

### 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

## June 2016 Newsletter

# Notice of Annual Meeting

## Notice of Annual Meeting

St. Joseph County Bar Association  
Annual Meeting

**Friday, June 10, 2016 at 11:00 a.m.**

St. Joseph Courthouse, Circuit Courtroom

Join us at the Annual Meeting as we remember:

James Brotherson  
Alexis T. Cholis  
John P. Gourley  
Arthur Perry  
R. Kent Rowe, Sr.  
William P. Stanley

## Summer Kickoff at Parisi's



## Summer Law Students, Law Clerks, New Members & Recent Law School Grads:



Join the Bar Association, including the judiciary in welcoming you to St. Joseph County legal community for the Summer! A free reception hosted by the New Lawyer Committee.

Where: Parisi's Italian Restaurant, 1412 South Bend Avenue, South Bend, IN

When: **Thursday, June 16th, 2016** from 5:00 p.m. — 7:00 p.m.

Space is Limited. All RSVPS must be received **by June 13, 2016.**

Please go to [www.stjoebare.org](http://www.stjoebare.org) to register now. **Walk-ins will not be allowed!!**  
Everyone must be registered to attend.

## Calendar of Upcoming Events

### JUNE 2016

- 6/1 Chicory Café— Coffee from 7:30 a.m.—8:30 a.m.
- 6/10 **ANNUAL MEETING** of the Bar Association, 11 a.m., St. Joseph Courthouse, Second Floor
- 6/14 ICLEF Video: “Medicaid for the Elderly and Aged in Indiana,” (6 CLE), 9:00 a.m., Law Library
- 6/14 **Senior Lawyers Lunch**, Tippecanoe Place, 12 Noon (All are welcome to join for lunch!)
- 6/15 Chicory Café— Coffee from 7:30 a.m.—8:30 a.m.
- 6/15 **Criminal Law Section Meeting**, St. Joseph Circuit Courtroom, 12 Noon
- 6/16 ICLEF Video: “Anatomy & Trauma in Injury Litigation: Medicine for Lawyers,” (6 CLE), 9:00 a.m., Law Library
- 6/16 Summer Kickoff at Parisi’s, 5:00 p.m.—7:00 p.m.
- 6/20 Trivia Night, Roofsit at Heritage Square, Time: 7:00 p.m. (door open at 6:15 p.m.)
- 6/21 ICLEF Video: “Municipal Law Update,” (6 CLE), 9:00 a.m., Law Library
- 6/23 **ANNUAL GOLF OUTING AND PICNIC, LUNCH** at 12 Noon; Shotgun Start at 1:00 p.m.
- 6/29 CLE Lunch: “**Indiana Legislative Update with John Broden**,” WNIT Studios, 11:30 a.m. — 1:00 p.m. (1 CLE)
- 6/30 CLE Lunch: “**Elder Law**” CLE with Jennifer Vanderveen, WNIT Studios, 11:30 a.m. 1:00 p.m. (1 CLE)

### JULY 2016

- 7/4 **Independence Day—The St. Joseph Co Bar Association Offices & Courthouse CLOSED**
- 7/7 ICLEF Video: “The Lawyer’s Compass (6 CLE), 9:00 a.m., Law Library\*\*
- 7/8 **Family Law Meeting**, Baker’s Restaurant at Doubletree by Hilton, 12 Noon
- 7/11 Annual Judicial Survey —Sent out! (Need to update your email? Didn’t receive one? *Contact the Bar Office*)
- 7/20 ICLEF Video: “43rd Midwest Estate Tax & Business Planning,” (12 CLE, 1 Ethics), 9:00 a.m., Law Library (Day 1)\*\*
- 7/21 ICLEF Video: “43rd Midwest Estate Tax & Business Planning,” (12 CLE, 1 Ethics), 9:00 a.m., Law Library (Day 2)\*\*

\*\*All ICLEF Videos marked with the \*\* indicate a moderator is needed.

### From the President Hon. William L. Wilson

It all began some time in 2013. Probably in the spring. A group of local lawyers had the wild idea that I should serve as the SJCBA vice president. The nominating committee asked if I would consider it, and I agreed. I assumed that office on July 1 of 2013. The following year I became president-elect, and last year I took the office of president of the St. Joseph County Bar Association. The last three years—and especially the last twelve months—have flown by. It’s time for a few reflections.

First, I have to thank everyone for their support. I know that’s “obligatory,” but I mean it. Every single member of this bar association has been helpful in one way or another. Whether it’s by showing up in a snowstorm for a winter bar event, attending a CLE program, or just reading the newsletter you have made my job a little easier and very rewarding. Even when a handful of you were moved to let me know about your frustrations or disappointments, you did so because you care about the SJCBA (whether you realize it or not). I look around at the lawyers in this organization and I can’t help but feel proud of this group. We have a damn good bar association. We aren’t perfect, but we’re working on it.

Of course, I have to thank our executive director, Amy McGuire. Before I relocated to the courthouse, I really had no idea how hard she works for this organization. Her job may look like it’s easy, but when you realize that Amy is responding to email messages at 10:00 in the evening and on weekends you can’t help but conclude that her job is anything but easy. After I took the bench, I had a better opportunity to observe Amy’s typical workday (and I doubt I have the full picture yet). Her days are, to put it bluntly, nuts. She’s answering the phone, dealing with lawyers wandering in to chat, putting up with members of the board of governors, and constantly thinking of new ways to make your bar association better. She does all of this while helping members of the public who need legal assistance but really don’t know what kind of help they need. All they know is someone told them to go to the bar association’s office in the law library. Having had the opportunity to observe just a fraction of Amy’s typical day convinces me that there’s a darn good reason she’s doing things on the weekend and in the late evening.

I would be seriously remiss if I didn’t thank Amy’s husband, Andrew McGuire, and their children. They are generous enough to share Amy’s time with us, and we owe them a huge debt of gratitude.

If you’ve ever led a group of people, you know that stepping out of the leadership role can be difficult. The organization becomes like one of your children, and you want to see it continue to grow. In my case, I have it easy. I am thrilled to have three outstanding people to take their turn at the helm. Your incoming president, **Victoria Wolf**, will put all of the SJCBA past presidents to shame. I guarantee it. **Angela Kolver Hall**, who will serve after Victoria, is also going to do great things. And after Angela’s term ends, **David Pruitt** will more than impress everyone with his talents. This bar association is in great hands over the next several years. As for me, I will continue to head up our strategic planning project, and I’m going to chair the resurrected CLE committee (but first we’ll have to resurrect it).

If you’ve read this far without nodding off, you have my appreciation. I am grateful for the chance to serve as your president over the last year. When I started practicing law back in 1991, I never thought I’d one day be the SJCBA president. It has been a real privilege and honor, and I thank you. More importantly, I thank you for all that you do as lawyers, members of our community, and members of the SJCBA.

## AROUND THE BAR

### Welcome to Our New Members

**Terri L. Russ, Esq.**  
1302 Woodward  
South Bend, IN 46601  
Phone: 574-514-2848  
Email: [truss@hotmail.com](mailto:truss@hotmail.com)

**And welcome to Student Member — Kristen Hatter!**

**Meghan Kugel**  
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*Please notify us of any changes to your address, website, phone numbers or email addresses. Thanks!*

### NEW LAWYER UPCOMING EVENTS

**Wednesday, June 1st** - - Chicory Café —Coffee, 7:30 a.m.— 8:30 a.m.

**Wednesday, June 15th** - - Coffee at Chicory Café, 7:30 a.m.— 8:30 a.m.

**Thursday, June 16th** - - Summer Kickoff at Parisi's, 5:00 p.m.  
**All summer law clerks/students are invited and encouraged to attend! Invitation to follow.**

**Monday, June 20th** - - Trivia Night, Roofsit at Heritage Square *Info to Come!*

**Wednesday, July 13th** - - Chicory Café —Coffee, 7:30 a.m.— 8:30 a.m.

### Clerks Corner

*by Teri Rethlake*

#### Showing Your Dirty Laundry on the Internet – Failure to follow the rules puts your privacy at risk!

The staff of the Clerk's Office, as well as the staff of the Circuit and Superior Courts, have been working diligently on creating a scanning protocol for St. Joseph County. We are confident that we will be able to deploy the scanning protocol within the next month, and will begin to scan pleadings and orders into the Odyssey case management system (CMS).

Currently, only judges, court staff and clerks have access to scanned documents. As part of the deployment, the Office of State Court Administration will eventually allow for public access of scanned documents in the Odyssey CMS. This will allow us to comply with Indiana Administrative Rule (AR) 9.

AR 9 is the state rule that provides for access to court records. Generally, court records are public records, which should be accessible to the public. However, AR 9(G) delineates those records that are excluded from public access. AR 9(G)(2) is affectionately known as the "Green Paper" Rule because particular information that may be excluded from public access according to AR 9(G) must be filed on green paper.

When AR 9(G)(2) applies, the attorney or self-represented litigant **MUST** file with the Clerk of Court a notice identifying the statute or rule that declares the information confidential along with two versions of the confidential information: (1) a public access version on white paper that redacts the confidential information; and (2) a non-public access or confidential version where the pages that contain confidential information are printed on green paper and conspicuously marked with the warning notice "Not for Public Access" or "Confidential". (An acceptable alternative practice for the non-public access version is to file a second copy of the redacted version and list all of the redacted material on an appendix or exhibit that is printed on green paper and properly marked with a warning notice.)

**NOTE:** the practice of properly filing documents that contain confidential information becomes even more important when documents are scanned and available to the public on the internet via the Odyssey CMS. When a confidential version of a document is properly filed, the Clerk is aware that the document should not be placed in public access and will scan the confidential document into the "non-public access" area of Odyssey. Conversely, where a document is not properly marked it may be improperly scanned into the public access area of Odyssey, and confidential client or personal information may be visible on the internet.

It is the responsibility of the attorney or the self-represented litigant to ensure that every document that is filed with the Court complies with the requirements of AR 9(G). The Clerk assumes **NO** responsibility with respect to documents that contain confidential information that fail to comply with AR 9(G)(2).



## ***ANNUAL GOLF OUTING AND PICNIC*** **June 23, 2016**

**Join us at the beautiful Juday Creek Golf Course  
for the Annual Golf Outing!**

**Register individually, as a foursome  
or just come out for lunch!**

**We will not be hosting a dinner this year,  
but will have a cookout at lunch instead. Lunch begins at 12 Noon in  
the dining room is a Picnic-themed Mixed Grill Buffet!**

### ***12 Noon Dining Room Lunch includes:***

**Charbroiled Burgers, Grilled Chicken and Hot Dogs, a variety of pasta and green  
salads, lemonade, iced tea and dessert.**

### **Golf \$80 per person\***

**Includes: lunch, green fees, golf carts, time at putting green and driving range,  
unlimited beverages of choice (yes, beer too!), and heavy hors d'oeuvres and drinks  
after golf for the Golf Awards Reception**

***\*If you register and PAY in advance as a foursome the cost is only \$300***

**Lunch only: \$15**

## Annual Judicial Survey

The SJCA's 9<sup>th</sup> Annual Judicial Survey will be sent to SJCA members by e-mail on July 11, 2016.

If you changed email addresses within the last year, please provide your new email address before JUNE 24, 2016.

To maintain anonymity, the SJCA does not email the surveys. We will send a master list of emails to the outside Survey Administrator before the end of June. New emails will not be added after that date.

## Lawyer Referral Service

Attorneys needed!!!

The LRS is looking for attorneys in the following practice areas:

- Employment Law
- Estate Planning
- Immigration Law
- Family Law
- Social Security/Disability Issues.

**For more information:**  
please contact our LRS Specialist,  
Stephanie  
at: 574-235-9657  
or [stjoelRS@gmail.com](mailto:stjoelRS@gmail.com).

## FROM THE BENCH

The St Joseph Superior Court, Small Claims Division will be implementing new forms for Small Claims. The Court prefers these forms and will be releasing them throughout the year. If you would like electronic versions of the forms, please email Small Claims Administrative Assistant Gail Papczynski at [GPapczyn@co.st-joseph.in.us](mailto:GPapczyn@co.st-joseph.in.us).

### T&M Interpreter Available

In Traffic and Misdemeanor Court, Suzy Bueno (Spanish Interpreter) will be present every 2nd and 4th Monday's of the Month and the 5th Monday when there is a 5th Monday, from 9:00 a.m. to 10:30 a.m.

### Trials in T&M

In Traffic and Misdemeanor Court if Attorney's are setting Trials, changing trials, etc. They need to see Beth Wilson in the Magistrates Office.

### "Preserving your Record"

*By Tim St. Clair, RMR*

An article in last week's *The Indiana Lawyer.com* is an article entitled Long-Distance Depositions, by Dave Stafford highlights video teleconference depositions. As with most technology video teleconference deposition are becoming more seamless and may prove to be a viable option for an out-of-town deposition.

From a court reporter's perspective there are a few things a lawyer should take into account regarding logistics and making the record. One, the court reporter needs to be at the same location as the witness. Two, at the beginning of the deposition, whether it's a video teleconference deposition, or an "old school" telephonic deposition, make sure to ascertain who is present in the room with the witness. Three, given the relationship of the witness to the case it may be advisable that the witness provide a form of identification to the court reporter to make a copy of and attach to the deposition transcript as an exhibit.

I once reported a deposition in which both attorneys were calling from Florida and the witness was in Mishawaka. In the conference room were the witness, her friend, and her mother. Neither attorney asked who was present in the room. Remember, the court reporter is the impartial person in the room.

While I did note everyone's appearances that present at the deposition in the deposition transcript, I was not in a position to alert the attorneys to the fact that the non-witnesses were in the room, and that they were making faces at the attorneys' questions and writing notes throughout the deposition.

## St. Joseph County Bar Association

### Upcoming CLE Luncheons

TO REGISTER go to [www.stjoebar.org](http://www.stjoebar.org)  
Lunch is included with both seminars.

#### “Indiana Legislative Update”

**Wednesday, June 29th, 2016**  
**11:30 a.m. – 1:00 p.m. (1 CLE)**

State Senator John Broden, Esq. will discuss recently passed Legislation (that will take effect July 1st) and the upcoming legislation and bills. He will highlight all areas that will be of interest to you and your law practice.

Location: WNIT Studios, Community Room  
South Bend, IN

**Cost:**

SJCBA Members — \$45  
Non-SJCBA Members—\$75

*The New Lawyer Committee hosts:*

#### “Elder Law with Jennifer Vanderveen”

**Thursday, June 30, 2016**  
**11:30 a.m. -1:30 p.m. (1.5 CLE)**

**Location: WNIT Studios, Community Room**

**Cost:**

\$20 for new attorneys (1-10 years in practice);  
\$45 for other SJCBA Members  
\$20 for Students/Paralegals

**Save the Date!**

**October 20<sup>th</sup>, 2016**

All Day Litigation Seminar (6 CLE, 1 Ethics)

### “Litigation: Tips, Tricks and Substance”

Speakers will include:

Judge Stephen Bowers, Judge Steve Hostetler, David Pruitt, Timothy Abeska, Frank Julian, Ed Chester, Doug Sakaguchi, Mike Anderson, Wendell Walsh, Robert Green, Thomas Vetne, Ed Sullivan, and Doug Small

Coffee and light breakfast included. Lunch will be on your own over a one hour break.  
Space is VERY LIMITED!

**COST: \$300 for SJCBA Members; \$375 for non-members**

*An Evening at the Zoo:*

*Zoo Outing and Family Picnic*

**August 11, 2016**

**5:30 p.m.– 7:30 p.m.**

