

MARCH 2021



RES GESTÆ

THE INDIANA STATE BAR ASSOCIATION MEMBER JOURNAL



FEATURING:

IN THIS TOGETHER

PLUS

Geographic Perspective: Honoring the history of Evansville's legal profession
Can a same-sex couple own a home as an estate by the entirety?

VOL. 64 NO. 7

LAWPAY[®]

AN AFFINIPAY SOLUTION

POWERING PAYMENTS FOR THE LEGAL INDUSTRY

The easiest way to accept credit,
debit, and eCheck payments

The ability to accept payments online has become vital for all firms. When you need to get it right, trust LawPay's proven solution.

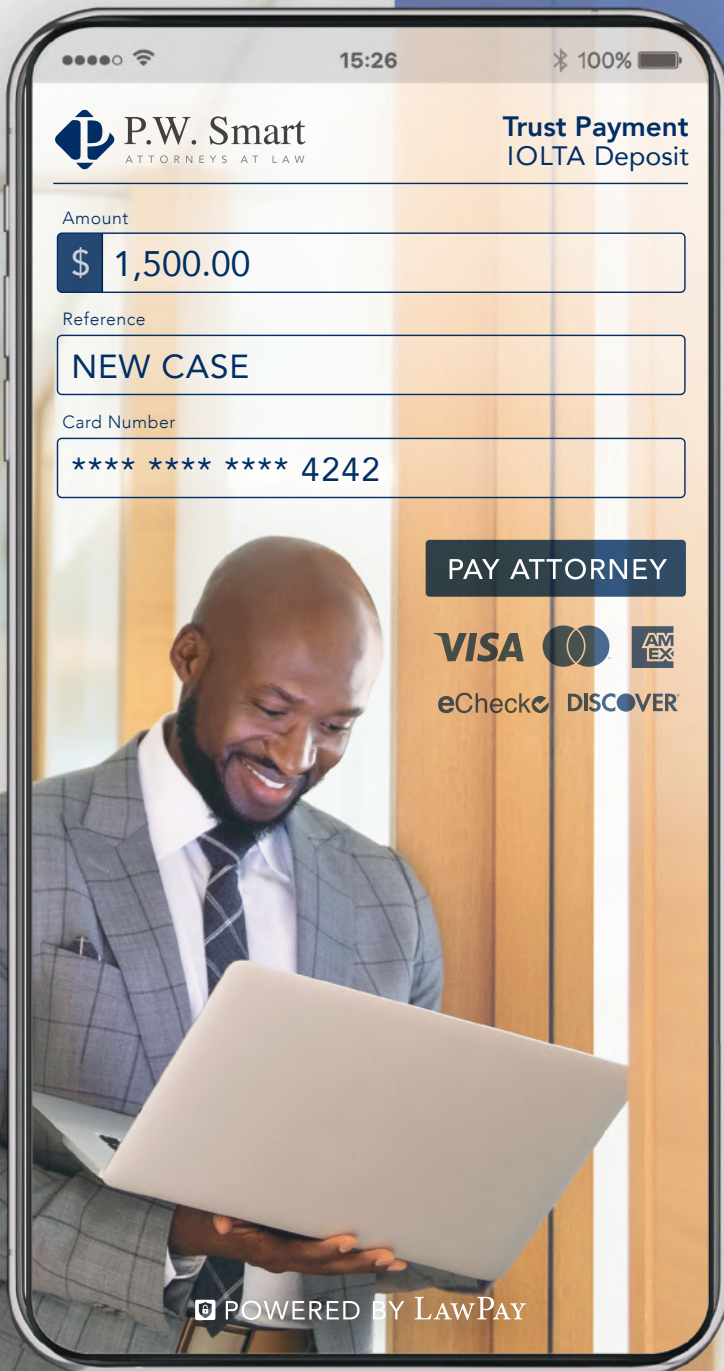
As the industry standard in legal payments, LawPay is the only payment solution vetted and approved by all 50 state bar associations, 60+ local and specialty bars, the ABA, and the ALA.

Developed specifically for the legal industry to ensure trust account compliance and deliver the most secure, PCI-compliant technology, LawPay is proud to be the preferred, long-term payment partner for more than 50,000 law firms.



INDIANA STATE BAR ASSOCIATION
Serving the legal profession and the public

ACCEPT MORE PAYMENTS WITH LAWPAY
866-583-0342 | lawpay.com/inbar





RES GESTÆ

VOL. 64 NO. 7

MARCH 2021

COVER STORY



10

IN THIS TOGETHER

Four lawyers share their tips for being better practitioners and people

**By Brandon E. Tate, Heather George Myers,
Michael E. Tolbert, and Shelice R. Tolbert**

CONTENTS

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, One Indiana Square, Suite 530, Indianapolis, Indiana 46204.

DISABILITIES: If you have a disability which requires printed materials in alternate formats, please call 800/266 2581 for assistance.

Publication of advertisements is not an implied or direct endorsement of any product or service offered.

STAFF

Assistant CLE Director:

Christine Cordial • ccordial@inbar.org

Communication Coordinator:

Jenna Parsons • jparsons@inbar.org

Communication Manager:

Kelsey Kotnik • kkotnik@inbar.org

Director of CLE:

Kristin Owens • kowens@inbar.org

Director of Finance & Operations:

Sarah Beck • sbeck@inbar.org

Director of Meetings & Events:

Ashley Higgins • ahiggins@inbar.org

Director of Membership:

Carissa Long • clong@inbar.org

Director of Outreach & Partnerships | LDA:

Catherine Pully • cpully@inbar.org

Executive Director:

Joe Skeel • jskeel@inbar.org

Legislative Counsel:

Paje Felts • pfelts@inbar.org

Membership Coordinator:

Julie Gott • jgott@inbar.org

Office Manager:

Kimberly Latimore Martin • klatimore@inbar.org

Outreach Coordinator:

Shanae Gay • sgay@inbar.org

Receptionist:

Chauncey Lipscomb • clipscomb@inbar.org

Section & Committee Liaison:

Rebecca Smith • rsmith@inbar.org

Section & Committee Manager:

Leah Baker • lbaker@inbar.org



INDIANA STATE BAR ASSOCIATION

One Indiana Square, Suite 530 Indianapolis, IN 46204
800-266-2581 • www.inbar.org

*The Indiana State Bar Association
empowers members to thrive
professionally and personally through
advocacy, education, and connections.*

COLUMN

17

INDIANA COURTHOUSE ART

Indiana Courthouse Art: 66 and Counting!
By Doug Church

19

PRO BONO PUBLICO LICENSE

Being of Service in Retirement
By Marilyn Smith and
Judge Martha Blood Wentworth

25

SAME-SEX COUPLE HOMES

*Can a same-sex couple own a home as
an estate by the entireties?*
By Patty Xidias

RG STAFF: EDITOR / JENNA PARSONS jparsons@inbar.org

COPYEDITOR / REBECCA TRIMPE rebeccatheditor@gmail.com

GRAPHIC DESIGN / BURKHART MARKETING PARTNERS info@burkhartmarketing.com

WRITTEN PUBLICATIONS COMMITTEE CO-CHAIRS / COLIN FLORA & PROF. JOEL SCHUMM wpc@inbar.org

ADVERTISING / KELSEY KOTNIK kkotnik@inbar.org

Opinions expressed by bylined articles are those of the authors and not necessarily those of the ISBA or its members. ©2021 by the Indiana State Bar Association. All rights reserved. Reproduction by any method in whole or in part without permission is prohibited.

OFFICERS

President:

Michael E. Tolbert, Gary

President Elect:

Clayton C. Miller, Indianapolis

Vice President:

Amy Noe Dudas, Richmond

Secretary:

Renee Ortega, Hammond

Treasurer:

James Dillon, Merrillville

Counsel to the President:

Shontrai Irving, Hammond

BOARD OF GOVERNORS

1st District:

Jacquelyn S. Pillar, Crown Point

2nd District:

Zachary Lightner, Auburn

3rd District:

Mag. Cristal Brisco, Mishawaka

4th District:

Douglas R. Adelsperger, Fort Wayne

5th District:

Kyle B. Mandeville, Lafayette

6th District:

Nathan "Scott" Smith, Noblesville

7th District:

Emily Storm-Smith, Indianapolis

8th District:

Laura "Katie" Boren, Evansville

9th District:

Gregory "Greg" Fifer, Jeffersonville

10th District:

Adrienne Rines Hammond, Marion

11th District:

Jon Laramore, Indianapolis

11th District:

Angka E. Hinshaw, Indianapolis

11th District:

Charles F. Miller, Indianapolis

At Large District:

Elizabeth A. Bellin, Elkhart

At Large District:

Freedom Smith, Indianapolis

Past President:

Leslie Craig Henderzahn, Noblesville

House of Delegates Chair:

Michael Jasaitis, Crown Point

House of Delegates Chair Elect:

Hon. Holly M. Harvey, Bloomington

Young Lawyers Section Chair:

Sara McClammer, Indianapolis

DEPARTMENTS



7 **PRESIDENT'S PERSPECTIVE**

14 **STATEWIDE SCOOP**

22 **CRIMINAL JUSTICE NOTES**

27 **ETHICS**

31 **RECENT DECISIONS**

38 **CLASSIFIEDS**

CONTENTS

Contributors



Michael E. Tolbert
Partner
Tolbert & Tolbert
mtolbert@tolbertlegal.com



Brandon E. Tate
Member
Waldron Tate Bowen Daugherty
Funk Spandau LLC
brandon@wtbfs-law.com



Shelice R. Tolbert
Partner
Tolbert & Tolbert
stolbert@tolbertlegal.com



Heather George Myers
Attorney
Heather L. George Myers,
Attorney at Law
hgeorgemyers@gmail.com



Steve Hoar
Partner
Kahn, Dees, Donovan & Kahn, LLP
shoar@kddk.com



Doug Church
Partner
Church Church Hittle + Antrim
dchurch@cchalaw.com



Marilyn Smith
Vice President & Director of
Civil Justice Programs
Indiana Bar Foundation
msmith@inbf.org



Martha Blood Wentworth
Judge
Indiana Tax Court
martha.wentworth@courts.in.gov



Joel Schumm
Clinical Professor of Law
IUPUI
jmschumm@iupui.edu



Patty Xidas
Attorney
Griffith Xidas Law Group LLC
patty@indybizlaw.com



James Bell
Attorney
Paganelli Law Group
james@paganelligroup.com



Stephanie L. Grass
Attorney
Paganelli Law Group
stephanie@paganelligroup.com



Kathy Osborn
Partner
Faegre Drinker
kathy.osborn@faegredrinker.com



Zena Braish
Associate
Faegre Drinker
zena.braish@faegredrinker.com

Indiana Work Injury Attorneys

Klezmermaudlin.com/referrals/

Cases referred to Klezmer Maudlin will be personally handled by either Randal Klezmer or Nathan Maudlin. We will be thoughtful, responsive and dependable in our service.



KLEZMER MAUDLIN^{PC}

INDIANAPOLIS 317.569.9644

EVANSVILLE 812.425.3180

TOLL FREE 800.809.3776

KLEZMERMAUDLIN.COM



President's Perspective:

The Road less TRAVELED

By Michael E. Tolbert

PRESIDENT'S PERSPECTIVE

Robert Frost's poem, "The Road Not Taken," has been a hot topic in literary circles since it was published in 1916. Like any great poem or stimulating piece of artwork, it has been subject to many different interpretations. Many life lessons can be teased out of this literary masterpiece. Some people refer to Frost's poem as 'The Road Less Traveled' because of the final stanza:

**I shall be telling this with
a sigh**

**Somewhere ages and ages
hence:**

**Two roads diverged in a
wood, and I—**

**I took the one less traveled by,
And that has made all the difference.**



Out of the debate over what the poem is about, a common theme has emerged: The power of non-conformity and the benefits of going against the grain. This poem has been used to inspire many to take an unconventional path to better themselves and the lives of others who may follow in their footsteps despite the obstacles.

Frost's poem serves as the perfect backdrop as we celebrate the contributions made by blacks and women throughout history. February is "Black History Month," a time when we celebrate the great achievements of African Americans and their central role in U.S. history. March is "Women's History Month" when we commemorate the many contributions women have made to our great country. Many Hoosiers from these two groups have done remarkable things that impact the practice of law in Indiana. These accomplishments deserve attention.

TRAILBLAZER ROOTS IN THE HEARTLAND

Cornelius Roscoe (C.R.) Richardson has the distinction of being the first African American male lawyer in Indiana. Born in 1886 in Athens, Georgia, C. R. Richardson graduated from Tuskegee Institute in 1905 and went on to Howard University in Washington, D.C., earning his law degree in 1911. Richardson served in the military during World War I and was instrumental in establishing the American Legion in Indiana.

His counterpart, Elizabeth Fletcher Allen, is credited with being Indiana's first African American female lawyer. Fletcher Allen, and her lawyer husband J. Chester Allen, worked with the NAACP and Urban

League to fight racial inequities in the South Bend area through most of the 20th century. Most notable was their work to end segregation at the Engman Natatorium, which now houses the Civil Rights Heritage Center in South Bend.

"The seeds planted by Allen and others are in full bloom throughout the Indiana State Bar Association and the state."

Macon Bolling Allen was the first African American to become a lawyer, argue before a jury, and hold a judicial position in the United

States. On August 4, 1816, Allen was born a free man in Indiana. Despite Indiana being a free state, it still harbored many obstacles for blacks. Allen taught himself how to read and write and became a school teacher. He used that vocation as a gateway to sharpen his reading and writing skills. Allen would move to Portland, Maine, take the bar exam, and start his practice on July 3, 1844. In search of better job opportunities, Allen moved to Boston and became licensed to practice law in Massachusetts on May 5, 1845. Allen reportedly walked 50 miles to the bar exam test site in Worcester, Massachusetts.

The seeds planted by Allen and others are in full bloom throughout the Indiana State Bar Association



ISBA Solo & Small Firm Conference
June 3-4, 2021
Virtual & In-person (French Lick Resort)
www.inbar.org/ssfc

CELEBRATING THE RESILIENT LAWYER

KEYNOTE JESS BUCHANAN, "OVERCOMING IMPOSSIBLE ODDS: A STORY OF RESILIENCE AND HEROISM"

» Jessica Buchanan, NYT Bestselling author of *Impossible Odds* will share her harrowing experience of surviving 93 days as a hostage at the hands of dozens of Somali pirates in a place that can only be described as hell.

Jessica will share a message of inspiration that resonates with everyone who has survived a life changing event, regardless of what it is. She will offer tangible takeaways on building resilience, lessons learned on how to embrace change by collaborating with it, and moments of heroism as she describes her miraculous rescue by the US Navy's SEAL Team VI.



and the state. Because of these trailblazers, we have been blessed with tremendous lawyers, judges, and leaders of color: Phyllis Senegal (first African American female judge in Indiana), Roderick Morgan (first African American president of the ISBA), Myra C. Selby (first African American Indiana Supreme Court justice), and Judge Tanya Walton Pratt (first African American federal judge in Indiana's history).


LADY JUSTICE SHATTERS GLASS CEILING

In 1638, Margaret Brent is documented as the first woman in the American colonies to appear before a court of the Common Law to claim land in her own right or to pursue her own interests in court. It is believed that Brent was involved in more than 100 court cases in Maryland and Virginia. Many years later, Elizabeth (Bessie) Jane Eaglesfield became the first woman to practice law in Indiana and was one of the first 15 female lawyers in America. Eaglesfield was born on June 29, 1853, and graduated from high school in Terre Haute, Indiana. She was admitted to the bar in Vigo County Circuit Court on September 8, 1875, at age 22 before receiving a law degree. She attended the University of Michigan, securing a literary degree in 1876 and a law degree in 1878. The same year she graduated from law school, she began advertising as an attorney-at-law in a Grand Rapids newspaper, becoming the city's first practicing female attorney. The path to an open, bold law practice in Grand Rapids, Michigan, was most likely sparked by Indiana's constitutional ban that barred women from the practice of law because they could not legally vote – a right that was not secured until 1920.

Eaglesfield's efforts paved the way for Antoinette Dakin Leach, who secured a landmark Indiana Supreme Court decision that would change the landscape for women who desired to practice law in Indiana. On June 14, 1893, the Indiana Supreme Court held that Leach, a court reporter, was granted the privilege to practice law despite not being able to legally vote. On June 21, 1894, she was admitted to practice before the Indiana Supreme Court. In 1909, Leach was noted as a member of the Indiana State Bar Association ISBA.

Eaglesfield and Leach opened the door for women who wanted to practice law in Indiana: Ella Groninger (first female judge in Indiana), V. Sue Shields (first female elected judge in Indiana), Pamela Carter (first woman to serve as Indiana Attorney General),

Sarah Evans Barker (first woman appointed as a judge of the U.S. District Court for the Southern District of Indiana); and Jeanne S. Miller (first woman to serve as ISBA president). Most recently, in 2014, Justice Loretta Rush was appointed Chief Justice of the Indiana Supreme Court, the first time the high court has been led by a woman.

There are many more trailblazers that could be celebrated in this article, but there is not enough page space to cover them all. To all the trailblazers who chose to take the road less traveled so that many can enjoy expanded opportunity in their professional pursuits, the Indiana State Bar Association says, "thank you." We honor your efforts. 



INDIANO LAW GROUP LLC
INTELLECTUAL PROPERTY LAW

With over 90 combined years of legal experience and technical expertise that covers the full range of inventive activities, Indiano Law Group LLC has the legal and technical horsepower to provide our clients with first-class, cost-effective legal services.

Contact us when you or your clients need experienced intellectual property attorneys.

E. Victor Indiano

Bruce J. Bowman

L. Scott Paynter

John T. Woods

9795 Crosspoint Blvd., Suite 185 • Indianapolis, IN 46256
317.912.1331 • www.im-iplaw.com

*By Brandon E. Tate, Heather George Myers,
Michael E. Tolbert, and Shelice R. Tolbert*

IN THIS TOGETHER





FOUR LAWYERS SHARE THEIR TIPS FOR BEING BETTER PRACTITIONERS AND PEOPLE

The legal field is a demanding and complex industry. Though we sometimes sit on opposite sides of the table, we all share a common focus: justice. In this article, four attorneys share tips that have helped them succeed as legal practitioners and wholesome human beings.

KNOW YOURSELF, YOUR PRACTICE AREA, AND YOUR VALUE INSIDE AND OUT

Be able to adapt to different situations. Stay true to how you want to be known in the community. (Brandon)

TAKE TIME OUT

Taking time out helps you avoid burn out and allows you to maintain balance. (Shelice)

BE CAREFUL OF THE COMPANY YOU KEEP

Proverbs 1:10 states: *“My son, if sinful men entice you, do not give in to them.”* Who you align yourself within the practice of law makes all the difference. As the old saying goes, *“iron sharpens iron.”* Associate with colleagues, family, and friends who truly understand your goals and will not tarnish your name. (Michael)

WHEN PLUGGING IN A USB, LOOK FOR THE SYMBOL

- Horizontally - It will point up
- Vertically - It will face you
- On your desk - It will face to the right

Do you always plug in a USB device the wrong way the first time? This easy tip will help you plug it in correctly the first time. (Heather)

“Associate with colleagues, family, and friends who truly understand your goals and will not tarnish your name.”



2021 NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP

MAY 13-15, 2021

HOSTED BY THE INDIANA BAR FOUNDATION

Indiana will virtually host more than 400 students from across the U.S., South Korea, Guam, and Northern Marianas Islands.

Volunteer from your home or office as a judge for the national competition.

2021.nhsmtc.org

**INDIANA BAR
FOUNDATION**



EDUCATE YOURSELF

You're not in school anymore. The law is ever changing, and you need to stay on top of what you are advising. Great options are publications, CLE, and legal listservs in your practice area. (Brandon)

MOVE AROUND

Start an exercise routine such as walking or yoga. Get out and get some fresh air. (Shelice)

BE A SPONGE

Proverbs 3:13 states: *"Blessed are those who find wisdom, those who gain understanding."* Throughout a lawyer's career, he/she will be presented with many opportunities to make money. However, sometimes the only thing good about the opportunity is the financial reward. Knowledge is priceless and never runs dry. Money is temporary and cyclical. Always choose wisdom over money; the opportunity to gain knowledge over financial gain. (Michael)

STOP PROCRASTINATING

- Book recommendation: *Eat That Frog!*
- Buy a notebook
- Use the tips

This book helps procrastinators make simple changes to their daily routine so they actually check items off their to-do lists. (Heather)

EVERYTHING IS AN OPPORTUNITY TO MARKET YOUR FIRM

Marketing is not just your online presence (i.e., website, social media). Marketing includes things like how often you return phone calls, how you respond to emails, how you communicate with people, how responsive you are to client needs, your fee structure, and many other things you wouldn't think of as marketing. Try new things. (Brandon)

CHECK IN WITH NETWORKS, FRIENDS, AND COLLEAGUES

This will keep you socially active in this new normal and allow you to make sure those you care about are OK as well as letting them know you are OK. (Shelice)

INVEST AND SAVE YOUR MONEY

Proverbs 6:6-8 states: *"Go to the ant, you sluggard; consider its ways and be wise! It has no commander no overseer or ruler, yet it stores its provisions in summer and gathers its food at harvest."* Simply stated, invest your money no matter how little you make. A good rule of thumb is to save or invest at least 10% of your earnings. You will be surprised at how quickly your money accumulates and compounds with the right investment. (Michael)

REOPEN A CLOSED BROWSER TAB

- PC: Ctrl+Shift+T
- Mac: Command+Shift+T

If you accidentally closed a web browser that you need, just use these commands to open it again. (Heather)

"You cannot rob life or the practice of law. If you do not prepare, 9 times out of 10, the result will reflect your input."

Continued on page 33...

Probate Litigation



Curtis E. Shirley

- Will & Trust Contests
- Interference with Inheritances
- Guardianship Disputes
- Co-counsel and Expert Testimony in all Indiana counties

Telephone: 317.439.5648

1905 S. New Market St., Suite 200, Carmel, IN 46032

Email: curtis@shirleylaw.net | URL: www.shirley.net

By Steve Hoar
Photography By Amy Ellis



Honoring the rich history of **EVANSVILLE'S** **LEGAL PROFESSION**

The senior lawyers each sit for their interviews, just beyond the bar, with the rich and intricately carved wood forming the bench and witness stand visible just over their shoulders. This room holds special meaning. For one lawyer, it's the room where he had his first trial – a mock trial when he was in high school. For another, it's where he took his Oath of Attorneys to start a career that included serving as a Member of Congress. For all, it's the spiritual home of the legal profession in Evansville.

The Randall T. Shepard Courtroom is located within the Old Vanderburgh County Courthouse, which recently celebrated its 130th anniversary. Located on the site of a former turnaround basin of the Wabash & Erie Canal, the Old Courthouse, constructed of Bedford limestone and standing 216 feet tall, was the seat of justice in Evansville from its completion in 1890 until 1969 when a new civic center complex was built.

Renovated in 2011 at a cost of over \$300,000, paid with contributions from members of the Evansville Bar Association (EBA), the Shepard Courtroom is named for the Evansville native who, in that room in 1987, took his oath to become Chief Justice of Indiana. He went on to become the longest-serving Chief Justice in Indiana history. Although trials are no longer held here, it remains an important, symbolic place for the Evansville Bar. It's the natural location for the lawyer interviews that comprise the EBA's oral history project.

The first iteration of the project began in 1998 when EBA members worked with the Vanderburgh County Historical Society and the history department of the University of Southern Indiana to conduct interviews of the eldest members of the bar. At that time, only the audio was recorded; it was then transcribed.

The project was revived as part of the EBA's celebration of its centennial in 2011. In addition to the renovation of the Shepard Courtroom, the EBA undertook several other projects as part of this celebration. A Legal History Center was built next to the Shepard Courtroom, containing displays of artifacts and tidbits from

Evansville legal history. One could view the photograph of the 1910 lawyers' baseball team that beat the doctors' team by a score of 16 to 8. One could learn how Evansville lawyers responded to events of their day, such as during World War II when the EBA helped its members cope with tire and gas rationing by coordinating travel to courts in surrounding Southwest Indiana counties. And one could view the oral histories, now in video form, of seasoned Evansville lawyers recounting stories of the practice of law from days gone by.

The project was revived again in 2016 in furtherance of the EBA's goal to increase interaction among the multiple generations of lawyers;

the idea was for young lawyers to conduct interviews of their senior counterparts. Since that time, in an effort not to miss interviews of lawyers who have had notable careers, new rounds of interviews take place every year or two. The interviews are now accessible on the EBA's website at histories.evvbar.org/.

Tales told in the oral histories range from landmark cases of legendary lawyers to the minutia of everyday legal practice. Some of the stories are about lawyers who passed on before their oral histories could be taken. One such story is the case of Leslie "Mad Dog" Irvin who murdered six people in the Evansville area in the mid 1950's. The case was



heavily publicized, so the venue was changed from Vanderburgh County, but only to adjacent Gibson County. After Irvin's conviction and death sentence, the extensive publicity in the region formed the basis for the appeal brought by two of Evansville's most prominent attorneys of the time. The U.S. Supreme Court voided the conviction, the first time the Court had done so because of pretrial publicity. Irvin was then retried in a more distant venue, convicted again, and sentenced to life imprisonment.

Some cases recited in the interviews give a flavor of the Evansville legal community of the time. Again in the 1950's, on a Saturday, a lawyer requested a special judge for a jury trial in a burglary case set to begin on the upcoming Monday. With a local newspaper reporter in the courtroom, the presiding judge remarked that the request was "one of the lowest forms of shysterism." The newspaper reported the exchange that same day on its front page. To vindicate his good

name, the lawyer retained several of his brothers at the bar, including the last attorney still practicing in Evansville who had gained his license by "reading" the law instead of graduating from law school. They sued the newspaper for defamation. The trial court in the defamation case sustained the newspaper's demurrer, but the Appellate Court of Indiana ruled that the case could proceed. The newspaper eventually won the case because the evidence showed that the lawyer's business had increased from the publicity surrounding the accusation of shysterism; hence, there were no damages.

Many interviews describe initiatives that improved the profession in Evansville. One of the lawyers from the shysterism case told the story of how he helped start the local Brooks American Inn of Court. Founded in 1987, the Brooks Inn was the first Inn established in Indiana and one of the earliest Inns in the entire country. The Brooks Inn continues today as an organization where lawyers and judges of all experience levels gather to share a meal and learn from each other.

Some interviews highlight the demographic changes in the profession. A woman attorney in her 90s chronicled about becoming

"A woman attorney in her 90s chronicled about becoming a lawyer in 1940. She was one of two women in her law school class."

Continued on page 37...

MEMBER RESOURCES

Make the most of your ISBA membership

Member Benefit CLE Library

www.inbar.org/memberCLE

Casemaker

www.inbar.org/casemaker

Ethics Resources

www.inbar.org/ethics

Sections & Committees

www.inbar.org/sec-com

Member Search

www.inbar.org/member-search

ISBA Job bank

www.inbar.org/jobs

Email us at memberconcierge@inbar.org if you need assistance logging in to access these member-only tools.

INDIANA COURTHOUSE ART: 66 and counting!

By Doug Church

In 2007, then-ISBA President Douglas D. Church, Noblesville, began collecting original works of art depicting all of Indiana's 92 county courthouses. The Hamilton County Bar Association made the first contribution, and since then, slowly but surely, the collection has increased in size to its current number – 66 works of art hanging on the walls of the headquarters of the Indiana State Bar Association in downtown Indianapolis.

“When we began this project, the only criteria were that it be a work of original art,” said Church. “We did not specify or require a size or style, and as a result our collection is highly eclectic. We have watercolors, pastels, oils, pen & ink – we even have a needlepoint.”

The collection has been the product of many different methods for obtaining the artwork. A number of the paintings have been done by lawyers and judges. Others were the



Pictured left to right: Richard Beemer, Doug Church, Rick Douglas


**“ 'We did not specify or require a size or style,
and as a result our collection is highly eclectic.
We have watercolors, pastels, oils, pen & ink
– we even have a needlepoint,' he noted.”**

winning submissions of organized art competitions conducted by county bars. “Tippecanoe County may be the best example of a juried art competition,” Church commented.

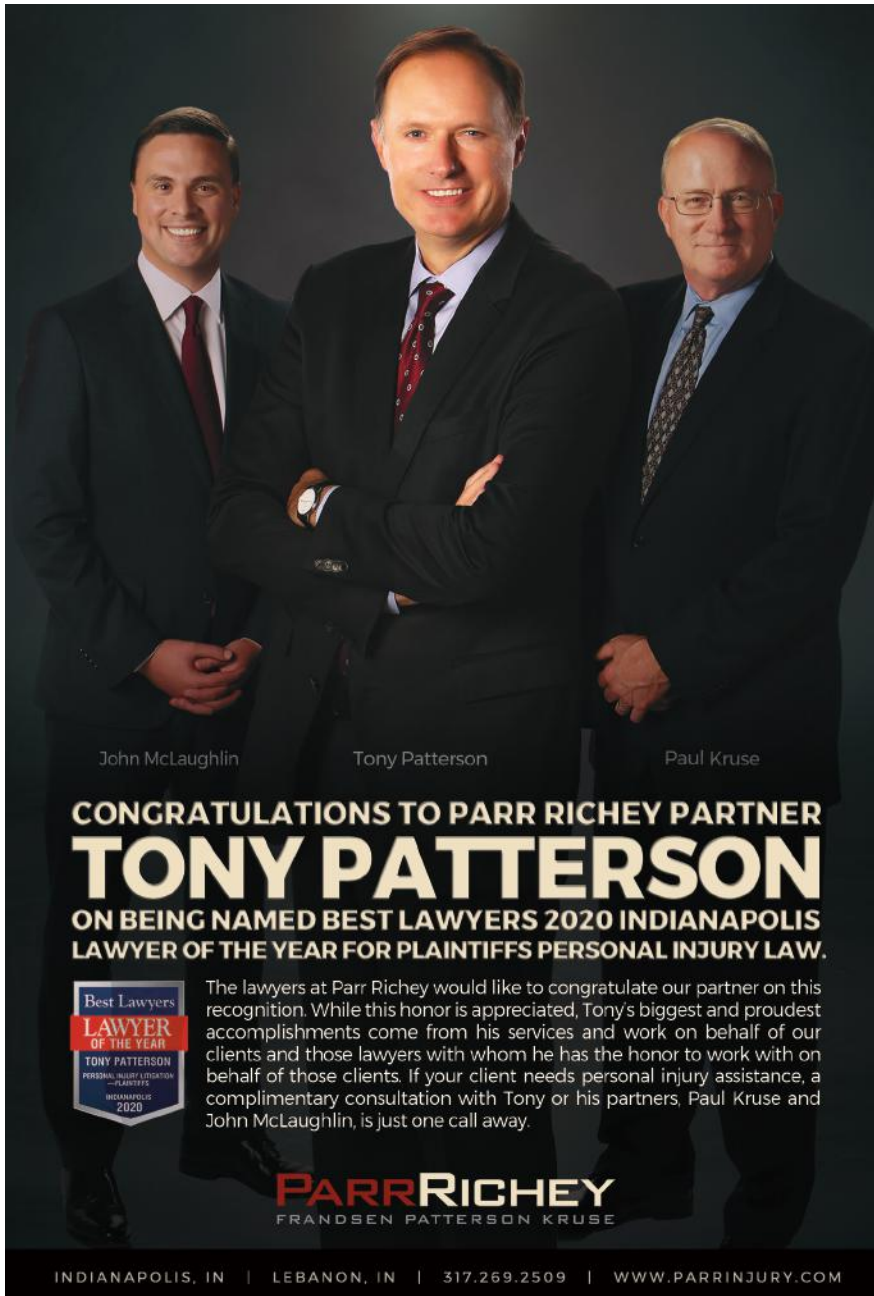
“Thanks to Patty Truitt and local law firms, cash prizes were awarded, and more than 20 pieces of artwork were submitted! The jury then decided on the best, and that became a part of our collection,” said Church.

In addition to the paintings in hand, five more are in the works, thanks to the efforts of judges and lawyers around the state.

“When those paintings come in, we will only have 21 left to collect,” said Church. “I know from experience that in many cases the word simply hasn’t reached the remaining counties; it’s my hope that this article and word of mouth will offer some encouragement to those who haven’t made a donation to the collection as of yet.”

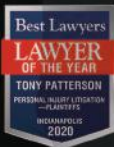
To our knowledge, the counties that haven’t started a project are as follows: Cass, Clark, Clinton, Fayette, Gibson, Greene, Harrison, Howard, Jay, Jefferson, Noble, Owen, Parke, Perry, Randolph, Rush, Scott, Spencer, Steuben, Vermillion, Warren. 

If you are interested in helping or simply want additional information, contact Doug Church at DChurch@cchalaw.com or call him at 317-773-2190.



John McLaughlin Tony Patterson Paul Kruse

**CONGRATULATIONS TO PARR RICHEY PARTNER
TONY PATTERSON**
**ON BEING NAMED BEST LAWYERS 2020 INDIANAPOLIS
LAWYER OF THE YEAR FOR PLAINTIFFS PERSONAL INJURY LAW.**

 The lawyers at Parr Richey would like to congratulate our partner on this recognition. While this honor is appreciated, Tony's biggest and proudest accomplishments come from his services and work on behalf of our clients and those lawyers with whom he has the honor to work with on behalf of those clients. If your client needs personal injury assistance, a complimentary consultation with Tony or his partners, Paul Kruse and John McLaughlin, is just one call away.

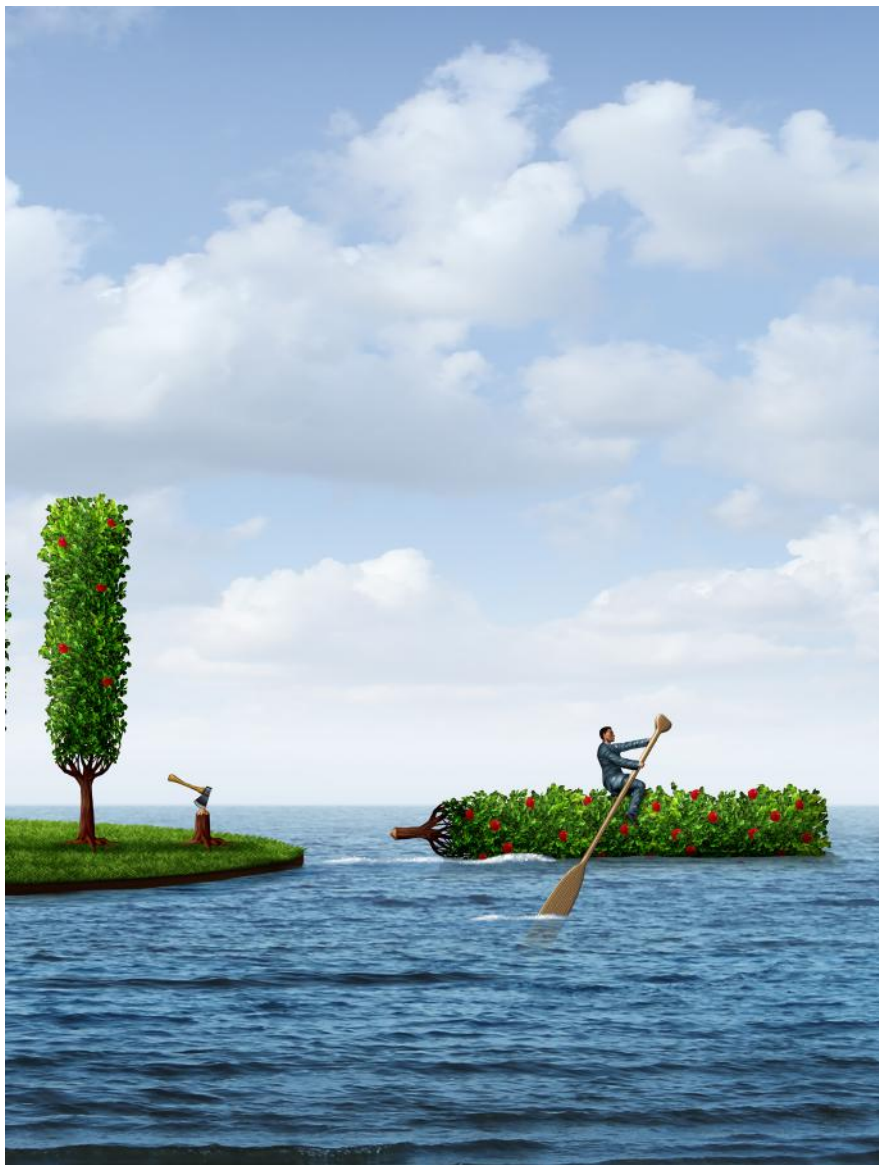
PARRRICHEY
FRANDSEN PATTERSON KRUSE

INDIANAPOLIS, IN | LEBANON, IN | 317.269.2509 | WWW.PARRINJURY.COM

PRO BONO PUBLICO LICENSE:

BEING OF SERVICE IN RETIREMENT

**By Marilyn Smith and Judge
Martha Blood Wentworth**



What are your retirement plans? Perhaps hitting the road, sunning on a beach, concentrating on a hobby, or just having more time to be with friends, family, and your wonderful grandchildren. Post-COVID, however, you may now picture your retirement to include something new: dusting off a corner of your legal know-how to serve your community.

If 2020 has taught us anything, it is that a crisis widens the gulf between the “haves” and the “have-nots.” Lucky us, though, we live in Indiana where so many public and private groups put their time and treasure into feeding, clothing, housing, educating, and helping those who find themselves in need, many for the very first time.

But who helps those who need to navigate the legal system but cannot afford an attorney? Even before the pandemic, our legal services groups were stretched beyond capacity. Often, self-help is the only option for a young father to try to expunge a teenage conviction and get a job, for a young mother to enforce a child support order, or for a son or daughter of an elderly parent who

needs a guardianship. Schooled in the law, these problems and so many more are right up your alley! Besides, there is plenty of help for that retired tax attorney to learn how to do an expungement, a child support petition, or a guardianship.

Curious? Last year, the Indiana Supreme Court made it easier for retired and inactive attorneys to serve as legal volunteers by adopting Admission and Discipline Rule 6.2, titled *Pro Bono Publico License*. See Order Amending Indiana Rules for Admission to the Bar and the Discipline of Attorneys (in.gov/judiciary/files/order-rules-2019-1017-admis-disc.pdf). The *Pro Bono Publico License* allows in-state and out-of-state - inactive and retired lawyers who intend to limit their legal services to volunteer free of charge legal services to help Hoosiers of limited means with the support and guidance of a pro bono or other legal services organization.¹

The great news is that Indiana's *Pro Bono Publico License* makes it easy-peasy to use your legal skills to help Hoosiers in need. It does so by removing complexities.

MALPRACTICE INSURANCE

First and foremost, lawyers who get a *Pro Bono Publico License* are covered by the malpractice insurance of their supporting Indiana civil legal aid or pro bono organization.

“Some of you may want to 'scratch that itch' and try a new area of law. Others may prefer delivering services only in person, by phone, or virtually online.”

INDIANA'S PRO BONO & CIVIL LEGAL AID OFFICES

You don't have to go-it-alone because Indiana has staffed pro bono and civil legal aid offices across the state.² These pro bono provider organizations will train you to help Hoosier veterans with estate

planning or to help Hoosiers restore their suspended driving privileges to travel to a job. In addition, by working through a recognized legal aid or pro bono agency, all the responsibility for administration, office space, training, and fiscal management is carried by the organization, not you, a lawyer with a *Pro Bono Publico License*.

PRO BONO OPPORTUNITIES THAT FIT

Any of Indiana's pro bono and civil legal aid offices can provide you with a wide variety of opportunities to match your skills, interests, and available time. Some of you may want to “scratch that itch” and try a new area of law. Others may prefer delivering services only in person, by phone, or virtually online. Indeed, some lawyers may want to provide brief, one-time legal advice, limited scope representation, or one or more extended representations in one specific area of interest. Any of these preferences are possible.

BRIEF, ONE-TIME LEGAL ADVICE

This type of legal service can be delivered through advice desks, phone banks, or court and library-based clinics. Also, Pro Bono Indiana has a pro bono online initiative called: Indiana Free Legal Answers (indiana.freelegalanswers.org). This online platform allows you to answer legal questions from low-income Hoosiers from any location with access to the internet: your kitchen table, a beach house, or as you cruise down the Ohio river. In fact, answering these civil legal questions can be customized to your own individual schedule.



Guy O. Kornblum
gkornblum@kornblumlaw.com

California Matters

If you have matters in California or referrals, we can help you. Please contact Guy Kornblum or his office for information.

In addition to litigation and dispute resolution services, Guy also serves as an expert witness in legal malpractice and cases relating to insurance claims.

Guy is a native Hoosier and alumnus of Indiana University. He is a member of the Indiana and California bars, and certified in Civil Trial & Pretrial Practice Advocacy by the National Board of Trial Advocacy.

Guy O. Kornblum A Professional Law Corporation
1388 Sutter St., Suite 805, San Francisco, CA 94109
Tel: 415.440.7800 | **Fax:** 415.440.7898
gkornblum@kornblumlaw.com

Serious personal injury & wrongful death | Insurance coverage & bad faith | Professional liability | business disputes | General civil litigation

For further discussion, contact David McNamar of counsel to the firm, at dmcnamar@mcnamarlaw.com or 317.299.0160.

www.kornblumlaw.com

LIMITED SCOPE REPRESENTATION

Limited scope representation is an option that relieves you of responsibility for a case that may go on for years, or for longer than you are willing or able to volunteer. Indiana recognizes less than full service legal representation. See Ind. Professional Conduct Rule 1.2(c) (“A lawyer may limit the scope and objectives of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”) Moreover, the recognized legal aid and pro bono agencies you will work through are experienced navigators of the ins and outs of any ethical considerations of less than full-service representation.

EXTENDED REPRESENTATION


Some retired lawyers may not want 50 case files nagging them for attention in retirement, but they have found great satisfaction in representing a client over an extended period of time, especially because they can watch clients make improvements and progress in their lives. Working through a recognized legal aid or pro bono agency, this desire can become a reality too upon obtaining Indiana’s *Pro Bono Publico License*.

There is **no fee** to apply for a *Pro Bono Publico License*. You must file with the State Board of Law Examiners “an affidavit of intent to be devoted solely to the provision of pro bono legal services” and, if admitted to practice in another state, a certificate of admission and good standing from the highest court of that state. Ind. Admission and Discipline Rule 6.2, Section 2(a), (b).

If approved, you are authorized to “appear before a court or tribunal of this jurisdiction, prepare legal documents, render legal advice and provide other pertinent legal services free of charge to persons of limited means through a pro bono or other legal assistance organization.” Admis. Disc. R. 6.2.3(a). Also, you are entitled to all “the rights and obligations of a member of the bar of Indiana with respect to attorney client privilege, work product privilege and similar professional privileges.” Admis. Disc. R. 6.2.4(b).

A lawyer with a *Pro Bono Publico License* is required to annually complete only 3 hours of continuing legal education, 1 hour of which for professional responsibility. Admis. Disc. R. 6.2.4(c). The Indiana State Bar Association offers 3 hours of free CLE to members who get their *Pro Bono Publico License*. You may contact cle@inbar.org for more information on this offer. Also, many of the pro bono and civil legal aid organizations provide free CLE in return for volunteer time.

There is no one-size-fits-all plan for a happy retirement. Some retired lawyers want to put the law in the rearview mirror and embark on wholly new adventures or pursue interests their lively law practice prevented. Others want to right some wrongs in their retirement by using their legal skills to help less fortunate Hoosiers in a different way, as a pro bono volunteer. With a *Pro Bono Publico License* you have the tools - professional liability coverage, staff support, pro bono colleagues, and access to training and answers about areas including family law, housing, consumer rights, estate planning, and re-entry. Add getting a *Pro Bono*

Publico License to your retirement plan; you will find it meaningful and fun to be a Do-Gooder! 

1. The *Pro Bono Publico* license also permits attorneys holding a business counsel license to apply to participate in pro bono activities in Indiana.
2. For information about civil legal aid/pro bono organizations in your area, see indianalegalhelp.org/find-legal-help/

Intellectual Property is Complex.

Team with our attorneys to protect your client's creative and intellectual assets. Focused exclusively on patent, trademark, copyright and trade secret matters, our attorneys support your practice and provide a cost-effective, team approach for your client.



**WOODARD, EMHARDT,
HENRY, REEVES &
WAGNER, LLP**

Make your ideas *untouchable*.®

uspatent.com

111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204

317.634.3456

By Joel Schumm



SUPREME COURT REVERSES JUVENILE AND EXPUNGEMENT CASES

This column offers a condensed review of the issues discussed in December appellate opinions in criminal cases. A more in-depth version of this article is available at the Indiana State Bar Association's website at inbar.org/rg-online.

The Indiana Supreme Court ended the year with opinions addressing juvenile sentences, dangerous possession of a firearm, *Terry* searches, juror misconduct, and expungements. The full text of all Indiana court decisions, including those issued not-for-publication, is available via Casemaker at inbar.org or the Indiana Courts website at in.gov/judiciary/opinions. A more in-depth version of this article is available at inbar.org.

SENTENCES REDUCED FOR JUVENILES

In a pair of cases, the justices continued a trend of reducing lengthy sentences imposed against juvenile offenders.

State v. Stidham, 157 N.E.3d 1185 (Ind. 2020), revisited a 138-year sentence for a 17-year-old, which had been affirmed in 1994. The majority emphasized “[t]wo major shifts in the law—one easing the standard by which

we exercise our power to review and revise sentences and another limiting the applicability of the most severe sentences to children[.]” *Id.* at 1187. Reinforcing “the basic notion that juveniles are different from adults when it comes to sentencing and are generally less deserving of the harshest punishments,” the court reduced the sentence to 88 years under Appellate Rule 7(B). *Id.* at 1188.

Justice Slaughter dissented because “the Court resolves a claim that Stidham did not raise and awards relief he did not seek.” *Id.* at 1198.

In *Wilson v. State*, 157 N.E.3d 1163 (Ind. 2020), a 16-year-old challenged his 181-year sentence. The justices rejected his claim that the sentence was “a *de facto* juvenile life sentence that triggers additional constitutional

sentencing considerations under *Miller v. Alabama*, 567 U.S. 460 (2012).” *Id.* at 1167. But the court agreed that his appellate counsel was ineffective on direct appeal by failing to bring a 7(B) challenge under then-“recent companion decisions reducing long sentences for juvenile double murderers.” *Id.* at 1179 (citing *Fuller v. State*, 9 N.E.3d 653, 659 (Ind. 2014); *Brown v. State*, 10 N.E.3d 1, 8 (Ind. 2014)).

“Specifically, juvenile courts lack subject matter jurisdiction over the offense of dangerous possession of a firearm.”

Justice Slaughter dissented, emphasizing the discretionary nature of 7(B) relief and the “need for a workable 7(B) standard.”

DANGEROUS POSSESSION OF A FIREARM

K.C.G. v. State, 156 N.E.3d 1281, 1283 (Ind. 2020), continues the court’s emphasis on statutory text instead of the legislature’s “asserted intent” or resort to other statutory language. Specifically, juvenile courts lack subject matter jurisdiction over the offense of dangerous possession of a firearm. “Juvenile courts have ‘exclusive original jurisdiction’ to hear proceedings in which the State alleges that a child committed ‘an act that would be an offense’—a crime—‘if committed by an adult.’ Yet under the governing statute, an adult can never commit this offense.” *Id.* at 1282.



AN INDEPENDENT TRUST COMPANY
PROVIDING A FULL ARRAY
OF TRADITIONAL TRUST SERVICES
FOR THE PROBATE PRACTITIONER
AND THEIR CLIENTS

HOOSIER TRUST COMPANY

- Estate and Guardian Administration
- Trust Administration and Fiduciary Accounting
 - Investment Management
 - Special Needs Trusts
- Farm and Property Management



Connie S. Allman, President • **George A. Buskirk, Jr., Legal Counsel**
55 Monument Circle, Suite 800 • Indianapolis, Indiana 46204
Phone: 317-816-4288 • Fax: 317-848-0586 • www.HoosierTrust.com

PAT-DOWN SEARCH UPHELD

In *Johnson v. State*, 157 N.E.3d 1199 (Ind. 2020), the defendant offered to sell drugs to another man at a casino at 7 a.m. The majority upheld a pat-down search, concluding “that the agent had reasonable suspicion that criminal activity was afoot (so he could stop Johnson), that Johnson could be armed and dangerous (so he could pat Johnson down after entering a confined space), and the lump in Johnson’s pocket was immediately apparent as contraband (so it could be seized).” *Id.* at 1202.

Justice Slaughter dissented. In his view “neither the time nor the location gives rise to the inference that Johnson was armed,” as required for a Terry pat-down search. *Id.* at 1209.

JUROR MISCONDUCT

In *Loehrlein v. State*, 158 N.E.3d 768, 770 (Ind. 2020), the court held that a juror committed gross misconduct by answering “N/A” on a jury questionnaire when “she had in fact been charged with a crime and had been the victim of domestic abuse.” Nevertheless, based on “the facts and circumstances of this case, including the strong evidence of Defendant’s sanity,” she failed to show probable harm necessary to reverse her murder conviction. *Id.*

ABUSE OF EXPUNGEMENT DISCRETION

Judges often make rulings without elaboration; explanations can be a double-edged sword on appeal. See, e.g., *Kribs v. State*, 917 N.E.2d 1249, 1251 (Ind. Ct. App. 2009) (“Had the trial court remained silent, we

would likely have affirmed Kribs’s conviction.”).

Allen v. State, No. 20S-XP-506, 2020 WL 7584947, at *4 (Ind. Dec. 22, 2020), remanded the denial of an expungement because the court was “unable to determine what consideration the [trial] court gave the evidence presented at the hearing or if it entirely failed to consider the evidence favoring expungement based on a mistaken belief that Allen was ineligible for expungement.”

COURT OF APPEALS

The longer version of this article summarizes several Court of Appeals’ opinions, including opinions applying the new *Wadle* framework for double jeopardy, reversing a theft conviction involving mislaid property, and a 2-1 opinion affirming a strip search.

“The court reiterated that defendants must have a ‘reasonable opportunity to prepare for and defend against the charges,’ which usually means ‘two or more months.’”

Hobbs v. State, No. 19A-CR-909, 2020 WL 7019663 (Ind. Ct. App. Nov. 30, 2020), is especially noteworthy, concluding a trial court abused its discretion in allowing the state to amend the charging information by adding new child molesting counts 14 days before trial. The court reiterated that defendants must have a “reasonable opportunity to prepare for and defend against the charges,” which usually means “two or more months.” *Id.* at *4 (court’s emphasis). (RC)

Skilled Advocacy. Practical Solutions.™

FAMILY LAW

Providing Compassionate, Caring
& Experienced Counsel

**Divorce, Child Custody, Paternity,
Premarital Agreements,
Spousal Support and Parenting Time.
Collaborative Law and Mediation.**



Daun A. Weliever
dweliever@lewiswagner.com

LEWISWAGNER LLP
Attorneys at Law

501 INDIANA AVENUE • SUITE 200 • INDIANAPOLIS, INDIANA 46202-6150
317.237.0500 • F: 317.630.2790 • www.LewisWagner.com

CAN A **SAME-SEX** **COUPLE** OWN A HOME AS AN ESTATE BY THE ENTIRETIES?

By Patty Xidias

*Presented by the ISBA GP,
Solo & Small Firm Section*



FORMS OF CO-OWNERSHIP OF REAL PROPERTY

Many married couples elect to hold title to real estate as an “*estate by the entireties*,” which is a form of joint tenancy with rights of survivorship. Tenants in common, by contrast, do not have rights of survivorship. A married couple who purchases a home together presumably holds title as an “*estate by the entireties*.” If one spouse passes away, the other spouse becomes the sole surviving owner.

In addition to the right of survivorship, estate by the entireties provides statutory protection from the execution of a judgment against one (but not both) of the spouses. Indiana Code Section 34-55-10-2(c) (5) exempts from execution property of a debtor domiciled in Indiana constituting “[a]ny interest that the debtor has in real estate held as a tenant by the entireties. The exemption under this subdivision

does not apply to a debt for which the debtor and the debtor's spouse are jointly liable.”

CONFLICTING PRESUMPTIONS UNDER INDIANA LAW

The presumption created by Code Section 32-17-2-1 is that a deed conveying title to two or more persons creates a tenancy in common, rather than a joint tenancy. That presumption in favor of the tenancy in common seems to be flipped on its head, however, when two real estate transferees are husband and wife. Under Code Section 32-17-3-1, there is a statutory presumption in favor of estate by the entirety, when *a husband and wife* purchase real estate or lease real estate with an option to purchase.

SO WHICH PRESUMPTION APPLIES TO A SAME-SEX MARRIED COUPLE PURCHASING REAL ESTATE?

Indiana Code defines “*estate by the entirety*” as real property owned by “*husband and wife*.” You will not find the phrases “*husband and husband*,” “*wife and wife*,” or “*same-sex couple*” in the relevant parts of the code.


It is our opinion that the Equal Protection Clause of the U.S. Constitution and the Privileges and Immunities Clause of the Indiana Constitution would require the courts to extend the benefits of estate by the entirety to same-sex married couples. *See, for example, Henderson v. Box*, 947 F.3d 482 (7th Cir. 2020) (extending birth certificate presumptions to same-sex couples).

If sub-section 34-55-10-2(c)(5) were ever challenged on constitutional grounds, the courts would have three options, to find either that the code:

1. Constitutionally favors opposite-sex couples,
2. Is unconstitutional and unavailable to all married couples, or
3. Is unconstitutional to the extent it applies only to husbands and wives.

Considering that federal courts have consistently extended to same-sex married couples statutory rights and privileges previously reserved for opposite-sex married couples, it would seem likely that the courts would find sub-section 34-55-10-2(c)(5) unconstitutional to the extent estate by the entirety is limited by the phrase “husband and wife” and would extend and apply all statutory rights and privileges of “estate by the entirety” to any real property owned by any married couple, regardless of the sex of the couple.

PRACTICE WARNING

This article represents our best guess as to how the courts would address these issues. We do not recommend that estate and asset protection planning attorneys presume that estate by the entirety applies to same-sex couples. Attorneys should use other tools to assist same-sex couples in achieving their desired planning results. 

1. *Underwood v. Bunker*, 70 N.E.3d 338 (Ind. 2017).
2. *Obergefell v. Hodges*, 576 U.S. 644, 135 S.Ct. 2584, 192 L.Ed.2d 609 (2015); *Pavan v. Smith*, 137 S.Ct. 2075, 198 L.Ed.2d 636 (2017)

Landex Research, Inc.

PROBATE RESEARCH



Missing and Unknown Heirs Located No Expense to the Estate

Domestic and International Service for:
Courts
Lawyers
Trust Officers
Administrators
Executors

1345 Wiley Road, Suite 121, Schaumburg, Illinois 60173
Telephone: 847-519-3600 Fax: 800-946-6990
Toll-free: 800-844-6778
www.landexresearch.com

**By James Bell and
Stephanie L. Grass**



A ROADMAP ON HANDLING EVIDENCE AND CONTRABAND

In *the Matter of M.B.*, 158 N.E.3D 752 (Ind. 2020), the Indiana Supreme Court gave guidance to attorneys who found themselves in the unenviable position of handling contraband. This case involved an employment lawyer who represented a high school and was hired to do what employment lawyers do: Advise his client about an employee who needed to be terminated.

However, this was not the normal employment case and therefore, the normal way of handling it (gathering all the evidence and negotiating a resolution of the employment issue, etc.) did not go as planned. Instead, this particular case involved a coach's abuse of a minor and a series of "inappropriate electronic sexual

communications with" the minor student. 158 N.E.3d at 754. The lawyer's investigation led to his possession of the student's laptop, which contained sexually graphic images of the minor in those communications. *Id.* Possession of this laptop and other actions by the lawyer during the course of this representation resulted in the Disciplinary Commission's investigation of alleged violations of the Indiana Rules of Professional Conduct.

The employment lawyer involved in this case is not the only lawyer to find himself in this spot. On a weekly basis, lawyers – especially criminal defense lawyers – find themselves in possession of "surprise" items they did not ask for. What should you do if you find yourself in a

scenario like this? These situations are addressed in the abstract in law school but upon graduation you get a diploma, not a well-marked roadmap on how to handle these issues.

These situations can require the involvement of law enforcement and that may not be great news for your clients. When faced with the prospect of involving law enforcement, it may feel like it is the choice between client loyalty and being a tattle-tale/rat/snitch. It isn't. When you are in possession of contraband, you are in the soup and your options are limited. The choice you face is between being a lawyer and being another lawyer's future client.

This is our attempt at the roadmap law school forgot to give us. It is not perfect, but it is a start. It is guided by our Supreme Court's

recent decision, other precedent, and some practical guidance from our experiences in helping lawyers through such circumstances.

"Follow the rule from your school field trip to the museum: Look but do not touch."

THE MUSEUM RULE: LOOK BUT DON'T TOUCH

First things first. If you can avoid taking possession of an item, don't accept it. Red flags should go up whenever someone asks you to deliver an item for them. This is especially true if a family member asks you to deliver an item to a jailed client or mail something in

an attorney envelope. Too many lawyers have found themselves in an uncomfortable scenario when they were asked to be the courier of what seemed to be an innocent item.

A similar situation can arise when you are investigating a case. Follow the rule from your school field trip to the museum: Look but do not touch.

In *Wemark v. State*, 602 W.2d 810 (Iowa 1999), the police couldn't find the weapon used to murder the defendant's wife. The defendant told his lawyer the bloody knife was under the stairs at the crime scene. *Id.* at 813. The lawyer, incorrectly feeling an obligation to disclose this information, then convinced his client to disclose the location of the weapon to law enforcement. *Id.* Ultimately, the client was convicted of first-degree murder, after the state highlighted the location of



Business phone systems have modernized

If you're still carrying two cell phones or using the same number for your personal and business calls, you're using an outdated phone system.

Use the Level365 app on any cell phone to communicate with clients using your work phone number.

Make and receive calls, have text conversations, and listen to voicemails quickly and easily, from anywhere.

10% off Level365 services for all ISBA members and their organizations.

Make the switch with minimal effort. Pay less than your outdated phone system.

Learn more at: <https://get.level365.com/inbar>

the bloody knife in its prosecution. The defendant then petitioned for postconviction relief, alleging ineffective assistance of counsel. *Id.* at 814.

Keep in mind, this lawyer never took possession of the bloody knife and he was under no obligation to disclose anything. While the court denied the claim for ineffective assistance of counsel, it paused to discuss the importance of attorney-client privilege and that neither tactics nor strategy supported disclosure in the case. *Id.* at 817. “[A] defense lawyer has no legal obligation to disclose information about the location of an instrument of a crime when possession of the instrument is not taken.” *Id.* (emphasis added).

The lawyer’s observations and knowledge are confidential under Indiana Rule of Professional Conduct 1.6. “[I]nformation relating to the representation of a client,’ as stated in Prof. Cond. R. 1.6(a), is a broad definition and has been construed to include all information relating to the representation regardless of the source.” *In re Goebel*, 703 N.E.2d 1045, 1047 (Ind. 1998) (citing ABA Comm. On Ethics and Professional Responsibility, Formal Op. 94-380 (1994)).

Therefore, assuming the defense lawyer had authorization to enter the crime scene, he could have looked under the stairs, observed the bloody knife that police could not find, and then gone home. The lawyer could have revealed his observations to only the client and protected his client’s defense. In other words, he could have looked, but not touched, and consistent with the Rules of Professional Conduct, he would have been permitted to take no further action.

YOU LOOKED AND TOUCHED – WHAT NOW?

Let’s change the facts of the bloody knife scenario a little more. Let’s say the defense lawyer took possession of the bloody knife and left the crime

“That would likely be problematic as well as a “lawyer shall not counsel or assist another person to do any such act[.]”

scene with it. Or let’s say the lawyer touched the knife or moved it. Or, finally, let’s say the lawyer did not touch the knife, but once the lawyer knew where the knife was, he sent an investigator to retrieve it.

This would put us at a new point on our roadmap. In our opinion, taking any of these above steps would at least start to steer the lawyer in the wrong direction. “A lawyer shall not unlawfully obstruct another party’s access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value.” Ind. Prof. Cond. R. 3.4(a). Therefore, moving, touching, or taking the bloody knife would likely run afoul of Rule 3.4(a). What if you sent an investigator to take possession of it? That would likely be problematic as well as a “lawyer shall not counsel or assist another person to do any such act[.]” Ind. Prof. Cond. R. 3.4(a).

It should be noted that there are circumstances when a lawyer can take evidence (not contraband) into his or her temporary possession for examination. Comment 2 to Rule



3.4 provides, “Paragraph (a) applies to evidentiary material generally, including computerized information. Applicable law may permit a lawyer to take temporary possession of physical evidence of client crimes for the purpose of conducting a limited examination that will not alter its potential evidentiary value.”



Despite the permissibility of taking temporary possession of evidence, carefully consider if you should do so because this act may still place you in a position where you must hand evidence over to law enforcement. Comment 2 continues by stating that “[i]n such a case, applicable law may require the lawyer to turn the evidence over to the police or prosecuting authority, depending on the circumstances.”

Possessing contraband (and not just evidentiary material) is, of course, a different issue. As shown above, once you possess contraband, you can’t destroy, alter, or conceal it. Of course, you can’t just keep the contraband either. So what do you do? Again, the answer appears to be to involve law enforcement.

In re M.B., the respondent’s gathering of evidence resulted in his possession of child pornography. Under the circumstances, the court found no rule violation, but it did state clearly that “[t]he best course of action for all who took possession of these materials, including Respondent, would have been to promptly involve law enforcement.” 158 N.E.3d at 763.

THE LAWYER’S DUTY TO REPORT CHILD ABUSE


While we are talking about involving law enforcement in our cases, we should touch on the related issue of a lawyer’s obligation to report child abuse. The general rule under Indiana law is any individual who becomes aware of possible child abuse is mandated to report to the Department of Child Services or local law enforcement. *See* Ind. Code § 31-33-5-1. But what if the lawyer learns of possible child abuse through the attorney-client relationship? Does

a lawyer’s duty of confidentiality to clients trump the lawyer’s duty to report? Or does Rule 1.6(b)(6)’s exception that allows a lawyer to reveal information “to comply with other law” mean that a lawyer’s duty to report is the same as the general public’s?

In re M.B., the court discussed this issue by noting the opinion of the Indiana State Bar Association’s Legal Ethics Committee (cdn. ymaws.com/www.inbar.org/resource/resmgr/2015-ethics-op-2.pdf) that stated, “the lawyer’s duty of confidentiality is generally paramount over the general duty to report.” 158 N.E.3d at 761 (citing ISBA Legal Ethics Comm. Opp. No. 2. (2015)). However, because the court was not required to do so under the facts presented in this matter, the court did not reach many other conclusions. *Id.* at 762. It appears this part of our roadmap is yet to be drawn.

KEY TAKEAWAYS

As lawyers, we need to be cautious any time we are confronted with taking possession of evidence. Here are some suggestions that will limit exposure:

- Look but don’t touch. Your observations are confidential.
- If at all possible, refuse to take possession of your client’s property.
- And finally, if you find yourself in possession of contraband, you need to consider promptly involving law enforcement. 

**By Kathy Osborn and
Zena Braish**



APPELLATE CIVIL CASE LAW UPDATE

(DECEMBER)

This article highlights one Indiana Supreme Court civil opinion, and six Indiana Court of Appeals opinions issued in December 2020. A longer version of this article is available at the Indiana State Bar Association's website at inbar.org/rg-online.

In December, the Indiana Supreme Court issued three civil opinions and the Indiana Court of Appeals issued 18 published civil opinions. Select opinions are summarized below. The full text of all Indiana appellate court decisions, including those issued not-for-publication, is available via Casemaker at inbar.org or the Indiana Courts website at in.gov/judiciary/opinions. A more in-depth version of this article is available at inbar.org.

In a matter of first impression, the Indiana Supreme Court held a defendant who was convicted of conspiracy to commit burglary was not ineligible for expungement under the serious bodily injury exclusion in Indiana's Permissive Expungement Statute. *Allen v. State*, – N.E. 3d –, No. 20S-XP-506, 2020 WL 7584947 (Ind. December 22, 2020) (Goff, J., in which Rush, C.J., and David, Massa, and Slaughter, JJ., concur). Allen was initially charged with crimes that involved bodily injury to another person, but these charges were dismissed when he pled guilty to conspiracy to commit burglary, which does not involve bodily injury. The court further held that courts may consider the facts of

the incident leading to a conviction, even if the conviction itself does not require proof of those facts. The court reversed the trial court's order denying Allen's petition for expungement.

In *Holcomb v. City of Bloomington*, -- N.E. 3d --, No. 19S-PL-304, 2020 WL 7349155 (Ind. December 15, 2020) (Goff, J., in which Rush, C.J. concurs; David, J. concurs in result; and Slaughter, J., joined by Massa, J., dissents), the Supreme Court held that a bill targeted at stopping the City of Bloomington from annexing land and prohibiting it from annexing that land for five years was unconstitutional special litigation. The court first concluded Bloomington could pursue a declaratory judgment action against Governor Holcomb because of his broad constitutional duties implied by the drafting of the legislation, and the specific and targeted nature of the legislation. Second, the General Assembly's legislation was unconstitutional because Bloomington's proposed annexation presented no unique circumstances that would allow for constitutional special legislation.

The Supreme Court decided a trial court committed reversible error in a case involving a theft claim when

it communicated with a jury after deliberations began, warranting a new trial. *Choi v. Kim*, 158 N.E.3d 774 (Ind. 2020) (per curiam). The opinion reversed in part the Court of Appeals, which had also held the plaintiff failed to prove the theft claim and simply reversed the judgment of the trial court.

In a case involving breach of contract claims relating to a construction project, the Court of Appeals held that Indiana Code Section 32-28-3-17, which limits forum-selection provisions, applies to all contracts for the improvement


“... which lays out the duties owed by nonprofit religious organizations to persons who enter their premises...”

of real estate, not just those involving mechanics' liens. *Sullivan Corp. v. Rabco Enter., LLC*, -- N.E.3d --, No. 20A-PL-1444, 2020 WL 7135006 (Ind. Ct. App. December 7, 2020) (Bradford, C.J., in which Kirsch, J., and May, J. concur). The court disagreed with the trial court's determination that the construction contract's forum-selection clause was valid and enforceable and reversed its grant of Rabco's motion to dismiss.

In *Hogan v. Magnolia Health Sys. 41, LLC*, -- N.E. 3d --, No. 20A-CT-1101, 2020 WL 7330341 (Ind. Ct. App. December 14, 2020) (Robb, J., in which Crone, J., and Brown, J. concur), the court held that the dismissal of an untimely claim against an employee for negligence

does not affect the plaintiff's timely-filed case against the employer for *respondeat superior*.

The court also decided that Section 34-31-7-2, which lays out the duties owed by nonprofit religious organizations to persons who enter their premises, includes the parking lots of those premises but bars claims for injuries not caused by a hidden danger. *Henderson v. New Wineskin Ministries Corp.*, -- N.E.3d --, No. 20A-CT-1317, 2020 WL 7689625 (Ind. Ct. App. December 28, 2020) (Vaidik, J., in which Brown, J., and Pyle, J. concur). This case stems from a slip and fall that occurred in the defendant's parking lot. The court affirmed the lower court's grant of summary judgment in favor of the defendant after finding the injury was not caused by a hidden danger.

Finally, the court determined that Section 740-1003(B) of the Consolidated City of Indianapolis/ Marion County Code does not require a zoning/licensing inspector to obtain permission or an administrative warrant to conduct an outdoor inspection. *Metro. Dev. Comm'n v. Powell*, -- N.E.3d --, No. 20A-OV-871, 2020 WL 7330359 (Ind. Ct. App. December 14, 2020) (Tavitas, J., in which Kirsch, J., and Pyle, J. concur). The commission appealed the trial court's denial of its motion for a permanent injunction against Powell. The Court of Appeals reversed after determining the trial court misinterpreted the language of Section 34-31-7-2. 

**NED P MASBAUM MD
FORENSIC PSYCHIATRY**

CONSULTATION • RECORD REVIEW
CIVIL • CRIMINAL • PLAINTIFF • DEFENSE

PSYCHIATRIC EXAMINATION
ON LOCATION THROUGHOUT INDIANA
EXPERT WITNESS TESTIMONY

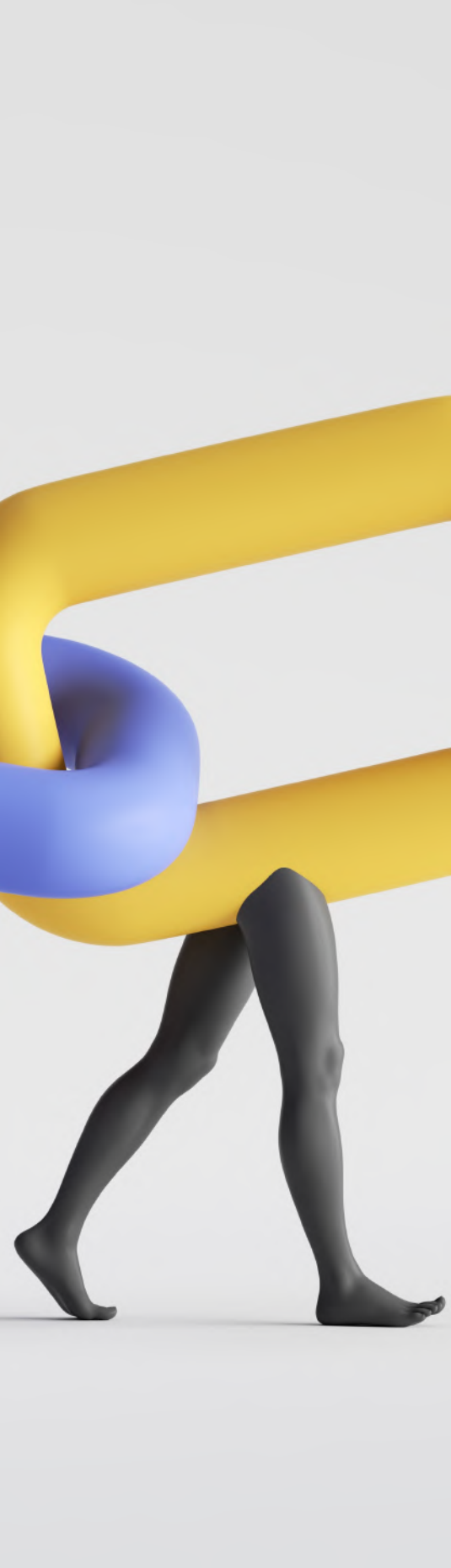
T. (317) 846-7727 • TF. (888) 203-7746
FX. (317) 575-1898

USPS: P.O. Box 3005, Carmel, IN 46082

Email: NPMMD@FORNPSYCH.com

Website: www.FORNPSYCH.com

Voice Mail & Email Messages Retrieved & Returned



Continued from page 13

ENACT SYSTEMS AND PROCESSES FOR YOUR FIRM

A must if you want to scale your firm and heavily recommended even if you do not. It is tremendously helpful and will create efficiency for you and your staff to have systems and processes in place for things like administrative tasks, client intake, client management, etc. Systems and processes also make it easier to seamlessly hire an assistant, paralegal, or associate. (Brandon)

STAY CONNECTED TO THE BAR ASSOCIATION

Your local, state, and specialty bar associations can provide a wealth of resources and support. (Shelice)

WORK AT YOUR CRAFT

Proverbs 10:4 states: *“Lazy hands make for poverty, but diligent hands bring wealth.”* You cannot rob life or the practice of law. If you do not prepare, 9 times out of 10, the result will reflect your input. So will your financial bottom line. Put in the work and you will be rewarded. (Michael)

ELECTRONICALLY SIGN WITH AN IPHONE

- Take a picture of the page you need to sign
- Open picture in photo app
- Click on +
- Select “Signature”
- Sign and then move signature box
- Click “Done”

In the virtual world you need an easy way for clients to sign documents electronically. Apple makes it easy on an iPhone. (Heather)

MANAGE YOUR TIME EFFICIENTLY

You must balance your time doing

legal work and developing your business and networking, while also balancing a home and personal life. This is one of the most important and difficult items to achieve. (Brandon)

GET ORGANIZED

The more organized you are, the more efficient you will be, which makes for less stress and more achievement. You can minimize chaos by creating to-do lists and prioritizing tasks. (Shelice)

BE CAREFUL WITH SOCIAL MEDIA

Proverbs 11:13 states: *“A gossip betrays a confidence, but a trustworthy person keeps a secret.”* Resist the urge to put everything about your practice on social media. Stay away from posting about specific cases or clients when making comments on social media. (Michael)

NEW PROCESS SERVICE PROVIDER

Doxpop now provides process service via sheriff’s civil process, certified mail, or first-class mail. Doxpop has made process service easy! If you use Doxpop as your e-filing provider you can select which documents you want served, how you want them served, and pay the service fees when you file the documents. (Heather)

DO NOT BE TOO AVAILABLE, AND DON’T BE TOO UNAVAILABLE

Find the balance. To manage your time effectively, this has to be taken seriously. You can manage client expectations for immediate responses by clearly outlining in an engagement letter something to the effect that “all calls will be responded to within X hours (or X days) if not answered.” (Brandon)

TAKE ADVANTAGE OF VIRTUAL CLE

The CLE requirement for in-person attendance has been relaxed due to the pandemic, resulting in a plethora of virtual CLEs at discounted rates! Sign up for them to make sure you meet your three-year requirement. (Shelice)

BE TEACHABLE

Proverbs 12:1 states: *"Whoever loves discipline loves knowledge, but whoever hates correction is stupid."* Good lawyers are teachable and are always willing to learn no matter how old they get. View correction as a blessing and an opportunity to add to your practice. Correction from a colleague, judge, or mentor is free CLE. Be teachable. Take direction and instruction. (Michael)

BOOK RECOMMENDATION: PROFIT FIRST

Profit is not an event. Profit is a habit. *Profit First* helps you change your mindset from Revenue – Expenses = Profits to Revenue – Profit = Expenses. Start the habit of making a profit now. (Heather)

DO NOT BE AFRAID TO DECLINE A CASE

Your best cases are going to be the bad ones you decide to decline. Bad cases are expensive as they take up a significant amount of time with little return. Be exclusive. (Brandon)

BE A SPEAKER FOR A CLE

When you are a speaker, you get at least four hours speaking credit for the CLE and you usually do not have to pay for the CLE. Being a speaker can also help you with staying current in your practice or other areas of the law. (Shelice)

NEVER TAKE THINGS PERSONALLY

Proverbs 12:16 states: *"Fools show their annoyance at once, but the prudent overlook an insult."* Try not to take things personally. The practice of law is difficult. Sometimes in the process of handling an issue or during the representation of a client, people say things they do not mean. When that happens, try not to overreact. Remember, we are all human and nothing should get personal. (Michael)

BOOK RECOMMENDATION: THE GO-GIVER SERIES

The secret to success is giving. Learn how the Five Laws of Stratospheric Success help you network naturally, give exceptional value, and produce extraordinary results. (Heather)

QUICKBOOKS AND AN ACCOUNTANT

Have bookkeeping software through something like Quickbooks and have an accountant. Shift the responsibility and liability to an accounting professional for things like quarterly/annual taxes and, to a lesser extent, bookkeeping. Taking this off your plate will also help you balance your time better. (Brandon)

DEVELOP HEALTHY RELATIONSHIPS WITH CLIENTS

During this pandemic, it is even more important to make sure your clients' needs are being met. Call them to see how they are doing and whether they need anything. This type of communication allows your relationship to become organic and not so transactional. (Shelice)

DON'T BE FAKE

Proverbs 12:9 states: *"Better to be a nobody and yet have a servant than pretend to be somebody and have no food."* Be your authentic self. (Michael)

Skilled Advocacy. Practical Solutions.™

PROBATE LITIGATION

**Will Contests
Trust Disputes & Claims
Contested Guardianships**

Jarrell B. Hammond
jhammond@lewiswagner.com

Matthew C. Boldt
mboldt@lewiswagner.com

LEWISWAGNER[®] LLP
Attorneys at Law

501 INDIANA AVENUE • SUITE 200
INDIANAPOLIS, INDIANA 46202-6150
317.237.0500 800.237.0505 F:317.630.2790
www.LewisWagner.com

Available as Counsel or Co-counsel in All Indiana Counties

BOOK RECOMMENDATION: THE WORST-CASE SCENARIO SURVIVAL HANDBOOK

If you're having a bad day, flip through this book and see how it could be worse! You might learn something practical that you hopefully won't need to use one day. (Heather)

DO NOT BE AFRAID TO CALL ON ANOTHER ATTORNEY

Whether calling someone to potentially co-counsel on a case, refer a case to, or just to ask questions about a case, do not be afraid to call on someone else. Indianapolis and Indiana are some of the most open and generous legal communities among attorneys, with most being more than willing to answer questions and help. (Brandon)

BE A VOLUNTEER

Sometimes you have to take yourself outside of the legal world and help others in your community. You will be surprised at how a little bit of your time is greatly appreciated and valued by others. (Shelice)

KEEP YOUR WORD

Proverbs 12:19 states: *"Truthful lips endure forever, but a lying tongue lasts only a moment."* If you say you will do something, keep your word. The relationship you develop with other lawyers and clients by keeping your word on little things is worth more than gold. (Michael)

EXERCISE EVERY DAY

My favorite is OrangeTheory Fitness. I love my 6 a.m. workouts, which I call Orange Therapy. Working out first thing in the morning means I burn calories all day and I'm less likely to get busy and skip my workout. (Heather)

NETWORK, NETWORK, NETWORK

It is not who you know, it is how well they know you. Even if someone knows who you are, they are not going to refer a case to you unless they know you well. A referral also reflects on that referring attorney with the clients. (Brandon)

DO NOT BE AFRAID TO ASK FOR HELP

If you do not know something or are unsure, ask. It will save you time and a lot of stress. (Shelice)

"Although there will be times when the unexpected occurs, do your best to stick to your schedule so that you complete the tasks you set out to achieve."

CATCH MORE FLIES WITH HONEY

Proverbs 15:1 states: *"A gentle answer turns away wrath, but a harsh word stirs up anger."* Give what is not given to you. Sometimes, it is not wise to meet anger with anger. Stop negative energy by being the bigger person during confrontations. (Michael)

LOOK GOOD ON ZOOM

Get a Ring Light. Remote hearings are here to stay (at least for a while), so spruce up your look with a Ring Light that gives you that beautiful in person glow! (Heather)

INVEST IN YOUR TIME AND EFFICIENCY

In the realm of systems and processes: 1) have forms; and 2) have checklists. Look at your practice and determine what can be streamlined. (Brandon)

GET YOUR ANNUAL MEDICAL EXAMS INCLUDING PHYSICAL, VISION, AND DENTAL EXAMS

If you are not in good health, then you are not going to be able to serve clients to the best of your ability. Your health is the thing that matters. (Shelice)

FIND A MENTOR

Proverbs 15:22 states: *"Plans fail for lack of counsel, but with many advisers they succeed."* Find a great mentor. It can make all the difference in your career. (Michael)

READ OR LISTEN FOR FUN

I love to listen to audiobooks when I'm in my car. Here are a few of my recent favorites: *The Flight Girls* by Noelle Salazar; *The Glass Ocean* by Beatriz Williams, Lauren Willig and Karen White; *The Reckoning* by John Grisham; and *The Masterpiece* by Fiona Davis. (Heather)

FIND A CASE MANAGEMENT/TIME

Keeping option that works for you Do not go without one. Some features to look at would be auto-checklists upon case opening based on practice area of the matter, auto populated documents, time keeping, billing, invoicing/payment, etc. (Brandon)

EAT HEALTHY

When you eat a healthy diet, you have more energy and are more productive. Poor eating habits can lead to you feeling sluggish and may lead to other health issues. Eating healthy along with some exercise keeps you at your best for you and your clients. (Shelice)

BE A 'PICKY' PRACTITIONER

Proverbs 18:17 states: *"In a lawsuit the first to speak seems right, until someone comes forward and cross-examines."* All that glitters is not

gold. Never solely rely on a client's version of events. Screen your cases and fact check. (Michael)

PLUG INTO A PODCAST

There are a ton of practice management tips and legal news available via podcasts. Try some of these: 5 Minute Marketing, The Christy Wright Show, Fight Hustle End Hurry, The Law Entrepreneur, and Off the Record with James Bell. (Heather)

PHONE/FAX: GO VIRTUAL

Phone: use VOIP. Fax: use internet fax. This primarily pertains to faxes, as internet fax is the way of the now and future. You will be able to fax and receive faxes from anywhere and will save money on toner and paper. In the realm of the new COVID-19 world, this is a must. (Brandon)

STICK TO YOUR SCHEDULE

Although there will be times when the unexpected occurs, do your best to stick to your schedule so that you complete the tasks you set out to achieve. (Shelice)

BE A CHEERFUL GIVER

Proverbs 19:17 states: "*Whoever is kind to the poor lends to the Lord, and he will reward them for what they have done.*" Lawyers should be givers and lead the way in philanthropic endeavors in their communities. (Michael)

BREAK YOUR CELL PHONE ADDICTION

- Set one cell phone free day per week
- Challenge yourself to only call or text on your phone
- Set daily usage limits: There are apps for that!

- Don't charge your phone near your bed
- Put your phone away when you walk in the door at home
- Change your phone settings: Notifications/Do Not Disturb
- Place a hairband around your phone

One study found that the average cell phone user touches their phone 2,617 times per day and spends 3 hours and 15 minutes on their phone per day. Use these tips to help you break your cell phone addiction. (Heather)

BEWARE OF ONLINE ADVERTISING TRAPS

A LOT of empty promises, with very little return on investment. You will get a lot of proposals from purported advertising/marketing companies from around the country/world promising a lot of different things in the advertising/marketing realm that simply are not achievable. Ask other attorneys to see what they do to try and pick out viable advertising/marketing options. (Brandon)

GET ADEQUATE SLEEP

If you are not well rested, you will not perform well in anything. Your body and mind need to have down time to reset so you are at the top of your game at the start of the next day. (Shelice)

YOUR NAME MEANS SOMETHING

Proverbs 22:1 states: "*A good name is more desirable than great riches; to be esteemed is better than silver or gold.*" Your name and brand are invaluable. Protect them. (Michael)

REGISTER FOR THE ISBA SOLO AND SMALL FIRM CONFERENCE

If you haven't been to the Solo and Small Firm Conference you are missing out! Put it on your calendar

and register today. It's June 3-4, 2021, in French Lick, Indiana. (Heather)

INVEST IN YOUR FIRM/INVEST IN YOURSELF

The only way to grow your firm, practice, client base, etc. is to invest both in your firm and invest in yourself: networking, learning the law, client development, marketing, investing money back in the firm, and investing time in yourself create a balanced life. (Brandon)

HAVE A HOBBY AND LIVE A COLORFUL LIFE


Although you may thoroughly enjoy the practice of law, get out and do something totally unrelated to law that you enjoy. Doing so will definitely create some lasting memories in your life. (Shelice)

BE A MENTOR

Proverbs 11:25 states: "*A generous person will prosper; whoever refreshes others will be refreshed.*" Lawyers should give their time and talents to making the profession better. Be a mentor. (Michael)

CALENDAR YOUR PERSONAL TIME

- Get up 30 minutes early
- Leave the office 30 minutes early
- Don't eat your lunch at your desk

If a task is on your calendar you are more likely to do it. When I train for a mini marathon, I am more likely to do my long run if it is scheduled for a specific time on my calendar. (Heather) 


Continued from page 16

a lawyer in 1940. She was one of two women in her law school class. After graduation, she became a law clerk – the only woman clerk at the time – for the Appellate Court of Indiana and the Indiana Supreme Court. She then came back home to Evansville where she was one of only two women lawyers for many years. By the late 1970's, the count of women attorneys had increased to a grand total of 10. Much more progress has been made in the years since; the EBA now has 125 women members.

Most interviews bring to life colorful characters from years past. One lawyer was literally a colorful character because of the colorful suits he wore, including red and pink. His personal life was likewise colorful; he had been married nine times and traveled to every country in the world. This oft married, well-traveled lawyer was also known for his civility and generous treatment of new lawyers. His advice to them was that the lawyers in town were all on a small boat and would be seeing a lot of each other, so there was no use in making things harder than they needed to be. Evansville lawyers continue to embrace this credo.

At the end of one interview, the lawyer describes his career as “just kind of average.” His work had been normal general practice fare, mostly adoptions, probate matters, and collection cases. Although the matters he handled may have been typical for lawyers, his life's work was by no means just average. A life spent in service to the rule of law and the peaceful resolution of human affairs is nothing less than majestic.

Back in the Shepard Courtroom, the robed judges enter single file and take their seats in the jury box. The Bar looks on from the gallery. The court reporter is at hand to record the proceedings. All have assembled at this EBA memorial service to reminisce and honor the life of a departed lawyer. Although the lawyer is no longer able to relay

a lifetime of stories, friends and colleagues fill the courtroom with their remembrances. This warm gathering is a fitting sendoff for an Evansville lawyer. The Bar President then brings the ceremony to a close, intoning, “A transcript will be made of the proceedings and kept as part of the official court records.” 

“Most interviews bring to life colorful characters from years past. One lawyer was literally a colorful character because of the colorful suits he wore, including red and pink.”

ALTERNATIVE DISPUTE RESOLUTION

- ✓ EXPERIENCED
- ✓ PROBLEM SOLVER
- ✓ RESULTS DRIVEN

MEDIATING SINCE 1991
LITIGATING SINCE 1977

In-person and Virtual Mediations Available



Thomas C. Hays

thays@lewiswagner.com

317.453.8638



501 Indiana Avenue | Suite 200 | Indianapolis, IN 46202-6150
317.237.0500 | 800.237.0505 | F:317.630.2790 | lewiswagner.com

ADVERTISING INFORMATION

Email your classified word ad to Kelsey Kotnik, kkotnik@inbar.org.
You will be billed upon publication. ISBA members: \$0.60 per word, \$20 minimum
Nonmembers & nonlawyers: \$0.90 per word, \$30 minimum

EMPLOYMENT OPPORTUNITIES

AV RATED INSURANCE DEFENSE

LITIGATION FIRM seeking an associate attorney. Ideal candidate will have one (1) to three (3) years litigation experience. Applicants must have excellent writing and communication skills. Competitive salary and benefits package. Send resume, writing sample, law school transcript, and salary requirements in confidence to Huelat & Mack, P.C., 286 West Johnson Road, La Porte, Indiana 46350, or lhاملton@huelatandmack.com

THE BOPP LAW FIRM, P.C. IS SEEKING AN ASSOCIATE for its Terre Haute office. The firm has a national litigation and appellate practice specializing in campaign finance and election law and regularly appears in the U.S. Supreme Court where it has won 9 of 14 cases.

The firm is led by James Bopp, Jr., who is one of the country's leading conservative attorneys and currently serves as General Counsel for the National Right to Life Committee. He has been named as one of the 100 Most Influential Lawyers in America by the National Law Journal. Ideal candidates will have strong legal research and writing skills, demonstrated leadership ability, and a strong academic record. Please send resume and cover letter to jgallant@bopplaw.com.

EMPLOYMENT DESIRED

JIM SCHNEIDER, TAX IRS audits and investigations, appeals, Tax Court, payroll tax and trust fund penalty cases, non-filers and back tax returns, records reconstruction, payment plans, penalty abatement, liens and levies, Schneider@CPAttorney.com, 317-844-1303. Over 40 years in practice.

INDIANAPOLIS IMMIGRATION attorney seeks professional or co-counsel positions with Indiana attorneys in the practice of immigration law. Over 25 years' experience in immigration. Will handle adjustment of status, change of status, labor certificates and other matters. Also, will attend interviews at Indianapolis Immigration Office. Thomas R. Ruge, Lewis & Kappes, P.C., 317-639-1210, SMiller@lewis-kappes.com

CALIFORNIA LAWYER since 1966. AV rated. Member ISBA. Father and brother practiced in Marion. Enjoys interacting with Indiana lawyers. Handles transactions, ancillary probates and litigation in CA and federal courts. Law Offices of John R. Browne III, a Professional Corporation; 2121 N. California Blvd. Ste. 875, Walnut Creek, CA 94596; 415-421-6700; johnrbrowne@sbcglobal.net; www.jbrownelaw.com

WORKER'S COMPENSATION Indianapolis attorney Charles A. Carlock seeks referrals on Worker's Compensation cases statewide. Tele., 317-573-5282 or 844-415-1461.

ATTORNEYS AVAILABLE FOR INTERNAL INVESTIGATIONS. Attorneys available for Internal investigations. Northwest Indiana attorneys are available to assist employers

with internal investigations prompted by complaints of wrongdoing or misconduct. Attorneys Larry Evans and Lauren Kroeger, Hoepfner Wagner & Evans LLP, Valparaiso and Merrillville Indiana. hwelaw.com

SPECIAL SERVICES

ARROW FIDUCIARY SERVICES is now taking new clients. We focus on being your appointed Independent • Attorney-in-Fact, • Guardian, • Trustee, and • Executor. Please contact Kate Borkowski, JD, at Arrow Fiduciary Services, Kate@ArrowFiduciaryServices.com, 317-840-6525, www.ArrowFiduciaryServices.com.

MEDICARE SET-ASIDES & LIEN

RESOLUTIONS Susan V. Mason, Esq., MSCC, has provided all aspects of Medicare compliance on Indiana claims for over 10 years. For custom service, contact 412-302-8880 or smason@firstreviewinc.com. Indiana attorney references available.

MISSING HEIRS & WITNESSES located, intestate heirs verified. Complete family lineage establishment. Mark E. Walker & Company, LLC – Indiana Private Investigator Firm; 765-724-3260.

MISCELLANEOUS

BARGAIN Furniture and law library. 574-534-1511

RETIRED LAWYERS. Law office for sale or for rent near Louisville. Call 812-883-2291, email LeatherburyLawOffice@gmail.com.

Child Support Software
Indiana
SUPPORT MASTER™

- ✓ All Calculations
- ✓ All Worksheets
- ✓ Large Incomes
- ✓ Arrearage and Interest

Professional Software Corporation

*Fast, accurate support
calculations since 1989*

POB 716 812/781-1422
Mount Vernon marc.edwin.hawley@gmail.com
IN 47620

www.supportmastersoftware.com

600+ appeals
30+ years experience

Stone Law Office
& Legal Research

26 W. 8th St., P.O. Box 1322
Anderson, IN 46015

765/644-0331 800/879-6329

765/644-2629 (fax)

info@stone-law.net

David W. Stone IV Attorney Cynthia A. Eggert Paralegal

Indiana Social Security Lawyers



**Fleschner, Stark,
Tanoos & Newlin**

201 Ohio Street, Terre Haute, IN 47807
1-800-618-4878 • www.FleschnerLaw.com
e-mail: Lawyer@FleschnerLaw.com

Referrals Accepted

RESGESTÆ

Indiana State Bar Association
One Indiana Square, Suite 530
Indianapolis, IN 46204

CHANGE SERVICE REQUESTED

It's Here!

Group Health Insurance for
the members of the
Indiana State Bar Association
and their firms



Call Ritman today and hit the ground running with this long-awaited opportunity! Helping your firm with your Group Health Insurance needs would make us happier than a pig in — well, you know.



RITMAN Insurance for Lawyers
and Professionals

Seeman★Holtz
Property & Casualty



INDIANA STATE
BAR ASSOCIATION

PERSONAL | BUSINESS | PROFESSIONAL LIABILITY | HEALTH | PRIVATE CLIENT GROUP
LIFE | DISABILITY | COMMERCIAL REAL ESTATE | CYBER

RITMANASSOC.COM • 317.770.3000 • 800.581.8810