

ARTICLE III.

The purpose of the Association shall be to advance the science of jurisprudence, promote the administration of justice, uphold the honor of the profession of law, to encourage cordial discourse and interaction among members of the bar and between the bench and bar of St. Joseph County and of the state of Indiana, and to correlate the various activities of the Association in the interest of the legal profession and the public which it serves.

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St. Joseph County Bar Association

April 2014 Newsletter



Volunteer Lawyer Network is hosting a Trivia Night!!

Friday, May 9th, 2014

Emceed by Magistrate David T. Ready

Location: Jewish Federation, at 3202 Shalom Way, South Bend.

Time: Doors open at 6:00 P.M. Games begin at 7:00 p.m.

Cost: \$150 per team – 8 players per team



All proceeds go to support the mission of the VLN.

Bring your own snacks! Cash drinks available.

A registration form is available at www.sjcb.org.

Please make checks payable to VLN.

Teams must register in advance; SPACE IS LIMITED and will sell out!!

Sponsorship opportunities are available as well beginning at \$100!

Contact Mark Torma at volunteerinc@att.net or [574-277-0075](tel:574-277-0075) for more details.

Upcoming Local CLE Opportunities

FOR NEW ATTORNEYS ONLY
JUDICIAL CLE SERIES

April 22

Hon. Jenny Pitts Manier

St. Joseph Superior Court -Mishawaka, IN

May 19

Hon. Steven Hostetler

St. Joseph Superior Court, South Bend

June 2

Hon Michael G. Gotsch

St. Joseph Circuit Court, South Bend

Registration is REQUIRED for each of these sessions and is LIMITED to new attorneys (those attorneys who have been in practice 10 years or less.

*CLE: The Insolvency Committee
Presents*

**"Bankruptcy Update CLE"
(1.5 CLE)**

Friday, April 25th, 2014

12 Noon– 2:00 p.m.

Presenters:

Debra Miller, John VanLaere, Alexander Edgar, Mike Watkins, & Mark Adey

Riverside Terrace,

426 Lincolnway East, Mishawaka, IN
Buffet Lunch includes: Steak Kabobs, Baked Potato, Tossed Salad and Garlic Bread

St. Joseph County Bar Association

Calendar of Upcoming Events

- April 18 Good Friday— SJCBA Offices and St. Joseph County Courthouse CLOSED
- April 22 CLE (for New Attorneys Only): Judge Manier's Courtroom, Mishawaka, IN —(*Registration Required*)
- April 25 CLE: The Insolvency Committee, **Bankruptcy Update CLE**: Riverside Terrace, 12 Noon– 2:00 p.m.
- April 28 **ASK A LAWYER**, 1:00 p.m.– 4:00 p.m., St. Joseph Co. Public Library, Downtown South Bend
- April 30 "Appeals on Wheels," St. Joseph High School, 11:30 a.m. (Latecomers will not be admitted)
- May 6 Primary Elections — SJCBA Offices and St. Joseph County Courthouse CLOSED
- May 9 **TRIVIA NIGHT** — Doors open at 6:00 p.m.; Trivia at 7:00 p.m.—Registration Required
- May 19 CLE (for New Attorneys Only): Judge Hostetler, St. Joseph Co. Courthouse —(*Registration Required*)
- May 26 Memorial Day— SJCBA Offices and St. Joseph County Courthouse CLOSED
- May 28 CLE: The Family Law Committee —"Legal and Clinical Reports of Sexual Allegations in Child Custody Cases," 11:30 a.m.—1:30 p.m., WNIT Studios (1.5 CLE)
- May 29 CLE: "How to Manage a Small Law Firm," 8:30 a.m. — 4:30 p.m., Doubletree by Hilton (6 CLE)
- May 30 **SJCBA Annual Meeting**, 11:00 a.m., St. Joseph Courthouse, 2nd Floor
- Early June **Summer Kickoff for Law Clerks**, 5:30 p.m. — 7:30 p.m., Parisi's Italian Restaurant
- June 18 **CLE**: JLAP Training for JLAP Monitors, 12 Noon — 2:00 p.m., WNIT Studios, South Bend
- June 26 **New Member Baseball Game & Family Picnic**
- July 17 **Annual Bar Association Golf Outing**, Juday Creek

From the Bench Special Judge Selection

Prepared By Hon. Michael G. Gotsch and Hon. Steven Hostetler

At the beginning this year, the Indiana Supreme Court implemented a major change to the procedure for selecting a special judge. Notably, the former process of naming a panel of judges was revoked because it was found to be too time-consuming and ultimately ineffectual in selecting a special judge. The revised Indiana Trial Rule 79 provides two ways to select a special judge: (1) by agreement of the parties, or (2) by local rule. Additionally, local courts were advised that the Supreme Court would not approve a local rule that merely re-implemented the former panel striking process.

In response, the St. Joseph County Courts approved Local Rule LR71-TR79-216, which became effective on January 1, 2014. The revised local rule provides the parties with three ways to select a special judge: (1) by agreement; (2) by striking from a panel at a Striking Conference; or (3) by random selection by the Clerk of the Court.

By Agreement. Under §216.1, the parties have seven (7) days after the granting of a motion for change of judge is noted on the CCS to attempt to reach an agreement as to the selection of a special judge.

This first subsection provides the parties more flexibility than the prior procedure of striking from a panel of three (3). While the original presiding judge is ineligible to serve as special judge, the parties now have the latitude to agree to any of the Superior Court judges with civil dockets, the Circuit Court judge, or either of the Circuit Court magistrate judges. This typically allows the parties to select from a panel of at least six (6) judicial officers.

Striking Conference. §216.2 provides that if within seven (7) days the parties file a "written agreement" indicating that a special judge has not been agreed upon, or have agreed to a striking conference, the regularly presiding judge shall conduct a striking conference within seven (7) days. §216.2 spells out detailed procedures for the striking conference. Counsel should note that in such a striking conference, the procedure of striking from a three (3) judge panel comes back into play.

Random Selection. Finally, if the parties do not file any written agreement (including an "agreement" indicating that they were unable to agree upon a special judge), or if a selection conference is not timely conducted, or if conducted the conference does not result in the selection of a special judge, under §216.3 the Clerk randomly selects the special judge. It is interesting to note that the parties may also agree to such a random selection process under §216.3(c).

The new rule concerning selecting a special judge may take some getting used to. Accordingly, it is recommended that Counsel familiarize themselves with the new rule as soon as possible.

>Welcome New Attorney Members!

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The Clerk's Corner

By Terri Rethlake

**ODYSSEY CASE MANAGEMENT SYSTEM
BEGINS MARCH 31, 2014!**

As I am writing this, training of the Clerk's Civil & Small Claims Clerks has begun. This system will be brand new for most of the staff. Please be patient as we adapt to this system. The Low system has been functioning for us since the late 80s. It will take time for us to get used to all the nuances of the Odyssey system.

Since it will take us longer to put a new case in, **Small Claims clerks** ask the attorneys who bring in pre-dated filings 45 days before the court date they receive. If they are brought in at the last minute, there may not be enough time to have the claims served.

Since we will have to set up our judgments in the Odyssey System, we will not be receipting in garnishments the last week of March. We will establish all accounts in the cases we received money from in March. We will then begin to receipt in on April 1st.

Attorney/Firm party names & frequent businesses you represent will be established in Odyssey before go live also. This will help in getting cases filed quicker.

On that note, any attorney or law firm that receives funds from this office MUST have a W-9 on file to receive checks. If that information is not in the Odyssey system, check(s) will not cut. Please send or bring in the W-9 to the basement Clerk's Office!

Correction: Post Conviction Relief Last month, I stated a new civil case needed to be filed for misdemeanor PCRs. This is still the case, however just as in felony PCRs no filing fee assessed.

Public Access to Court Records may be obtained at <https://mycase.in.gov>

Michiana Paralegal Association Update

Submitted by Cherylan Shearer

The Paralegal Association promotes the paralegal profession and provides professional development opportunities for local paralegals.

Please show support to your paralegal or legal assistant by paying their dues to become members of our Association.

Go to www.SJCBA.org to see more information about how and why you should join the Michiana Paralegal Association (MPA)!

Our next dinner meeting is scheduled for **Monday, May 12, at 6:00 p.m.** at Papa Vino's in Mishawaka. Our speaker for the evening will be B. Douglas Hayes, Esq., a Board Certified Indiana Trust and Estate Lawyer by the Trust & Estates Specialization Board. Doug will be speaking to our group on Elder Law. Bill Wilson of Anderson, Agostino & Keller, P.C. will speak to the group regarding why it is important for paralegals to become members of the local bar association. If you would like further details regarding the upcoming dinner meeting, please contact Cherylan Shearer at CShearer@yaub.com. Non-members are welcome!!

The Volunteer Lawyer Network

By Mark Torma

Ask A Lawyer

The Volunteer Lawyer Network will be offering an Ask-A-Lawyer for the public at the public library in downtown **Elkhart from 12:30 on April 2nd**, and another Ask-A-Lawyer at the Main Library in downtown **South Bend from 1 to 4 p.m. on April 28th**. Both venues have had robust public attendance, so volunteer attorneys for both are definitely needed, in a wide range of legal specialties. To volunteer, or for more information on these events, contact the Volunteer Lawyer Network at [574-277-0075](tel:574-277-0075) or at volunteerinc@att.net.

St. Joseph County Bar Association

ICLEF Video Replays in South Bend

APRIL 2014

4/16 How to Analyze and Understand Financial Statements (6 CLE, 6 CPE)
4/24 Section 1031 Exchanges (6 CLE)

MAY 2014

5/14 Probate Litigation (6 CLE)
5/21 Today's Adoption Law (6 CLE)**

Please call ICLEF at 317-637-9102 or go to www.ICLEF.org to register.

*** Indicates a moderator is needed.*

Please note: Printed books are no longer included with seminar cost.

Most books are available for an additional \$25 or online at <http://community.iclef.org>

RETURN SERVICE REQUESTED
St. Joseph County Bar Association
Law Library
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South Bend, IN 46601

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