

## Kentucky Equal Justice Center

### Nominating Committee Minutes

September 20, 2023

**Members Present:** Bob Brown (Community Member, Chair); Bonifacio Aleman (Client Member); Brandie Ingalls (Attorney Staff Rep); Evan Smith (Interim Program Director emeritus); John Rosenberg (Community Member).

**Staff Present:** Rich Seckel (Director).

The Kentucky Equal Justice Center Nominating Committee met by Google Meet at 10 a.m. ET on September 20, 2023. The charge of the committee was to nominate officers for one-year terms, current board members for new two-year terms, and a new member fill a vacancy in an expiring term.

Bob Brown asked John Rosenberg to chair the committee. A quorum being present, John called the meeting to order. Following a discussion of board composition and diversity in membership, the committee proceeded through an order of business suggested by Rich, acting on the following motions:

#### 1. Nominations of current Community Members willing to continue

**Motion:** Brandie Ingalls moved to nominate current members Bob Brown and Dawn Howard to new two-year terms on the board.

**Second:** Evan Smith

**Recusal:** Bob Brown

**Action:** Approved unanimously

#### 2. Nomination of new Community Member to fill expired vacant term

**Motion:** Bonifacio Aleman moved to nominate Michelle "Shelly" Henry to fill the Community Member slot left vacant with the resignation of Rick Clewett.

**Second:** Brandie Ingalls

**Action:** Approved unanimously

#### 3. Nominations of officers

**Motion:** Brandie Ingalls moved to nominate Bob Brown as Chair and Lisa Gabbard as Treasurer, each for a new one-year term.

**Second:** Bonifacio Aleman

**Action:** Approved unanimously

John Rosenberg suggested that the Board consider a resolution honoring Rick Clewett for his years of service on the board. Bob Brown agreed it was a good idea.

## Michele Henry

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Georgetown, Indiana 47122

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### Education

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**Juris Doctor**, University of Richmond, T.C. Williams School of Law, 2001,  
*magna cum laude*.

Awards: John Marshall Scholar, Law Review, Labor and Employment  
Award, Women's Award, Book Award in Contracts.

**Master of Arts**, Western Michigan University, Industrial/Organizational  
Psychology, 1992, *cum laude*.

*Awards: Merit Scholarship*

**Bachelor of Science**, Western Michigan University, Major: Psychology, Minors:  
General Business & Sociology, 1990.

*Awards: Outstanding Stud*

### Legal Experience

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**Interim Lead Counsel**, Americans United for the Separation of Church and State,  
March 2023 – present.

Represent Americans United in *Blackmon v. State of Missouri*, Case No. 2322-CC00120, challenging Missouri's abortion ban as violating the Missouri Constitution's Establishment Clause. Identify additional potential challenges to state abortion bans. Represent AU in discussions, meetings, and panels related to abortion ban challenges. Manage AU attorneys assigned to AU's abortion litigation. Develop partnerships with other organizations engaged in similar work.

**Partner**, Craig Henry PLC, Louisville, Kentucky, July 2014 – present.

Represent plaintiffs in employment litigation in state and federal courts. Represent unions before the National Labor Relations Board and courts. Provide advice to unions regarding day-to-day issues. Responsible for all aspects of the litigation process including interviewing potential clients and witnesses, conducting written discovery, taking, and defending depositions, drafting motions, negotiating settlements and making court appearances. Firm management including human resource and facilities management.

**Partner**, Priddy Cutler Miller & Meade, PLLC, Louisville, Kentucky, March 2008 – June 2014.

Represented plaintiffs and defendants in employment litigation in state and federal courts. Represented unions before the National Labor Relations Board and courts. Provided human resources counseling to corporate clients including those with international business locations.

**Attorney**, Adams, Hayward & Welsh, Louisville, Kentucky, April 2007 – March 2008.

Represented plaintiffs and defendants in employment litigation in state and federal courts.

**Senior Associate**, Frost Brown Todd LLC, August 2002 – March 2007.

Represented corporate clients in employment and litigation matters in state and federal courts. Assisted corporate defendants on a day-to-day basis by answering questions regarding the Family and Medical Leave Act, wage and hour issues, and harassment and discrimination claims. Conducted training sessions at client companies regarding local, state and federal employment laws and in-house policies. Drafted employment policies and employee handbooks.

Member of the FBT Women's Initiative Steering Committee. Organized various marketing activities for clients and attorneys. Organized Firm meetings with judges and other prominent members of the legal community. Organized in-house CLE programs. Acted as Employment Group's summer associate work coordinator.

**Clerk to the Honorable Judge Robert C. Chambers**, United States District Court for the Southern District of West Virginia, Huntington, West Virginia, July 2001 – August 2002.

Drafted opinions in a variety of cases including employment, product liability, and criminal matters; made sentencing recommendations in criminal cases.

## Significant Cases

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*Cameron v. EMW Women's Surgical Center, P.S.C. v. Cameron*, 2023 Ky. LEXIS 4 (Feb. 16, 2023). I represented EMW Women's Surgical Center and the Kentucky Planned Parenthood affiliate in this action challenging Kentucky's ban on abortion care.

*Queen v. City of Bowling Green*, 956 F.3d 893 (6<sup>th</sup> Cir. 2020). I represented the Plaintiff who sued his employer and former supervisor alleging religious discrimination and retaliation. This appeal resulted in the Court denying the supervisor qualified immunity and denying summary judgment to all Defendants.

*York v. Velox Express*, 524 F. Supp. 3d 679 (W.D. Ky. 2021). The Court granted conditional certification to the Plaintiffs in this wage-based collective action.

*Drummond v. Murray-Calloway Cty Pub. Hosp. Corp.*, Case No. 5:19-cv-42-TBR, 2021 U.S. Dist. LEXIS 217646 (W.D. Ky. Nov. 10, 2021). I represented the Plaintiff in this denial of summary judgment on a variety of employment claims.

*Hunziker v. AAPPTec, LLC*, 603 S.W.3d 277 (Ky. App. 2020). In this case of first impression, the Court agreed with our argument that KRS 337, *et seq.*, Kentucky's wage and hour statute, permits individual liability.

*Doe v. Supreme Court of Kentucky*, 482 F. Supp. 3d 571 (W.D. Ky. 2020). I represented the Plaintiff in this case challenging various actions against the Kentucky Bar Association. The Court dismissed the case, but noted the extensive trauma caused by the KBA's approach to attorney admissions.

*Odom v. Thompson*, Case No. 5:13-cv-211-TBR, 2017 U.S. Dist. LEXIS 207947 (W.D. Ky. Dec. 19, 2017). I represented an inmate-plaintiff in an excessive force case. The Court granted all of Plaintiff's motions in limine and denied all of Defendant's such motions.

*Whitlock v. FSL Mgmt., LLC*, 843 F.3d 1084 (6<sup>th</sup> Cir. 2016). I represented a class of plaintiffs seeking compensation for off-the-clock work. The Defendant appealed asking the Court to reverse the grant of class certification after the parties entered a settlement agreement. The Court ruled in Plaintiffs' favor.

*Kost v. PNC Bank, N.A.*, Case No. 4:15-cv-00056, 2015 U.S. Dist. LEXIS 124157 (S.D. Ind. Sept. 17, 2015). I represented the Plaintiff in this case alleging defamation after his former employer made inaccurate statement to FINRA that affected his ability to obtain employment as a financial advisor. The case was referred to arbitration. A three-person arbitral panel found in Plaintiff's favor and awarded damages for the defamatory statement.

## **Presentations**

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**Under G-d**, panelist, Athena Film Festival, March 5, 2023.

**Book Banning in our Community**, Floyd County Democratic Women's Caucus, January 2023.

**Career Paths in Law**, Spring 2023, Indiana University Southeast.

**At-Will Employment vs. Right to Work**, Spring 2022, Essentials of Human Resource Management (undergraduate), University of Central Florida.

**Mock Arbitration**, Dispute Resolution, University of Louisville Brandeis School of Law, Spring 2022, Fall 2022, Spring 2017, Fall 2017.

**Religious Discrimination in Employment**, Blasphemy in the Bluegrass podcast, July 2020.

**The Dangers of Saying In God We Trust**, interviewee, State of Grace video series, <https://www.youtube.com/watch?v=f6BCsjmaBQc&t=1s>

**The Perils of Relying on Kentucky's Open Records Act**, Blasphemy in the Bluegrass podcast, December 2019.

**Religion in Employment**, panelist, Kentucky Freethought Convention, July 2019.

**Retaliation Protections under EEO Laws**, Fall 2019, Essentials of Human Resource Management (undergraduate), University of Central Florida.

**The Use of Weighted Scores in Promotional Decisions**, Spring 2017, Personnel Selection and Placement (graduate), Western Michigan University.

**A Busy Year in Employment Law: What Attorneys Representing Workers and Management Need to Know**, December 2015, Louisville Bar Association.

**The NLRA for Non-Union Employers**, December 2014, Louisville Bar Association.

## **Publications**

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**But Wait, There's More: Don't Miss the Employment Claims in your Personal Injury Litigation**, The Advocate, July/August 2020, Vol. 48, #4.

**Analyzing Potential Sexual Harassment Cases**, The Advocate, May/June 2018, Vol. 46, #3.

**A Step Backward for Working Kentuckians**, The Advocate, July/August 2015, Vol. 43, #4.

## **Service**

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Americans United for the Separation of Church and State, Board of Trustees, 2018-present, Vice-Chair, 2022-present.

Americans United for the Separation of Church and State, Louisville Chapter president, 2018-present

Camp Quest, Board of Directors, 2015-2018.

Camp Quest Ohio, Board of Directors, 2015-2018.

## **Licensure**

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Licensed to practice in Kentucky, May 2002

Admitted to practice in all Kentucky courts, the United States District Courts for the Southern District of Indiana, the Eastern and Western Districts of Kentucky, and the United States Court of Appeals for the Sixth and Seventh Circuits

## **Other Experience**

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**Human Resources Representative**, National City Steel, Granite City, Illinois.

Recruited candidates, reviewed resumes, interviewed applicants and made hiring decisions. Applied collective bargaining agreements as they related to various workplace issues. Responded to union grievances.

**Training Coordinator**, Southern Illinois University at Edwardsville, Edwardsville, Illinois.

Determined the University's training needs. Developed and presented training programs to faculty and staff on a wide variety of topics. Created certification programs for clerical staff. Supervised two training specialists and managed the training budget.

**Training Specialist**, Panduit Corporation, Cumming, Georgia.

Assessed production facility's training needs. Developed and presented training programs including new hire orientation, forklift safety, lockout/tagout and other industrial programs. Maintained employee training records.

**Management Training Specialist**, PetStuff, Inc., Alpharetta, Georgia.

Developed and presented training programs related to store management, organization and product lines for retail store managers and new store employees.

**Consultant**, Performance Management, Inc., Kalamazoo, Michigan.

Developed and presented computer and sales training programs for clients located throughout the United States.