

THE LEXINGTON LAWYER



A publication of the
Fayette County Bar Association
2023, Issue 2

THE LEXINGTON LAWYER

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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: Craig L. McCloud



Craig L. McCloud
FCBA President

I am currently lying on my back, in the middle of an immersive art exhibit half a world away, which promotes the recognition of the beauty and importance of

simplicity in the world around us. So, what is this notion of simplicity all about, as applicable to each of us and why is it important to our profession?

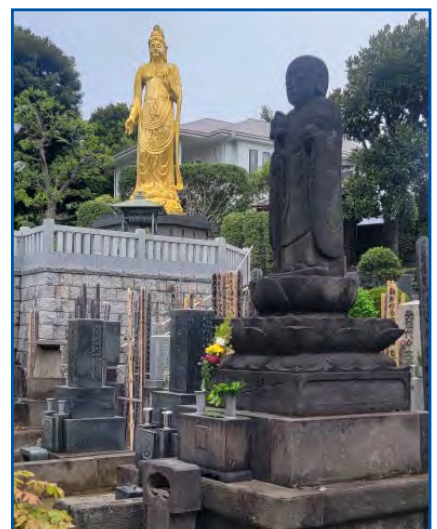
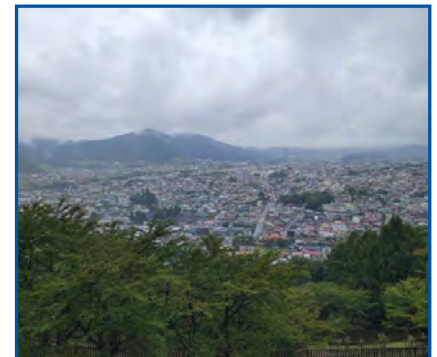
Simplicity is, more often than not, a very complex, elusive, ideal which our Socratic-trained minds involuntarily shy away from in lieu of a more subjectively complex course of (in)action (because, incorrectly, we customary believe bigger is always better, which instinctively leads to an analogous assumption that complexity trumps simplicity).

Many long hours are spent learning the applicable rules, the exceptions to these rules, the exceptions to the exceptions; and the like. We are programmed in our "training" to accept, the expenditure of great mental effort and time for the pursuit and advancement of our field. After our studies conclude, we are then confronted with an examination which will allow for us to continue in our pilgrimage towards professional licensure. This trek does not alleviate the stresses exerted on each of us. It actually increases this force exponentially. If unsuccessful, all the time, effort, energy, and money expended will mean nothing for you, if pursuing the active practice of law.

This constant curtain of pressure, inevitably, births stress, limits sleep, and drastically reduces quality time with family, friends, loved ones, and worthwhile community causes. These sacrifices and stresses will eventually extract its toll on each of us. Sometimes, it is the "small things" that make the most positive and significant impact, in every aspect of our lives.

When was the last time each of you took the time to dust off that personalized stationery and pen a handwritten letter to someone reminding them of that wonderful experience you shared; a thank you for a random act of kindness; an attempt to repair a previously fractured relationship; or just to say hello to someone who has been absent from thought? How long has it been since you affirmatively answered an invitation from a spouse, significant other, and/or family member to attend a theatrical performance or volunteer, without a notion of how it would impact your work obligations? Drop in to see that grandparent, elderly friend, or neighbor that may be lacking social interaction? Watched the sunset or sunrise?

I challenge each of you to find an individualized path which reduces the negative forces and arrive at your "happy place", which will undoubtedly improve your work/life balance; prevent professional burnout; and elevate your mental and physical health; as well as, make you feel much better about continuing the important work in the profession each of us have dedicated ourselves to....



Pro Bono Program



Bethanie Mettling
LABG

Hello, FCBA Members! My name is Bethanie Mettling, and I am the new Pro Bono Manager at Legal Aid of the Bluegrass (LABG). LABG has offices in Covington, Lexington, Morehead, and Ashland and we provide free civil legal assistance to low-income and other vulnerable populations in 33 counties. I have been working at

LABG since 2020 and I am excited to lead our efforts to increase the availability of pro bono representation to Kentuckians who cannot otherwise afford legal help. LABG assists an incredible number of clients each year. In 2022, LABG assisted nearly 7,000 Kentucky families, but the demand for help far exceeds our organization's capacity for service.

LABG offers a variety of opportunities for volunteer attorneys to serve low-income clients in our service area. We regularly hold in-person clinics to assist pro se litigants with simple divorce pleadings. We visit senior living facilities to explain powers of attorney, wills, and living wills and draft documents for these clients. We also rely on volunteer attorneys to represent clients in traditional divorce, domestic violence, eviction, and bankruptcy cases.

One of LABG's most significant areas of need is expungement. Expungements are critical for low-income families to escape poverty and allow many individuals to have improved employment opportunities. Expunging a client's record can also remove a barrier to obtaining affordable and safe housing. We hold in-person clinics where volunteer attorneys simply advise clients whether they have criminal charges that are eligible for expungement. In addition to advice, LABG needs attorneys to represent eligible clients and file expungement petitions. We provide a detailed toolkit to our volunteers to help navigate this area of law and we offer experienced staff that are willing to mentor or answer questions.

LABG is extremely grateful for the FCBA members already volunteering for our pro bono program, but we always need additional volunteer attorneys! By volunteering your skills and expertise, you can promote access to justice for all and help individuals who would otherwise be denied meaningful access to the legal system. If you have more questions about our pro bono program or you would like to volunteer for LABG, please contact me at bmettling@lablaw.org or visit our volunteer information page at <https://lablaw.org/volunteer>.

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Courthouse Appreciation Luncheon

We would like to thank all of the sponsors who helped make the Courthouse Appreciation Luncheon possible! Your sponsorship meant a great deal to the hard-working employees of the Fayette County Courts who support the practice of law.



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CONGRATULATIONS!



Congratulations to the newly licensed attorneys who attended the swearing-in ceremony on October 31!



Current FCBA President, Craig McCloud, speaks to Fayette County's newly licensed attorneys. Also pictured from left to right are: Bethanie S. Mettling, LABG Pro Bono Manager; Anna Fletcher, FCBA Women Lawyers Association President; Chris Barber, FCBA Young Lawyers Association President.

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Anna Fletcher
WLA

Tell us a little bit about your background.

My father was a United Methodist minister, which means we moved around a bit, so I really feel like I'm from three different places in Kentucky- Richmond: where I was born, Cold Spring: where I graduated from high school, and Harrodsburg:

where I survived those formative middle school and early high school years. I've lived in Lexington for over 20 years now, so I guess it's my adopted hometown! I completed my BA in Arts Administration with a theatre emphasis at UK and did what most people do when they are not sure what to do after college- took the LSAT!

My mother was a teacher, and later school principal, so I have always had a good example of a mom who is balancing career with family. Both my parents seem to have felt called to move into leadership positions and take on new challenges throughout their careers, and I think I inherited that.

Tell us about your law school experience.

I graduated from UK Rosenberg College of Law where I was very involved in extracurriculars- I served as Student Bar Association President and Administrative Editor of the Kentucky Journal of Equine, Agriculture & Natural Resources Law, was Luncheon Co-Chair of the Women's Law Caucus, and a part of many other (most?) student organizations. I believed then and continue to believe that the most important thing you can take from law school is strong relationships with your future colleagues.

What did you do after law school?

After law school, I clerked for a year for the Honorable Phillip J. Shepherd, the Chief Circuit Court Judge in the 48th Circuit, and then joined the Office of General Counsel at the Kentucky Energy and Environment Cabinet, representing primarily the Department for Natural Resources, the State Nature Preserves Commission, and the Kentucky Heritage Land Conservation Fund.

I had the opportunity to work on everything from Supreme Court briefs to enforcement warning letters. I

appeared in courts all over Kentucky, dabbled in a bit of bankruptcy, and went on a lot of hikes with clients- usually long ones and often in the rain. I cannot prove they were trying to torture the lawyers, but I did once unknowingly join a hike with a bunch of biologists who I learned after we got started were actively trying to find poisonous snakes.

After seven years, a new challenge found me, and I became the Executive Director of the Energy & Mineral Law Foundation. The Energy & Mineral Law Foundation (EMLF) is a non-profit that was founded nearly 50 years ago to provide continuing education and publications for lawyers who practice in the field of energy law and support law students with scholarships and grants.

Tell us about your family and your life outside of work.

I met my husband, Ken, playing adult recreational league kickball about ten years ago, and we have two awesome kids- Owen, who is four and a half, and Zoe who is almost one. I have a few too many crafting hobbies- crochet, knitting, embroidery, jewelry-making, and pottery to name a few- and of course, my best hobby, buying all the supplies. I'm also a big puzzle person and do the NYT crossword puzzle every day.

Who or what inspired you to pursue law as a career or when did you know you wanted to practice law?

I won my first case in an eighth-grade mock trial, but I spent a lot of time running away from the idea after that. Eventually, I realized all my future plans began with, "I could be a lawyer who..." Even so, I wasn't sure if law school was going to be the right fit, but I figured since I didn't have any other concrete plans, I might as well see if I liked it.

Obviously, I didn't. Law school was its usual amount of awful. But just when first year really got me down, they sucked me in with mock oral arguments and an appellate brief and I was hooked.

Whose career inspires you and why?

This is easy. I draw so much inspiration from the generation of women lawyers who came out of law school in the 80's, which is really the first generation of lawyers with a significant number of women. They fought hard

Continued on page 9

Women Lawyers, continued

Continued from page 8

for every gain that women have made in our profession and continue to lift and push newer generations of women lawyers. These are the women who started the Women Lawyers Association back in 1991 and set the tone for the organization. I am so honored to lead this organization and it humbles me to even be mentioned in the same conversation as the phenomenal women who have led this group.

What advice would you give young women entering the practice of law?

One thing I always tell law students is what you're doing right now doesn't have to be forever. There are always going to be growth opportunities if you're looking for them, and you're willing to be a little uncomfortable.

The statistics compiled by the American Bar Association tell us that practicing law is harder for women. And while it's certainly getting better (we've come a long way from when the law school had no female bathrooms!), it can feel like that change is coming at a glacial pace. Women make up more than half of law school graduates now, but only a third of law firm partners, and only 12% of managing partners.

The same survey found that 58% of experienced women lawyers leave their firms due to caretaking responsibilities. Women lawyers who are also mothers experience a real career and financial cost to taking leave for childbirth, and caretaking responsibilities (both children and for aging parents and other family

members) also make it difficult for women to take the time in the evenings for marketing and business development activities.

And this is of course to say nothing of the experience of being a woman in the workplace, which often means fighting harder to be taken seriously, to be heard, and to find the right balance of assertiveness and ambition.

I realize this all sounds very bleak, and there's certainly no easy solution, but the best antidote I've found is women's networking groups. I'm a member of Mother's Esquire, which is a national organization for attorneys who are also mothers, and of course I'd be remiss if I did not mention the great support that comes from the Women Lawyers Association. I've met so many amazing women, and the connections I've made through the group have really helped me professionally and personally.

FCBA WLA has some great events coming up; a breast cancer awareness event in October, a focus on mental health as we head into the holidays in November, and of course our famous holiday party and auction, which each year raises thousands of dollars for the New Opportunity School for Women and is also the only opportunity you'll have all year to see judges dressed as elves!

The first step to getting involved in WLA is just coming to a meeting. There's always a delicious lunch, and we'd really love to have you there!



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LAW•gic Podcast
The LAW•gic podcast is a public service of the Fayette County Bar Association and the Central Kentucky Lawyer Referral Service

The logo features the word "LAW" in large, white, serif capital letters. A stylized, light blue "gic" is written in a cursive font over the "A" and "W". The word "Podcast" is in a smaller, blue, sans-serif font. The entire graphic is set against a black background with a white dotted border.

MINNER VINES MONCUS
INJURY LAWYERS

UK Rosenberg College of Law Office of Continuing Legal Education Turns 50

Created in 1973, the Office of Continuing Legal Education has provided instructional services and materials to practicing attorneys, law faculty and others for 50 years. The office at the University of Kentucky J. David Rosenberg College of Law was the first continuing legal education entity in the Commonwealth of Kentucky, developing about a decade before continuing legal education became mandatory for attorneys in the state.



“There is still a very strong desire among Kentucky attorneys to be in a conference room together,” Bucknam said. “The practice of law is oftentimes relatively solitary. So, when they can get a day or two out of the office to be around other attorneys, live and just talking, I think they really enjoy that.”

CLE keeps a regular annual calendar of programs and a biennial calendar of programs. Many of the programs have grown from statewide conferences to regionally or nationally recognized programs.

The purpose includes assisting the legal profession in keeping abreast of changes in the law resulting from statutory enactments, court decisions, and administrative rulings; developing and sustaining practical lawyering skills; and maintaining a high degree of professionalism in the practice of law.

“To me, the CLE office in the law school is the main connection that the law school has to the bar and alumni,” said Kevin Bucknam, who has worked for the office since 1994 and served as director since 2001. “We get thousands of people every year, and they all know us; it’s like a family. It is the true partnership between the law school and practicing bar, and it’s not just UK alums.”

All the speakers and planning committees for CLE programs are volunteers, and the volunteers reside all over the country. Bucknam said these volunteers want to give back and often enjoy being connected to Kentucky’s flagship law school, especially if the volunteer is a graduate of the UK Rosenberg College of Law.

Over the decades, the CLE office has worked with its volunteers to develop programs based on trends in the legal field and suggestions from those in the legal community. CLE offers live courses, audio recordings of programs, streaming videos, and publications.

Bucknam remembers when CLE recorded presentations onto cassette tapes, and he led the office through the pandemic when live streaming on Zoom became the primary method for delivering programs. Now, live programming has returned, and Bucknam said he finds that many attorneys appreciate the opportunity to build camaraderie with others in their field.

In addition to celebrating its 50th anniversary, CLE also celebrated the 50 years of Kentucky’s longest-running annual CLE program on August 3 & 4, 2023, at the Embassy Suites in Lexington. The 50th annual UK/CLE Midwest-Midsouth Estate Planning Institute was attended by more than 260 estate planning professionals representing over 15 different states.

Since its inaugural offering on July 19 & 20, 1974, with a program entitled “A Seminar on Estate Planning,” this annual event has hosted more than 335 speakers from 28 different states, offering 584 presentations over the last 50 years. More than 7,200 attorneys and other probate and trust professionals have attended this national conference over its esteemed history.

This historic event was celebrated by the official renaming of the Institute as “The Annual Midwest-Midsouth Bondurant/Bagby Estate Planning Institute,” to honor the leadership and unwavering support of the late John T. Bondurant (UK College of Law Class of 1960), founding member of Frost Brown Todd in Louisville, and Glen S. Bagby (UK College of Law Class of 1969), a partner in the Lexington office of Dinsmore & Shohl.

CLE BY THE NUMBERS

Oct. 12, 1973: Date of first program (New Rules of Bankruptcy Procedure)

683: Number of programs held in its 50 years of existence

3: Number of CLE directors (John Hickey, 1973-1986; Todd Eberle, 1987-2000; Kevin Bucknam, 2001-present)

114: Average attendance for live courses

1,500: Average yearly attendance to live courses



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The FCBA has partnered with the Louisville Bar Association and Shepherd Insurance (formerly Logan Lavelle Hunt) to offer group health insurance as a member benefit. Shepherd will be the agent for the insurance plan underwritten by Anthem.



Group Health insurance

- Firm membership in the FCBA with at least one attorney member
- Minimum of 2 eligible employees and/or owners (only one would need to participate)
- Qualified Standard Industrial Classification (SIC) Code related to the legal field
- Domiciled in Kentucky
- Pay at least 25% of the employees' single premium
- All employers in the FCBA health plan renew 1/1 each year

For more information or to see if the program is right for you and your employees, please get in touch with Kater Riddle at kriddle@shepherdins.com or call (502) 499-6880.



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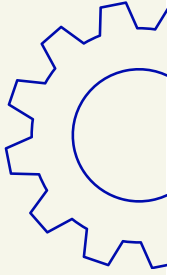


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Take Care of Your Clients by Taking Care of Yourself



The Attorney Wellness Program (AWP)

The Attorney Wellness Program (AWP) was designed as a safe harbor for attorneys to address normal life difficulties in a confidential and professional environment.

WHY WAS THIS PROGRAM CREATED?

Being an attorney isn't easy. Difficulties with the current legal and learning delivery systems, maintaining a healthy work/life/family balance, and dealing with the normal stresses of everyday life can take their toll.

We serve many times as counselors to our clients who turn to us for guidance. Who do we turn to when we need to talk through an issue or get some coaching for how to handle stress in our life? Too often the answer is "no one," and that is regrettable because it is imperative that we be as healthy as possible in our role as advocates.

We deserve to function at our best in all areas of our life. By addressing areas of difficulty, we can decrease our stress levels and increase our levels of resilience.

Some examples of those difficulties include:

- Family issues
- Relationship problems
- Grief
- Work-related difficulties
- Alcohol/drug abuse
- Depression and anxiety
- Difficulty managing stress
- Mood swings
- Suicidal thoughts

HOW AWP WORKS

We have contracted our program with The Woodland Group. The Woodland Group will provide counseling to active attorney members of the Fayette County Bar Association.

Non-emergency sessions will be scheduled during regular business hours. Emergency sessions can be scheduled on a 24-hour, 7 day-a-week basis.

Seven licensed psychologists make up the Woodland Group and have been vetted by the FCBA. Steven Smith, Ph.D. and Sandra Hough, Ph.D. are our program coordinators and will serve as points of contact to access AWP.

The Woodland Group will maintain a confidential file for each attorney, but no insurance will be billed and FCBA will not be given any information about those who utilize the program. As such, this program is completely confidential which is crucial to its success. FCBA will pay The Woodland Group a monthly bill based on the number of sessions provided. The Woodland Group will verify FCBA membership from the directory on the FCBA webpage.

TO MAKE YOUR APPOINTMENT

- 1) Call the confidential hotline at 1-800-350-6438 and leave a message in either Dr. Smith's or Dr. Hough's voice mailbox.
- 2) They will call you back to schedule an appointment. It's that simple!

AWP Benefits

- 5 free sessions each calendar year
- Complete confidentiality
- Easy access
- Convenient location (535 W. 2nd Street, Suite 207) 24/7 availability



Blue Grass Community Foundation

Blue Grass Community Foundation has elected Stites & Harbison, PLLC attorney **Gentry C. Collins** to its Board of Directors. She will serve a three-year term.

Blue Grass Community Foundation is a nonprofit organization focused on building vibrant, generous, equitable and engaged communities in Central and Appalachia Kentucky. The Community Foundation connects charitable individuals, families, businesses, communities, and nonprofit organizations with causes they care about to meet community needs and make a difference.

Collins is an attorney based in the firm's Lexington, Ky., office. She is a member of the Trusts & Estates Service Group. Her practice focuses on developing and implementing estate plans that achieve each client's goals. She is experienced in planning for estate, gift, and Kentucky inheritance tax; designing and implementing business succession plans; counseling clients on business entity selection; trust and estate administration; elder law and litigating fiduciary disputes.

Beyond Blue Grass Community Foundation, Collins is active in a variety of community groups. She volunteers for the Lexington Opera House and is a mentor for the Lexington Leadership Foundation's Amachi Program. Additionally, Collins serves on the Board of Directors of the Children's Advocacy Center of the Bluegrass.

Dentons

Dentons has welcomed new associates **Natalie Beshock** and **Georgiana "Georgie" Stacy** to its Lexington office. Natalie focuses her practice on intellectual property matters, including patent and trademark prosecution. Georgie focuses her practice on real estate law and corporate law.

Kinkead & Stilz

Kinkead & Stilz, PLLC, is pleased to announce that **Shawn C. Conley** has joined the firm as a member. Shawn has more than 20 years of defense experience, including the defense of medical negligence claims, nursing home liability claims, personal injury claims, and a broad range of insurance defense issues. His experience enhances the firm's existing medical negligence practice and its broad array of litigation strengths, including professional and municipal officer liability and business, real estate, tax, and estate litigation matters.

Kinkead & Stilz is also excited to announce it is opening a new office in Paintsville, Kentucky. With Shawn's addition to the medical malpractice group and the expansion of the firm's footprint, Kinkead & Stilz will be better able to serve medical organizations and professionals throughout central and eastern Kentucky.

Lockaby PLLC

John M. Ghaelian has joined Lockaby PLLC as Of Counsel. Previously the General Counsel of the Education and Labor Cabinet's Department of Workplace Standards and Department of Workers' Claims, John will represent employers and management in connection with various labor and employment matters, including the defense of government investigations, the handling of internal audits and investigations, and the defense of discrimination, retaliation, harassment, and wage-and-hour claims in state and federal courts and administrative agencies.

John received his B.A., magna cum laude, from the University of Kentucky and his J.D. from the University of Kentucky College of Law, where he served on the Kentucky Law Journal.

McBrayer PLLC

McBrayer PLLC has expanded its roster of attorneys yet again with the addition of attorneys **Katy Harvey** and **Emily Shepard**, who were sworn into the Kentucky Bar on October 20.

Harvey, an alumna of Georgetown College and a graduate of the University of Louisville Brandeis School of Law, joins the litigation department in the firm's Louisville office. Shepard, an alumna of the University of Louisville and a graduate of the University of Kentucky J. David Rosenberg College of Law, joins the litigation department in the firm's Lexington office. Both Harvey and Shepard worked as Summer Associates and Clerks at McBrayer prior to bar passage.

"It's always exciting and refreshing to add to our team with bright new attorneys," said Managing Member James H. Frazier, III. "We congratulate Katy and Emily on their entrance into the legal profession and look forward to seeing their careers evolve at McBrayer."

Name in the News, continued

Continued from page 18

Stites & Harbison PLLC

Stites & Harbison PLLC welcomes **Conner R. Wehrle** as a member of the Trusts & Estate Planning Group. He earned his J.D. from the University of Kentucky J. David Rosenberg College of Law in 2023. Prior to joining the firm, he participated in Stites & Harbison's summer associate program in 2021 and 2022. Additionally, he currently serves as the primary advisor to the Carolyn K. Wehrle Endowment. He partnered with the Blue Grass Community Foundation to set up the endowed fund in 2018 and delegates money each year to various community projects in Central Kentucky. Wehrle is also an active member of the Blue Grass Community Foundation's 365 program (2021-present). He is admitted to practice in Kentucky.

Wyatt, Tarrant & Combs, LLP

Wyatt, Tarrant & Combs, LLP is pleased to welcome **Glen W. Krebs** and **C. Williamson Mathews** to the Lexington office.

Glen W. Krebs joins Wyatt's Labor & Employment Service Team where he will concentrate his practice in international and immigration law. Before joining the firm full-time, Glen was twice a Summer Associate with Wyatt. Glen earned his J.D. from the Vanderbilt University Law School, where he was a member of the Law and Business Society, Immigration Law Society, International Law Society and Christian Legal Society. Prior to attending law school, Glen earned his B.A. in Political Science from Brigham Young University. Being fluent in Japanese, he was the Vice President of the Japanese Student Association and a member of the BYU Pre-Law Society.

Will Mathews has joined the Firm's Real Estate & Lending Service Team. He will focus his practice on commercial lending transactions and the sale, acquisition, leasing and development of commercial property. Will was a Summer Associate with Wyatt while earning his J.D. from the University of Kentucky J. David Rosenberg College of Law, graduating summa cum laude, where he was the Staff Editor of the Kentucky Law Journal, member of the Phi Alpha Delta Mock Trial and Order of the Coif. Will earned his B.A. in History from Sewanee: The University of the South, summa cum laude, where he was the Phi Gamma Delta Fraternity Social and Scholarship Chair, recipient of multiple awards for Excellence in History, on the Southern

Athletic Association Academic Honor Roll and a member of the Varsity swim team.

Wyatt is pleased to announce that **Lexy Gross Holland** was recognized by Legal Aid of the Bluegrass (LABG) as Pro Bono Attorney of the Year for her work advocating for those in need of record expungement, eviction defense, and domestic violence protection. Ms. Holland is based in Wyatt's Lexington office and her law practice includes handling real estate, construction, equine, energy, zoning, and land use matters. As a prior newspaper reporter, Ms. Holland uses her media and communications experience to represent clients in the news industry and to advise corporate clients on matters involving media coverage. She has been recognized by her peers as a Kentucky Super Lawyers® Rising Star in Civil Litigation Defense. Ms. Holland earned her J.D. from the University of Kentucky College of Law and her B.S., cum laude from Murray State University.

ATTENTION!

All Fayette County Attorneys and Self-Represented Litigants

The Fayette County Law Library, located in the basement of the Fayette Circuit Courthouse at 120 North Limestone, has two computers that offer **UNLIMITED FREE ACCESS TO WESTLAW!** Easy instructions are posted, and the platform is very user-friendly so that everyone can take advantage of this powerful legal research tool to find all the resources they need. No appointment is necessary, and the Law Library is open M-F 8 am-4 pm.



UPCOMING *Events*



Wednesday, 11:00 am

Zoom CLE Webinar: Grief Responses in Family Law and Probate Presented by Emily Johnson

This CLE training aims to educate attorneys on grief behaviors in clients, and how to communicate with clients regarding grief.

Nov
29
2023



Thursday, 11:00 am

Zoom CLE Webinar: Disenfranchised Grief and Non-Death Losses: How These Affect Client Behavior Presented by Emily Johnson

This CLE aims to educate attorneys on identification of disenfranchised loss, and best practices working with clients experiencing disenfranchised loss

Nov
30
2023



Tuesday, 11:30 am

FCBA Domestic Relations Practice Section Presents: Family Law Jeopardy

Dec
12
2023



Wednesday, 12:00 pm

FCBA Women Lawyers Association White Elephant Auction and Luncheon

Dec
13
2023

Sign up from the Calendar at
www.fcba.com