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THE GENAI-POWERED LAWYER: HOW ARTIFICIAL INTELLIGENCE IS RESHAPING LEGAL PRACTICE

PLUS

LGBTQ+ Legal Rights in Indiana: A Conversation

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COVER STORY



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The GenAI-Powered Lawyer: How Artificial Intelligence is Reshaping Legal Practice
By Cari Sheehan

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A professional photograph of three men in business suits standing side-by-side in an office setting. The man on the left is John McLaughlin, the middle is Tony Patterson, and the right is Paul Kruse. They are all smiling and looking towards the camera.

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CIVILITY NOW MORE THAN EVER



By John Maley

PRESIDENT'S PERSPECTIVE

With uncertainty as to the reasons, civility among lawyers seems to be diminishing and reportedly has been for years. Research on the topic includes a Reuters column titled, "People think lawyers are jerks."¹ The article notes "that just 17% of the American public rated lawyers as having high honesty and ethics—significantly lower than teachers, doctors and police officers, albeit higher than car salespeople and members of Congress. Uncivil lawyer behavior plays into those low approval ratings, professors and judges said."

Hopefully, we Hoosier lawyers fare better than our peers across the nation on civility. But personal experiences, anecdotes from attorneys across the state, and reported judicial decisions in Indiana on the topic confirm that we can do better here at home.

As the largest legal organization in Indiana, the ISBA seeks to empower its members to thrive professionally and personally. We work to find solutions to members' challenges and connect them with others in the profession. Our mission is to improve the administration

of justice. Civility is a vital element of that mission. To that end, I invited several of our esteemed ISBA officers to share a few thoughts on this important topic.

PAST-PRESIDENT MICHAEL JASAITIS

Practicing from Lake County and as an avid sports fan, Mike offers civility tips with a sports flair:



Play the ball, not the opponent. As we revel in hosting the recent World

Cup, we can witness the difference between a clean tackle and a cleats-up challenge. While one wins the ball, the other earns a card. In our legal arena, tackle the argument and leave opposing counsel's shins out of it. Make your point in the brief and not in the nasty footnote. The strength of your position is not dependent on the volume of your delivery, as the juice is in

"The truly awesome practitioner can advocate in writing and still line up for the handshake at the final whistle, even if the other side roots for the Sox."

the substance, not the venom. The truly awesome practitioner can advocate in writing and still line up for the handshake at the final whistle, even if the other side roots for the Sox.

The small courtesies are the whole game. Ask any respected youth coach and you will hear that kids should be taught to say “good game” to the other team, thank the referees, and act like they’ve been there before. Similarly, return the phone call, grant the extension that costs you nothing, thank the staff, and respect our judicial officers. These are not concessions of advantage but enhancements of your professional reputation, which follows you wherever you go across the state. Play hard but clean and with grace.

TREASURER KATRINA ORNELAS

Practicing personal injury matters from Indianapolis, Katrina offers sage wisdom from the plaintiffs’ bar perspective:

My civility tip is to avoid becoming robotic in our communications and to give people the benefit of the doubt before assuming bad intent. Whether I am emailing opposing counsel, speaking with an adjuster, or making a difficult request, I try to start with basic courtesy, keep the tone measured, and remember that the person on the other side has their own deadlines and stresses, too. A quick “good morning,” asking how someone is doing, or saying thank you for their time costs nothing, but it helps keep the tone professional and human, especially when the substance of the conversation is difficult.



SECRETARY HON. TIM BAKER

With decades of experience in private practice, government service, and on the federal bench, Judge Baker offers two vital practical tips:

Don’t object just because you can, particularly if the judge is likely to overrule your objection anyway.



Being rude to opposing counsel or to the other side’s client accomplishes nothing except making you look bad. People are more likely to respond positively to kindness. Remember, you get more flies with honey.

BOARD COUNSEL DAWN ROSEMOND

Practicing from Fort Wayne for over 30 years, advising employers and litigating in state and federal courts, Dawn offers her unique perspective:



Civility and zealous advocacy are not mutually exclusive. Indeed, I suggest they are necessary companions. At bottom, civility means “courtesy, politeness, decorum, respect.” While things like over-talking, snappy comebacks, and a refusal to compromise mimics art and makes for great theater, such rarely moves the ball and in fact, often results in loss—maybe not of the case or deal, but of trust, reputation, and goodwill. In my 30-plus years of practice, I have encountered a lot of highly paid, highly accomplished practitioners who flunked kindergarten. It is far better to be good at what you do AND kind. Indeed, amidst the backdrop of this moment in history, I dare say that civility (again i.e., courtesy, politeness, decorum, respect), is (or certainly should be), “the new black.” In fact, if you are good at what you do, but lack civility, the former is rendered an untruth.

VICE PRESIDENT STEVEN DAVID

With decades of military service, extensive private practice experience, 16 years on the trial bench, and 12 years on the Indiana Supreme Court, Steven simplifies civility as follows:



Civility is not weakness of character. Civility is an example of strength of character and resolve to conduct ourselves in a manner which reflects favorably upon us and our profession. Civility is the adherence to our oath. It is the expectation of our profession.

Civility matters. Every day. Every client. Every cause.

MY ASK OF YOU

I thank my fellow ISBA servant-leaders for their invaluable perspectives and for being models of civility for us all to follow.

To my fellow sisters and brothers in the Indiana Bar, I ask you to join us in re-doubling our collective commitment to civility. Let's strive for courtesy, politeness, decorum, respect. Civility is embedded in our Rules of Professional Conduct ("maintaining a professional, courteous and civil attitude toward all persons involved in the legal system"), and in our Oath of Attorneys ("I will abstain from offensive personality"). Let's do better. Every day.

Comments (civil hopefully) are welcome at jmaley@btlaw.com or 317-432-5509(c). Cheers. ☺

"Civility and zealous advocacy are not mutually exclusive. Indeed, I suggest they are necessary companions."

ENDNOTE

1. Karen Sloan, *People think lawyers are jerks. Can 'civility oaths' help?* Reuters (December 3, 2025), <https://www.reuters.com/legal/government/people-think-lawyers-are-jerks-can-civility-oaths-help-2025-12-03/>.





INTRODUCING THE INAUGURAL CLASS OF ISBA'S RURAL PRACTICE ACADEMY

More than half of Indiana's counties qualify as legal deserts, leaving communities without reliable or readily available access to legal services. Hoosiers struggle to find representation, local courts face increasingly crowded dockets, and the few lawyers in these areas are often called upon to serve multiple counties at once.

The desire to support these communities exists. But the steep learning curve involved in launching a sustainable rural practice often keeps individuals from taking that first step. ISBA's Rural Practice Academy (RPA) seeks to bridge that gap by providing attorneys the tools, connections, and confidence to launch their own firms, on their terms.

And now, 15 attorneys in the inaugural class are setting out to do just that.

Over the next 12 months, these participants will engage in in-person trainings, virtual workshops, mentorship opportunities, and community-based learning. Along the way, they will develop both the legal and business skills needed to establish sustainable practices in rural Indiana.

Participants will learn how to:

- Build a long-term client base
- Diversify their practice areas and revenue models
- Implement alternative billing models and fee structures
- Manage workflow, client expectations, and boundaries
- Pick the technology and tools that work best for their practice
- Partner with local economic, business, and community partners
- And more

Participants will also build relationships with the organizations and leaders who will help them succeed, including the Indiana Small Business Development Center, local businesses and government leaders, and current solo and small firm practitioners (who will serve as mentors throughout the program).

The class will meet semi-monthly over the next year, before graduating at the 2027 Solo & Small Firm Conference in French Lick.

Please join us in congratulating the inaugural class of the Rural Practice Academy:

- **Ryan Adams**, Integreon, Inc., Indianapolis
- **Ryan Amsler**, Amsler Legal Products & Services, LLC, Monticello
- **Tonya Armstrong**, Evansville
- **Sam Battistone**, Wayne County Public Defender's Office, Richmond
- **Alyn Brown**, Brown Legal, Nashville
- **John Donovan**, John Donovan Law, Mishawaka
- **Larry Morrison**, Morrison Legal, LLC, Morgantown
- **Daniel Rios-Lazo**, Church Church Hittle and Antrim, Fishers
- **Fernando Ruiz**, FAR Law, LLC, Fort Wayne
- **Andrew Shaw**, Indianapolis
- **John Starbuck**, The Starbuck Law Firm, LLC, Lafayette
- **Alexa Starkey**, Taylor, Minnette, Schneider & Clutter, P.C., Covington
- **Abby Strehle**, Encompass Legal Services, Greenwood
- **Shelley Voirol**, Michelle Voirol Attorney at Law, Vincennes
- **Alexis Weaver**, City of Indianapolis, Indianapolis

The RPA reflects the collective effort of legal professionals who believe in the importance of strong rural communities and accessible legal services. Thank you to the members of the RPA Steering Committee for helping shape the program:

- **Hannah Brady**, Hume Smith Geddes Green & Simmons, Indianapolis
- **Hon. Mary Ellen Diekhoff**, Monroe Circuit Court, Bloomington
- **Mayor Thomas Estabrook**, City of Bicknell, Knox County
- **Professor Shannon Hudson**, Vincennes University, Vincennes
- **Dr. Sara Kubik**, Kubik Legal, Crown Point
- **Hon. Hunter Reece**, Warren Circuit Court, Williamsport

- **Christen Commers Smith**, Law Office of Christen Commers Smith, Union City
- **Jamie Sutton**, Sutton Law, Bloomfield
- **Derrick Wilson**, Mattox & Wilson, New Albany

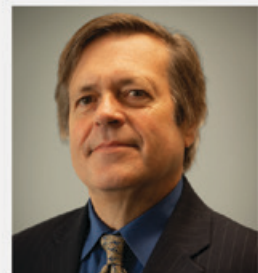
The RPA is also made possible through the support of LexisNexis, Clio, ISBA's Solo and Small Firm Conference, and ISBA's Probate, Trust & Real Property Section.

To learn more about the RPA and ISBA's efforts to address the attorney shortage, visit inbar.org/AttorneyShortagePlan. 


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THE GENAI- POWERED LAWYER: HOW ARTIFICIAL INTELLIGENCE IS RESHAPING LEGAL PRACTICE





FEATURE

By Cari Sheehan

At 8:00 a.m., a litigation associate receives 15,000 pages of medical records before a deposition. Ten years ago, organizing those records into a usable chronology could consume days of attorney and paralegal time. Today, with approved artificial intelligence tools, that same lawyer can begin reviewing a searchable chronology in minutes, allowing the legal team to focus on strategy rather than sorting documents.

Similar scenes are unfolding every day in law offices across the country. Transactional lawyers are using generative AI (GenAI) to compare hundreds of contracts during due diligence. Employment attorneys are summarizing internal investigations. Corporate counsel are drafting board resolutions and policy updates. Litigators are generating first drafts of discovery requests and identifying inconsistencies across thousands of documents.

Artificial intelligence has quietly become another tool in the modern lawyer's toolbox. The question is no longer whether GenAI belongs in legal practice, but how firms can leverage it to improve efficiency, meet client expectations, and remain competitive while preserving the professional judgment that clients expect from their attorneys.

For an Indiana audience, that practical focus is especially timely. Indiana's formal court rules and attorney-specific guidance on GenAI are still developing, but Indiana law schools, bar-related programming, and at least some firms are already building training and operational approaches around the technology. At the same time, developments in other jurisdictions provide a preview of the guardrails that may shape local practice in the near future.

HOW LARGE AND SMALL FIRMS ARE ADOPTING GENAI

AI adoption is no longer limited to the nation's largest law firms. While Am Law 100 firms were among the earliest adopters of enterprise GenAI platforms, firms of every size are now exploring how the technology can improve efficiency, reduce administrative burdens, and enhance client service. The difference is how firms are implementing GenAI and the level of governance surrounding its use.

Large national firms have generally taken the most structured approach. Many have invested in enterprise-grade GenAI platforms that provide enhanced security, confidentiality protections, and integrations with existing document management systems. Rather than allowing attorneys to experiment independently with publicly available GenAI tools, these firms increasingly require lawyers to use approved platforms that have undergone rigorous vendor review and cybersecurity assessments. Many have also established dedicated GenAI steering committees or innovation teams responsible for evaluating emerging technologies, developing internal governance policies, approving vendors, monitoring legal developments, and providing ongoing attorney training. These governance structures reflect an understanding that successful GenAI implementation depends as much on thoughtful oversight as on the technology itself.

Mid-sized firms have often pursued a more measured approach through pilot programs and targeted implementation. Rather than deploying GenAI across every practice group simultaneously, many firms begin by identifying high-volume workflows that offer the greatest opportunity for efficiency. Legal research, document drafting, contract review, and litigation support are common starting points. Products such as Microsoft Copilot, Westlaw Precision AI, and Lexis+ AI are attractive because they build upon software and research platforms attorneys already use every day, allowing lawyers to incorporate GenAI into familiar workflows without fundamentally changing how they practice. These firms frequently

evaluate productivity gains, attorney feedback, client response, and security considerations before expanding GenAI adoption more broadly across the organization.

For smaller firms and solo practitioners, GenAI presents a different opportunity. Without dedicated innovation departments or significant technology budgets, many smaller practices are leveraging GenAI through cloud-based practice management platforms and subscription-based legal technology products that require relatively little infrastructure. GenAI-assisted document automation, client intake systems, calendaring, marketing content, and client communications allow smaller firms to automate administrative tasks that might otherwise consume valuable attorney time. For firms with limited staff, these efficiencies can significantly improve responsiveness while allowing attorneys to devote more attention to client counseling and case strategy. In many respects, GenAI has the potential to level the playing field by enabling smaller firms to deliver services with a degree of speed and consistency that previously required substantially greater administrative resources.

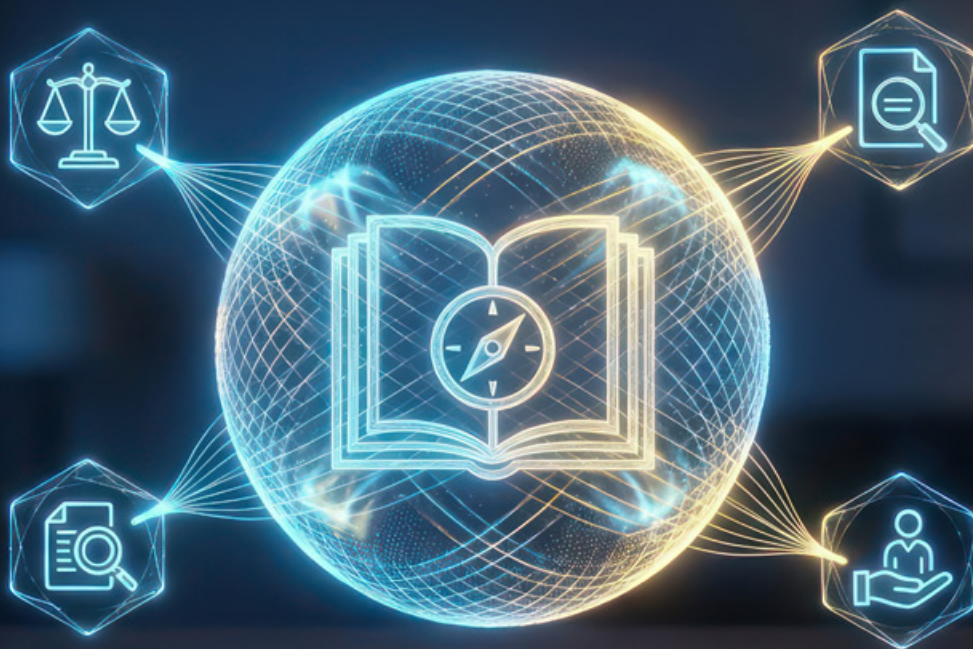
As adoption has accelerated, a growing ecosystem of legal-specific GenAI products has emerged. Harvey has gained widespread attention among large law firms for drafting, contract analysis, and transactional work. CoCounsel has become a leading platform for legal research, document review, deposition preparation, and due diligence. Perplexity and ChatGPT also offer enterprise versions that firms are starting to utilize, among many others, for drafting, review,

and other tasks. Lexis+ AI and Westlaw Precision AI integrate GenAI capabilities directly into established legal research databases, allowing attorneys to conduct conversational research while remaining connected to verified legal authorities. Microsoft Copilot is increasingly being incorporated into law firm operations to assist with document creation, email management, meeting summaries, and internal productivity, while products such as Spellbook focus specifically on contract drafting and review by integrating directly with Microsoft Word.

Importantly, the most successful firms are not adopting GenAI simply because it is new. They are selecting technologies that address specific business challenges, improve existing workflows, and deliver measurable value to both attorneys and clients. Whether the objective is accelerating due diligence, improving research efficiency, automating repetitive drafting tasks, or providing faster client updates, firms are increasingly viewing GenAI as another component of their technology infrastructure rather than a standalone innovation project. As these technologies continue to mature, the competitive distinction among firms may depend less on whether they use GenAI and more on how strategically they integrate it into the delivery of legal services.

COURTS AND JUDICIAL RESPONSES

Judicial treatment of GenAI is developing unevenly, but a national pattern is becoming visible. Courts are generally not banning all GenAI use. Instead, they are imposing conditions centered on disclosure, attorney verification, and



"Indiana's formal court rules and attorney-specific guidance on GenAI are still developing, but Indiana law schools, bar-related programming, and at least some firms are already building training and operational approaches around the technology."

accountability for the final filing. A growing number of judges have issued standing orders or similar guidance addressing whether, and how, GenAI may be used in filings.

Some orders require lawyers to disclose GenAI use when it contributed to a filing. Others require certification that all citations and legal assertions have been independently reviewed by a human attorney. The common thread is straightforward: courts care less about whether GenAI touched the drafting process than whether counsel can stand behind

the final product as accurate and non-misleading.

Examples from outside Indiana illustrate the range of approaches now in play. Reporting in 2026 described a Southern District of New York judge's rule requiring parties to disclose the use of GenAI in preparing filings. Other local guidance has required certifications that citations were personally reviewed and confirmed as accurate. At the stricter end, at least one 2026 report described a standing order in the Southern District of Ohio prohibiting use of GenAI

in preparing any filing for that court.^{1,2,3,4}

One notable trend is that courts are focusing less on whether attorneys use GenAI and more on how they use it. Judicial guidance issued across the country reflects a growing recognition that artificial intelligence is likely to become a permanent part of legal practice, much like electronic legal research and e-discovery before it. Rather than prohibiting the technology altogether, courts are increasingly establishing guardrails designed to ensure that GenAI enhances, rather



than undermines, the integrity of the judicial process. These requirements generally emphasize attorney accountability, independent verification of legal authorities, and candor to the tribunal, reinforcing the principle that the duty of competent representation cannot be delegated to technology.

Perhaps the most visible catalyst for these developments has been the widely publicized instances in which attorneys submitted briefs containing fictitious case citations generated by GenAI. Those incidents prompted judges across the country to examine how generative GenAI should be incorporated into litigation practice and highlighted the continuing importance of independent legal research and careful review. While these cases represent isolated examples rather than the norm, they have accelerated judicial efforts to establish expectations for attorneys using GenAI in preparing pleadings, motions, and other court filings.⁵

For litigators, these developments reinforce that GenAI should be viewed as an assistive tool rather than an autonomous decision-maker. GenAI may help organize discovery, summarize depositions, analyze large document productions, or generate an initial draft of a motion, but it cannot replace the attorney's obligation to verify every factual assertion, confirm every legal citation, and ensure that every argument accurately reflects the applicable law. Ultimately, judges expect the same level of professionalism regardless of whether a filing was prepared entirely by a lawyer or with the assistance of artificial intelligence. As GenAI becomes increasingly integrated into litigation practice, courts are signaling that

"Judicial guidance issued across the country reflects a growing recognition that artificial intelligence is likely to become a permanent part of legal practice, much like electronic legal research and e-discovery before it."

technological innovation is welcome, provided it is accompanied by careful human oversight and adherence to longstanding professional standards.

These evolving judicial expectations also underscore the importance of firms establishing internal policies governing GenAI use in litigation. Many firms now require attorneys to review AI-generated work product against primary legal

authorities, prohibit the entry of confidential client information into unapproved public GenAI platforms, and provide training on the limitations of GenAI before attorneys incorporate it into client matters. As additional courts issue standing orders and guidance, these governance practices are likely to become as routine as citation checking, conflict review, or document retention policies, further embedding GenAI into the everyday

mechanics of litigation while preserving the lawyer's role as the ultimate decision-maker.

These developments matter to Indiana lawyers even before Indiana adopts formal statewide rules. Lawyers practicing in federal courts or in multistate matters must already watch local standing orders, individual judge requirements, and filing certifications in jurisdictions outside Indiana. Even absent

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"Indiana has not yet adopted formal legislation or ethics opinions specifically governing attorney use of GenAI. At the same time, public reporting indicates the Indiana Supreme Court has been preparing internal policy and resources regarding responsible GenAI use, particularly in relation to court employees and vendor systems."

Indiana-specific rules, the broader trend strongly suggests that human verification and candor to the tribunal will remain non-negotiable.

Indiana's own position appears transitional rather than static. Indiana has not yet adopted formal legislation or ethics opinions specifically governing attorney use of GenAI. Recent rule changes have only mentioned GenAI tangentially, such as certification requirements for parties represented and not represented by attorneys. At the same time, public reporting indicates the Indiana Supreme Court

has been preparing internal policy and resources regarding responsible GenAI use, particularly in relation to court employees and vendor systems.^{6,7,8}

That combination of silence and preparation is significant. It means Indiana lawyers should not mistake the absence of a detailed GenAI rule for the absence of governing standards. Existing duties of competence, confidentiality, supervision, candor, and reasonable fees already apply, and those general obligations are likely to shape any future Indiana-specific framework.

GENAI VALUE PROPOSITION AND CLIENT EXPECTATIONS

GenAI's effect on billing may become one of the most consequential practical developments for law firms. The core issue is simple: when technology allows a lawyer to complete routine work faster, the traditional equation between time spent and value delivered becomes harder to defend in every matter. The question is no longer whether GenAI will change delivery of legal services, but whether firms will recognize how deeply it is already affecting the economics of practice.

ABA Formal Opinion 512⁹ reinforces several practical principles. Lawyers billing by the hour must bill actual time spent; they may not inflate time simply because GenAI made the task faster. Lawyers also may not charge clients for time spent learning a tool the lawyer intends to use regularly in practice, although client-specific training may be different if discussed in advance. And whether GenAI-related costs may be billed as an expense depends in part on whether the tool is overhead or a reasonable out-of-pocket disbursement tied to the matter.

Those rules do more than regulate invoices. They push firms to reconsider pricing models for work that becomes more standardized and predictable with GenAI

assistance. Some commentators now predict a sharper division between high-complexity matters that remain largely hourly and more repeatable work that shifts toward fixed-fee, capped-fee, subscription, or hybrid models.

That prediction makes practical sense. If a firm can now review a routine contract package, create a due diligence summary, or generate a first-draft demand letter in far less time than before, clients will eventually expect some portion of that efficiency to appear in pricing. Firms may still track time internally for profitability and staffing purposes, but external billing may increasingly focus on scope, risk, turnaround time, and strategic value rather than on minutes alone.

Perhaps the most significant force driving GenAI adoption is not technology itself but client demand. Sophisticated clients, particularly corporate legal departments, increasingly expect their outside counsel to leverage technology to improve efficiency and reduce unnecessary costs. As GenAI becomes more commonplace across industries, clients are beginning to ask different questions during requests for proposals, outside counsel evaluations, and billing discussions. Rather than simply asking who has the strongest legal expertise, clients are increasingly asking whether a firm uses GenAI to improve service delivery, shorten turnaround times, and eliminate routine administrative work. They also want to understand how firms safeguard confidential information



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when GenAI tools are incorporated into client matters and whether those efficiencies translate into greater value for the client.

These conversations represent an important shift in how legal services are evaluated. Historically, clients often measured value by the amount of attorney time devoted to a matter. Today, many clients place greater emphasis on responsiveness, predictability, and results. A memorandum delivered in two days rather than two weeks, a contract reviewed overnight instead of over several business days, or a due diligence report completed before a transaction deadline may provide significantly greater value to the client than the number of hours billed to produce the work product. GenAI has accelerated this evolution by enabling firms to complete certain information-intensive tasks more efficiently without sacrificing attorney oversight or legal judgment.

INDIANA LEGAL EDUCATION AND TRAINING

Indiana legal education is not standing still. There are efforts by Indiana institutions to train students on GenAI use in legal settings. Purdue Global Law introduced a course on artificial intelligence law, Indiana University McKinney School of Law planned a GenAI course, and IU Maurer faculty and librarians were already incorporating GenAI into existing courses, with a visiting faculty member teaching classes on GenAI for legal practice.¹⁰

Those developments track a larger national pattern. According to the 2024 GenAI and Legal Education Survey, 55% of the 29 responding law schools already offered GenAI-related classes, and 83% offered extracurricular opportunities for students to learn how to use

GenAI rather than merely study it conceptually. More recent reporting in 2026 likewise suggests that law students broadly view GenAI literacy as essential, but many schools still provide inconsistent guidance and uneven instruction.¹¹

For Indiana, that mixed picture creates both an opportunity and a challenge. The opportunity is obvious: law schools can help future lawyers develop practical habits early, including disclosure, verification, prompt discipline, confidentiality awareness, and critical review of outputs. The challenge is that training may still vary by professor, platform, and course design, leaving some students better prepared than others when they enter practice.

Importantly, the most promising educational models are not treating GenAI as either forbidden or self-justifying. They are treating it as a tool that future lawyers must learn to supervise. That approach appears in Indiana reporting, where faculty emphasized that students should disclose GenAI use, understand how the tools work, and develop the editing judgment needed to improve what the technology produces rather than accept it uncritically.

GENAI IS RESHAPING THE DEVELOPMENT OF YOUNG LAWYERS

Perhaps one of the most profound, but least discussed, effects of artificial intelligence is its impact on the education and development of new attorneys. For generations, law firms have relied on a familiar apprenticeship model. Junior associates learned the practice of law by conducting legal research, reviewing documents, preparing first drafts of memoranda and pleadings, and receiving detailed

feedback from more experienced lawyers. Those repetitive assignments were not simply billable work, they were the foundation upon which attorneys developed legal judgment, analytical reasoning, and professional confidence.

Artificial intelligence is beginning to reshape that traditional progression. Increasingly, GenAI can perform many of the preliminary tasks that historically occupied a first-year associate's time. Research platforms can identify relevant authority within seconds. Drafting tools can generate an initial memorandum or discovery request in minutes. GenAI can summarize deposition transcripts, organize document productions, prepare chronologies, and identify key contractual provisions far faster than a junior attorney working manually. As a result, the role of the young lawyer is evolving from primarily gathering information to evaluating, refining, and improving it.

Rather than asking a new associate to spend six hours locating cases, a supervising attorney may now expect the associate to use GenAI to identify relevant authorities quickly and then devote the majority of his or her time to determining whether the technology reached the correct conclusion, whether important authority has been overlooked, and whether the proposed legal analysis accurately reflects current law.

This evolution places a premium on skills that traditionally developed later in an attorney's career. Prompt writing, or instructing GenAI to generate useful and accurate work product, is becoming an increasingly valuable competency. Equally important is the ability to recognize when GenAI has misunderstood



"Importantly, the most promising educational models are not treating GenAI as either forbidden or self-justifying. They are treating it as a tool that future lawyers must learn to supervise."

the assignment, omitted critical facts, relied on incomplete authority, or generated conclusions that are legally unsupported. Effective lawyers will not be those who accept GenAI-generated answers at face value, but those who know how to ask better questions, refine prompts, evaluate outputs, and improve the resulting work product.

Critical thinking therefore becomes even more important in a GenAI-enabled practice. Because GenAI produces fluent and persuasive language, inaccurate conclusions may appear just as convincing

as correct ones. Associates must learn to approach AI-generated work with professional skepticism, independently verify authorities, test assumptions, and identify weaknesses in legal analysis before any work reaches a client or a court. These responsibilities require analytical judgment rather than technological expertise, reinforcing that GenAI should complement, not replace, the lawyer's role.

Partners' responsibilities are changing as well. Traditionally, much of a partner's mentoring involved reviewing research

memoranda, editing drafts, and explaining how a legal argument could be strengthened. While those mentoring functions remain essential, supervising attorneys are increasingly teaching associates how to use GenAI responsibly within the firm's workflow. That includes developing effective prompts, selecting appropriate GenAI tools for specific tasks, protecting confidential information, recognizing the limitations of AI-generated work, and understanding when independent legal research is still required. The mentoring relationship therefore expands



"Perhaps one of the most profound, but least discussed, effects of artificial intelligence is its impact on the education and development of new attorneys."

beyond substantive law to include technological judgment and workflow management.

Law firms are already beginning to adjust their hiring expectations accordingly. Technical proficiency alone will not distinguish future associates, but technological competence increasingly will. Employers are looking for graduates who understand how GenAI fits within legal practice, who can use technology efficiently without sacrificing accuracy, and who appreciate that the attorney, not the software, remains responsible for the final work product. Familiarity

with legal GenAI platforms, an understanding of prompt development, and the ability to critically edit AI-assisted drafts are becoming practical skills that complement traditional legal writing and research abilities.

This shift should not be viewed as diminishing the importance of foundational legal skills. On the contrary, strong legal reasoning is becoming even more valuable because it enables attorneys to recognize when GenAI is incomplete, inaccurate, or simply wrong. The most successful lawyers will continue to be those who exercise

sound judgment, communicate effectively, think strategically, and solve complex client problems. GenAI changes how lawyers gather and organize information, but it does not replace the reasoning, advocacy, creativity, and professional judgment that define exceptional legal representation.

Ultimately, the apprenticeship model is evolving rather than disappearing. Associates will still learn by doing, but the nature of the work is changing. Instead of spending the majority of their time collecting information, young lawyers will increasingly spend their time

validating information, refining legal analysis, and developing strategic recommendations. Firms that intentionally train associates to work alongside GenAI, rather than in competition with it, will be better positioned to develop the next generation of lawyers while continuing to deliver efficient, high-quality legal services.

LAWYERS—WATCH OUT

Several practical trends are likely to define the next stage of GenAI adoption in Indiana practice. First, governance will matter as much as experimentation. Firms that succeed with GenAI are likely to be the ones that establish internal policies, approved platforms, training expectations, and review protocols rather than leaving adoption entirely to individual improvisation.

Second, court-facing work will remain the most sensitive use case. Even where GenAI can accelerate drafting, lawyers should expect increased scrutiny of filings, citations, quotations, and representations to tribunals. Nationally, the trend line points toward verification and, in some courts, disclosure. Indiana practitioners should assume that similar expectations could emerge through local rules, standing orders, or judicial preferences before any broad statewide rule appears.

Third, the most durable economic effect may be pressure on the pricing of repeatable work. Clients are unlikely to ignore a technology that allows firms to deliver certain outputs faster and more consistently. As a result, firms may increasingly reserve hourly billing for work defined by uncertainty and strategic complexity while packaging more routine services through alternative fee structures.

Fourth, recruiting and professional development will change. As Indiana law schools and bar-adjacent organizations expand GenAI instruction, firms may begin to expect junior lawyers to arrive with basic competence in GenAI-supported research, drafting, and workflow management. The practical differentiator will not be willingness to use GenAI, but the ability to use it with judgment, confidentiality, discipline, and professional skepticism.

CONCLUSION

The legal profession has experienced transformational technologies before. Electronic legal research replaced bookshelves. Email replaced overnight mail. Electronic filing replaced paper pleadings. Cloud-based practice management changed how firms operate.

Artificial intelligence represents the next evolution, not because it replaces lawyers, but because it changes how lawyers spend their time. The firms that succeed will be those that thoughtfully integrate GenAI into existing workflows while continuing to emphasize judgment, advocacy, creativity, and trusted client relationships.

For Indiana lawyers, the future is not about choosing between lawyers and artificial intelligence. It is about learning how lawyers and artificial intelligence can work together to deliver better legal services than either could provide alone. ☯

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ENDNOTES

1. Niki Black, *The Legal Industry Report 2025*, Federal Bar Association (Apr. 22, 2025), <https://www.fedbar.org/blog/the-legal-industry-report-2025/>.
2. Michelle Rodenburg, *Judicial Guidance on the Use of GenAI in Court*, University of North Carolina, Kathrine R. Everett Law Library (Feb. 23, 2026), <https://library.law.unc.edu/2026/02/judicial-guidance-on-the-use-of-genai-in-court/>.
3. Michelle Yeary, *Courts Get Proactive on AI: Disclosure, Certification, and Consequences*, Drug & Device Law (Apr. 14, 2026), <https://www.druganddevicelawblog.com/2026/04/courts-get-proactive-on-ai-disclosure-certification-and-consequences.html>.
4. *New Standing Order on Use of Artificial Intelligence in Family Division Filings*, Waukesha County Circuit Courts (Jan. 27, 2026), <https://www.waukeshacounty.gov/news/posts/new-standing-order-on-use-of-artificial-intelligence-in-family-division-filings/>.
5. Damien Charlotin, *AI Hallucination Cases*, Artificial Authority, https://www.damiencharlotin.com/hallucinations/?sort_by=-date&states=USA&period_idx=0/.
6. Janelle O'Malley, *Guardrails for the Future: How the Indiana Supreme Court is Preparing for the Age of AI*, Indiana Supreme Court Times (Aug. 6, 2025), <https://times.courts.in.gov/2025/08/06/guardrails-for-the-future/>.
7. *The Indiana Supreme Court is helping judges navigate the rise of AI in the legal system*, WLF1 / Facebook post (Feb. 15, 2026), <https://www.facebook.com/wlf118/posts/the-indiana-supreme-court-is-helping-judges-navigate-the-rise-of-ai-in-the-legal/1494576229341509/>.
8. Manu Ayala, *AI Regulation for Lawyers in Indiana*, AI Vortex (Apr. 10, 2026), <https://www.aivortex.io/legal/ai-regulation/indiana/>.
9. American Bar Association Standing Comm. on Ethics & Pro. Resp., Formal Op. 512, *Generative Artificial Intelligence Tools* (July 29, 2024), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/ethics-opinions/aba-formal-opinion-512.pdf.
10. Maura Johnson, *Law schools, firms increase training, classes in generative AI*, The Indiana Lawyer (July 2, 2024), <https://www.theindianalawyer.com/articles/law-schools-firms-increase-training-classes-in-generative-ai>.
11. *Id.*; Maura Johnson, *Case spotlights challenges in detecting AI in student work*, The Indiana Lawyer (May 1, 2026), <https://www.theindianalawyer.com/articles/case-spotlights-challenges-in-detecting-ai-in-student-work>.

LGBTQ+ LEGAL RIGHTS IN INDIANA: A CONVERSATION

By Valena Beety and Alex Van Gorp



Indiana's legal landscape affecting LGBTQ+ individuals and families continues to evolve. Valena Beety and Alex Van Gorp are two queer members of the Indiana Bar; their conversation provides information to help lawyers serving LGBTQ+ clients and gives an overview of the legal landscape for queer families in Indiana.

VALENA: Queer families are created in many ways, some through adoption, familial care, and assisted reproductive technology. Alex, can you talk with us about the history and cultural side of family planning for same-sex couples in Indiana?

ALEX: Historically, Indiana created multiple bans on marriage in the 1980s and 1990s, banning both the recognition of same-sex marriage in Indiana and of same-sex marriages from other states that did have marriage equality. My origins of advocacy for the state started in 2014 with a constitutional ban on marriage that Indiana came close to passing, the HJR3 resolution.¹ That constitutional ban did ultimately fail, and then the Southern District of Indiana decided *Baskin v. Bogan*, which first brought same-sex marriage equality to Indiana in 2014. I remember going to the clerk's office that day to see it. I still unequivocally say it's the happiest day of my life: being in the clerk's office

"One powerful tool we can utilize as attorneys is to either assuage some of those concerns and how likely they may be to happen, or to take action and give both the 'belt and the suspenders,' just in case a family wants to be prepared."

building here in Indianapolis, with a hallway full of hundreds of people, full of love. I'll never forget it.

Now same-sex couples have marriage equality, but a lot of people are also fearful that *Obergefell v. Hodges* (the 2015 U.S. Supreme Court decision granting marriage equality) could be overturned. Much like with *Roe v. Wade* and its reversal in *Dobbs v. Jackson Women's Health Organization*, there are "zombie laws" effectively still

existing, and there is concern that what were once dead laws can come back. We've seen it with parts of the queer community whose rights exist one morning and are suddenly gone later that afternoon.

One powerful tool we can utilize as attorneys is to either assuage some of those concerns and how likely they may be to happen, or to take action and give both the "belt and the suspenders," just in case a family wants to be prepared.

VALENA: Alex, what would be that "belt and suspenders" response for queer couples that may have children?

ALEX: There are many rights that instantly come with marriage; one thing lawyers know how to do really well is create paperwork that can formalize those rights. Whether that's making sure both parents are fully recognized on the birth certificate, or leading parents through an adoption process.

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Also encourage clients to put together a living will, all those typical family planning documents or estate planning documents. Because you might have your rights, but especially when a death or injuries happen, people are scrambling; the more paperwork you can have, the better.

Valena, you have a book coming out called *Pink Crime*, on how pregnancy, motherhood, and queer identity are being increasingly criminalized. Do the restrictions on abortion in Indiana impact assisted reproductive technology and access for either surrogacy or assisted reproductive technology and in vitro fertilization (IVF)?

VALENA: Possibly. The state of Indiana has criminalized abortion in most circumstances, and our law now says that human life begins when a human ovum is fertilized by human sperm. That language could include embryos that are used in IVF, so our Indiana code includes a technical exception for IVF in relation to abortion criminalization. However, other states did not immediately include an exception. For example, in Alabama, the Alabama Supreme Court ruled that frozen embryos are human beings, destroying those embryos could be a wrongful death, and that couples who lost frozen embryos at assisted reproductive technology clinics could sue the clinics for

wrongful death. This led to IVF providers in Alabama immediately stopping those services. The Alabama legislature did pass a new law to protect those providers from criminal liability and from wrongful death lawsuits, but it's very much a concern for fertility doctors.

The question here in Indiana is: When our abortion laws rely on personhood—life beginning at conception—can that reliance restrict IVF? IVF is often a way that queer couples can grow their family. What exceptions will be allowed for queer couples to be able to continue to use IVF?

There are also surrogacy restrictions in Indiana; surrogacy contracts are void in the state, but they are not illegal. This is another space where hiring a lawyer, if you are going through the surrogacy process, is invaluable to make sure that your parental rights as a queer couple are protected.

ALEX: Valena, if parents have a child who identifies as transgender, is gender-affirming care legal for transgender teens in Indiana?

VALENA: Gender-affirming care is a broad concept. It covers medical care, mental health, surgical care, and non-medical services. Gender-affirming healthcare is not limited to transgender or gender non-conforming individuals. It's different for every person, and cisgender youth and adults seek gender-affirming care for many reasons. We can think of hair removal or hair growth, voice lessons, and mental health therapy, for example. As girls are starting to menstruate earlier, they sometimes take puberty blockers to grow a few more inches.

I remember boys in the Indianapolis Children's Choir taking voice lessons to learn how to use their changing voices during puberty. These are forms of gender-affirming care.

The criminalization of and the restrictions on gender-affirming care are not necessarily about the care itself, they're about who is receiving the care. I talk about this in my book, *Pink Crime*. The same care, the same medically safe form of treatment, can be sought, but only cisgender people affirming their genders can receive it.

The key consideration in Indiana is at what point that treatment becomes care to transition from one gender to another. That is what is legally banned for youth in Indiana. We are one of more than 25 states that make it a felony for doctors to provide this kind of gender-affirming care. In Indiana, Senate Bill 480² prohibits healthcare professionals from providing or referring transgender people under 18 for gender-affirming healthcare, including mental health treatment. This is true even though

the American Medical Association, the American Psychological Association, and the American Academy of Pediatrics all support gender-affirming care.

Alex, do you know, is gender-affirming care legal in Indiana for transgender *adults*?

ALEX: It definitely is. But one of the biggest concerns I have is that the door has already been opened by creating a law banning these procedures for youth. All it takes is to change the age, or get rid of the mention about age, and then the law applies to everyone. Laws that talk about surgeries and invasive procedures that happen so exceedingly rarely and out of medical necessity is also leading to medical practitioners being afraid to provide care that still may well be legal or that they would have provided otherwise.

The silver lining is there's still plenty of healthcare practitioners and facilities that are able to provide the greatest amount of care the law allows.




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VALENA: Eskenazi Hospital in Indianapolis, for example, provides wraparound services for people seeking gender-affirming care. A patient can receive mental health and hormonal treatment all in one place, and that's kind of unique.

ALEX: I'm a huge fan of that philosophy. Back when I used to be General Counsel of the Damien Center, we were called One Home, because patients are able to have everything, all their appointments, done at once, and not have to travel across the city just to get different treatment. When you're able to do it all in one place, it can make a huge difference for big parts of the community. Big support to the Damien Center for what they're able to do for gender-affirming care in the state, too.

VALENA: What about changing gender markers on a person's birth certificate or driver's license? Can adults still do that in Indiana?

ALEX: This answer needs the biggest caveat because there is active litigation; but, as of right now, it is not an option. Passports are also in litigation in the courts. If someone wants to change their gender marker, keep in touch with the organizations that are looking out for these legal changes and that know the most up-to-date situation, like the ACLU or Lambda Legal.

Valena, if some of these different pieces of paperwork don't necessarily match up for transgender adults, can that lead to criminal justice implications?

VALENA: Historically, transgender people have been stopped by police and arrested for low-level offenses, like not having an ID that matches their appearance. Police, statistically speaking, arrest gay and transgender youth for low-level offenses like trespassing and vagrancy more than cisgender youth. And police are statistically more violent toward queer youth of color than straight youth, and more likely to detain and jail LGBTQ+ youth than heterosexual youth. So, a low-level offense of not having an ID that matches your gender presentation can mean going to jail and potentially having criminal charges.

For attorneys who are representing queer clients in the courtroom, Lambda Legal released a report in 2022, *Protected and Served*,³ that interviewed LGBTQ+ people and people living with HIV who had been involved in the criminal justice system. The key takeaway is to talk with your client about whether they want their sexual orientation or gender identity shared in the courtroom, and if not, how to restrict that. Develop a strategy to either proactively include a client's identity, or to stop prosecutors from introducing or using a defendant's sexual orientation or gender identity when it is irrelevant. Some clients talked about how the most painful thing for them was not the criminal charge but was being outed to their family involuntarily in a courtroom.

Alex, are there any criminal laws that specifically impact people living with HIV in Indiana?

ALEX: Indiana is one of the states that does criminalize being HIV positive. If you commit certain crimes and are HIV positive, that carries an enhancement, which will classify it as a higher level of a crime.

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"Some clients talked about how the most painful thing for them was not the criminal charge but was being outed to their family involuntarily in a courtroom."

This is not about whether the person can transmit HIV; merely being HIV positive qualifies a person for that enhancement. This applies even if you are undetectable, which means medically speaking you cannot transmit HIV to anybody. You still may get charged with a greater crime, or an enhancement to your crime, because of a medical impossibility. Here in Indiana, we charge people for having a disease, even though it cannot hurt anyone else.

VALENA: I find it sadly ironic that Indiana University just unveiled a statue in honor of Ryan White, and yet we continue to criminalize folks who are living with HIV.

ALEX: Indiana has a long history and connection with the HIV movement and the epidemic, and all the more reason we should be leaders, rather than being behind on the science.

To end on a positive note, do you remember where you were when marriage equality arrived in Indiana?

VALENA: I remember when *Obergefell* came down, because I clerked for Judge Martha Craig Daughtrey on the Sixth Circuit. *Obergefell* first went before the Sixth Circuit, which upheld Ohio's ban on same-sex marriage, and Judge Daughtrey wrote a lengthy dissent. The Supreme Court's decision in *Obergefell* came down right when I was driving to Nashville, Tennessee, with my partner, to celebrate my judge and her retirement from the bench. So we were able to celebrate *Obergefell* with my judge and her clerk family that weekend.

ALEX: I was working at the Indiana Civil Rights Commission at the time,

and my boss came and handed me a stack of papers, and it was the opinion in *Baskin v. Bogan* granting marriage equality in Indiana. He said, "Here, you can go read this, and you might want to go to the clerk's office right now and see what's happening." And it was... it was a fantastic time. I called it Wedding Wednesday. I even got to be a witness for a couple friends getting married that day. A happy twelfth anniversary to all the couples! 🎉

For more resources on representing LGBTQ+ clients, please see the IndyBar's CLEs including "The Intersection of Same-Sex Marriage and Estate Planning" and "Protecting LGBTQ+ People in the Criminal Justice System,"¹⁴ and Lawline's CLE "Challenging LGBTQIA+ Bias in the Criminal Legal System."¹⁵ If you are

interested in these topics, consider joining the ISBA's and the IndyBar's Sexual Orientation and Gender Identity (SOGI) Committees.

Valena Beety is a law professor at Indiana University Maurer School of Law, and her forthcoming book is *Pink Crime: Fighting Against the Criminalization of Motherhood, Pregnancy, and Queer Identity* (August 2026).⁶

Alex Van Gorp is Senior Corporate Counsel for Strada Education Foundation and previously was General Counsel and Advocacy Director for the Damien Center.

These remarks reflect the personal opinions of the authors and not those of their employers.

ENDNOTES

1. Digest of Engrossed House Joint Resolution No. 3 (February 2014), <https://legiscan.com/IN/text/HJR0003/id/957395/Indiana-2014-HJR0003-Amended.pdf>.
2. Senate Bill 480: Gender Transition Procedures for Minors (2023), <https://iga.in.gov/legislative/2023/bills/senate/480/details>.
3. Somjen Frazer, Richard Saenz, Andrew Aleman, and Laura Laderman, *Protected & Served? 2022 Community Survey of LGBTQ+ People and People Living with HIV's Experiences with the Criminal Legal System*, Lambda Legal (2022), <https://www.protectedandserved.org/2022-report-full-report>.
4. Available at <https://www.indybar.org/?pg=semwebCatalog&panel=showSWOD&seminarid=26056> and <https://www.indybar.org/?pg=semwebCatalog&panel=showSWOD&seminarid=27695>.
5. Available at <https://www.lawline.com/course/challenging-lgbtqia-bias-in-the-criminal-legal-system>.
6. Valena Beety, *Pink Crime: Fighting Against the Criminalization of Motherhood, Pregnancy, and Queer Identity*, available at <https://thenewpress.org/books/pink-crime/>

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THE ESTATE PLANNING SINGULARITY

By Christopher Michael Ripley



Attorneys as a group are not quick to adapt to economic changes or updates to technology. Our greatest innovations are quite distant in time.¹ Many of our legal concepts derive from the English common law.² Our estate planning techniques have their roots in the Middle Ages.³

Yet, the rate of technological change has sped up exponentially in the last century. I grew up in a time when rotary phones were still in use. I remember being excited to have a 6" black-and-white television in my bedroom. Now, I carry around a smartphone that feels like something out of *Star Trek*.

Some academics have proposed that we may be approaching a technological singularity, a runaway point where scientific progress exceeds human understanding or control.⁴ The shape of such a civilization is largely impossible to even visualize, but we as attorneys must do exactly that. There is a substantial crossover between law and ideas of the far future.⁵ Advancements in artificial intelligence (AI), medicine, computing, and science will directly change our assumptions about lifespan, inheritance, personhood, and other legal concepts.

Few areas of law are better positioned to reveal the long-term implications of these changes than trusts and estates. Trusts are designed to operate across generations and require attorneys to plan for futures they may never see. As a result, they provide a unique lens through which to examine how accelerating technological change may challenge the assumptions embedded within our legal system.



"Trusts are designed to operate across generations and require attorneys to plan for futures they may never see. As a result, they provide a unique lens through which to examine how accelerating technological change may challenge the assumptions embedded within our legal system."

By adapting to technological change, estate planners can build self-sustaining trusts that reach their own singularity, creating an estate that will last for centuries and weather new technological advancements.

HOW TO REACH THE ESTATE PLANNING SINGULARITY

At its essence, a trust or estate is a program that runs on the operating system of our laws, is compiled by

attorneys, and is executed by agents to process the corpus in line with the instruction set of the will or trust. Trusts and estates are a kind of social software that has been refined over the last thousand years.

An "estate planning singularity" occurs when a trust becomes self-sustaining across generations, preserving its governance structure, beneficiary class, and economic growth despite the

passage of centuries and profound technological change.

Building Sustainability

Assume that a trust corpus has sufficient investment income that it does not diminish on its own due to distributions. Drags on income such as management fees, income taxes, and transfer taxes can be mitigated. Effective estate and transfer tax planning and modern attempts to abolish state and federal estate taxes outright speak directly to this issue.

Distributions to beneficiaries can be regulated. A trust document can set standards for beneficiary distributions to limit the amount that a beneficiary may receive or the allowable bases for distributions. The trust can include spendthrift language, set forth specific examples of allowed distributions, or set a standard for payments. The trust document can also set limits on who is identified as a beneficiary, thereby limiting the size of each beneficiary generation.

A trust that consistently earns more than it distributes solves only one part of the problem, though. Even a financially successful trust must eventually confront the question of duration.

Ensuring the Trust Endures

Termination of a trust can be delayed or avoided outright if the Rule Against Perpetuities and the Doctrine of Escheat can be avoided. Escheat avoids legal limbo and hunting for extraordinarily distant relatives in the event of the death of an entire family line.⁶ The Rule Against Perpetuities avoids the application of ancient dormant grants.⁷

Indiana has recently allowed for trust planning that avoids the Rule Against Perpetuities by putting a 360-year

maximum lifespan on legacy trusts.^{8,9} This change was effective on July 1, 2024.¹⁰ For context, 360 years before this law took effect, Charles II was on the throne of England following The Protectorate Period. It is difficult to imagine what the world will look like on July 1, 2384.

Alternatively, a trust's lifespan could be extended by maintaining a validating life. "[P]osthumous birth[s]"¹¹ can now occur a potentially arbitrarily long time after the death of the grantor with the assistance of modern fertility medicine including embryo storage, in vitro fertilization, and surrogacy.¹² Looking into the future, it is possible that care for premature births could extend and advance to the point that embryos could gestate in artificial wombs.¹³ Our Indiana probate distribution statutes already contemplate inheritance by children of the decedent born after the decedent's death.¹⁴ The relevant statute, Indiana Code § 32-17-8-3, refers to "an individual then alive."¹⁵ As presently written, this statute precludes looking to a later born child as a validating life.¹⁶ A recent Alabama Supreme Court ruling on the status of frozen embryos in relation to that state's wrongful death statute highlights the possibility of unanticipated effects of rulings concerning personhood.¹⁷ This could include whether a frozen embryo could be a "life in being" (potentially in perpetuity).

Yet advances in reproductive technology are only one way technological change may affect trust duration. The current record for longest human lifespan is approximately 122.5 years.¹⁸ This can be expected to increase as medical science advances. What we now consider science fiction may become reality. Individuals

presently are frozen for cryogenic storage only after death. If this ever changes, it remains to be argued whether an individual placed in long-term cryogenic storage during life would constitute a validating life until either their body is destroyed, or they are reawakened and live out their natural lifespan. Extreme biomedical interventions could increase lifespans via replacement organs. If true AI arises, then society will need to reckon with the rights and ethics of non-human intelligence. If recognized, it is an open question as to whether such an entity would have a lifespan or be considered a validating life. Even more conceptual: Let's say we reach space travel. An individual traveling at relativistic speeds would experience time dilation relative to the Earth.¹⁹ The result is that they

would experience time more slowly than here on Earth.²⁰ If they were to travel fast enough relative to the Earth, from our perspective, they would be alive for an arbitrarily long period of time.

Setting Up Long-Lasting Administration

A trust that survives for centuries faces a practical problem: governance. The original trustee will eventually disappear while the trust must continue making decisions. The trust could employ a corporate trustee which has no preset lifespan.²¹ While it is not currently ready, we are approaching a time when AI could provide trustee services under human co-trustee supervision or with the supervision of a human trust protector. The AI codebase could be incorporated

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"The rapid increase in technological change is forcing attorneys to adapt quicker, to think further ahead, and to imagine new possibilities."

into the trust document itself along with the authority for the edits to the codebase by operation of the AI itself, outside patches to the program, or a version rollback. This amendment authority could be incorporated into the trust language or facilitated via court order.²²

CONCLUSION

Imagine a future where an individual: (1) establishes a trust; (2) balances the planned distributions against the anticipated growth of the trust corpus to foster a doubling in value each generation; (3) minimizes the trust administration costs; (4) executes planning to minimize the applicable taxes; (5) avoids the impact of the rule against

perpetuities; and (6) allows for the emergence of future beneficiaries if needed. An AI manages the trust corpus with the oversight of a corporate trustee.

After 360 years and 12 generations, the trust remains active. Its effective value has increased 4,096 times over. It continues carrying out the instructions of a grantor who lived in a world that barely resembles the one in which the trust now operates.

The rapid increase in technological change is forcing attorneys to adapt quicker, to think further ahead, and to imagine new possibilities. An estate planning singularity is not triggered by a single innovation.

It is the product of several legal changes working together to create a managed estate lasting for centuries, supporting scores of descendants, and accumulating an ever-increasing corpus.

How does an Indiana lawyer keep up in a world that seems to change faster every year? Here are a few suggestions.

1. **Stay involved.** Emerging technologies and legal developments are often discussed long before they appear in case law or legislation. The Indiana State Bar Association Solo and Small Firm Conference in French Lick, Indiana, is a great way to stay up to date.

2. **Remain curious.** Many of today's legal questions surrounding AI, reproductive technology, and digital assets would have sounded implausible only a generation ago.
3. **Watch your step.** While impressive in both its successes and its failures, large language models (LLMs) are not a substitute for human intelligence or human consequences. Lawyers with AI are like riders and horses. Together, they can travel much farther and much faster than a rider can on foot. However, if the horse is in charge, odds are that the rider is not going to end up where they planned. ☹️

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ENDNOTES

1. E.g., the ability to represent clients other than oneself, the codification of laws, attorney licensure requirements, the Bill of Rights, the addition of the Rules of Professional Conduct, the personal computer, and the Internet.
2. See William Blackstone, *Commentaries on the Laws of England* (1st Ed. 1765-1769).
3. Many estate planning concepts, although somewhat modernized, trace their ancestry to the European Middle Ages, medieval real estate systems, and catalyzing events such as the Black Death.
4. "The technological singularity—or simply the singularity—is a hypothetical future point in time at which technological growth becomes uncontrollable and irreversible, resulting in unforeseeable consequences for human civilization." *Technological singularity*, Wikipedia, https://en.wikipedia.org/wiki/Technological_singularity; citing Amnon Eden, James Moor, Johnny Hartz Søraker, and Eric Steinhart, eds. *Singularity Hypotheses: A Scientific and Philosophical Assessment* (2012).
5. See Charles Stross, *Accelerando* (Ace, 2005); See William Gibson, *All Tomorrow's Parties* (Viking Press, 1999); See William Gibson, *Neuromancer* (Ace Book, 1984).
6. Bryan A. Garner, *Black's Law Dictionary*, 684 (12th Ed. 2024) ("escheat...Reversion of property (esp. real property) to the state upon the death of an owner who has neither a will nor any legal heirs.").
7. *Id.* at 1599 ("rule against perpetuities... The common law rule prohibiting a grant of an estate unless the interest must vest, if at all, no later than 21 years (plus a period of gestation to cover a posthumous birth) after the death of some person alive when the interest was created.").
8. See 2024 amendments to Indiana Code § 32-17-8-1 *et seq.*
9. See Jeffrey S. Dible, *House Enrolled Act 1209 Increases Multi-Generational Trusts' Maximum Duration*, Res Gestae (June 2024) 13-15.
10. Ind. Code § 32-17-8-1 *et seq.*
11. See Garner, *supra*, at 1599.
12. See Jessica Hamzelou, *Exclusive: A record-breaking baby has been born from an embryo that's over 30 years old*, MIT Technology Review (July 29, 2025), <https://www.technologyreview.com/2025/07/29/1120769/exclusive-record-breaking-baby-born-embryo-over-30-years-old/>.
13. Rob Stein, *An artificial womb could build a bridge to health for premature babies*, NPR (April 12, 2024), <https://www.npr.org/sections/health-shots/2024/04/12/1241895501/artificial-womb-premature-birth>.
14. See Ind. Code § 29-1-2-6 (Afterborn Children) and Ind. Code § 29-1-3-8 (Omitted Heirs). Notably, I.C. § 29-1-2-6 refers to "descendants...begotten before his death but born thereafter" while I.C. § 29-1-3-8 refers to "children born or adopted after the making of the testator's last will... whether born before or after the testator's death[.]"
15. See Ind. Code § 32-17-8-3(d): "In determining whether a nonvested property interest or a power of appointment is valid under subsection (a)(1), (b)(1), or (c)(1), the possibility that a child will be born to an individual after the individual's death is disregarded."
16. *Id.*
17. *LePage v. Ctr. For Reprod. Med., P.C., et al.*, No. SC-2022-0515, 2024 WL 656591 (Ala. Feb. 16, 2024) (cert. denied); See Perrine Ginod and Michael H. Dahan, *Embryos as unborn children: the Alabama Supreme Court's ruling and its possible impact for legal rulings in other states*, F S Rep (April 2, 2025) 130-131, <https://pmc.ncbi.nlm.nih.gov/articles/PMC11228790/>.
18. *World's Oldest Living Person Titleholders*, Gerontology Research Group, <https://www.grg-supercentenarians.org/wop/>.
19. See *Time Dilation*, Wikipedia, https://en.wikipedia.org/wiki/Time_dilation.
20. *Id.* For example, if the individual travels at 90% of the speed of light, one year for the individual passes for every approximately 2.27 years on Earth. This dilation effect increases toward infinity as the traveler's speed approaches the speed of light. So, an astronaut flying into a black hole could unwind the Rule Against Perpetuities.
21. See Indiana Code § 30-4-2-11.
22. See Indiana Code § 30-4-3-25 (recession and reformation); See Indiana Code § 30-4-3-26 (power to direct deviation from trust terms).

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VOLUNTARY ACT, BELATED INSANITY, APPEAL WAIVERS, AND MORE

During April and May, the Indiana Supreme Court issued opinions addressing possession as a voluntary act, a belated insanity notice, appeal waivers, and post-conviction relief. Non-majority opinions addressed concerns with Indiana's double jeopardy analysis and the continuing importance of proper advisements at hearings with appeal waivers.

DEFENDANT'S POSSESSION OF PEPPER SPRAY IN PRISON WAS A VOLUNTARY ACT

Criminal culpability generally requires both a mens rea and actus rea, the latter being a voluntary act, not mere status or circumstance. *See* Ind. Code § 35-41-2-1(a). The issue frequently arises in cases involving crimes that require knowing or intentional possession. *Gary v. State*, 276 N.E.3d 639, 643 (Ind. 2026).

After his arrest and placement in a jail cell, Gary realized he had a small canister of pepper spray in his pocket but did not comply with officers' initial efforts to retrieve it. *Id.* at 641. He was charged with possession of material capable of causing bodily injury by an incarcerated person. Ind. Code § 35-44.1-3-7. Nothing in the "statute limits when or how such possession begins. It instead prohibits possession at any time—whether a defendant brings a prohibited item into a penal facility or obtains it once inside." *Gary*, 276 N.E.3d at 643. An earlier Court of Appeals opinion "acknowledged that 'someone is not voluntarily visiting the jail after being arrested,' but it also recognized that a person may voluntarily retain possession of contraband by failing to disclose or surrender it upon arrival." *Id.* (quoting *Baker v. State*, 208 N.E.3d 626, 641 (Ind. Ct. App. 2023), *trans. denied*).

The Indiana Supreme Court affirmed Gary's conviction while acknowledging the limitations of short-term possession as a voluntary act. When possession is an element of a crime, "it is a defense that the person who possessed the property was not aware of his possession for a time sufficient for him to have terminated his possession." I.C. § 35-41-2-1(b). Therefore, relinquishing a prohibited item "at the earliest reasonable opportunity after discovering it" does not violate the prison contraband statute. *Gary*, 276 N.E.3d at 644. The court reasoned that "[d]enying such an opportunity would create perverse incentives. A person who discovers contraband only after entering a penal facility would be encouraged to conceal it for fear of punishment, thereby undermining the statute's goal of maintaining institutional safety." *Id.* Simply put, "once an arrestee becomes aware of the contraband, they must be afforded a reasonable opportunity to surrender it without penalty. But if the arrestee declines that opportunity, continued possession becomes voluntary." *Id.*

DENIAL OF BELATED INSANITY DEFENSE NOTICE UPHELD

A defendant in a felony case must file a notice of intent to assert an insanity defense no later than 20 days before the omnibus date (or 10 days before the omnibus date for misdemeanor charges). Ind. Code § 35-36-2-1. "However, in the interest of justice and upon a showing of good cause, the court may permit the filing to be made at any time before commencement of the trial." *Id.*

In *Tillett v. State*, 278 N.E.3d 359, 364 (Ind. 2026), the defendant sought leave to file a belated notice nearly two years after the omnibus date and twelve days before his trial began. Although the Indiana Supreme Court acknowledged there was good cause for the defense to miss the original statutory deadline because the defendant had not yet been psychologically evaluated, the court found no good cause for the significant additional delay. *Id.* Tillett obtained psychological evaluations in February 2023 and April 2023 but waited until April 2024 before filing her motion. *Id.* The court agreed with the trial court's finding of no "acceptable explanation for the timing" of filing the notice a year after the evaluation and just two weeks before trial. *Id.*

APPEAL WAIVER BARS BELATED APPEAL

Criminal defendants sometimes agree to waive appellate review of their sentence as part of a plea agreement, an issue that has generated considerable appellate case law

and confusion in trial courts. But defendants always retain the right to challenge an "illegal" sentence, which is one "outside the prescribed statutory range or is unconstitutional." *Anderson v. State*, 269 N.E.3d 817, 822 (Ind. 2025). In *Anderson*, the justices resolved a long-standing split among appellate panels, concluding that a trial court's reliance on one or more invalid aggravators does not render a sentence illegal. *Id.*

Ortiz v. State, 278 N.E.3d 1151 (Ind. 2026), applied *Anderson* to affirm the trial court's dismissal of a petition for a belated appeal in the absence of any allegation that it was illegal under *Anderson*'s narrow definition. It is immaterial whether the issue arose in a timely direct appeal or as a belated appeal. *Id.* at 1156. Moreover,

the right to bring a direct appeal does not turn on whether the appeal has merit; criminal defendants often bring appeals that go nowhere. The defendant's burden is comparable when bringing a belated appeal: A defendant who seeks to file a belated appeal need not prove that his appeal would, if allowed to proceed, carry the day. He need only show that he could have brought his appeal had he filed it timely.

Id.

Ortiz challenged the propriety of the shaken-baby-syndrome aggravator, but the trial court found several other aggravating circumstances. Thus, even if improper, his sentence would not fall outside the statutory range and thus would not be "illegal." *Id.* To the extent he raised a constitutional due process claim about the aggravator, "this was just one of several aggravators the trial court relied on in imposing an enhanced sentence for Ortiz. The remaining, unchallenged aggravators would still justify upholding his sentence." *Id.*

Future defendants may have a narrow path to overcoming an appeal waiver based on an illegal sentence. If the trial court found only one aggravator that was improper, a consecutive "sentence **would be illegal**, because consecutive sentences cannot be imposed without at least one aggravator." *Id.* at 1157 (quoting *Crouse v. State*, 158 N.E.3d 388, 395 (Ind. Ct. App. 2020) (Vaidik, J., concurring in the judgment)). A valid constitutional challenge sets an especially high bar, considering "the examples of unconstitutionality recounted in *Anderson*—like a sentence based on constitutionally impermissible criteria, such as race or

the deprivation of some minimum of civilized procedure (such as if the parties stipulated to trial by twelve orangutans).” *Id.* at 1158 (internal quotation marks omitted).

DECLARATORY JUDGMENT IN PCR PROCEEDING WAS NOT A FINAL APPEALABLE ORDER

In a procedurally unusual case, the Indiana Supreme Court addressed the appealability of a declaratory judgment in a post-conviction case in *Adkins v. State*, 279 N.E.3d 356 (Ind. 2026). The court concluded that the trial court’s declaration was not a final judgment because the Declaratory Judgment Act does not categorically deem all declarations final. *Id.* at 357. Litigants seeking declaratory relief in the future retain other options for appealing the declaratory judgment right away, including (1) asking the trial court to certify its order for interlocutory appeal under Appellate Rule 14(B); (2) requesting the trial court enter final judgment under Trial Rule 54(B); or (3) waiting for the entry of a true final judgment that resolved all underlying post-conviction claims. *Id.* at 360.

REMINDER TO SPEAK UP WHEN THE JUDGE MISADVISES

In two separate appeal waiver cases, the Indiana Supreme Court denied transfer, but Chief Justice Rush, joined by Justice Goff, wrote a concurring opinion to reiterate that courts and attorneys must take greater care in ensuring defendants receive accurate advisements. *See, e.g., Powell v. State*, 278 N.E.3d 777 (Ind. 2026) (citing *Pratcher v. State*, 273 N.E.3d 824, 825 (Ind. 2026) (Rush, C.J., respecting denial of transfer) (Massa, Slaughter, Goff, and Molter, J., joining)).

The trial judge should explain the defendant’s ordinary right to appeal, the waiver’s effect, and any claims that remain available. And if the judge makes any inaccurate or confusing statements, counsel for both sides should respectfully speak up to correct the misstatement, not reinforce it. When this process breaks down, the entire system bears the cost: public defenders pursue claims foreclosed by appeal waivers, deputy attorneys general move to dismiss those claims, and judicial officers consider filings the waiver was intended to prevent. Such avoidable litigation undermines the certainty plea agreements are meant to provide and consumes the limited resources they are meant to conserve.

Id. at 778.

LINGERING DOUBTS ABOUT INDIANA’S DOUBLE JEOPARDY ANALYSIS

In *Moyers v. State*, 277 N.E.3d 33, 38 (Ind. 2026), a three-justice majority wrote to resolve prevailing “uncertainty” over when to apply the two substantive-double-jeopardy tests, *Wadle v. State*, 151 N.E.3d 227 (Ind. 2020), and *Powell v. State*, 151 N.E.3d 256 (Ind. 2020). Justice Slaughter, joined by Justice Massa, dissented, concluding in part that both of the “tests are unworkable.”

In *Brothers v. State*, 278 N.E.3d 370, 371 (Ind. 2026), the court denied transfer, declining the state’s proposal to adopt the federal *Blockburger v. United States*, 284 U.S. 299 (1932), test, while continuing to apply Indiana’s statutory protections. Justice Massa voted to grant transfer, and Justice Slaughter wrote a concurring opinion, declining “to revisit *Wadle* in this case,” given the recency of *Moyers*. “It remains to be seen whether our Court’s *Moyers*-modified, substantive-double-jeopardy framework proves to be confounding, on one hand, or clarifying, on the other.” *Id.* at 372. ☞

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**By Stephanie Bibbs
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UNDERSTANDING LIMITATIONS ON JUDICIAL AND ATTORNEY SPEECH

A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers, and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.¹ It is against this backdrop that we examine the intersection of lawyer advocacy and unethical judicial criticism. But when does advocacy evolve into unethical judicial criticism? To answer this legitimate question, the ethical rules to examine are Professional Conduct Rule 8.2(a) and Judicial Conduct Rule 2.10. Precedent applying these rules provides further guidance.

RULES GOVERNING SPEECH

Judges are constrained from making public statements about pending or impending cases under Judicial Conduct Rule 2.10 to preserve the independence, integrity, and impartiality of the judiciary.² Rule 2.10(A) provides:

A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending* or impending* in any court, or make any nonpublic statement that might interfere with a fair trial or hearing.

This rule, however, permits judges to respond “directly or through a third party to allegations in the media or elsewhere concerning the judge’s conduct in a matter.” Comment 3 to Rule 2.10 encourages judges to “consider whether it may be preferable for a third party, rather than the judge to respond or issue statements in connection with allegations concerning the judge’s conduct in a matter.”

Like judges, lawyers have a duty to encourage the fair and independent administration of justice and to promote public confidence in the judicial system. The point of Professional Conduct Rule 8.2(a) is to promote public confidence in the judicial system. Rule 8.2(a) provides, “A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge...” Two observations: First, this rule focuses on falsity of a lawyer’s statement. Either a lawyer knows that the statement is false or is so reckless that the lawyer has made little to no effort to discern whether the statement is true or false. Second, the restriction in Rule 8.2(a) concerns statements about a judge’s qualifications or integrity—not the judge’s *conduct*.



"Like judges, lawyers have a duty to encourage the fair and independent administration of justice and to promote public confidence in the judicial system."

GARRINGER: AN OLDER PERSPECTIVE

Lawyer criticism of judges is not new. In a case from 1994, a lawyer was hired by a married couple, who owned a trucking business, to represent them in two bankruptcy petitions. The couple previously filed pro se for personal bankruptcy and filed a petition for bankruptcy of their trucking business, but they wanted more than representation in their bankruptcies. The couple wanted the lawyer to investigate alleged wrongdoing of the bankruptcy judges.³

The lawyer was willing to oblige. To facilitate the couple’s wishes, the lawyer drafted a 28-page document, “An Open Statement To The President of the United States Concerning Federal Judges and Federal Officials Bought and Paid For In the Federal Judicial District Of The Southern District Of Indiana

From The Largesse Of Looted Bankrupt Estates.”⁴ Attached to this open statement was a lengthy appendix.⁵ The attorney distributed this open statement and appendix to the president of the United States and other high-level federal and state officials.⁶ In the discipline case, the court summarized the open statement as describing “a far-reaching conspiracy involving judges, bankruptcy trustees, United States Attorneys, and other federal court officials, allegedly devised to illegally convert assets properly belonging to bankrupt estates.”⁷

In his defense to a filed charge of violating Rule 8.2(a), the lawyer reasoned that he had to write to the president because he felt that he had exhausted all forms of judicial and administrative relief.⁸ The lawyer continued:

I realize that bringing these charges may expose me to sanctions and discipline as an attorney...[h]owever, I bring these charges without apprehension. I am outraged by the criminal activity that has occurred [sic] in the U.S. Bankruptcy Court and the misadministration of justice that has allowed this activity, not only because of the victims who have suffered, but because of what the crooked lawyers and judges have done...⁹

The court disagreed, finding that:

[T]he duty violated by the Respondent was his obligation to refrain from acting in a way that damages the integrity of the judicial system. His actions did not injure any individual client. Rather, his conduct threatened



"To answer the question of when advocacy evolves into unjust judicial criticism, the court's language is instructive: The state's interest in preserving public confidence in the judicial system and overall administration of justice outweighs any need to air *unsubstantiated* concerns in an improper forum."

to "unfairly undermine public confidence in the administration of justice." As we have stated, "[u]nwarranted public suggestion by an attorney that a judicial officer is motivated by criminal purposes and considerations does nothing but weaken and erode the public's confidence in an impartial adjudicatory process."¹⁰

In today's climate when many feel empowered to criticize judges for simply doing their jobs, the *Garringer* decision teaches us that this type of criticism is unwarranted and undermines public confidence in the administration of justice.

A FRESH LOOK AT WILKINS AND DIXON

In 2002, further guidance was provided in the *Matter of Wilkins*.¹¹ The court noted, "Lawyers are completely free to criticize the decisions of judges. As licensed professionals, they are not free to make recklessly false claims about a judge's integrity."¹² In a brief on a petition to transfer, the respondent-lawyer in *Wilkins* criticized an adverse ruling from the Indiana Court of Appeals. Respondent noted in the brief:

The Court of Appeals' published Opinion in this case is quite

disturbing. It is replete with misstatements of material facts, it misapplies controlling case law, and it does not even bother to discuss relevant cases that are directly on point...¹³

Footnote 2 of the brief stated:

Indeed, the Opinion is so factually and legally inaccurate that one is left to wonder whether the Court of Appeals was determined to find for the Appellee Sports, Inc., and then said whatever was necessary to reach that conclusion (regardless of whether the facts or the law supported its decision).¹⁴

Not only did the Indiana Supreme Court deny the Petition to Transfer, but the court also ordered the supporting brief stricken as a “scurrilous and intemperate attack on the integrity of the Court of Appeals...”¹⁵ The court, however, opined that the statements in the first set of quotations did not violate Prof. Cond. R. 8.2(a) because the statements roughly paraphrased the basis of transfer set forth in former App. R. 11(B). Respondent’s comments in footnote 2, however, were made with reckless disregard as to the truth or falsity concerning the integrity of a three-judge panel of the Court of Appeals.¹⁶

To answer the question of when advocacy evolves into unjust judicial criticism, the court’s language is instructive: The state’s interest in preserving public confidence in the judicial system and overall administration of justice outweighs any need to air *unsubstantiated* concerns in an improper forum.¹⁷

In 2013, the court again had occasion to consider the parameters of Rule 8.2.¹⁸ Recognizing that Rule 8.2 violations often arise in the context of public comments by attorneys outside of legal proceedings, the court adopted an objective test in determining whether an attorney acted in reckless disregard as to the truth or falsity of statements about judges. The test: Did the attorney lack any objectively reasonable basis for making the statement at issue, given the nature and context in which the statement was made?¹⁹ In other words, did the attorney disclose accurate facts to support the statements made?

If you’re left wondering why this objective test is important, one must examine the extent to which judges can respond to criticism.

Under Judicial Conduct Rule 2.10, judges are allowed to respond to allegations in the media or elsewhere concerning the judge’s **conduct** and can respond to attacks on the judge’s integrity. However, judges are not necessarily permitted to respond to unfair criticism of a judge’s decision when issues are pending (or impending) before the judge. Therefore, lawyers must balance effective advocacy with preserving confidence in the judicial system. Simply put, “Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by the lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship.”²⁰

Unwarranted judicial criticism undermines public confidence in the administration of justice. In today’s climate, lawyers and bar associations should reacquaint themselves with the tradition of defending judges and courts from unwarranted and unjust criticism. Not only does reawakening this tradition foster collegiality among

the bench and the bar, but it also serves to educate the public about preserving the rule of law. ☞

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ENDNOTES

1. *Ind. Rules of Professional Conduct*, Preamble, Comment [5]
2. See Comment [1] to Indiana Code of Judicial Conduct Rule 2.10.
3. *Matter of Garringer*, 626 N.E.2d 809 (Ind. 1994) (see footnote #1 for these facts).
4. *Id.* at 810.
5. *Id.*
6. *Id.* at 811.
7. *Id.*
8. *Id.*
9. *Id.*
10. *Id.* at 813 (internal citations omitted).
11. *Matter of Wilkins*, 777 N.E.2d 714 (Ind. 2002), reh’g granted on sanction, 782 N.E.2d 985 (Ind. 2003).
12. *Matter of Wilkins*, 782 N.E.2d at 986.
13. *Matter of Wilkins*, 777 N.E.2d at 715.
14. *Id.* at 715, 716 (italics added).
15. *Id.* at 716.
16. *Id.* at 717.
17. *Id.* at 718.
18. *In re Dixon*, 993 N.E.2d 1129 (Ind. 2013).
19. *Id.* at 1137 (citing *Standing Comm. on Discipline of the United States Dist. v. Yagman*, 55 F.3d 1430 (9th Cir. 1995)).
20. *Ind. Rules of Professional Conduct*, Preamble, Comment [13].

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SPRING CASES DISCUSS SPECIAL CHATTEL, DUTY NOT TO CREATE HAZARDOUS CONDITIONS, AND MORE

In April and May 2026, the Indiana Supreme Court decided three civil cases, while the Indiana Court of Appeals issued 37 published civil opinions.

INDIANA SUPREME COURT

COURT HOLDS ERISA PREEMPTION IS WAIVABLE AND AFFIRMS CONSTRUCTIVE TRUST FOR BREACH OF FIDUCIARY DUTY

In *Geels v. Flottesmesch*, 243 N.E.3d 1069 (Ind. Apr. 8, 2026), decedent named his sister as the sole beneficiary to his ERISA-governed life insurance policy but instructed her to distribute the proceeds to his children. After decedent's death, sister claimed the proceeds for herself, prompting daughters to seek equitable relief. The trial court imposed a constructive trust, finding a fiduciary relationship and breach of duty; the Court of Appeals twice reversed on ERISA-preemption grounds.

In this case of first impression, the Indiana Supreme Court affirmed the trial court, first holding that ERISA preemption is a waivable affirmative defense that must be raised in the trial court, rejecting sister's argument that she preserved the issue through another party's pleadings or general references to ERISA. Because sister litigated the case solely under Indiana law and failed to raise preemption, the defense was waived. The court further held the trial

court didn't clearly err in imposing a constructive trust, concluding there was clear and convincing evidence that a fiduciary relationship existed and that sister committed constructive fraud by retaining proceeds she was instructed to distribute. The court deemed breach of fiduciary duty as support for a constructive trust, not just actual fraud.

COURT HOLDS THERE'S NO "SPECIAL CHATTEL" ELEMENT TO CRIMINAL CONVERSION OR CIVIL CLAIMS UNDER CVRA

In *Keith D. Harper v. S&H Leasing LLC, et al.*, 277 N.E.3d 87 (Ind. Apr. 9, 2026), members of two LLCs sued fellow member Keith Harper after discovering he diverted company loan proceeds for personal use, asserting, among many others, a claim under the Crime Victim's Relief Act (CVRA) and seeking treble damages. Following a two-day bench trial, the court found Harper liable and, concluding his conduct constituted criminal conversion, entered judgment for \$821,361 in treble damages plus fees and costs. The Court of Appeals affirmed in part and reversed in part, concluding the funds were not "special chattel" but affirming the award on the alternative ground that Harper committed theft.

The Supreme Court affirmed the trial court's judgment. The court held criminal conversion of money does not require proof that funds are "special chattel," explaining the statute requires only that a defendant "knowingly or intentionally exerts unauthorized control over property of another person," with no requirement of segregation or identifiability. It rejected prior precedent importing common-law conversion principles, noting the doctrine created inconsistency with theft and incentivized commingling. The court further clarified that CVRA liability remains limited by the statute's mens rea requirement and does not extend to ordinary contract disputes. Applying that standard, the court found sufficient evidence that Harper knowingly exercised unauthorized control over company funds and affirmed the treble-damages award.

COURT HOLDS THAT DUTY NOT TO CREATE HAZARDOUS CONDITIONS IN ROADWAY INCLUDES NOT ONLY THE ROAD, BUT ALSO TRAFFIC-CONTROL DEVICES WITHIN A PUBLIC RIGHT-OF-WAY

In *Martinez v. Smith*, 277 N.E.3d 68 (Ind. Apr. 8, 2026), Martinez drove through a stop sign allegedly obscured by an overgrown bush and collided with a truck, resulting in serious injuries. Martinez later sued Smith, the owner of the property with the overgrown

bush, claiming Smith failed to "discover and remedy obstructions impeding the view of the stop sign." The trial court entered summary judgment in favor of Smith, and the Court of Appeals affirmed, reasoning the common-law duty not to create hazardous conditions in the roadway, as articulated in *Reece v. Tyson Fresh Meats*, extends only to the roadway itself.

The Supreme Court reversed, holding that a landowner's duty to refrain from creating hazardous conditions for motorists includes traffic-control devices, like stop signs, within the public right-of-way, and that the landowner owed that duty here. Concurring, Justice Molter (with Chief Justice Rush joining) utilized a law and economics approach, adapted from Learned Hand's Formula, which they reasoned likewise justifies imposition of a duty not to create hazardous conditions that extend into a public right-of-way. Dissenting, Justice Slaughter reasoned the duty of landowners should not extend beyond the traveled roadway.

INDIANA COURT OF APPEALS

- *Watters v. Cole*, 2026 WL 900455 (Ind. Ct. App. Apr. 2, 2026) (May, J.) (affirming, reasoning that Watters, through his company Allure Pools, made fraudulent misrepresentations regarding his experience in the pool building industry to Cole, its customer, which allowed Cole to pierce the corporate veil and hold Watters personally liable).
- *Expl. Ctr. I, LLC, et al. v. Metro. Dev. Comm'n of Marion Cnty., Ind.*, 2026 WL 1041997 (Ind. Ct. App. Apr. 17, 2026) (Altice, J.) (reversing dismissal of petition for review, holding statutory provision that appeal "shall" be heard and decided within 30 days is not mandatory, where statute provides no adverse consequences and mandatory reading would thwart legislative purpose).
- *Lingle v. Citizens Water of Westfield, LLC*, 2026 WL 1063197 (Ind. Ct. App. Apr. 20, 2026) (Foley, J.) (reversing order overruling landowner's objections in eminent domain action, holding utility failed to establish need for easement uses beyond water line and that proposed easement exceeded scope without showing present or prospective need).
- *Futa, et al. v. Diocese of Fort Wayne-S. Bend, Inc., et al.*, 2026 WL 1141361 (Ind. Ct. App. Apr. 28, 2026) (Mathias, J.) (affirming summary judgment for defendants, finding plaintiffs' claims were

time-barred under two-year statute of limitations, concluding COVID-related tolling applied only pursuant to Indiana Supreme Court order and not governor's emergency declaration).

- *Starr Indemn. & Liab. Ins. Co., et al. v. Am. Com. Barge Line LLC*, 2026 WL 1141405 (Ind. Ct. App. Apr. 28, 2026) (Najam, J.) (affirming determination that Indiana law governed insurance policies, but reversing denial of insurers' cross-motion for summary judgment, holding watercraft limitation provision barred coverage for CERCLA liability because insured's liability "arose out of" ownership of barges under strict liability framework, and rejecting application of negligence-based causation test).
- *Mangrum, et al. v. Mangrum, et al.*, 2026 WL 1172990 (Ind. Ct. App. Apr. 30, 2026) (Tavitas, J.) (reversing termination of grandparent visitation order, finding waiver of change-of-judge issue and abuse of discretion where mother presented no new evidence and sought to relitigate previously rejected grounds; Foley, J., concurred in part and dissented in part, finding termination within court's discretion).
- *Lane v. Arnold, et al.*, 2026 WL 1191229 (Ind. Ct. App. May 1, 2026) (Mathias, J.) (affirming summary judgment for defendants on plaintiff's declaratory-judgment claim regarding sex-offender registration, holding jurisdiction statute applied where plaintiff had ongoing, in-person registration obligation in another state and rejecting arguments that obligation was extinguished by leaving state or absence from public registry).
- *Riggs v. NCAA*, 2026 WL 934009 (Ind. Ct. App. May 7, 2026) (Weissmann, J.) (affirming, reasoning the NCAA did not owe plaintiff, a former college football player who died after developing chronic traumatic encephalopathy (CTE), a duty of care as a matter of law based on the *Webb* test, as there was no direct relationship between the NCAA and plaintiff, the injury was reasonably foreseeable, and public policy doesn't support the imposition of a general duty of protection on the NCAA).
- *Routh v. Kappe*, 2026 WL 1256215 (Ind. Ct. App. May 7, 2026) (Bradford, J.) (affirming summary judgment for state defendants, holding INDOT was entitled to discretionary function immunity under the ITCA where decisions regarding removal of traffic signal and planning of roundabout were policy-driven and shielded from tort liability).
- *In re McCoy Trust*, 2026 WL 1262304 (Ind. Ct. App. May 8, 2026) (Vaidik, J.) (reversing determination that settlor had testamentary capacity, holding court erred by excluding impeachment evidence because Evidence Rule 806 isn't displaced by Trial Rule 32).
- *Sanders et al. v. Seger*, 2026 WL 1262371 (Ind. Ct. App. May 8, 2026) (Weissmann, J.) (affirming in part and reversing in part dissolution of closely held corporations, holding court lacked authority to dissolve nonparty subsidiary because it wasn't named in the case, but affirming dissolution of parent entities based on unbreakable shareholder deadlock).
- *Keisler v. Ind. Dep't of Ins. Patient's Comp. Fund*, 2026 WL 1379221 (Ind. Ct. App. May 18, 2026) (Felix, J.) (affirming denial of additional recovery under the Medical Malpractice Act, holding mother's emotional-distress claim was derivative of child's malpractice death and subject to single statutory cap because she was a third-party patient, not a separate "traditional patient" with an independent injury; May, J., dissented, finding mother wasn't only a third-party patient but also a "traditional patient" with her own direct-duty injury and entitled to a separate statutory cap for emotional distress).
- *Town of Macy v. Nyona S. Mud Lake Conservancy Dist.*, 2026 WL 1458613 (Ind. Ct. App. May 22, 2026) (Felix, J.) (reversing order compelling arbitration, holding court erred in enforcing arbitration provisions where both parties waived arbitration by litigating dispute and not moving to compel arbitration). ☞

Jenny Buchheit chairs Ice Miller LLP's Appellate Practice Group. Rani Amani and Abby DeMare are members of the firm's Litigation Group, practicing Appellate and Business Litigation.

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