Promoting Equal Justice Under Law

By Donald R. Lundberg, Partner & Deputy General Counsel, Barnes & Thornburg LLP; President, Indiana Bar Foundation

Equal Justice Under Law.
It is inscribed in the façade stone of the U.S. Supreme Court building. It is an idea that resonates throughout our profession. When Indiana lawyers are sworn in, we say, “I will never reject, from any consideration persona to myself, the cause of the defenseless, the oppressed or those who cannot afford adequate legal assistance.” Admission and Discipline Rule 22. Our Rules of Professional Conduct say something similar, telling lawyers to render public service—especially pro bono representation to people who can’t afford to pay for a lawyer.

Many of us were motivated to become lawyers to help others. It keeps us excited about doing the work we do. In the Foundation’s annual report, you will see many of the ways Indiana’s 12 pro bono districts and their volunteer lawyers served the public with free legal advice and assistance. They were doing justice. They were exemplifying Equal Justice Under Law.

Rule 6.7 will help the Court measure pro bono efforts.
To gather data about what Indiana lawyers are doing to bring life to the idea of equal justice under law, the Indiana Supreme Court recently mandated reporting of certain pro bono hours. Rule of Professional Conduct 6.7, is meant to help quantify the amount of pro bono hours undertaken by lawyers providing direct legal services to clients of limited means.

We can do better.
The Court is requiring reporting as a way to assess our current efforts and measure our improvements. With a benchmark of existing financial support, we will be able to know what “better” is. The same goes for providing direct legal services to low-income Hoosiers.

Amidst the discussion of mandatory pro bono reporting, we should not lose track of the fact that there are lawyer-heroes out there in firms large and small throughout the state acting to preserve the rule of law and breathing life into Equal Justice Under Law. We should all aspire to emulate their behavior.

Let me leave you with this thought. Even though we will be technically compliant with Rule 6.7 by answering that we did no pro bono work and made no financial contributions to qualified organizations, by doing so we will be missing the spirit of Rule 6.7 and its related Rule 6.1. The Indiana Bar Foundation would be honored and grateful if you made a generous donation to this organization that you can proudly report on your next annual registration statement.

Pro bono legal support gives hope

Ruth de Wit, VLPNEI Executive Director

Hope was looking for just that — hope. She was afraid of losing her children. She had no money for legal representation. Without an attorney she knew it would be hard to get equal and fair access to the law. She turned to her local pro bono district.

An abusive marriage ended in divorce and the father of her children was suing her for custody. He had the financial backing of his parents, who had retained a private attorney, while Hope was struggling to make ends meet. After being interviewed by a qualified paralegal, Hope was quickly placed with a pro bono family law attorney provided by the Volunteer Lawyer Program of Northeast Indiana, Inc.(VLPNEI), the program committed to providing equal access to the civil justice system for low-income and disadvantaged residents.

That was in 2013. In August 2014, the legal case was finally settled. Hope said, “Without the help of the Volunteer Lawyer Program and a pro bono attorney, I would have lost my children or at the very least the outcome would not have been as positive. I cannot begin to tell you how much I respect and appreciate this program. My attorney was wonderful, knowledgeable and a true advocate for my children.”

The attorney who represented Hope in the custody matter remembers the case well and said, “It is very nice to hear how appreciative the client is...I do volunteer legal work as a way to contribute what I can to make a difference for people who cannot afford representation.”

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“Without the help of the Volunteer Lawyer Program and a pro bono attorney, I would have lost my children...My attorney was wonderful, knowledgeable and a true advocate for my children.”

2
Ensuring Fairness for Vulnerable Hoosiers: Your Pro Bono Districts

More than 2.2 million Hoosiers live at or below the federal poverty guideline. Pro bono attorneys help these Hoosiers navigate highly sensitive personal matters and the court system to ensure they receive equal justice. Colleagues in pro bono districts use innovation, creativity and hard work—characteristics Hoosiers value—to help those in need. Pro bono services provided by professionals in each district vary, but all are important to provide equal access to those in need. Here is a 2014 summary from across the Hoosier state.
Ensuring Fairness for Vulnerable Hoosiers: Your Pro Bono Districts

**NWI Lawyer Program/District A:** This team collaborates with: Hammond Legal Clinic, Neighborhood Christian Legal Clinic, Indiana Legal Services and Valparaiso University Law Clinic. Pro bono professionals work with Lake Superior Court, Room 3, to provide a pro se clinic for low-income, unrepresented people helping them complete and file legal paperwork. Attorneys volunteer time to staff the clinic. The Court has a mediator on hearing day to facilitate completion of a family matter.

**Volunteer Lawyer Network/District B:** This team receives referrals from YWCA, adult protective services, social service agencies, the prosecutors’ office and local bar association. The prevailing caseload is family law, housing, wills and guardianships. In 2014, the team trained 17 Notre Dame Law School students to provide supervised volunteer services.

**Volunteer Lawyer Program of Northeast Indiana/District C:** District professionals manage a modest means program for the working poor, a bankruptcy clinic and a pro se family law clinic with Allen Superior Court.

**District D Pro Bono/District D:** Family law dominates this district caseload, followed by expungement and restricted driver’s license cases.

**District E Pro Bono/District E:** Volunteers provide pro bono services through a traveling legal aid clinic. The District conducts intake through local courts, bar associations and Indiana Legal Services with family law issues in the highest demand.

**District 6 Access to Justice Inc./District F:** The district operates a mandatory “How to Work with your Lawyer” session prior to placing a client with a pro bono lawyer. The team also has worked with the Hamilton County Bar Association to develop a modest means program for Hamilton County attorneys willing to accept these clients.

**Heartland Pro Bono Council/District G:** The Council provided family-law themed CLEs in exchange for attorneys agreeing to take one case. Volunteers conducted two presentations on the Marion County pro se divorce clinic resulting in an increase in student volunteers. The Council also has a consumer advocacy program and participates with the Marion County Superior Court pro bono project on family law issues.

**District 10 Pro Bono Project, Inc./District H:** Professionals collaborate with Indiana Legal Services, a battered women’s shelter and nonprofits serving the mentally disabled. Volunteers operate a family law walk-in clinic and a collections law Counsel in the Court. They also supervise law students performing bankruptcy petitions and use pro bono attorneys to attend bankruptcy hearings.

**Legal Aid District 11/District I:** This group works closely with legal aid entities in Shelby and Johnson Counties for case referrals and intakes. The caseload is 80 percent family law and domestic violence.

**Legal Volunteers of Southeast Indiana, Inc./District J:** Volunteers receive referrals from the courts, clerks’ offices, prosecutors’ offices, state court websites and Indiana Legal Services Inc.—New Albany office to support overflow, conflicts of interest and other legal services.

**Volunteer Lawyer Program of Southwestern Indiana/District K:** Professionals provide full representation and pro se clinics mostly focused on family law in three counties. The clinics have resulted in a savings of judicial time and resources, as well as an easier mechanism for those who do not require legal representation to maneuver the court system. District K offers a “Will Day” that serves to connect volunteer attorneys with individuals who otherwise would not have a Last Will and Testament. Through the “Homeless Connect” program, a collaboration of multiple agencies throughout southwestern Indiana, volunteers provide legal advice and triage to people who are homeless or near homeless.

**Southern Indiana Pro Bono Referrals/District L:** Case referrals to pro bono attorneys provide clients in need with: brief advice by phone or letter; brief service by referring to an attorney for a limited appearance; full case referral to an attorney; referral to another service provider; or rejection by letter. District L professionals are in the process of assuming the management of the Clark County Self Help Center and will redevelop it as a clinic where qualified clients will have appointments with pro bono attorneys.

**Facts About Pro Bono Reporting:**
1. The Court’s 2016 attorney registration will require listing 2015 hours performed or donations made to specific nonprofits.
2. The public will not know any individual attorney’s or law firm’s pro bono hours.
3. The Indiana Bar Foundation is a nonprofit Hoosier attorneys may give a financial donation to fulfill their pro bono requirement.

**How Pro Bono Attorneys Can Help:**
1. Wills (active & returning military, hospice)
2. Domestic violence intervention and prevention
3. Mortgage foreclosure prevention
4. Family issues (custody, support, etc.)
5. Guardianships (juvenile, elderly, disability)
6. Housing (landlord/tenant, homeless)
7. Health & disability benefits
At the firm Kolb Roellgen & Kirchoff LLP in Vincennes, pro bono service is a way of doing business. Annually, the four partners and five paralegals each give 50 hours or more of pro bono service to legal aid service in Knox County. When asked why they do it, the answer is simple: it’s part of the culture.

The firm was founded in Vincennes nearly 200 years ago by Sam Judah, who walked to Indiana from New Jersey. Through two centuries, firm leaders have given back in many ways. Partner Jeffrey B. Kolb says, “In the area of pro bono the firm has always been active, even before legal services and the pro bono commission.” He says former firm partner Rabb Emison was instrumental in setting up legal services through Vincennes University in the 1980s.

The program is now the Volunteer Lawyer Program of Southwestern Indiana, which provides free civil legal assistance to eligible low-income Hoosiers in 13 counties. Partner Dave Roellgen says, “Vincennes in not a wealthy community. There are a lot of people who need our services. We have to keep in touch with those of modest means so that no one feels alienated by an uncaring unreachable legal system when they find themselves in need of representation.”

Partner Brian Johnson joined the firm four years ago and says he provided pro bono hours to the Volunteer Lawyer Program without hesitation, “No one ever required me to give pro bono service, it’s just the culture and what we do.”

Partner Yvette Kirchoff agrees while saying, “My prior work was in a large corporation that sponsored large community events and encouraged volunteerism. It was expected that we give back, so our firm philosophy is not unusual.”

Kirchoff and her fellow partners were recognized in 2013 with a Pro Bono Publico award for their pro bono work. This was the first time District K had a law firm achieve the goal of 50-plus hours of pro bono service. In turn, the partners encourage colleagues throughout the Hoosier state to also give back, “Pro bono opportunities are only limited by time and imagination. Service on not for profit boards and financial support to legal aid providers is a way to honor the profession and prove that the rule of law is not only vital, but also impacts every strata our society,” says Roellgen.
Fiscal Year Ending June 30, 2014

**FY 2014 REVENUE**

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<tr>
<td>Contributions</td>
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<td>IOLTA</td>
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<td>INVESTMENT/CAPITAL INCOME</td>
<td>$53,292</td>
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*Due to rounding percentages may not equal 100%*

**FY 2014 EXPENSE**

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<tr>
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<td>ADMINISTRATION</td>
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<tr>
<td>DEPRECIATION</td>
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<td>0.69%</td>
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</table>

*Expenses reflect IOLTA/pro-bono grants (programs) disbursed this year from reserve revenues acquired prior years.*
The Randall T. Shepard Award, the highest award given for a career of pro bono service, was presented posthumously to Terrance P. “Terry” McCaffrey. McCaffrey was the executive director of the Volunteer Lawyer Program of Northeast Indiana (VLPNI) in Fort Wayne, Indiana. McCaffrey died in July before he could be honored. He was executive director of the Volunteer Lawyer program for five years prior.

“Terry led during what may have been the most difficult five years of the program’s history,” said Charles R. Dunlap, J.D., executive director of the Indiana Bar Foundation, which administers the IOLTA funding for pro bono programs in Indiana. “This period was one of historically low interest rates so the pro bono programs in Indiana had to work with less revenue, raise more on their own and serve a more demanding client load.”

Randall T. Shepard Award for Pro Bono

Other honorees include three attorneys at Faegre Baker Daniels LLP who provided aid to individuals and organizations as pro bono attorneys. Catherine A. Clements, Indianapolis, was honored for aiding domestic violence victims. Carl A. Greci, South Bend, was honored for aiding immigrant families and individuals. Robert W. Kistler, Fort Wayne, was honored for aiding veterans. Read more about their service here.

The Evansville Bar Associations’ Paralegal section was honored for their pro bono service. Their work has aided not only the local pro bono program, but also Indiana Legal Services and the local YWCA.

“They are the backbone of every pro bono project we do,” said Beverly Corn, co-plan administrator for the Volunteer Lawyer Program of Southwest Indiana Inc.

Pro Bono Publico Awards

Taft LLP Honored for Law-related Education

“The single most valuable learning experience” her sixth-grade students had. That’s how Amy Boggs, a teacher at Indianapolis Public School #58, described the law exploratory and career readiness program organized by Taft Stettinius and Hollister LLP for her sixth-grade classes.

Taft, and community partners United Way of Central Indiana and Reach for Youth, a local nonprofit, worked together with School 58 on Indianapolis’ eastside to develop a comprehensive view of law and safety careers. The program includes several classroom presentations, a field trip to the federal courthouse and lunch at Taft’s downtown office. Lawyers from Taft talk about their education background, career paths, and their day-to-day responsibilities. Law enforcement from the school system and the city police and members of the Indianapolis prosecutor’s office give the students an overview of what it’s like to work in their various roles and how they serve the community. Reach for Youth explains its Teen Court program and educates the students on key law concepts. The class members also get hands-on interaction through participating in a mock trial.

The purpose of the program is to give the students something to dream about and introduce them to various careers in law and safety.

Robert J. Hicks, Taft Law LLP, accepted the law-related education award from Indiana Supreme Court Justice Brent Dickson. Taft collaborated with an Indianapolis Public School and nonprofits to teach elementary students about careers in public safety and the law.
Cathedral High School, Indianapolis, won the civic competition and represented the state in the national competition. More than 250 teens testified in mock congressional hearings before panels of volunteer judges at the high school We the People State Finals, held December 14-16 in Indianapolis. The teams from these three schools scored highest by the panels of judges, which included lawyers, professors and members of the judiciary:

1. Cathedral High School, Indianapolis (pictured)
2. Munster High School, Munster
3. Fishers High School, Fishers

Brown Co Junior High School, Nashville, won the state competition for middle school students. More than 297 teens organized into 13 teams testified in mock congressional hearings on December 16 before panels of volunteer judges at the We The People State Finals.

Students competing at Indiana’s High School Mock Trial Competition in 2014 focused on a criminal case while volunteers, who wrote the case, trained the staff at the Foundation how the Competition operates so the Foundation could assume responsibility for future competitions. Attorney Susan Roberts, of counsel with Stuart & Branigin LLP, Lafayette, retired from practice but continued volunteering for the Indiana Mock Trial competition. Roberts expressed confidence the Foundation was the right home for the competition.

“It’s a good marriage,” she said. “I’m enthusiastic about the mock trial program moving forward with the dedicated staff and resources of the Indiana Bar Foundation.” Roberts first judged the Indiana Mock Trial competition in 1989 and has been responsible for organizing the Indiana competitions since 1990.

“I’m enthusiastic about the mock trial program moving forward with the dedicated staff and resources of the Indiana Bar Foundation.”

Learn more about educating tomorrow’s leaders on following pages.

Designating just 5% of your retirement account or life insurance policy to the Foundation can help tomorrow’s leaders.
**Giving Back**

**Cornerstone Society – Designated Funds**

**Make your vision for the legal profession a reality.**

Did you know designating just five percent of your estate, retirement account or life insurance policy can make a difference in the legal profession’s advancement now and in the future? By acting now, you can further your goals for the profession with an endowment at the Foundation.

Call Charles R. Dunlap, J.D. (317.269.7861) or Theresa Browning (317.269.7864) to learn more.

Learn more about educating tomorrow’s leaders with civic education, supporting the ISBA’s Leadership Development Academy and helping non-profit attorneys repay student loan debt. These are just a few of the areas you can learn more about on our website at www.inbf.org. Please direct specific questions about programs to Charles R. Dunlap at cdunlap@inbf.org.

**Jack Lyle Memorial Fund**

Jack Lyle (1920-2001) became executive director of the ISBA in 1969 in his third career after service in the military and as a newspaper executive. Recognized by his peers with the Bolton Award as the best Bar executive in the country, Jack was an early proponent of the Bar’s involvement in the We The People program of civic education.

This Fund supports civic education in Indiana.

**Joseph T. Helling Scholarship Fund**

Established by his children, the Joseph T. Helling Scholarship Fund assists an attorney who has practiced fewer than five years by underwriting his or her attendance at the ISBA’s annual meeting. Mr. Helling was a proponent of professional development and believed strongly in the collegial relationships formed at Bar events.

The Scholarship funds the applicant’s registration fee, lodging, meals and travel expenses, and it underwrites family participation in the annual meeting. Ask for more details about eligibility criteria or visit www.inbf.org.

**Hon. J. Terrence and Peggy Cody LRAP**

This Fund enables graduating law students to pay for their law school loans and be employed at civil legal aid providers, county Department of Child Services offices and county Public Defender’s offices throughout Indiana, with preference given to those employed or living in Floyd County, Indiana.

**Indiana Lawyers Alliance Law School Scholarship Fund**

This Fund assists a law student with a scholarship and rotates among Indiana’s ABA accredited law schools. It emphasizes community service, academic record, need and intention of staying in Indiana after graduation. The Indiana Lawyers Alliance aided the legal profession and the ISBA through various service projects for many years, yet like many organizations found its mission waning as demographics of the profession and society changed. The Alliance established this Fund with its remaining treasury when it disbanded.

**Phelps & Fara Family Law Fund**

After many years of successful solo practices where they formerly represented opposing clients, Gale Phelps and Thomas Fara joined their practices. Both were active members in the Family Law section of the ISBA, demonstrating their commitment to the professionalism of family law by helping other attorneys and leading CLEs on various family law topics. The Phelps & Fara Fund assists a law student studying the field of family law.

**Richard M. Givan Loan Repayment Assistance Fund**

Established in 2009 in honor of the late Chief Justice Richard M. Givan and his commitment to public service, this Fund assists attorneys working in legal aid and pro bono organizations or other nonprofits. Legal aid or attorneys employed in nonprofits that are providing legal advice and who make less than $50,000 annually, may receive aid for repayment of student loans for law school or undergraduate education.

The goal is to ensure that pressure from educational debt does not deter service to Hoosiers needing free legal assistance.

**Randall T. Shepard Fund for Diversity in the Law Profession**

Established in 2011 upon Chief Justice Shepard’s retirement from the Indiana Supreme Court, the Shepard Fund for Diversity in the Law Profession has a mission to do as it name describes. The beneficiaries of this Fund are: Indiana Conference for Legal Education Opportunity (ICLEO) and the Indiana Supreme Court’s Commission on Race and Gender Fairness. ICLEO was established to assist Indiana minority, low-income or educationally disadvantaged college students to pursue a law degree. More details on those programs are available on the Indiana Supreme Court website.

**Shirley Ann Shideler Fund**

Shirley Ann Shideler, who began as a legal secretary at Barnes & Thornburg LLP, became the first female partner of any major law firm in the state of Indiana, and the first female president of the Indiana Bar Foundation. At a time when women in the law were a rarity, Shirley entered the Indiana University School of Law as a single parent in her 30s, graduated with distinction in 1964, and launched a legal career that would span four decades and be marked by extraordinary contributions to her clients, her community, her colleagues and her profession. This Fund supports the areas of greatest or unmet need the Foundation has.
Our thanks to every donor who contributed to ensure the at all Hoosiers receive justice and education about the law.

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