the Watterson Expressway. Referrals possible as well. (502) 376-2626.

Attorney Office space for Rent in Old Louisville (S. 4th St, Lou KY):
Office spaces for rent in Historic Old Louisville. Several options available in Magnificent Historic Mansion:
1st floor – Approx. 16' x 19' luxury office with separate secretarial office. ($1,000/mth)
1st floor – Approx. 21' x 17' office space ($650/mth)
3rd floor – 2 large offices approx... 16' x 16'
1 office approx... 8' x 10'
1 office with adjoining room that can be used for secretarial office(s) or office with adjoining secretarial room. Approx. 8' x 10' each
1 large open space with enough room for 3 desks for support staff
(or)
Entire 3rd floor – 5 Office Suite with open secretarial area
Access to conference rooms, copy machine, fax and postage machine, and full kitchen. Free parking. Available January 1, 2018. For more details email mmalaw1@aol.com or call Laura Garrett at 502-582-2900.

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

Services

Whistleblower/Qui Tams:
Former federal prosecutor C. Dean Furman is available for consultation or representation in whistleblower/qui tam cases involving the false submission of billing claims to the government. Phone: (502) 245-8883. Facsimile: (502) 244-8383. E-mail: dean@lawdean.com. THIS IS AN ADVERTISEMENT.

Discrimination Issues & Other Related Matters:
Samuel G. Hayward is available for consultation of discrimination and other related matters for either plaintiff's or defendant's practice. Mr. Hayward has over forty years' experience in this area with Title 7, 1983, and sexual harassment cases. Samuel G. Hayward, 4036 Preston Hgwy, Louisville, KY 40213, (502) 366-6456.
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Immigration Consultant:
Dennis M. Clare is available to practice immigration and nationality law. Member of the American Immigration Lawyers Association. Law Office of Dennis M. Clare PSC, Suite 250, Alexander Bldg., 745 W. Main St., Louisville, KY 40202, (502) 587-7400.
THIS IS AN ADVERTISEMENT.

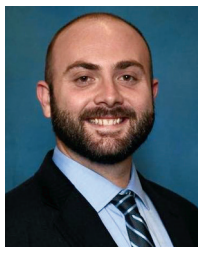
MEMBERS *on the move*


Craig, J.


Craig, R.


Daunhauer


Edwards


Hardymon


Henry


McDonough


Weis

Schiller Barnes Maloney is pleased to announce that attorney **Blake V. Edwards** has been named partner at the firm. Edwards received his J.D. from the University of Kentucky College of Law. His practice areas include trucking and automobile negligence, wrongful death, real estate disputes, construction defect litigation, products liability and premises liability.

The Leadership Louisville Center has selected **Rebecca Weis** to participate in the Leadership Louisville Class of 2020. The 60-member class will spend 10 months of training and hands-on experiences with local leaders who currently tackle the community's biggest challenges. Weis is a partner of Stites & Harbison where she is a member of the Employment Service Group. Weis' practice focuses primarily on traditional employment law counseling and litigation.

Michele D. Henry and James Craig are pleased to announce the relocation of their firm, **Craig Henry PLC**. Their new address is 401 W. Main St., Ste. 1900, Louisville, KY 40202.

Wyatt, Tarrant & Combs is pleased to announce that **Emily Daunhauer** has joined the Trusts, Estates and Personal Planning Team in the firm's Louisville office. Daunhauer concentrates her practice in the areas of estate and business planning, trust administration, probate and taxation. She received her J.D., *magna cum laude*, from University of Kentucky College of Law.

Weltman, Weinberg & Reis Co., LPA (Weltman), a full-service creditors' rights law firm is excited to announce the opening of its Louisville office located at 4360 Brownsboro Rd., Unit 315 in the Summit II office space in Crescent Hill. Joining the firm are **Richard "Eric" Craig** and **James "Jim" McDonough**. Craig practices in real estate litigation, bankruptcy, and tax lien foreclosure. McDonough brings nearly 30 years of creditors' rights experience to Weltman, practicing in bankruptcy and real estate default.

Diana L. Skaggs + Partners is pleased to announce that **Nathan R. Hardymon** has joined the firm as an associate, practicing exclusively in the area of divorce and family law. Hardymon is a 2018 *cum laude* graduate of the University of Kentucky College of Law. ■

Call for Awards Nominations

Nominate a Worthy Candidate

Each year the LBA recognizes members who personify the best of the legal profession with their work and professionalism. We invite you to consider the qualities that these awards represent and nominate individuals who exemplify their respective traits. The criteria can be found in detail at www.loubar.org.

- Justice Martin E. Johnstone Special Recognition Award
- Judge Benjamin F. Shobe Civility & Professionalism Award
- Frank E. Haddad Jr. Young Lawyer Award
- Judge of the Year Award
- Paul G. Tobin Pro Bono Service Award
- Daniel M. Alvarez Champion for Justice Award

To Submit a Nomination

Include the following information for both submitter and the nominee: Award name, name or contact person, address, telephone and e-mail.

When writing your nomination letter, consider the following information:

Describe the nominee's contributions as they pertain to the award criteria; distinguishing characteristics of the nominee's service to the LBA and the community; additional information that will assist the committee in its deliberations.

Nomination letters and information should be submitted either via e-mail to Scott Furkin at sfurkin@loubar.org or postal mail to: LBA Awards, Louisville Bar Association, 600 W. Main St., Ste. 110, Louisville, KY 40202–4917.

Nominations due by October 15, 2019.

MEETING SCHEDULES

Legal Assistants of Louisville

The next regularly scheduled meeting of the Legal Assistants of Louisville will be held on Tuesday, September 17, at 11:30 a.m. at the Bristol Bar & Grille Downtown located at 614 W. Main Street. This month's speaker will be Nicole George, Louisville Metro Council elected representative for District 21. For more information about the organization, please contact Loretta Sugg, Vice President, at (502) 779-8546. ■

Women Lawyers Association

Women Lawyers Association will host a lunch meeting on Thursday, September 12 at noon (registration starts at 11:45 a.m.), at the Bristol Bar & Grille Downtown located at 614 W. Main Street. Karen Morrison will talk about Gilda's Club and the work Gilda's Club is doing to support those our community touched by cancer. 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! ■

Section Meetings

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

Thursday, September 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*. ■

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*. ■

Cornhole Tournament!

Food, Beer, Inflatables!

Bicycle Rodeo, Cutest Dog Contest!

Rockin' the RAMBLE

September 6, 2019 | 5:30pm - 8pm
Sawyer Hayes Community Center

The LBA is celebrating 10 years of The Ramble with a Rockin' the Ramble party! No 5k this year, but there'll be dinner, beer, a cornhole tournament, face painter, inflatables, cutest dog contest, music, carnival games, bicycle rodeo and so much more! Visit www.LouBar.org.

Dinner: TEXAS ROADHOUSE

Beer: MONNIK BEER CO.

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Rosters Are In!

The 2019-2020 LBA pictorial roster has arrived! Members who opted to have their roster delivered should have received it at their address of record. If not, please contact us at (502) 583-5314.

Members who indicated they would pick up their roster should have received an email specifying dates/times for pickup at the Bar Center (note: this information is also available online at www.loubar.org).