CALENDAR OF THE MEETING OF  
THE HOUSE OF DELEGATES  
INDIANA STATE BAR ASSOCIATION  

Friday, October 15, 2021  
Indianapolis Marriott Downtown  
Indianapolis

The session will be held Friday, October 15, 2021, convening promptly at 9:00 a.m. at the Indianapolis Marriott located at 350 W. Maryland Street, Indianapolis. Items on the Calendar will be considered in the order in which they appear unless otherwise ordered by the House. (The cooperation of all persons presenting reports in adhering to the order of business stated in the Calendar is earnestly solicited, in order that those persons and the members of the House may rely upon the schedule as announced.)

OFFICERS and COMMITTEE CHAIRS

Michael J. Jasaitis, Crown Point, Chair of the House, presiding  
Renee Ortega, Hammond, Secretary of the House of Delegates.  
Reynold “Ren” Berry, Indianapolis, Parliamentarian.  
Benjamin Fryman, Valparaiso, Chair, Committee on Rules and Calendar.  
Angela M. Jones, Munster, Chair, Committee on Credentials and Admissions.  
Steven Sersic, Munster, Chair, Committee on Hearings.  
Schuyler Geller, Merrillville Chair, Committee on Draft.  
Judge Tim Baker, Indianapolis, Chair, House Nominating Committee.

SEQUENCE of EVENTS

1. WELCOME BY THE CHAIR OF THE HOUSE.  
   Michael J. Jasaitis, Crown Point

2. REPORT OF THE CREDENTIALS AND ADMISSIONS COMMITTEE AS TO DELEGATES CERTIFIED.  
   Angela M. Jones, Munster

3. APPROVAL OF THE CALENDAR AS ORDER OF THE DAY.  
   Benjamin Fryman, Valparaiso

4. REPORT OF THE PRESIDENT OF THE ASSOCIATION  
   Michael E. Tolbert, Gary, President

5. REPORT OF THE INDIANA SUPREME COURT  
   Hon. Steven H. David, Indiana Supreme Court
6. REPORT OF THE INDIANA COURT OF APPEALS
   Hon. L. Mark Bailey, Indiana Court of Appeals

7. REPORT OF THE ATTORNEY GENERAL OF INDIANA
   Hon. Todd Rokita, Attorney General of Indiana

8. REPORT OF THE INDIANA BAR FOUNDATION/IOLTA
   Scott L. Barnhart, Chair

9. READING OF THE HONORS LIST
   Michael J. Jasaitis, House of Delegates, Chair

10. INDIANA COURT INNOVATION INITIATIVE
    Judge Elizabeth F. Tavitas, Indiana Court of Appeals
    Steven Badger, Barnes & Thornburg Law Firm, Indianapolis
    (Report will be included with the other committee and section report link.)

11. DISCUSSION ITEM
    On September 24, 2019, the Indiana Supreme Court created the Indiana Innovation Initiative to analyze research on justice reform, assess the impact of reform efforts in other states, identify innovative strategies to manage different case types, and make recommendations to the Indiana Supreme Court for best practices surrounding Indiana’s justice system structures and procedures. As part of this effort, the Court charged two taskforces in the areas of family law and civil litigation to make recommendations for improved case management. Both taskforces have studied recommendations from national organizations, including the Conference of Chief Justices and the National Center for State Courts, to implement a pathway approach to case management that includes three different pathway assignments for family law and civil cases.

    During this session, delegates will be briefed on the pathway approach to case management and provide input on these potential reforms with the leaders of the Innovation Initiative and its family law and civil litigation taskforces.

12. INFORMATIONAL REPORTS of COMMITTEES and SECTIONS
    (These reports will be sent in a separate link the week of the meeting)

13. REPORT OF THE NOMINATING COMMITTEE
    RE: CHAIR-ELECT, HOUSE OF DELEGATES
    Judge Tim Baker, Indianapolis
    (Report will be included with the other committee and section report link)

14. OLD BUSINESS

15. NEW BUSINESS

16. PASSING OF THE GADEL
    Michael J. Jasaitis, Crown Point, Chair
    Hon. Holly Harvey, Bloomington, Chair-Elect

ADJOURNMENT
With 126 affiliate members (115 paralegals; 2 court administrators; 4 law librarians; 5 legal administrators), the Affiliate Membership Committee identified the following goals for 2020-21:

- Provide meaningful opportunities for affiliate members to engage with each other, and to provide feedback/support on issues top of mind
- Sponsor first-ever annual, all-day symposium for paralegals
- Launch new improvements to our Indiana Registered Paralegal registration program
- Publish a monthly e-newsletter (Affiliate News)
- Re-launch listserv for affiliate members

Provide meaningful opportunities for affiliate members to engage with each other, and to provide feedback/support on issues top of mind

In its attempt to engage with more affiliate members, the Committee invited all affiliate members to participate in its bi-monthly meetings. This open invitation resulted in several new faces, many of which decided to join the Committee.

In August 2021, the Committee sponsored a Fastcase CLE training for affiliate members. This type of training was identified as being top of mind for several affiliate members and the Committee was able to deliver support in this area.

The State Bar launched a new ambassador program geared toward welcoming new members to ISBA. Three paralegal members serve as ambassadors and call new affiliate members to welcome them and learn more about ways to serve them.

Sponsor first-ever annual, all-day symposium for paralegals

The ISBA Affiliate Membership Committee hosted its first full-day symposium for paralegals in April 2021 and it was a huge success. The Symposium was an opportunity for paralegal members to earn CLE credits required for membership. A total of 54 paralegals registered, which accounts for more than a third of our paralegal members. Eight non-members also participated and the Committee followed up with each of them to encourage continued involvement with ISBA.
Here's what attendees said about it:
"As a recent graduate of a paralegal program, I found this symposium to be an excellent way to flesh out what I learned in the classroom, along with discovering some new topics. I enjoyed being able to speak with some other paralegals as well."

"Finally! A program that is geared towards paralegals and the tasks that we perform. Having speakers give presentations on programs and situations that we use every day, all day was so beneficial. Usually we are hearing information that attorneys need and use, but then modified to include us. Not this program, the focus was all about paralegals!"

Launch new improvements to our Indiana Registered Paralegal registration program
While the fundamental goal of the IRP registration program remains the same – to improve competency of paralegals, recognize professional achievement, and provide paralegals with something higher to aspire to – the Committee made a few significant improvements. In an attempt to reach out to a growing community not currently in our ranks, the ISBA membership requirement was removed in hopes that more paralegals will become aware of the association and its value, decide to join, and then choose to renew. Other improvements to the IRP program included a more formal application process, including a formal application to complete and letters of recommendation. Also, IRP’s will now be required to attend the annual Paralegal Symposium at least once during each three-year cycle.

Currently, there are 83 registered paralegals through ISBA, five of which are not current members of ISBA. Members of the Committee reached out to IRP non-members to share more about membership.

Publish a monthly e-newsletter (Affiliate News)
The Committee officially launched a monthly e-newsletter for all affiliate members. Open rates are typically 50 percent or higher, which is amazing and far exceed industry standards. This is a valuable resource for affiliate members and a way to engage with them regularly.

Re-launch listserv for affiliate members
In July 2021, the Committee re-launched its listserv to the all affiliate members. The goal is to promote it to affiliate members so that it becomes more robust and more valuable. In the few short weeks since its re-launch, we’ve seen affiliate members sharing their knowledge and engaging in communications with each other.

Respectfully submitted,

Monica Dabio, IRP
Paralegal, Taft (Indianapolis office)
Chair, Affiliate Membership Committee, 2020-2021
Indiana State Bar Association
October 15, 2021
Indianapolis, Indiana

(Nothing contained herein shall be construed as the action of the Indiana State Bar Association (ISBA). Any opinions or recommendations herein expressed or made are those of the American Citizenship Committee submitting this report and do not necessarily reflect the views of the ISBA until such time as the ISBA has duly adopted them as policy of the Association.)

This report is being submitted pursuant to Article XIII of the Bylaws of the Indiana State Bar Association.

Since 1967, the American Citizenship Committee has assisted in naturalization ceremonies before the United States District Courts for the State of Indiana. Members of the committee participate in these ceremonies by delivering remarks welcoming the new citizens and describing the rights and responsibilities of citizenship. Before each ceremony, the United States Citizenship and Immigration Services provides the ISBA with the names of the individuals to be naturalized. On behalf of the ISBA, each new citizen is presented with the “CANONS OF AMERICAN CITIZENSHIP” scroll at the ceremony.

Typically, the ceremonies are held on a monthly basis in Fort Wayne, Hammond, Indianapolis, and South Bend, and periodically in Goshen and West Lafayette. On occasion, the Court will hold the ceremonies at schools or in conjunction with cultural or patriotic celebrations such as Law Day or the Fourth of July. Unfortunately, due to the COVID-19 pandemic, ISBA members have not been able to participate in naturalization ceremonies this year.

We anticipate that, once ISBA representatives are invited to attend the ceremonies in-person, the Committee will be functioning smoothly. No action is needed by the House of Delegates on behalf of this committee at this time.
Respectfully submitted,

s/Colin J. Reilly
Colin J. Reilly, South Bend

s/Bonnie L. Martin
Bonnie L. Martin, Indianapolis

Co-Chairs, 2020-21
The past year has certainly been interesting as the Animal Law Section sought to expand our reach and services for our members. The Covid-19 pandemic has made it very difficult to meet in-person, but we have adapted to the change and strived to remain active.

We hosted a free online CLE in December entitled, “Evictions in the Time of Covid,” with speakers from the Neighborhood Christian Legal Clinic and The Humane Society of the United States. Our executive council has met by phone or Zoom meeting every 2-3 months to discuss plans for the upcoming year, possible CLE topics, branching out into legislative advocacy, and other topics. We added a student liaison to our group and hope to work more with student animal law chapters throughout this school year. The section began distributing a bi-monthly newsletter with information regarding caselaw updates, resources for attorneys practicing in the field, and other topics regarding animal welfare. We have submitted a survey to our members to best address how we can engage them in the coming year and have slowly been receiving responses. Our chair, Erin Huang, submitted an article to Res Gestae regarding private ownership of exotic animals, which was featured on the cover of the publication. This generated discussion about the topic, and we believe it raised awareness about the issue. During the ISBA annual meeting in October, the section chair and treasurer presented a CLE on the topic of ownership of exotic animals entitled, “Beyond Tiger King: How State Laws Allow the Proliferation of Abusive Roadside Zoos.” Finally, the section is sponsoring the Pups and Brews event for Young Lawyer’s section of the ISBA in September at Metazoa Brewing Company.

Next year, we hope to continue to expand our membership, provide more education and awareness through the section newsletter, form a legislative subcommittee, participate in legislative advocacy, and host more events online and in-person. Section members will continue to publish topical articles in our newsletter and will work to include animal law issues in future Res Gestae publications. The section is also working on a resolution to submit to the House of Delegates in the coming months.

Respectfully submitted,

Erin Huang
Animal Law Section
Chair, 2020-2021
Attorney Fee Dispute Resolution Committee

INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

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On February 5, 2021, the Indiana State Bar Association Board of Governors voted in favor of sunsetting the Attorney Fee Dispute Resolution program and its committee.

From October 2020 until February 2021, the Attorney Fee Dispute Resolution Committee sent information about the program to three people. Of the four disputes that were submitted, three respondents elected not to participate; one was forwarded to the Lake County Bar Association fee dispute program; and one dispute was declined because it was under the $750 threshold.

With the program’s conclusion, resources developed by the committee were shared with the Law Practice Management Committee. Members of the public with legal needs and/or complaints are directed toward other available resources, including the ISBA’s Clients’ Financial Assistance Fund (CFAF) program, when appropriate.

Respectfully submitted,

Rebecca Smith
ISBA Section & Committee Liaison
During 2020-2021, the Bankruptcy and Creditors Rights Section/Council was active in the following areas:

1. **Council Formation/Representation**: As part of Council leadership and membership development, we continue to work to find members who will represent practice and geographic diversity.

2. **Committees**. Currently, the Section has the following committees:
   a) **Handbook Committee**: Members of this committee are responsible for compiling useful and current content for section members. The committee will also work with ISBA staff to propose the best way to make the Handbook digitally accessible to Section members.
   
   b) **CLE**: This committee is responsible for generating program ideas, vetting program proposals from other members, and working with ISBA staff to compile program logistics.
   
   c) **Investment**: This committee is responsible for proposing and pursuing investment opportunities for the Section. Examples of investment potential include sponsorships, scholarships, and grants.
   
   d) **Legislative**: This committee is charged with coordinating with the ISBA legislative liaison on a regular basis to ensure that the Section is aware of, and participates in discussions surrounding proposed legislation of interest to the Section and/or to consider addressing legislative reforms that impact Section members’ practice on a regular basis.
3. **Judicial Receptions:** None this year.

4. **CARE Program:** One of the Sections’ goals over the past several years was and remains the implementation of a financial literacy program to be presented in high schools by our members. The Section is currently working with the Indianapolis chapter of the Credit Abuse Resistance Education (CARE) program, a national, nonprofit organization providing students and young adults with the skills to make smart financial decisions, as well as the Allen County Bar Association and other entities within Indiana, to foster this goal. Although the COVID-19 crisis has resulted in the cancellation of in-school presentations for the foreseeable future, both the national CARE organization and the Indianapolis chapter are working on transitioning the educational materials to allow for virtual learning opportunities during the 2021-22 school year.

5. **Judicial Externship Financial Support.** One of the Section’s goals has been to increase interest in the Indiana bankruptcy practice by law students and young practitioners. In furtherance of this goal, the Section has approved the implementation of a program to grant financial support – via a scholarship or other financial stipend – to judicial externs or externs for the bankruptcy clerk’s office. A form of application has been approved and adopted by the Section, and the Section estimates spending approximately $4,000 - $5,000 annually in furtherance of this program. The total expense may vary depending on the level of interest and the quality of the applicants.

6. **Budget.** The Section has development and approved an annual budget for the fiscal year 2021-2022.

7. **Full Section Meetings.** We were continuing to seek opportunities to allow the entire membership to attend a Section meeting. Our annual meeting will be held via Zoom and open to all members.

8. **Contributions/Sponsorships:**
   a) The Section supported a request from the CARES program for $100.
   b) The Section supported a request from the Indianapolis Bar Association to support the Welcome Reception for the Annual Conference of the National Conference of Bankruptcy Judges for $2,500.
   c) The Section supported a scholarship for the 2022 Leadership Development Academy for $250 with the potential to fund a scholarship for a Class 10 member if that person is also a Section member.
   d) The Section agreed to provide stipends to unpaid student interns who work either for Bankruptcy Court or the Clerk of the Bankruptcy Court in any program under any law school. This year, we have made two $1,000.00 stipend payments.
RECOMMENDATIONS

1. *Continued Emphasis on CLE Offerings.* We believe that high quality, low-cost CLE produced in state provides a significant value to members and this should be encouraged.

2. *Continued Development.* Opportunities for younger attorneys or law school students to become involved in Section activities.

Respectfully submitted,

Kayla D. Britton

Bankruptcy & Creditors’ Rights Section
Chair, 2020-2021
CHILDREN’S RIGHTS COMMITTEE
INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

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CHILDREN’S RIGHTS COMMITTEE ACTIVITY IN 2020-2021

The Children’s Rights Committee (“CRC”) began the year by focusing the committee on pressing issues within children’s rights. Given this vision, the CRC chose to focus on the following goals:

- Work with the judiciary on a CLE regarding the national movement toward attorneys for children in Child in Need of Services (CHINS) cases
- Identify pending legislation that impacts the civil rights of children, and work with community members on those issues
- Recruit new and diverse individuals to CRC

The CRC for this year consisted of 18 members, compiled of federal, state, non-profit, and for-profit practitioners, as well as law students. CRC met via Zoom for the entire year due to the COVID-19 pandemic.

Fall 2020 meetings focused on the upcoming legislative session, where a number of bills were being proposed that would impact children’s rights. Several members of the committee were well versed in these bills and kept committee members apprised. Once the legislative session commenced, bills of particular interest to the committee were: HB 1213 and SB 32 (conversion therapy), HB 1448 (adoption; grandparent visitation), SB 368 (juvenile justice), SB 197 (criminal law issues), HB 1256 (juvenile court jurisdiction), and HB 1369 (firearms).

The members of CRC felt quite strongly about SB 368 and HB 1256, and the CRC voted to send a letter of support regarding SB 368 and a letter in opposition to HB 1256, in its official capacity. Several committee members testified in their individual professional capacities about the effects of these proposed laws on juveniles in Indiana.

There was some early work on a Continuing Legal Education (CLE) presentation for attorneys and the judiciary about direct representation of children in Child In Need of Services (CHINS) proceedings, but this was tabled due to pending federal lawsuits that impacted the ability of several committee members to further work on this issue.
The CRC also endorsed the work of a committee member to address lead poisoning interventions in Indiana. At the start of our year, this member was petitioning the Indiana State Department of Health to adopt the threshold level for lead intervention recommended by the Center for Disease Control (CDC), which was much lower than the level for intervention that the ISDH was currently using. Recently, the ISDH adopted the intervention levels recommended by the CDC, which is welcome and should bring needed assistance to needy children.

Lastly, due to the pandemic, the ISBA awards were again postponed. Therefore, the CRC did not select a 2021 recipient of the Hon. Taliaferro Award.

Respectfully submitted,

Nicole L. Goodson
Chair, 2020–2021
The Clients’ Financial Assistance Fund (CFAF) continues to honor its mission of assisting citizens who have suffered financial losses as a result of dishonest conduct by Indiana lawyers. CFAF currently has 9 attorneys volunteering on the committee as investigators. During the course of the 2020-2021 fiscal year, CFAF resolved 15 applications, 2 of which were approved and paid, and 12 were denied. The denials fell primarily in one of three categories: (1) no dishonest act alleged or shown; (2) the claim represents an attorney fee dispute; or (3) the claim was time barred.

The CFAF Committee also continues to act as stewards of the Fund. As of June 30, 2021, the CFAF held $357,567.39 in its account. That amount is an increase by $14,462.33 from the $343,105.06 held in the CFAF account as of June 30, 2020. CFAF paid out a total amount of $18,500 this last fiscal year for applications approved.

Respectfully submitted,

Nicolette Mendenhall
Rori Goldman
Co-Chairs, 2020-2021
Continuing Legal Education Committee (CLE)

INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

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ACTIVITY OF THE COMMITTEE

The CLE Committee was formed in January 2012 and in its first year adopted the following mission statement:

The mission of the Continuing Legal Education Committee of the Indiana State Bar Association is to facilitate the production and delivery of high-quality, affordable CLE programs for the benefit of the legal profession, in coordination with: the sections, committees and staff of the ISBA, and other entities serving the needs of Indiana lawyers.

This year the CLE Committee consisted of the following members representing solo practitioners, small firms, government, and courts throughout the state. All Committee members contributed to the important work of the Committee:

Andrew Z. Soshnick, Chair
Hon. Margret Robb

- Open Conversations has been a monthly program that brings candid dialogue about race and culture in the legal landscape. The program is led by Indiana Supreme Court Justice Steven David and Indianapolis attorney Angka Hinshaw. More than 1,000 attendees have engaged in this nationally recognized program.
- A focus group has been established, facilitated by CLE Committee Chair Drew, to help the ISBA recognize and leverage the fact that the best CLEs deliver practical, high-value information that can be put into practice immediately. This section of our strategic plan was crafted based off of responses to a member-wide survey as well as from input from our Board of Governors. The goal of the focus group is to develop criteria that defines high value content and to develop a process for delivering the same.
- The Member Benefit Library that was launch last summer continues to provide member value with over 40 hours of CLE.

The Committee and ISBA staff continue to evaluate CLE programming, identify trends and gaps, and work on building relationships.

Respectfully submitted,
Indiana State Bar Association  
COURTHOUSE ART COMMITTEE  
House of Delegates Report  

October 15, 2021  
Indianapolis, Indiana  

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The Courthouse Art Committee of the Indiana State Bar Association, by its chair, Douglas D. Church, is pleased to report that 71 original pieces of artwork have been collected from the following counties: 

Adams; Allen; Bartholomew; Benton; Blackford; Boone; Brown; Carroll; Clark; Clay; Crawford; Daviess; Dearborn; Decatur; DeKalb; Delaware; Dubois; Elkhart; Floyd; Fountain; Franklin; Fulton; Grant; Hamilton; Hancock; Harrison; Hendricks; Henry; Howard; Huntington; Jackson; Jasper; Jennings; Knox; Lake; Lawrence; Madison; Marion; Marshall; Martin; Miami; Monroe; Montgomery; Morgan; Newton; Noble; Ohio; Orange; Pike; Porter; Posey; Pulaski; Putnam; Ripley; Shelby; Starke; Steuben; St. Joseph; Sullivan; Switzerland; Tippecanoe; Tipton; Union; Vanderburgh; Vigo; Wabash; Washington; Wayne; Wells; White; and Whitley.

*Those underlined are new pieces of artwork collected since last year’s report.

The following five counties have artwork in the works:

- Cass County
- Johnson County
- Kosciusco County
- LaPorte County
- Parke County

The artwork received thus far hangs as part of a permanent art exhibit in the State Bar’s downtown Indianapolis office.

With the ISBA’s continued efforts to collect pieces of artwork from all 92 counties, the State Bar will own one of the few complete collections of original artwork depicting Indiana courthouses, and certainly the most unique. The Committee welcomes volunteers in the quest to complete the collection!

Respectfully submitted,

Douglas D. Church  
Past-President, 2007-2008  
Indiana State Bar Association  
DChurch@cchalaw.com
CRIMINAL JUSTICE SECTION

INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

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CRIMINAL JUSTICE SECTION 2020-2021 ACCOMPLISHMENTS

1. The Board of Governors approved our updated bylaws and the section adopted them.

2. A full council was slated and all officer positions were filled.

3. By offering section meetings via Zoom, we have increased member participation. We will continue to offer this option even after we resume in-person meetings to ensure all members can attend and participate.

4. The section submitted comments on the proposed changes to the Indiana Rules of Criminal Procedure.

5. The section is testifying at Interim Study Committee on Corrections and Criminal Code on 8/26.

6. The section presented two webinar CLEs and will be presenting a free webinar CLE to our members at our annual meeting on October 21, 2021. We are also partnering with the Latino Affairs section to present a webinar CLE on the legislative process soon.

7. The section is sponsoring one LDA attendee and we are sponsoring section member Courtney Curtis to attend Making a Lasting Impact for Our Children: Are Your Good Intentions Enough?

8. We will move to renew our support of We The People at our annual meeting in October.

Respectfully submitted,
Diane Black
Criminal Justice Section
Chair, 2020-2021
USE THIS SPACE TO REPORT ACTIVITY OF THE SECTION

1. Five business meetings were scheduled. Due to the COVID-19 Pandemic, all business meetings to date have been held virtually. The Section also met in-person for an informal summer outing at Lake Lemon on July 31, 2021.

   a. January 22, 2021 – The Section conducted an Ordinary Business Meeting via Zoom.

   b. March 19, 2021 – The Section conducted an Ordinary Business Meeting via Zoom. A CLE on VA Nonservice-Connected Needs-Based Pension was presented by Polli A. Pollem, Military Assistance Project Director at Indiana Legal Services.

   c. May 6, 2021 – The Section conducted an Ordinary Business Meeting via Zoom. A CLE on Indiana House Bill 1255, which made changes to execution of Wills and Powers of Attorney, was presented by Liz Homes.

   d. July 31, 2021 – A summer social gathering was held at Lake Lemon for Section members and their families.

   e. September 2, 2021 – An Ordinary Business Meeting was conducted via Zoom. Keith Huffman gave a CLE presentation at the newly opened Ft. Wayne Program for All-Inclusive Care of the Elderly (PACE) facility.

   f. October, 7 2021 – Section Leadership is planning a meeting to install new officers and host a holiday party.

2. [2020]

   i. The Section pledged $500 for Statehouse refurbishment of IN Constitution Case
ii. Donations in memory of Dr. Mary Austrem
   1. IU Memorial ($125.00)
   2. Village of Merici ($125.00)

iii. Donations in memory of Attorney Jon Williams
   1. Baxter YMCA ($125.00)
   2. Indiana Senior Law Project ($125.00)

3. [2021]
   i. The Section pledged $1,500 for the ISBA Leadership Development Academy
   
   ii. The Section received a charitable gift from the Herschel Whitney scholarship/trust for the Laws of Aging resource book to be provided in digital format. Indiana Bar Foundation is holding the $10,000 gift for this project.
   
   iii. The Section awarded a scholarship to 2 attendees of the annual NAELA Unprogram CLE.

USE THIS SPACE TO REPORT SECTION RECOMMENDATIONS, IF ANY

No recommendations.

Respectfully submitted,

Michael Wilhelm

The Elder Law Section of the Indiana State Bar Association
Michael D. Wilhelm,
2020 – 2021 Section Chair
During 2020-2021, section membership went from 380 members to 360 members, or a 5% decrease. This number includes both paying members and law students from Indiana’s 4 law schools.

The COVID-19 pandemic continues to have an impact on the Section’s ability to host in-person activities, however the Section has plans to host a holiday dinner on December 9, 2021 in Indianapolis.

The Section kept watch on several bills including HB 1002 COVID Immunity; HB 1156 Microchipping of Employees; HB 1309 Pregnancy Accommodation; SB 129 Whistleblower Reporting; SB 229 Worker Compensation law modification; and SB 257 Employee misclassification.

Section council meetings consisted of discussion topics regarding trends in labor and employment practices, virtual hearings in the era of COVID, Regulatory changes under President Biden, and mandatory vaccinations. These conversations not only served to encourage collegiality between council members, but also to consider topics that may be of interest in presentations or articles to Section members.

Work continues for the next edition of *The Workplace Lawyer*, which will be compiled in the early part of 2022 and feature articles written by Section members.

The Section allocated $750 to support the ISBA Leadership Development Academy 2022 and finished the year with $25,287.49 in its coffers.

Respectfully submitted,

David T. Vlink
Chair, 2020-2021
Nothing contained herein shall be construed as the action of the Indiana State Bar Association (ISBA). Any opinions or recommendations herein expressed or made are those of the ISBA Family & Juvenile Law Section which is submitting this report and do not necessarily reflect the views of the Indiana State Bar Association unless or until such time as the ISBA has duly adopted them as policy of the Association.

During the 2020-2021 year, the Council Members of the ISBA Family and Juvenile Law Section continued to meet monthly by Zoom. In-person meetings and events had been planned and some were even scheduled, but they all had to be either cancelled or postponed as the pandemic continued to grip the world and COVID outbreaks in our state, even after the vaccinations, began once again to spike.

EDUCATIONAL, LEGISLATIVE AND ENRICHMENT ACTIVITIES

The ISBA Family & Juvenile Law Section continued to work very closely with our legislative liason Paje Felts to monitor and provide input as to pending legislation which could affect family law or those involved in the juvenile justice system. An example of such activities undertaken by the Council includes our 2021 Summer Study Session on the proposed presumption of both joint legal custody and joint physical custody of children in divorce and paternity cases. (HB 1248 and its companion bill S.B. 318). The Study Session is composed of members of the judiciary and of the Family and Juvenile Law Section. The Study Session meetings thus far have been spirited as persons have very strong opinions on both sides of this issue.

The Section weighed in on the need for immunity for Parenting Coordinators and requested that the immunity provision be included in the ADR Rules, rather than merely
be part of the Indiana Parenting Time Guidelines.

Members of the Council helped rewrite portions of HB 1448 (the adoption bill), which was passed into law.

The Family and Juvenile Law Section coordinated with other Sections of the ISBA and other groups throughout the State to bring information and ideas to our membership. These collaborative efforts include, but are not limited to, the following:

- The Chair of the Family and Juvenile Law Section served on the Supreme Court Task Force and kept the Council and membership at large updated on the important issues being studied and addressed by the Task Force.

- Certain members of the Council were also members of the ADR Committee, thus promoting support for a sister section, fostering a sharing of ideas and preventing overlap and duplication.

- Other members of the Council served on the Family Law Certification Board so the Council was kept apprised of the on-going activities of that entity.

Our annual CLE / Social Event could not occur because of concerns about COVID, COVID variants, and public safety. Instead, a simple outdoor networking event for Summer was planned, which was than moved to the Fall, which was then ultimately cancelled. It is our hope to be able to use all of our planning and have this already-planned event sometime next year.

An ad hoc committee of Council members is currently reviewing and updating the Section’s By-Laws as they have become out-dated and have not been revised in years.

The Section continues to participate in the ISBA Family Law Listserve. The Section continues to utilize this service, not only to provide advice and insight to Section members, but also for the Council to apprise the Section membership of news, important legislation, or developing case law.
CHARITABLE DONATIONS

The ISBA Family and Juvenile Law Section made charitable contributions to the following:

$ 5,000.00  Indiana Bar Foundation Civic Education Program

$ 2,124.00  ISBA Leadership Development Academy

AWARDS

In 2020, the Council created the new Nanette K. Raduenz Award which is to be awarded every other year to honor a judicial officer who demonstrates excellence in the family law and/or the juvenile law arena, demands civility and professionalism in his or her court, and encourages respect and appreciation for the rule of law and for the courts as a whole. The Section awarded this honor for the first time this Fall (2021). Magistrate Nanette K. Raduenz (a former family court magistrate for many years) was an active member of our organization who passed away tragically in the Fall of 2019. The inaugural presentation of this award named in her honor was presented at the Fall Judicial Conference to the Honorable Judge Robert “Jeff” Tornatta, Senior Judge of the Vanderburgh County Superior Court.

Respectfully submitted,

________________________________________
Debra Lynch Dubovich
Chair, Family & Juvenile Law Section 2020-2021
The General Practice, Solo & Small Firm Section currently has 646 members and consists of members of the Indiana State Bar Section whose have general practice firms, solo practitioners, and attorneys in small firms.

The Section hosted several virtual socials this past year to include a magician, painting class and a social centered around sharing war stories.

The General Practice, Solo & Small Firm Section has one committee, the Solo and Small Firm Conference Planning Committee. The 2021 Solo and Small Firm Conference (SSFC), Celebrating the Resilient Layer, was held in French Lick, Indiana on June 3 -5, 2021. The 2021 SSFC utilized a hybrid platform and attorneys were able to attend in person or virtually. National speaker, Jess Buchanan, joined the conference live to share her story of resilience after being held by Somali pirates for nearly 3 months before being rescued by Navy SEAL Team Six. You can read her story in her book, “Impossible Odds: The Kidnapping of Jessica Buchanan and Her Dramatic Rescue by SEAL Team Six.” John Douglas, the legendary FBI profiler, also spoke to attendees about his career and working on high profile cases, such as the JonBenet Ramsey case. The conference included over 15 hours of CLEs with bonus CLEs available to those who registered early for the conference. The SSFC Planning Committee is currently planning the 2022 Solo and Small Firm Conference which will be held in French Lick, Indiana on June 2-4, 2022.

The Section awarded its annual Hall of Fame awards to the 2021 recipients at the Solo and Small Firm Conference on June 4, 2021. The 2021 receipts included Pat Shoulders and Lee Christie. Pat Shoulders is a partner with Ziemer, Stayman, Weitzel and Shoulders in Evansville. Pat is an outstanding member of the legal profession, whose career has served as a model for other lawyers in the GP, Solo and Small Firm Section. Lee Christie is a partner at Christie, Farrell, Lee and Bell of Indianapolis. Lee is widely regarded as one of the best trial lawyers in the State and goes above and beyond to mentor other lawyers. The 2020 Hall of Fame receipts, Derrick
Wilson and Thomas McGlasson, were also able to join us to receive their 2020 awards. It was an honor to celebrate these attorneys and their accomplishments within our legal community.

The Section will hold its Annual Section Meeting at the 2021 ISBA Annual Summit. The Annual Section Meeting may be attended either in person or virtually.

In the past, the Section has financially supported the ISBA Leadership Development Academy (LDA), a statewide leadership program established to empower and develop lawyers to be informed, committed, and involved so that they may fill significant leadership roles in local and state bar associations, local communities, and organizations, and to serve as role models in matters of ethics and professionalism. Due to COVID, LDA was paused for the 2021 year but we are excited to sponsor the upcoming 2022 LDA Class. I was a member of LDA Class 7 and I found it to be a rewarding program and hope others in our section with consider applying in the future.

The Section will hold its election for the 2021-2022 slate at the during the Annual Section Meeting at the ISBA 2021 Annual Summit. The Section’s current leadership includes Heather George Myers, Chair, Jason Massaro, Chair-Elect, John Thomas (JT) Funk, Vice Chair and Paraskevi Patty Xidias as Secretary.

USE THIS SPACE TO REPORT SECTION RECOMMENDATIONS, IF ANY
There are no recommendations for House action from the General Practice Solo & Small Firm Section at this time.

Respectfully submitted,

Heather George Myers
Chair, 2019-2021
REPORT OF THE ISBA HOUSE OF DELEGATES NOMINATIONS COMMITTEE

The ISBA House of Delegates Nominations Committee met May 17, 2021, to select the Chair-Elect for the House of Delegates. Tim A. Baker chaired the Nominations Committee, which consisted of committee members Sara McClammer, Andi Metzel, Tonya Bond, and Jimmie McMillan.

This year's selection must be from Area 4, which is Marion County. The committee considered a diverse array of candidates. Some candidates were nominated by the committee. Others were nominated by ISBA leadership and staff. Other candidates were self-nominated, or had been considered for this position in the past. In addition, the ISBA promoted the opening in the Addendum.

Based upon its consideration and discussion of all the candidates, the Nominating Committee unanimously recommends Angka E. Hinshaw, of the Marion County Public Defender Agency, for the position of Chair-Elect of the House of Delegates.

Respectfully submitted,

Tim A. Baker  
Chair  
ISBA House of Delegates Nominations Committee
Pursuant to the provisions of Section B(2) of Bylaw V of the Indiana State Bar Association, notice is hereby given to all members of the Association and to all members of the House of Delegates that the Nominating Committee of the House of Delegates of the Indiana State Bar Association nominates the following candidate:

**Angka Hinshaw, Area 4**

Such candidate, if properly elected as Chair-Elect at the 2021 Annual House of Delegates meeting, will serve one year as a member of the Board of Governors in the capacity of Chair-Elect of the House, and will then assume the office of Chair at the close of the 2022 Annual Meeting, serving until the close of the 2023 Annual Meeting.

Respectfully submitted by,
Judge Tim Baker, Chair
Andi Metzel
Sara McClammer
Jimmie McMillan
Tonya Bond
During this year of activity, the Intellectual Property Section has focused on engagement of Intellectual Property Section members as well as other ISBA members and law school students interested in IP law. The section finished the year with 35 law student members.

The Intellectual Property Section started the year with goals to engage law students and educate the other practitioners as well as the public about intellectual property by making the section and the council more open and welcoming. The COVID-19 pandemic slowed progress on these items. The section continues to work with the Robert McKinney School of Law and the Mauer School of Law on ways to encourage student participation on the council. The Intellectual Property Section also committed $750 to the 2021 Leadership Development Academy.

The IP Section worked with the Solo and Small Firm Section and sponsored a 1.0-hour CLE event featuring two speakers. Council members LaShaila Spivey and Blake Hartz prepared an On-Demand CLE titled “IP Basics for Non-IP Attorneys” and was made available to ISBA members via the organization’s website. The section presented this program for free.

The Intellectual Property Section has no recommendations for the ISBA as a whole. On behalf of myself and the members of the Intellectual Property Section I would like to express our appreciation for all that the ISBA has done to support our members during these difficult times.

Respectfully submitted,

Alejandro Martinez
Chair, 2020-2021
LATINO AFFAIRS COMMITTEE

INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

Nothing contained herein shall be construed as the action of the Indiana State Bar Association (ISBA). Any opinions or recommendations herein expressed or made are those of the Latino Affairs Committee submitting this report and do not necessarily reflect the views of the Indiana State Bar Association until such time as the ISBA has duly adopted them as policy of the Association.

Mission and Purposes:

The mission of the Latino Affairs Committee is to embrace its three main purposes:

1. Celebrate contributions from the Latino community on our system of laws and government and recognize how Latinos have enriched our society.
2. Serve the legal profession on behalf of Latinos through networking opportunities, education, career development and equal representation.
3. Assist Spanish-speaking Hoosiers gain better access to justice through service initiatives that connect them with the legal community.

Members:

Members of the Latino Affair Committee represents a broad spectrum of lawyers and judges from all practice areas, joined in the interest of educating others about the positive influence of the Latino community and serving the members of the Latino Community.

There was a small increase to the committee membership. This was done by word-of-mouth and professional connections.
Contributions:

Due to the global pandemic, the committee has been unable to connect in-person but connected via email and by utilizing a virtual platform. The committee sponsored complimentary education programs for the ISBA membership:


2. On September 24, 2021 - Celebration of Hispanic Heritage Month with the ISBA *Open Conversations* program. The featured panelists were:
   - Honorable Mario Garcia, U.S. Magistrate Judge, U.S. District Court for the Southern District of Indiana,
   - Cyndi Carrasco, Deputy General Counsel and Ethics Officer to Indiana Governor Eric Holcomb,
   - Alfredo Estrada, Partner at Burke Costanza & Carberry LLP, and
   - Sandra Moreno Garcia, SMG, Attorney at Law

3. On September 29, 2021 (virtual NCLE) - *Working with Immigrants: Connection in a Time of Disconnect* with Vicky Neiman, LCSW, Owner/Clinician, La Charla, LLC.

4. On October 6, 2021 - *Navigating the Indiana Legislative Process: From Ideation to Activation* with Danny Lopez who was the former Chairman of the Governor’s Workforce Cabinet under Indiana Governor Eric Holcomb and served as the Governor’s Deputy Chief of Staff, overseeing State operations, legislative affairs, and intergovernmental relations. During the previous administration of Governor Mike Pence, Lopez served as then-Lieutenant Governor Holcomb’s Chief of Staff.
   - Co-sponsored with the Criminal Justice Section

5. On October 13, 2021 - Celebration of Hispanic Heritage Month: *A Vision of Justice: Finding a Seat at the Table* with Hon. Juan E. Sanchez who serves as a District Court Judge in the United States District Court for the Eastern District of Pennsylvania.
   - Co-sponsored by the United States District Court Southern District of Indiana

Respectfully submitted,

/s/ Angka E. Hinshaw

Angka E. Hinshaw, Esq.
Chair, 2020-2021
Lawyer Advertising Ethics Committee

INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

Nothing contained herein shall be construed as the action of the Indiana State Bar Association (ISBA). Any opinions or recommendations herein expressed or made are those of the Lawyer Advertising Rules Review Committee submitting this report and do not necessarily reflect the views of the Indiana State Bar Association until such time as the ISBA has duly adopted them as policy of the Association.

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INTRODUCTION

The Lawyer Advertising Rules Review Committee (“Committee”) was created by the Indiana State Bar Association during the tenure of President Jim Riley. The basic charge of the Committee is to study and consider proposals to make the Indiana Rules of Professional Conduct (“Rules”) regarding advertising more helpful to our members.

Our Committee has had the opportunity to meet via Zoom a few times over the course of the past twelve months. Our primary focus over the course of the last year included:

1) A continued discussion of Rule 7.1 and 7.2, and whether we should continue to push to have those rules more closely reflect/mirror the ABA’s Model Rules;

2) Rule 10(a)(2) regarding “Cautionary Letters,” and guidance sought from Chuck Kidd as to the procedural and discretionary nature of these letters;

3) The amendment made to Rule 7.5 and its effect(s).

RECOMMENDATIONS and PLAN

After deliberating at length, our Committee has determined it is best to table the discussion related to Rules 7.1 and 7.2 at this time, and instead focus our attention to educating lawyers (especially young lawyers) on the Rules governing advertising. We are considering offering CLE programming and/or coordinating with the ISBA and others hosting Applied Professionalism Courses. It is our belief that lawyers would likely find the topic of advertising rules and ethics interesting, especially younger lawyers. Additionally, many lawyers simply do not know the Rules that govern advertising ethics. Our goal would be to help educate attorneys across the state in an interesting and fun manner.
Leadership Development Academy

INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

(Nothing contained herein shall be construed as the action of the Indiana State Bar Association (ISBA). Any opinions or recommendations herein expressed or made are those of the Leadership Development Academy submitting this report and do not necessarily reflect the views of the Indiana State Bar Association until such time as the ISBA has duly adopted them as policy of the Association.

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ACTIVITY OF THE SECTION

The 2020-2021 LDA Committee Members:

Tonya Bond          Randy Fisher          Jacquelyn Pillar
Seamus Boyce        Solicitor Gen. Tom Fisher  Jim Riley
Randall Cloe        Noah Gambill          Abby Rohmiller
Laura Conway        Robert Kistler         Charles Schmal
Traci Cosby         Yvette LaPlante        Freedom Smith
Justice Steven David Judge Melissa May     Terry Tolliver
James Dillon        Ann McCready          Kent Winingham

Generally

The mission of the ISBA LDA is to empower and develop lawyers to be informed, committed, and involved so that they may fill significant leadership roles in local and state bar associations, in Indiana communities and organizations, and to serve as role models in matters of ethics and professionalism.

In support of our mission, the LDA strives to:

- build a core of practicing lawyers to become leaders and nurture effective leadership with respect to ethics and professionalism, resulting in raising the overall ethical and professional standards and standing of lawyers in the community;

- identify and train lawyers who can be called upon by the ISBA, state and local government entities, local bar associations and community organizations for future
opportunities for leadership and service; and

- raise the level of awareness among lawyers regarding the broad range of issues facing communities of which the legal profession is specially situated to help and to build effective and mutually beneficial relationships among legal leaders across the State to assist in addressing such issues.

Last year I reported to you that the LDA Committee decided to postpone the final two sessions for LDA Class 9 due to COVID. For the 2020-2021 fiscal years, LDA Class 9 completed its final two sessions.

The following ISBA members participated in LDA Class 9:

John Acosta  Colin Flora  Joseph Moore
Tarah Baldwin  Joseph Fuschetto  Kyle Steinbrueck
Katie Boren  Kayla Grimes  James Strickland
John Bowen  Stephanie Gutwein  Aaron Tuley
Kaitlyn Collyer  Blake Hartz  Georrianna Tutwiler
Emily Crisler  Matthew Land  Alexander Van Gorp
Michael Cunningham  Marcelino Lopez  Josh Woodward
Mallory Deckard  Katherine Meger Kelsey  Eddie Woolard
Courtney Endwright

Sessions 1 through 3 were completed in early 2020 before COVID shut down the state. Session 4 and graduation were postponed until vaccines were available and the CDC recommendations were relaxed. Although normally a participant cannot graduate LDA without attending each session, with COVID still lurking, the Committee allowed each participant to decide for himself or herself whether to attend these final sessions.

Every LDA class has gone to Muscatatuck Urban Training Center, and the LDA Committee thought it was important for Class 9 to have this opportunity as well. It has become the pinnacle for LDA because it provides such a unique experience that one cannot experience without some kind of connection to the base. Class 9 had that opportunity in August 2021, and 15 participated. Once again, Muscatatuck quickly became the most favored session for many. The Class heard from military leaders, bonded over a paintball operation that included a torrential downpour, and continued to work on their class project. They toured the facility, including haunted tunnels at night, and learned about its history as an early mental health facility to it now boasting one of the largest urban training centers in the world. Class members participated in PT with Justice David at 0615, was serenaded by JLAP Committee Member Ashley Hart, learned about Veteran’s Treatment Court from Judge Granger and crew, and was introduced to class members from the Hoosier Youth Academy. The Committee thanks Catheryne Pully and Justice David for continuing to be the Muscatatuck sub-committee leaders—LDA would not be able to experience Muscatatuck without them and their military service.
LDA Class 9 had its final session in Hamilton County where ISBA Past President Leslie Henderzahs greeted them and discussed Hamilton County history. The Class heard from several impressive panels regarding economic development. They engaged with leaders from Hamilton County, including Mayor Brainard (Carmel), Mayor Cook (Westfield), and LDA Alumnus, Matt Light, who now serves as the Deputy Mayor to the City of Noblesville. Chuck Dunlap from the Indiana Bar Foundation discussed the IBF’s We the People and Mock Trial programs, including its newly-launched Mock Trial Diversity Initiative. The Class then got to see “We the People” in action through an impressive junior high demonstration. Before COVID, the original plan for this session was to include a bus tour. The LDA subcommittee, led by Seamus Boyce, turned it into a self-guided car tour, which included specially-made recordings from County leaders about the great places to check out.

It was a long time coming, but LDA Class 9 finally graduated on September 10, 2021 at the Ritz Charles in Carmel. Nineteen class members attended in person, and remote attendance was offered for those Class members who could not attend. ISBA President Michael Tolbert and IBF President Scott Barnhart gave remarks. Justice David provided an inspiring keynote address that set the tone perfectly for these young leaders to take what they have learned and the connections they have made through LDA to the next level.

**Class Project**

In order to demonstrate and apply the leadership skills learned over the course of LDA, the class is required to complete a project. Successful completion is not necessarily required for this requirement to be met; participation in the project is more about the process than the outcome. The LDA appoints a class “Sherpa,” a veteran member of the ISBA who is familiar with the LDA and the needs of the ISBA, to be available for mentoring and guidance. ISBA Past President Jim Riley agreed to continue on as the Class 9 Sherpa even through the extension. He clearly bonded with the class and was an invaluable resource to the LDA Committee. Jim had his last LDA Class 9 meeting after graduation to take the temperature of how the Class felt about the experience. I wish that I could share each of their quotes here because they really sum up why the LDA is such an important program. Each member who spoke felt connected to his or her class members and included in the ISBA in a way that does not happen without a program like the LDA.

LDA Class 9 has agreed as their class project to tackle a much needed update of pro se litigant forms. The class will partner with the Indiana Coalition for Court Access to revise pro se litigant forms, add new forms, and create advisory content on www.indianalegalhelp.org.

The LDA Committee approved the class project proposal, which is attached to this report.

**10-Year Reunion**

Can you believe it? The LDA has been part of the ISBA for 10 years now. The Committee had a sub-committee, expertly led by Randall Cloe, that planned what would have been an incredible celebration of this important milestone. All graduates, including Class 9,
were invited to an outdoor event at Fort Benjamin Harrison on September 11, 2021. Several special guests were invited, including Pat Heiny and Mary Jo Clark who have instilled servant leadership and kicked off every LDA class from its inception. Past ISBA President Erik Chickedantz who started LDA with the help of several other leaders was scheduled to make remarks. Invitations had been sent out, and the response was good. But then the COVID variant took its toll. Because it was a family-friendly event, and many LDA grads have children who cannot get vaccinated, the sub-committee made the tough decision to postpone graduation until next year.

**Class 10**

The LDA Committee has met several times throughout the year, including making selections for the places at which Class 10 sessions will be held. Sessions 1 and 2 will be at Fort Benjamin Harrison and the Statehouse respectively. Session 4 will be at Muscatatuck. Each LDA class has experienced these three sessions. The two floating sessions for Class 10 will be Session 3 in New Harmony and Session 5 (graduation) in Lake County. The application is out and can be found at [Leadership Development Academy (inbar.org)](http://inbar.org). We would greatly appreciate the help of the ISBA Board of Governors, House of Delegates, and members in recruiting participation in the LDA. In particular, the LDA lacks racial diversity. We have sent the LDA application to the Marion County Bar Association, the Kimbrough Bar Association, and asked that it be distributed to ICLEO fellows. Regardless, we have found that encouragement from another bar member is the most effective way to inspire a candidate to apply.

Turning to possible COVID issues and Class 10, even given the postponement of Sessions 4 and 5, I cannot tell you the amount of work that ISBA staff members Catheryne Pully and Kristin Owens put into constantly having to pivot throughout COVID. The coordination of such an intimate setting during a pandemic is nothing short of incredible. We certainly could not have gotten through Class 9 without them. We also want to be respectful of ISBA’s resources. We do not think an attempt to plan around COVID is the best use of the ISBA’s time or resources. As such, the messaging for the applicants for Class 10 makes it clear that each session will go forward in person unless the CDC or local authorities will not allow it. Each class member and Committee member is expected to follow whatever social distancing and mask policies are in place at any venue. If we cannot attend a session due to COVID restrictions, that session will be cancelled instead of postponed. We anticipate this may lead to a unique class, but given the alternative of postponing LDA another year, it seems to make the most sense.

**Committee**

The Committee has continued to be dedicated to LDA’s mission, even during the pandemic when there were many differing views on how to proceed. Each Committee member has stepped up when asked and has been willing to make hard decisions. Year after year these Committee members continue to serve without hesitation, and they make the program what it is.
I cannot express enough gratitude on behalf of the Committee for the support that the ISBA staff provides, in particular Catheryne Pully, Kristin Owens and Shanae Gay, each of whom goes out of her way to make things seem so seamless both to the Class and to the Committee. The number of challenges they dealt with this past year exceeded even 2020, yet we were still able to accomplish so much.

**Conclusion**

It has been my honor to serve on this Committee, and I am humbled by the work of presiding as Chair. The Committee is made up of so many dedicated, hard-working members of the ISBA, all with an eye towards offering younger lawyers the motivation and inspiration to serve the ISBA, the legal profession, and their communities as a whole. The excitement of serving the Class never gets old, and watching the results provides continued enthusiasm to serve. If you would like to discuss the LDA further or if you have a great candidate in mind, please call me on my cell phone at 317-679-3568 or email me at tbond@psrb.com.

Respectfully submitted,

Tonya Bond
Chair, 2020-2021
Dear Delegates:

The Legal Ethics Committee (the “Committee”) had a number of noteworthy accomplishments during 2020-2021:

1. **Legal Ethics Telephone Hotline**

   For many years, the Committee has operated a brief advice “hotline” for ISBA members who have ethics questions. Volunteers from the Committee agree to receive hotline calls and are assigned to handle questions from particular counties. Upon completion of the call, the volunteers send a summary of the issue presented and the advice given to the Chair for review; these summaries help keep Committee leadership apprised of frequently encountered issues for the Bar.

   The Committee continued to receive a steady stream of hotline calls and inquiries during the last year on a wide range of subjects.

2. **Regular Meetings**

   The Legal Ethics Committee continued to experience some displacement due to the coronavirus and the Chair’s relocation to New York, which both had an impact on its regular meeting schedule. The Committee’s meetings during the year were virtual and took place via Zoom on October 1, 2020 and February 20, 2021.

   Committee meetings are well attended and frequently involve spirited discussion of the ethical issues under consideration by the Committee.
3. **Formal Ethics Opinions**

The Committee finalized and published Opinion 1 of 2020 addressing the obligation to self-report certain conduct to the Disciplinary Commission. The opinion distinguished between the broad duty to report certain known conduct of another lawyer under Rule of Professional Conduct 8.3 from the few instances when a lawyer is required to self-report. The opinion clarified that there is no self-reporting duty under the Rules of Professional Conduct, but there are limited circumstances when self-reporting under Admission and Discipline Rule 23 is required. The Committee has additional topics that are being actively developed to become advisory opinions. Topics for opinions that are in process or under consideration include ethical considerations when a lawyer pays for placement of articles on legal topics; considerations related to third-party litigation funding; the ethics of providing financial assistance to clients; and the ethics of threatening a criminal or disciplinary complaint when negotiating the resolution of a civil dispute.

The Committee devotes a great deal of time to considering, analyzing and debating ethical issues to be addressed in advisory opinions. Those who volunteer to draft the opinions issued by the Committee without identified authors spend many hours on them and receive very little recognition.

4. **Rules Review**

The Committee keeps abreast of American Bar Association amendments to the Model Rules of Professional Conduct and is continually studying those amendments to determine whether it should propose to the Association for consideration by the Supreme Court amendments to the Indiana Rules of Professional Conduct. The Committee currently has under advisement two recent amendments to the ABA Model Rules of Professional Conduct: an amendment to ABA Model Rule 1.6 to require lawyers to take reasonable measures to protect against the inadvertent disclosure of and unauthorized access to confidential client information; and an amendment to ABA Model Rule 1.8 that would liberalize the situations when lawyers can provide financial assistance to indigent clients who are being represented pro bono. The Committee has also solicited the Disciplinary Commission’s thoughts on these two amendments.

5. **Other**

The Committee also responded to an inquiry from the Pennsylvania Bar Association Committee on Legal Ethics and Professional Responsibility into the Indiana Supreme Court’s decision, unusual amidst the states, to not include in the Indiana Rules of Professional Conduct the references in the ABA Model Rules of Professional Conduct to a duty of zealous representation. The Pennsylvania inquiry prompted in-depth exploration of the background of the Indiana Supreme Court’s decision.

6. **Continuing Legal Education**
At the 2020 Annual Meeting, the Committee organized and sponsored a panel presentation on the topic, “Manifesting Bias or Prejudice: What Should the Profession to Do About It?” The panelists were Indianapolis practitioners Shelley Jackson (Krieg DeVault LLP) and Justin Sorrell (Riley Bennett Egloff LLP) and Gary practitioner Shelice Tolbert (Tolbert & Tolbert LLC). As with the format for the rest of last year’s annual meeting, the audience was able to attend both in-person and virtually. The Committee thanks the panelists for an excellent presentation on a very timely topic.

* * * * *

I would like to thank Cathy Canny, the Committee’s recording secretary and Catheryne Pully, our ISBA liaison, for their hard work and support of the Committee during the year.

Respectfully submitted,

Donald R. Lundberg

Legal Ethics Committee Chair
LITIGATION SECTION
INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

Nothing contained herein shall be construed as the action of the Indiana State Bar Association (ISBA). Any opinions or recommendations herein expressed or made are those of the Litigation Section submitting this report and do not necessarily reflect the views of the ISBA until such time as the ISBA has duly adopted them as policy of the ISBA.

The Litigation Section, by its Chair, Andrea K. Townsend, is pleased to report that:

During 2020–2021, the Section, consisting of 788 paid members and 50 law student members (as of June 30, 2021—an increase of 90 paid members from last year!), held monthly business meetings, quarterly social events, as well as its signature August Annual Litigation Symposium. With the continued COVID-19 pandemic, the Section conducted its work virtually the whole year, mostly via Zoom®, which allowed for excellent participation and social interaction.

With many events in the legal community and the community at large continuing to be postponed or cancelled due to the COVID-19 pandemic and rise of the higher contagious Delta variant, the Section was afforded diminished opportunities to contribute to worthy causes and events. The Section, however, established and met lofty goals to keep the Section engaged, namely: rejuvenating and formalizing committee work on the Section Council, increasing Section member participation in the Council’s work, and increasing virtual social opportunities for Section members. As detailed below, in addition to sponsorships and other service, the Section’s Continuing Legal Education (CLE), Social, COVID-19 and Virtual Litigation Guidance, Publications, and Legislative Review Committees worked very hard the past year and accomplished a great deal.

The Section is confident that the upcoming 2021–2022 term will provide increased knowledge, protection, and safety from COVID-19 and abundant opportunities for the Section and its members.

MEETINGS

The Section will hold a virtual meeting open to all Section members at the Section’s Annual Meeting, which is during the ISBA Annual Summit (formally known as the Annual Meeting) on October 15, 2021, planned for 8:00 a.m. At this meeting, Section members will elect to the Council a new Secretary/Treasurer and District Representatives for its odd-numbered Districts.
The rest of our meetings have been virtual via Zoom due to COVID-19 concerns and Council members located all over the state. The Council had developed a plan to increase the number and location of in-person meetings to be held in conjunction with regional social mixers/meetings throughout the state and events with the law schools, but those plans did not mature due to restrictions placed by the Governor and municipalities to address the pandemic.

**SPONSORSHIPS**

The Section is fiscally sound and provided financial support to several programs and projects of the ISBA and Indiana Bar Foundation including:

- Leadership Development Academy Class 10 (2022): $3,000
- Solo & Small Firm Conference Scholarship 2021 (rolled over from 2020 cancelled conference): $2,752 (4 in-person scholarships)
- 2021 *We the People* Competition (rolled over from 2020 cancelled competition): $2,000

The Law Student Conclave competition for 2021 was cancelled, so funds marked to roll over from the 2020 competition were instead not charged to the Section.

**CONTINUING LEGAL EDUCATION PROGRAMS**

The Section held a timely two-part CLE program in 2021, led by Dr. Dennis P. Stolle, a national trial strategist and psychologist and the president and a founder of ThemeVision, a jury research and litigation consulting firm affiliated with Barnes & Thornburg. A cognitive scientist, Dr. Stolle is respected among leading trial lawyers, judges, and academics across the country for his skill in trial consulting, jury research, and legal psychology.

In the first CLE, The Psychology of Post-Pandemic Trials: Plexiglas, Masks, Reluctant Jurors, and Many Other New Challenges, held April 22, 2021, Dr. Stolle presented new, nationwide opinion data collected by ThemeVision on how the public is currently feeling about serving jury duty as the COVID numbers are dropping. The survey data showed major differences of opinion about whether it is safe to serve as a juror. Dr. Stolle also took a deep dive look at the psychology of assessing the credibility of witnesses who are wearing masks, testifying by video, or testifying from behind Plexiglas, as well as other factors affecting the overall psychology of the courtroom in the post-pandemic world. This 1-hour, fee-based CLE presentation with Q&A moderated by Section Chair Andrea Townsend had 39 “live” attendees and is also available for viewing via the ISBA CLE Library for a fee. Four already have viewed the recording.

The second CLE, held on August 12, 2021, as the Section’s 7th Annual Litigation Symposium, focused on “Returning to the Court Room Post-Pandemic.” Dr. Stolle first presented about jury and bench trial experiences, motion practice, remote witness credibility, and “disappearing” civil trials. He then hosted a moderated panel discussion with Judges Mary Ellen Diekhoff (Monroe County Circuit Court), James A. Joven (Marion Superior Court), and Lakshmi Y. Reddy (Vigo Superior Court), who shared their experiences and thoughts about litigation moving forward into a post-pandemic reality. To encourage networking following the CLE, the Section used Zoom’s breakout rooms feature and offered as an incentive Amazon gift card door prizes. This 2.5-hour,
fee-based CLE presentation with Q&A moderated by Section Chair Andrea Townsend had 36 live attendees and is also available for viewing via the ISBA CLE Library for a fee. Three already have viewed the recording.

We plan to continue utilizing nationally recognized speakers for the Annual Litigation Symposium, as it has been so successful in drawing attendees, and providing great content. Coordinating with the ISBA President and Appellate Practice Section, we also have plans in the works to invite a national level court of appeals judge to speak in 2021. As the Litigation Section has successfully partnered with other ISBA Sections in the recent past, we intend to explore future opportunities with other ISBA sections in 2021–2022.

SOCIAL PROGRAMS

Because the Section’s members cannot all meet in person for hearings, depositions, meetings, CLEs, or the Annual Meeting, the Section developed and implemented a four-part trivia night series. Hosted quarterly on December 17, 2020, March 24, 2021, May 19, 2021, and July 29, 2021, trivia night received positive reviews for connecting law practitioners and students from across the state in a safe, fun, and convenient format. Law students also benefitted from mentoring and employment opportunities.

The Section continues to gauge whether its members would prefer niche (e.g. years of practice, type of litigation, etc.) networking opportunities.

PUBLICATIONS

With the dogged guidance of District Representative Joseph R. Fullenkamp (then Publications Committee Chair), the Section published its Spring 2021 edition of the *Indiana Litigator* in April, the first time the Section’s newsletter had been published since Summer 2011. The Section plans to next issue a fall and/or winter edition.

LEGISLATIVE REVIEW SERVICE

Consistent with our purpose outlined in our Bylaws, including but not limited to promoting the administration of justice by simplifying and expediting procedure and clarifying and advancing the substance of law, the Section reviews and/or provides feedback on proposed legislation and rule changes. During the 2020–2021 term, the Section led by District Representative Jeffrey W. Ahlers (Legislative Review Committee Chair) reviewed and/or provided feedback on many pieces of proposed legislation and rule changes, including (in order of appearance):

- **House Bill 1306** (full faith and credit for tribal court orders) – Discussed at September 2020 meeting. Individual Section member feedback shared with ISBA Legislative Counsel Paje Felts.

- **HB 1110 and Indiana Small Claims Rule 8(C)** (change to statutory small claims court procedures to raise monetary cap for corporate entity to engage in self-representation) – Much discussion and action during 2020–2021 term, including December thru May
meetings, with much legwork by Section member Colin Flora and Section Council member Jason Massaro. The Section initially provided a written statement opposing the bill on grounds of unconstitutionality. Mr. Flora then testified against the bill before the House committee on behalf of the Litigation Section and the ISBA. When the bill passed the House legislative committee, Mr. Massaro testified against the bill before the Senate committee. When Indiana Supreme Court proposed amendments to Indiana Small Claims Rules 8 tracking HB 1110, the Section submitted a letter on behalf of itself, the ISBA, and the General Practice, Solo & Small Firm Section in opposition to the proposed rule change.

- **Senate Bill 1 and HB 1002** (civil immunity related to COVID-19) – Discussed at December 2020 meeting. As a group representing both plaintiff and defense attorneys, the Section decided to not take a position.

- **HB 1125** (making a deceptive act for a person to engage in lead generation that is false, deceptive, or misleading for claims related to medical devices and legend drugs) – Section opposed bill as originally drafted as unconstitutional. On February 8, 2021, Section Chair Andrea Townsend attended and supported testimony against the bill before the House committee by Margaret Christensen on behalf of the ISBA. Updates provided to Section at February and March 2021 meetings. Section opposition made unnecessary because bill amended to clarify that did not apply to lawyer advertising.

- **HB 1453** (re judicial selection in Lake and St. Joseph Counties – Discussed at March and April 2021 meetings. No official action taken because ISBA already taken a public stance against the bill, but Section offered to help as needed.

- **Senate Joint Resolution 16** (regarding changing membership of judicial nominating commission) – Discussed at March 2021 meeting. Deferred action to Appellate Practice Section.

- **Proposed Amendment to Administrative Rule 14** (regarding use of telephone and audiovisual telecommunication) – Discussed as May and June 2021 meetings. The Section provided feedback regarding modifications to the rule at the request of the Indiana Supreme Court Rules Committee. The Section decided it was not prepared to take a position because its members had mixed positions on the remote practice of law.

- **Proposed Amendment to Trial Rules 4.13 and 5** (regarding print requirements for service and potential transition to electronic notice) – Discussed at July 2021 meeting. District Representatives Jeff Ahlers, Melissa Cohen, Stephen Cohen, and Stuart Settle then participated in a July meeting with the Indiana Supreme Court and Hoosier State Press Association to share the Section’s feedback on pros and cons and proposed changes.
OTHER SERVICE

The Section’s participation in an Etiquette Training series with Indiana’s three law schools modeled after the one hosted by the Indiana University Maurer School of Law was put on hold indefinitely in Fall 2020 due to the COVID-19 pandemic and the law schools finishing their fall semesters early. The Section plans to re-visit this initiative when the law schools have returned to their typical in-person schedules.

The Section also volunteers in the moot court competitions for Indiana’s law schools and the We the People competitions.

GOALS

The Litigation Section works to provide value to our members. For the 2021–2022 term, as permitted by the unfolding of the COVID-19 pandemic, in addition to continuing its work detailed above, the Section plans to return to the in-person all-day format of its August Annual Litigation Symposium, utilizing the draw of nationally recognized speakers. The Section also plans to renew its prior tradition of awarding Civility Awards to a practitioner and a judge, to be awarded at its Annual Symposium.

ACTION ITEMS

The Litigation Section has no action items for the ISBA House of Delegates.

Respectfully submitted,

[Signature]

Andrea K. Townsend
Chair, 2020–2021
Nothing contained herein shall be construed as the action of the Indiana State Bar Association (ISBA). Any opinions or recommendations herein expressed or made are those of the Law Practice Management ("LPM") & Technology Committee submitting this report and do not necessarily reflect the views of the Indiana State Bar Association until such time as the ISBA has duly adopted them as policy of the Association.

USE THIS SPACE TO REPORT ACTIVITY OF THE SECTION

In response to all of the changes to the practice of law in Indiana and around the country, the newly combined LPM & Technology Committee convened a task force in January 2021 to collect the experiences and continuing challenges of the membership and the bar from across a diverse set of practice types and experience levels. The task force concentrated on the ways in which technology and practice management has changed during the COVID-19 pandemic and continuing crisis, as well how it should change in the coming years. Members from a across other sections, committees, and the membership were asked to participate. We had approximately 20 volunteers go through a strategic priorities brainstorming process. We held monthly one hour meetings from February to July to identify the most important and imminent technological and practice management needs of lawyers, paralegals, and other judges in the state.

As a result of this effort, the task force has produced a long range strategic plan, aligned to the strategic plan and goals of the Board of Governors. That plan is attached hereto as Appendix A. The committee leadership is continuing to discuss this plan with the BOG and executive committee for implementation.

USE THIS SPACE TO REPORT SECTION RECOMMENDATIONS, IF ANY

None.

Respectfully submitted,

Emily A. Storm-Smith
Chair, 2020-2021
Appendix A

Law Practice Management Committee
Strategic Plan 2021 – 2024

Committee mission statement: The Law Practice Management Committee studies, evaluates and recommends improved methods of managing the practice of law to maximize efficiency, productivity, effectiveness, pleasure and financial reward from such practice. The committee shall also develop and recommend projects and programs that will help members of the Association furnish high-quality legal services to their clients.

As of January 2021, the Law Practice Management now includes a Technology subcommittee (formerly a standalone committee) that addresses issues and makes recommendations to the Board of Governors related to (1) the integration of technology into the practice of law; (2) the use of technology to deliver effective legal services in Indiana; and (3) the use of technology to provide education and services to our membership.

Goal of plan: This plan is designed to guide the work of the LPM Committee over the next three years while supporting three pillars of the ISBA strategic plan:

- Education
- Advocacy
- Connections
- Note: Equity and Inclusion is the fourth pillar of the ISBA strategic plan. The LPM task force has not identified goals that directly support that initiative, but the Committee intends to include considerations for diversity, equity and inclusion in its work so that this objective is met through the programs, resources and materials that the Committee produces.

Proposed Committee Activities

Year 1: 2021-2022

<table>
<thead>
<tr>
<th>Activity</th>
<th>Related Pillar(s)</th>
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<tbody>
<tr>
<td>Propose and obtain approval for partnership with Affinity Consulting Group</td>
<td></td>
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<tr>
<td>• Implementation: Work with subject matter experts from across the ISBA (sections and committees) to vet and review materials, programs and other offerings</td>
<td>Education, Advocacy</td>
</tr>
<tr>
<td>Provide one 1.0 hr. CLE on a topic(s) identified as most pertinent by the LPM Task Force (see below)</td>
<td>Education</td>
</tr>
<tr>
<td>Identify national, state, and/or local paralegals associations with which ISBA should partner to share resources for support staff and for attorneys to best utilize staff</td>
<td>Connections</td>
</tr>
</tbody>
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Year 2: 2022-2023

<table>
<thead>
<tr>
<th>Activity</th>
<th>Related Pillar(s)</th>
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<tbody>
<tr>
<td>Conduct survey of ISBA membership to determine the most timely issues,</td>
<td>Advocacy</td>
</tr>
<tr>
<td>topics and challenges facing members; this will guide the committee for</td>
<td></td>
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<tr>
<td>the upcoming year</td>
<td></td>
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<tr>
<td>Continue working with ISBA sections to update materials from Affinity</td>
<td>Education,</td>
</tr>
<tr>
<td>Consulting, identify gaps and produce new relevant resources on most</td>
<td>Advocacy</td>
</tr>
<tr>
<td>pressing topics (determined by survey)</td>
<td></td>
</tr>
<tr>
<td>TBD (determined by survey)</td>
<td>Connections</td>
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</tbody>
</table>

Year 3: 2023-2024

<table>
<thead>
<tr>
<th>Activity</th>
<th>Related Pillar(s)</th>
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<tbody>
<tr>
<td>TBD</td>
<td>Education</td>
</tr>
<tr>
<td>TBD</td>
<td>Advocacy</td>
</tr>
<tr>
<td>TBD</td>
<td>Connections</td>
</tr>
</tbody>
</table>

Most pertinent resource topic areas, as defined by LPM Task Force:

Over the course of four months, the LPM Task Force participated in group discussions to identify the most important areas in which ISBA can provide value to members. Three overarching themes emerged from these meetings, along with dozens of recommendations for programs, resources and committee activities related to these topics:

1. **Everyday business of law**: Members noted that law school does not fully prepare lawyers to effectively manage a team, oversee human resources issues, develop work policies, maintain compliance, manage risk, or the many other aspects that go into managing a practice (i.e. file management, billing, recruiting and retaining talented staff, etc.). The ISBA can work to fill these gaps with programming and other resources designed to help members run their practice more efficiently.

2. **Practice/business technology**: The Task Force identified practice technology as a paramount concern for attorneys and one of the most important aspects of law practice management. ISBA is in a position to provide resources and recommendations to members related to practice hardware/software, cybersecurity and risk management (or connect members with vendors) to help them leverage technology to work more efficiently.

3. **Future of the profession, especially in a post-COVID landscape**: Top of mind for members in 2021 is how the practice of law has changed since the onset of COVID-19. The Task Force discussed what changes are here to stay and how ISBA can support members as they are working (and learning) remotely, relying more heavily on practice technology, and embracing new caseloads and management responsibilities as a result of COVID.
It is worth noting that much of the work that the LPM Committee does will be most pertinent to members in solo and small firms, as those in larger firms have access to more in-house resources. There is no one-size-fits-all solution for every member or type of attorney, so the materials and resources that the Committee produces may not be applicable to every member.

ISBA intends to partner with Affinity Consulting Group to provide a collection of pre-developed materials related to various aspects of law practice management (opening a practice, managing staff, protecting data, closing a practice, etc.). This partnership has been vetted and recommended by the LPM Task Force and will guide much of the Committee’s work during the first year.

**Recommended resources related to each topic area and strategic plan pillar:**

**1. Everyday business of law**

**Resources: Education**

- Trainings (CLEs or brief videos) and resources related to:
  - Utilizing staff and paralegals
  - Accounting
  - Project management
  - Benefits/health insurance
  - Managing a team
  - Trust funds and IOLTA accounts
  - Legal research
  - Starting a practice 101 (lessons learned and common pitfalls)
  - Attorney ethics
  - Opening a file
  - Billing
  - Choosing a practice area
  - Deciding whether to take a new client or new matter
  - Finding mentors
  - Organization methods to keep on top of workload
  - CLEs specific to support staff
  - Fair pay
  - Discrimination

- Yearly refreshers:
  - Compliance/risk management, guided by cases from Disciplinary Commission
  - 60 tips in 60 minutes (practice technology, management, useful tools, etc.)

- Videos and/or articles introducing different aspects of the legal process/agencies
- Historical discussions of landmark decisions and social issues
- Resources related to public speaking

**Resources: Advocacy**

- Provide a repository of resources/templates (especially for solo/small firms) related to:
  - Onboarding staff
- Retirement/succession planning
- Financial management
- Job descriptions and duties for administrators and paralegals
- Recommended protocols for performance reviews
- Malpractice
- Professional responsibility
- Confidentiality
- Recruiting and attracting qualified staff

- Host a “new lawyer boot camp” where attorneys are introduced to different agencies and parts of the legal landscape (clerk’s office, federal courts library, etc.)
- Develop a resource similar to the Indiana Law Blog that provides updates on legislation and government activities in/impacting Indiana
- Facilitate participation/partnerships to help provide legal services at free or reduced costs (opportunity for lawyers to hone skills)

Resources: Connections

- Develop partnerships with paralegal associations to present industry path to schools/students and networking opportunities between paralegals and attorneys
- Create a network of members who new lawyer can call or reach out to when getting started (not everyone uses Mentor Match)
- Plan social events for more interaction between judges, legislatures and lawyers (example: local government academy)
- Facilitate non-CLE conversations on mental health/wellness

2. Practice/business technology

Resources: Education

- Trainings (CLEs or brief videos) and resources geared toward:
  - Necessary insurance coverage
  - Cybersecurity and technology breaches
  - Obligations for HIPAA policies
  - Risk management
- Regular tech tips in *Res Gestae* and Addendum newsletter

Resources: Advocacy

- Create a list of preferred providers for IT security and data protection
- Develop a “master grid” of software to compare cost, pros/cons, reviews and experiences for small, medium and large firms; may include programs for:
  - E-discovery
  - Billing and accounting
  - Timekeeping
• Calendaring
• File storage

• Offer “law practice in a box”: a one-stop shop with recommendations for tools and hardware for members’ law practice (i.e. Office 365, QuickBooks, Casemaker, etc.); could have different options depending on practice type

Resources: Connections

• Develop roundtable programs to discuss business tech and network with vendors
• Facilitate listserv discussions between members to solicit input/feedback on practice technology, recommend tools and share experiences
• Solicit *Res Gestae* articles from vendors with product overviews and opportunities to connect with vendors

3. Future of the profession, especially in a post-COVID landscape

Resources: Education

• Trainings (CLEs or brief videos) and resources related to:
  o Remote trials
  o Conducting remote or hybrid depositions
  o Helping clients who struggle with or can’t access technology
  o Business development in virtual environment
  o Remote file management
  o Phishing and scams that emerged during COVID

Resources: Advocacy

• Resources related to self-represented litigants and their impact on law practice management
• Offer recommended policies for remote work
• Provide toolkits/recommendations to firms on:
  o Remote technology
  o Expanding the use of existing platforms (i.e. Clio) to be more efficient in a remote world
  o Cybersecurity (especially focused on devices/software used when working from home)

Resources: Connections

• Mentoring/networking/collaboration also more difficult remotely
• Resources related to work/life balance (more difficult; there is temptation to work all the time)
• Listserv discussions focused on virtual working ideas (what works, what tech is helpful, suggested policies for staff, etc.)
The Membership & Membership Benefits Committee of the Indiana State Bar Association, by its chair, Amy Noe Dudas, is pleased to report that:

The ISBA Membership Committee identified the following goals for 2020-2021:

1. Now that we have a new retirement category, determine ways the ISBA can better engage its retired members to maintain a sense of belonging and provide others with the advantage of their wisdom and expertise.
2. Organize a subcommittee to welcome new admittees to the practice and as members of the ISBA by way of a phone campaign as part of ISBA onboarding plan.
3. Sponsor/support 2021 ISBA Managing Partners Breakfast
4. Stand ready to provide help or take action as it relates to the ISBA’s strategic plan

Now that we have a new retirement category, determine ways the ISBA can better engage its retired members to maintain a sense of belonging and provide others with the advantage of their wisdom and expertise.

In 2019-2020, the Membership Committee spearheaded efforts to create a new membership category for retired lawyers, thus making a home for every lawyer, at every stage of their career. At the 2020 HOD meeting, this new retired category was approved unanimously and then implemented with the 2021-22 dues cycle.

The new challenge before this Committee was to think big picture about how to engage and maximize on retired members’ time and expertise. It’s not enough to simply create a space for them; it’s imperative that we evaluate how to improve their life in some way.

We have partnered with the Indiana Supreme Court in a way that allows us to be automatically notified every time an attorney changes their license status to “retired.” This allows us to immediately congratulate them, and make sure they know that they can remain a member for just $50.00 while still receiving the same member benefits as those still practicing, including Res Gestae,
which has been important to many of them. This has provided us a way to continue the conversation with many members who have retired or are considering it, and aren’t sure whether they want to continue their membership.

Here’s an excerpt from our email to retired members:

_Congratulations on retiring from the Indiana bar. What an accomplishment! On behalf of the Indiana State Bar Association, I want to personally thank you for devoting your career to helping others._

_As you enter this next phase, we know that you’re likely to find that you’re busier than ever. Hopefully you get to enjoy more time with your family and have the opportunity to help your family, friends, and neighbors in ways you couldn’t before._

_If you do have a desire to remain connected to the Indiana legal community, we would love to have you as a member. Retired members receive a special rate ($50.00/year) and receive all of the same benefits that practicing lawyers receive (e.g., monthly magazine, biweekly e-newsletter, Fastcase, section listservs, etc.). More importantly, we are always looking for opportunities for you to give back to the profession and to continue helping people through mentorship, pro bono initiatives, civic education and more._

_Here are two candid responses from members, which I think truly captures the variety of sentiment toward membership once retired:_

_“Awesome, thank you so much! And yes I would love to be a retired member at $50. Giving back is a great idea. Thank you.”_  

_“Honestly, I’m totally burned out on the legal profession at this point in my life. When I started out, the Bar was like an extended family – everyone attended the monthly luncheons at the Columbia Club and lots of after-work receptions often to recognize the achievements of our colleagues – ISBA sponsored spring and fall semi-annual meetings with multiple days of CLE, section administrative sessions and various social receptions and it was great fun. We worked hard and took practice seriously, but also maintained balance in our daily lives. Quite a contrast to today's legal profession where the members are all obsessed with work and running like their clothes are on fire. I do plan to do charitable work when I make the mental transition but not activities related to the legal world. I appreciate your inquiry, Carissa, but that is not where my head is now. Maybe at some point I'll come back for the annual fall meetings and pester Leah – Ha! All the best to you and your important work, Carissa.”_

There remains a lot of work to do when it comes to providing member value for this segment, which is why the Committee has identified this member segment as one of its top career stages as part of the State Bar's strategic plan. This fall, the Committee will work with ISBA to conduct virtual focus groups with retired members in order to identify shared interests, needs and opportunities of interest.
Organize a subcommittee to welcome new admittees to the practice and as members of the ISBA by way of a phone campaign as part of ISBA onboarding plan.

On June 1, the Membership Committee was instrumental in helping ISBA launch its new Ambassador Program as part of our strategic onboarding plan for new members. The goal of this program is to make new members feel welcome and familiarize them with relevant ISBA offerings that will help them thrive as a lawyer, ensuring they have an immediate connection within ISBA.

A secondary goal of this program is to provide our members with an opportunity to serve that is limited in time and scope, without a formal commitment to regular meetings and duties. This is an opportunity for our members to contribute to the association without the pressure of required travel, meetings or other commitments that may be a barrier to their participation.

The process is simple: Ambassadors will have access to a list of new members at the first of every month and can reach out on their own time. They pick who they reach out to, and how many. We provide an online toolkit with helpful resources (e.g., sample phone script, questions to ask, list of section/committee chairs, etc.) and virtual training for Ambassadors so they aren’t flying blind. As outlined on our website, the role of ambassadors is to:

- Contact new members assigned to you within two weeks of their join date to welcome them to ISBA.
- Determine the objectives of the new member.
- Offer suggestions of ISBA programs and resources that meet their needs.
- Invite the new member to attend at least one event you’re going to, whether virtual or in person, and introduce them to other members.

Sponsor/support 2021 ISBA Managing Partners Breakfast

It was important to the Membership Committee that the Managing Partners Breakfast was help in person to maximize on the opportunity. For this reason, due to COVID, the breakfast was postponed to 2022.

Stand ready to provide help or take action as it relates to the ISBA’s strategic plan

The Committee was conservative when setting its goals for the year because we wanted to be available to roll up our sleeves to help with initiatives from the State Bar’s strategic plan, once they were identified.

The strategic plan outlines four strategic priorities: advocacy, connections, education, and equity & inclusion. The Membership Committee was called on for help and support in executing these goals and tactics outlined as part of the connections pillar:

- Identify the top 3-5 primary employment types (think beyond sections/practice areas)
- Identify the top 3-5 career stages

The reason for identifying these segments is so that ISBA can be more strategic in creating
opportunities for members to connect based on their shared goals, preferences and environment. The goal is to define 3-5 similar environments that cover 85-90% of our membership.

The ISBA Membership Committee took an active role in evaluating data available to us through our membership survey in order to help identify the following target audiences for ISBA:

The top employment types (aka, practice settings) have been identified as being ripe for shared connections:

1. Solo & Small Firm
2. Partners
3. Associates
4. Government
5. Judiciary
6. In-House Counsel (aka, corporate counsel)

The top career stages have been identified as being ripe for shared connections:

1. Law students (specifically, 3L’s and those working through bar admission)
2. 0-5;
3. 5-15;
4. 15-30;
5. 30+; and
6. Retired.

Next steps: Our next step will be to determine what connections provide benefit to each segment and we will aim to accomplish this by December 2021. ISBA staff and the Membership Committee will facilitate virtual focus groups for each segment as outlined above in Sep-Dec.

Respectfully submitted,

Amy Noe Dudas
Vice President
Indiana State Bar Association
In 2021, the Military and Veterans Affairs Committee (‘MVAC’) again focused on continuing to deploy the Indiana Lawyers for Servicemembers website, providing CLE training, and reaching out to other potential partners, particularly the Indiana Department of Veteran’s Affairs and Roudebush Veterans Affairs Medical Center. COVID 19 forced our meetings to be conducted remotely and limited our presence at VA facilities across the state.

**Indiana Lawyers for Servicemembers Website**

The goal of the Indiana Lawyers for Servicemembers website is to match veterans along with active, Guard, and reserve servicemembers in need of pro bono legal services from practicing attorneys. Revamped and reinvigorated in 2017, the service now has 101 attorney volunteers signed up. In this last year, 55 requests for assistance from veterans and servicemembers were fielded and 20 requests for assistance were assigned.

**Continuing Legal Education**

The MVAC worked with the Office of Judicial Administration, and the Military Family Research Institute to conduct training at MFRI’s Battlemind to Home Summit. Held on October 26 and 27, 2020, the summit brought “together subject matter experts to educate Indiana professionals about the critical issues facing military-connected families in our state.” The MVAC took charge of the summit’s legal track. Members of the MVAC and Indiana Legal Services attorneys provided instruction on evictions, family law, bankruptcy, consumer issues and scams affecting veterans. Further, the MVAC and a member of the Elder Law Committee presented a Veteran’s Administration Certification CLE.

The committee is working with MFRI on the planning for this year’s summit which will take place remotely on October 25th and 26th, 2021. This year’s Battlemind Summit will include legal presentations organized by MVAC on Veteran’s Courts, bankruptcy, evictions and family law.
Additionally, the MVAC set up a remote CLE presentation on the Stolen Valor Act titled “Stealing Valor: Fraud or First Amendment” on September 10, 2021. The CLE explored the history of stolen valor from colonial times to today. The presented looked at federal law and the various approaches taken by states, including Indiana. One hundred nine (109) attorneys registered for the presentation. The presentation was also recorded for future viewing by ISBA members and addition to ISBA’s digital online library.

**Coordination with Roudebush VAMC**

The Roudebush VAMC established a legal clinic to ensure veterans have access to legal resources for non-criminal matters with a particular focus on impacting issues that can have an adverse impact on physical and mental health. MVAC members met with the medical center staff to help prepare for the legal clinic. MVAC is exploring the possibility of offering to staff the clinic one month per year. By doing so, committee members will not only directly help veterans, but they will learn more about specific legal subjects facing this group. This will better inform CLE instruction that the MVAC sponsors.

**Veteran Membership in the ISBA and the Indiana Department of Veterans Affairs**

The MVAC has begun a project to locate members of the ISBA with status as veterans. The committee has also explored the possibility of having members submit public comments when the IDVA proposes rules at the direction of the Indiana General Assembly and has met with IDVA leadership to discuss what role the MVAC might play.

Respectfully submitted,

Paul J. Schilling  
MVAC Chair, 2020-2021
Report of the
Nominating Committee of the
Indiana State Bar Association

The Nominating Committee of the Indiana State Bar Association met on June 10 and determined to submit the following candidates for election to the respective Association offices at the Annual Meeting of the Association Assembly to be held in Indianapolis on Oct. 15.

For Vice President ........................................... Judge, Thomas Felts, Fort Wayne

For the Board of Governors (term October 15, 2021 through October 2023)

District 1 ...............................................................Candace C. Williams, Gary
District 4 ............................................................... Lindsay M. Lepley, Fort Wayne
District 5 ............................................................... Clifford M. Robinson, Rensselaer
District 10 ............................................................. Carrie M. Cunnyngham, Tipton
District 11 ............................................................. Colin E. Flora, Indianapolis
District 11 ............................................................. Ann M. Sutton, Indianapolis
At-Large ............................................................... Renee M. Ortega, Hammond

Respectfully submitted by:
Leslie Craig Henderzahs, Chair
Shontrai D. Irving, Hammond
Beverly J. Mack, LaPorte
Joseph R.  Fullenkamp, South Bend
C. Erik Chickedantz, Fort Wayne
Kevin M. Bowen, Indianapolis
Kathryn E.  DeWeese, Bloomington
Steve S. Hoar, Evansville
Beau F. Zoeller, Louisville
Andrienne E. Rines, Marion
Pamela Grant-Taylor, Indianapolis
Probate, Trust & Real Property Section

INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 7, 2021
Indianapolis, Indiana

Any opinions or recommendations herein expressed or made are those of the Probate, Trust and Real Property Section submitting this report and do not necessarily reflect the views of the Indiana State Bar Association until such time as the ISBA has duly adopted them as policy of the Association. (Nothing contained herein shall be construed as the action of the Indiana State Bar Association.)

The Probate, Trust and Real Property Section (PTRP) reports the following:

2021 Legislation

The Section had a successful legislative year. Senate Enrolled Act (“SEA”) 204 (July 1, 2021) creates a new single form of health care advance directive that can appoint one or more health care representatives and/or state specific instructions and/or treatment preferences.

SEA 259 (July 1, 2021) requires Indiana to recognize the parenting rights of individuals with disabilities and states their right to parent should not be restricted solely based upon their disability. Further, individuals with disabilities desiring to obtain a license to operate a foster home cannot be discriminated against based on their disability.

House Enrolled Act (“HEA”) 1252 creates a “tenant representative,” a person who can represent the interests of a deceased tenant or disabled tenant for purposes of dealing with the landlord to surrender the dwelling and receive the tenant’s personal property. HEA 1252 also amends the definition of “principal” in IC 30-5-2-8, to clarify that an individual must be at least 18 years old or be serving in the U. S. military in order to be eligible to sign a valid power of attorney.

HEA 1255 allows two or more attesting witnesses to durable powers of attorney instead of a notarized acknowledgement. A witnessed power of attorney requires the supervising attorney or paralegal to keep an affidavit of compliance. It also creates two new optional self-proving clauses that can be included in the durable power of attorney to be used when the power of attorney is signed and witnessed on one document and in counterparts. For durable power of attorneys that are signed electronically, HEA 1255 defines “observe” and “observing” so that real time two-way interaction using audiovisual technology can be used by the principal and notary or witnesses to satisfy the presence requirement. HEA 1255 also adds procedures for execution of an electronic power of attorney.
HEA 1255 adds a new definition of “presence,” “in the presence of,” “observe,” and “observing” so that the “presence” requirement can be satisfied through the use of technology for real-time two-way interaction between the testator and the witnesses, if they are not directly present with each other in the same physical space.

HEA 1255 adds a new defined term, “directed paralegal,” a nonlawyer assistant who is employed or retained by a licensed attorney who works under that attorney’s direct supervision. For traditional wills signed on paper, HEA 1255 allows a will to be signed by the testator and the two witnesses on separate but identical paper counterparts, which must be combined after signing into a single document with all signatures. The attorney or paralegal who supervises must sign an “affidavit of compliance” after assembling the completed will that was signed and witnessed in counterparts. The attorney’s or paralegal’s affidavit of compliance must be filed with the probate petition or at any later time ordered by the probate court. If the will was signed in counterparts without the required supervision by an attorney or directed paralegal, the will is not void but is voidable in the discretion of the probate court, or if an objection to probate is filed or if a timely will contest is filed. HEA 1255 also makes it unnecessary for a testator to re-execute a will under pre-pandemic (2020) rules, if the testator signed a will on or after March 31, 2020 and before January 1, 2021 and used remote witnessing in reliance on the Indiana Supreme Court’s order in Case MS-237. HEA 1255 amends the execution and witnessing requirements for electronic wills to permit “remote witnessing,” so long as the testator and the witnesses interact in real time in ways that satisfy the new, broader definitions of “presence” and “observe.” For electronic wills, HEA 1255 adds the requirements if remote witnessing is used that an attorney or a directed paralegal must supervise the execution and witnessing of the electronic will and the attorney or paralegal who supervises the execution and remote witnessing of the electronic will must sign an “affidavit of compliance” containing prescribed content. If that electronic will is offered for probate, a copy of the affidavit of compliance must be filed with the probate petition or later when ordered to do so by the probate court. If the electronic will was signed with remote witnessing but without the required supervision by an attorney or directed paralegal, the electronic will is not void but is voidable in the discretion of the probate court, or if an objection to probate is filed or if a timely will contest is filed.

Trusts:

HEA 1255 (effective 4-29-2021) prohibits a trustee named in the trust instrument, a relative of the settlor, or a person who is entitled to receive a beneficial interest in the trust or a power of appointment, from being the individual that signs for the settlor at the settlor’s direction.

Real Property:

HEA 1255 removes the requirement to “prove” a deed under common law methods and now states that if an instrument complies with IC 33- 42 chapter IC 36-2-11 and article 32-21, then the instrument is entitled to be recorded. It also requires that on or before July 1, 2022, a county recorder shall implement the processing of “electronic documents proper for recording,” and “receive for recording, indexing, storage, archiving, access to, searching of, retrieval, and transmittal all electronic documents proper for recording.” HEA 1255 restores “county recorders” to the list of “notarial officers” who are authorized to perform notarial acts. HEA
1255 removes important impediments which previously prevented a remote notarial act performed outside Indiana from being treated as valid unless the non-Indiana notarial officer complied with requirements to “register with” the Indiana Secretary of State.

HEA 1056 (February 18, 2021) made the added broad definition of “instrument” as used in document recording statutes and added a detailed definition of “proof” in the context of recordable documents and notarial acts. In order to be recorded, an “instrument” must have at least one of two notarial acts: an acknowledgement or a “proof”. It also revises and clarifies the “technical deficiencies recording statute,” to expand the scope of the “conveyances” to include TOD deeds, land contracts or land contract memoranda, transfer affidavits, and other non-testamentary instruments “concerning land or an interest in land,” in addition to the previous categories of deeds, mortgages, and leases for more than 3 years. If an instrument is recorded despite having any of several types of technical defects (including whether the instrument contained both a notarized acknowledgement and a notarized witness proof), or if the instrument included an acknowledgement that relied on an executive order of the Governor or an order of the Indiana Supreme Court, then the recorded instrument is treated as validly recorded and provides constructive notice of its contents as of the date of recording.

Projects and Programs

The PTRP Section publishes the Indiana Probate, Trust, Real Property and Death Tax newsletter four times a year. The newsletter keeps Section members up to date on the work of our Probate Review Committee, legislation adopted by the General Assembly and cases decided of interest to our members. The editorial staff is led by Jeff Kolb.

Our Section provided a webinar, “Continued Covid Craziness! What Does it Look Like and How Are You Staying Well.” On May 18, 2021. This webinar included a panel of attorneys discussing the practice of law throughout the pandemic. The Section is planning another CLE on current “hot topics” in estate planning for December 2021.

The Section continues to support the “We the People” program of the Indiana Bar Foundation, the Solo & Small Firm Conference and the Leadership Development Academy.

The PTRP Section expresses its appreciation to Leah Baker, our Section’s liaison and other ISBA staff members for efforts on membership and financial reports.

Recommendations: None

Respectfully submitted,

Shawn M. Scott  
Probate, Trust and Real Property Section  
Chair, 2020-2021
Pro Bono Committee

INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

Nothing contained herein shall be construed as the action of the Indiana State Bar Association (ISBA). Any opinions or recommendations herein expressed or made are those of the Pro Bono Committee submitting this report and do not necessarily reflect the views of the Indiana State Bar Association until such time as the ISBA has duly adopted them as policy of the Association.

Dana Luetzelschwab and Christopher Ripley served as the Co-Chairs of the Pro Bono Committee during the past year. Dana Luetzelschwab and Christopher Ripley will serve as Co-Chairs for the upcoming year.

On January 18, 2021, the Committee, the Pro Bono District Coordinators and the Indiana Bar Foundation conducted their annual “Talk to a Lawyer Today” event. During this event, hundreds of volunteer attorneys provided free legal advice and assistance to individuals around Indiana.

On October 11, 2021, the Committee will hold the annual “Talk to a Lawyer Today Prep CLE” via Zoom. This six-hour CLE will cover a variety of topics of interest to pro bono attorneys, including presentations on consumer debt, guardianships, Medicaid, real estate matters, foreclosures, CHINS proceedings, and working with victims of trauma. Attorneys who agree to take a shift during the 2022 “Talk to a Lawyer Today” (TTALT) event on January 17, 2022 may attend the live CLE event for only $30.00. A recording of this CLE will be made available for free to all Pro Bono Plan Administrators around Indiana and will be used to recruit pro bono volunteers for their TTALT events.

The Committee wishes to thank Kim Latimore for her invaluable service to the committee.

As always, the Committee urges our colleagues to assist those of limited means by volunteering to provide pro bono civil legal services.

Respectfully submitted,

Dana Luetzelschwab and Christopher Ripley
Co-Chairs, 2020-2021
The Sexual Orientation and Gender Identity Committee of the ISBA was approved and created in November of 2014. The Committee’s Mission Statement, approved by the Board of Governors, is as follows:

- To educate attorneys, judges, the Association, and members of the general public about the law as it relates to lesbian, gay, bisexual, and transgender ("LGBT") persons;

- to promote the fair and equal treatment of LGBT individuals by identifying the types of discrimination that LGBT persons experience and pursuing appropriate forms of education, legislation, and advocacy to eliminate such discrimination; and

- to further the professional development of LGBT attorneys and law students, as well as practitioners who serve LGBT clients, by creating programming, mentoring opportunities, and other resources that support their professional needs and interests.

Committee Activities

The SOGI Committee currently has 12 members. Full Committee meetings were sparse in 2021 as most committee business could be resolved and managed via email. There was a full committee meeting held on February 11, 2021. The publications subcommittee continues to work on a deskbook/handbook for potential distribution to practitioners and judicial officers regarding various LGBTQI issues. Members of the Publications Subcommittee presented at a CLE at the ISBA Annual Meeting in October 2020 and received positive feedback from bar members who were in attendance.
Most recently, members of the SOGI committee presented at a CLE on August 26, 2021. This CLE was co-hosted with the Diversity Committee on the topic of Trans and Nonbinary Name and Gender Marker changes.

The SOGI committee continues to focus on membership growth and attempting to involve more law students in its work.

Long Range Planning Implementation

The Committee’s activities and efforts as outlined above have contributed to the ISBA’s long range plan as follows:

**Improving Member Engagement:** As noted above, SOGI members continue to be actively involved in advancing the issues at the forefront of the LGBTQI community and have been working on CLEs to educate the bar/bench on such issues. In addition, membership has been contacted by members of county bar associations as well as judicial officers regarding various LGBTQI issues.

Our Bar and Community Outreach subcommittee has continued to reach out to local bar associations to see how we may be of service (CLE presentations, providing materials, offering resources for bar and bench regarding LGBTQI issues, etc.). We are also working with the Diversity Committee and Wellness Committee to implement CLEs and other training to increase and enhance diversity and inclusion within the bench and bar.

**Actively Recruit New Members:** During the past year, SOGI lost three members. The Law School Outreach subcommittees have worked with McKinney and Mauer to explore LGBTQI programs of interest to law students as well as the establishment/enhancement of clinics directed toward the needs of the LGBTQI community. SOGI continues to connect with law students who are members of Lambda Legal and explore options with them which could be used for recruitment, education and the raising of awareness.

**Enhance and Promote Career Evolvement:** The Committee’s goal is to continue to develop and provide CLE presentations that can provide CLE credits to various members of the bar from across the state on LGBTQI family law, transgender, discrimination and diversity.

**Diversity:** Virtually all Committee activities had as a primary or secondary goal of promoting diversity, as that is the mission of the committee with respect to sexual orientation and gender identity. We continue to push for diversity and inclusion for the bench and bar. This has included a partnership with the Diversity Committee and the Wellness Committee to develop programs geared at raising awareness of the need for diversity and inclusion.
Respectfully submitted,

/s/Emily L. Angel
Emily L. Angel
Committee Chair, 2021
Taxation Section

INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

(Nothing contained herein shall be construed as the action of the Indiana State Bar Association. Any opinions or recommendations herein expressed or made are those of the Taxation Section submitting this report and do not necessarily reflect the views of the Indiana State Bar Association until such time as the ISBA has duly adopted them as policy of the Association.)

The Taxation Section of the Indiana State Bar Association, through its Tax Council, by its chair, Mark W. Pfeiffer, is pleased to report on the following items:

1. **Continuity.** The Section, through its Tax Council, continues to work on various ongoing Section initiatives, including the State Tax Recognition Reception, Liaison relationships with the Indiana Tax Court and State Agencies that impact the tax arena, sponsorship and involvement in continuing legal education programming and other issues, as well as to maintain important initiatives of the Council.

2. **COVID Impact.** The past year has been a challenge for the Section due to the COVID pandemic’s effect on all facets of life. The Tax Council has continued its regularly scheduled meetings via video technology. Through this medium, the Council has continued to work on various matters to enhance the positive impact of membership on its constituency. Unfortunately, however, many of the long standing programs and events put on by the Council for the Section have had to be put on hold due to COVID restrictions.

3. **Council Activities.** The Tax Council continued its work through the year in a variety of areas including amendment and restatement of the Sections bylaws, the annual tax court luncheon, the annual state tax reception, CLE programs, and an annual scholarship awarded to a law student focusing his or her studies in the tax area with an intent to practice tax law in Indiana.

4. **Indiana Tax Court.** The Council continues to participate with Judge Martha Wentworth of the Indiana Tax Court to discuss and present input concerning matters affecting the Tax Court’s administration.

5. **Scholarship and Donations.** The Tax Council awarded a $1,000 scholarship to Andrew P. Nguyen a student at the Indiana University Robert H. McKinney School of Law. The Council approved a donation of $500 to the ISBA Leadership Development Academy, and a $400 donation to the Indiana Bar Foundation “We the People” program.
6. **Future Goals.** This year the Tax Council has been exploring ways for members of the Section to become more involved with the Tax Council and Section business. With COVID, newer methods of communication and interaction, such as video conferencing, have become more commonplace and accepted. As a result, the Council intends to use this technology to allow for more participation in the Council from throughout the state. The Council also intends to make more and better use of the Section’s list serve to reach out to the members with information regarding such items as CLE programs and legislative matters, and opportunities to become involved with the Council through working groups and committees on subjects designed to further benefit the members.

Respectfully submitted,

/s/ Mark W. Pfeiffer  
Mark W. Pfeiffer  
Chair, 2020-2021
Utility Law Section

INDIANA STATE BAR ASSOCIATION
REPORT TO THE
ISBA HOUSE OF DELEGATES

October 15, 2021
Indianapolis, Indiana

(Nothing contained herein shall be construed as the action of the Indiana State Bar Association (ISBA). Any opinions or recommendations herein expressed or made are those of the Utility Law Section submitting this report and do not necessarily reflect the views of the Indiana State Bar Association until such time as the ISBA has duly adopted them as policy of the Association.

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USE THIS SPACE TO REPORT ACTIVITY OF THE SECTION

The Utility Law Section currently has 186 active members and consists primarily of members of the Indiana State Bar Association whose practices focus on energy, telecommunications, and water/sewer issues. Membership also includes government employees from the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counsel.

The Utility Law Section has continued its principal activity of sponsoring two CLE seminars for members and others interested in utility law issues as well as social events. The Utility Law Section was unable to host social events in 2020 due to the Covid-19 pandemic, but the plan is to host a holiday party in December 2021 combined with an additional CLE opportunity.

The Section’s Spring Seminar was held virtually on April 29-30, 2021. Five (5) hours of CLE were offered. Over 90 members participated in the Spring Seminar.

The Section held a Fall Seminar in French Lick, Indiana on September 16 and 17, 2021. A virtual option was available to those unable to attend in-person due to the pandemic. 6.25 hours of CLE were offered, including one hour of ethics. Over 80 members of the Section participated either in-person or virtually.

The Section held its election for the 2021-2022 Secretary/Treasurer position at the Fall Seminar. Jeff Earl, Bose McKinney & Evans LLP was elected Secretary/Treasurer. The Section’s current Secretary/Treasurer is Kris Wheeler, Bose McKinney & Evans LLP. For 2021-2022, Kris will move into the Chair-Elect position, and Tabitha Balzer, Lewis Kappes, who has served as Chair-Elect, will move into the Chair position. Mike Griffiths, Dentons Bingham Greenebaum LLP served as Chair of the Section for 2020-2021.

This past year, the Section continued its financial support of the ISBA Leadership Development Academy, a statewide leadership program established to empower and develop lawyers to be
informed, committed and involved so that they may fill significant leadership roles in local and state bar associations, local communities, and organizations, and to serve as role models in matters of ethics and professionalism.

USE THIS SPACE TO REPORT SECTION RECOMMENDATIONS, IF ANY

No recommendations.

Respectfully submitted,

Michael Griffiths
Utility Law Section Chair, 2020-2021
The Unauthorized Practice of Law (UPL) Committee met via Zoom and conference call on 11/12, 12/10, 1/7, 2/4, 3/18, 5/6, 6/10, and 7/15. No in person meetings were held due to COVID-19 restrictions. The committee generally convenes on the first Thursday of the month.

From October to January, the Chair refined UPL complaint investigation procedures, and seeking feedback and voted approval from the committee as a whole. The UPL committee also opined on proposed legislation which may facilitate non-lawyers practicing law and received several inquiries which are ripe for advisory opinions. Topics include Court Appointed Special Advocate (“CASA”) offices drafting legal documents for Guardians ad-litem, and a retiree with an out-of-state law license who desires to serve as a neutral arbitrator without an Indiana law license. These advisory opinions will be addressed when resources allow, giving a higher priority to UPL complaint investigations.

Since the 2020 House of Delegates Report, the UPL Committee has received 43 complaints. 25 were against attorneys questioning their conduct, and not alleging UPL. These complainants were issued a standard form letter explaining how to file an attorney grievance. Seven complaints were determined to not be UPL or lacked sufficient information to investigate. Nine complaints are currently being investigated.

Upon investigation, the Committee believed Dustin Howe, running a company called Indiana Court Services, and one other individual were engaged in the unauthorized practice of law. Cease and desist letters have been issued with requests for individuals to sign and return an acknowledgement, and these matters are still pending the receipt of those signed acknowledgements.

The committee also undertook several recruitment efforts, by word of mouth and an e-mail blast in the ISBA’s Addendum. The committee’s membership shrank by one member, which now totals 22.
The Chair recommends further development of the Committee’s complaint investigation resources, including preparing a document bank for form letters and complaint investigations guidelines/procedures. The Chair also recommends expanded recruitment efforts – the Committee is small but receiving ever-increasing amounts of UPL complaints and already lacks sufficient resources to investigate every UPL complaint in a timely fashion.

Respectfully submitted,

Jeffery T. Gorham
Chair, 2020-2021
The activity of the Women in Law Committee (“WILC”) over the last year has been as follows:

**October 2020 – Virtual Social**

This year we moved our annual social virtual and saw nearly 50 women sign-up for the opportunity to gather together to celebrate our accomplishments and to have some fun! We had a large group session where we discussed the Women’s Suffrage Centennial and then went into breakout rooms for small-group discussions. Thanks to our sponsors, Hon. Vicki Ransberger and Hon. Diane Schneider, we were able to provide attendees with some swag and a snack to enjoy during our event.

**December 2020 – Christmas Program**

The WILC once again participated in the St. Mary’s Child Center Christmas Program by soliciting donations from members and shopping for presents for children. This year we focused on children’s books and looked for stories with strong women and diverse characters. This was the WILC’s 7th year participating in this program and we were able to send dozens of books this year.

**February 2021 – rescheduling Women’s Bench Bar Retreat**

The WILC made the difficult decision to postpone the 2021 Women’s Bench Bar Retreat and focus on keeping our members safe and looking towards 2022 for an even stronger event.

**July 2021 – Virtual meeting decision**

After a year of virtual meetings, the WILC decided to transition to all virtual meetings except for 1-2 meetings per year. Our members come from all corners of the state and we were able to still have productive business meetings without members having to drive multiple hours or brave our
Indiana winters. We plan to focus on in-person meetings in the coming year on dates when we can combine our business meeting with a service opportunity or other social event.

Respectfully submitted,

[Signature]

Tamara L. Weaver
Women in Law Committee
Chair, 2019-2021
The Young Lawyers Section of the Indiana State Bar Association, by its chair, Sara McClammer, is pleased to report that:

During the 2020-2021 term, the Young Lawyers Section (“YLS”) Council was active with great attendance and participation by its members despite the COVID-19 pandemic. The YLS remains the largest and most active of the ISBA sections. Once again, the YLS Council has demonstrated its commitment to serving our section, our profession, the State of Indiana, and our communities.

YLS Business
At the date this report was submitted, the YLS consisted of 3,446 members for the 2020-2021 year, which included paid members, new admittees, and law students. The section continues to work on networking with law students and engaging new admittees.

During the 2020-2021 term, the YLS Council met on the following dates: December 2, 2020; February 3, 2021; April 7, 2021; June 16, 2021; and October 15. In addition to our regular meeting, the YLS Council also hosted or co-hosted several events through the year. Many of the events the YLS Council hosted historically have been cancelled or postponed due to the COVID-19 pandemic. This required the YLS Council to pivot away from its historical focus on in-person events and toward more virtual based events. More specific information is discussed below.

The YLS Council consists of 4 officers, counsel to the chair, 11 district representatives, 10 at-large members, 3 law student liaisons, and more than 10 liaisons to other sections, initiatives, judiciary, or bar associations.

In an effort to further the ISBA’s goals and purposes by carrying on activities to assist young lawyers and Indiana citizens, YLS Council members led efforts for the following committees: American Bar Association Committee; Awards Committee, CLE/Applied Professionalism Seminar Committee; Dinner with the Judiciary Committee, Golf Outing Committee;
Judicial Reception Committee; Law Student Committee; and Scholarship/Awards Committee.

YLS Council committees were involved with the following efforts and issues:

The Young Lawyers Networking & Mentorship Initiative, chaired by Sara McClammer, created a new, COVID-friendly mentoring program. This program invited young lawyers to gather in virtual, small groups which were led by a more experienced group leader. The small groups met once per month. The program also offered four lectures by distinguished lawyers that were attended by the entire program. Thirty-six young lawyers signed up for the program and we had 9 group leaders. The event received great reviews.

The Awards and Scholarship Committee, chaired by Kate DeWeese, awarded scholarships for the Solo Small Firm Conference to Jana Banschbach (in person), Nicole Spicer (in person), and James (Alex) Zimmerman (virtual).

The CLE/Applied Professionalism Seminar Committee, chaired by Emily Storm-Smith, hosted its annual program on December 8, 2020. Due to COVID-19, this event was held virtually and 44 lawyers attended.

The Dinner with the Judiciary Committee, chaired by Elizabeth Roberson, canceled this year’s Dinner with the Judiciary due to the COVID-19 pandemic.

The Social Committee, chaired by Alyssa Cochran and Candace Williams, is exploring ways to create virtual social opportunities for young lawyers.

The Golf Scramble Committee, co-chaired, by Kevin M. Bowen and Brandon E. Tate, are planning the ISBA annual golf scramble on September 25, 2021, at the Golf Club of Indiana in Lebanon, Indiana. At the time of this report, there were 32 golfers registered for the event.

The Law Student Engagement Committee is tasked with engaging our law student members from all three of Indiana’s law schools. The Committee prepared and distributed goody bags to law students at IU Mauer School of Law and Notre Dame School of Law during the spring of 2021.

The continued support of the ISBA and the Board of Governors has enabled the Council to support the participation and reduction in costs for our association's young lawyers who wish to attend ISBA events and would not otherwise be able to do so. We cannot adequately express our gratitude for that ongoing support.

The YLS worked with ISBA staff member Rebecca Smith who provided vital and excellent support to the YLS programs and activities. The YLS once again benefited from substantial assistance and support from ISBA staff and the ISBA Board of Governors and its officers as well as other ISBA sections and committees. As is the case every year, our ISBA staff liaisons are
absolutely essential to the YLS’s continued success. They have ensured that our meetings run smoothly and that the Council timely addresses the issues before it.

Communicating with young lawyers from all over Indiana and coordinating events with them can be at times much more difficult than herding cats. The ISBA staff are always up to the task.

The YLS has no formal action items to recommend to the ISBA House of Delegates.

Respectfully submitted,

Sara McClammer

Committee/Section Chair’s name
Chair, 2020-2021
The Alternative Dispute Resolution (ADR) Section Council held ten (10) monthly meetings, as well as additional working meetings, following the 2020 annual meeting of the Indiana State Bar Association (ISBA). One hundred eighty-seven members of the ISBA have elected to be members of the ADR Section.

During 2021, the ADR Section continued its work from the prior year of providing support and input regarding the pending amendment of the Indiana Rules of Alternative Dispute Resolution. The Council submitted written comments regarding the draft amendments on March 2, 2021, and encouraged Section members to express their individual views.

The Council also reviewed the proposed amendments to the Indiana Parenting Time Guidelines – specifically the portions of the Indiana Parenting Time Guidelines which address Parenting Coordination – and while electing not to submit comments as a Section, similarly encouraged individual members to provide input. The Council reached out and coordinated with the Family and Juvenile Law Section regarding both of these proposed amendments.

In 2021, the ADR Section contributed $1,000.00 toward the support of the ISBA Leadership Development Academy.

At the start of the year, the Council engaged in a focused process of identifying and prioritizing the interests and goals of the ADR Section. That process resulted in the following areas of emphasis, which drove the Council’s work plan for the remainder of the year:

The New Normal – The COVID-19 pandemic revolutionized the approach to providing conflict resolution services to clients. The ADR Section supported members by providing ADR professionals with an on-demand CLE/CME program entitled, “Virtual Mediation Techniques – Zoom et al,” presented by Ryan Cassman (Coots, Henke & Wheeler, P.C.) and John LaDue (SouthBank Legal).
Growth and Expansion of ADR – The Council began a process of deliberation regarding the availability, accessibility, and affordability of all forms of ADR in Indiana, with the goal of significantly expanding the prevalence of conflict resolution approaches in Indiana legal disputes. Obviously, this issue is layered and complex, and discussion will continue for the foreseeable future. As a first step, the Council reached out to the Indiana Supreme Court’s Indiana Innovation Initiative, Civil Litigation Task Force, ADR Committee, to collaborate and join forces in this effort.

Nexus with the Bench – The ADR Section Council holds the view that a goal as large and important as expanding the use of ADR in Indiana cannot be achieved by any group alone, or by anyone operating in silos, but rather requires the coordinated and cooperative effort of both the bench and bar. Toward that end, the Council sought and established a dialog with the Indiana Supreme Court’s Alternative Dispute Resolution Committee, in the hope of forging a consistent and lasting partnership, in service of the growth of ADR in Indiana.

Education – The ADR Section Council is committed to Indiana ADR professionals - both attorneys and judicial officers - having access to high quality, cutting edge education regarding best practices in the field of conflict resolution. The Council is in the process of confirming a seminar with a leading expert in the field of ADR.

Role and Responsibility of the Council – In all that it does, the Council works with the aim of providing value and return on investment to ISBA ADR Section members.

ADR Section Council members include: Amy L. Stewart, Chair (Indianapolis), Ryan H. Cassman, Vice Chair (Carmel), Stephen B. Cohen, Secretary/Treasurer (Munster), Daniel A. Gioia, Immediate Past Chair (Valparaiso), Suzanne M. Wagner (Fort Wayne), Rebecca L. Billick (Valparaiso), Gerald M. Bishop (Merrillville), Robert J. Dignam (Schererville), Douglas E. Johnston (Fort Wayne), Kevin K. Fitzharris (Fort Wayne), Jack L. Bailey (Indianapolis), E. Davis Coots (Carmel), James P. Casey (Evansville), John L. Grannan (Jeffersonville), D. Timothy Born (Evansville).

Respectfully submitted,

Amy L. Stewart
Chair, 2020-2021