

The SUMMATION

915 Main Street, Suite 108
Evansville, IN 47708

Inside this issue:

EBA News	2
Foundation	3
CLE Offerings	4&5
Bar Updates	6
We Are The EBA	7
Calendar	8

September 2021

The Monthly Newsletter of the Evansville Bar Association

PRESIDENT'S MESSAGE

By: **Andy Ozele**

The Lawyer's Role in Difficult Times

Friends, it is a difficult time. The Delta variant is on the rise, Haiti is reeling from another natural disaster, the Taliban is resurgent in Afghanistan and we as Americans continue to struggle with the effects of racism. When I think all of these problems, it seems that our particular skill sets as lawyers might not be the most helpful for the world right now. However, if you did not read this year's Law Day article, I would commend it to you. Even if you read it, it is still worth revisiting. While formally a product of the Editorial Board, it was in essence the work of former Chief Justice Randall Shepard. A link to that article is available on the Evansville Bar Association's website at <https://bit.ly/3yqx2Ob>



In the article, Justice Shepard reflects on the effect of the Rule of Law in the development of America's prosperity. Other lands and peoples are blessed with similar natural resources, but our Rule of Law created a stable society in which all could thrive. I will admit that there is some rose-colored glasses effect in such a statement, but I think it also holds largely true. In countries without such a basis in the Rule of Law, natural disasters are harder to cope with, there is less prosperity and society itself can all too easily break down.

While I will not pretend to be able to do a better job in the explanation of the importance of Rule of Law than Justice Shephard, I do hope that all of us will remember that we are a critical part of that process. An evenhanded application of the Rule of Law is fundamental to the continued success of the American experiment. When application of the law fails to be evenhanded, I think we are at our worst. The people must understand that when they come to the courts seeking justice, justice will truly be blind.

We as lawyers and judges are in large measure the guardians of the Rule of Law. So, as we continue to advocate for our clients, we must continue also to be champions for the Rule of Law and help and insure that this fundamental building block of America continues to be a bulwark against chaos.

While we have again had to postpone our Law Day celebration until next April, the work that we celebrate at Law Day continues. Talk to a Lawyer events are continuing. Our Trivia Night fundraiser will go forward, virtually. Scott Wylie will continue to seek our help for VLP cases. Our committees and sections continue to meet. Our challenge to our committees and sections to continue to include topics related to diversity and social justice in their programming remains. Our bar association is strongest when we all participate. I hope that as we do so, we all rededicate ourselves to the Rule of Law. While we cannot prevent natural disasters, we can be a part of strengthening the systems that help responses. We must be sure that the law is the evenhanded servant of all. In order to preserve the fabric of society, we must continue to act to secure the Blessings of Liberty to ourselves and our Posterity.



The mission of the Evansville Bar Association is to enhance the practice of law, cultivate professional excellence, promote high ethical standards and uphold the honor of the profession.

As we continue to adapt in response to COVID-19, we want to share information on our ongoing actions that will help ensure that we continue to fulfill our mission.

Until further notice, all visitors to the Evansville Bar Association's office will be required to wear face masks. Thank you for your understanding.

We will continue to:

- Schedule and offer live continuing education courses in-person and virtually.
- Offer access to the online, on demand Continuing Legal Education platform on the EBA website 24 hours a day, 7 days a week at <https://evvbar.vocalmeet.com/home/>. And, add new course as they become available.
- Hold Section and Committee meetings as scheduled in-person and online meeting platforms.
- Offer assistance to the public via the Lawyer Referral Service—online and via phone.

VLP News

By: Senior Judge Corcoran and Susan Vollmer

VLP's attorney staffing has been remarkably stable for the past two decades with only Bev Corn and Scott Wylie helping to coordinate the volunteer efforts of EBA attorneys and paralegals. That changed in late August when the staff welcomed Byron Ramirez to the staff. Byron graduated from Indiana University's McKinney School of Law in May and sat for the bar exam in July. He will be serving for the next year as an ICLEO Fellow with Pro Bono Indiana and will be splitting his time between the Evansville Office and other PBI entities in the state. After his Fellowship ends, we hope to welcome him full-time to support primarily the Evansville Office as Scott continues to lead the statewide system. Byron volunteered with the Neighborhood Christian Legal Clinic as part of their Immigrant Justice Program and studied with the Immigration Clinic at McKinney. He will continue his interest with immigration law as part of PBI. When he reaches out to you to take a case or volunteer for a clinic, please welcome him to our local bar (and say "Yes" to his request).

SPONSORED BY
EBA'S ACCESS TO JUSTICE COMMITTEE

TRIVIA NIGHT

WE'VE GONE VIRTUAL!

\$500 CASH PRIZE FOR 1ST PLACE TEAM

OCT 14

TEAMS OF 4
PRE-REGISTRATION IS REQUIRED
\$25 PER PERSON

REGISTER HERE

EMAIL: JULIE@EVVBAR.ORG

ZOOM opens @ 5:15pm

Trivia @ 5:45pm

Memorial Service

A memorial service for

The Honorable Maurice O'Connor

will be held

Tuesday, September 7 at Noon
at the Old Courthouse—Shepard Courtroom

A memorial service is held to honor an Evansville Bar Association member who has died. This one of the most important and special events we hold as a Bar.

Face masks will be required.



Heath Tuley
President

Donate, donate, donate! It should come as no surprise that each month will bring various iterations of this request. It is, after all, the mantra that drives the fundraising arm of so many non-profits. But I think there is another mantra that is worth as much if not more: gratitude. Because of your generosity over the past year, the Evansville Bar Foundation has \$28,588.20 to grant to many worthy organizations in our community. That is the highest amount available for grants that I remember seeing during my tenure on the board, and that is owing much to your generosity. In the coming weeks, we will announce those recipients.

Nevertheless, we had a total of \$54,277.38 in grant applications, and, despite our best efforts thus far, we were sadly unable to fund \$25,689.18 of those applications. What this reveals is that there is a need—a very real need—in our community for the funding that, as a bar, we provide through the Foundation. The ability to meet that need in our community requires participation from everyone. If you have not donated to the EBF before or have not yet made your donation this year, please consider doing so. You can still make a difference, and besides, your donation to the EBF is both tax deductible and reportable under Revised Rule 6.7(a) (3) of the Rules of Professional Conduct (just in time for the October 1 annual attorney registration deadline)! When you fill out the annual amount contributed to a qualifying foundation (which includes the EBF), you will either be putting in a 0 or some other number. Some other number looks a whole lot better!

To donate to the Foundation,
go to <https://evvbar.org/foundation.aspx>
or click the **DONATE** button below.

Donate

LIBRARIAN'S CORNER: WESTLAW + PRACTICAL LAW

Since 2019, the law library has offered patrons access to Westlaw + Practical Law as its online legal resource. That means law library users not only have access to statutes and legislation but also access to secondary sources such as *Corpus Juris Secundum*, *American Jurisprudence (Am Jur)*, *Am Jur Proof of Facts*, and *Am Jur Trials* along with federal and state agency materials, directories, administrative code, and KeyCite.

Practical Law provides legal know-how written by experienced practitioners to give library patrons a better starting point, including practice notes, plain-language discussions of the law as it stands today, and checklists. Please remember that online services are only available in the law library, supplementing the extensive printed materials. There is no cost to search, though printouts will be charged at current photocopier rates.

As always, I welcome your questions, comments, and suggestions. Please feel free to call me, Kathleen Weston, at (812) 435-5175 or send me an email (kweston@vanderburghgov.org).



Annual Campaign Donors*

Legacy of Leadership

Randall K. and Rebecca L. Craig Family Foundation, Inc.

Senior Partner

Steve Hoar
Javier Lugo and Sarah Woods
Terry Noffsinger
David Shaw

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Foster, O'Daniel, Hambidge & Lynch	Stoll Keenon Ogden
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Hon. Carl Heldt	

New Attorney (0-3 Years)

Jackson Ford
Robert Lamey
Nicholas Loehr
Kendall Ziliak

Paralegal

Lauren Hawes
Michelle Motta

Law Student

Heather Migdon

Friends of the Foundation

Julie Moore Holtz
Kathleen Weston

* 2021 Campaign donations received November 1, 2020-August 31, 2021

You can find an up-to-date listing of CLE on the EBA website at evvbar.org

Registration and pre-payment are required by phone at (812) 463-3201, email at Ashley@evvbar.org or online at evvbar.org.

Registrations received less than 24 hours prior to the start of the course cannot be guaranteed. Registrations received two hours prior to start of course will be charged an additional \$5.

Credit will not be reported to the Indiana Supreme Court Commission on Continuing Legal Education (CLE Commission) until payment for the course has been received in full.

NO CLE WILL BE OFFERED AT THE EBA OFFICE December 20-28, 2021

WHY EVERYONE SHOULD HAVE A PRENUP

1 GENERAL

**TUESDAY, SEPTEMBER 21
NOON
EBA OFFICE OR VIDEO CONFERENCE***

HON. GARY SCHUTTE, VANDERBURGH SUPERIOR COURT
JILLIAN REED, STOLL KEENON OGDEN

Family Law Section Member \$25

Member \$30

Non-member \$50

To register go to evvbar.org, call (812) 463-3201 or email Ashley@evvbar.org.

**Please indicate at time of registration.*

ETHICS POTPOURRI

3 CLE/3 ETHICS

SEPTEMBER 23--8:30 AM-NOON

CHECK-IN AND LIGHT BREAKFAST AT 8:00 AM

EBA OFFICE OR VIDEO CONFERENCE

SPEAKERS:

MAGISTRATE MOLLY BRILES, VANDERBURGH SUPERIOR COURT

MICHELE BRYANT, DINSMORE & SHOHL

CATHY NESTRICK, ATTORNEY

LAURA SCOTT, FARMER SCOTT OZETE ROBINSON & SCHMITT

CHARLES KIDD, INDIANA DISCIPLINARY COMMISSION

\$100 FOR EBA-MEMBER

\$160 FOR NON-MEMBER

TO REGISTER GO TO EVVBAR.ORG

CALL (812) 463-3201

OR EMAIL ASHLEY@EVVBAR.ORG

APPLIED PROFESSIONALISM

FOR THE NEW ATTORNEY

Thursday, September 23

8:30am-4:00pm

Check-in and light breakfast at 8:00am

**Evansville Bar Association or
Video Conference***

6 CLE/6 Applied Professionalism/ 6 Ethics

To register call (812) 463-3201 or email
ashley@evvbar.org.

Presented by the
EBA Young
Lawyers Section

**Free for EBA Member
0-3 Years in Practice**

**\$100 for Non-member
0-3 Years Practice**

**Please indicate at time of registration. In-person is encouraged.*

THE WRITE STUFF

*Tips On Writing Letters, Briefs, Digital Pleadings
and Proposed Orders.*

2 General/1 Ethics

Thursday, October 7

Noon-2:00PM

Lunch will be served at 11:30AM

EBA Office

Judge Elaine Brown, Indiana Court of Appeals

Judge Melissa S. May, Indiana Court of Appeals

Judge Leanne K. Weissmann, Indiana Court of Appeals

Yvette LaPlante, LaPlante LLP

Member \$70

Non-member \$110

To register, call (812) 463-3201, email Ashley@evvbar.org or click [here](#) to register online.

You can find an up-to-date listing of CLE on the EBA website at evvbar.org

Registration and pre-payment are required by phone at (812) 463-3201, email at Ashley@evvbar.org or online at evvbar.org.

Registrations received less than 24 hours prior to the start of the course cannot be guaranteed. Registrations received two hours prior to start of course will be charged an additional \$5.

Credit will not be reported to the Indiana Supreme Court Commission on Continuing Legal Education (CLE Commission) until payment for the course has been received in full.

NO CLE WILL BE OFFERED AT THE EBA OFFICE December 20-28, 2021



REPLAYS SEPTEMBER AND OCTOBER

Wednesday, September 15

9:00am—Preparing Exhibits for Support, Education and Other Expenses (1 CLE)

10:30am—Preparing Exhibits for Assets Divorces (1 CLE)

12:00pm—Preparing Exhibits for Custody Cases (1 CLE)

Monday, September 20

8:00am—Probate Administration A-Z: Understanding the Probate Process from Opening to Distribution (1 CLE)

9:30am—Appearing in Misdemeanor Court for Those Who Don't Practice Criminal Law (1 CLE)

12:30pm—Be An Access to Justice Hero: Tips and Strategies for Successful Pro Bono Representation (1 CLE/1 Ethics)

Tuesday, October 5

1:30-4:30pm—Signed and Sealed: Indiana Expungements—The Law, The Process, The Forms (3 CLE/1 Ethics) - Member \$90, Non-member \$150.

Monday, October 11

9:30-11:30am—Advanced Deposition Strategies (2 CLE) - Member \$60, Non-member \$100

12:00pm—Avoiding the Ethical Snow Storm When Working with Clients with Diminished Capacity (1 CLE/1 Ethics)

EBA Office of Video Conference*

All courses are one hour, unless noted.

EBA Member \$30/hr or Non-member \$50/hr, unless noted

REGISTER HERE

*Please indicate at time of registration.



**EBA web-based,
on demand CLE
is available 24/7!**

20 courses to choose from including general and ethics courses.

Member \$55/hour; Non-member \$75/hour

Go to the EBA website at evvbar.org and click the **CLE** button!

Don't forget:
Find a full list of
upcoming CLE on
the website at
evvbar.org

32nd Annual EBA Estate & Business Planning Institute

Friday, November 5, 2021

Check in begins at 8:00am

**DoubleTree in Downtown Evansville
or Live Webcast!***

Back by popular demand, Guest Speaker:
Dr. Roberta Flowers,
Stetson University College of Law

To register, contact Ashley @
Ashley@evvbar.org or call
(812) 463-3201.

*Please indicate at time of registration. Speakers will present in-person at DoubleTree.

WHO'S DOING WHAT?

CONGRATULATIONS TO...

...**Crystal Wildeman** and **Seth Zirkle** who were named to the Rotary Club of Evansville Class of 2021—20 Under 40.

...**Tanisha Carothers** and **Laura Scott** who have been recognized as two of the Junior League of Evansville 2021 Top 20 Women in Business.

IN CASE YOU MISSED IT...

In case you missed it, take a moment to read the article in the *The Indiana Lawyer* <https://bit.ly/3sXmyo1> featuring **Tim Born** and **Steve Bohleber**.

Best Lawyers

Have you been recognized in the 2022 edition of *Best Lawyers*?

Please let us know at julie@evvbar.org



Bar Updates:

Welcome new member **Malcolm Wickware**. Please make the following updates to your contacts:

Judge Richard D'Amour

30 River Run
Asheville, NC 28804
(812) 453-0422
damour.rich@gmail.com

Rhett Gonterman

Greg Meyer Law Office
915 Main Street, Suite 304
Evansville, Indiana 47708
(812) 213-4039
rhett@gregmeyerlaw.com

Byron Ramirez

Pro Bono Indiana, Inc.
915 Main Street, Suite 208
Evansville, Indiana 47708
(812) 402-6203
byramire@gmail.com

Malcolm Wickware

(812) 773-1436
malcolm.wickware@yahoo.com



McKeethen Law Office

Teresa McKeethen
1112 SE First Street
Evansville, Indiana 47713

Greg Meyer Law Office

Greg Meyer
Rhett Gonterman
915 Main Street, Suite 304
Evansville, Indiana 47708

APPELLATE COUNSEL FOR SOLO PRACTITIONERS AND SMALL FIRMS

Matthew McGovern has 20 years experience (400 appeals) in all areas of appellate law, including civil, family, and criminal.

CONTACT HIM NOW:

Matthew McGovern
(812) 499-7095
mcgovlaw@gmail.com

EMPLOYMENT OPPORTUNITIES

For more information and how to apply, go to evvbar.org, click the **MEMBERS** tab.

The Law Offices of Steven K. Deig LLC is seeking a qualified applicant to fill the position of Paralegal.

The Law Offices of Steven K. Deig LLC is seeking a qualified applicant to fill the position of Legal Assistant.

DCS is seeking a Local Office Attorney (LOA) for Vanderburgh county.

The Vanderburgh County Clerk's Office is accepting resumes for a deputy clerk position. Starting salary is \$28,384/yr. Great benefits and substantial PTO, including government holidays.

The Vanderburgh County Public Defender Agency in Evansville, Indiana has an immediate opening for a full-time attorney to handle cases referred to the office by the Vanderburgh Circuit and Superior Courts.

The Law Office of Jonathan M. Young, P.C. is a dynamic and fast-growing law firm who is seeking a highly motivated individual who wants to become part of a well-respected law firm in a growing community.

Southern Indiana multicounty practice with a focus in collection seeking either part-time or full-time attorney(s). Dual state licensing a plus but not required.



VERUS SECURITY

Verus Security is now providing **Skip Tracing** and **Asset Searches** to the local legal community. Skip tracing can be beneficial in any situation in which you need to find an individual, whether it's to track down someone involved in a case, locate a potential witness, or find a debtor for collection. Asset searches can be used as a valuable tool in both pre and post litigation.

Contact Julie Corbin at 877-432-4725 x 702
or julie@verus-security.com

WE ARE THE EBA



Magistrate Jill Marcum, Vanderburgh Superior Court

Partner with Kightlinger & Gray before taking the bench. My focus was defending civil suits. Auto accidents, products liability, even defended Oprah Winfrey in a slander lawsuit. This September marks my 24th year on the bench.

Why did you become an attorney? I was an accounting major in undergrad and realized that I would be bored to tears if I continued in accounting.

What reason would you give to young lawyers to join the EBA? I found that the EBA was a great way to meet other lawyers, especially the young lawyers. As I continued to practice, I found it was a great way to help work on issues within the bar association or the courthouse.

What is your favorite thing about your career? I really enjoy Mental Health Court. Working with people who are charged with crimes who suffer from mental illness has been quite rewarding.

Do you have any pet peeves? Lies. And I won't forget you lied.

Favorite quote? "I'll trade you a handful of my finest horses for a handful of your finest pigs." Jessica Marcum circa 2015

What celebrity would you like to meet for a cup of coffee? Maya Angelou-she experienced so much adversity yet saw so much beauty in life.

What was your first job? Babysitting, followed by feeding axylotles at the biology department at IU. I loved that job!

What is the best piece of advice you have ever received? If you are going to drink hard liquor, don't mix it with carbonated beverages. My dad gave me that advice the day after I graduated from high school and was hungover waiting for a ride to work. (I was legal to drink then.) He was correct.

If your friends would send you to a life coach what would it be for? To teach me how to say no.

What would those same friends say are your three best characteristics? Loyal, dependable, good sense of humor.

What is something you have learned from the pandemic? To be more accepting of things of which I have no control.

What is something about you that most people don't know? That I sew costumes and build sets for plays and musicals.



Magistrate J. August Straus, Vanderburgh Superior Court

Completing 10th year on the bench; Prior to serving as Magistrate, served as a Vanderburgh County Prosecutor for nearly one year then private practice for 10 years.

If you could star in a movie, what movie would it be? The Godfather

Why did you become an attorney? I became an attorney because I always knew I wanted to be a judge. In fairness, I always wanted to be a Supreme Court Justice, but that seems like an unrealistic goal at this point. Nevertheless, I'm right where I belong.

What reason would you give to young lawyers to join the EBA? There is no better Bar in the State and the knowledge and friendships made by being a member make you a better attorney throughout your career.

What's one secret you are still keeping from your mom? I Plead the Fifth.

Do you have any pet peeves? Tardiness

What's one thing that can instantly make your day better? Spending time with my daughter and seeing her happy.

Favorite quote? Let us endeavor so to live that when we come to die even the undertaker will be sorry.--Mark Twain

What celebrity would you like to meet for a cup of coffee? Brett Favre. But let's be honest, it would be a beer.

What was your first job? Sales Person at Elder Beerman at Washington Square Mall

What is a night at home like for you? I'm never home, I'm always with my daughter on a soccer field somewhere.

What is something you have learned from the pandemic? Tomorrow is never guaranteed, live today to its fullest. (After spending 12 days in hospital and 10 days in ICU with Covid-19.)

What is something about you that most people don't know? I am an avid motorcycle rider and rode my Harley through all 48 Continental States.



Magistrate Don Vowels, Vanderburgh Superior Court

Private practice for 30 year prior to becoming a Magistrate for Superior Court in

Why did you become an attorney? I was running out of options and I wasn't particularly good at anything.

What is the best piece of advice you have ever received? The Evansville Bar is a small boat on a long river.

What is something you have learned from the pandemic? That I was really good at self-isolating and social distancing.

What was your first job? When I was 15 years old I worked at a barbecue restaurant for 45 minutes and then quit.

Do you have any pet peeves? Yes, people who don't answer my questions directly.

SEPTEMBER 2021 CALENDAR

- 09/01 **Evansville Bar Foundation—Bylaw Review Committee Meeting**—Noon, EBA Office
- 09/02 **EBA Family Law Section Meeting**—Noon, EBA Office or Video Conference*
Talk To A Lawyer—4:30-6:00pm, EBA Office
- 09/07 **Memorial Service for The Honorable Maurice O'Connor**—Noon, Old Courthouse Shepard Courtroom
- 09/09 **CLE—For It's One, Two...Hours of CLE at the Old Ballgame—SOLD OUT**
EBA Board of Directors Meeting—Lunch at 11:45am, Meeting at Noon, EBA Office
- 09/10 **Access to Justice—Criminal Justice Work Group**—11:45am, EBA Office
- 09/14 **EBA Paralegal Section Meeting**—Noon, EBA Office or Video Conference*
- 09/15 **CLE—EBA REPLAY—Preparing Exhibits for Support, Education and Other Expenses (1 CLE)** - 9:00am, EBA Office or Video Conference—[REGISTER](#)
CLE—EBA REPLAY—Preparing Exhibits for Assets Divorces (1 CLE) - 10:30am, EBA Office or Video Conference—[REGISTER](#)
CLE—EBA REPLAY—Preparing Exhibits for Custody Cases (1 CLE) - Noon, EBA Office or Video Conference—[REGISTER](#)
- 09/20 **CLE—EBA REPLAY— Probate Administration From A-Z: Understanding the Probate Process from Opening to Distribution (1 CLE)** - 8:00am, EBA Office or Video Conference—[REGISTER](#)
CLE—EBA REPLAY—Appearing in Misdemeanor Court for Those Who Don't Practice Criminal Law (1 CLE) - 9:30am, EBA Office or Video Conference—[REGISTER](#)
EBA Diversity Committee Meeting—Noon, EBA Office or Video Conference*
CLE—EBA REPLAY—Be An Access to Justice Hero: Tips and Strategies for Successful Pro Bono Representation (1 CLE) - 12:30am, EBA Office or Video Conference—[REGISTER](#)
- 09/21 **Talk To A Lawyer**—11:30am-1:00pm, EBA Office
CLE—Why Everyone Should Have A Prenup—Noon, EBA Office or Video Conference—[REGISTER](#)
- 09/22 **EBA CLE Committee Meeting**—Noon, EBA Office or Video Conference*
- 09/23 **Ethics Potpourri**—8:00am-Noon, EBA Office or Video Conference—[REGISTER](#)
Applied Professionalism for the New Attorney—8:00am-4:00pm, EBA Office or Video Conference—[REGISTER](#)
EBA Women In Law Section Meeting—Noon, TBD

*Log in information is sent in the calendar invite for the meeting. If you would like to participate, contact Julie Moore Holtz at julie@evvbar.org.

SAVE-THE-DATE

POSTPONED TO SPRING 2022—Shepard Lecture Series

POSTPONED TO APRIL 2022—EBA Law Day Celebration

Trivia Night - Thursday, October 14, Trivia, ZOOM opens at 5:15pm with trivia at 5:30pm; GONE VIRTUAL...AGAIN! -
[REGISTER FOR TRIVIA NIGHT—https://forms.gle/tpbFmf4EBHWFQeY77](https://forms.gle/tpbFmf4EBHWFQeY77)

2021 Family Law CLE—Friday, October 29, 8:30am-4:30pm; EBA Office or Video Conference

32nd Annual EBA Estate & Business Planning Institute—November 5, 8:30am; The DoubleTree in Downtown Evansville or join via live webcast!

Annual Hot Topics—Friday, December 10, Check-in at 8am with CLE beginning at 8:30am, TBD

50 Year Honoree Luncheon—We will honor Chief Justice Randall Shepard, Bob Becker, Charlie Berger, Stan Levco and Charlie Spaetti on Wednesday, January 26, 2022; City View at Sterling Square