

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

## September 2013 Newsletter

# LOCAL PRACTICE SEMINAR

(6 CLE, 3 ETHICS)

## THURSDAY, NOVEMBER 14, 2013

8:30 A.M. — 4:30 P.M.

\$200 FOR FULL DAY/\$150 FOR HALF DAY  
FOR SJCBA MEMBERS

\$250/\$200 FOR NON-MEMBERS

\* \* \*

## JUDICIAL RECEPTION

4:45 P.M. DOUBLETREE BY HILTON ATRIUM

\$25 per person

Heavy hors d'oeuvres, wine, beer and soft drinks included.

See the insert included in this newsletter for the registration form!

*Great topics including issues related to Social Media and Trials, Evidence, Sex & Ethics, Probate Administration, Making A Good Record, Code Enforcement Issues, Changes in the Sentencing Code, Expungements, and Surrogate Attorneys & Ending Your Law Practice!*

## UPCOMING LOCAL CLE OPPORTUNITIES

### “INDIANA LEGISLATIVE UPDATE”

September 12, 2013

(1.5 CLE)

WNIT STUDIOS

11:30 a.m.—1:00 p.m.

*Lunch includes: An array of sandwiches, soups and salads from Indulgence Café.*

### “Life After the Death of Indiana’s Death Taxes”

November 5, 2013

(1.5 CLE)

WNIT STUDIOS

3:00 p.m.—5:00 p.m.

An assortment of cookies and snacks will be provided.

## Calendar of Upcoming Events

### SEPTEMBER 2013

- 9/2 **LABOR DAY**—Courthouse, County and SJCBA Offices are CLOSED
- 9/12 **CLE Luncheon:** “Indiana Legislative Update,” WNIT Studios Community Room, 11:30 a.m.—1:30 p.m. (1.5 CLE)
- 9/13 **Family Law Committee Meeting :** Le Peep, South Bend, 12 Noon

### OCTOBER 2013

- 10/14 **COLUMBUS DAY**—Courthouse, County and SJCBA Offices are CLOSED
- 10/21 **Ask A Lawyer,** St. Joseph Co. Public Library, Downtown South Bend, 1:00 p.m. — 4:00 p.m.

### NOVEMBER 2013

- 11/5 **CLE:** “Life After the Death of Indiana’s Death Tax,” WNIT Studios, 3:00 p.m.—4:30 p.m. (1.5 CLE)
- 11/11 **VETERAN’S DAY**—Courthouse, County and SJCBA Offices are CLOSED

## MESSAGE FROM THE PRESIDENT

By Cheryl Greene

It’s September, time once again for school to begin, and appropriately, time for the SJCBA to deliver its annual report card on the performance of St. Joseph County judges who stand for retention elections. The SJCBA’s 6<sup>th</sup> annual Judicial Survey is now closed, the results are being compiled and once complete, the results will be posted this month on our website at [www.sjcba.org](http://www.sjcba.org). This information is available to our members, as well as members of the general public, and provides a fair, responsible evaluation of our local trial judges. These evaluations enable voters to make informed decisions in judicial retention elections, and also provide feedback to the judges that can be used to improve their professional skills. Thank you to everyone who took the time to complete these important surveys. Thank you especially to **Joe Fullenkamp** who continues to spearhead this effort.



Please remember to mark your calendars for the biannual **Local Practice Seminar on Thursday, November 14<sup>th</sup> from 8:30 a.m. to 4:45 p.m.** followed by the **Judicial Reception at the Doubletree by Hilton**. Once again, **Mitch Heppenheimer and his committee** have an excellent program planned. Registration forms are available on the SJCBA website and in this edition of the Newsletter. You may register for the entire day or for a half-day session. The Local Practice Seminar is an important event for the SJCBA because it provides our members with the opportunity to obtain up to 6 hours of CLE, (including 3 hours of Ethics) without the added expense of an out-of-town trip. It is also one of the SJCBA’s primary fundraising events, and allows our organization to remain fiscally sound. Your participation is key to its continued success, as well as the SJCBA’s ability to provide additional programming and events to its members through the funds that this event generates. Hope to see you at the Seminar and at the Judicial Reception.

## News from the Family Law Committee

The Family Law Committee has a new chairperson! **Andrea Halpin** has taken the reins and will continue to hold meetings every other month on the second Friday of the month. **The next meeting will be on Friday, September 13, 2013 at Le Peep at 12noon.** Please feel free to attend even if you have not attended before. New members are always welcomed and encouraged to attend. This is the best source of information as it relates to changes and issues in Family Law in St. Joseph County. Future meeting dates will be: November 15, 2013 and January 10, 2014.

A HUGE thank you to **Mark James** for his many, many years of service as the chair of this committee. Mark did an excellent throughout the year and we thank him for his leadership with this committee! THANK YOU!!!

**AROUND THE BAR**

Please note the address/email changes below.  
For detailed information for all SJCBA members,  
please refer to [www.sjcba.org](http://www.sjcba.org)

**Michael Lipsky**  
Michael Lipsky at Law  
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South Bend IN 46601  
Phone 574.387.4744  
Fax 574.387.4743



**ISBA Diversity Committee**

**September Meeting in the Region**

Our September meeting of the committee, *for the first time ever*, will be held in connection with the monthly meeting of the Kimbrough Bar Association. The meeting will be **September 18, at 5:30 p.m. (Central) in Merrillville**, most likely at the Lake County Bar Association offices (this will be firmed up and reported to you later). While I am hoping a few committee members from Indianapolis will make the trip north, I am especially hoping to meet those members of our committee that live and work in the Region who cannot attend our monthly meetings in Indianapolis. Victoria Wolf, Chair Elect of the Committee, will be inviting members of the St. Joseph County Bar Association who are interested in diversity to attend as well. *Contact Victoria Wolf at 574.234.8050 or via email at [vwolf@leonehalpin.com](mailto:vwolf@leonehalpin.com) for more information.*

**The Red Mass at Notre Dame  
Monday, October 7, 2013**

The Red Mass will take place at the Basilica of the Sacred Heart, on the campus of the University of Notre Dame, on Monday, October 7, 2013 at 5:15 PM. A reception will follow at the Eck Hall of Law, Eck Commons (second floor). If you wish to attend please email the diocesan office at [haustgen@diocesefwsb.org](mailto:haustgen@diocesefwsb.org)

Most Rev. Kevin C. Rhoades, Bishop of Fort Wayne-South Bend, The Notre Dame Law School, the Department of Political Science, the Interdisciplinary Program in Constitutional Studies and the members of the Red Mass Committee invite all lawyers, judges and civil government officials of our community to the annual Red Mass. This ancient custom marks the opening of the judicial year by invoking divine guidance and strength on all those who serve the law.

**CLERK'S CORNER**

*By Terri Rethlake*

**Congratulations** to Charles W. Lahey the newest attorney member of the Judicial Nominating Committee! He was the only attorney to apply for the vacancy. He will serve on the committee until 2017.

**Sealing & Expunging Conviction Records**

On July 1, 2013, **IC 35-38-9 (HEA 1482)** became effective. This new law has drastically changed the expungement and restricting access of criminal cases process. A memo received from the Division of State Court Administration states, "As to petitions filed under **IC 35-38-9-1** (sealing of an arrest record that did not result in a criminal conviction or juvenile adjudication or the conviction or adjudication was vacated on appeal): If a case was filed and there is an existing case number, the petition should be filed under the existing criminal case number. If there is no existing criminal case (because the arrest did not result in a case), the petition should be filed as a new MC case." No filing fee is assessed according to the statute.

"Under **IC 35-38-9-2**(conviction for a misdemeanor/class D felony reduced to misdemeanor), **IC 35-38-9-3** (a conviction for D felony with some exceptions), **IC 35-38-9-4** (more serious felony with some exceptions), and **IC 35-38-9-5** ( a felony involving serious bodily injury or committed by an elected public official with some exceptions): An MI case is to be opened for the petition and **normal civil filing fees are to be assessed** (\$141.00) According to statute no waiver or reduction of fees may be received by the defendant. Petition is to be assigned to the sentencing court.

Please review the new statute. Sample petitions are online at the Division of State Court Administration's website.

**Volunteer Lawyer Network**

*Submitted by Mark Torma*

**Ask A Lawyer**

**Monday October 21, 2013**

1:00 p.m.– 4:00 p.m.

Located at the Downtown South Bend Public Library

**Volunteer attorneys and paralegals are needed.**

*Contact Shawnda at 574-277-0075 or via email at [volunteerinc@att.net](mailto:volunteerinc@att.net) to register now!*

**Mock Trial Coach Needed**

**Mock Trial Coach Wanted.** Doug Small is seeking out one or two local attorneys to help coach the Clay High Mock Trial team. Practice starts this fall with the competition occurring in early February. Notre Dame law students will also be helping. Call Doug at 288-7676 if you're game for helping some budding new attorneys.

**Classifieds**

**In Search of a Part Time Position** —Wanted part-time position with a variety of responsibilities. Organized, good phone skills and trustworthy. Can be flexible regarding hours. Contact [rob4447@gmail.com](mailto:rob4447@gmail.com)

**St. Joseph County Bar Association**

**ICLEF Video Replays in South Bend**

**SEPTEMBER**

- 9/17 Indiana Inheritance Tax ( 3 CLE )
- 9/18 Representing a Client in Mediation ( 6 CLE, 1 Ethics )
- 9/24 Collections ( 6 CLE )

**OCTOBER**

- 10/15 Representing a Client in Mediation ( 6 CLE, 1 Ethics )
- 10/22 Advanced Cross Examination ( 6 CLE )\*\*
- 10/29 Indiana Law Update (12 CLE, 1 Ethics)\*\* Day of 1 of 2
- 10/30 Indiana Law Update (12 CLE, 1 Ethics)\*\* Day of 2 of 2
- 10/31 MBA Concepts for Lawyers (6 CLE)\*\*

*Please call ICLEF at 317-637-9102 or go to [www.ICLEF.org](http://www.ICLEF.org) to register.*

*\*\*In need of a moderator for these seminars. Contact Amy McGuire*

**REGISTER NOW!!!!**

**November 14, 2013 — SJCBA Local Practice Seminar, The Doubletree by Hilton**

**RETURN SERVICE REQUESTED**

**St. Joseph County Bar Association**  
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South Bend, IN 46601

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