

The

Summation



EVANSVILLE BAR ASSOCIATION

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Evansville, IN 47713

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www.evbar.org

Inside this issue:

EBA Board News 2

Tech Tip 2

Around the Bar 3

Section Meetings 3

Chief Justice Remarks 5

EBA Calendar 6

**EBA
CENTENNIAL
1911 - 2011**

June 2011

The Monthly Newsletter of the Evansville Bar Association

PRESIDENT'S MESSAGE

By Krista Lockyear

Into the Next Century

I do not recall previously "retiring" from a position, or ever feeling so involved with a group that goodbye has been difficult. I guess I'm one of those who is usually in for the long haul. But my time as President, and 3 years as an officer of our Bar Association, is at an end and its time to move on. As I complete my term, the EBA moves into its second century. Your new Board has great things in store, including some strategic planning to help the group continue to be a vibrant and meaningful association for its members.



I would like to thank Susan Vollmer and Cathy Martin for their tireless efforts to support our organization. They are spectacular at what they do and always operate with the best interest of our members in mind. I can't remember a single instant when a question or issue arose that Susan and Cathy weren't already a step ahead considering options and solutions. Likewise, the remaining officers of the EBA, Todd Glass, Doug Briody and Scott Wylie, and all the Board members, continue to push to help our organization provide the services that are needed by our membership.

What a year it has been! Inspired by the vision of Dan Carwile and Susan Helfrich, we completed the restoration of the Superior Courtroom through the generosity of our members. We relocated our offices to accommodate our growing CLE offerings and attendance, and to upgrade the technological amenities available for seminars. Todd Glass and Doug Briody led us in the creation of the Vanderburgh County Legal History Center, which will be enjoyed for generations.

I also have to thank my partners and my husband for supporting my time involved in bar activities, when they would have preferred my efforts to be billable, or domestic, respectively. But most of all I thank our membership, because working for a group of attorneys such as we have in Evansville really is rewarding. I appreciate all the comments that I received about my articles (good, bad or indifferent) even though I will be relieved not to write them anymore. I appreciate the compliments, the suggestions and the criticism, because all of those were the result of concern for the good of our association. Please continue to provide feedback to Susan and the rest of the Board, as this is what continues to drive the EBA to improve.

We are proud to be known as very collegial bar association, but that's not all – we are a bar association that gets things done. So for every project, committee, section, or event that Evansville attorneys are involved in – keep giving it you're all. The involvement of each and every attorney improves the association, so whether it's a large contribution or small one, just do it. Through active membership, I am confident that the next Century will bring more great things for the EBA.

News From the EBA Board of Directors

Annual Meeting and Election of the Board of Directors
Monday, June 6
5:00PM
EBA Office

The slate of officers and directors up for election is as follows:

President-elect: **Doug Briody**
Vice-President: **Scott Wylie**
Secretary/Treasurer: **Laura Scott**
Judicial Rep: **Mag. Kelli Fink**
Out of County Rep: **Kay Pechin**

At-Large Members:
Tim Born
Max Fiester
Jimmy Gentry
Steve Hoar
Kase Stiefvater

News From the VLP

By Judge Wayne S. Trockman and Judge Dean A. Sobecki

May 9th, we held a special recognition dinner for those attorneys who had volunteered 50 hours or more of pro bono service during 2010. We were especially excited to have as our special guests, **Justice Steven David** of the Indiana Supreme Court, **Catheryne Pully**, from the Indiana State Bar Association, and **Jeff Lind**, President of the Indiana State Bar Association. Both Justice David and President Lind spoke to the board of directors and honorees about their beliefs and involvement with pro bono, as well as their respect for the work that is done in District 13 by all the volunteers. Following their messages, each 50 hour honoree was called forward to receive a certificate and have their picture taken with Justice David and President Lind. It was a great evening, by all accounts.

Those individuals who were honored for donating 50 hours or more of pro bono service to District 13 for 2010 are: **Paul Black, Raymond Dudlo, Sue Ann Hartig, P. Michael Mitchell, Christopher Ripley, Katherine Rybak, Garvin Senn, Katherine Vanost-Jones, Patricia Woodring, Kay Pechin, Katherine Worman, David Sanders, Robert Simpkins, Yvette Kirchoff, Kevin Gibson, Todd Glass, Scott Wylie and Beverly Corn.** Thank you for your dedication and commitment.

Last month, we recognized a couple law firms and individuals attorneys who had generously donated money to VLP, to help with the cost of the 50 hour celebration and talk to a lawyer program. This month, we add a few more firms to that list and want to publicly thank: **Ziemer, Stayman, Weitzel & Shoulders, Jones Wallace and Kahn, Dees, Donovan & Kahn.** Thank you for your support and financial assistance.

Finally, thank you to all who generously give your time and talents to the people of southwestern Indiana. VLP, District 13, would not have the reputation it enjoys throughout the state, if it were not for you. Thank you.



TECHNOLOGY TIP OF THE MONTH

Have you tried Drop Box yet? If not, check out dropbox.com. Download the FREE software on your work computer, home computer, smartphone, laptop etc and any document you save in the convenient desktop folder will be ready and available on any other computer you have loaded the software on. Many small companies are using it in lieu of a server.



VLP 50 Hour Recognition Dinner

The memorial service for long time EBA member **Jack VanStone** will be held Friday, June 3, 2011 at Noon at the Randall T. Shepard Courtroom located in the Old Courthouse.

Who's Doing What?

Congratulations to **Katherine Worman** of Bowers Harrison who was named an Up and Coming Lawyer by the Indiana Lawyer Leadership in Law Program.

Congratulations to **James Johnson** of Rudolph, Fine, Porter & Johnson who was appointed to serve on the Local Rules Advisory Committee for the U.S. District Court for the Southern District of Indiana.

June Section/Committee Meetings

- **Probate, Elder Law and Guardianship Section Meeting** - Wednesday, June 1, Noon - EBA Office
- **Bench and Bar Committee Meeting** - Monday, June 6, Noon - EBA Office.
- **Family Law Section Meeting** - Tuesday, June 7, Noon - Riverview by Firefly Blue and Gold Room
- **Solo/Small Firm Section Meeting** - Wednesday, June 15, Noon - EBA Office
- **CLE Committee Meeting** - Wednesday, June 22, 11:45AM - Lic's Deli
- **Diversity Outreach Sub-Committee Meeting** - Tuesday, June 28, Noon - Judge Hussmann's Chambers

Employment Opportunity

After 15 years of dedicated service to our members, our own Cathy Martin has announced that she will be retiring this summer. Cathy has been an important part of the success of the EBA and we will miss her.

Please see the announcement for her position below.

Executive Assistant
25-30 hours per week.

Skill Requirements:

- Proficient in Microsoft Word, Excel, Outlook & Powerpoint
 - Strong Computer Skills
- Strong Oral and Written Communication Skills
 - Attention to Detail
- Solid Organization and Time Management Skills
 - Ability to Work Independently

Interested candidates should send resume and cover letter to Susan Vollmer - susan@evvbar.org

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AROUND THE BAR: Please make the following changes and additions to your address book:

Timothy A. Klingler
Rudolph, Fine, Porter & Johnson
221 NW Fifth Street
PO Box 1507
Evansville, IN 47706-1507
(812)422-9444
Fax (812)421-7459
tak@rfpj.com

****Please note that although LaShay Newton's contact information is Greenwood, she will be working from an Evansville based office.**
LaShay W. Newton
Med-I Solutions, LLC
517 US Hwy 31 N
Greenwood, IN 46142
(317) 883-5600
Fax (317) 865-1939
LaShay.Newton@RevOneCompanies.com

The EBA is still getting numerous checks sent to the old address. **PLEASE** update your records.

Evansville Bar Association
401 SE 6th Street, Suite 101
Evansville, IN 47713

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KATY O'LEARY, ASSOCIATE
NUTTER McCLENNEN & FISH LLP, BOSTON

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Hon. Carl A. Heldt
President

Foundation Year End Report

As my term as president of the John L. Sanders Memorial - Evansville Bar Foundation comes to an end, I wanted to assure that the EBA membership is aware of the important projects that the Foundation has funded this year. First, the Foundation was instrumental in the fundraising project that allowed for the completion of the restoration of the Randall T. Shepard Courtroom and the unveiling of the Vanderburgh County Legal History Center.

In addition, the Foundation provided grants this year to the EBA Diversity committee, Volunteer Lawyer Program, Legal Secretaries of Southwestern Indiana, and Randall T. Shepard Academy of Law and Social Justice. Over the next few months, incoming Foundation President Brad Salmon will spotlight each of these organizations and committees to showcase the important work each of them are doing in our community.

It has been my pleasure serving as President of the Evansville Bar Foundation. I encourage each of you to attend the Foundation's Annual Meeting, Monday, June 6, 5:00PM, at the EBA/EBF office to join in celebrating the year and looking forward to our future.



WHAT'S NEW @ THE LAW LIBRARY?

By: Helen Reed

Keeping Up with Case Law

Remember advance sheets? Until recently, the William H. Miller Law Library received these disposable pre-prints of permanent reporter volumes for all units of the West National Reporter System. Because of budget and space constraints, the library now receives paper advance sheets for just a few courts, including Indiana, Kentucky, the U.S. Courts of Appeal, and the U.S. Supreme Court. Taking their place are electronic alert services that provide FREE access to summaries of recent decisions. A recently launched service from Justia, <http://www.justia.com>, a site that facilitates free access to court opinions, includes daily and weekly opinion summaries for all Federal Courts, and selected State Supreme Courts. To sign up for the Case Summary Newsletters you first need to create a Justia account. Then you will be able to select the free newsletters you wish to subscribe to.

For information about other free case alert services, please call 812-435-5175 or send email to evvlaw@evansville.net.

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Mentors Needed

It is the goal of the Randall T. Shepard Academy for Law and Social Justice to have an attorney mentor for each student in the Academy. The teacher has indicated that 51 new students will be entering the Academy next year, increasing the need for attorney mentors greatly. We were asked to make the request through the EBA for attorney mentors for the Shepard Academy. If anyone is interested, they should email Staci Herrin at Staci.Herrin@evsc.k12.in.us. The time commitment is minimal and the students truly appreciate our efforts. They are getting ready to implement some really cool projects in the upcoming school year.



EVANSVILLE BAR ASSOCIATION

Remarks on the 100th Anniversary of the Evansville Bar Association
Written by Chief Justice Randall T. Shepard
Delivered by Judge Melissa S. May

For the better part of a year I have been looking forward to spending this wonderful evening with the lawyers and judges from whom I learned about our profession. It grieves me more than words can describe to say that two medical afflictions arising in recent days have made it clear that travelling to Evansville for this delightful reunion is simply not possible. Our friends in the medical profession tell me that the problems that have laid me low can be remedied, but not by Friday evening.

I've spent a lot of time thinking about what to say on tonight's occasion about lawyering and about Evansville lawyers, and I'm especially grateful that my friend Judge Melissa May has agreed to stand in for me and deliver this short message.

Ok, so what about Evansville lawyers? The place and the occasion that bring us together remind me of three stories about what Evansville lawyers have done for their fellow human beings.

One such event actually goes back to the date of Indiana's founding. A southern slaveowner carried off from southwest Indiana to a slave state a free black man named Thomas Agneu with the plan of putting him once again into bondage. The widow of Tom Agneu's former owner knew him to be free, and she began to search for someone who could help correct this outrage. Several people suggested that she make a trip down to Evansville, where there was a lawyer who had helped other people in such situations. She and this lawyer managed to produce documentary evidence that Agneu was a free man and succeeded in persuading a court in a slave state to issue an order restoring his freedom to him. Thomas Agneu, and the widow, and the Evansville lawyer all made it back safely to non-slave territory, Indiana. The Evansville lawyer who worked this miracle was a very young Conrad Baker.

The second event comes from later in the nineteenth century, at the moment when the nation was debating what Equal Protection really meant. One of the central figures in the epic segregation case of Plessy v. Ferguson was a shirt-tail Evansville lawyer named John Marshall Harlan. Harlan actually grew up in north central Kentucky, which meant that Evansville was a place he knew well as a "big city" in the region where he grew up. As a young lawyer he came here often to litigate cases and assist clients. In the course of these visits, he became entranced with one of the city's most eligible young women, Malvina Shanklin, whose family name we still hear today when people are talking about theater at the University of Evansville. John Harlan and Malvina Shanklin came to be married and lived together for 55 years until he died. Harlan, of course, also became a Justice of the U.S. Supreme Court. And all of you know about the great historic deed of Justice Harlan, whom I'll call an Evansville lawyer. When the entire rest of the Supreme Court signed off on "separate but equal" and authorized generations of the inferior and segregated education for African-Americans, the Justice who walked our streets stood nobly as the lone dissenter. The judgment of history about his character as a human being and as a lawyer is a solid salute.

Finally, and within the memory of many now living, the question at stake was whether the American legal system was willing to give even the worst among us a fair trial. "Mad Dog" Leslie Irvin certainly qualified as the worst among us – he was the admitted killer of six people in the course of a rampage through Indiana and Kentucky during the 1950's that brought fear and outrage to the community. Charged with capital murder, he went to trial before a jury who knew all about his gruesome deeds and as one might expect felt keenly the public's fury. The jury found him guilty and sentenced him to execution. That conviction was set aside and a new trial ordered by the Supreme Court of the United States. Justice Tom Clark wrote: "When life is at stake, it is not too much that a defendant be tried in an atmosphere undisturbed by so huge a wave of public passion and by a jury other than one in which two-thirds of the members admit, before hearing any testimony, to possessing a belief in his guilt." The counsel who won that case, reaffirming the American commitment to fair trial, were two young Evansville lawyers named Jim Lopp and Ted Lockyear. (Counsel for the State of Indiana, by the way, was Assistant Attorney General Richard Givan, later of our Supreme Court.)

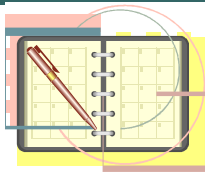
I have had these instances and others like them on my mind partly because we meet in this place of justice and meet with our fellow lawyers and judges. These stories are monuments reflecting great achievements by the members of our bar.

But they are important for another reason. These legends and others ought to remind all of us that there are great lawyer stories yet to be written. Great improvements in the system of justice yet to be conceived and made real. The members of the Evansville bench and bar make outsized contributions to the cause of substantial justice whether the matter is being argued in an appellate court or in the courts of first instance where most Americans either get justice or do not. And whether the question has been sentencing innovation, the Rules of Evidence, the surrogate rule, continuing legal education, lawyer and judicial ethics, jury reform, pro bono work – to name but a few – whether it's service on bar section committees or on Supreme Court commissions, Evansville lawyers and judges act today in ways that make them worthy successors to the heroes whose exploits I described earlier.

For all these reasons and for so many more, I am proud to be an Evansville lawyer. I take great cheer in this 100th anniversary of our Association's founding, and in the projects chosen to commemorate it, and I am deeply beholden to you for the thoughtfulness of designating the gloriously restored courtroom in my name. I look forward to seeing you soon. Long live the Evansville bar!



All of the amazing pictures of the 100th Anniversary taken by photographer Jordan Barclay can be viewed at jordaybarclay.com/client/eba



JUNE CALENDAR

Reservations for all ICLEF video replay seminars must be made through ICLEF in Indianapolis. Call (317) 637-9102, or go to www.iclef.org. Walk-ins will be accommodated on a space available basis only. Please check with the EBA office to confirm the availability of space and books if you plan to walk in. Final content, including CLE and Ethics Hours, is controlled by ICLEF and should be verified with that organization.

- 06/01 Probate, Elder Law & Guardianship Section Meeting, Noon - EBA Office
- 06/01 Executive Committee Meeting, 1:30PM - EBA Office
- 06/02 Talk-to-a-Lawyer, 4:30PM - EBA Office (Note new location)
- 06/03 Jack Vanstone Memorial Service, Noon - Randall T. Shepard Courtroom
- 06/06 Bench and Bar Committee Meeting, Noon - EBA Office
- 06/06 EBA/EBF Annual Meetings
- 06/07 Family Law Section Meeting, Noon - Riverview by Firefly at ONB
- 06/09 EBA Board of Directors Meeting, 11:30AM - EBA Office
- 06/15 Solo/Small Firm Section Meeting, Noon - EBA Office
- 06/16 EBF Board of Directors Meeting, Noon - EBF Office
- 06/22 CLE Committee Meeting, 11:45AM - Lic's Deli
- 06/28 Diversity Outreach Sub-Committee Meeting, Noon - Judge Hussmann's Chambers

EBA VIDEO REPLAYS

- 6/28 Proper Foreclosure Procedures 1 CLE Noon - EBA Office (Originally Presented 3-11-11)
- 6/29 Criminal Law 101 1 CLE Noon - EBA Office (Originally Presented 3-18-11)
- 6/30 Small Claims and Collections Update 1 CLE Noon - EBA Office (Originally Presented 4-15-11)

**** Note: if you attended the live presentation, you cannot receive CLE credit for attending the video replay.**

UPCOMING ICLEF VIDEOS

- 06/07 Property Tax Institute
- 06/14 Title VII Harassment Cases
- 06/21 MBA Concepts for Lawyers

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

RESERVATION FORM FOR EBA MINI-SEMINARS & ACTIVITIES: (You may also contact Cathy Martin at 426-1712, cathy@evvbar.org.)

(Do not use this form for video replays. To make reservations for video replays, call 317 637-9102, or go to www.iclef.org.)

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