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OCT 2026

COVER STORY



12 INSTRUCTING INMATES

Instructing Inmates: Why Indiana's Incarcerated Adult Offenders Should Be Required to Complete an Education Program Prior to Release

By Marissa A. Marshino

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PUBLISHER STATEMENT:
Res Gestae (USPS-462 500)
is published monthly,
except for Jan/Feb and
Jul/Aug. by the ISBA.
Periodicals postage paid at
Indianapolis and additional
mailing offices.

POSTMASTER: Send
address changes to

Res Gestae
c/o ISBA
201 N. Illinois St., Suite 1225
Indianapolis, IN 46204

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IDENTIFYING YOUR IDEAL CLIENT

Why It Matters and How to Do It

By Andrew Kryder

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THE POWER OF CONNECTION AND THE PERIL OF DISCONNECTION

By Derrick Wilson

PRESIDENT'S PERSPECTIVE

It is my honor to serve as president of the Indiana State Bar Association (ISBA) for 2026–2027. As I reflect on my career, one theme stands out above all others: the power of connection. The relationships I have built through my community, the legal profession, and the ISBA have shaped both my practice and my life. Those connections have made me a better lawyer, a better leader, and a better person.

I come from a family with deep roots in southern Kentucky. When I graduated from college in 1988, I believe I was the first male in my immediate family to earn a four-year college degree. After a college adviser suggested that law school might be a good fit for me, I enrolled at the University of Louisville School of Law and graduated in 1991.¹

Like many new graduates, I was uncertain about what came next. I ultimately accepted a position with a small father-and-son law firm in New Albany. My future wife was beginning her third year of law school in Louisville, and southern Indiana seemed like a better fit than relocating elsewhere.

When I accepted the position, one of my new bosses, Frank Mattox, told me that the offer came with two conditions: I had to relocate to southern Indiana, and I had to become

involved in the community. Looking back, that advice changed the course of my career.

Several years later, Frank encouraged me to become active in the Young Lawyers Section of the ISBA. When I attended my first meeting, I immediately saw familiar faces, including my law school classmate Jeff Hawkins.² Through the Young Lawyers Section, I discovered the value of professional involvement beyond my local community.

In 2003, I had the privilege of serving as chair of the Young Lawyers Section.³ It was my first opportunity to work closely with a group of exceptionally talented and dedicated lawyers from across the state. Many of those colleagues—including Michael Tolbert, Todd Spurgeon, and Michael Jasaitis—would later serve as presidents of the ISBA. Others, such as Holly Harvey and Judi Calhoun, went on to distinguished judicial careers.

What I learned during that year remains true today: Bar associations create opportunities for meaningful professional relationships that often last a lifetime.



"When healthy opportunities for connection become less available, both individuals and institutions suffer."

Years later, I found another professional home with the ISBA Solo & Small Firm Conference. At the end of my first conference, I reached out to Ted Waggoner, one of the planning committee members, and asked whether there might be a place for me on the planning committee. There, I saw firsthand how connections and a sense of belonging can lead to successful and fulfilling careers.

Those connections have benefited me professionally in countless ways. They have provided a statewide network of lawyers to whom I can refer clients and from whom I have received referrals. They have given me trusted colleagues I can call when I encounter unfamiliar legal issues or need a different perspective on a difficult problem.

More importantly, those connections have sustained me personally.

When my former boss and later partner, Frank Mattox, passed away in 2007, our office faced significant challenges. Without being asked, lawyers from my community reached out to offer support and assistance. Years later, after my father passed away following a battle with Alzheimer's disease, one of the first things I noticed at the funeral was a set of wind chimes from members of the ISBA Solo & Small Firm Conference planning committee. Their kindness was a reminder that the relationships we build through professional organizations often become something much deeper than professional networking.

I share these experiences for two reasons. First, I want to acknowledge the many people who encouraged and supported me throughout my career. Second, I want to highlight the critical role that organizations like the ISBA play in creating lasting professional and personal connections. I have been truly blessed by the support I have received throughout my career. Unfortunately, I worry that many lawyers today do not enjoy the same level of connection and support.

Humans have a fundamental need for connection. When healthy opportunities for connection become less available, both individuals and institutions suffer. I recall one lawyer in my community who simply checked out one day. He left his office and never returned. When the landlord entered the office, he found piles of unopened mail and faxes which were never going to be answered. To my knowledge, he never returned to legal practice.

While extreme, that story has stayed with me because it illustrates the danger of isolation. Most lawyers who struggle like this will never make headlines. Yet many experience loneliness, burnout, depression, addiction, or a sense of professional disengagement without a strong support network to help them navigate those challenges.

The COVID-19 pandemic accelerated trends that were already reshaping our profession. In-person mediations became less common. Remote work became more common. Zoom meetings often replaced face-to-face interactions. While many of these changes have created efficiencies, they have also reduced opportunities for spontaneous conversations and relationships that once developed naturally within the profession.

Research suggests this trend extends well beyond the legal profession. Studies have found declining levels of social trust, smaller social networks, and fewer close friendships than in previous generations.⁴ The consequences are significant. Decades of research have linked social isolation and loneliness to negative physical and mental health outcomes, including increased mortality risk.⁵

Bar associations have experienced this challenge firsthand. Membership organizations throughout the country have struggled with engagement and participation despite continuing to provide substantial value to their members.⁶

Yet the value of connection remains undeniable.

Professional success depends on relationships. Whether we are serving clients, mentoring younger lawyers, developing referral networks, or negotiating on behalf of our clients, relationships matter. Research from Harvard's Program on Negotiation has noted that negotiators who establish rapport are significantly more likely to reach successful outcomes.⁷

"I would not have had the opportunities I enjoyed without the encouragement and support of the lawyers in my own firm. The next generation of leaders deserve the same opportunity."

That is why one of my priorities this year is strengthening engagement with our members and rebuilding opportunities for meaningful connections. I plan to conduct listening sessions throughout the state to hear directly from lawyers about their needs, concerns, and ideas for the future of the association.

I am especially interested in reaching newer lawyers and lawyers who may feel disconnected from the profession. Many local bar associations have struggled to regain momentum in recent years. At the same time, attorneys often interact primarily with lawyers within their own practice areas or firms. While those relationships are important, our profession is strongest when we build connections across practice areas, generations, and communities.

Technology will continue to be another significant focus during my year as president. Artificial intelligence is already transforming how lawyers practice law, and the pace of change shows no signs of slowing.

At the same time, the rise of AI reinforces a central point: Technology may change how we practice law, but it cannot replace human relationships. AI cannot replace mentorship, trust, friendship, professional judgment, or the sense of belonging that comes from being part of a professional community.

I also encourage firm leaders, partners, and more experienced attorneys to support involvement in the association. I would not have had the opportunities I enjoyed without the encouragement and support of the lawyers in my own firm. The next generation of leaders deserve the same opportunity.

The legal profession has always depended on relationships. Mentors shape careers, colleagues provide guidance, and professional communities

sustain us through challenges. As we navigate rapid changes in technology, regulation, and client expectations, maintaining those connections is more important than ever.

I look forward to serving the association during the coming year and continuing the conversation about how we can strengthen those connections—for the benefit of our members, our profession, and the clients we serve. ☯

ENDNOTES

1. My alma mater is now known as the Louis D. Brandeis School of Law. It is the only law school in the country where a United States Supreme Court justice, Louis Brandeis, and his wife are buried on campus.
2. If Jeff and his wife had not repeatedly kept me awake during property class, I am not entirely sure I would have survived that course.
3. Under the bylaws in effect at the time, I am fairly certain I was the oldest Young Lawyers Section Chair in history—and perhaps still hold that distinction.
4. Office of the U.S. Surgeon General, *Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Healing Effects of Social Connection and Community* (2023) at 13, available at https://www.ncbi.nlm.nih.gov/books/NBK595227/pdf/Bookshelf_NBK595227.pdf.
5. National Academies of Sciences Engineering and Medicine (NASEM), *Social Isolation and Loneliness in Older Adults: Opportunities for the Health Care System*, Washington, DC: The National Academies Press (2020).
6. Jamie Green, *The Engagement Gap Behind Today's Membership Declines*, American Society of Association Executives (January 30, 2026), available at https://www.asaecenter.org/resources/articles/an_plus/2026/01-january/the-engagement-gap-behind-todays-membership-declines.
7. PON Staff, *Relationships in Negotiation: The Advantages of Rapport Building*, Program on Negotiation, Harvard Law School (February 16, 2026), available at <https://www.pon.harvard.edu/daily/negotiation-training-daily/negotiate-relationships/>.



INTRODUCING THE 2026-27 BOARD OF GOVERNORS

At this year's Annual Meeting, the ISBA approved nine new members of the Board of Governors. Get to know the newest members of ISBA leadership and, through excerpts from their applications, why they chose to serve.

VICE PRESIDENT: JACKIE PILLAR

At a time when the legal profession continues to evolve rapidly, strong and thoughtful leadership matters. I want to help ensure that the ISBA remains a trusted voice for Indiana attorneys, an advocate for the rule of law, and a forward-looking organization that prepares the next generation of lawyers to succeed.

HOUSE OF DELEGATES CHAIR ELECT: LYNSEY DAVID

I would be honored to contribute my time, energy, and experience to the ISBA Board of Governors and the House of Delegates, working alongside colleagues to address the evolving needs of our profession and to navigate both the challenges and opportunities facing the ISBA.

DISTRICT 2: HON. JAIME OSS

I absolutely love the ISBA and serving the legal community. It was a tremendous honor to serve 10 years ago. I would welcome the opportunity to do so again.

DISTRICT 3: KATHERINE ISKIN

I think the practice of law is going to change a lot in the coming years—between AI, the general disregard for the rule of law, and the impending wave of retirees with a leadership gap between boomers and millennials—and stabilizing the practice and providing resources for attorneys to navigate these changes is critical for both attorneys to maintain their profession and for Indiana's residents to receive quality legal services that they can afford.

DISTRICT 6: JASON MIZZELL

I am now one of the youngest members of the Bankruptcy and Creditors' Rights Section in the state—and I'm not young. If there is any practice area that has been hardest hit by the lawyer shortage, it is this area of law. We need someone on the BOG

that can speak to this issue from practical experience: not just from a practice area perspective, but from the perspective of an entire cadre of lawyers looking desperately to develop new, young talent from all over the state, including rural practice.

DISTRICT 7: DANIEL CYR

As president of the Monroe County Bar Association, I work each week on the same questions the Board confronts at the state level: serving the public and the legal profession, keeping our bar associations relevant, supporting small firms and solo practitioners, and bringing law students and new lawyers into the profession. I am seeking the District 7 seat to bring that perspective to the Board and to give back to an association that has supported me at every stage.

DISTRICT 8: MAX HAPPE

I want to make Indiana, and the practice of law in Indiana, better.

DISTRICT 9: JASON LOPP

This position would allow me to continue to give back, not just locally, but to the entire legal community.

DISTRICT 11: DANIEL SHACKLE

As a lifelong public servant, I feel it is important for people to give back to society/community/ relevant organizations. The ISBA plays an important role not only for the attorneys practicing law in Indiana, but to all citizens of the state who rely on a judicial system which provides integrity, service, professionalism, and fidelity to justice.

AT-LARGE: SHELLEY GUPTA

I've really enjoyed my experiences with ISBA thus far and want to keep contributing. ISBA provides so many opportunities, is open to suggestions and implementing suggestions, and

is grounded in bettering its members and the profession, and I want to continue contributing to that.

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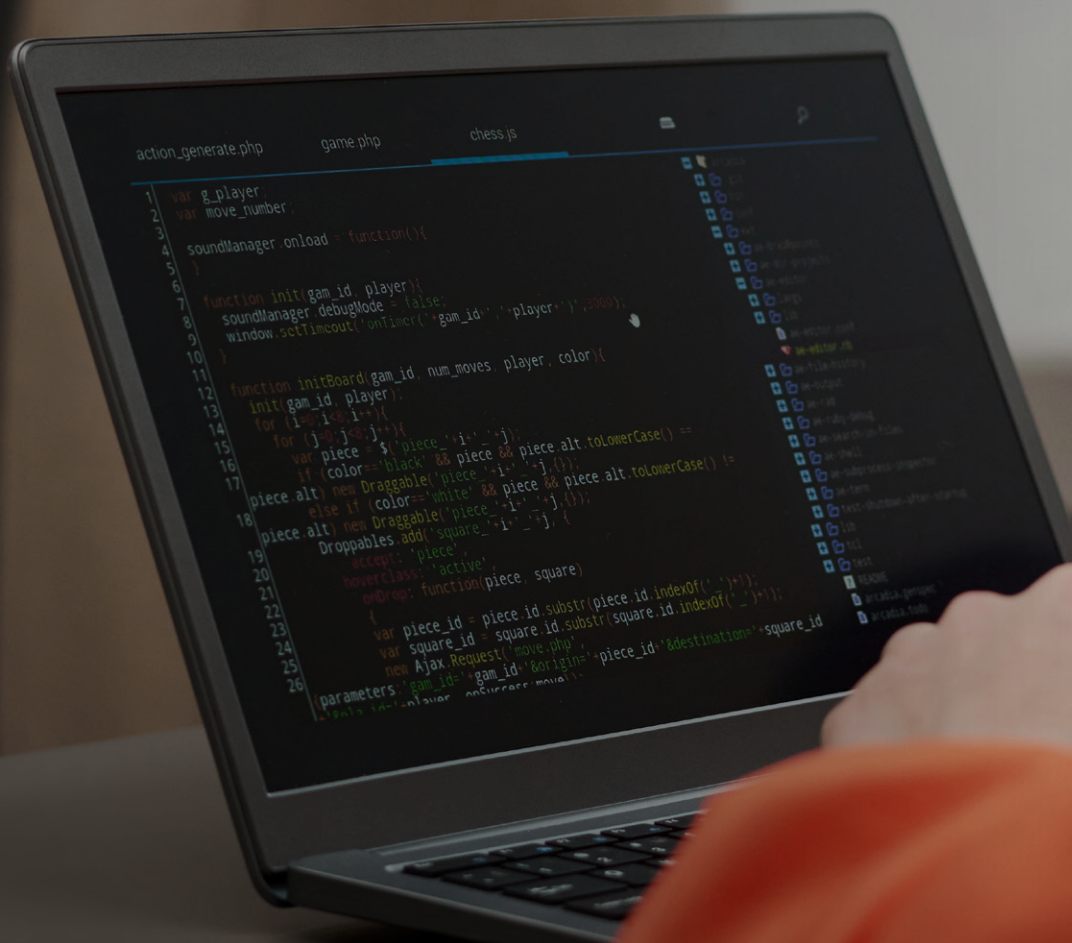
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INSTRUCTING INMATES:

Why Indiana's Incarcerated Adult Offenders Should Be Required to Complete an Education Program Prior to Release



By Marissa A. Marshino

Imagine, for a moment, that a close friend or family member is ordered to serve a sentence in the Indiana Department of Correction (IDOC). Cue the racing thoughts: What will they do while in custody? What can they do while in custody? How can they get their life back on track before they are released? The answer: a required education program.

Since its inception, the Indiana Constitution has prioritized the concept of reformation within Indiana's penal code, stating "[t]he penal code shall be founded on the principles of reformation, and not of vindictive justice."¹ The Indiana General Assembly has furthered this objective in many ways, including by requiring the availability of education programs in correctional facilities.² And, since at least 2011, IDOC itself has recognized the importance of these education programs, drawing a direct correlation between increased education and reduced recidivism.³

The correctional education program laws of many other states are far more robust than Indiana's, however. Some states, like Arizona, issue a standardized test to inmates upon commitment and require them to complete an education program if they do not meet the required literacy level.⁴ In several states, like Florida, inmates who are near their release are given priority, while those with life sentences, death sentences, health concerns, or security concerns are excluded from participation.⁵ In other states, like Delaware, inmates may be disciplined or rendered ineligible for parole for refusal to participate.⁶ And more often than not, these robust correctional education program laws correlate to a reduced recidivism rate.

This article argues that the Indiana General Assembly should enact a statute requiring all adult inmates in IDOC with five years or less until release to complete an academic or vocational education program prior to their release from incarceration. Requiring completion of an education program will assist adult inmates in obtaining sustainable post-release employment, which will in turn decrease Indiana's recidivism rate.

THE PROPOSED STATUTE

For the Indiana General Assembly to successfully implement a new statute requiring all adult inmates in IDOC to complete an education program prior to



"The correctional education program laws of many other states are far more robust than Indiana's, however."

their release from incarceration, the participants should be limited to inmates with five years or less remaining on their sentences. The statute should include a transition period and incorporate the factors included in the laws of other states. Under the new regime, the cost of educating inmates is only slightly more than the current regime and can be offset over time by the corresponding recidivism rate reduction.⁷

TARGET POPULATION

The Indiana General Assembly should enact a new statute requiring all adult inmates to complete an

education program prior to their release from incarceration. The initial considerations are (1) at what point during incarceration inmates should participate, and (2) which inmates should be excluded from the requirement. Specifically, the Indiana General Assembly should consider the adult inmate population breakdown for calendar years 2019 through 2023. During that time frame, (1) the average annual total adult inmate population was 25,923; (2) an average of 61.4% of inmates had five years or less until release; and (3) an average of 38.4% of inmates had two years or less until release.⁸

The education program participant breakdown for calendar years 2019 through 2023 should also be considered. During that time frame, (1) the average number of education program participants was 14,097; (2) an average of 53.9% of the total population participated in an education program; (3) an average of 36.7% of the total population participated in an education program and had five years or less until release; and (4) an average of 25.9% of the total population participated in an education program and had two years or less until release.⁹

PROPOSED LEGISLATION

Included and Excluded Inmates

The Indiana General Assembly's end goal should be to require all adult inmates with five years or less until release to complete an education program because five years allows inmates to (1) complete a traditional four-year degree, (2) complete multiple education programs, or (3) complete an education program and transition into a work program.

Based on the data above, an average of 61.4% of the adult population would be participating in education programs at one time and an average of 53.9% of adult inmates currently participate in an education program.¹⁰ Thus, there is a mere 7.5% increase in participants under the proposed regime.

However, the new figure of 61.4% is representative of all adult inmates, including those who may otherwise be excluded from participating. Inmates with security concerns, physical or mental health concerns, or developmental or learning disabilities should be excluded from this requirement.¹¹ However, IDOC should have the discretion to admit into education programs statutorily excluded inmates, so long as the inmate will benefit from participation without impacting the progress of other participants.

Transition Period

To successfully effectuate this change, the Indiana General Assembly should establish a transition period within the statute and start by requiring all adult inmates with two years or less until release to complete an

education program. For example, if this statute were to go into effect in 2026, the transition could be gradual, such as: (1) all inmates with two or less years until release, by 2026; (2) all inmates with three or less years until release, by 2028; (3) all inmates with four or less years until release, by 2029; and (4) all inmates with five years or less until release, by 2030.

This transition period will allow for IDOC to ease the requirement into its current procedures. This will also help to offset the cost of continuing to educate inmates with more than five years until release who are currently enrolled in an education program. This group of participants should be permitted to continue for the purpose of successfully completing the program in which they are enrolled. And even after



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"The Indiana General Assembly's end goal should be to require all adult inmates with five years or less until release to complete an education program because five years allows inmates to (1) complete a traditional four-year degree, (2) complete multiple education programs, or (3) complete an education program and transition into a work program."

the transition period has elapsed, IDOC should have the discretion to admit into education programs inmates with more than five years until release, so long as resources permit.

Intake Process, Literacy Examination, and Penalties

The balance of the statute should mirror the factors that have proven successful in other states. IDOC should be required to administer a standardized literacy examination

to inmates prior to their assignment to an education program. For inmates who have five years or less until release from the date they are sentenced, this means that the examination is administered during their intake process. For inmates who have more than five years until release from the date they are sentenced, this means the examination will be administered when they reach the five-year balance mark. IDOC should be authorized to collaborate with the

Indiana Department of Education to implement this examination.

The objective of the standardized literacy examination is to determine an inmate's literacy level. As a threshold, inmates who test below a twelfth-grade literacy level should be required to complete an education program designed to help them achieve a high school equivalency education. On the other hand, inmates who test above the requisite level should be required

FIGURE 1: COST OF MANDATORY EDUCATION PROGRAM COMPLETION

Year	Total Cost	Actual Participants ¹⁴	Cost Per Participant	Projected Participants	Projected Total Cost	Cost Difference
2019	\$8,661,273 ¹⁵	20,068	\$431.60	18,080	\$7,803,328	-\$857,945
2020	\$9,641,490 ¹⁶	15,541	\$620.39	16,313	\$10,120,422	+\$478,932
2021	\$8,405,207 ¹⁷	14,627	\$574.64	14,300	\$8,217,352	-\$187,855
2022	\$903,524 ¹⁸	12,756	\$71.83	12,821	\$920,932	+\$17,408
2023	\$5,119,533 ¹⁹	7,492	\$683.33	10,735	\$7,335,548	+\$2,216,015
5-Year Avg.	\$6,546,205	14,097	\$476.36	14,450	\$6,879,516	\$333,311

to complete an education program with content beyond the level of high school equivalence. Any inmates who refuse to participate should be rendered ineligible for credit time and parole.

Annual Report

As a final measure, IDOC should be required to file an annual report with the Indiana General Assembly to provide an update on the status of the transition. At a minimum, the report should include a breakdown of each program, including number of participants and length of participation. Any programs with consistently low attendance should be removed from the course offerings.

COST OF COMPLETION

A change in the number of participants will likely lead to a change in the cost of the education programs, which can be calculated based on the cost of the yearly education services contracts.¹²

Each year, IDOC prepares an annual report which includes a fiscal year expenditure summary with an education services contract line item.¹³ The second column of Figure 1 details the total cost of the education services contracts for fiscal years 2019 to 2023.

Figure 1 also displays the number of actual program participants (column 3) and the cost per participant (column 4) for fiscal years 2019 to 2023.²⁰ Then, Figure 1 depicts the number of projected participants (column 5) and the projected total cost (column 6).²¹ The number of projected participants is based on the average population statistics discussed earlier and the proposal that the Indiana General Assembly require all adult inmates with five years or less until release to complete an education program prior to release. Specifically, the projected number here incorporates the proposed transition period, which begins by requiring all

inmates with two years or less until release to complete an education program, and includes inmates with more than five years until release who are currently enrolled in an education program.

Finally, Figure 1 shows the cost difference between educating the current number of participants and educating the projected number of participants (column 7).²² The average cost of educating inmates under the new regime is merely \$333,311 more per year than the current cost.²³ This cost may be offset over time by a corresponding reduction in the recidivism rate.

As discussed, IDOC has recognized a direct correlation between increased education and reduced recidivism since at least 2011.²⁴ Thus, if the Indiana General Assembly can also recognize this correlation and enact the proposed statute, Indiana's recidivism rate should decrease accordingly. A decrease in the

FIGURE 2: PROJECTED COST SAVINGS FROM RECIDIVISM RATE REDUCTION

2020 Releases²⁶	Recidivism Rate	Reoffenders	2024 Per Diem²⁷	Cost Per Day	Savings Per Day
9,782	34.78%²⁸	3,402	\$79.22	\$269,506.44	-
9,782	30%	2,935	\$79.22	\$232,510.70	\$36,995.74
9,782	25%	2,446	\$79.22	\$193,772.12	\$75,734.32
9,782	20%	1,956	\$79.22	\$154,954.32	\$114,552.12

"In sum, the \$333,311 additional annual cost of educating offenders could be recouped in nine calendar days, assuming the recidivism rate decreased to 30%."

recidivism rate depicts a decrease in the number of reoffenders being housed in IDOC's facilities, which decreases the daily operating costs.²⁵

The data in Figure 2 is based on the number of 2020 releases (column one) and the corresponding 34.78% recidivism rate for the 2020 cohort, followed by a hypothetical recidivism rate reduction to 30%, 25%, and 20% (column 2).²⁹ Then, Figure 2 displays the number of reoffenders based on the corresponding recidivism rate (column 3), the 2024 per diem rate of \$79.22 (column 4), and the cost per day (column 5).³⁰ Finally, Figure 2 shows the savings per day (column 6).³¹ The current cost of housing reoffenders from the 2020 cohort is nearly \$270,000 per day.³² Less than a 5% reduction in the recidivism rate to 30% leads to cost savings of nearly \$37,000 per day.³³

In sum, the \$333,311 additional annual cost of educating offenders could be recouped in nine calendar days, assuming the recidivism rate decreased to 30%.

CONCLUSION

The Indiana General Assembly has required IDOC to implement academic and vocational education programs in its facilities.²⁴ Although the facilities currently offer education programs, adult inmates are not required to participate in or complete an education program prior to their release from incarceration.³⁵

The current inmate participation breakdown lays the groundwork for restricting projected inmate participants to those with five years or less remaining on their sentences. Likewise, the proposed legislation should include a transition period

and incorporate the factors included in the laws of other states. Finally, the respective cost and cost savings show that the cost of educating inmates under a new mandatory regime is comparable to the cost of educating inmates under IDOC's current regime and also show that the cost may be further offset by a corresponding reduction in the current recidivism rate.

For these reasons, the Indiana General Assembly should enact a statute requiring all adult inmates in IDOC with five years or less until release to complete an academic or vocational education program prior to their release from incarceration. Requiring completion of an education program will assist adult offenders in obtaining sustainable post-release employment, which will in turn decrease Indiana's recidivism rate. (4)

This article was previously printed in *Indiana Law Review*, Volume 59, Issue 3. It has been edited and condensed to appear in *Res Gestae*. Readers can view the full article at <https://mckinneylaw.iu.edu/practice/law-reviews/ilr/pdf/vol59p861.pdf>.

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ENDNOTES

1. Ind. Const. art. 1, § 18.
2. Ind. Code Ann. § 11-10-5-1 (West 2026).
3. John Nally, Susan Lockwood, and Taiping Ho, *The Impact of Education and Employment on Recidivism*, Ind. Dep't of Corr. (2011), <https://perma.cc/98UK-HB5Q>.
4. See, e.g., Ariz. Rev. Stat. Ann. § 31-229 (2026).
5. See, e.g., Fla. Stat. Ann. § 944.801 (West 2026).
6. See, e.g., Del. Code Ann. tit. 11, § 6531A (West 2026).
7. See Figures 1 and 2.
8. Sarah Schikora, Ind. Dep't of Corr. Data Sci. & Analytics, Research Data Request 1, 7-8 (2025).
9. Schikora, *supra* note 9, at 9-10.
10. Schikora, *supra* note 9, at 7-8, 9.
11. Inmates who are serving death sentences or life without parole sentences are, by default, excluded from this requirement because the threshold is five years or less.
12. See *infra* Figure 1.
13. *Annual Report*, Ind. Dep't of Corr., <https://perma.cc/B4EU-UYKL>.
14. Schikora, *supra* note 9, at 9-10.
15. 2019 Ind. Dep't of Corr. Ann. Rep. 13, <https://perma.cc/MJW4-GNXJ>.
16. 2020 Ind. Dep't of Corr. Ann. Rep. 10, <https://perma.cc/536C-WR5B>.
17. 2021 Ind. Dep't of Corr. Ann. Rep. 10, <https://perma.cc/9BDT-QM22>.
18. 2022 Ind. Dep't of Corr. Ann. Rep. 8, <https://perma.cc/2V2G-7E5V>. There is no explanation given as to why this amount is significantly lower than that of other years.
19. 2023 Ind. Dep't of Corr. Ann. Rep. 10, <https://perma.cc/3L7P-RSXN>.
20. See *supra* Figure 1.
21. See *supra* Figure 1.
22. See *supra* Figure 1.
23. See *supra* Figure 1.
24. Nally, Lockwood, and Ho, *supra* note 3.
25. See *infra* Figure 2.
26. *Adult Releases by Committing County*, Ind. Dep't of Corr. (2020), <https://perma.cc/HY8M-4QT6>.
27. *Department of Correction-Per Diem Report*, Ind. Dep't of Corr. (2024), <https://perma.cc/55QK-54VS>.
28. *2023 Adult Recidivism Rates*, Ind. Dep't of Corr. (2023), <https://perma.cc/X9R7-9FVZ>.
29. See *supra* Figure 2.
30. See *supra* Figure 2.
31. See *supra* Figure 2.
32. See *supra* Figure 2.
33. See *supra* Figure 2.
34. Ind. Code Ann. § 11-10-5-1 (West 2026).
35. See generally Ind. Dep't of Corr., Pol'y No. 01-01-101, *Adult Academic and Technical Programs 11* (2021), <https://perma.cc/9XQG-FXHW>.

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IDENTIFYING YOUR IDEAL CLIENT: WHY IT MATTERS AND HOW TO DO IT

By Andrew Kryder



For solo and small firm lawyers, the pressures of running a law firm are unique. You are not only the lawyer; you are the chief marketing officer, intake coordinator, bookkeeper, head of business development, and often the IT support. Your time is at a premium. Why not focus it on what matters most: your ideal client? Defining your ideal client can focus your time and add clarity to many of the non-legal roles small firm owners fill.

At one point or another, we have all taken on clients or legal matters we later regret. Defining your ideal client is about making intentional decisions so that the cases you accept align with your skills, your values, and the practice you are trying to build. This alignment affects everything from marketing efficiency and ethical risk management to professional satisfaction and long-term profitability.

Many lawyers, particularly those starting out, feel compelled to take whatever work comes in the door. But over time, this model often leads to diluted expertise, unfocused marketing, increased stress, and greater risk of malpractice or ethical exposure.

WHY DEFINING YOUR IDEAL CLIENT MATTERS

Targeted Marketing

One of the most immediate benefits of defining your ideal client is the ability to market your law firm and yourself. When you clearly define who you want to serve, you can tailor your messaging to address specific problems faced by that type

"Defining your ideal client is about making intentional decisions so that the cases you accept align with your skills, your values, and the practice you are trying to build."

of client. This clarity makes your website, networking, and referral relationships far more effective.

Professional Fulfillment

Client focus also contributes directly to professional fulfillment. Solo and small firm lawyers often have a greater level of autonomy than their larger-firm counterparts. You have the luxury of choosing who you work with. When your practice becomes cluttered with matters you dislike or clients you find difficult, your occupational satisfaction declines. Lawyers who intentionally design their practice around clients and issues they find meaningful are more likely to sustain their careers and avoid burnout. Defining your ideal client allows you to ask whether the case belongs within the law firm you are intentionally building. Creating a strategic client criteria can transform not only your firm's performance, but also your experience of practicing law.

Better Client Service

Specialization also improves the quality of client service. Clients frequently compare lawyers online before making contact. When you repeatedly serve the same types of clients—such as first-time homebuyers, municipal employees, or healthcare professionals—you stand out as the premier lawyer in your chosen field and geographical area. Specialization also allows you to develop a deeper understanding of client concerns,

timelines, and expectations. That understanding translates into clearer communication, fewer surprises, better outcomes, and better client service. All of which benefits your firm's financial bottom line. Clients who feel understood and well-served are more likely to return and refer others. In smaller communities especially, reputation travels quickly, making client experience a key driver of growth.

Financial Benefits

When you are recognized as a leader in a particular area of law you become the clear choice for clients and other lawyers. From a financial perspective, defining your ideal client creates some level of pricing power. Lawyers who are well known for a particular niche—such as post judgment family law matters or criminal defense—are less likely to compete with other lawyers solely on price and more likely to position themselves in the legal community as a leading lawyer. As in other professions, expertise commands a premium. Clients are willing to pay more when they believe the lawyer understands their problem better than a generalist.

A focused practice also strengthens your reputation within the legal community. Judges, opposing counsel, and referral sources quickly learn what you do well. Being known as *the* lawyer for a particular type of case is far more valuable than being known as someone who handles anything and everything.

Time Management

As stated before, your time is at a premium. Why not use it wisely and on the cases you enjoy the most? Defining your ideal client leads to more predictable workflows. When you routinely handle similar matters, you can develop templates, timelines, and checklists that reduce inefficiencies. For solos and small firms, this predictability is critical to managing time and revenue.

Professional Endurance

Finally, defining your ideal client supports long-term firm stability. Firms with clear positioning make better decisions about hiring, technology investments, and professional development. This clarity allows solos and small firms to grow deliberately rather than reactively. You are less likely to burn out or become cynical when you are helping clients you truly enjoy working with and doing work you truly find fulfilling.

WHAT HAPPENS WHEN YOU DON'T DEFINE YOUR IDEAL CLIENT?

We have reviewed the benefits of defining your ideal client, but what could happen if you don't? When lawyers fail to define their ideal client, they often find themselves taking cases they later regret. This is particularly common for new solos who feel pressure to generate revenue. Over time, these matters consume a disproportionate amount of time and detract from work the lawyer is better suited to handle.



"The benefits of defining your ideal client are clear: targeted marketing, revenue growth, time efficiency, better client service, and professional fulfillment."

Failure to Provide Adequate Representation

There is the very real concern of increased ethical and malpractice risks. The rules of professional conduct require competence, which includes the appropriate legal knowledge, skill, and preparation reasonably necessary for the representation. Regularly taking matters outside your core area increases the risk of inadequate preparation, missed issues, and client dissatisfaction. In short, the client deserves competent representation, and focusing on your ideal client can help you provide a higher level of service.

You Can't Be Everything to Everyone

A lawyer may technically be able to take on a probate matter, a criminal case, and a complex commercial dispute, but doing so efficiently

and competently across all areas is another matter entirely. The moral of the story is that just because you can do something, doesn't mean you should. Having an understanding of your limitations is healthy. It is not practical to master every area of the law. You can't be everything to everyone. It is the same reason doctors specialize in specific areas. A dentist and cardiologist are both doctors, but you would never go to your dentist for heart surgery.

36 QUESTIONS TO IDENTIFY YOUR IDEAL CLIENT: A PRACTICAL GUIDE

Everyone's goals, expectations, and ambitions are different. The following questions are designed to help lawyers identify patterns in their experience, priorities, preferences, and goals. Some of these questions may not apply, and there

are certainly many more questions to ask yourself, depending on your particular circumstances. You may even consider asking yourself these questions each year, as goals and preferences often change over time.

Professional Fulfillment

- Which cases leave me feeling energized rather than exhausted?
- Which clients do I enjoy communicating with most?
- What legal problems do I find most interesting?
- Which matters align with why I became a lawyer?
- What types of cases make me dread coming to work?
- What types of cases properly compensate me for my time, expertise, and skill?
- What do I want my law firm to look like in the next year? In three, five, and 10 years?

Skills and Strengths

- In which practice areas do I consistently achieve good outcomes?
- Where do clients most often praise my work?
- Which matters do I handle most efficiently?
- What legal issues do I feel most confident explaining to clients?
- Where do I routinely feel out of my depth?

Practice Areas and Case Characteristics

- Which cases are most predictable in scope and timeline?
- Which matters tend to spiral unexpectedly?
- Which cases generate the fewest disputes over fees?
- What types of cases require constant crisis management?

Client Characteristics

- Do I prefer working with individuals or businesses?
- Do I prefer experienced or first-time clients?
- What personality traits do my best clients share?
- Which clients respect my advice and boundaries?

Financial Considerations

- Which matters are most profitable after expenses?
- Where do most of my cases come from now, and what is the marketing cost?
- Do other case acquisition channels exist?
- Who are other competitors in the field?
- Which clients pay on time without resistance?
- Which fee structures work best for me?
- Which matters generate the most write-offs?

Lifestyle and Firm Vision

- How many hours per week do I want to work? What about in five years? 10 years?
- Do I want to grow my firm, remain the same, or gradually scale back?
- What reputation do I want among judges, lawyers, and the public?
- What types of cases do I want to be known for?
- What work do I want referred to me automatically, because I am the “go to” lawyer for that case type?
- What work do I want to stop taking entirely?
- What training or CLEs do I enjoy most?
- If I rebuild my law firm today, what would it look like? How long would it take to do, and who would it serve?

- What are my core values and the core values of my firm? What cases align with those values?

CONCLUSION

The benefits of defining your ideal client are clear: targeted marketing, revenue growth, time efficiency, better client service, and professional fulfillment. Rather than asking whether you *can* take a case, defining your ideal client allows you to ask whether the case belongs in the practice you are intentionally building. That shift—from reaction to strategy—can transform not only your firm’s performance, but also your experience of practicing law. ⁽⁴⁾

Andrew Kryder is the founding member of The Kryder Law Group, LLC. The firm focuses on matters involving personal injury and wrongful death as well as transportation injuries stemming from car, truck, motorcycle, and bus accidents.

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By Joel Schumm



JULY CASES ADDRESS DWELLING, ANIMAL CRUELTY, APPEAL WAIVERS, MORE

During July, the Indiana Supreme Court issued no opinions in criminal cases. The Court of Appeals issued opinions addressing a wide range of topics.

INDIANA COURT OF APPEALS

BURGLARY OF A DWELLING INCLUDES PARTIALLY RENOVATED HOUSE AND LIVED-IN GARAGE

Breaking and entering the structure of another person with intent to commit a felony or theft in it is Level 5 felony burglary, but the offense is a Level 4 felony if the building or structure is a “dwelling.” Ind. Code § 35-43-2-1. A dwelling is “a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person’s home or place of lodging.” I.C. 35-31.5-2-107.

In *Rodgers v. State*, No. 26A-CR-88, 2026 WL 2083233, at *3 (Ind. Ct. App. July 20, 2026), the Court of Appeals upheld a Level 4 felony burglary conviction involving a home where the victim had not lived for more than two years because he “visited the property every few weeks; he kept his tools inside; and he intended to live in the house in the future.” *Id.*

It affirmed a second conviction involving burglary of the garage because it contained the “accoutrements of comfortable living,” including a “bed, a desk, a kitchen area, and a filing cabinet containing [the victim’s] personal financial documents.” *Id.*

CRUELTY TO ANIMAL CONVICTION AFFIRMED

In *Edmonson v. State*, No. 25A-CR-2693, 2026 WL 2207545 (Ind. Ct. App. July 31, 2026), the Court of Appeals affirmed a conviction for animal cruelty against a defendant who delayed seeking care for an elderly, ailing dog.

Animal cruelty occurs when a person in custody of a vertebrate animal “recklessly . . . neglects the animal.” Ind. Code § 35-46-3-7(a). In this context, “neglect” includes “failing to: (i) provide reasonable care for; or (ii) seek veterinary care for; an injury or illness to a dog or cat that seriously endangers the life or health of the dog or cat...” I.C. § 35-46-3-0.5(6)(D) (2023).

Although the trial included conflicting testimony, an appellate court reviewing the sufficiency of evidence considers the evidence most favorable to the judgment and reasonable supporting inferences. Here, the Court of Appeals noted the dog was allowed to “lie immobile in a fly-infested motel room, soiling himself, while the dog’s condition worsened to the point of open sores and maggots.” *Id.* at *3. Keeping the dog “in those conditions for that duration—rather than surrendering the dog sooner—amounted to a plain, conscious, and unjustifiable disregard of the resulting harm and a

substantial deviation from the care a reasonable pet owner would provide.” *Id.*

The defendant’s purported financial inability to afford private veterinary care did not negate his recklessness. The court reasoned that surrendering the dog to animal control—“the response that ultimately ended the dog’s suffering—cost Edmonson nothing. He had that option throughout the months the dog’s condition worsened,” but instead kept the dog “in deplorable, injurious conditions when a free and humane alternative was available.” *Id.*

CONVICTIONS FOR DOMESTIC BATTERY AND CRIMINAL CONFINEMENT VIOLATED DOUBLE JEOPARDY

In *Fleener v. State*, No. 25A-CR-2776, 2026 WL 2036365, at *3 (Ind. Ct. App. July 15, 2026), the Court of Appeals found that convictions for domestic battery and criminal confinement constitute substantive double jeopardy, applying the three-part test set forth in *Wadle v. State*, 151 N.E.3d 227 (Ind. 2020), as modified by *A.W. v. State*, 229 N.E.3d 1060, 1066 (Ind. 2024).

First, both parties agreed that there was nothing in the statutes defining criminal confinement and domestic battery that clearly permitted multiple punishments. At step two, the State conceded that the charging information was ambiguous as to whether the domestic battery offense was a factually included offense of criminal confinement because “‘it [was] conceivable’ that, while Fleener was confining [the victim], he also

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touched her in a rude, insolent, or angry manner.” *Id.* at *4. Third, the prosecutor did not sufficiently distinguish the conduct supporting each count during closing argument but instead relied on the same “pushing, pulling, and dragging” to establish both counts. *Id.* at *4-5. Fleener’s actions were “so compressed in terms of time, place, singleness of purpose, and continuity of action as to constitute a single transaction” when they “occurred during the same argument, on the same morning, and at the same house.” *Id.* at *5.

TWO FIREARM ENHANCEMENTS DISALLOWED AS PART OF A SINGLE EPISODE OF CRIMINAL CONDUCT

Indiana Code section 35-50-2-11(g) permits a sentence enhancement if the State proves “beyond a reasonable doubt that the [defendant] knowingly or intentionally used a firearm in the commission of [an] offense,” as that term is defined in Subsection (b). An “offense” includes a felony under Indiana Code article 35-42 that resulted in death or serious bodily injury. A defendant “may not be sentenced under section (g) for two offenses comprising ‘a single episode of criminal conduct.’” *Id.* § 35-50-2-11(i).¹

In *Wall v. State*, No. 25A-CR-1767, 2026 WL 1993597, at *5 (Ind. Ct. App. July 10, 2026), the Court of Appeals held that sentencing the defendant twice under Subsection (g) was impermissible because his two murder convictions comprised a single episode of

criminal conduct. Specifically, in “less than one minute, and within mere feet of each other, Wall shot both Young and Pike. Wall shot Young and then shot Pike as Pike attempted to disarm Wall.” *Id.*

DEFENDANT MUST BE ADVISED THAT MANDATORY LIFETIME PAROLE IS A DIRECT CONSEQUENCE OF PLEADING GUILTY TO MURDER OR VOLUNTARY MANSLAUGHTER

In *Parksey v. State*, No. 25A-PC-2268, 2026 WL 1945252, at *9 (Ind. Ct. App. July 6, 2026), the Court of Appeals held a post-conviction court committed a fundamental legal error by applying “a categorical rule that there is no duty to advise of mandatory lifetime parole.”

Since 2007, Indiana Code section 35-50-6-1(e) has provided that a person convicted of voluntary manslaughter or murder is subject to mandatory lifetime parole. The Court of Appeals addressed whether mandatory lifetime parole was a direct consequence of Parksey’s guilty plea of which he should have been advised. The distinction between a direct and collateral consequence “turns on whether the result represents a definite, immediate, and largely automatic effect on the range of the defendant’s punishment,” and earlier cases held that “direct consequences include a mandatory special parole term.” *Id.* at *6 (citation modified). Relying in part on *Rucker v. Warden*, No. 3:19-CV-201 DRL, 2023 WL 2599519 (N.D. Ind. Mar. 21, 2023), the Court of Appeals concluded that “mandatory lifetime parole

was a direct consequence of Parksey’s plea to voluntary manslaughter, as it subjected him to parole extending beyond the term of his fixed sentence and effectively increased the length of his sentence.” *Parksey*, 2026 WL 1945252, at *7.

Because the PCR court did not address factual questions regarding whether the defendant received the necessary advisement from trial counsel or whether the alleged lack of advisement resulted in prejudice, the appellate court remanded for the PCR court to make those factual determinations. *Id.* at *9.

APPEAL WAIVER UPHELD

In *Vaughn v. State*, No. 26A-CR-306, 2026 WL 1993638, at *1 (Ind. Ct. App. July 10, 2026), *reh’g denied* (Aug. 19, 2026), the defendant pleaded guilty to robbery as a Level 2 felony and admitted to a firearm enhancement. The plea agreement provided for a minimum and maximum executed sentence of 20 and 40 years and included a provision waiving Vaughn’s right to appeal his sentence provided he was sentenced within the terms of the plea agreement. *Id.* The trial court sentenced Vaughn to a total of 40 years: 35 years executed and five years suspended (25 years for the robbery offense, with five of those years suspended to probation, and an enhancement of 15 years executed for Vaughn’s use of a firearm). *Id.*

Vaughn argued that (1) his firearm enhancement violated the protections against double jeopardy and (2) his 40-year sentence was disproportionate to the

nature of the offense. First, the Court of Appeals found that Vaughn “expressly agreed to the firearm enhancement in his plea agreement.” The court explained that the exceptions to the appeal waiver rule explained in *Anderson v. State*, 269 N.E.3d 817 (Ind. 2025), “were geared toward preventing ‘unbargained-for’ illegalities, not terms to which the defendant specifically agreed.” *Id.* at *2. Therefore, the court found his challenge to the firearm enhancement was waived. *Id.*

Second, the court found the proportionality challenge was “not one of the limited constitutional challenges that permit piercing an appeal waiver” under *Anderson*, which provided examples of a challenge to “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 *3. Rather, Vaughn’s challenge was “merely an attack on the length of his sentence, which was within the statutory range for the offense he committed and within the sentencing range to which he agreed.” *Id.*

With both challenges waived, the appeal was dismissed. *Id.* ☐

ENDNOTE

1. The statute also includes an enhancement under Subsection (h) if the State proves the defendant “knowingly or intentionally... pointed a firearm; or...discharged a firearm...at an individual whom the [defendant] knew, or reasonably should have known, was a police officer.”



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By Cari L. Sheehan



BUILDING A RESPONSIBLE GENAI PRACTICE

As generative AI (GenAI) becomes more common in legal practice, the focus for firms is shifting from whether attorneys should use these tools to how they can use them responsibly. GenAI can help firms work more efficiently, better meet client expectations, and remain competitive, but those benefits must be balanced against the professional judgment that clients expect from their attorneys.

The same tools that can accelerate research, drafting, document review, and other routine work also introduce concerns related to accuracy, confidentiality, cybersecurity, supervision, and professional judgment. Responsible use therefore requires more than choosing the right technology. Firms need clear policies and safeguards that establish when GenAI may be used, which tools are appropriate for client work, and what level of attorney review and verification is required.

Understanding where GenAI can provide practical value is an important first step. Equally important is building a framework that allows attorneys to take advantage of those capabilities without compromising the ethical and professional standards that govern legal practice.

WHERE FIRMS ARE USING AI

The most effective uses of GenAI tend to address specific business challenges or improve existing workflows rather than replace the lawyer's underlying analysis. The strongest evidence of successful use is concentrated in about a handful of recurring functions.

"The most effective uses of GenAI tend to address specific business challenges or improve existing workflows rather than replace the lawyer's underlying analysis."

1. Research and Knowledge Work

Research remains one of the most common and defensible legal GenAI use cases. Research tools can help lawyers identify authorities faster, generate issue lists, and test whether an argument omits a counterpoint that a court may find significant.

This use case fits legal practice because it speeds up information retrieval while preserving the lawyer's obligation to verify and synthesize. It is also easier to supervise than more autonomous applications because the lawyer can compare the GenAI-assisted output to primary authorities before any advice leaves the office. The key is always to remember that human oversight is required prior to relying on any GenAI-assisted research due to the potential for hallucinations and/or false results.

2. Drafting and Document Review

Drafting and review are another area where firms are reporting practical gains. Legal professionals commonly use GenAI for drafting correspondence, and other industry reporting describes routine use in contract drafting and review, document summarization, clause comparison, and due diligence. These tasks are particularly well suited to GenAI because they often involve repeated patterns, standardized language, and large document populations.

For firms, the value proposition is not merely speed. GenAI tools can help create a more consistent first-pass review process by spotting missing provisions, extracting key obligations, and surfacing deviations from standard terms. In large transactional matters or internal investigations, that can allow lawyers to spend more time on risk allocation, negotiation strategy, and client counseling rather than on mechanical review alone.

3. Litigation: Depositions and Discovery Assistance

Firms are using GenAI to streamline many of the information-intensive tasks that have traditionally consumed substantial attorney and paralegal time. Rather than replacing legal analysis, these tools help organize, summarize, and prioritize information so lawyers can focus on strategy, client counseling, and advocacy.

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**"Taken together, these examples illustrate an important point:
The greatest practical value of GenAI often lies not in generating legal arguments
but in helping lawyers manage information more effectively."**

For example, GenAI is proving particularly effective at organizing large volumes of evidence. Attorneys are using GenAI to prepare deposition outlines by identifying key testimony, inconsistencies, and follow-up questions from thousands of pages of discovery. Medical malpractice and personal injury practitioners are generating detailed medical chronologies that summarize years of treatment records into organized timelines, allowing lawyers to identify significant events and potential causation issues more efficiently. Similar

tools can summarize lengthy police reports, body camera transcripts, expert reports, and investigative files, enabling litigation teams to gain a working understanding of a case far more quickly than through traditional manual review alone.

Discovery practice has also become an area where GenAI can provide meaningful efficiencies. Rather than reviewing document productions page by page, lawyers are using GenAI-assisted review to categorize documents, identify potentially privileged communications, group similar documents, prepare

preliminary privilege logs, and flag materials that may warrant closer human review. During internal investigations, GenAI can rapidly analyze thousands of emails, chat messages, and business records to identify recurring themes, key participants, unusual communications, or significant date ranges. While attorneys remain responsible for evaluating the evidence and reaching legal conclusions, GenAI allows investigative teams to devote more time to analyzing the facts instead of locating them.

4. Transactional Practice: Contract Review Assistance

Transactional lawyers are finding equally practical applications. During mergers and acquisitions, GenAI tools can assist with contract abstraction by extracting critical provisions such as assignment clauses, indemnification obligations, termination rights, and change-of-control provisions across hundreds, or even thousands, of agreements. Commercial real estate attorneys are using GenAI to review leases, summarize key business terms, identify unusual provisions, and compare lease obligations across large portfolios. Corporate legal departments have begun leveraging GenAI to organize board materials, summarize meeting minutes, review governance documents, and prepare first drafts of resolutions and corporate records.

The technology is also proving valuable in highly specialized practice areas. Environmental attorneys are using GenAI to organize environmental site assessments, regulatory reports, and permit documentation during due diligence reviews. Securities lawyers can use GenAI to compare drafts of SEC filings, identify changes between disclosure documents, and verify consistency across related filings. Employment attorneys are leveraging GenAI during workplace investigations to summarize witness interviews, organize documentary evidence, compare interview statements, and develop investigative timelines. Estate planning practitioners are beginning to use GenAI-assisted intake questionnaires that collect client information more efficiently and generate preliminary planning summaries before the first client meeting.

5. Internal Operations and Client Service

Lawyers are increasingly using GenAI for scheduling support and business operations, including firm data review, marketing assistance, and billing-related systems. Many firms have incorporated GenAI into the client intake process by summarizing prospective client interviews, organizing intake forms, identifying missing information, and preparing preliminary case summaries before the initial consultation.

These uses do not necessarily change substantive legal analysis, but they can meaningfully improve turnaround time and reduce administrative friction. That matters because clients, as well as employees, often experience good

service through responsiveness as much as through legal accuracy. Faster status updates, clearer draft communications, cleaner matter organization, and quicker first-pass document summaries can improve the perception of value even where the underlying standard remains unchanged.

Taken together, these examples illustrate an important point: The greatest practical value of GenAI often lies not in generating legal arguments but in helping lawyers manage information more effectively. Modern legal practice increasingly involves analyzing enormous quantities of documents and data. GenAI enables attorneys to spend less time sorting information and more time exercising the professional judgment, strategic

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AI GOVERNANCE DASHBOARD



thinking, and client advocacy that technology cannot replace. This shift represents one of the most significant, and immediately practical, ways artificial intelligence is transforming the delivery of legal services.

GENAI'S IMPACT ON LAW FIRM PROFITABILITY

From the firm's perspective, GenAI also has the potential to reshape traditional measures of profitability. While much of the public discussion has focused on the impact of GenAI on billable hours, many firms are discovering that the more meaningful benefits lie in operational efficiency and improved financial performance. By reducing the amount of time devoted to repetitive administrative tasks, GenAI can allow attorneys to spend more time on strategic work, client counseling, business development, and higher-value legal analysis.

Many firms are reporting improvements in realization rates by reducing the amount of attorney time that must ultimately be written off before invoices are sent to clients. Routine drafting, document organization, and information management tasks that once required extensive manual effort can often be completed more efficiently, allowing firms to invoice a greater percentage of the time actually worked while delivering the same, or improved, client outcomes. Likewise, shorter turnaround times frequently improve client satisfaction, strengthen client relationships, and enhance a firm's ability to handle a greater volume of matters without proportionally increasing staffing levels.

GenAI is also influencing how firms allocate work among partners, associates, paralegals, and legal

"Firms that establish approved technologies, clear policies, robust security standards, meaningful attorney training, and consistent quality control are better positioned to realize the benefits of GenAI while minimizing unnecessary risk."

support professionals. As technology takes on a greater role in organizing information and preparing initial work product, attorneys can focus their attention on strategic decision-making, negotiations, advocacy, and client counseling. This evolution has the potential to improve leverage across practice groups by allowing legal professionals to spend less time on routine mechanical tasks and more time performing work that requires professional judgment and experience. Rather than replacing lawyers, GenAI may ultimately enable firms to deploy their existing talent more effectively.

For many firms, the ultimate measure of GenAI's success will not be the number of hours saved but the overall value created for both clients and the organization. Increased efficiency can improve responsiveness, expand capacity, reduce administrative burdens, and strengthen profitability while maintaining the quality of legal services. In that respect, GenAI should not be viewed merely as a billing tool or a cost-cutting measure. It represents an opportunity to rethink how legal services are delivered and how law firms demonstrate value in an increasingly competitive marketplace.

BUILDING A GENAI GOVERNANCE PROGRAM

As GenAI becomes more deeply integrated into legal practice, successful firms are recognizing

that adopting new technology is only one part of the equation. Equally important is establishing a governance framework that ensures GenAI is used consistently, securely, and in a manner that aligns with the firm's professional obligations and business objectives. Increasingly, firms are discovering that the question is no longer whether attorneys will use GenAI, but whether the firm will provide clear guidance on how it should be used.

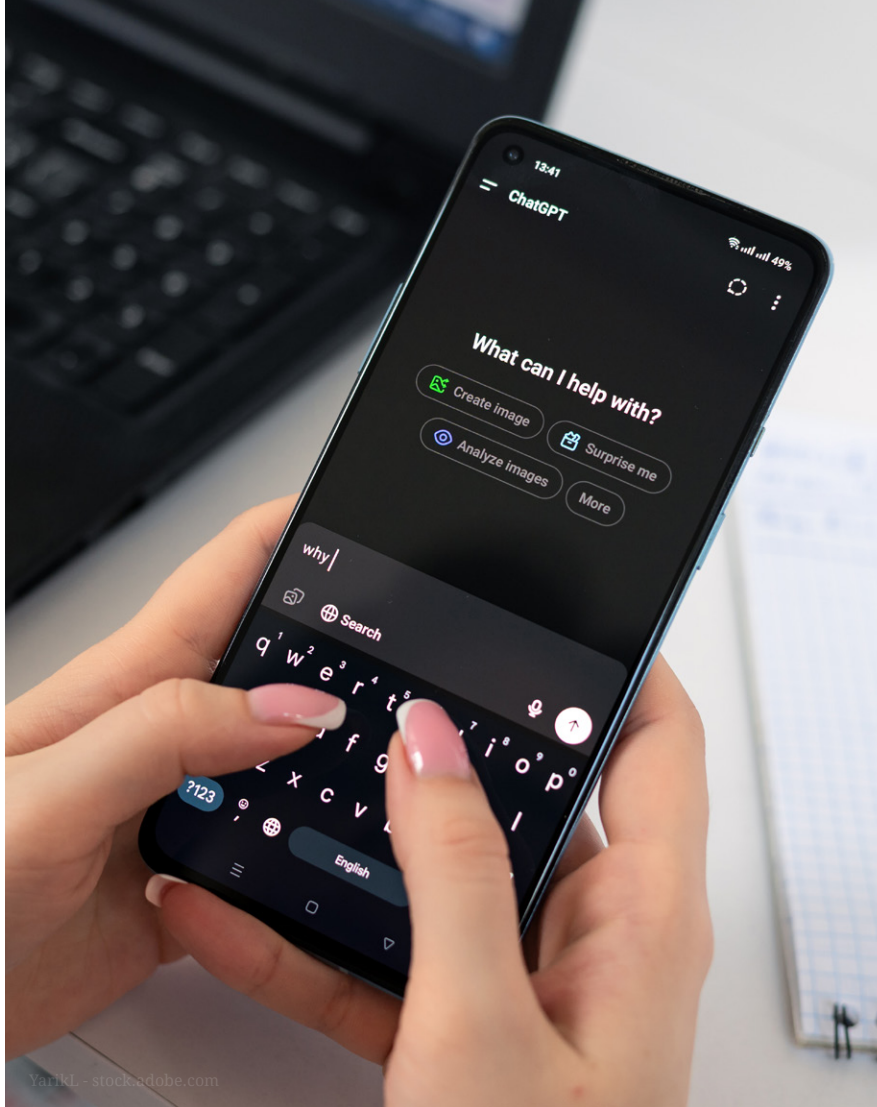
Many firms have begun by identifying a limited number of approved GenAI platforms that have undergone legal, technical, and security review. Rather than allowing attorneys to independently select publicly available GenAI applications, firms are evaluating vendors based on data privacy practices, confidentiality protections, contractual safeguards, cybersecurity controls, integration with existing document management systems, and compliance with applicable privacy regulations. This vendor review process helps reduce the risk that confidential client information could be inadvertently disclosed or retained by third-party platforms that were never designed for legal practice.

Cybersecurity has become a central component of GenAI governance. Because many GenAI applications rely on cloud-based infrastructure, firms must understand how client information is stored, whether

data submitted to the platform is used for future model training, and what contractual protections exist regarding ownership, retention, and deletion of client data. Information technology professionals, cybersecurity teams, and general counsel are increasingly working alongside firm leadership to evaluate these issues before GenAI tools are deployed throughout the organization. As with any new technology, protecting client confidentiality remains a foundational consideration.

Written GenAI policies are also becoming increasingly common. These policies establish clear expectations regarding when GenAI may be used, what types of client information may be entered into approved systems, when attorney review is required, and which tasks remain inappropriate for GenAI-assisted drafting. Many firms distinguish between public generative GenAI platforms and enterprise products designed specifically for legal practice, requiring attorneys to use only approved applications when working on client matters. Well-designed policies help ensure consistency across offices and practice groups while reducing uncertainty for attorneys who are eager to incorporate GenAI into their daily work.

Another emerging best practice involves providing guidance on prompt development. The quality



of AI-generated work often depends upon the quality of the instructions provided to the system. As a result, firms are beginning to train attorneys on how to draft clear, precise prompts that produce more useful and accurate work product. Equally important is educating lawyers about the limitations of AI-generated responses, including the need to independently verify legal authorities, evaluate factual assumptions, and recognize that persuasive language does not necessarily equate to correct legal analysis. Developing thoughtful prompting skills has quickly become another component of attorney competence in a GenAI-enabled workplace.

Quality control remains an essential element of any governance program.

Firms are increasingly adopting review procedures that require attorneys to verify AI-generated citations, confirm quotations against original sources, validate factual assertions, and ensure that all work product reflects the firm's professional standards before it reaches a client or a court. Many organizations have incorporated GenAI review into existing document quality processes rather than creating entirely separate workflows, reinforcing that GenAI-assisted work product should be subject to the same level of scrutiny as any other legal document.

Perhaps most importantly, governance requires ongoing education. Technology is evolving rapidly, and firm policies must

evolve with it. Many firms now provide regular attorney training on new GenAI tools, cybersecurity risks, confidentiality considerations, judicial developments, and emerging best practices. Some have established multidisciplinary GenAI committees composed of attorneys, information technology professionals, knowledge management personnel, risk managers, and firm administrators to monitor developments, evaluate new products, and update internal guidance as the technology continues to mature.

Ultimately, effective GenAI governance is not about restricting innovation, it is about enabling responsible innovation. Firms that establish approved technologies, clear policies, robust security standards, meaningful attorney training, and consistent quality control are better positioned to realize the benefits of GenAI while minimizing unnecessary risk. As GenAI becomes a routine component of legal practice, governance programs may soon become as commonplace as conflict-check procedures, document retention policies, cybersecurity protocols, and trust account controls. For many firms, the most important competitive advantage may not be having access to GenAI but having a thoughtful framework that allows attorneys to use it confidently, consistently, and responsibly. ⁽¹⁹⁾

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JULY CIVIL CASES DISCUSS DEFAMATION PER SE AND MORE

The Indiana Supreme Court did not issue any civil opinions in July 2026, nor did it grant transfer in any civil cases. The Court of Appeals published 15 decisions in the month, and this article highlights three of them.

INDIANA COURT OF APPEALS

DEFAMATION PER SE: "PROBLEMATIC" IS NOT ENOUGH

In *McDermott v. Finkam*, 2026 WL 2147221 (Ind. Ct. App. 2026), the Indiana Court of Appeals affirmed a Trial Rule 12(B)(6) dismissal of a defamation per se claim, holding that statements suggesting an incomplete response to requests for financial information did not on their face amount to accusations of professional misconduct.

The plaintiff, a financial professional, served as board chair of Carmel Christkindlmarkt, Inc., a nonprofit affiliated with the city of Carmel. During negotiations between the organization and the city concerning a new operating agreement, the city requested financial information from the organization. The plaintiff later resigned from the board amid disagreements between the organization and city officials.



Four days after the resignation, Carmel’s mayor addressed the Carmel City Council on the matter, stating “we have repeatedly requested comprehensive financials from the market leader, the attorney, and the Board chair for five (5) months...[we] received some but not all [of the financial information]...This is problematic.” At another city council meeting two weeks later, the mayor stated, “the Board chair did give our attorney the financial information the one time she was asked—it wasn’t everything needed and she is still waiting for information.” The mayor later posted videos of both statements to her personal social media account and the city’s social media account. Several news outlets also reported the statements.

Those two statements served as the basis of the former board chair’s complaint asserting a single count of defamation per se. While the mayor’s motion to dismiss asserted several grounds for dismissal, the trial court dismissed on the “one clearly dispositive argument” that the mayor’s statement about disclosure of financial

records did not constitute defamation per se. The Court of Appeals affirmed on the same grounds.

To qualify as defamation per se, a statement must on its face impute some criminal conduct; loathsome disease; misconduct in the plaintiff’s trade, office, or occupation; or sexual misconduct. Because damages are presumed in a per se action, the defamatory meaning must be apparent from the statement itself: The words must convey a serious charge of misconduct so obviously harmful that proof of their injurious character is unnecessary. But the court found that the two statements did not obviously impute misconduct to anyone and the description of the repeated requests for financial information as “problematic” was not a concrete accusation. The court’s reasoning analogized to *Baker v. Tremco Inc.*, 917 N.E.2d 650 (Ind. 2009), which held that the use of the word “inappropriate” was too vague to establish misconduct on its face. Thus, as a matter of law the mayor’s statements were not defamatory per se and the trial court correctly dismissed the complaint.

MERITS OVER MISSTEPS: A MALPRACTICE SUIT REVIVED

In *Tafelski v. Ryan*, 2026 WL 1993667 (Ind. Ct. App. 2026), the Indiana Court of Appeals reversed summary judgment in a legal malpractice action after concluding the trial court abused its discretion in denying a motion to extend an expert disclosure deadline that expired while plaintiff's then-counsel was seeking to withdraw from representation.

The plaintiff-client experienced multiple changes in representation over the course of the malpractice case. The trial court entered a May 2025 order setting the parties' expert disclosure deadline for July 11, 2025. The next month after the order, June 2025, the plaintiff's third set of attorneys in the malpractice case moved to withdraw, and the court set a hearing on the withdrawal motion for late July 2025. While that withdrawal motion remained pending, plaintiff's counsel joined in a motion to stagger the parties' expert disclosure deadlines but did not seek additional time for the plaintiff's expert disclosure deadline. The trial court granted the staggered deadlines—effectively extending defendant's deadline but not plaintiff's—and the plaintiff's deadline passed while counsel remained attorney of record. Twelve days later, the court held a hearing and granted counsel's motion to withdraw.

A month later, plaintiff's subsequent counsel appeared and filed a motion to amend case management deadlines, including the expert disclosure deadlines, citing the missed expert witness disclosure as prejudicial (as expert testimony is generally required to establish the applicable standard of care in a malpractice action). Defendant objected to the motion and the trial court ultimately denied the motion to amend deadlines, citing plaintiff's lack of explanation for missing the expert disclosure deadline. Acknowledging the inability to present expert witness testimony, plaintiff stipulated to the entry of summary judgment against her. Plaintiff appealed the entry of summary judgment and the denial of her motion to amend deadlines.

As an initial matter, defendant-appellee moved to dismiss the appeal, arguing a party cannot appeal a stipulated judgment. A motions panel of the Court of Appeals denied the motion to dismiss, and the writing panel declined to "disturb" the ruling, reasoning that the stipulation as written did not reflect an agreed judgment or agreement of the parties.

As to the trial court's denial of the motion to amend, the court emphasized that sanctions should minimize their effects on the merits of the case and should be directed primarily at counsel when the offending conduct is primarily attributable to counsel and not the client. Here, plaintiff's counsel had been aware of the expert disclosure deadline but did not request an extension before his withdrawal. The court concluded that the trial court abused its discretion in denying an extension of the expert disclosure deadline, as the denial ultimately deprived plaintiff of her ability to present her case on the merits. As a result, the court also reversed the entry of summary judgment and remanded for further proceedings.

NO NOTICE, NO CLAIM: THE ITCA'S UNFORGIVING DEADLINE

In *Janowiak v. Sandage*, 2026 WL 2207024 (Ind. Ct. App. 2026), a driver struck a pedestrian walking in a crosswalk on a college campus. The pedestrian initially sued the driver for negligence 19 months post-collision. But, after learning that the driver was a university professor based on his discovery responses,

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the pedestrian amended her complaint to include the university, alleging that the driver had been acting within his scope of employment at the time of the accident. The driver admitted as much in an amended answer, and both he and the university moved to dismiss under the Indiana Tort Claims Act (ITCA). The trial court granted the motions, as the pedestrian did not serve a formal tort claim notice on the university until over two years after the accident.

The Court of Appeals affirmed. As to the driver, under the ITCA, a lawsuit alleging an employee acted within the scope of employment generally bars an action against an employee personally, unless specific exceptions apply (e.g., criminal or malicious conduct). With no applicable exceptions alleged, the amendment to the complaint alleging that the driver was acting within his scope of employment worked to bar the suit against him personally.

As to the university, the court concluded that the pedestrian had not met the ITCA's 180-day notice requirement because the notice period began when

the pedestrian knew she had sustained a loss (at the time of the collision), not two years later when she learned of the driver's employment status. Thus, her notice was untimely. ☞

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