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EVANSVILLE BAR ASSOCIATION

# The SUMMATION

November 2016

The Monthly Newsletter of the Evansville Bar Association

401 SE 6th Street,

Suite 101

Evansville, IN 47713

812-463-3201

[www.evbar.org](http://www.evbar.org)

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## PRESIDENT'S MESSAGE

By: **Max Fiestler**

### What Do We Tell the College Senior?

I was fortunate enough to compete in the "We The People" government competition and the high school Mock Trial competition my senior year of high school. I knew at that time that I wanted to go to law school. Every class in college was directed toward that goal (although in retrospect I should have chosen a different major, but that's an article for another day). I now know that many students, possibly most students, are more deliberate and methodical about their professions or careers than I. If you stay abreast of recent news in the legal profession in and beyond Indiana, you can't help but wonder if the younger generation questions whether lawyers are becoming obsolete. It is therefore natural for the college senior to question if studying the law is a wise investment in their future. Whatever resolve they may have is not strengthened by recent bar exam results. Passage of the bar exam in February of 2016 was 55% after appeals. Passage of the July 2016 exam was only 68% after appeals. At the same time, the cost of a law degree rises. We should not want promising college students struggling with the question of why they should incur six-figure debt to study for a profession which is under attack by inexpensive, instant forms, only to then face a daunting statistic that somewhere around 2 of every 5 people fail the test they must pass to use their skills. "Why would I go into THAT line of work?" they may ask.



Because it's the best profession in the world, that's why. Because the old adage is right; when you love what you do, you never work a day in your life. Because you have a desire to help people when they are facing significant troubles that scare them. Because a fill-in-the-blank document for \$199.99 will never forecast the trouble it will get you into, and when the client asks that document what to do now, the document will have no answer. Because you want to participate in "pro bono", this wonderful concept where you assist people who cannot afford the legal help they need. Because when you are 39 years old and your contemporaries are talking about how hard they are working because they want to retire at age 50, you politely nod your head, smile, and wonder how confused they would be if you told them you want to practice law far into your 60s or 70s. Because it feels great to win. Because if you are lucky enough to make a living practicing law in southwest Indiana, you will lock proverbial horns with an adversary who you respect and who in turn respects you; you will later shake hands with, clink glasses with, or simply nod across the room to that adversary, a sign of mutual admiration for a job well done. Because passing the bar is not easy, and when you pass it on the first or fourth attempt, you will have overcome a substantial obstacle. Because people have needed lawyers for millennia and will continue to need them. Because a client will hug you with relief when they sign their will; cry with joy when their guardianship is established; celebrate when your contract gets them a life-changing business deal; or simply give you a firm handshake when the jury or court's decision comes out. Because every year, you will be a better lawyer than you were the year before.

Proceed undaunted, young person. There is always opportunity for those who work for it. Available resumes in the EBA's bank are low. Attorneys are needed, and the opportunity is there for you to grasp. If you are inclined to study the law, dive into it with a fervor you have never shown in your life. Then, in a few years after you and I have brought our respective clients' dispute to a conclusion, give me a simple nod from across the room.

## EBA NEWS

The following recommendations of the ISBA "Committee for the Future of the Provision of Legal Services" were voted on by the House of Delegates at the ISBA Annual Meeting, with the following results:

- The Committee recommended that the ISBA adopt and promote a campaign to educate the public about the benefits and protections of having an attorney handle appropriate legal problems and issues. This passed.
- The Committee recommended that the Rules of Professional Conduct be amended to permit non-lawyers to own not more than 49% of the equity of a law firm. In addition, minority, non-lawyer ownership should be non-voting to ensure that the lawyer's independence is not compromised. This recommendation did not pass.
- The Committee recommended that the State provide and pay for a coordinator for unrepresented civil litigants in each Indiana county. Delegates voted to table this issue for one year.
- The Committee recommended that ISBA create a Law Practice Management Consultant staff position to assist Indiana lawyers to use technology and other tools more effectively to provide client services in a more efficient, competent, and ethical matter at a reasonable cost. This passed.
- The Committee recommended that the Rules of Professional Conduct be amended to permit non-lawyers to own not more than 49% of the equity

## VOLUNTEER LAWYER PROGRAM

**Get Your Pro Bono On.... By Judge Greg Smith and Magistrate Sheila Corcoran**

Last month, we reminded everyone to make sure to get their Closing Reports in to VLP. Don't forget to report those self-directed hours, as well. If you need a form to make a report, just send Beverly or Scott an email and they will get the form to you. The form is quick and easy to fill out, scan and email, fax or snail mail. It doesn't matter how it's reported, just make sure to report all the good work that you do. The deadline for sending in hours to VLP for 2016 is December 27<sup>th</sup>.

Included in the Summation is the sign up sheet for 2017 Talk to a Lawyer. Lawyers and paralegals are needed. Please take the time to designate the dates you would like to volunteer and send that back to VLP as soon as possible. Notice that there is a special talk to a lawyer session on January 16<sup>th</sup>. If a firm or section would like to sponsor that session, please get that information in quickly. Whoever sponsors that session will have the opportunity to set the hours and whether the session will be a telephonic or face to face. The sponsor is responsible for recruiting the volunteers and arranging for snacks. VLP staff will assist and will also be present during the session, to make sure everything runs smoothly. If two or more firms or sections want to sponsor that date, we'll give them the opportunity to pick an alternate date.

The end of 2016 is right around the corner. Let's take 2016 out with a real bang by reporting all those hours and getting talk to a lawyer clinic scheduled. Thank you, everyone!

# VETERANS DAY CELEBRATION



5:00 PM

NOVEMBER 10

RI RA IRISH PUB

ALL ARE WELCOME AND  
ENCOURAGED TO ATTEND  
TO HONOR OUR  
VETERANS

**Sponsored by:**

Berger & Berger

Fine & Hatfield

Joe Langerak & Jim Johnson

Kahn Dees Donovan & Kahn

Kightlinger & Gray

Tuley Law

Ziemer Stayman Weitzel & Shoulders



## WHO'S DOING WHAT?

Congratulations to **Hon. Wayne Trockman** who was presented the Sagamore of the Wabash Award.

Congratulations to **Scott Wylie** and **Max Fiester** for being inducted as Indiana Bar Foundation Fellows

Congratulations to **Hon. Les Shively** on his induction into the EVSC Hall of Fame, Class of 2016.

## AROUND THE BAR



**Above:** EBA Representatives at the ISBA House of Delegates



**Left:** Diversity Committee members at Fiesta Evansville

**Right:** The 2016 winners of Trivia Night, Bamberger "X-party Animals."



**Bottom Left:** The 2016 winners of the Dum-Dum Tree, "Such Nasty Ladies."



**Bar Updates:** Welcome new attorney member **Cyromia L. Hughes-Love** to the Evansville Bar Association.

## Committee/Section Meetings

- 11/01 **Family Law Section Meeting**, Noon - EBA Office - **CANCELLED**
- 11/14 **Communications Committee Meeting**, 8:00 am - EBA Office
- 11/17 **Young Lawyer Section Lunch**, Noon - Turoni's Main Street
- 11/30 **CLE Committee Meeting**, 11:45 am - Lic's Deli



EVANSVILLE BAR ASSOCIATION

There will be approx. 65 hours of EBA CLE offered

**November 1 - December 21.**

**There will be NO EBA CLE offered December 22 - January 8.**

## EMPLOYMENT OPPORTUNITIES

The Evansville office of Wooden McLaughlin is seeking to expand its practice areas of employment, business, and real estate. Attorneys with five+ years of experience should direct their inquiries to Ross Rudolph at

[Ross.Rudolph@WoodenMcLaughlin.com](mailto:Ross.Rudolph@WoodenMcLaughlin.com) or 812-401-6151



**Javier Lugo,**  
President



On October 20th, over 125 Evansville Bar Association attorneys joined together for a night of frivolity to compete in the annual Trivia Night. This event was sponsored by the EBA's Access to Justice Committee and co-sponsored by the Evansville Bar Foundation. The proceeds of the event will go to benefit the Volunteer Lawyer Program and the Legal Aid Society of Evansville.

After 8 rounds of grueling questioning that tested our knowledge (or lack thereof) of Supreme Court Justices, Alexander Hamilton, and the brief Friends spin-off show "Joey", there had to be a few over-time rounds in order to crown a winner. In the end, the Bamberger "X-partay Animals" stood alone as the victors and collected their \$500 prize. In a not so trivial maneuver, the "X-partay Animals" continued the generous and classy tradition from previous Trivia Nights and donated the winning proceeds back to VLP and the Legal Aid Society. In total, \$6850.00 was raised during Trivia Night!

It was a fantastic night that showed how our Bar Association can do such good work for such good causes. All while still having a very good time!

## LAW LIBRARY NEWS NOVEMBER 2016

A reminder for all legal researchers: **Shepard's Citations (electronic version)** is available on a walk-in basis in the Law Library. It uses the Lexis Advance platform. There is no charge to use the service; however, printing costs 50 cents per page. The usual discount for Law Library Foundation members applies! You can also request Shepard's printouts by phone or email, with delivery the same day in most cases. Regular document delivery charges and discounts apply.

If you have questions about Shepard's, or any other Law Library services, please send email to [evvlaw@evansville.net](mailto:evvlaw@evansville.net), or call 812-435-5175.

## 2016 CONTRIBUTORS

Thank you to those that have contributed to the John L. Sanders Memorial - Evansville Bar Foundation in 2016.

**In 2016 The Evansville Bar Foundation awarded \$24,000 to community programs, but nearly \$44,000 in grants were requested. Two-thirds of all donations go towards funding grants. Please donate to assure we can fully fund next year's requests.**

### Lead Counsel

Foster, O'Daniel,  
Hambidge  
& Lynch LLP

Todd I Glass

Steve Hoar

P. Michael  
Mitchell

Stephen Thomas  
Brian and Barbara  
Williams

### Court Counsel

James Casey

Charles Hewins

Michael Land

Krista Lockyear

Terry Noffsinger

Lori Sherman

Hon. Leslie Shively

Dirck Stahl

Bob Zoss

### Attorney of Record

Sacha Armstrong

Steve Barber

Erin Bauer

Diane Bender

### Attorney of Record (cont)

D. Timothy Born

Allyson Breeden

John Brinson

Thomas Bryan

Michele Bryant

Wilfred Charles  
Bussing III

Allison Comstock

Hon. Richard G.  
D'Amour

Dennis Dewey

Marc Fine

Jimmy Gentry

Kevin Gibson

Benjamin Haddox  
Jr.

David Hatfield

Kelly Jackson

Yvette LaPlante

Ryan Parker

Daniel R.  
Robinson, Jr.

Katherine J Rybak

G. Michael  
Schopmeyer

David Shaw

Philip Siegel

John A. Thomason

Dan Tuley

Heath Tuley

John Whinrey

Joseph Michael  
Woods

Sarah Woods &  
Javier Lugo

Scott Wylie

### New Attorney (0-3 Years)

Lindsay Charles

Steven Charles

Ryan Hatfield

Brandon Powell

Erin Schmitt

Patrick Thomas

### Paralegal

Barbara VanZant

## SAVE THE DATE

**March 14, 2017**

**Dialogue Between the Bench and Bar**

**With: Justice Slaughter**

**Discussion of upcoming E-filing requirements**

**AND MUCH MORE.....**

# WHAT'S COMING UP

Register on-line at [www.evvbar.org](http://www.evvbar.org), email [eba@evvbar.org](mailto:eba@evvbar.org) or call Jeana at 812-463-3201

**Topics**

Civil Law Update

Family Law Update

Criminal Law Update

DWI Update

Ethical Problems with Endorsements & Reviews on Social Media

E-filing in Vanderburgh County

## HOT TOPICS

**“Always Fast and Fun”**

8:00 am - Noon, December 02

First Security Bank Conference Center

21 SE Third Street - Lower Level

**COST**

\$100 for EBA Members

\$150 for non-EBA Members

**3 CLE/.5 Ethics**

**SPEAKERS**

*Seminar Chair,* Hon. R. Jeff Tornatta

Hon. Leslie Shively

Laurie Bumb

Drew Pittman

Patrick Duff

Lane Siesky

Timothy VanCleave



## 27TH ANNUAL EBA ESTATE & BUSINESS PLANNING INSTITUTE

Friday, November 18, 2016 - Tropicana Conference Center, Walnut Room A

PRESENTED BY:

THE EVANSVILLE BAR ASSOCIATION PROBATE, ELDER LAW AND GUARDIANSHIP SECTION  
- BEAU DIAL, CHAIR

SEMINAR CHAIR  
REED SCHMITT

<b>EBA Members</b>	
Flashdrive Materials	\$245
Book	\$275
Book & Flashdrive	\$285
<b>Non-EBA Members</b>	
Flashdrive Materials	\$265
Book	\$295
Book & Flashdrive	\$305



**New ALTA Survey Standards - 1 CLE**

Wednesday, November 02

\*Additional \$5 for walk-ins

Noon - EBA Office

Cost is \$25 for Real Property Section Members, \$30 for EBA Members and \$50 for Non-members

Register online at [www.evvbar.org](http://www.evvbar.org)

email [eba@evvbar.org](mailto:eba@evvbar.org) or call 812-463-3201

**Not Recognizing the Warning Signs of Domestic Abuse Will Hurt Your Client... And Maybe You Too 8 CLE**

**November 3 or November 4** (Same Agenda offered each day)

Welborn Conference Room - 412 Mulberry

The EBA in collaboration with the Parenting Time Center are pleased to have representatives from the **National Judicial Institute on Domestic Violence** present this very important workshop on domestic abuse.

Cost is \$200. Register via email [eba@evvbar.org](mailto:eba@evvbar.org) or call 812-463-3201. Indicate which date you plan to attend. Start time 8:00am.

**What You Need to Know About Vanderburgh County Mental Health Court - 2 CLE**

Wednesday, November 16 \*Additional \$5 for walk-ins

Noon - EBA Office

Cost is \$60 for EBA Members and \$100 for Non-members

Register online at [www.evvbar.org](http://www.evvbar.org)

email [eba@evvbar.org](mailto:eba@evvbar.org) or call 812-463-3201

**Ethical Implications of New ABA Model Rule 8.4 Both In and Out of the Courtroom (or Law Office) - 1 Ethic CLE**

Wednesday, December 07 \*Additional \$5 for walk-ins

Noon - EBA Office

\$30 for EBA Members and \$50 for Non-members

Register online at [www.evvbar.org](http://www.evvbar.org)

email [eba@evvbar.org](mailto:eba@evvbar.org) or call 812-463-3201

**Successful Mediation Strategies from Successful Mediators- 3 CLE/3 CME**

Friday, December 09

9:00 am - EBA Office \*Additional \$5 for walk-ins

\$90 for EBA Members and \$150 for Non-members

Register online at [www.evvbar.org](http://www.evvbar.org)

email [eba@evvbar.org](mailto:eba@evvbar.org) or call 812-463-3201

**"NOBODY CAN DO EVERYTHING, BUT EVERYONE CAN DO SOMETHING"**

Be an active member of your Bar association!

Talk to a Lawyer  
Diversity Committee

CLE COMMITTEE

ACCESS TO JUSTICE

**BENCH & BAR**  
COMMUNICATIONS

Law Day Planning

EDITORIAL BOARD ORAL HISTORIES

Membership Committee

Speakers Bureau

# NOVEMBER CALENDAR

- 11/01 **Family Law Section Meeting**, Noon - EBA Office - **CANCELLED**
- 11/02 **“New ALTA Survey Standards”**, Noon - EBA Office
- 11/03 **“Not Recognizing the Warning Signs of Domestic Abuse Will Hurt Your Client...and Maybe You Too”**, 8:00 am - Welborn Room (410 Mulberry Street)
- 11/03 **Talk to a Lawyer**, 4:30 pm - EBA Office
- 11/04 **“Not Recognizing the Warning Signs of Domestic Abuse Will Hurt Your Client...and Maybe You Too”**, 8:00 am - Welborn Room (410 Mulberry Street)
- 11/10 **EBA Morning Mixer**, 8:30 am - Donut Bank
- 11/10 **EBA Board of Directors Meeting**, 11:30 am - EBA Office
- 11/10 **EBA Veterans Day Celebration**, 5:00 pm - RiRa's Irish Pub
- 11/14 **Communications Committee Meeting**, 8:00 am - EBA Office
- 11/16 **“What You Need to Know About Vanderburgh County Mental Health Court”**, Noon - EBA Office
- 11/17 **EBF Board of Directors Meeting**, Noon - EBF Office
- 11/17 **Young Lawyer Section Lunch**, Noon - Turoni's on Main
- 11/18 **“27th Annual EBA Estate and Business Planning Institute”**, 8:30 am - Tropicana Conference Center
- 11/30 **“I've Got Your Back; You've Got My Ear: Suicide Prevention in the Legal Profession” - ABA Webinar**, 9:00 am - EBA Office
- 11/30 **CLE Committee Meeting**, 11:45 am - Lic's Deli

## EBA VIDEO REPLAYS

- 11/7 & 8 **Indiana Law Survey - 12 CLE, 9:00 am**
- 11/29 **Future of the Legal Profession - 1 CLE, Noon**
- 11/30 **Webinar - I've Got Your Back; You've Got My Ear: Suicide Prevention in the Legal Profession - 1.5 Ethics - 9:00 am**

The EBA has over 25 hours of video replays scheduled for December. Check [evvbar.org](http://evvbar.org) for an up to date listing.

### ICLEF VIDEO REPLAY

For reservations, pricing, or to verify credits or content for the ICLEF video replays, please contact ICLEF at (317) 637-9102 or visit [www.iclef.org](http://www.iclef.org).

- 11/14 **“MBA Concepts for Lawyers”**

# TALK TO A LAWYER - 2017

Co-sponsored by the Volunteer Lawyer Program of Southwestern Indiana, Inc.  
and the Evansville Bar Foundation

*"Life's most persistent and urgent question is what are you doing for others." Dr. Martin Luther King Jr.*

Talk to A Lawyer takes place the first Thursday of every month (with a couple exceptions). Participating lawyers are asked to donate two and a half hours to answer general questions posed by the general public about legal issues. The call-in site is located at the Evansville Bar Association, 401 SE 6th Street, Suite 101, Evansville, Indiana. Please let us know that you will volunteer!

2 Paralegal volunteers are needed every month, too!

Name and Attorney I.D. No.: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

\_\_\_\_\_ January 5, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ February 2, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ March 2, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ April 6, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ May 4, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ June 1, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ July 6, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ **Our Firm would be willing to sponsor Talk to a Lawyer for 2 hours on January 16, 2017**

\_\_\_\_\_ August 3, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ September 7, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ October 5, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ November 2, 2017, 4:30 to 7:00 p.m.

\_\_\_\_\_ December 7, 2017, 4:30 to 7:00 p.m.

**Please return complete form to VLP, 915 Main Street, Suite 208 Evansville, Indiana, fax to (812) 402-6304 or email to [vlpcorn@sigecom.net](mailto:vlpcorn@sigecom.net), as soon as possible.**

**THANK YOU**