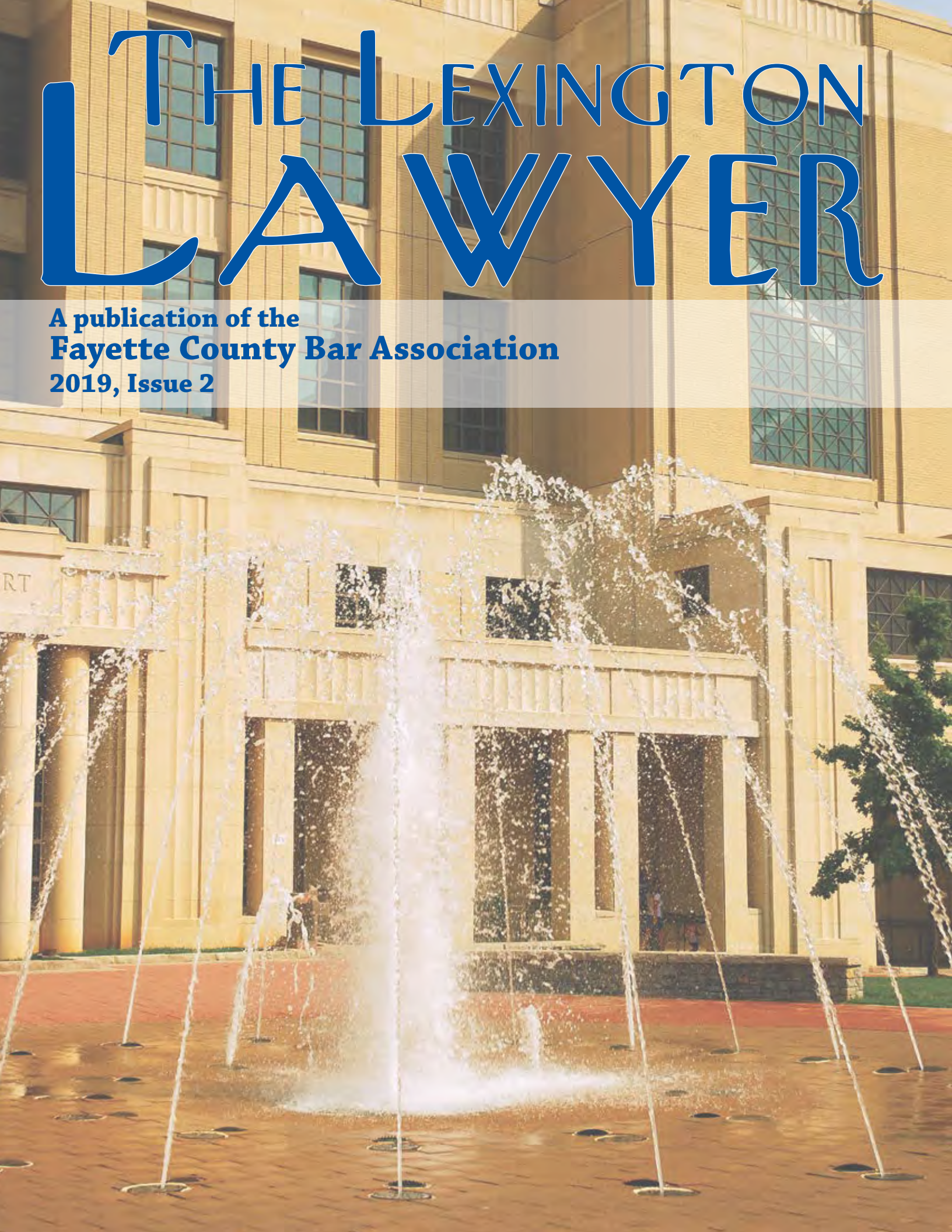


THE LEXINGTON LAWYER

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2019, Issue 2**



The Lexington Lawyer Article Submission Guidelines

Unsolicited manuscripts are accepted on subjects of interest to the legal profession. Manuscripts should be submitted in MS Word or PDF as an attachment emailed to info@fcba.com. Articles should not exceed 6 typewritten double-spaced pages.

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President's Message: *Amelia Adams*



Amelia Adams
FCBA President

The FCBA welcomes its 2019-20 President, Amelia Martin Adams. Amelia is a Judicial Law Clerk to Chief Judge Tracey N. Wise of the U.S. Bankruptcy Court for the Eastern District of Kentucky. Amelia received her B.A. in Accounting from Transylvania University and her J.D. from the University of Kentucky College of Law. Prior to her clerkship, Amelia served as the Executive

Director of the Kentucky Bar Foundation and IOLTA Fund after several years of private practice with a Lexington firm focused on bankruptcy, litigation, and debtor-creditor relations. Amelia is a past president of the FCBA Women Lawyers' Association and received the FCBA Outstanding Young Lawyer Award in 2014.

Amelia recently shared some information about herself, her career, and her thoughts as the incoming FCBA President.

Where did you grow up? Richmond, Kentucky

Why law school? During my junior year of college, I took a philosophy class called "Practical Logic." We studied the logic of decision-making, including a review of the decision in *Bush v. Gore*, 531 U.S. 98 (2000), and the case of the "West Memphis Three," in which the unusual murder trial and conviction of three Arkansas teenagers drew national attention. I recall a moment that semester when I had an epiphany while digesting case law: I liked reading about the law, dissecting judicial decisions, and arguing my position. That summer, I took the LSAT, and the rest is history.

What is your best memory of law school? My 3L year, I took an Animal Law class with Professor Roberta Harding. As a lifelong animal lover, the subject-matter piqued my interest, and Professor Harding made me want to learn more. There were many things about that semester I enjoyed, but a field trip that we took is my best memory of law school. The Primate Rescue Center is a non-profit sanctuary in Jessamine County, Kentucky. It is a private facility, only open to certain small groups by appointment. Its nearly 50 resident primates hail from across the country, finding their way to the PRC after years of testing labs, shuttered zoos, private homes, and roaming the United States.

I have never practiced animal law, and I doubt that I ever will, but seeing how our law protects these beautiful

creatures made me proud to be a soon-to-be lawyer. I enjoyed our field trip so much that I have sponsored Vernon the Vervet Monkey for several years, and I visit him each year during the PRC's annual member event.

Who is "we"? (family) My husband, Will Adams, is an attorney with the Kentucky Tourism, Arts, & Heritage Cabinet. He is originally from Hopkinsville, Kentucky. We have a one-year-old daughter, Eloise, along with two dogs (Leo and Bella), two turtles (Francis and Mr. Jimmy), and a gecko (Joey). If I could add another "best" memory of law school, it would be meeting Will at the water fountain outside the courtroom on the first day of our 1L year.



What has been the best and hardest part of practicing law for you? The best part of practicing law has been working with clients to achieve their goals and celebrating with them when they did. I recall two separate cases in which I worked closely with the heads of two relatively small Kentucky businesses. When we first met, I could picture the many mountains and valleys we would have to traverse to get where they wanted to be. After a couple of years in each case, it felt wonderful to have that last conversation when we could say that we did what we set out to do.

The flip side of those scenarios has been the most difficult part of practicing law: wanting to solve all of a client's problems and realizing that, as much as I wanted to, I couldn't fix everything.

President's Message (continued)

After practicing 10 years, what advice would you give Amelia the first-year attorney? Find a good mentor, or several. Learn from them, model them, and vent to them. The practice of law is rewarding, but it isn't always easy. Surround yourself with people who make you better as an attorney and as a person, and create a support system that you can turn to with questions. Don't limit yourself to mentors older than you are. I have been fortunate to have several mentors throughout my career, some older than me and some in my peer group, some for only a short while and some for many years and counting. Each one taught me lessons that I will never forget.

What would the "interests" section of your resume say? Travel, interior design, photography, and reading. Travel has been a passion of mine for as long as I can remember. My favorite thing to do is visit a place I've never been and capture its beauty in a photograph. I've traveled to six continents (Antarctica some day!) and thirty-seven countries, and there are very few places that I don't want to go. In my spare time, I enjoy writing a travel blog at wanderlustandcominghome.com. Although the time I have to write has ebbed and flowed over the years, new story ideas are always at the forefront of my mind and in my photos. I'm also an avid reader, and I love picking through antique shops and thrift stores to find just the right piece of furniture or décor for my home and office.

What are your goals for the Fayette County Bar Association for the upcoming year? My main goal is for all FCBA members to feel that they receive a good value for their dues. I think they do! Members enjoy multiple social events year-round, including the FCBA's annual summer picnic and holiday party. The FCBA offers high-quality CLE programming on a variety of topics, and members receive discounted registration. Our website lists multiple businesses that offer exclusive discounts to FCBA members. And members can enjoy reading about exciting things happening with their peers in The Lexington Lawyer magazine. If you have an idea for a new way that the FCBA can provide value to our members, I hope that you'll share it with me.

I also hope to continue fostering good relationships both within the FCBA between the FCBA and the Lexington community. It is an honor to serve as the President of this respected organization, and my personal mission is to attend as many events as possible as an ambassador of the Fayette County Bar. I plan to be a friendly face at FCBA events and to promote the many good things that our legal community does when I am a guest at other events.



Pro Bono Program



Good for the Soul

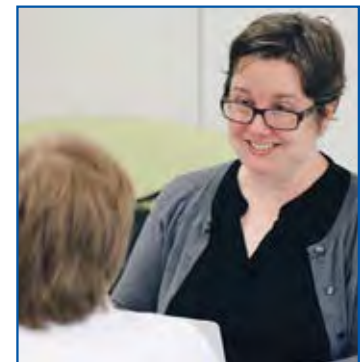
In the fast-paced world that we live in where so many of us are asked to do more with less, and no one is ever truly off the clock due to technology, it is easy to become overwhelmed and frustrated. This is especially true in the legal field where billable hours mean so much, and we spend

so much time trying to solve problems for our clients that we neglect ourselves. This, unfortunately, leads to our profession being towards the top of rankings that no profession wants to be included in. With all of that being said, taking time out of one's busy schedule and away from completing the mountain of work that there already isn't enough time to complete seems counterproductive, but research indicates otherwise. Studies show that volunteering helps volunteers lead healthier and happier lives by reducing stress and rates of depression. Volunteering is good for the soul as it increases self-confidence, gives us a sense of purpose and meaning, while also preventing a sense of isolation. It enables us as attorneys to use our time and talents to help someone in need, which will not only have a profound impact on their lives but also our own. True volunteering, agreeing to help someone who does not have the means to afford your service without expectation of payment, as opposed to someone that has the means and agrees to pay your fees but then later chooses not to, is truly beneficial for everyone.

On June 5, 2019, Courtney Hampton, Mary Ann Miranda, Mary Patton, Lindsey Quijano, Janine Tate Webb, Jonathan Rouse and Taylor Stuckey took advantage of the opportunity to reap the benefits of volunteering while also helping those in need as Legal Aid of the Bluegrass in partnership with the FCBA hosted a free Wills Clinic at the Lexington Senior Center. Local seniors were fortunate to have the volunteer attorneys help prepare their will, living will, POA, and other necessary end of life documents that establish medical and financial plans for their future. The event continues to be such a tremendous success that it will remain an annual occurrence, and we invite others to join us next year. In addition, we are planning to host another Wills Clinic in the Lexington area later this summer. Please be on the lookout for details and join us for a day of giving back. On behalf of Legal Aid of the

Bluegrass, the FCBA and the seniors assisted, I want to extend our sincere gratitude to all of the volunteers who joined us.

Interested in attending any of our events, trainings, or volunteering at any of our new or existing opportunities? Call me at (859) 254-1141 or e-mail me at jfain@lablaw.org. I am confident that by using your knowledge and expertise to help the less fortunate that you will gain as much from the experience as the client will. Helping others in need is truly a life-changing





4

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Attorneys on our public service Lawyer Referral Service (LRS) received over 1500 referrals as fiscal year (May 1, 2018 - April 30, 2019). Our LRS is accredited by the ABA for Information and Referral Services.



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Law-gic Podcast by the Central Kentucky Lawyer Referral Service

The Central Kentucky Lawyer Referral Service has created a podcast! The CKLRS receives calls daily in which clients are looking to have legal questions answered quickly and are only looking for a referral for that reason alone. NOW, enter Law-gic, the podcast giving you an off the record low down on everyday legal questions. Law-gic aims to bridge that gap and answer those basic legal questions the service receives the most calls. Questions like, "What is lemon law?" "What are my rights as a grandparent?" or "What is the average cost for a divorce?" are answered by our very own CKLRS attorneys. Each episode features an attorney that is active on the CKLRS by answering questions that pertain to the area of law in which they practice.



The first episode of Law-gic was released in May with a focus on automobile purchases and consumer law. The podcast is available on all major streaming services, such as Apple, Spotify, and Google. You can also access our episodes directly on the FCBA website via the LRS tab. If you are interested in joining the Central Kentucky Lawyer Referral Service, being interviewed for the podcast or have any topic you feel should be discussed, please contact Caitlin at 859.225.9897 or caitlin.collins@fcba.com.

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A portrait of Judge Julie M. Goodman, a woman with short grey hair, wearing a black judicial robe, smiling, and holding a pair of glasses.

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Kentucky Enacts Pregnant Workers Act, Requiring Reasonable Accommodations for Pregnant and Lactating Employees

Kentucky Governor Matt Bevin (R) recently signed the Pregnant Workers Act, SB 18, to provide pregnancy-related accommodations for employees in the Bluegrass State. This measure amends the Kentucky Civil Rights Act (KCRA) to require employers to make reasonable accommodations for employees related to pregnancy and childbirth, and extends existing protections against retaliation and discrimination to cover pregnancy and childbirth.

Reasonable Accommodation Requirement

The Pregnant Workers Act obligates employers with 15 or more employees in the State of Kentucky, in each of 20 or more calendar weeks in the current or preceding calendar year, to provide accommodations for “an employee’s own limitations related to her pregnancy, childbirth or related medical conditions.” While the terms “pregnancy” and “childbirth” are not defined in the statute, “related medical conditions” is defined to include (but is not limited to) lactation and the need to express breast milk, as found in the federal Pregnancy Discrimination Act.

The law provides examples of the types of accommodations that may be appropriate. It explicitly states that accommodations for an employee’s limitations related to pregnancy, childbirth or related conditions may include:

- Frequent or longer breaks;
- Time off to recover from childbirth;
- Acquisition or modification of equipment;
- Appropriate seating;
- Temporary transfer to a less strenuous or less hazardous position;
- Light duty;
- Modified work schedule; and
- Private space that is not a bathroom, to express breast milk.

Although the reasonable accommodation requirement is limited to employers with at least fifteen employees, SB 18 did not change the general definition of “employer” under the KCRA for other purposes. Thus, the statute’s anti-discrimination and anti-retaliation provisions apply to all employers with eight or more employees in the state.

The Pregnant Workers Act provides an exception to the reasonable accommodation requirements if “the employer can demonstrate the accommodation would impose an undue hardship on the employer’s program, enterprise, or business.” When assessing whether an accommodation would pose such a hardship, numerous factors are considered. Under the new law, two special factors should be considered when evaluating

accommodation requests for an employee’s pregnancy, childbirth or related medical conditions: (1) the duration of the accommodation sought; and (2) “[w]hether similar accommodations are required by policy to be made, have been made, or are being made for other employees due to any reason.”

The statute includes three additional provisions guiding consideration of an employee’s accommodation request. First, employers are required to engage in a timely, good faith, and interactive discussion with a pregnant or lactating employee to determine what accommodations would be effective and reasonable. Second, and related to the above-noted hardship analysis, if the employer has provided, or has a policy to provide, similar accommodations to other employees for other conditions, there is a rebuttable presumption that the employer would not be unduly burdened by similar accommodations for an employee seeking accommodation under the Pregnant Workers Act. Third, employees cannot be forced to take leave time if other reasonable accommodations would be sufficient to allow them to continue working.

Notice and Posting Requirements

The Pregnant Workers Act also imposes new notice and posting obligations. It requires employers to notify current employees of their right to be free from discrimination in relation to pregnancy, childbirth and related conditions—including their right to reasonable accommodation—within 30 days of its June 27, 2019 effective date. New employees must receive similar notice at the commencement of their employment. Additionally, employers must conspicuously post a notice of the law’s requirements in their workplaces by June 27, 2019.

In light of the Pregnant Workers Act, covered Kentucky employers should review their accommodation policies to ensure that existing protocols could be applied to accommodation requests under the new law. Employers should update those procedures if needed, as well as prepare the mandatory notice and posting. Employers should also consider what other steps may be needed to provide reasonable accommodations, such as whether private space is currently available for employees who need to express breast milk, and how to provide recovery time to employees after childbirth.

*- Micheal Hornback
Littler Mendelson, PSC*

Law Day 2019

The 2019 Law Day Celebration and awards ceremony was held May 1st at the Hilton Downtown Lexington. Sponsors for the event included; Kentucky Court Reporters, Elect Judge Julie Goodman for Circuit Court, Hicks and Funfsinn, and Hamburg Vision Center.



Past President Marshall Hixson and President Amelia Adams

Amelia Adams was inducted as the 2019-2020 Fayette County Bar Association President by past president Marshall Hixson, along with five new board members, Melanie Kilpatrick, Matt Parsons, Taylor Brown, Vince Riggs, and Jessica Simon.

Also attending this event were State Judges of the Circuit and District Courts, Court of Appeals, and Supreme Court. The Fayette Circuit Clerk was in attendance as well as tables of Police Officers and members of the Sheriff's department.

Other activities at the Luncheon included the presentation of awards Access to Justice Award – **Marilyn Daniel**; Outstanding Young Lawyer Award – **Emily Jones**; Law Enforcement Award – **Billy J. Williams**; Outstanding Citizen-Lawyer Award – **Reginald Thomas**; and the Henry T. Duncan Award – **Larry Deener**.

Our law day celebration brings together one day a year all the different entities in our county whose work involves some aspect of the law. There is a wonderful feeling in the room that although we all have different roles and sometimes adversarial roles to each other, this is a time of unity and reflection that what we do matters and it inspires us to strive to do our best in our various legal professions.



Marilyn Daniel presents Emily Jones with the Outstanding Young Lawyer Award



Law Enforcement Award presented to Billy J. Williams' Wife by Fayette County Sheriff Kathy Witt



The Outstanding Citizen-Lawyer Award was presented to Reginald Thomas by Theodore Berry.



Access to Justice Award Presented by Josh Fain of Legal Aid of the Bluegrass to Marilyn Daniel



The Duncan Award was presented to Larry Deener by Elizabeth Deener







LAW DAY 2019

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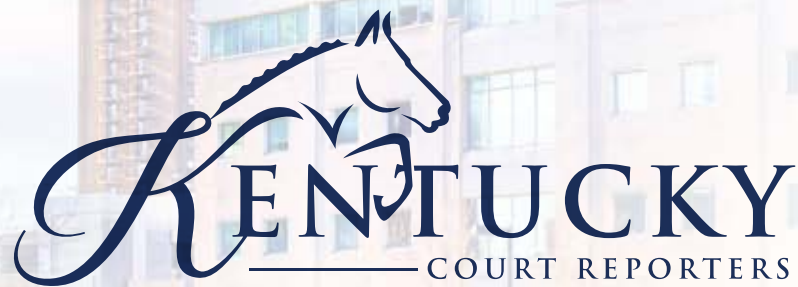
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Dickinson Wright

Dickinson Wright PLLC is pleased to announce **Emma R. Wolfe**, Lexington has been recognized in Benchmark Litigation's 2019 "40 and Under Hot List".

Benchmark Litigation's 2019 "40 and Under Hot List" includes practitioners, all aged 40 or younger, that have been deemed the most promising emerging talent in their respective litigation communities in the U.S. by peers and clients. To view the complete list, please visit www.benchmarklitigation.com.

Dinsmore & Shohl

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

This marks the fourth year in a row that Dinsmore has earned a top-90 NLJ 500 ranking, and it is the fourth time in five years that the firm has placed within the top 80 on the Women's Scorecard. These accolades align with others the firm has received over the past year, including its No. 6 ranking in 2018's Glass Ceiling Report by Law360, which called Dinsmore one of the nation's top firms for women attorneys.

The NLJ 500 is compiled from data submitted by 900 law firms across the country. Of those, 350 were eligible for the Women's Scorecard, putting Dinsmore firmly in the upper echelon of firms striving for gender equality in the workplace.

In addition to the female representation that garnered Dinsmore these accolades, the firm's Women's Initiative also works year-round to recruit and empower women at Dinsmore. The Initiative has five events scheduled in the third quarter of 2019 specifically geared toward accomplishing these goals.

Lockaby PLLC

Lockaby PLLC is pleased to announce that **Tamara J. Patterson** has joined the firm as an associate attorney. She received her J.D., cum laude, from the University of Kentucky College of Law in 2017, where she was the

Online Content Manager for the Kentucky Law Journal. Patterson also received her M.A. in Theology from St. Vladimir's Orthodox Theological Seminary in Yonkers, New York, in 2005, and her B.A. in History and Russian Language from the University of Florida in 2000.

Patterson bolsters the firm's growing business litigation and personal-injury defense practices as well as its established labor-and-employment practice, representing employees, employers, and management in all kinds of workplace disputes, including discrimination, retaliation, harassment, and wage-and-hour claims, and advising and counseling employers and HR representatives on the wide range of personnel issues that arise during the employment lifespan.

Patterson is admitted to practice in Kentucky and in the United States District Court for the Eastern District of Kentucky. She is a board member of the Jessamine County Food Pantry and is active with LexArts, having served as a Business Volunteer for the Arts.

Stites & Harbison

Leadership Kentucky recently selected Stites & Harbison, PLLC attorney **Dustyn Jones** as one of 25 participants for the Elevate Kentucky Class of 2019.



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