

2016 INDIANA

ACCESS TO JUSTICE

CONFERENCE

Presented by Indiana Legal Services, Inc.

October 28, 2016

Hyatt Regency Indianapolis



Indiana Legal Services, Inc.

Ensuring Equal Access to Justice

Market Square Center 151 N. Delaware St., Ste. 1850, Indianapolis IN 46204

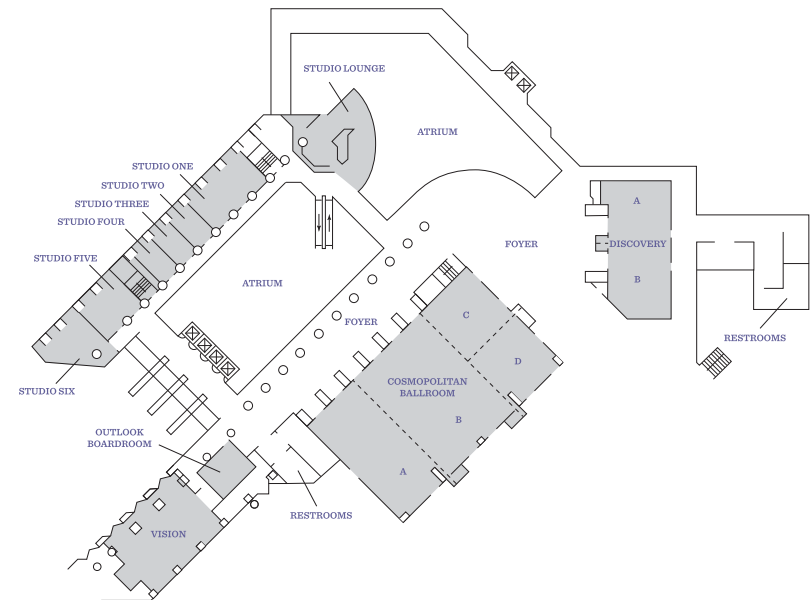
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TIME	FAMILY	RE-ENTRY	HOUSING	BENEFITS	CONSUMER
8:30 AM					
BREAKFAST AND REGISTRATION					
9:15 AM					
OPENING PLENARY with Indiana Supreme Court Justice Steven David					
10:00 AM SESSION 1	Divorce for Military Members and Veterans	Removing Opportunity Barriers: Expungement Basics	Protecting Housing for Victims of Domestic Violence	Food Stamps (SNAP) Update: Combatting Food Insecurity in Indiana	Hot Topics in Consumer Fraud
11:00 AM					
BREAK					
11:15 AM SESSION 2	You put what on Facebook? Social Media and Custody Proceedings (Ethics Credit)	Understanding Criminal Debt: Fines, Fees, and Restitution	When Discretion Means Denial: Criminal Records as Barriers to Housing	Understanding Tax and the Affordable Care Act	Protection When Called to Duty: Service Member's Civil Relief Act
12:15 PM					
LUNCH					
12:45 PM					
AFTERNOON PLENARY featuring Hon. Lora Livingston, Presiding Judge 261 st District Court, Travis County, TX					
1:30 PM SESSION 3	Addressing Compassion Fatigue for Pro Bono and Civil Legal Aid Attorneys (Ethics Credit)	Criminal Procedure: What Civil Attorneys Need to Know	Risky Transactions: Rent-to-Own Real Estate Contracts	The State of HIP 2.0, Indiana's Medicaid Expansion Program	Using Bankruptcy to Solve Consumer Problems
2:30 PM					
BREAK					
2:40 PM SESSION 4	Tax Issues for Survivors of Domestic Violence	Increased Access to Transportation: Specialized Driving Privileges	Habitability in Rental Housing: What's a Tenant to Do?	Health Discrimination Protections in the Affordable Care Act	School's Out Forever! School Closing and Other Student Loan Discharges
3:40 PM					
BREAK					
3:50 PM SESSION 5	Child Support Issues Update	CHINS/Child Protection Index Record Expungements	Fair Housing Advocacy and Update	SSI/SSDI Disability Practice Tips	Claims and Defenses for Judgment-Debtors
5:00 PM					
HAPPY HOUR WITH THE COALITION FOR COURT ACCESS					

CONFERENCE MAP

FLOOR PLAN
Third Level





CONTRIBUTING PARTNERS



Indiana Bar Foundation



Faegre Baker Daniels, LLP



**Indiana Supreme Court
and Coalition for Court Access**



Indianapolis Legal Aid Society



Neighborhood Christian Legal Clinic



Indiana State Bar Association



Indiana Disability Rights



McGowan Insurance



Eskenazi Health

2016 SPEAKERS



Lora Livingston has been an elected judge of the 261st District Court in Travis County, TX (Austin) since 1998. She has been recognized with the 2015 National Center for State Courts' Distinguished Service Award for a state trial judge for her significant contributions to the justice system; the Women of Distinction Award from the Lonestar Girl Scouts Council; the Texas Access to Justice Pro Bono Champion Award; the Texas Access to Justice Foundation Harold F. Kleinman Award; and the Texas Center for the Judiciary Exemplary Faculty Award.



Lora Livingston,
261st Civil District Court

Judge Livingston was born in the Crenshaw District of Los Angeles and got her undergraduate and law degrees from UCLA. She was sent to Texas as a Reginald Heber Smith Community Lawyer Fellow immediately after law school, where she practiced with Legal Aid of Central Texas (now Texas RioGrande Legal Aid). After several years of private practice, she began as an associate judge in 1995 before her 1998 election to the bench.

Judge Livingston was an active pro bono lawyer while in practice and today is a nationally recognized figure in expanding access to justice on the county, state, and national levels. She is currently chair of the ABA Standing Committee on Legal Aid and Indigent Defendants. In her "spare" time, Judge Livingston is a league bowler with a high score of 235.

Justice Steven David was appointed to the Indiana Supreme Court in 2010 by Governor Mitch Daniels. He previously served for 15 years as judge of the Boone Circuit Court, and before that was a military attorney (he is a retired colonel), private practice lawyer, and in-house corporate counsel.



Steven H. David
Indiana Supreme Court

Justice David is co-chair of Indiana's Juvenile Detention Alternatives Initiative, works with the ISBA Leadership Development Academy, and is an adjunct professor at the University of Indianapolis and IU McKinney School of Law and he enjoys participating in marathons and triathlons, reading and golf.



OPENING PLENARY

9:15 A.M. TO 9:45 A.M.

COSMOPOLITAN

Justice Steven David of the Indiana Supreme Court will discuss the newly formed Coalition for Court Access.

BREAK-OUT SESSION 1:

10:00 A.M. TO 11:00 A.M.

• Family: Divorce for Military Members and Veterans

COSMOPOLITAN C&D

For members of the military and veterans, dissolution of marriage can be a complicated process. There are issues with regard to health coverage and various monetary benefits. Learn what you need to know to represent military members and veterans.

Polli Pollem, JD, Indiana Legal Services, Inc.-Military Assistance Project

• Re-Entry: Removing Opportunity Barriers: Expungement Basics

STUDIO 5

Indiana’s “Second Chance” Law offers the hope of removing the opportunity barriers for individuals with criminal records. Learn the basics on how to assist a client in petitioning to expungement of arrests and convictions.

J. Clayton Miller, JD, Jordan Law, LLC

• Housing: Fair Housing Advocacy and Update

STUDIO 1

This session will cover issues commonly faced by legal services practitioners (animals, people with disabilities, how not to make bad law, families with kids, rent to own, lending), as well as four recently issued HUD rules and guidance (harassment, domestic violence, gender identity, limited English proficiency).

Amy Nelson, MBA, Fair Housing Center of Central Indiana

Marcy Wenzler, JD, Indiana Legal Services, Inc. –Housing Law Center

• Public Benefits: SSI/SSDI Disability Practice Tips

STUDIO 6

This session is a refresher on representing clients in Social Security disability cases. The presenters will talk about how attorneys and paralegals can work together to best advocate for their clients.

Tracy Thread, JD, Indiana Legal Services, Inc.

Tamara Shiver, Indiana Legal Services, Inc.

• Consumer: Claims and Defenses for Judgment-Debtors

VISION

Just because an individual owes a debt on a judgment, does not mean they are without legal protections. Learn about how to advocate for your client in a post-judgment landscape, including how garnishments and exemptions work, and how to address abusive pro-supping and collection practices. Additionally, post-judgment collection abuse may form the basis of good claims under the Fair Debt Collection Practices Act.

John Brengle, JD, Indiana Legal Services, Inc. – Consumer Law Center

Katherine Rybak, JD, Indiana Legal Services, Inc.



BREAK-OUT SESSION 5:

3:50 P.M. TO 4:50 P.M.

• **Family: Child Support Issues Update**

COSMOPOLITAN C&D

Over the past several years, there have been significant changes to Indiana’s Child Support Guidelines. Every attorney practicing family law should be aware of these changes and how to competently advocate for your clients in child support related proceedings.

Tom Frohman, JD, Indiana Legal Services, Inc.

• **Re-Entry: CHINS/Child Protection Index Record Expungements**

STUDIO 5

When a parent is investigated by the Department of Child Services or is a party to a Child in Need of Services action, they may be placed on the Child Protection Index for neglect or abuse. This affects their ability to work with vulnerable populations. Depending on the circumstances, this placement may be inaccurate or of insufficient probative value. This session will provide an overview of the issues and the availability of expunging these records.

Julie Slaughter, JD, Formerly of Marion County Public Defender Agency

Wade Hornbacher, JD, Indiana Department of Child Services

Adam Mueller, JD, Indiana Legal Services

• **Housing: Protecting Housing for Victims of Domestic Violence**

STUDIO 1

This session will cover Indiana and federal law protecting victims of domestic violence and others in housing, including the Violence against Women Act (VAWA), as well as practical suggestions for assisting clients.

Kerry Hyatt Bennett, JD, Indiana Coalition Against Domestic Violence

• **Public Benefits: Food Stamps (SNAP) Update: Combatting Food Insecurity in Indiana**

STUDIO 6

Often described as one of the most effective tools for alleviating poverty, the supplemental nutritional assistance program can be difficult for members and attorneys to navigate. Learn about recent developments related to able-bodied adults without dependents and issues related to the felony drug ban.

Dennis Frick, JD, Indiana Legal Services—Senior Law Project

• **Consumer: Hot Topics in Consumer Fraud**

VISION

For every consumer transaction there is a potential new fraud or scheme to be wary of. This session will highlight some of those topics, with a special emphasis on auto fraud. Learn how to identify if you client has been the victim of a “rip-off.”

Andrew Ault, JD, Indiana Legal Services, Inc.

Justin Hazlett, Deputy Attorney General (invited)



BREAK-OUT SESSION 2:

11:15 A.M. TO 12:15 P.M.

• **Family: You put what on Facebook? Social Media and Custody Proceedings** COSMOPOLITAN C&D

Social media content posted on sites like Facebook, Twitter, and Instagram are increasingly showing up in dissolution and custody proceedings. This session will cover the ethical and practical implications of social media postings, including any advice you should give your client. *(Ethics credit approved).*

Patricia McKinnon, JD, Law Office of Patricia L. McKinnon, Esq.

Jonathan Stewart, JD, Indianapolis Legal Aid Society

• **Re-Entry: Understanding Criminal Debt: Fines, Fees, and Restitution** STUDIO 5

As the National Consumer Law Center recently expressed, the criminal justice system can take a devastating toll on individuals and their families, as well as on society more broadly. Thanks to the USDOJ report on Ferguson, the public is becoming more aware of the injustice of excessive fines and fees. Learn more about criminal debt and available actions and remedies.

Angka Hinshaw, JD, Marion County Public Defender Agency

• **Housing: Habitability in Rental Housing: What's a Tenant to Do?** STUDIO 1

This session will cover issues that affect the habitability of rental housing (lead, mold, bed bugs), strategies to address habitability issues, code enforcement, and what tenants can do to protect themselves.

Joan Browning Ketterman, MA, Improving Kids Environment

• **Public Benefits: Health Discrimination Protections in the Affordable Care Act** STUDIO 6

Earlier in 2016, Health and Human Services finalized rules that improve health equity as mandated by the Affordable Care Act. The rule prohibits discrimination on a variety of basis, including sex, gender identity, and disability. This session will discuss these new protections and how they may affect your clients' access to health care.

Katherine Wood, JD, Indiana Legal Services, Inc.

Theo Cornetta Ciccarelli, JD, Indiana Legal Services, Inc. – Low Income LGBT Project

Emily Munson, JD, Indiana Disability Rights

• **Consumer: School's Out Forever! School Closing and other Student Loan Discharges** VISION

The closing of prominent for-profit institutions of higher education has caused a lot of concern for individuals with student loan debt. Learn about student loan discharges based on school closings and other reasons.

John Brengle, JD, Indiana Legal Services, Inc.—Consumer Law Center



BREAK-OUT SESSION 4:

2:40 P.M. TO 3:40 P.M.

• **Family: Tax Issues for Survivors of Domestic Violence**

COSMOPOLITAN C&D

Tax problems will often undermine an abuse survivor’s efforts to achieve economic independence and stability. This session will help lawyers who represent survivors to understand some of the most critical tax issues to advocate more effectively on behalf of survivors in family court to maximize basic tax benefits.

Jamie Andree, JD, Indiana Legal Services, Inc. – Low Income Taxpayer Clinic

• **Re-Entry: Increased Access to Transportation: Specialized Driving Privileges**

STUDIO 5

Effective January 2015, Indiana created enacted a new relief for suspended driver’s licenses—specialized driving privileges. This has had a positive impact on low-income individuals with vital transportation needs. Learn about these privileges and how to petition for your client.

Roderick E. Bohannon, JD, Indiana Legal Services, Inc.

Michael Barnes, Bureau of Motor Vehicles

• **Housing: When Discretion Means Denial: Criminal Records as Barriers to Housing**

STUDIO 1

This session will cover various limitations on the use of criminal records to deny people housing (*especially subsidized housing*) as well as practice tips to help people with criminal records get access to housing.

Marie Claire Tran-Leung, JD, Sargent Shriver National Center on Poverty Law

• **Public Benefits: Understanding Tax and the Affordable Care Act**

STUDIO 6

From premium assistance credits to personal mandate penalties, we are now in year two of the Federal Marketplace for Health Insurance. Find out how to advise your clients on the tax implications of advance premium tax credits.

Katherine Rybak, JD, Indiana Legal Services, Inc.

Matthew Hutchens, JD, CPA, Indiana Legal Services, Inc.—Low Income Taxpayer Clinic

• **Consumer: Protection when Called to Duty: Servicemember’s Civil Relief Act**

VISION

The Servicemember’s Civil Relief Act (SCRA) protects active duty military members in several crucial ways. As for consumer rights, SCRA offers protections related to default judgments, attachments, and garnishments, among other things. This session will discuss these consumer protections.

Carrie Hagan, JD, Indiana University, Robert H. McKinney School of Law

LUNCH

12:15 P.M. TO 12:45 P.M.

FOYER

PLENARY

12:45 P.M. TO 1:15 P.M.

COSMOPOLITAN

Hon. Lora Livingston, Presiding Judge 261st District Court, Travis County, TX, a nationally recognized leader in the delivery legal services for the indigent and pro bono and public service will discuss access to justice.

BREAK-OUT SESSION 3:

1:30 P.M. TO 2:30 P.M.

• **Family: Addressing Compassion Fatigue for Pro Bono and Civil Legal Aid Attorneys**

COSMOPOLITAN C&D

Representing clients with heartbreaking stories of poverty, domestic violence, and other personal trauma is the heart of much of the work we do. But the cumulative effect of trying to help those most marginalized can take a toll. Learn more about compassion fatigue, what it means to your practice, and ideas to overcome it.

Loretta A. Oleksy, JD, LSW, Indiana Judges and Lawyers Assistance Program

• **Re-Entry: Criminal Procedure: What Civil Attorneys Need to Know**

STUDIO 5

For civil legal aid attorneys, clients, opposing parties, and witnesses often are in the midst of criminal proceedings. Attorneys who do not regularly practice in this area, can find it mystifying. This session will provide the basics of criminal procedure meant to aid civil attorneys in the representation of their clients.

Laura Pitts, JD, Marion County Public Defender Agency

• **Housing: Risky Transactions: Rent-to-Own Real Estate Contracts**

STUDIO 1

A recent report by the National Consumer Law Center describes land sale contracts as potentially “toxic transactions” causing significant hardship in “communities of color.” A subset of these contracts: the “rent-to-own” agreements or “lease with option to purchase” have received significant attention: landlord/sellers may utilize small claims courts to evict individuals while disclaiming any responsibility to maintain safe and suitable housing. Find out what legal strategies are available to protect your clients in these seller financed arrangements.

*Cheryl Koch-Martinez, JD, Indiana Legal Services, Inc. – Consumer Advocacy Project
Chase Haller, JD, Neighborhood Christian Legal Clinic*

• **Public Benefits: The State of HIP 2.0, Indiana’s Medicaid Expansion Program**

STUDIO 6

In 2015, Indiana was granted a waiver to run the HIP 2.0 program as the Medicaid expansion created by the Affordable Care Act. This has led to a dramatic increase in the number of people no longer uninsured. But, there are still issues that need to be addressed, including issues with appeals, POWER account payments, and redeterminations.

*Amanda Hall, JD, Indiana Legal Services, Inc. – Medical Legal Partnership Attorney
Caitlin Priest, MPH, Covering Kids and Families of Indiana*

• **Consumer: Using Bankruptcy to Solve Consumer Problems**

VISION

One of the tools in the consumer advocate’s arsenal is the filing of bankruptcy. This is an incredibly effective way to help a client relieve overwhelming debt and to protect indispensable income. This session will lead attorneys through some basic bankruptcy principles. As an added bonus, participants will learn how to set up a pro bono bankruptcy clinic.

*John Brengle, JD, Indiana Legal Services, Inc.—Consumer Law Center
Ruth de Wit, MS, Volunteer Lawyer Program of Northeast Indiana*