



McKinnon receives public service award

The Tort Trial & Insurance Practice Section of the American Bar Association at its annual meeting in San Francisco awarded the Edmund S. Muskie Pro Bono Service Award to Patricia L. McKinnon of Baker Pittman & Page of Indianapolis. The section created the award to honor the late senator's long history of promoting public service among the legal profession, particularly encouraging all lawyers to provide pro bono services to those in need.

McKinnon was nominated for the award by Marion Superior Court Judge David J. Dreyer and supported by others in the community who have witnessed and worked with her in her pro bono efforts. Judge Dreyer stated, among other accolades in his nomination, that "Patty possesses an enormous amount of energy and strength that have served to advance the mission of pro bono services all over Indiana. Her character is unmatched and her enthusiasm is contagious." Judge Dreyer particularly noted her efforts with regard to a monthly "Ask a Lawyer" program as well as her effort to educate other lawyers through an ICLEF DVD, "Instruction to Family Law," for use by pro bono volunteers.

The selection of the recipient begins with the Law in Public Service Committee of the Tort Trial & Insurance Practice Section. Michael E. Brown of Kightlinger & Gray in Indianapolis is a member of that committee. Brown attended the award presentation in San Francisco where the chair of the section, John R. Tarpley (pictured above with Patty) of Nashville, Tenn., noted McKinnon's commitment to her own pro bono services as well as her efforts at encouraging others.

Brown noted the committee was particularly impressed by her outreach to other lawyers through the creation of a DVD that could be used to assist volunteers who did not ordinarily practice family law to assist them in providing services to those in need. ♪

I would like to thank all of the people who have provided support for the various projects behind my receipt of this award, particularly Scott King and the staff at ICLEF, as well as Chuck Dunlap, Monica Fennell, Laurie Boyd and the staff at the Indiana State Bar Association. I get the glory while they've done the hard work. — Patty

CRIMINAL JUSTICE NOTES

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Excessive force converted Terry stop into arrest requiring probable cause

In *Reinhart v. State*, 930 N.E.2d 42 (Ind. Ct. App. 2010), the trial court abused its discretion by admitting evidence of marijuana and Daniel Reinhart's intoxication because even though police officers may take reasonable steps during a Terry stop to ensure safety, drawing a gun on Reinhart, ordering him to kneel with his hands behind his head and then lie flat on his stomach were excessive and not the least intrusive means to investigate a traffic stop. *Id.* at 47 (citing *Wilson v. State*, 745 N.E.2d 789, 792 (Ind. 2001)).

The initial stop of Reinhart's car was legitimate because he swerved across the center line, but the police officers' excessive force converted the Terry stop into an arrest lacking probable cause. *Id.* Reinhart drove into a driveway where the officer had parked his car. Reinhart yelled at the officer, who told Reinhart to back up his vehicle. Reinhart pulled back on the road. The officer stopped Reinhart, drew his gun, and ordered him to the ground. A second officer on the scene conducted a pat-down search, revealing a glass marijuana pipe, and noticed that Reinhart smelled of alcohol, had bloodshot eyes, and slurred speech. The first officer conducted another pat-down search, which uncovered a baggie containing marijuana. *Id.* at 43-44. The court reversed Reinhart's convictions for class D felony operating a vehicle while intoxicated and class A misdemeanor possession of marijuana. *Id.* at 48. ♪

* See *Hollinsworth v. State*, 928 N.E.2d 201 (Ind. 2010), and Joel M. Schumm, "A Typically Busy June for Indiana Supreme Court," *Res Gestae*, September 2010, at p. 42.