

# Learning about the FBI

Citizens' Academy open to community leaders, attorneys.

By Rebecca Berfanger  
rberfanger@ibj.com

Most people couldn't make it into the FBI – 22 months of solid training, strenuous physical fitness tests, a lie detector, squeaky-clean background requirements, age limits, exams, and other challenges make sure only the best of the best make the cut.

But the FBI Citizens' Academy – with at least one division in each of its 56 field offices around the country – welcomes many applicants regardless of how many push-ups they can do in a minute and how they handle a weapon under stress.

The next session in Indianapolis is open to Indiana residents willing to drive to the FBI's downtown offices for seven Thursday evenings Sept. 4 through Oct. 16, and one Saturday for firearms training at a shooting range.

Religious, business, and civic leaders have all participated in some of the same experiences of FBI agents through the Citizens' Academy.

About 15 attorneys have participated in the Indianapolis division of the FBI Citizens Academy since its first session Sept. 12, 2001, according to Bill Ervin, a law professor at Butler University, an attorney, and a retired FBI special agent in charge.

The other FBI Citizens Academy in Indiana, in Merrillville, is starting its second session April 17 – last year was its inaugural run. The first academy, similar to trainings conducted by police departments for their communities, started in Phoenix in 1993.

Of 75 to 80 applicants, 30 are chosen per session for the Indianapolis division, according to Kathy Sipes, community outreach specialist.

The numbers of applications have increased since the beginning, said Wendy Osborne, an FBI agent for 17 years who has worked with the academy since 2001. Applicants are chosen for a number of reasons, including diversity of professional and personal backgrounds.

"We do try to hit a broad spectrum," Osborne said.



Osborne

FBI • page 19



Attorneys Marisol Sanchez (above, right) and Kena Hollingsworth (below, left) spent a day on a shooting range as part of their experiences with the FBI Citizens' Academy.



Photos courtesy Julie Kramer/FBI photographer

# Justices rule against 3 strikes law

Court split on constitutionality of offender litigation law.

By Michael W. Hoskins  
mhoskins@ibj.com

A four-year-old state statute aimed at limiting frivolous lawsuits filed by prison inmates is unconstitutional because it effectively closes the courthouse doors altogether for certain people, a split Indiana Supreme Court has ruled.

Three of the five justices – Justices Theodore Boehm, Robert Rucker, and Brent Dickson – agreed that the state's 2004 "Three Strikes Law" violates the Indiana Constitution's Open Courts Clause. Chief Justice Randall T. Shepard and Justice Frank Sullivan disagreed and observed their colleagues' decision means many Hoosier litigants will have to wait longer for their day in court because of filings from "the very most abusive frequent filers in the state's prisons."

The 3-2 decision April 9 came in *Eric D. Smith v. Indiana Department of Correction, et al.*, No. 49S02-0804-CV-166, but it also brought with it unanimous decisions in three other suits from another inmate based on the majority's rationale in *Smith*. Those cases are *James H. Higason v. Indiana DOC*, Nos. 46S04-0804-CV-167, 46S03-0804-CV-168, and 46S05-0804-CV-169. All four cases were granted transfer with the opinions.

At issue is Indiana Code 34-58-2-1, which says inmates are not allowed to file new litigation if they have at least three ongoing civil actions that a state court has dismissed. The only permissible reason would be if a court determines that inmate is in "immediate danger of serious bodily injury."

Prison inmates file hundreds of lawsuits each year, and the *Smith* decision could impact those that may have been dismissed in past years following the new statute as well as offenders who may see a chance to file more knowing they'll at least get a court's attention – whether the suit can ultimately proceed or not.

While access to the courts is critical, the Association of Indiana Counties noted that frivolous suits put a strain on local courts because of already pinched budgets. There has to be a balance between that spending and appropri-

**"While the courts' resources are finite, and they attempt to not deny litigants a day in court, there's those who are behind bars who have nothing but time."**

Don Kite, Carmel attorney

SMITH • page 18

# ACLU recognizes civil liberty defenders

## IL Staff

The American Civil Liberties Union of Indiana distributed awards at its annual dinner April 5, followed by a talk from Daniel Ellsberg, an activist and former Pentagon analyst known for releasing the Pentagon Papers in 1971.

The ACLU of Indiana recognized Sheila Suess Kennedy, associate professor at the School of Public and Environmental

Affairs at Indiana University-Purdue University Indianapolis, with the Robert Risk Award for lifetime achievements in enhancing civil liberties; Leonard Goldstein of the Fort Wayne chapter of the ACLU of Indiana received the William Marsh Award for lifetime contributions to enforcement of laws that protect civil liberties; Sen. Karen Tallian, D-Portage, received the Joan Laskowski Legislator of the Year Award; Ogletree Deakins attorney

Steven F. Pockrass received the Chris Gonzales Award for his work on the Indianapolis Equal Opportunity Advisory Board; Alex McDonald, a student at Herron High School, received the Volunteer of the Year Award for working at the ACLU of Indiana on his school breaks and was first in line to attend the U.S. Supreme Court hearing for the voter ID issue; Danville attorney William O. Harrington received the Richard L. Zweig

Award for devoting exceptional time and effort to supporting litigation efforts for civil liberties rights; Marion McKay Walley received the Roots of Liberty Award, which recognizes leadership; Ian Rolland received the Founders Award for his many years of support; Indiana University Southeast ACLU Student Chapter received the Student Patriot Award; and *Indiana Lawyer's* Rebecca Berfanger received the Media Defender of Liberty Award. •

## ON THE MOVE

■ **On The Move:** Information must be submitted at least 11 days before the Wednesday issue in which it is to appear. Photographs with names on the back must be black-and-white and of good quality; they cannot be returned. Digital images should be 200 dpi and saved as eps, tiff or jpeg. For more information, contact [rberfanger@bj.com](mailto:rberfanger@bj.com).

## NEW FIRM

The principals of Ward Tyler & Scott announced that effective March 1, 2008, **Michael F. Ward** and **Christopher L. King** have left the firm and have formed Ward & King. Attorneys **Margaret F. Timmel** and **C. David Agnew** will join them. Remaining with the firm are **J. Scott Waters IV**, **Scott L. Tyler**, **Rodney L. Scott**, **Tricia K. Hofmann**, **Kenneth G. Doane Jr.**, **C. Allan Hoffer**, **Sandra L. Heeke**, **Rick E. Bartlett**, **George A. Budd V** and **Chad Smith**. The firm name has been changed to Waters Tyler Scott Hofmann & Doane, which will remain at 1947 E. Spring St., New Albany. Ward & King will be located at 1941 E. Spring St., New Albany.

## NEW ASSOCIATIONS

**Bruce A. Walker** has joined the Indianapolis law firm Cox Sargeant & Burns as a member.



John

**Tom John** has joined Ice Miller as a partner in its public affairs group. John will focus on state, local, and federal government issues and public-affairs management including legislative monitoring and representation, administrative law and government procurement, campaign finance and election law compliance, grassroots programming and political strategy. John served as the Marion County Republican Chairman during the elections of Nov. 6, 2007, and was part of the campaign for Indianapolis Mayor Greg Ballard and Republicans in the Indianapolis City-County Council.



Schafer

**Matthew J. Schafer** has become a partner in the Indianapolis law firm of Drewry Simmons Vornehm.

**Ann Marie Waldron** has joined the Indianapolis firm Robinson Wolenty & Young as of counsel.

## LAW FIRM LEADERSHIP



Babb

Bose McKinney & Evans partner **Bryan Babb** has been named co-chair of the firm's appellate group. Previously vice chair of the appellate group, Babb is also a member of the litigation group. He joined the firm in 2000.



Froehle

Baker & Daniels has announced its top leadership positions for 2008. Members of the law firm's strategic and policy board are: **Dan Boeglin**, a partner practicing in health and life sciences; **Roger Flower**, chief operating officer; **Tom Froehle**, chair and chief executive partner; **Mike James**, a partner practicing in construction, environmental, and real property litigation; **Charlie Richardson**, a partner practicing in insurance and financial services; **Rob Wynne**, a partner practicing in commercial finance and business restructuring; and **Jay Yeager**, a partner practicing in business litigation. Froehle, a member of the executive committee, which is responsible for day-to-day operations of the firm, appointed the following as members of Baker & Daniels' executive committee for 2008: **Flower**; **Pat Callahan**, managing partner for client service who practices in corporate finance, and health and life sciences; **John Hoffman**, managing partner for emerging practices who practices in intellectual property, and health and life sciences; **Scott Kosnoff**, managing partner for professional personnel who practices in insurance and financial services; **Greg Utken**, managing partner for legal practices who practices in labor and employment law; and **Dave Zook**, managing partner for consulting practices who advises private and public sectors on federal budgetary, legislative, and regulatory matters.

## NEW PARTNERSHIPS

**Anne E. Simerman** and **Renee L. Riecke** have been elected partners of the Fort Wayne law firm Barrett & McNagny. Simerman concentrates her practice in the areas of finance, corporate law, and creditors' rights. Riecke concentrates her practice in estate planning and probate matters.



Conner

**Matthew W. Conner** and **Robert S. Daniels** have been named equity partners at the Indianapolis-based law firm of Tabbert Hahn Earnest & Weddle. Conner practices in the areas of medical malpractice defense and general litigation. Daniels, one of the lead attorneys in the Indianapolis Marion County Public Library construction case, practices in the areas of construction litigation and transactions; complex business litigation; real estate transactions; litigation and zoning; business planning, transactions, and litigation; and mergers and acquisitions.



Daniels

## ELECTIONS/ APPOINTMENTS

Bose McKinney & Evans partner **Kathleen Hart** has succeeded to president of the Federal Bar Association, Indianapolis Chapter for 2008-2009. Previously she has served as secretary and vice president. Hart is a partner in the firm's litigation group.



Burns

Baker & Daniels partner **John R. Burns III** was recently appointed to co-chair the American Bar Association Section of Litigation's Bankruptcy and Insolvency Litigation Committee. The Section of Litigation is the largest specialty section of the ABA. Burns practices from the firm's Fort Wayne office and co-chairs the committee with Kathleen Burke, an attorney at Jones Day in Cleveland, Ohio.



Abrams

**Jeffrey A. Abrams**, member and president of the Indianapolis law firm of Dann Pecar Newman & Kleiman, has been elected as the 2008 president of the Indianapolis Bar Foundation Board of Directors. Abrams' practice includes real estate, corporate, commercial lending, and alcoholic beverage law.



Jocham

**Stephenie S. Jocham** attorney and founding partner of Hollingsworth Jocham & Zivitz in Carmel, has been named a fellow of the Indiana Bar Foundation.

## AWARDS

**Baker & Daniels** was named the recipient of the seventh annual Mayor's Celebration of Diversity Award for Development. Baker & Daniels is the first law firm to receive the award. Representing Baker & Daniels at the luncheon were **Greg Utken**, a member of the firm's executive committee and chair of the diversity committee; **Joseph Smith Jr.**, a partner whose practice includes working with minority- and women-owned businesses; and **Brita Horvath**, diversity and pro bono coordinator.

Baker & Daniels has honored nine individuals with the Charles L. Whistler Pro Bono Award. Recipients of the award for helping others through pro bono services are partners **Joseph E. Miller**, **Michelle Kaiser Bray**, **Jennett M. Hill**, and **Martha M. Lemert**; associates **Suzann Weber Lupton**, **Kathryn E. Anderson**, and **Emily C. Paavola**; consultant **Anthony A. Pickell**; and legal assistant **Betsy R. Smith**. Baker & Daniels' Whistler Award is given on an annual basis to individuals within the firm who have dedicated their time and effort to pro bono projects.

Bose McKinney & Evans associate **Marisol Sanchez** has been recognized as a 2008 Champion of Diversity by *Indiana Minority Business Magazine*. The Champion of Diversity recognition celebrates diversity among corporations, small businesses, individuals, and non-profit organizations across Indiana.

## FBI

Continued from page 3

The purpose is the agency wants to train ambassadors to tell their communities what it is the FBI really does, not just what they see in dramatized movies and television shows.

"Most people have never met an FBI agent," she said. "When these people come in, they're not just having a meal with us, learning to shoot a gun. They get to know us and learn that we're ordinary folks."

But still not that ordinary.

Kena Hollingsworth, a partner with the Carmel family law firm Hollingsworth Jocham & Zivitz, is a member of the board for the Citizens Academy who went through the training in fall 2006, followed by a February 2007 trip to FBI headquarters in Washington, D.C., and Quantico, Va., and other activities open to academy participants and alumni.

Other than handling a gun for the first time and seeing demonstrations of SWAT activity and explosives, one of the things that she took away was that FBI

agents are among the best people she's ever met.

"They wouldn't be doing this if they didn't want to," she said.

By getting to know them, she learned how professional and intelligent agents have to be. Hollingsworth and her classmates, like all academy students, learned from agents about domestic and international terrorism, issues associated with cyber crime, white collar crime, civil rights, and other concerns agents face on a regular basis.

While she doesn't exactly deal with these issues in her day job, what she learned captured her attention and she highly recommends the training for attorneys.

Another lawyer, Marisol Sanchez, did it because her husband, Rafael, who was in Hollingsworth's class, told her about it. There have been at least 10 other married couples to go through the training, usually in separate classes.

Marisol is an associate in Bose McKinney & Evans' litigation, appellate, and white-collar crime practice groups.

"If anything, it gives you a better per-

spective of how they operate, what the operation is about, and what role do we as citizens in our community play in this," she said. "I would think it would be beneficial to prosecutors, public defenders, people who work in white-collar crime ... because (white-collar crime attorneys) often work with FBI agents and U.S. attorneys."

Hollingsworth and Marisol also bonded with their classmates more than they expected.

Ervin and Osborne explained that it's similar to when agents go through training, including a sense of class pride.

Hollingsworth said she remains close with her classmates, and some of those relationships have even resulted in referrals to her practice.

But the trainings are also so that students can tell others about the FBI. This responsibility includes speaking in social settings and involvement in the community, something on which Hollingsworth and the board continue to work.

The academy students also get various souvenirs throughout the training. But these items, as well as the weekly dinners

and graduation, aren't paid for by the students or the FBI.

Instead, the academy in Indianapolis, which costs about \$8,000 per seven-week session, is paid for by a foundation. The first training was paid for by funds raised by the society of former special agents, of which Ervin is a member.

Now the academy is self-sufficient because of contributions of alumni and others. There's a \$50 annual fee to maintain membership, then it's \$1,000 for a lifetime membership. So far, there are 36 lifetime members, Ervin said.

Extra funds then go to other non-profits, such as the Special Olympics.

Nominations, including a bio or resume, are due to the FBI by April 18; prospective students can nominate themselves. Contact Kathy Sipes at (317) 321-6119 or [Kathryn.Sipes@ic.fbi.gov](mailto:Kathryn.Sipes@ic.fbi.gov) for more information.

Hollingsworth encourages anyone who doesn't make it on their first application to keep applying, adding that lawyers can offer valuable insight and also learn a thing or two from people in other fields in the training sessions. ■