

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Jane Elizabeth Magnus-Stinson

Former Names: Jane Elizabeth Magnus, Jane Elizabeth Magnus D'Alesandro

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Southern District of Indiana

3. **Address:** List current office address. If city and state of residence differs from your place of employment, list the city and state where you currently reside.

United States District Court for the Southern District of Indiana
361 Birch Bayh Federal Building & United States Courthouse
46 East Ohio Street
Indianapolis, Indiana 46204

4. **Birthplace:** State year and place of birth.

1958; La Crosse, Wisconsin

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1980-1983, Indiana University School of Law (Indianapolis); J.D. (*cum laude*), 1983

1976-1979, Butler University; B.A. (*cum laude*), 1979

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007-Present

United States District Court for the Southern District of Indiana
361 Birch Bayh Federal Building & United States Courthouse
46 East Ohio Street
Indianapolis, Indiana 46204
United States Magistrate Judge

1995-2007

Marion Superior Court
Criminal Division, Room 6
W 306 City-County Building
Indianapolis, Indiana 46204
Superior Court Judge

1988-1995 & 2000

Indiana University School of Law (Indianapolis)
520 West New York Street
Indianapolis, Indiana 46202
Adjunct Faculty

1991-1995

Office of Governor Evan Bayh
State of Indiana
Room 206 State House
Indianapolis, Indiana 46204
Deputy Chief of Staff (1994-1995)
Counsel to the Governor (1991-1995)
Executive Assistant (1991)

1983-1990

Lewis, Bowman, St. Clair and Wagner
(now Lewis Wagner)
501 Indiana Avenue, Suite 200
Indianapolis, Indiana 46202
Associate (1983-1990)
Law Clerk (1982-1983)

1981

Dann, Pecar, Newman, Talesnick, and Kleiman
(now Dann, Pecar, Newman, and Kleiman)
One American Square, Suite 2300
Indianapolis, Indiana 46204
Law Clerk

1980-1981

Indiana University School of Law (Indianapolis)
520 West New York Street
Indianapolis, Indiana 46202
Law Library Student Assistant

1980

Ewing Nursery & Landscaping, Inc. (now Bruce Ewing Landscaping, Inc.)
124 North Thomas Road
Fort Wayne, Indiana 46808
Summer Landscape Crew Member

1979-1980

National Underwriters (no longer in business)
1742 North Meridian Street
Indianapolis, Indiana 46202
Account Representative

Other Affiliations

1997-2003 & 2005-2006

Indiana Judges Association
30 South Meridian Street, Suite 900
Indianapolis, Indiana 46204
At-Large Director (1997-2002 & 2005-2006) (uncompensated)
Secretary-Treasurer (2003) (uncompensated)

1994-2005

Wishard Memorial Foundation (now Wishard Foundation)
1001 West Tenth Street
Indianapolis, Indiana 46202
Director (1994-2005) (uncompensated)
Vice Chair (2004) (uncompensated)

1997-2004

Indiana Judicial Conference
30 South Meridian Street, Suite 900
Indianapolis, Indiana 46204
Director (uncompensated)

1993-1999

Big Sisters of Indiana
2960 North Meridian Street, Suite 150
Indianapolis, Indiana 46208
President (1998-1999)
Director (1993-1999)

1987-1989 (approximate)
Broad Ripple Village Association
6311 Westfield Boulevard, Suite 101
Indianapolis, Indiana 46220
Director & Counsel

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military and have not registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Indiana State Bar Association Women in Law Committee, Achievement Award, 2007
Governor Mitch Daniels, Governor's Award for Excellence in Service, 2007
Mayor of the City of Indianapolis, "Judge Jane Elizabeth Magnus-Stinson Day," 2007
Indianapolis Bar Association, President's Award for Service to the Profession, 2006
Lawdragon.com, Lawdragon 500 Leading Judges in America, 2006
Indianapolis Bar Association, Board of Managers Award, 2005
Indiana Coalition Against Domestic Violence, Outstanding Judge, 2005
Butler University Alumni Association, Fifty Under 50, 2004
National Association of Probation Executives, Arthur Neu Award for Exceptional Policy Development, 2003
Indianapolis Bar Association, Antoinette Dakin Leach Award (Outstanding Woman Legal Professional), 2002
Indiana Coalition Against Sexual Assault, Outstanding Service Award, 2002
Indiana Judicial Conference, Decade of Teaching Award, 2000
Indiana Judicial Nominating Commission, Finalist for Appointment to Indiana Court of Appeals, 1998
Governor Evan Bayh, Sagamore of the Wabash (Governor's high honor), 1995
Indianapolis Bar Foundation, Distinguished Fellow, 1995
Indiana State Bar Association, Women in the Law Honoree, 1993
American Jurisprudence, Book Award for Top Paper in Labor Law, 1983
American Jurisprudence, Book Award for Top Paper in Civil Procedure I, 1981
Butler University, Full Tuition Academic Scholarship, 1976-1979
Kappa Kappa Gamma, Academic Scholarship, 1976

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Federal Magistrate Judges Association

Indiana Judicial Conference

Chair, Judicial Education Committee (2006)

Appointed Director (by Chief Justice) (1997-1999)

Elected Director (2000-2002)

Indiana Judges Association

At-Large Director (1997-2003 & 2005-2006)

Secretary-Treasurer (2003)

Chair, Criminal Jury Instructions Committee (1998-2003)

Indiana State Bar Association

Chair, Federal Judiciary Committee (2007-2009)

Indianapolis Bar Association

Vice President, Board of Managers (2003-2004)

At-Large Member, Board of Managers (2000-2002)

Moderator, Bar Leader Series (2008-2009)

Chair, Professionalism Committee (2007)

Chair, Pro Bono Standing Committee (2004-2006)

Member, Justice Center Task Force (approximately 1998-2003)

Marion County Bar Association

Sagamore American Inn of Court

Benchler / Master (1998-2004, 2007-08)

Seventh Circuit Bar Association

10. Bar and Court Admission:

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Explain the reason for any lapse in membership.

Indiana, 1983

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States District Court for the Southern District of Indiana, 1983

Indiana Supreme Court, 1983

There has been no lapse in any membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 10 or 11 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Big Sisters of Central Indiana

Member, Community Advisory Council (2000-2002)

President (1998-1999)

Director (1993-1999)

Board of Visitors, Indiana University Law School (Indianapolis) (1995-Present)

Chair (2007-2009)

Member, ABA Accreditation Self-Study Committee (2008-2009)

Vice-Chair (2007)

Secretary (2005-2006)

Indiana Lawyer Reader Advisory Panel (2007-Present)

Lawyer's Club of Indianapolis (1998-2001)

Riviera Swim Club (1997-2002 & 2008-present)

Jewish Community Center (approximately 2002-2006)

Jordan YMCA (approximately 1996-2003)

Phi Kappa Delta Scholastic Honorary Society (1978-1979)

Kappa Kappa Gamma (1976-1979)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

As a college student, I was a member of Kappa Kappa Gamma, a women's fraternity that did not (and still does not) admit men. I have not had any association with that organization or any related alumni entity since I graduated from college in 1979. No other organization listed above currently discriminates on the basis of race, sex, religion, or national origin by any means. I understand that the Riviera Swim Club, my neighborhood pool, had a regrettable history of racial discrimination ending in the 1960s or 1970s; today, it has a racially diverse membership. The Lawyers Club of Indianapolis, a quarterly dinner club of which I was previously a member, once was men-only; by the time I became a member in 1988, women already had joined. I am not aware of any other former discrimination by the organizations listed above.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Best Settlement Practices Through the Eyes of a New Magistrate Judge,

NEWSLETTER OF THE INDIANAPOLIS CHAPTER, SEVENTH CIRCUIT BAR ASSOCIATION (June 2008)

Sidebar Column: *Top Ten Tips for Young Lawyers*, YLS NETWORK (published by Young Lawyers Section, Indiana State Bar Association) (Winter 2008)

Letter to the Editor, *County Needs Fair Deal for Court Officers*, INDIANAPOLIS STAR (Oct. 4, 2005)

Blakely in Indiana: Is Smylie the Beginning or the End? INDIANA STATE BAR ASSOCIATION CRIMINAL JUSTICE SECTION NEWSLETTER (May 2005)

Note, *The Continuing Vitality of Louisville Joint Stock Land Bank v. Radford, Persuasive Authority for Cases Declaring Retroactive Application of the Bankruptcy Code Unconstitutional*, 15 Ind. L. Rev. 593 (1982)

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Standards of Professionalism, Indianapolis Bar Association, (Oct. 2007)

In addition, I served from 1998-2002 as chair of the Criminal Jury Instructions Committee of the Indiana Judges Association. During that time, the Committee rewrote the Indiana Criminal Pattern Jury Instructions in full—and in plain English to make them readily understandable for jurors. The Criminal Pattern Jury Instructions are available as a source on Lexis and other legal research tools.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Marion County Criminal Justice Planning Council (Jan. 23, 2006) (testified on status of an outside study of the county's juvenile detention center) (no text or notes)

Indiana Commission on Courts (Oct. 3, 2005) (requested additional state funding for judicial officers on behalf of Marion Superior Court)

Public Safety and Criminal Justice Committee of the City of Indianapolis and Marion County City-County Council (Aug. 31, 2005) (provided budget testimony on behalf of Marion Superior Court)

Indiana Supreme Court (July 21, 2005) (submission by request of the Court concerning whether state or county public defender was best suited to represent a defendant in a particular appeal)

Administration and Finance Committee of the City of Indianapolis and Marion County City-County Council (Feb. 16, 2005) (testified in support of new public safety initiative funding mechanism)

Indiana House Judiciary Committee (Feb. 7, 2005 & Jan. 27, 2005) (testified against HB 1703, modifying judicial selection for Marion County)

Letter to Indiana Senators (Feb. 11, 2004) (supporting HB 1410, modifying compensation for state elected officials)

Indiana House Judiciary Committee (spring 2001) (testified on SB 506, increasing user fee to fund additional probation services)

City of Indianapolis and Marion County City-County Council (Aug. 1998) (request for funding for additional probation officers on behalf of Marion Superior Court Probation Department)

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

Naturalization Ceremony, U.S. District Court (S.D. Ind.) (Jan. 14, 2010)

Trial Skills Workshop, National Institute for Trial Advocacy (Oct. 11-16, 2009)

"Pro Bono Opportunities," U.S. District Court (S.D. Ind.) (Sept. 18, 2009)

Naturalization Ceremony, U.S. District Court (S.D. Ind.) (Sept. 17, 2009)

"What to Expect When Practicing in Federal Court," Indianapolis Bar Association Bench/Bar Conference (June 19, 2009)

"Law as a Career" (remarks to pre-law students), Butler University (Apr. 11, 2009)

"Brilliance and Blunders in the Courtroom," Indiana University Law School (Indianapolis) (Mar. 27, 2009)

"Work-Life Balance" (Women in Law Month), Federal Bureau of Investigation Indianapolis Office (Mar. 17, 2009)

Presentation on Mediation in Federal Court to Public Policy Mediation Class, Indiana University Law School (Indianapolis) (Feb. 10, 2009)

"Electronic Discovery from the Court's Point of View," Indiana Trial Lawyers Association (Jan. 30, 2009)

Trial Skills Workshop, National Institute for Trial Advocacy (Oct. 13-17, 2008)

"Discovery in Employment Cases: A View from the Bench," Indiana
 Employment Lawyers Association (Sept. 25, 2008)
 Leadership Speech, Indianapolis Bar Association (Sept. 19, 2008)
 Alternative Dispute Resolution Panel, Advanced Science and Technology
 Adjudication Resource Center, Inc. (May 30, 2008) (no text or notes)
 Presentation on Mediation in Federal Court to Public Policy Mediation Class,
 Indiana University Law School (Indianapolis) (Feb. 12, 2008) (no text or
 notes)
 "Top Ten Litigation Tips," Indianapolis Bar Association (Dec. 4, 2007)
 "Criminal Law and Procedure," Indiana Judicial Center (Sept. 20, 2007)
 "Top Ten Practice Tips," Federal Bar Association Young Lawyers Division (July
 26, 2007)
 "Ginsburg Moments," IBA/Women in Law Division Summer Reception (June 20,
 2007)
 State of Jury System in Civil Practice Panel, Indiana Continuing Legal Education
 Foundation (May 17, 2007) (no text or notes)
 Investiture Speech, U.S. District Court (S.D. Ind.) (Mar. 2, 2007)
 "Work-Life Balance," Zionsville Community Christian Church (Oct. 12, 2006)
 "Review of 2005-06 Employment-Related Decisions from the U.S. Supreme
 Court," Indianapolis Bar Association Employment Law Section (July 20,
 2006)
 "Ethical Ex Parte Discovery" (group presentation), Sagamore American Inn of
 Court (Mar. 8, 2006) (no text or notes)
 "Indiana Judges on Evidence: The Tough Issues Argued" (panel), Indiana
 Continuing Legal Education Foundation (Dec. 8, 2005)
 Indiana Evidence Workshop, Professional Education Systems Institute (Nov. 10,
 2005)
 "Sentencing Issues," Indianapolis Bar Association Criminal Law Section (Nov. 8,
 2005)
 "Practicing Law in Indiana: The New Indiana Rules on Professional Conduct"
 (panel) Indiana Lawyer (Sept. 22, 2005) (no text or notes)
 "SB 96 and *Blakely*: Update on Sentencing Decisions," Indiana Judicial Center
 (Sept. 14, 2005)
 "SB 96: A Farewell to *Blakely*," Indiana Prosecuting Attorneys Council (June 19,
 2005)
 "You Make the Call" (panel on evidentiary objections in mock trial setting),
 Indianapolis Bar Association (June 17, 2005)
 "SB 96: A Farewell to *Blakely*," Indiana Judicial Center (Apr. 20, 2005)
 "Final Arguments" (at Howrey Simon LLP Trial Skills Workshop), National
 Institute for Trial Advocacy (no text or notes)
 "Criminal Sentencing Decisions," Indiana Judicial Center (Apr. 20, 2005)
 Mid-Central Regional Trial Skills Workshop, National Institute for Trial
 Advocacy (Mar. 13-17, 2005)
 Evidence Workshop, Professional Education Systems Institute (Nov. 5, 2004)
 Pro Bono & Community Leadership Discussion, Indianapolis Bar Association
 (Oct. 19, 2004) (no text or notes)

“An Evening with the Judges,” Indiana Continuing Legal Education Foundation (Sept. 30, 2004)
 “*Blakely v. Washington*: Sentences and Sentence Reductions,” Indiana Judicial Center (Sept. 22, 2004)
 “Brilliance and Blunders in the Courtroom from the Eyes of the Bench,” Indiana University Law School (Indianapolis) (Aug. 24, 2004)
 Colorado Teacher Training Program, National Institute for Trial Advocacy (June 27, 2004) (no text or notes)
 “Child Hearsay Law & Other Out of Court Statements – *Crawford v. Washington*,” Marion Superior Court CLE Program (May 11, 2004)
 “Evidence Rulings in Civil Litigation” (panel), Indiana Judicial Center (Apr. 23, 2004) (no text or notes)
 “Ethics and Evidence: Ever the Twain Shall Meet” (group presentation), Sagamore American Inn of Court (Apr. 14, 2004) (no text or notes)
 Mid-Central Regional Trial Skills Workshop, National Institute for Trial Advocacy (Mar. 14, 2004) (no text or notes)
 Indiana Evidence Workshop, Professional Education Systems Institute (Nov. 6, 2003)
 “Brilliance and Blunders in the Courtroom,” Indianapolis Bar Association (Sept. 26, 2003 & June 20, 2003)
 “And the Final Double Jeopardy Answer Is . . .,” Indiana Judicial Center (Apr. 25, 2003)
 Mid-Central Regional Trial Skills Workshop, National Institute for Trial Advocacy (Mar. 16, 2003)
 “Art of Negotiations” (group presentation) Sagamore American Inn of Court (Mar. 12, 2003)
 General Jurisdiction New Judge Orientation Program, “Criminal Caseload Management,” Indiana Judicial Center (Jan. 14, 2003)
 “Pre-Bench Orientation: Guilty Plea Skills,” Indiana Judicial Center (Dec. 11, 2002)
 Indiana Evidence Workshop, Professional Education Systems Institute (Nov. 15, 2002)
 “Brilliance and Blunders in the Courtroom,” Indiana Lawyer – Women In Law Conference (Oct. 17, 2002) (no text or notes)
 Pro Bono Protective Order Program, Indianapolis Bar Association (Sept. 28, 2002) (no text or notes)
 “Recent Developments in Criminal Law and Procedure,” Indiana Judicial Center (Sept. 13, 2002)
 “Domestic Violence: What’s a Lawyer to Do?” Indiana Continuing Legal Education Foundation (July 25, 2002)
 “Criminal Sentencing Decisions,” Indiana Judicial Center (Apr. 17, 2002)
 “Ex Parte Communications: Dangerous Liaisons” (group presentation) Sagamore American Inn of Court (Mar. 13, 2002) (no text or notes)
 Mid-Central Regional Trial Skills Workshop, National Institute for Trial Advocacy (Mar. 10, 2002) (no text or notes)

Indiana Evidence Workshop, Professional Education Systems Institute (Nov. 11, 2001)
 "Recent Decisions in Criminal Law and Procedure," Indiana Judicial Center (Sept. 12, 2001)
 "Advanced Evidence," Indiana Continuing Legal Education Foundation (Aug. 24, 2001)
 "Planning Your First Criminal Case," Indiana Continuing Legal Education Foundation (July 27, 2001)
 "Bench Skills Workshop – Guilty Plea," Indiana Judicial Center (Apr. 19, 2001)
 "Criminal Sentencing Decisions," Indiana Judicial Center (Apr. 19, 2001)
 Mid-Central Regional Trial Skills Workshop, National Institute for Trial Advocacy (Mar. 11-16, 2001)
 General Jurisdiction New Judge Orientation Program, "Guilty Plea," Indiana Judicial Center (Jan. 23, 2001) (no text or notes)
 "Indiana Judges on Evidence: The Tough Issues Argued" (panel), Indiana Continuing Legal Education Foundation (Dec. 6, 2000) (no text or notes)
 Keynote Address, Indiana Correctional Association Annual Dinner (Oct. 2000) (no text or notes)
 "Recent Decisions in Criminal Law," Indiana Judicial Center (Sept. 20, 2000)
 Discussion on Cases of Sexual Abuse and Assault (Panel), Indiana Coalition Against Sexual Assault Annual Conference (July 2000) (no text or notes)
 "Criminal Sentencing Decisions," Indiana Judicial Center (May 10, 2000)
 "Final Argument," National Institute for Trial Advocacy Mid-Central Regional Program (Mar. 12, 2000) (no text or notes)
 "Hearsay and Its Exceptions," Indiana Continuing Legal Education Foundation (Feb. 24, 2000)
 "Brilliance and Blunders from the Eyes of the Bench," Indianapolis Bar Association (Feb. 17, 2000) (no text or notes)
 "Double Jeopardy in Indiana," Indiana Judicial Center (Dec. 9, 1999)
 "Plain Language Revisions to the Indiana Criminal Pattern Jury Instructions," Bench Bar Summit Indiana Judicial Center / Indiana State Bar Association (Sept. 28, 1999)
 Remarks on behalf of Marion Superior Court and Probation Department, Opening of Goodwill Industries' Blue Triangle Center (June 1999)
 "Adult Educational Issues in the Correctional Setting" (panel), Association of Adult Education Providers in Indianapolis (June 1999)
 "Recent Legislation," Indiana Judicial Center (May 27, 1999)
 "Jury Trial Management Issues" (panel), Indiana Judicial Center (Mar. 11, 1999) (no text or notes)
 Indiana Trial Advocacy College, Indiana Continuing Legal Education Foundation (Mar. 16, 1999) (no text or notes)
 "Legislative Overview," Probation Officers Statewide Conference (Nov. 11, 1998) (no text or notes)
 "Indiana Rules of Evidence," Professional Education Systems Institute (Nov. 6, 1998)

“Civil Discovery—Tough Issues Argued” (panel), Indiana Continuing Legal Education Foundation (May 6, 1998) (no text or notes)
 “Use of Mentoring to Assist At-Risk Youth,” Forest Manor United Methodist Church (Nov. 9, 1997) (no text or notes)
 “The Criminal Justice System and the Function of the Criminal Division of Marion Superior Court,” Guest Lecture to Public Policy Course at Indiana University / Purdue University at Indianapolis (Nov. 6, 1997) (no text or notes)
 “Status of Women in the Law,” Indianapolis Soroptomists Club (Sept. 10, 1997) (no text or notes)
 “Preparing Findings of Fact, Conclusions of Law” (panel), Indiana Judicial Center (Sept. 17, 1997) (no text or notes)
 “Examining a Child Witness,” Indiana Continuing Legal Education Foundation (Aug. 28, 1997) (no text or notes)
 “Crime in Indianapolis” (panel), Forest Manor Community Development Council (July 21, 1997) (no text or note)
 “Ethical Violations and Reporting” (June 27, 1997) Bench/Bar Conference Indianapolis Bar Association
 “Work / Life Balance,” Women’s Caucus of the Indiana University School of Law (Indianapolis) (Apr. 1, 1997) (no text or notes)
 “Appeal Proof Sentencing Orders” (panel), Indiana Judicial Center (Sept. 1996) (no text or notes)
 Trial Advocacy Training Program, Indiana Attorney General’s Office (Aug. 11, 1996) (no text or notes)
 Trial Skills Spring Workshop, Indiana Continuing Legal Education Foundation (Mar. 10, 1996) (no text or notes)

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

“Advice for Young Practitioners,” Webcast Interview, Seventh Circuit Mentoring Program, Seventh Circuit Bar Association, Apr. 9, 2009 (no transcript)
 Michael W. Hoskins, “Justice Rule on Retroactivity,” INDIANA LAWYER, June 27, 2007, at 1
 “Off the Bench,” Channel 16, May 30, 2007 (no transcript)
 Kevin Corcoran, “Public Defender Pleads for Space,” INDIANAPOLIS STAR, Dec. 5, 2006, at 1
 Jon Murray, “Marion Superior Court is Set for ’07,” INDIANAPOLIS STAR, Nov. 3, 2006, at 1
 Vic Ryckaert, “Remember that ticket in ’88? Pay Up!,” INDIANAPOLIS STAR, Oct. 14, 2006
 Rebecca Berfanger, “Ready for the Challenge,” INDIANA LAWYER, Sept. 20, 2006, at 1

Vic Ryckaert, "Get Out of Jail Early: Not Now," INDIANAPOLIS STAR, Aug. 25, 2006, at 1

Abigail Johnson, "Bail Matrix a Factor?," INDIANAPOLIS BUSINESS JOURNAL, Aug. 23, 2006, at 1

Editorial, "Closed Court Quandary," INDIANA LAWYER, July 26, 2006, at 1

Abigail Johnson, "Judge Closes Court," INDIANA LAWYER, July 26, 2006, at 1

Richard Walton and Tim Evans, "Audit Finds Disorder in Payne Court," INDIANAPOLIS STAR, July 16, 2006, at 1

Will Higgins, "Brizzi Offers Plan," July 15, 2006, INDIANAPOLIS STAR, at 1

Kate Holloway, "Out of Jail Early, Now Accused of Molestation," INDIANAPOLIS STAR, July 13, 2006, at 1

"Candidate Sought for Addition to Ballot," INDIANA LAWYER, June 14, 2006, at 18

Terry Sowka, "What's in Your Fridge?" INDIANAPOLIS STAR, Apr. 26, 2006, at T5

Brendan O'Shaughnessy, "Many Suspects Violate Home Detention," INDIANAPOLIS STAR, March 24, 2006, at A1

J. Sanders, FINANCIAL AID AND ASSISTANCE FOR EX-OFFENDERS: A COMPREHENSIVE DIRECTORY 106 (2006) ("Goodwill Success Story")

Abigail Johnson, "Judges Build Case for More Funding," INDIANA LAWYER, Oct. 19, 2005, at 1

Kevin Corcoran, "Court Records Sent Abroad," INDIANAPOLIS STAR, Aug. 24, 2005, at B6

Charles Wilson, "Court Rulings, New Law Trigger Wave of Appeals," ASSOC. PRESS, July 5, 2005, July 4, 2005

Vic Ryckaert, "Brizzi Questions Judge's Impartiality," INDIANAPOLIS STAR, Mar. 24, 2005, at B1

Tom Spalding, "Triple Killing Suspects Return; Siblings to Appear in Court Monday," INDIANAPOLIS STAR, Feb. 12, 2005, at B1

Editorial, "An Unfair Burden on Traffic Violators," INDIANAPOLIS STAR, Oct. 10, 2003, at A14

John Strauss, "Higher Traffic Ticket Fee Taxes Those Who Can't Complain," INDIANAPOLIS STAR, Oct. 10, 2003, at B1

Vic Ryckaert, "County Judges Increase Fines on Traffic Tickets," INDIANAPOLIS STAR, Oct. 7, 2003, at B1

Vic Ryckaert, "Crime Lab to Retest DNA in 64 Cases," INDIANAPOLIS STAR, July 18, 2003, at A1

Wire Story, "Man Sentenced to 115 Years Accidentally Released", ASSOC. PRESS, Apr. 17, 2003

Terry Horne & Kevin O'Neal, "Clerk's Error Sets Gunman Free," INDIANAPOLIS STAR, Apr. 17, 2003, at A1

Kevin Corcoran, "Judges Will Lobby for 17-21% Pay Raise," INDIANAPOLIS STAR, Jan. 4, 2003, at A1

John Strauss, "Judge Jimison's Poor Rating May Not Matter to Voters," INDIANAPOLIS STAR, Nov. 4, 2002, at B1

"Special Prosecutors Assigned to Schneider Probe" (WRTV Indy Channel.com Oct. 18, 2002)

Jennifer Wagner, "Judges Want to End Inmate Releases," INDIANAPOLIS STAR, Sept. 25, 2002, at A1

Jennifer Wagner, "Jail Crowding Crisis Builds," INDIANAPOLIS STAR, Aug. 25, 2002, at A1

John Fritze, "'City Boy' Turned State Fair Around," INDIANAPOLIS STAR, Aug. 25, 2002, at A1

R. Joseph Gelarden, "Judge Questions Release of Inmates by Colleague," INDIANAPOLIS STAR, July 28, 2002, at B1

Vic Ryckaert, "Traffic Court Official Demoted with Pay Cut," INDIANAPOLIS STAR, June 5, 2002, at B1

Denise G. Callahan, "Difficult Clients Test Legal Relationship," INDIANA LAWYER, Mar. 27, 2002, at 5

Vic Ryckaert, "Judges Won't Sue Over Pay Raise," INDIANAPOLIS STAR, Mar. 8, 2002, at B1

Denise G. Callahan, "Pay Lawsuit Might Not Play Out," INDIANA LAWYER, Feb. 27, 2002, at 1

Wire Story, "The Day at the Indiana Statehouse", ASSOC. PRESS, Feb. 20, 2002

Michele McNeil Solida & Vic Ryckaert, "Vetoed Bills Could Become Law Without Override," INDIANAPOLIS STAR, Feb. 16, 2002, at A1

Mike Smith, "Questions Raised Over Legality of Pay Raise Veto," ASSOC. PRESS, Feb. 14, 2002

Denise G. Callahan, "Federal Judge Foments Fusion; Courts Statewide Seek Ways to Help in Jail Crowding," INDIANA LAWYER, Nov. 21, 2001, at 1

Vic Ryckaert, "Judges Say They Won't Let Inmates Go Early," INDIANAPOLIS STAR, Oct. 16, 2001, at A1

Denise G. Callahan, "Crowded Courts, Crowded Jails," INDIANA LAWYER, June 6, 2001 at 1

Vic Ryckaert, "As Lockup's Population Problems Grow, So Does the Finger-Pointing," INDIANAPOLIS STAR, May 23, 2001, at 1

Denise Callahan, "Marion County Prosecutor, Judge Honored," INDIANA LAWYER, Mar. 14, 2001, at 2

"Officials Honored for Aiding Victims," INDIANAPOLIS STAR, Mar. 12, 2001, B3

John Fritze, "Council and Judges Agree to Settlement," INDIANAPOLIS STAR, Feb. 27, 2001, at B1

Bettie Cadou, "Revved Up," INDIANAPOLIS MONTHLY, Feb. 2001, at 109

Vic Ryckaert, "Judges Taking Council to Court," INDIANAPOLIS STAR, Nov. 29, 2000, at A1

"Hearing Will Examine Restitution Woes," INDIANAPOLIS STAR, Nov. 22, 2000, at B3

"Twice Taken" (WTHR-13 Nov. 13-14, 2000)

Frederick Merkers, "Probation Mentor Program Expanding," INDIANAPOLIS RECORDER, Aug. 4, 2000, at 1

John Strauss, "Colleagues Say They'll Miss Outgoing Chief of Probation," INDIANAPOLIS STAR, Aug. 4, 2000, at C3

"New Drug-testing Lab to Have Results Ready for Courts in Hours," INDIANAPOLIS STAR, July 17, 2000, at B3

Jennifer L. Seward, "Walker's Departure Will Create Void," INDIANA LAWYER, Mar. 15, 2000, at 18

Lisa Renze-Rhodes, "From the Jail House to the Job Corps," INDIANA LAWYER, Nov. 10, 1999, at 5

Lisa Renze-Rhodes, "Judicial Changes Affect Funding and Roles of Employees," INDIANA LAWYER, Oct. 13, 1999, at 16

Lisa Renze-Rhodes, "Breaking the Cycle," INDIANA LAWYER, Aug. 18, 1999, at 6

Lisa Renze-Rhodes, "Mentoring the Troubled," INDIANA LAWYER, June 9, 1999, at 1

Cary Solida, "Next year's Court Budget Irks Judges," INDIANA LAWYER, Nov. 11, 1998

Cary Solida, "Code Revisions Drain Powers of Marion Court Commissioners," INDIANA LAWYER, May 13, 1998, at 1

Emily Swiatek, "Commission Narrows 5th District Nominees to Three Women," INDIANA LAWYER, May 13, 1998, at 3

Mike Magan, "Putting the Money Where the Gap Is," INDIANA LAWYER, April 16, 1997, at 8

Jon Newberry, "Bench Marks," ABA JOURNAL, Nov. 1996

Barbara Brotman, "Ladies' Man," CHICAGO TRIBUNE, Mar. 17, 1996, at 1

Dick Cady, "Large Expanse of Gray Spans Distance Between Right and Wrong," INDIANAPOLIS STAR, Sept. 11, 1994, at B1

David Remondini, Janet E. Williams, "Top Municipal Judges New Term Limited," INDIANAPOLIS STAR, Dec. 31, 1993, at C1

Nancy J. Winkley, "Wanted: Women to Support Sullivan for Court Seat," INDIANAPOLIS STAR, Sept. 4, 1993, at A1

Nancy J. Winkley, "Chaos Possible as Budget Runs Out," INDIANAPOLIS STAR, May 23, 1993, at B1

Kyle Niederpruem, "Lawyers Who Won Trash Case Want Fees Paid by State," INDIANAPOLIS STAR, Oct. 30, 1992, at E1

Barb Albert, "Superintendents Agree to Drop Lawsuit Over State Funding Formula," INDIANAPOLIS STAR, Aug. 1, 1992, at B5

Susan Hanafey, "Refunds Scheduled for Some Hoosiers Who Filed Suit Against Intangibles Tax," INDIANAPOLIS STAR, Feb. 11, 1992, at B14

William J. Booher, "Bayh Defends Big Legal Fee," INDIANAPOLIS STAR, Oct. 18, 1991, at B1

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

Since 2007, I have served as a United States Magistrate Judge appointed by the United States District Court for the Southern District of Indiana. Our court is a Federal trial court of general jurisdiction. In most cases, I manage pre-trial proceedings on reference from the district judge. From 1995 to 2007, I served as a judge of the Marion Superior Court, Criminal Court Six, major felony division. I initially was appointed by Governor

Evan Bayh on February 29, 1995, and subsequently was elected in 1996 and again in 2002.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

6,000

- i. Of these, approximately what percent were:

jury trials:	65%
bench trials:	35%

civil proceedings:	20%
criminal proceedings:	80%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list of opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number (if not reported).

1. *State Farm Mut. Auto. Ins. Co. v. Buchanan*, No. 1:08-cv-100, 2009 WL 4728019 (S.D. Ind. Dec. 03, 2009). State Farm filed this declaratory judgment action seeking to avoid coverage for an accident in which defendant was driving a car that belonged to his estranged girlfriend. The parties consented to final adjudication of the case by me. I presided over a two-day bench trial, in which testimony established that defendant was in a delusional and psychotic state at the time of the accident, having failed to take his prescribed medication for more than one month. I concluded the defendant did not have actual or implied permission to drive the vehicle at the time of the accident. Therefore, I issued judgment declaring State Farm had no obligation to defend or indemnify him.

State Farm's lawyer was James Goodin, Jr., Goodin & Abernathy LLP, 8900 Keystone Crossing, Suite 1100, Indianapolis, IN 46240; 317-843-2606. The lawyer for the individuals hurt in the accident was John Tousley, 156 E. Market Street, Suite 900, Indianapolis, IN 46204; 317-636-5305.

2. *Ogden v. Cutter*, 1:08-cv-00369, 2009 WL 2413806 (S.D. Ind. Aug. 04, 2009). Plaintiff brought this action asserting various Federal constitutional and state claims against his former employer, the Indiana Department of Insurance. The parties consented to final adjudication of the case by me. Plaintiff had submitted to Department management a 35-point memorandum insisting on management

changes. The Department determined not to comply with plaintiff's requests and gave plaintiff the opportunity to resign. I granted summary judgment for defendant on the First Amendment claim, finding that the memo was not protected speech, and on his Due Process claim, finding that he had no property interest in his job, and even if he did that the state's process was adequate. I remanded the state law claims. Plaintiff's appeal is pending before the United States Court of Appeals for the Seventh Circuit.

Plaintiff's attorney was Adam Lenkowsky, Roberts & Bishop, 118 North Delaware Street, Indianapolis, IN 46204; 317- 631-0172. Defense counsel was David A. Arthur, Indiana Office of the Attorney General, 302 West Washington Street, IGCS - 5th Floor, Indianapolis, IN 46204; 317-232-6286.

3. *Sanyo N.A. Corp. v. L3 Commc'ns*, 1:06-cv-00405 (S.D. Ind. 2009). Multiple parties with claims and cross-claims disputed liability for remediation of significant environmental contamination and response costs under both state and Federal law. The plaintiff was a former owner of the site and the defendants were former owner/operators (and their insurers). Several factors complicated the case, including the nature of the contamination, insurance coverage issues, similar uses of the property, and its sale to a third-party. As a result of an all-day mediation over which I presided, the parties settled.

Plaintiff's counsel was Peter M. Racher, Plews Shadley Racher & Braun, 1346 N. Delaware St., Indianapolis, IN 46202; 317-637-0700. Defense counsel were Andrew M. McNeil, Bose McKinney & Evans, 111 Monument Circle, Suite 2700, Indianapolis, IN 46204; 317-684-5000; and Frank J. Deveau, Taft Stettinius & Hollister, One Indiana Square, Suite 3500, Indianapolis, IN 46204; 317-713-3500.

4. *Phillips v. Indianapolis Life Ins. Co.*, 1:06-cv-1544 (S.D. Ind. 2009). The eighteen plaintiffs in this case were medical professionals who purchased a tax shelter plan from defendant. They sued, on racketeering and other theories, when the Internal Revenue Service began questioning the shelter plan. The case was referred to me for pretrial management by the district judge and I ruled on several contested discovery issues. I also denied plaintiffs' motion to amend the complaint, more than two years after it was filed, on grounds of failure to show diligence and prejudice to the defendants. After multiple settlement conferences, formal and informal, I helped all but one set of plaintiffs settle with the defendants. The district judge subsequently granted summary judgment on Federal claims against the remaining plaintiffs and the case was remanded to state court for a determination of state law claims.

Plaintiffs' counsel was Eric D. Madden, Diamond McCarthy, 1201 Elm. St., 34th Floor, Dallas, TX 75270; 214-389-5306. Defense counsel was J. Michael Vaughn, Walters Bender Strohhahn & Vaughn, 2500 City Center Square, 1100 Main St., P.O. Box 26188, Kansas City, MO 64196; 816-421-6620.

5. *Murray v. Conseco, Inc.*, 1:03-cv-1701 (S.D. Ind. 2009). Plaintiff, a former director and audit committee member of defendant insurance company, brought this fraud suit when the company encountered financial difficulty and called in \$90 million in loan guarantees it had extended to him. He alleged questionable accounting practices. The insurance company counterclaimed for the money it had paid the lenders. The district judge called upon me to resolve frequent and hotly-contested discovery disputes over a multi-year period. In one key ruling, I recommended, and the district judge imposed, sanctions against plaintiff in light of evidence he had engaged in fraudulent conveyances to hide assets in the event of an adverse judgment. As trial neared, I brought the parties together during an intense and extended conference (that extended by telephone into early morning hours) by which the parties reached a settlement.

Plaintiffs' counsel was Ron Waicukauski, Price Waicukauski & Riley, 301 Massachusetts Ave., Indianapolis, IN 46204; 317- 633-8787. Defense counsel was Justin Barker, Kirkland & Ellis, 300 N. LaSalle St., Chicago, IL 60654; 312-862-7110.

6. *State v. Halcomb*, No. 49G06-0308-MR-136653 (Marion Super. Ct. 2004). I presided over this ten-day trial in which the defendant was charged with murdering his wife, whose body was never found. I made multiple important evidentiary rulings, including admitting letters the defendant wrote to his wife prior to her disappearance stating that his "research" showed a murder suspect could not be arrested or convicted when a victim's body was not found. I also allowed evidence of the stormy relationship between the defendant and the victim. A jury convicted the defendant and I imposed the maximum sentence. The Court of Appeals affirmed. 846 N.E.2d 372 (Table) (Ind. Ct. App. 2006).

The prosecutor was Ellen Corcella, 155 E. Market St. Suite 800, Indianapolis, IN 46204-0000; 317-634-0700. Defense counsel was Diane Black (formerly Abel), 151 N. Delaware Street, Suite 200, Indianapolis, IN 46220; 317-327-2867.

7. *State v. Payne*, 49G06-0207-FA-199217, (Marion Super. Ct. 2003). The defendant in this case was charged with multiple counts of child molesting after abusing his daughter when she was 6-8 years old. He threatened his wife during an unrelated court proceeding and made a threat to court staff, so I ordered extra security measures during the course of the trial. I admitted out-of-court statements made by the victim; she and her mother also testified against defendant. The jury convicted him, and I sentenced him to 168 years. The Court of Appeals affirmed. 817 N.E.2d 701 (Table) (Ind. Ct. App. 2004).

The prosecutor was Adrienne Meiring, Division of State Court Administration, 30 S. Meridian St., Suite 500, Indianapolis, IN 46204; 317-232-4706. Defense counsel was Laura Pitts, 151 N. Delaware Street, Suite 200, Indianapolis, IN 46220; 317-327-5811.

8. *State v. Wise*, 49G06-9403-CF-023557 (Marion Super. Ct. 1998). I presided over this two-week jury trial where defendant was charged with murder and Class A felony arson (resulting in death) for setting fire to his infant son's bedroom. The admission of expert testimony was hotly contested and I excluded certain evidence offered by the defense as double hearsay. The jury convicted and I imposed the maximum sentence. On appeal, the Indiana Supreme Court reduced the arson conviction to a B felony and reduced the sentence accordingly. 719 N.E.2d 1192 (Ind. 1999).

The prosecutor was Dianne Marger Moore, 44 N. Main Street, Jasper, GA 30143; 706-253-3060. Defense counsel was Jennifer Lukemeyer, Voyles Zahn Paul Hogan & Merriman, 141 East Washington Street, Suite 300, Indianapolis, IN 46204; 317-632-4463.

9. *State v. Albrecht*, 49G06-9706-MR-80729 (Marion Super. Ct. 1998). Defendant in this two-week jury trial was charged with murdering his estranged wife. Although there was no physical evidence linking defendant to the crime, prosecutors presented substantial circumstantial evidence, including multiple witnesses who testified about defendant's inquiries into murder-for-hire. In addition, defendant originally claimed an alibi, but the alibi witness changed his story and I allowed him to so testify over defendant's objections. Early in the case defendant sought bail, which is granted in murder cases in Indiana only where the evidence is weak; I denied it. Among other key evidentiary rulings, I allowed an FBI agent to testify about a statement he took from defendant's ex-wife even though the agent had lost his notes. The jury convicted and I imposed the maximum sentence. The conviction was affirmed by the Indiana Supreme Court, 737 N.E.2d 719 (Ind. 2000).

The prosecutor was Larry Sells, retired from practice, 317-669-7029. Defense counsel was Richard Kammen, Gilroy Kammen & Hill, One Indiana Square, Suite 150, Indianapolis, IN 46204; 317-236-0400.

10. *State v. Walton*, 49G06-9508-CF-112808 (Marion Super. Ct. 1996). Defendant was an Indianapolis police officer charged with rape. I made multiple important evidentiary rulings including admitting two prior false accusations of rape made by the alleged victim, finding their admission was required by the Sixth Amendment of the United States Constitution. I also excluded evidence of several specific instances of the alleged victim's dishonesty. Defendant was acquitted. Pre- and post-trial publicity was significant and the elected prosecutor publicly criticized the evidentiary ruling. The State appealed the ruling as a reserved question of law. The Indiana Supreme Court affirmed my ruling that the Sixth Amendment's confrontation clause compelled admission of the evidence. 715 N.E.2d 824 (Ind. 1999).

The prosecutor was Lisa Borges, (now judge) Marion Superior Court, 200 E. Washington St., Suite E-450, Indianapolis, IN 46204; 317-327-3229. Defense

counsel was David R. Hennessy, 424 East Wabash Street, Indianapolis, IN 46204; 317-636-6160.

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Nixon v. Haag*, 1:08-cv-648, 2009 WL 2026343 (S.D. Ind. July 7, 2009).

Plaintiff's counsel was Jeffrey T. Oberman, Levin & Oberman, 361 North Canon Dr., Beverly Hills, CA 90210-4704; 310-241-4590. Defendants' counsel were Matthew D. Bruno, Kightlinger & Gray, 151 N. Delaware St., #600, Indianapolis, IN 46204; 317-638-4521; Raymond T. Seach, Riley Bennett & Egloff, 141 E. Washington St., #400, Indianapolis, IN 46204; 317-636-8000; and Mark S. Fryman, Starr Austen & Miller, 201 S. Third St., Logansport, IN 46947; 574-722-6676.

2. *Flomo v. Bridgestone Americas Holding, Inc.*, 1:06-cv-00627, 2009 WL 1456736 (S.D. Ind. May 20, 2009).

Plaintiffs' counsel was Terrence P. Collingsworth, Conrad & Sherer, 731 8th St. SE, Washington, DC, 20003; 202-543-4001. Defendants' counsel was Robert A. Mittlestaedt, Jones Day, 555 California St., 26th Floor, San Francisco, CA 94104; 415-875-5710.

3. *Hughes v. CUNA Mutual Group*, 1:08-cv-101, 257 F.R.D. 176 (S.D. Ind. 2009).

Plaintiff's counsel was Bridget L. O'Ryan, O'Ryan Law Firm, 8900 Keystone Crossing, #520, Indianapolis, IN 46240; 317-705-9955. Defendant's counsel was Daniel Keenan Ryan, Hinshaw & Culbertson, 222 N. LaSalle St., #300, Chicago, IL 60601; 312-704-3248.

4. *Allstate Ins. Co. v. Landon*, 1:08-cv-22, 2009 WL 899663 (S.D. Ind. Mar. 30, 2009).

Plaintiff's counsel was Patrick J. Dietrick, Collignon Dietrick, 310 North Alabama St., #250, Indianapolis, IN 46204; 317-637-1000. Defendants' counsel was Anthony W. Patterson, Parr Richey Obremskey Frandsen & Patterson, 225 West Main St., P.O. Box 668, Lebanon, IN 46052; 765-482-0110.

5. *1100 West, LLC v. Red Spot Paint & Varnish Co.*, 1:05-cv-1670 (S.D. Ind. Apr. 22, 2009).

Plaintiff's counsel was Thomas Barnard, Taft Stettinius & Hollister, One Indiana Square, #3500, Indianapolis, IN 46204; 317-713-3500. Defendant's counsel was

Adam Arceneaux, Ice Miller, One America Square, P.O. Box 82001,
Indianapolis, IN 46204; 317-236-2137.

6. *Murray v. Conseco, Inc.*, 1:03-cv-1701, 2008 WL 5635955 (S.D. Ind. Nov. 5, 2008), *objections sustained in part by* 2009 WL 363803 (S.D. Ind. Feb. 6, 2009).

Plaintiffs' counsel was Ron Waicukauski, Price Waicukauski & Riley, 301 Massachusetts Ave., Indianapolis, IN 46204; 317- 633-8787. Defendant's counsel was Justin Barker, Kirkland & Ellis, 300 N. LaSalle, Chicago, IL 60654; 312-861-2166.

7. *G4S Justice Services, Inc. v. Correctional Program Services, Inc.*, 1:07-cv-0945 (S.D. Ind. July 16, 2008), *adopted by* 2008 WL 4099013 (Aug. 21, 2008).

Plaintiff's counsel was Richard Darke, Duane Morris, 190 South LaSalle Street, #3700, Chicago, IL 60603; 317-499-6743. Defendants' counsel was John J. Tanner, Baker & Daniels, 300 N. Meridian St., #2700, Indianapolis, IN 46204; 317-237-1251.

8. *Lineback v. Frye Electronic, Inc.*, 1:07-cv-00984 (S.D. Ind. Nov. 19, 2007), *adopted by* 539 F. Supp. 2d 1111 (S.D. Ind. 2008).

Plaintiffs' counsel was Kimberly R. Sorg-Graves, National Labor Relations Board, 575 N. Pennsylvania St., #238, Indianapolis, IN 46204; 317-226-7546. Defendant's counsel was Michael Einterz, Einterz & Einterz, 5455 West 86th Street, #215, Indianapolis, IN 46268; 317-337-2021.

9. *State v. Reeves*, 49G06-0312-FB-222807 (Marion Super. Ct. May 25, 2005).

The prosecutor was Noah Schafer, 251 E. Ohio Suite 160, Indianapolis, IN 46204; 317-327-5367. Defendant's counsel was Jeffrey Baldwin, Baldwin, Dakich & Maxwell, 151 N. Delaware St., Suite 1950, Indianapolis, IN 46204; 317-636-4529.

10. *State v. Albrecht*, 49G06-9706-CF-080729 (Marion Super. Ct. Dec. 30, 1998).

The prosecutor was Larry Sells, now retired from service, 317-669-7029. Defendant's counsel was Richard Kammen, Gilroy Kammen & Hill, One Indiana Square, Suite 150, Indianapolis, IN 46204; 317-236-0400.

e. Provide a list of all cases in which certiorari was requested or granted.

None to my knowledge.

f. Provide a brief summary of and citations for all opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with

significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Murray v. Conseco, Inc., No. 1:03-cv-1701, 2009 U.S. Dist. LEXIS 9030 (S.D. Ind. Feb. 9, 2009). The district court adopted my report and recommendations on a sanctions motion, though terming it a partial adoption because it supplemented the report by reducing attorneys' fees sought by the prevailing party.

Tom Wood Pontiac-GMS, Inc. v. Shepard, 1:06-CV-01682, slip op. (S.D. Ind. April 4, 2007). I declined to quash a state court interrogatory by which the Clerk of the District Court would have reported whether our Court was holding any money belonging to the state court defendant that could have been used to satisfy a judgment. The district judge reversed on federal sovereign immunity grounds.

Smith v. State, No. 49A02-0612-CR-1111, slip op. (Ind. Ct. App. Nov. 20, 2007). Following a bench trial, I entered a conviction on auto theft and other charges. The Court of Appeals reversed finding insufficient evidence on the issue of whether defendant's exercise of control of the stolen vehicle was authorized.

Hill v. State, 875 N.E.2d 825 (table), 2007 WL 3072426 (Ind. Ct. App. 2007). I presided over a jury trial in which defendant was convicted of attempted sexual misconduct with a minor. The Court of Appeals reversed because the statute required the victim to be between 14 and 16 years old and, even though the case was an attempt crime, the Court found that it was impossible for the defendant to commit the crime because the victim was actually only 13.

Darst v. State, 861 N.E.2d 389 (table), 2007 WL 403896 (Ind. Ct. App. 2007). I granted permission for a belated appeal of a sentence by a criminal defendant. In so doing, I relied on his uncontested representation as to the advice of rights given at his guilty plea. The Court of Appeals reversed on review of the transcript, finding that the defendant had been properly advised of his rights.

Dixson v. State, 860 N.E.2d 930 (table), 2007 WL 188975 (Ind. Ct. App. 2007). The Court of Appeals remanded this criminal case for clarification of the judgment based on problems with how it had been entered in the case management system.

Gardner v. State, 859 N.E.2d 393 (table), 2006 WL 3803375 (Ind. Ct. App. 2006). After a bench trial, I convicted a woman for child neglect and aiding in child molesting and exploitation. Although she knew he had previously molested her six-year-old daughter, defendant left her husband alone with that victim and two other children. His abuse continued. The Court of Appeals reversed the aiding convictions, finding that the evidence was insufficient.

Ransom v. State, 850 N.E.2d 491, (Ind. Ct. App. 2006).

I presided over a jury trial in which defendant was convicted of battery and criminal confinement. A divided panel of the Court of Appeals reversed the lesser charge of battery under Indiana's unique Double Jeopardy rule requiring a separate act of force for each conviction.

Biddinger v. State, 846 N.E.2d 271 (Ind. 2007), *affirming in part and vacating in part* 868 N.E.2d 407 (Ind. Ct. App. 2006). Following defendant's guilty plea to aggravated battery and consistent with settled law, I denied him permission to make a sentencing allocution without cross-examination. On appeal, the Indiana Supreme Court overruled its existing precedent, creating a right to such a statement following a guilty plea. In this case, the Court found my denial was harmless error. The Indiana Supreme Court also affirmed an intermediate appellate holding that it was error to find defendant's use of a large caliber weapon and hollow-point bullets as an aggravating factor. Nevertheless, my sentence was affirmed.

Wilson v. State, 865 N.E.2d 1024 (Ind. Ct. App. 2007). When defendant, following conviction, refused to cooperate with pre-sentence investigation, I precluded testimony about matters covered by such reports to prevent unfair surprise to the State. The Court of Appeals reversed on Due Process grounds.

Cooper v. State, No. 49A02-0504-CR-367, slip op. (Ind. Ct. App. June 15, 2006). I granted defendant leave to file a belated appeal. The Court of Appeals reversed finding the defendant failed to show the requisite diligence.

Young v. State, 834 N.E.2d 1015 (Ind. 2005). Defendant's sentence was revised based on *Blakely v. Washington*, 542 U.S. 296 (2004), which was decided while the case was pending on appeal.

Purvis v. State, 829 N.E.2d 572 (Ind. Ct. App. 2005). In this child molest case, I admitted out-of-court statements made by the child victim. The Court of Appeals found error consistent with *Crawford v. Washington*, recently decided by the Supreme Court of the United States. It found the error harmless, however, as the victim's statements were cumulative with other admissible evidence.

Marks v. State, No. 49A02-0310-CR-908, slip op. (Ind. Ct. App. June 21, 2005). This case was remanded for resentencing in light of *Blakely*.

Hairston v. State, No. 49A04-0405-PC-280, slip op. (Ind. Ct. App. Jan. 26, 2005). Defendant pled guilty to multiple counts, which implicated the sentencing limits of Indiana's unique "criminal episode" statute. My sentence found five episodes of criminal conduct, permitting consecutive sentences. The Court of Appeals remanded for resentencing finding only three episodes.

Aguilar v. State, 827 N.E.2d 31, (Ind. 2005), *reinstating* 811 N.E.2d 476 (Ind. Ct. App. 2004). After the sentence I imposed was reversed on rehearing by the Court of Appeals pursuant to *Blakely*, the Indiana Supreme Court found that defendant had waived any *Blakely* objection and affirmed my sentence.

Morrison v. State, 824 N.E.2d 734 (Ind. Ct. App. 2005). Following a jury verdict, I entered convictions against defendant on four separate counts, but sentenced on only two. Under Indiana's unique Double Jeopardy rule, the Court of Appeals required that the record show no conviction for merged offenses, even where no additional sentence had been imposed. It remanded on this basis without changing the sentence.

Berry v. State, 819 N.E.2d 443 (Ind. Ct. App. 2004). In light of *Blakely* having been decided after sentencing, the Court of Appeals revisited the aggravating factors I found but arrived at the same sentence I originally imposed.

Collins v. State, 817 N.E.2d 230 (Ind. 2004), *vacating* 800 N.E.2d 609, 2003 WL 22966199 (Ind. Ct. App. 2003). I denied defendant post-conviction relief on the basis that his initial sentence was appropriate. I was affirmed by the Court of Appeals. The Indiana Supreme Court announced a new rule that the proper procedural vehicle for challenging a sentence after a plea was either a direct appeal or a belated appeal, but not a post-conviction petition.

Hatchett v. State, 794 N.E.2d 544 (Ind. Ct. App. 2003). Following sentencing for possession of a firearm as a serious violent felon, I denied defendant's motion to change his judgment to reflect double the actual days he spent in jail. The Court of Appeals held that the Department of Corrections should give him double credit time, but found the motion he filed procedurally improper and affirmed.

Rodriguez v. State, 785 N.E.2d 1169 (Ind. Ct. App. 2003). The defendant was convicted of operating a motor vehicle while intoxicated causing death. I imposed the maximum sentence of eight years. The Court of Appeals found error in several aggravating factors and reduced his sentence to three-and-a-half years.

Healthscript, Inc. v. State, 770 N.E.2d 810 (Ind. 2002), *vacating in part* 740 N.E.2d 562 (Ind. Ct. App. 2000). Following the denial of a motion to suppress and motion to dismiss in this Medicaid fraud case, the Court of Appeals affirmed. On transfer, the Indiana Supreme Court held that the statute with which the defendant was charged was unconstitutionally vague. It remanded for dismissal without prejudice.

Jones v. State, No. 49A04-0201-PC-7, slip op. (Ind. Ct. App. Aug. 14, 2002). I revoked defendant's probation for repeated violations. The Court of Appeals reversed with instructions to set the reasons for revocation in writing.

Crenshaw v. State, No. 49A02-0111-CR-756, slip op. (Ind. Ct. App. July 25, 2002). The abstract of judgment incorrectly described one of defendant's multiple convictions. The Court of Appeals remanded to correct the abstract without requiring re-sentencing.

Holland v. State, No. 49A04-0010-CR-429, slip op. (Ind. Ct. App. March 12, 2001). I denied defendant's suppression motion, finding a lawful *Terry*-stop, but permitted an interlocutory appeal. The Court of Appeals reversed.

Webber v. State, No. 49A02-009-CR-613, slip op. (Ind. Ct. App. Sept. 12, 2001). A jury convicted the defendant of reckless homicide. The Court of Appeals reversed, finding error in my jury instructions and in the admission of a crime scene photograph. Following remand, the defendant pled guilty as charged.

Ransom v. State, 741 N.E.2d 419 (Ind. Ct. App. 2000). I denied defendant's suppression motion in this handgun possession case, finding that an initial traffic stop was proper and that defendant's consent to vehicle search was voluntary. The Court of Appeals reversed, finding the initial stop unreasonable.

Creager v. State, 737 N.E.2d 771 (Ind. Ct. App. 2000). Defendant was convicted of involuntary manslaughter of a noncustodial divorced parent. As restitution, I ordered the defendant to make payments replacing the victim's child support obligations until the victim's children reached age of majority. The Court of Appeals partially reversed, limiting the restitution to lost child support payments only between the victim's death and the date of sentencing.

Vanzandt v. State, 731 N.E.2d 450 (Ind. Ct. App. 2000). I presided over a jury trial in which defendant was convicted on multiple counts including robbery and criminal confinement. The Court of Appeals reversed a confinement conviction under Indiana's unique Double Jeopardy rule requiring a separate act of force for each conviction.

Ruffin v. State, 725 N.E.2d 412 (Ind. 2000). I imposed concurrent sentences following defendant's conviction for felony-murder and reckless homicide. The Court of Appeals reversed the reckless homicide conviction under Indiana's unique Double Jeopardy rule. The sentence was not affected.

Snyder v. State, No. 49A02-9904-CR-239, slip op. (Ind. Ct. App. Apr. 26, 2000). At defendant's jury trial, I admitted photos that were redacted mug shots. The Court of Appeals found the admission to be error, but harmless.

Balls v. State, 725 N.E.2d 450 (Ind. Ct. App. 2000). After a bench trial, I found defendant guilty of welfare fraud and theft. Under Indiana's unique Double Jeopardy rule, the Court of Appeals required that the record show no conviction for merged offenses, even where no additional sentence had been imposed. It remanded for this purpose without any change to the sentence.

Wise v. State, 719 N.E.2d 1192 (Ind. 1999). The Indiana Supreme Court reduced a Class A felony conviction to a Class B based on a new Indiana Double Jeopardy rule announced while the appeal was pending.

Williams v. State, 714 N.E.2d 644 (Ind. 1999). Defendant appealed my denial of permission to call a surprise witness on the second-to-last-day of a jury trial. I found the addition would trigger need for a continuance and compromise a juror's travel plans. The Indiana Supreme Court held that a continuance should have been granted and an alternate juror seated if necessary. Nonetheless, because of DNA and other evidence, it held that any error was harmless.

Russell v. State, 711 N.E.2d 545 (Ind. Ct. App. 1999). A divided panel of the Court of Appeals vacated a Class C felony, letting stand a Class A felony, based on an evolving reading of the State's Double Jeopardy Clause by which it was deemed impermissible to apply the same element (death) to two counts.

State v. Winters, 678 N.E.2d 405 (Ind. Ct. App. 1997). I granted post-conviction relief because of an improper response by a court bailiff to a jury question. The Court of Appeals reversed, finding the error was not fundamental.

McClain v. State, 678 N.E.2d 104 (Ind. 1997). As a matter of first impression, the Indiana Supreme Court held that a defendant could raise a claim of sleep deprivation as a defense without invoking the procedures required under Indiana's "mental disease or defect" statute.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the matter in which those unpublished opinions are filed and/or stored.

I have never designated opinions as published or unpublished. As a United States Magistrate Judge, all of my orders and opinions are entered and accessible to the public by the Court's CM/ECF system. When I sat as a judge of the Marion Superior Court, most of my rulings were issued orally from the bench. On the occasions I did write opinions, they were distributed to the parties and placed in the court file, which is a public record.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Ogden v. Cutter, 2009 WL 2413806, (S.D. Ind. 2009) (on appeal)

Turner v. Lamar, 1:08-cv-63, slip op. (S.D. Ind. May 29, 2009)

State v. Reeves, 49G06-0312-FB-222807, slip op. (Marion Super. Ct. May 25, 2005)

State v. Arnold, 49G06-0306-FB-107349, slip op. (Marion Super. Ct., Apr. 7, 2004)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself; and
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

Our court does have an automatic recusal system. I have provided the District Court Clerk's office a list of parties or attorneys from whose cases I will recuse. Those cases are not assigned to me. My list includes any entity that is reflected on my financial disclosure form, my husband's employer, my siblings' and father's employers and close personal friends. During the first few years of my tenure as a magistrate judge I have also recused from cases where a colleague from the Marion Superior Court or the Court itself is sued. Consistent with federal recusal statutes and the Code of Conduct for United States Judges, I recuse in any case where my impartiality can reasonably be questioned. I have declined recusal where a defendant has claimed merely that prior adverse judicial rulings amount to prejudice against the defendant.

I recused sua sponte in the following cases:

Erie Ins. Co. v. Assurant Specialty Prop., No. 1:09-cv-1163 (S.D. Ind. 2009)
(counsel was former member of my former firm)
Gamble v. Wright, No. 1:09-cv-306 (S. D. Ind. 2009) (plaintiff had been a
defendant in my former court and my former court reporter was a possible
witness)

Coleman v. Cumberland Police Dep't, No. 1:09-CV-734 (S.D. Ind. 2009) (a party was a relative of a member of my chambers staff)

Treacy v. Indiana, No. 1:09-cv-516 (S.D. Ind. 2009) (former judicial colleague was a named defendant)

Sherman & Reilly, Inc. v. Accu-Grade, Inc., No. 1:09-cv-449 (S.D. Ind. 2009) (my husband banks with one of the defendants)

Marion County Superior Court v. Kareem Ibn Mikael-El, No. 1:08-cv-1403 (S.D. Ind. 2009) (my former court was named as defendant captions filed in error by pro se plaintiff)

Morris v. Hertz Corp, No. 1:07-cv-1064 (S.D. Ind. 2008) (my father works for the defendant)

Dellantonio v. City of Indianapolis, No. 1:08-cv-780 (S.D. Ind. 2008) (I am personally acquainted with one of the plaintiffs)

Flick v. Gonzales, No. 1:08-cv-461 (S.D. Ind. 2008) (a former judicial colleague was named as a defendant)

Dean v. Indiana Risk Mgmt. Div., No. 1:08-cv-165 (S.D. Ind. 2008) (former judicial colleagues were named as defendants)

Kamau v. Pratt, No. 1:07-cv-1400 (S.D. Ind. 2007) (a former judicial colleague was named as a defendant)

Muzquiz v. Hanks, No. 1:07-cv-1080 (S.D. Ind. 2007) (I served as judge for the underlying state criminal case)

United States v. City of Indianapolis, No. 1:78-cv-388 (S.D. Ind. 2007) (a close personal friend was named as a defendant)

Paulet v. Superintendent, No. 1:07-cv-782 (S.D. Ind. 2007) (I served as judge for the underlying state criminal case)

Guyinn v. Wynkoop, No. 1:07-cv-541 (S.D. Ind. 2007) (former judicial colleagues were named as defendants)

Wyser v. Merck & Co., No. 1:07-cv-359 (S.D. Ind. 2007) (I am personally acquainted with the plaintiff)

State v. Huett, No. 06216569 (Marion Super. Ct. 2006) (I was personally acquainted with the victim)

State v. Clayton, No. 06072474 (Marion Super. Ct. 2006) (as a member of the court's executive committee, I had been involved in the investigation leading to charges against this former juvenile detention center employee)

State v. Campbell, No. 05072973 (Marion Super. Ct. 2006) (a bailiff in my court had worked with defendant and may have had personal knowledge of case)

State v. Allen, No. 05020627 (Marion Super. Ct. 2005) (a close personal friend was representing the defendant)

State v. Albrecht, No. 97080729 (Marion Super. Ct. 2004) (a close personal friend was representing the defendant on post-conviction relief)

State v. Hill, No. 0123282 (Marion Super. Ct. 2004) (I recused after referring the prosecutor's office to the Indiana Disciplinary Commission for failing to disclose DNA lab irregularities)

State v. Clanton, No. 01235161 (Marion Super. Ct. 2004) (I recused after referring the prosecutor's office to the Indiana Disciplinary Commission for failing to disclose DNA lab irregularities)

State v. Johnsonbaugh, No. 03161380 (Marion Super. Ct. 2003) (defendant was the son of a lawyer with whom I had practiced)

State v. Schroeder, No. 02189466 (Marion Super. Ct. 2003) (I recused after the defendant charged the bench, threatening me)

State v. O'Bryant, No. 02141469 (Marion Super. Ct. 2003) (I recused after I requested personal protection from the Sheriff's Department following the defendant's erroneous release from jail)

State v. Ford, No. 9514699 (Marion Super. Ct. 2003) (a close personal friend was designated as an expert witness in post-conviction hearing)

State v. Howard, No. 02145570 (Marion Super. Ct. 2002) (victim's mother was a personal acquaintance)

State v. Ross, No. 02241065 (Marion Super. Ct. 2002) (I was professionally acquainted with the brother of the victims)

State v. Veal, No. 98078282 (Marion Super. Ct. 1999) (the presiding judge of our court transferred this case as part of a docket reassignment at my request)

State v. Powell, No. 97183028 (Marion Super. Ct. 1999) (the presiding judge of our court transferred this case as part of a docket reassignment at my request)

State v. Highbaugh, No. 98183229 (Marion Super. Ct. 1999) (the presiding judge of our court transferred this case as part of a docket reassignment at my request)

A party moved for my recusal in the following cases, which I granted except in one instance noted:

Roach v. Buss, No. 1:05-cv-1810 (S.D. Ind. 2007) (I served as judge on the underlying state criminal case of this habeas petition)

Kirk v. Gregory, No. 1:05-cv-1681 (S.D. Ind. 2007) (I served as judge on the underlying state criminal case of this habeas petition)

State v. Long, No. 05028171 (Marion Super. Ct. 2006) (I recused from post-conviction review of my own sentence pursuant to Ind. Rule PC-1 § 4(b))

State v. Carbonaro, No. 0311717 (Marion Super. Ct. 2005) (I had found defendant guilty after a bench trial; when I granted her pre-sentencing challenge to effectiveness of jury waiver, I recused)

State v. Wakefield, No. 04161906 (Marion Super. Ct. 2005) (I recused from post-conviction review of my own sentence pursuant to Ind. Rule PC-1 § 4(b))

State v. Hull, No. 00193048 (Marion Super. Ct. 2002) (I recused based on having commented on evidence in a co-defendant's sentencing; although recusal was not required under *Sturgeon*, see below, I granted the transfer when the State withdrew initial opposition to defendant's motion)

State v. Sturgeon, No. 950315113 (Marion Super. Ct. 1998) (motion denied) (defendant sought a change of judge based on my having presided over the jury trial of a co-defendant and commented on the evidence at her sentencing; the Indiana Supreme Court affirmed my decision not to recuse)

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office other than judicial offices. I have not had unsuccessful candidacies for elective office. I was among three finalists formally nominated by the Indiana Judicial Nominating Commission for a vacancy on the Indiana Court of Appeals in 1998, but was not selected by the Governor. I have had no other unsuccessful nominations.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Magnus-Stinson for Judge Committee, Candidate, 1995-96 and 2001-2002. The committee supported my candidacy Marion Superior Court Judge in 1996 and 2002. I was responsible for all aspects of the campaigns except fundraising. The Committee was dissolved prior to my becoming a Federal Magistrate Judge.

Evan Bayh for Governor, Volunteer (research), 1991-1992

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each; and

1991-1995

Office of Governor Evan Bayh

State of Indiana

Room 206 State House

Indianapolis, Indiana 46204

Deputy Chief of Staff (1994-1995)

Counsel to Governor (1991-1995)

Executive Assistant (1991)

1983-1990

Lewis, Bowman, St. Clair and Wagner

(now Lewis Wagner)

501 Indiana Avenue, Suite 200

Indianapolis, Indiana 46202

Associate (1983-1990)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings while practicing law.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I was in private practice as a civil litigator from 1983 through 1990. Subsequently, from 1991 until my initial appointment to the bench in 1995, I provided counsel to Governor Bayh and state agency heads on interpretations of the Indiana legislative and administrative codes and other issues. I also managed major litigation for the Governor, the State and its agencies.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

The focus of my private practice was insurance defense work and my typical clients were insurance companies' insureds and agents. I engaged in a range of other representations from commercial litigation to domestic relations. Subsequently, I was counsel to Governor Evan Bayh, who was my primary client in that capacity.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the

frequency of your appearances in court varied, describe such variance, providing dates.

My private practice (1983-1990) was almost exclusively in litigation and I appeared in court frequently. As counsel to Governor Bayh, I supervised litigation but did not myself appear in court.

i. Indicate the percentage of your practice in:

1. federal courts: 5%
2. state courts of record: 95%
3. other courts:
4. administrative agencies:

ii. Indicate the percentage of your practice in:

1. civil proceedings: 99%
2. criminal proceedings: 1%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried approximately 30 cases to verdict, judgment, or final decision (approximately 15 as sole counsel, 5 as chief counsel, and 10 as associate counsel).

i. What percentage of these trials were:

1. jury: 65%
2. non-jury: 35%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual names, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Gov't Suppliers Consolidating Services, Inc. v. Bayh*, IP91-C-0899-M/G, Southern District of Indiana 1991-1992, Hon. Larry J. McKinney. As counsel to the Governor, I worked closely with outside trial counsel to develop litigation strategy in defense of Governor Bayh and Indiana laws regulating the importing of out-of-state trash and the back-hauling of goods other than municipal waste in the same vehicles. Plaintiffs asserted a dormant Commerce Clause challenge and sought a preliminary injunction against enforcement of the laws. Judge McKinney denied the injunction and, after a bench trial, ruled the laws were not unconstitutional. The Court of Appeals eventually reversed most of his decision. 975 F.2d 1267 (7th Cir. 1992).

The State's lead counsel was (now Judge) David F. Hamilton, U.S. Court of Appeals for the Seventh Circuit, 46 E. Ohio St., Indianapolis, IN 46204; 317-229-3640. Opposing counsel was Ron Waicukauski, Price & Waicukauski, 301 Massachusetts Ave., Indianapolis, IN 46204; 317-633-8787.

2. *Lake Central School Corp. v. State*, Newton (Indiana) Circuit Court 1991-93, Cause No. 56C018703CP801, Hon. Paul Mathias (special judge). A coalition of more than 50 Indiana school districts filed this class action challenge to Indiana's school funding formula. Outside counsel defended the case, working closely with me as counsel to the Governor on trial and defense strategy. After two years of litigation, the Governor forged a settlement and the case was dismissed.

The state's lead counsel was Rob MacGill, 11 South Meridian Street, Indianapolis, IN 46204; 317-638-1313. Class counsel was Steven Crist, 9245 Calumet Avenue, Suite 200, Munster, IN 46321; 219-836-0200.

3. *Tioga Pines Living Ctr. v. State Bd. of Public Welfare*, Cause No. 30C01-9002-CP-00125, Hancock (Indiana) Circuit Court 1991-95, Hon. Ronald L. Gottschalk. This case was a class action lawsuit filed against the State welfare department by the nursing home industry. Plaintiffs challenged the reimbursement rates for nursing home care provided to indigent Medicaid recipients. Governor Bayh entrusted me with primary supervision of outside counsel, whose trial and appellate work I reviewed and approved before submission. Although a judgment in excess of \$100 million was entered against the State at the trial level, the Indiana Supreme Court reversed. 622 N.E.2d 935 (Ind. 1993).

State's lead counsel was Mark H. Lynch, Covington & Burling LLP, 1201 Pennsylvania Avenue, NW, Washington, DC 20004; 202-662-5544. The State was also represented by Deputy Attorney General Gordon White, 219 Statehouse,

Indianapolis, IN 46204; 317-232-6307. Plaintiffs' counsel was David McNamar, 2780 Waterfront Parkway, East Drive, Indianapolis, IN 46214; 317-299-0160.

4. *Ferguson v. Modern Farm Sys.*, Clinton (Indiana) Circuit Court 1985-90, Cause No. 85-160, Hon. Jack O'Neill. As associate counsel, I represented one of several co-defendants sued in a negligence and products liability action. The plaintiff fell from a ladder affixed to a grain bin and was rendered a quadriplegic. Plaintiff's deposition established the obvious risks—and plaintiff's awareness of them—of the circumstances of his climb. In addition to the complexities of any serious bodily injury case, this suit raised a novel legal question about the applicable statute of limitations. I had primary responsibility for drafting the summary judgment motion, which the trial court granted, and for defending that decision on appeal. The Court of Appeals affirmed. 555 N.E.2d 1379 (Ind. Ct. App. 1990).

Opposing counsel Jeffrey A. Boyll, 333 Ohio Street, PO Box 800, Terre Haute, IN 47808-0800; 812-232-4311.

5. *Hill v. R.L. Longardner and Assocs.*, Marion (Indiana) Superior Court during the mid 1980's, Hon Betty J. Barteau. I was lead counsel in this personal injury case, representing the plaintiff, who was seriously injured in an automobile accident. The defendant's employee negligently caused the accident, but had the minimal allowable insurance, which did not even cover my client's medical expenses. Thus, we sued the driver's employer, which denied any responsibility, claiming the employee had been acting outside the scope of her employment at the time of the accident. The case presented several interesting issues. It settled favorably for my client just prior to trial.

Opposing counsel was Harvey McDonald, 9311 Muir Lane, Fishers, IN 47037-7960.

6. *Buchanan v. Grand Central Art Galleries, Inc.*, IP82-c-2296-D, Southern District of Indiana 1983-86, Hon. S. Hugh Dillin. Judge Buchanan (a then-sitting judge of the Indiana Court of Appeals) sued my client, an art gallery operated by the brother-in-law of another then-sitting judge on the Indiana Court of Appeals. Judge Buchanan purchased a painting from my client, which he sought to return several months later. My client refused, but as a courtesy attempted to resell it. That endeavor was unsuccessful in the midst of a collapse in the art market. Upset, the judge sued, claiming that my client had fraudulently misrepresented the value of the painting to him. The case was resolved on the morning of trial in a confidential settlement.

Opposing counsel was James (Jay) H. Ham, 300 N. Meridian Street, Suite 2700 Indianapolis, IN 46204; 317-237-1256

7. *Guffy v. Clinton Prairie School Corp.* (1983-84) Tippecanoe Circuit Court, Hon. Warren Thompson. A student sued my clients, the school corporation and

teacher, over injuries sustained while on a field trip. I prepared a proposed jury instruction based on an Indiana legal doctrine with scant case authority: the equal knowledge doctrine. The instruction was issued, we won a defense verdict, and successfully defended the instruction and verdict on appeal. 478 N.E.2d 1258 (Ind. Ct. App. 1985).

Opposing counsel Peter Obremskey, 225 West Main Street, PO Box 668, Lebanon, IN 46052; 765-482-0110, 317-269-2509.

8. *Ax v. Culley*, (mid-1980's) Marion (Indiana) Municipal Court, Hon. Richard Huston. Plaintiff was an attorney who sued my clients for fraud after they mistakenly stated that they owned the alarm system in the home she was purchasing from them. Although the home was equipped with an alarm system, the system was in fact owned by an alarm monitoring company. The defendant, an important client of our firm, felt his reputation for honesty was at stake in this case. The jury awarded verdict in our favor.

Opposing counsel was Janice Kreuscher, Chief Counsel, IndyGo Company 1501 W. Washington Street, Indianapolis, IN 46222; 317-635-2100.

9. *Erie Ins. v Relford* (1983), Hamilton Superior Court 1, Cause No. 1S83-158, Hon. Donald Foulke. I represented Erie Insurance in this declaratory judgment action against an insured plaintiff who alleged her home had been burglarized and filed a significant theft loss claim. Based on the results of a police investigation, Erie denied coverage and brought this action. The insured counterclaimed for coverage and bad faith. The jury found for our client.

Opposing counsel was Charles Gleason, 114 Delespine St., Melbourne Beach, FL 32951; 407-676-2399.

10. *Woodall v. Citizens Banking Co.*, Tipton (Indiana) Circuit Court Cause No. 80-C-279, 1985-87, Hon. Richard Pearce, Hon. Dane Nash. Plaintiffs obtained a construction loan from my client bank. The bank disbursed funds on certification of completion of work. After disputes arose during construction, plaintiffs refused to endorse checks payable to the contractor and architect. Mechanics liens were filed against the property and plaintiffs sued the bank asserting it owed them a duty to prevent the liens from being filed. As associate counsel for the bank, I was charged with writing several summary judgment motions, which the trial court granted and I successfully defended on appeal. 503 N.E.2d 427 (Ind. Ct. App.), *aff'd on reh'g*, 507 N.E.2d 999 (Ind. Ct. App. 1987).

Opposing counsel James E. Freeman Jr., 1001 Jackson, Anderson, IN 46016; 765-643-5441.

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not

involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As counsel to the Governor, my legal practice was as varied as the number of agencies in state government. I provided direct legal advice to Governor Evan Bayh and his staff, primarily in areas of legislative and administrative code interpretation. I managed major litigation against the Governor, the State or its agencies, particularly in cases where private counsel was representing the state instead of or in addition to the Attorney General's office. This function included consultation with lead counsel on trial strategy, review of draft pleadings and briefs, and provision of settlement authority. As the Governor's designee for authorizing tort claim settlements negotiated by the Attorney General, I collaborated with the Attorney General's staff to determine the appropriate settlement value, if any, of claims against State entities. I conducted the preliminary screening process to assist the Governor in making appointments to fill judicial vacancies, and more than 40 State judges were appointed during my tenure as counsel. I was also asked by Governor Bayh to manage the negotiation of the first collective bargaining agreements with state employee unions in the history of state government. During the legislative session, I coordinated review of all enacted legislation by the Budget Agency, volunteer outside counsel, and the Governor's staff, with ultimate responsibility for recommending whether the Governor sign the legislation. I served as the Governor's liaison to the Judiciary, the State Ethics Commission, the Office of the Attorney General, the Department of Insurance, the Alcoholic Beverage Commission, and the Hoosier Lottery. I also served as the Governor's designee to the Indiana Code Revision Commission, the Indiana Women's Commission, and the Indiana Sexual Harassment Task Force.

While on the Marion Superior Court as supervising judge of adult probation, I oversaw the creation of programming in the areas of education and employment designed to assist offenders with their re-entry into society. Knowing the value of mentoring from my tenure with the Big Sisters program, I encouraged the creation of a mentoring program for young offenders who often have no positive role models. This program is now more than eight years old and is operated out of several faith-based locations throughout the city.

As Chair of the Indiana Judges Association Criminal Pattern Jury Instructions Committee, I led a group of dedicated judges from throughout Indiana in a complete revision of the Indiana Criminal Pattern Jury Instructions. After discussing the idea of a "plain language" rewrite of the pattern instructions with Indiana Chief Justice Randall Shepard, and with his support, our committee worked for more than three years to simplify and clarify the language in the pattern instructions. The revised instructions were first published in 2003.

As chair of the Pro Bono Standing Committee of the Indianapolis Bar Association (IBA) from 2004 to 2006, I sought to expand the Committee's already-successful pro bono offerings to include new practice areas, such as legal assistance to criminal case witnesses, guardians, hospice patients, and the indigent elderly.

As co-chair of the Indianapolis Bar Association's Professionalism Committee, I worked with a dedicated group of lawyers and judges to rewrite the IBA's Tenets of Professionalism, which had not been revised since the 1980s. We drafted new Standards of Professionalism, which were approved by the IBA Board in 2007. The Standards reflect the need for maintaining the highest ethical conduct, civility in the practice of law and community involvement by the practicing bar.

Although I have testified and liaised with the Indiana General Assembly in my official government capacities, I have never performed lobbying activities for any private client.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I was adjunct faculty at the Indiana University School of Law (Indianapolis) for its Trial Practice Course from 1988-1995 and 1999-2000. I was a small-group instructor as part of a larger course. I have not retained a syllabus.

I taught criminal procedure at bar review courses from 1995 to 2001. Throughout my legal career, and especially since becoming a judge, I have frequently lectured at continuing education seminars for lawyers and judges and at trial advocacy trainings.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have a vested defined benefit pension in the Indiana Judges Retirement Fund, with an earliest possible pay date of 2020, at which time the annual benefit would be \$56,000.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no plans, commitments or agreements to pursue outside employment if I am confirmed to be a district judge. While I would always put court work first, I hope to continue to teach legal courses and seminars, as appropriate, from time to time.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would recuse from any petition for review of a conviction for which I entered judgment while serving on the Marion Superior Court. In addition, there are a handful of attorneys who practice before the District Court who are close personal friends. I would address cases where those attorneys appeared by disclosing such relationships at a minimum and, where appropriate, through recusal. I would continue to carefully monitor ordinary conflicts, such as those arising from mutual fund investments, as I have throughout my service as United States Magistrate Judge.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, as throughout my service as United States Magistrate Judge, I would consult the Federal recusal statutes and the Code of Conduct for United States Judges to assist me in identifying and, where necessary, resolving or avoiding, any conflicts. I also would seek the advice of my colleagues and of the Judicial Conference as needed.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As a United States Magistrate Judge, I am not permitted to represent clients, pro bono or otherwise. I have, however, taken leadership roles such as in the IBA Pro Bono Standing

Committee and as sponsor of our District Court's new pro bono/pro se mediation initiative. While in private practice, I represented several indigent clients for a reduced fee or no fee, depending on need.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

There is no selection committee in Indiana at present. In November 2008, I contacted Senator Evan Bayh to express my interest in the vacancy arising from Judge Larry J. McKinney's announced assumption of senior status. Senator Bayh called me on April 29, 2009, to advise that he planned to forward my name to the White House for consideration. Since August 2009, I have been in contact with pre-nomination officials from the Department of Justice. On October 6, 2009, I interviewed at the Department of Justice with attorneys from the Department and from the Office of White House Counsel. My nomination was submitted to the United States Senate on January 20, 2010.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

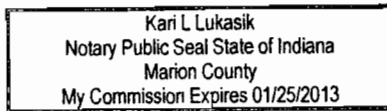
I, Jane E. Magnus-Stinson, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

1-18-10

(DATE)

Jane E. Magnus-Stinson

(NAME)



Kari L. Lukasik

(NOTARY)