In her recent State of the Judiciary address, Chief Justice Loretta Rush cited figures showing that in Indiana’s legal community, 7,200 attorneys donated 220,000 hours of pro bono service to legal aid organizations in 2015*. Attorneys are problem solvers at their core. The Chief Justice’s service figures prove that attorneys know the need is great and are resolved to help Hoosiers, without the means to retain private counsel, receive needed legal advice and assistance in civil matters.

"WE'RE POSITIONING THE FOUNDATION NOT JUST FOR FUTURE LEAN TIMES BUT ALSO TO DREAM BIG, AND THINK INNOVATIVELY, ABOUT HOW TO SERVE THOSE WHO CANNOT AFFORD THE FULL FEES OF A PRIVATE ATTORNEY."

I’m proud to raise the public’s awareness of how much our legal community helps people in need, both individually and collectively through the Indiana Bar Foundation (Foundation). The Foundation accomplished much in the past year by promoting civic awareness and participation as well as supporting civil justice for Hoosiers who cannot afford private counsel. The stories you will read in the 2016 annual report remind us all how fragile life is for some of our neighbors facing economic, physical, or mental health challenges.

And, yet, the need only continues.

Historically, IOLTA funds supported pro bono districts statewide. Interest rates plummeted nine years ago, forcing the Foundation’s board and staff to scramble for alternative sources of revenue — both public and private — to keep a sustainable level of service for impoverished Hoosiers. Last year, that effort received a big boost from the settlement between the Department of Justice and Bank of America: over $7 million was made available to fund legal aid agencies serving the poor in Indiana. However, those funds are highly restricted and can be only used for help in mortgage foreclosure and community redevelopment legal assistance.

After eight years of near zero interest rates, the Foundation’s “rainy day” reserve funds were depleted. We wanted to be smart about investing the DOJ settlement funds pending their distribution. The Board, thanks to the investment committee volunteers, created a structure for effectively investing the unspent funds.

The grants committee, led by the Hon. Melissa May, also established a structure and process for how grants would be awarded with the funds available and who would be eligible. We are grateful for the dedication of Judge May and these volunteers, including members of the board of directors. Their guidance and thoughtfulness will ensure we make the greatest impact possible with these new funds.

The stories you will read here are the results of the first round of community redevelopment justice grants. We distributed $584,000 in the first round of funding, and we opened the grant application process to any nonprofit organization — pro bono districts and civil legal aid agencies — providing civil legal aid in Indiana.

And with the new monies, the Foundation will be able to double its annual grant-making resources to approximately $1.5 million.

These alternative funding opportunities, including the DOJ settlement and a portion of civil filing fees, have provided a path to sustainability. We’re positioning the Foundation not just for future lean times but also to dream big, and think innovatively, about how to serve those who cannot afford the full fees of a private attorney. A comprehensive look at access to legal services is underway through the Coalition for Court Access, chaired by Indiana Supreme Court Justice Steven David. The Coalition includes members of the judiciary, the private bar, academia, civil legal aid providers, and social services. By looking at best practices around the country, as well as what works uniquely for Indiana, the Coalition is developing a plan for delivering legal services to people of limited means in the 21st century. It is also looking at a variety of legal services challenges from technology to rural access.

Whether you provided volunteer legal services referred by a pro bono district, your bar association or a civil legal aid agency, or you donated money so attorneys employed full time by those agencies could act on your behalf, you changed a life with your actions.

Thank you for helping expand civil justice to your neighbors in need.

Sincerely,

Kenneth J. Allen
President

*2015 figures were reported profession wide for the first time during the 2016 attorney registration process.
PROTECTING HEALTH AND HUMAN DECENCY

Jane* is a single mother of two. The apartment she rented had ongoing repair problems and mold. The mold caused Jane’s son to seek emergency room care three times within a year for asthma treatment. He was put on a nebulizer. He missed school regularly. Despite multiple requests to fix the problem, Jane’s landlord failed to address the mold. Jane reported the problem to her city’s housing code enforcement department. The city cited the landlord for violations of the housing code and ordered the landlord to complete repairs.

The landlord then tried to charge Jane for the repairs to her apartment. When she refused to sign a document that made her responsible, the landlord sued to evict her and claimed more than $5,000 in damages. Because of the pending eviction, Jane’s family was at risk of losing its Section 8 voucher and becoming homeless.

An attorney at Indiana Legal Services, Inc. (ILS) filed counterclaims against the landlord in the eviction case, including a habitability claim. The eviction was dismissed. Jane and her family could then move into decent housing without losing their Section 8 voucher. The ILS attorney also negotiated a full release of any claim for damages.

This is just one example of how Indiana Bar Foundation grantees are expanding civil justice. The case above illustrates how civil legal aid attorneys work every day to protect Hoosiers’ health, families and humanity.

Jane and her family couldn’t afford a private attorney. They may only be on public assistance for a short time and will one day be self-supporting. But right now they need help from an attorney to balance the power dynamic with their landlord.

Jane and her children needed a safe place to live. The ILS attorney helped her resolve her conflict with her landlord and avoid further debt and an eviction order that would have prevented her from ever living again in federally subsidized housing.

Just look at the consequences for Jane’s family, and particularly for the education and health of Jane’s children today and in the future. She and her child were in an emergency room three times in one year. Her son missed school regularly, which is a major indicator for falling behind academically. Resolving Jane’s legal problem allowed her son to refocus on school and his future.

Jane deserves a healthy home. Her children deserve a chance to improve their lot in life. With your help, they could.

*Jane is a pseudonym to protect the client’s identity.
ISOLATED, SHE NEEDED LEGAL AID

Jesse* had been deceived by her husband into a marriage that was not legally valid in Indiana. For 18 years, Jesse lived in a cabin in a remote, rural part of the state, and her husband did not allow her to see people or hold a job. He also led her to believe that she was unable to own property or assert any individual rights.

In 2012, Jesse learned that her marriage was not valid when she went to a Bureau of Motor Vehicles office and was told that she could not use her “married” name on her driver’s license. She came to her local Pro Bono District wanting to get out of her “marriage” and assuming she would not be entitled to anything from her “husband.”

The Pro Bono District is working to support Jesse’s legal rights, including asserting her right to half of the 13-acre property which she owned as a co-tenant with her “husband.” They are also exploring whether her “husband” committed fraud by receiving Veteran’s Administration benefits for her by telling the VA they were legally married.

The Pro Bono District is in the process of filing a petition to quiet title on the land. She has been homeless and hopes to go back and live on the partitioned land, as her “husband” has moved away. In the meantime, the Pro Bono District got him to return her personal property.

MENTAL ILLNESS LEADS TO MULTIPLE LEGAL PROBLEMS

Janet,** a woman disabled by schizophrenia, was institutionalized for two years in a state hospital. During that time, the hospital, as payee of her Social Security benefits, paid off her residence in Clay City.

Janet had lost her husband shortly before her hospitalization in a tragic car accident. She invested some of the money she received from insurance in a small house in Coal City, Indiana, hoping it would bring her rental income.

Unfortunately, the tenants ruined the Coal City house, even destroying the furnace, and stiffed Janet on the

charges. About this time, Janet also discovered that she had been the victim of mortgage fraud in buying the Coal City house. She was admitted to the hospital shortly after.

Janet came to Pro Bono District H with her caseworker through the Owen County “Counsel in the Court” program. She had not paid her Coal City mortgage for years and had no idea what to do with the house. While she remembered receiving a letter saying she’d been defrauded on the house, she no longer had the letter. In addition, someone had turned on the electricity in her Clay City residence while she was hospitalized, and she owed substantial arrears on electric bills.

Janet had gaps in her memory and in her paperwork. She required patience in being understood and extra help in organizing the paperwork she had. She sometimes contradicted herself, so it was necessary to find outside documentation for her situation.

At the time that Pro Bono District H filed her bankruptcy, this disabled woman had been living without electricity for almost 18 months, including the cold winter of 2014-2015. As soon as her bankruptcy was filed, the electric company turned on her electricity, and she was able to live in more comfort and dignity.

Pro Bono District H is continuing to work with Janet to dispose of her property and maintain her Medicaid support.

* Jesse is a pseudonym for the client.
** Janet is a pseudonym to protect the client’s identity.
HOUSING DISASTER FOR CARETAKER DAUGHTER

Sandra* was a woman in her 60s who had lived with and cared for her 90+ year old mother until her mother required nursing home assistance. Because she had been her mother’s caretaker, Medicaid, which was paying for her mother’s nursing home care, told Sandra that she would not have to leave the family home nor would they put a claim against the house when her mother died.

After her mother was admitted to a nursing home, there was a flood with significant damage to the home. The house was underinsured and Sandra was unable to clean up much of the trash and flood damage. She moved out of the house temporarily, and after she did so, the town where she lived served her mother with ordinance violations. The house was uninhabitable, and the town intended to tear it down.

Sandra sought help from her local Pro Bono District, and they found that the town’s notice of ordinance violation was unconstitutionally vague. For instance, instead of citing particular problems with the house, the town marshal merely attached pages of the town ordinance, which had been adapted wholesale from another town’s ordinances.

Although Sandra had attended city council meetings to protest the town marshal’s actions, she was not able to resolve the problem alone. The Pro Bono District staff went to a hearing with her and spoke with the town attorney. He admitted that the notice was vague and promised to get a “punch list” of repairs to make the house habitable again.

During the hearing, the Pro Bono District staff were able to get the marshal to admit that he had never been inside Sandra’s home and had never seen any record of the health department declaring the house uninhabitable. At the end of the hearing, the judge commended Sandra on her efforts to clean up her house and told her to “keep it up.” The judge also set a further hearing date and gave a deadline for the town to give Sandra a list of things they believed needed to be corrected.

The town has never provided this list although it has been more than 7 months. The Pro Bono District expects the town to dismiss the lawsuit. Sandra hopes to be able to raze the house and work with a local Habitat for Humanity to build a new house on the site.

COALITION FOR COURT ACCESS
Assuring Fairness For All

COURTS | PRIVATE BAR | LAW SCHOOLS | SOCIAL & HUMAN SERVICES | CIVIL LEGAL AID PROVIDERS

WORKING GROUPS
TECHNOLOGY = BEST PRACTICES = DATA COLLECTION = PRO BONO
RURAL CITIZENS = RESOURCE DEVELOPMENT = COMMUNICATIONS

7,200 INDIANA ATTORNEYS DONATED 220,000 HOURS OF PRO BONO SERVICE TO CIVIL LEGAL AID AGENCIES AND OTHER NONPROFITS TO PROVIDE FREE LEGAL AID TO HOOSIERS IN POVERTY.

*Sandra is a pseudonym for the client.
Source: Chief Justice Loretta Rush, State of the Judiciary, 2017
Figures based on 2015 service and donations reported in 2016 attorney pro bono reporting.
FISCAL YEAR 2015-2016 REVENUE ($8.9 MILLION)
Civil Justice Fund Charitable Contributions: $7,126,665
Civic Education Programs: $504,928
Filing Fee: $392,469
Registration Fee: $315,000
IOLTA Revenue: $291,092
Unrestricted Donations: $209,914
65th Anniversary Dinner: $97,205
Gain on Sale of Investments: $67,038
Investment Income: $31,168
Restricted Donations: $17,330
Other: $11,648

2016 COMMUNITY REDEVELOPMENT JUSTICE GRANTS ($584,646)
Indiana Legal Services, Inc.: $275,000
Indianapolis Legal Aid Society, Inc.: $229,646
Neighborhood Christian Legal Clinic: $25,000
Whitewater Valley District 9 Pro Bono Commission, Inc.: $20,000
Indiana District 4 Pro Bono Corporation: $15,000
Wabash Valley Volunteer Attorneys, Inc.: $15,000
District 10 Pro Bono Project: $5,000

FISCAL YEAR 2015-2016 EXPENSES ($2.6 MILLION)
Civil Justice Grants: $1,426,461
Administration: $500,705
Civic Education Program Expenses: $324,969
IOLTA Administration Expenses: $197,132
Events: $107,911
Non-IOLTA Grants: $34,426
Depreciation: $2,589

2016 IOLTA GRANTS ($841,815)
Distributed to Indiana’s 12 Pro Bono Districts
SHOW YOUR SUPPORT FOR CIVIL JUSTICE AND CIVIC EDUCATION

Join Keystone Society by September 30

We are grateful for the help of these individuals who led an effort to show others that they value the work of the Indiana Bar Foundation on behalf of the legal community. Their generous gifts to the annual fund ensure the Foundation can educate young people in civics and the American judicial process, expand civil justice to the Hoosier neighbors who cannot afford a private attorney, and aid the profession’s impact on a civil society. The Foundation preserves justice by insuring that our neighbors understand and appreciate the value of the rule of law.

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EXPANDING CIVIL JUSTICE

RANDALL T. SHEPARD AWARD FOR EXCELLENCE IN PRO BONO SERVICE
Beverly Corn, Evansville

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EDUCATING TOMORROW’S LEADERS

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LEGENDARY LAWYER AWARD

John D. Ulmer, Goshen

You too can join the Keystone Society. To become a member, make an unrestricted donation of at least $1,000 to the Indiana Bar Foundation before September 30 annually. Monthly donations are welcomed. Check www.inbf.org for details or contact a staff member at 317-269-7864 for a confidential conversation.
PRESERVING LEGACIES

What values and qualities of the legal profession do you want to see preserved? Join these individuals and preserve that legacy with an endowment at the Foundation. Deferred giving is an option through a designation in your will, life insurance, or retirement fund, or you may make donations of cash, equities or property. Contact staff for a confidential conversation about the details.

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NEW PROGRAM DIRECTORS

Collin Gruver, J.D., Director of Civic Education Programs
Collin joined the staff in July 2016 to manage all four of the Foundation’s civic education programs. Though he was formerly a high school teacher who taught the We the People curriculum, Collin’s had his hands in each one of the Foundation’s other three programs already. A graduate of IU McKinney School of Law, Collin’s favorite quote about education is: “An investment in knowledge always pays the best interest” – Benjamin Franklin. Collin’s goals with the Foundation include growing and nurturing the two flagship programs: We the People and High School Mock Trial, particularly in the western and southeastern parts of the Hoosier state. Collin also wants to grow, strengthen, and empower the Indiana Legislative Youth Advisory Council. He sees the Council’s role as that of an important link between the young people of Indiana and their elected lawmakers.

Marilyn Smith, J.D., Director of Civil Justice Programs
Marilyn recently assumed full-time status with the Foundation to manage its civil justice and pro bono initiatives, including programs associated with the Coalition for Court Access, IOLTA, and community redevelopment justice grants. A graduate of Columbia Law School, Marilyn previously served as Executive Director of the Illinois Equal Justice Foundation and the Center for Conflict Resolution and worked as Assistant Committee Counsel of the American Bar Association Standing Committee on Pro Bono and Public Service.

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