

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Tanya Marie Walton
Tanya Marie Walton Pratt

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, please list the city and state where you currently reside.

Office: Marion Superior Court
Probate Division T1721
200 East Washington Street
Indianapolis, IN 46204-3307

Residence: Indianapolis, IN

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

1959; Indianapolis, Indiana

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.

1981 - 1984, Howard University School of Law, J.D. 1984

1977 - 1981, Spelman College, B.A. 1981

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.

Full-time Positions:

1997 - present
Marion County, Indiana, Marion Superior Court
200 E. Washington Street
Indianapolis, IN 46204
Judge, Probate Division (2009 - present)
Judge, Criminal Division (1997 – 2008)

1992 - 1996
Walton & Pratt
155 E. Market Street, Suite 714
Indianapolis, IN 46204
Attorney

1984 - 1992
Moss & Walton
156 E. Market Street, suite 900
Indianapolis, IN 46204
Associate Attorney

1983 - 1984
Neighborhood Legal Service Program
680 Rhode Island Ave., NE
Washington, DC 20002
Law Clerk (full-time summer and part-time during 1983-84 academic year)

1982
Center Township Assessor's Office
200 E. Washington Street
Room #1360
Indianapolis, IN 46204
Summer intern

Summer 1981
Brink's Security
Atlanta, GA
Security guard

Part-time Positions:

1993 - 1996
Marion County, Indiana, Marion Superior Court
Criminal Division, Room One
200 E. Washington Street
Indianapolis, IN 46204
Master Commissioner (Pro Tempore Judge)

1986 - 1991

Marion County, Indiana, Marion Superior Court
Criminal Division, Room Two
200 E. Washington Street
Indianapolis, IN 46204
Deputy Public Defender

Other Affiliations (no compensation):

2007 - present

Marion County Juvenile Detention Center
2451 N. Keystone Ave.
Indianapolis, IN 46218
Supervising Judge

2007 - present

Indiana Conference on Legal Education Opportunity
Indiana Supreme Court
Division of State Court Administration
30 South Meridian Street, Suite 500
Indianapolis, IN 46204
Member, Indiana CLEO Advisory Board

2007 - present

Indiana Lawyer
41 E. Washington Street, suite 200
Indianapolis, IN 46204
Advisory Panel Member

2005 - present

Cathedral High School
5225 E. 56th Street
Indianapolis, IN 46226
Trustee and Member, Board of Directors

2001 - present

Indiana Dr. Martin Luther King Holiday Commission
Chair (2001-2008)
Member (2008 – present)

2000 - present

United Negro College Fund, Inc., Indianapolis affiliate
3737 N Meridian Street # 203
Indianapolis, IN 46208
Advisory Board Member

2005 - 2008
Watson-McCord Park Neighborhood Association
P.O. Box 20790
Indianapolis, Indiana 46220
Board Member

2004 - 2008
Marion Superior Court Magistrate & Commissioner Taskforce
Co-chair

2003 - 2004
Indiana Sentencing Policy Study Commission
Member

1998 - 2007
Indiana Supreme Court Judicial Administration
Committee Member

1998 - 2000
Chair of Criminal Term Division of Marion Superior Court

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. I was not eligible to register for the 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.

2007 - Career Achievement Award, Cathedral High School Alumni Association
2007 - Key to the City of Muncie, Indiana
2006 - Career Achievement Award, Indianapolis Archdiocese
2002 - Pioneers in Faith and Family Award, Ministerial Alliances of Indianapolis
2002 - Graduate; Indiana Graduate Program for Judges
2002 - Outstanding Judge of the Year, Indiana Coalition Against Sexual Assault, Inc.
2001 - Community Leadership Award, Greater Harvest Church of God in Christ

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.

Executive Committee of the Marion Superior Court, Marion Superior Court
Associate Presiding Judge (2006 - present)

Marion Superior Court Juvenile Justice Planning Committee
Chair (2005 – 2006)

American Bar Association
Member (2009 - present)

Judicial Conference of Indiana
Probate Committee Member (2009 - present); Judicial Administration Committee
Member (1997 - 2008)

Indiana State Bar Association
Secretary (2009 - present); Delegate (2007 - present); Member (1999 - present);
Co-Chair of Summit on Assessing Racial Disparities in the Juvenile Justice
System (2009)

Indianapolis Bar Foundation
Fellow (1999 - present)

Indianapolis American Inns of Court
Master (1999 - present)

Indianapolis Bar Association
Member (1997 - present); Vice-President (2005 - 2006); Board of Managers
(1998 - 2000); IBA Women Lawyers Division Steering Committee (2000
Convention)

Marion County Bar Association
Life Member (1997 - present); Board of Directors (2000 - 2009); Board Chair
(2005 - 2008)

National Bar Association
Member Judicial Council (1997 - present)

National Association of Women Judges
Member (1997 - 2008)

At various times over the last 10 years, I also have been involved in the following bar
organizations:

Indiana Judges Association, District 11 Representative
American Judges Association, Member

10. Bar and Court Admission:

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

Indiana, 1984

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. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. District Court for the Southern District Indiana, 1984

U.S. District Court for the Northern District Indiana, 1984

Indiana Supreme Court, 1984

There have been no lapses in admission to any court.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 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.

Lawyers Club of Indianapolis, member (2009 - present)

Delta Sigma Theta Sorority, Inc., life member (1979 - present)

St. Joan of Arc, Catholic Church, Indianapolis, IN (1970 - present)

NAACP, life member (1977 - present)

- 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, or 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.

The Indianapolis Lawyers Club is a social club of lawyers and judges that holds quarterly dinner meetings. The club membership was all-male until the late 1980's. I am a female member of the organization.

Delta Sigma Theta Sorority, Inc is an all female, predominately African-American sorority that engages in social service activities.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, and 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.

I have attempted to identify all items requested by searching my personal files and publicly available databases. I have located the following:

Press Release: Governor Appoints Judge Chair of the Indiana Dr. Martin Luther King, Jr. Holiday Commission, March 13, 2001.

- 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.

I have attempted to identify all items requested by searching my personal files and publicly available databases. I have located the following:

The Role of Lawyers and the Rule of Law, practice skill summit of the Indiana Continuing Legal Education Forum, January 2008.

The Role of Lawyers and the Rule of Law, practice skill summit of the Indiana Continuing Legal Education Forum, January 2007.

- 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.

I have attempted to identify all items requested by searching my personal files and publicly available databases. I have located the following:

Testimony before the Public Safety Committee, Indianapolis City Council concerning the 2010 budget, and the progress of the juvenile detention center and Juvenile Detention Alternatives Initiative, August 18, 2009.

Testimony before the Public Safety Committee, Indianapolis City Council concerning the 2009 budget, the status of juvenile detention center, and the success of the Juvenile Detention Alternatives Initiative program, August 21, 2008.

Symposium on Juvenile Alternatives to Incarceration and Welfare for Neglected Children sponsored by the Criminal Justice Planning Council and Marion Superior Court, Opening Remarks and proposed solutions for juvenile detention reform, November 12, 2005.

- 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.

I have attempted to identify all items requested by searching my personal files and publicly available databases. I have located the following:

Speaker and panelist, Indiana State Bar Association "Summit on Racial Disparities in the Juvenile Justice System: A Statewide Dialogue," August 27, 2009.

Panelist, Indiana Continuing Legal Education Forum, Guardianship litigation "Ethics roundtable with the judges," August 18, 1999.

Speaker, Indianapolis Bar Association Bench/Bar Conference "Proposed Amendments to Marion County Probate Local Rules," June 19, 2009.

Speaker, Powertalk International, Regional Conference, "Turn Your Lemons into Lemonade," June 13, 2009.

Speaker, Indianapolis Bar Association, "Information Regarding Foreign Adoptions," June 11, 2009.

Speaker, American Inn of Court, "Supreme Court Nominations," May 21, 2009

Panelist, Indiana Continuing Legal Education Forum, "An Evening with the Judges," January 29, 2009.

Speaker, Indiana Judicial Center, "New Judges Seminar: Civility and Courtroom Decorum," January 26, 2009.

Remarks, Greater St. Mark Church, first annual youth summit 2008 (spoke to youth about responsibility, making good choices and education), July 12, 2008.

Panelist, Indianapolis Bar Association, "Unlocking the Mysteries of the DOC," June 20, 2008.

Commencement speaker, St. Vincent Star Program, May 23, 2008.

Commencement speaker, Lynhurst Middle School Graduation, May 9, 2008.

So You Want To Be a Judge," 7th Annual Indiana State Bar Association Women in the Law Bench/Bar Conference, March 6, 2008.

Speaker, Cathedral High School Dr. Martin Luther King, Jr. Program, "Where is the Legacy Today," January 22, 2008.

Career Day speaker, Providence Cristo Rey High School, January 16, 2008.

Officiate at elected officials' swearing-in ceremony, Town of Cumberland, IN, January 2, 2008.

Opening Remarks, State of Indiana Holocaust Memorial Observance, April 16, 2007.

Speaker, Black Expo Luncheon, Muncie IN, "Pass the Torch," May 24, 2007.

Speaker, EEOC Employees Black History Month Program, "A History of Black Achievement," February 21, 2007.

Presenter, Indiana Judicial Conference, New Judges Seminar "Courtroom Control: Demeanor/Civility and Contempt of Court Procedures," January 24, 2007.

Mistress of ceremony, Indiana Dr. Martin Luther King Jr. Annual Celebration, "Civil Rights Voices of Indiana: Passing the Torch," January 11, 2007.

Remarks, St. Luke Missionary Baptist Church, Youth Day Program, July 2006.

Speaker, Indianapolis Professional Association, "The Level of your Self-Esteem," May 2006.

Speaker, Martin University, Strengthening Family Ties: Father's in the Justice System," May 4, 2006.

Remarks, Indiana Dr. Martin Luther King Jr. Annual Celebration, "Educating our Youth so We May Live Together," January 12, 2006.

Presenter, Delta Sigma Theta, "Teen Career workshop," May 2, 2005.

Career Day Speaker, Cathedral High School, April 1, 2005.

Welcome remarks, Indiana Dr. Martin Luther King Jr. Annual Celebration, "The King Legacy: Still Alive in 2005, The Civil Rights Movement in America," January 5, 2005.

Presenter, Indianapolis Inn of Court, "The Trial of D.C. Stephenson," November 18, 2004.

Panelist, Westside Weed and Seed Conference on Addressing Re-Entry, "When is the Debt Paid?" October 28, 2004.

Welcome remarks, Indiana Dr. Martin Luther King Jr. Annual Celebration, "Dr. Martin Luther King Jr., Through the Eyes of Indiana State Employees," January 16, 2004.

Presiding, Indiana State Holocaust Memorial Observance, "Remembering the Holocaust," April 29, 2003.

Welcome remarks, Indiana Dr. Martin Luther King Jr. Annual Celebration, "The Right to Dream, America's Struggles for Justice," January 14, 2003.

Speaker, Delta Sigma Theta Founder's Day Program, Ball State University, Muncie IN, "Sisterhood," January 13, 2003.

Speaker, Indiana Coalition Against Violence, "Stop the Violence," July 2002.

Welcome remarks, Indiana Dr. Martin Luther King Jr. Annual Celebration, "Remember, Celebrate, Act: A Day On...Not a Day Off," January 18, 2002.

Welcome remarks, Indiana Dr. Martin Luther King Jr. Annual Celebration. "Honoring Indiana's Civil Rights Leaders," January 12, 2001.

Panelist, Indianapolis Bar Association, "Top Ten Mistakes New Lawyers Make," 2000.

Panelist, Marion Superior Court Training Seminars, "Alternative Sentencing Options," 2000.

Presenter, Marion Superior Court Training Seminar, "Scheduling and Case Management," 1999.

There have been a number of occasions at which I have spoken briefly to school age children and high school students who visit the courthouse, and I have been a presenter at CLE sessions on the topic of criminal law and juvenile detention reform. I have not been able to locate my notes from those events.

- 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.

I have attempted to identify all items requested by searching my personal files and publicly available databases. I have located the following:

"58 children join new families in pre-holiday adoption blitz," *Indianapolis Star*, December 18, 2009.

"Superintendent with experience will oversee young offenders," *Indianapolis Star*, January 6, 2009.

"Quarrel erupts over MLK celebration," *Indianapolis Star*, February 25, 2007.

"Criminal Court Judge Sets Example," Interview with WTHR television reporter Angela Cain, February 21, 2007.

"Catholic School Values make a Difference," *The Criterion Local News*, October 20, 2006.

In 2005 I did an interview for the United Negro College Fund's national publication regarding my education at historically black college; however I have been unable to locate a copy of the publication.

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.

In June 1993, I was hired by Marion Superior Court Judge Paula Lopossa to serve as a part-time Master Commissioner (judge pro-tempore) for Marion County Superior Court, Criminal Division, Court One. I worked as a Master Commissioner until 1996 when I was elected Judge of the Marion Superior Court, a state trial court. I began my first six-year term January 1, 1997, serving in the Criminal Division with jurisdiction over major felony cases. I was re-elected in November 2002 and November 2008. On January 1, 2009, due to my seniority, I was able to transfer to the Probate Division where I have presided over adoptions, adult and child guardianships, wills, trusts and estate matters.

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

I have presided over approximately 2000 cases.

- i. Of these, approximately what percent were:

jury trials:	40%
bench trials:	60%

civil proceedings:	10%
criminal proceedings:	90%

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

I did not write opinions while serving in the Criminal Division. The opinions I have written while in the Probate Division are unpublished and include:

In the Matter of the Dotlich Living Trust, Marion Superior Court, Probate Division, Cause No. 49D08-TR-24023.

Carlton-Campbell Adoption, Marion Superior Court, Probate Division, Cause No. 49D08-0502-AD-007131.

Estate of John Buford Marsee, et.al, v. Indiana Patients Compensation Fund, Marion Superior Court, Probate Division, Cause No. 49D08-0805-ES-022125.

The Emerson Neighborhood Trust: A Public Charitable Trust, Marion Superior Court, Probate Division, Cause No. 49D08-0901-TR-000110.

Estate of Dale Edward Yeley, Marion Superior Court, Probate Division, Cause No. 49D08-0904-ES-18003

Estate of K.L. Bergdoll and Estate of J.F. Bergdoll, Marion Superior Court, Probate Division; Cause No. 49D08-0705-ES-021123 and 49D08-0705-ES-021132

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 and a copy of the opinion or judgment (if not reported).

1. Lowrimore v State, 728 N.E.2d 860 (Ind. 2000). Defendant Lowrimore was convicted of murder, felony murder, robbery and criminal confinement. He was sentenced to life imprisonment without parole for the murder conviction. In this direct appeal, he contended that his right to a speedy trial under Indiana Criminal Rule 4 was violated when, after the prosecution filed an information seeking the death penalty after an initial trial date had been set, his trial date was vacated because his existing appointed public defender was not qualified counsel under Indiana Criminal Rule 24 and because two qualified attorneys were required to represent him. Defendant Lowrimore objected to the continuance and later moved for discharge. The Indiana Supreme Court affirmed, finding the trial court's interpretation of the capital counsel rules was correct, and that a defendant accepting appointed counsel had no right to opt out of Criminal Rule 24.

Trial counsel for defendant Lowrimore: Mark Inman of Indianapolis (317) 924-3545 and William Drew Dickerson (812) 352-3041.

Trial counsel for the State of Indiana: Barbara Trathen, Marion County Deputy Prosecutor, (317) 327- 6943 and Mark Massa, currently Chief Counsel for Governor Mitch Daniels, (317) 233-5764.

2. West v. State, 755 N.E.2d 173 (Ind. 2001). Defendant Michael West appealed his conviction for felony murder and robbery, and his sentence of life imprisonment without parole, arguing that the trial court erred in not suppressing certain evidence that the defendant asserted was obtained during an illegal search and seizure. The Indiana Supreme Court affirmed, holding that the warrantless search of defendant's vehicle was voluntary and that there was sufficient evidence to convict the defendant of the murder. The sentence was proper in that intentionally killing the victim during a robbery was an aggravating factor and proof that the defendant intentionally killed in the course of a felony was among the ways in which felony murder may be proven, but not the only way.

Trial counsel for the defendant: Jack Crawford, 1050 N. College Ave, Indianapolis, IN 46202, (317) 262-1052.

Trial counsel for the State of Indiana: Barbara Trathen, Marion County Deputy Prosecutor, (317) 327-3522.

3. Hannoy v. State, 789 N.E. 2d 977 (Ind. Ct. App. 2003) rehearing granted 793 N.E.2d 1109, (Ind. Ct. App. 2003), transfer denied 804 N.E.2d 753 (Ind. 2003). Defendant Hannoy appealed his conviction on two counts of operating a motor vehicle with a blood alcohol content of .10 percent or greater and causing death. He challenged the admissibility of blood alcohol evidence gathered in two different tests, one ordered by police and

the other performed after hospital admission. The first sample was taken without the defendant's consent. The appellate court reversed, concluding that the relevant statute did not authorize the police to take the first blood sample without obtaining a driver's consent. The results of that first test were relied on to the exclusion of the results of the second test, taken by the hospital for diagnostic purposes after defendant's admission, so their admission was not harmless error. The court reversed the conviction and remanded the matter for re-trial, holding, for the trial court's guidance, that results of the second blood test, which the defendant had consented to, would be admissible at the second trial. The case is significant as it ended a long standing policy of the Indianapolis Police Department.

Trial counsel for the defendant: Jesse J. Paul III, Indianapolis, IN, (317) 632-4463.

Trial counsel for the State of Indiana: Barbara Trathen, Marion County Deputy Prosecutor, (317) 327-3522.

4. Glover v State, 760 N.E.2d 1120 (Ind. Ct. App. 2002). A jury convicted the defendant of rape. The victim had passed out while drinking, and while she was unconscious, defendant had sex with her. Defendant argued before trial that he was entitled to dismissal because the statute under which he was charged was unconstitutionally vague in that the term "unaware" was undefined. The appellate court affirmed the conviction, holding that the definition of the term "unaware" was not aware or unconscious, and that the language of the statute was adequate to inform an individual of ordinary intelligence that sexual intercourse with an individual who had lost consciousness due to inebriation was proscribed.

Trial counsel for the defendant: Chad Buell, Indianapolis, IN, (317) 845-2789.

Trial counsel for the State of Indiana: Maureen Devlin, Marion County Deputy Prosecutor, (317) 915-5304 and Cynthia Ridgeway, Marion County Deputy Prosecutor, who is currently an Assistant U.S. Attorney, Indianapolis, IN, (317) 229- 2461.

5. Allen v. State, 893 N.E.2d 1092 (Ind. Ct. App. 2008.). The defendant, charged with robbery and murder, challenged the denial of his motion to suppress evidence of three bodies found in the basement of his grandparents' home. As his challenge was based solely on his asserted interest in the house, the Indiana Court of Appeals affirmed the trial court, finding that the defendant was a trespasser at his grandparents' home and had not established that he had a legitimate right to control and possess the house or have an objective expectation of privacy. The court concluded

that there was no error in finding that defendant lacked standing to challenge the searches of the house.

Trial counsel for the defendant: Monica Foster, Indianapolis, IN, (317) 916-8210 and Eric Koselke, Indianapolis, IN, (317) 722-2591.

Trial counsel for the State of Indiana: David Wyser, Marion County Deputy Prosecutor, (317) 327-5284 and Richard Kiefner, Marion County Deputy Prosecutor, (317) 635-8900.

6. Edwards v. State, 862 N.E.2d 1254 (Ind. Ct. App. 2007), transfer denied 869 N.E.2d 457 (Ind. 2007). After a jury trial, the defendant was convicted of murder and conspiracy to commit murder. The defendant appealed, arguing that the interception of his telephone calls from jail was a violation of the Indiana Wiretap Act. The appellate court affirmed the conviction, finding that defendant had notice that calls could be recorded and, therefore, he consented.

Trial counsel for the defense: Jack Crawford, Indianapolis, IN, (317) 262-1052.

Trial counsel for the State of Indiana: Michelle Sharpe, Marion County Deputy Prosecutor, Indianapolis, IN (317) 327-3510.

7. Habibzadah v. State, 904 N.E.2d 367 (Ind. Ct. App. 2009). Defendant sought review of a decision denying his motion to dismiss criminal charges of attempted murder and felony aggravated battery. The charges arose from an incident in 2005 in which the defendant stabbed his wife in the chest and head and then stabbed himself in the stomach and sliced his neck, which rendered him essentially deaf and suffering from cognitive impairment as a result of the traumatic brain injury. In 2007, defendant was committed to the state department of mental health after he was determined to be incompetent to stand trial as he did not have sufficient comprehension to understand the nature of the criminal action against him and to make his defense. Because defendant had not attained competency by 2008, civil commitment proceedings were initiated. On appeal, the court affirmed the denial of the motion to dismiss, finding that defendant's constitutional due process rights had not been violated because no determination had been made that defendant would never be restored competency.

Trial counsel for the defense: Melissa (Campbell) Perez, Marion County Public Defender, Indianapolis, IN (317) 327- 4100.

Trial counsel for the State of Indiana: Michelle Sharpe, Deputy Prosecuting Attorney, Indianapolis, IN (317) 327-3510.

8. Owens v. State, 754 N.E.2d 927 (Ind. 2001). A jury found the defendant guilty of murder. On appeal, the defendant challenged the trial court's denial of his motion to suppress his confession during police questioning to murdering his former girlfriend. Defendant claimed that he had been under the influence of drugs that rendered his statement involuntary. The appellate court reviewed the videotape of the confession and found that the videotape did not show that defendant was impaired at all, and there was no particular claim of compulsion. The appellate court affirmed the conviction.

Trial counsel for the defense: Steven Poore, Indianapolis, IN (317) 635-1020.

Trial counsel for the State of Indiana: Barbara Crawford, Deputy Prosecuting Attorney, Indianapolis, IN (317) 327-4497.

9. Johnson v. State, 722 N.E.2d 382 (Ind. Ct. App. 2000). The defendant was convicted of rape of a minor. He appealed, claiming trial court error in admitting evidence regarding a prior attempted rape for which he was not charged. The appellate court affirmed, holding the trial court did not err, because the state offered the prior misconduct evidence to prove defendant's intent, a proper purpose under Ind. R. Evid. 404(b) and the evidence's probative value outweighed the danger of unfair prejudice.

Defense trial counsel was Carolyn Rader, Indianapolis, (317) 636-7703.

Trial counsel for the State of Indiana was Deputy Prosecutor Toby Gill, Indianapolis, who is now an attorney for "Kids Voice" (317) 840-1872.

10. Hall v. State, 870 N.E.2d 449 (Ind. Ct. App. 2007). A jury convicted Hall, a juvenile being tried in an adult court, of murder, robbery, criminal confinement, burglary, and theft. Defendant appealed. In response to defendant's assignments of error, the appellate court affirmed the conviction, concluding that the juvenile court's waiver of jurisdiction was supported by the violent and unprovoked circumstances of the crimes, as well as defendant's juvenile record. The denial of defendant's motion to suppress statements to police also was upheld, as defendant and his mother were advised of defendant's rights, had time to discuss them, and agreed that defendant waive those rights and talk to police; there was no evidence of force, threats, or inducement used to persuade defendant and his mother to waive defendant's rights. .

Trial counsel for the defense: Raymond Casanova, Indianapolis, IN, (317) 327-3715.

Trial counsel for the State of Indiana: Janna Skelton, Deputy Prosecuting Attorney, Indianapolis, (317) 327-5311.

- 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.

During my tenure in the Criminal Division, I did not write opinions. Since moving to the Probate Division of Marion Superior Court on January 1, 2009, I have written six significant opinions on summary judgment and other issues. These opinions are unpublished.

1. In the Matter of the Dotlich Living Trust, Marion Superior Court, Probate Division, Cause No. 49D08-TR-24023. Petitioner counsel, E. Scott Treadway, Stewart & Irwin, L.P., 251 E. Ohio Street, #1100, Indianapolis, IN 46204 (317) 632-1319. Respondent counsel, Gregory Padgett, Padgett Law, 9000 Keystone Crossing, #230, Indianapolis, IN 46240 (317) 218-0316.
2. Carlton-Campbell Adoption, Marion Superior Court, Probate Division, Cause No. 49D08-0502-AD-007131. Petitioner Counsel, Audrey K. Grossman, 500 E. 96th Street, Suite 100, Indianapolis, IN 46240 (317) 846-5393. Respondent counsel, Ryan H. Cassman, Hollingsworth Sever Storey & Zivitz, PC; 9650 N. Augusta Drive, Suite 532, Carmel, IN 46032 (317) 569-2200.
3. Estate of John Buford Marsee, et.al, v. Indiana Patients Compensation Fund, Marion Superior Court, Probate Division, Cause No. 49D08-0805-ES-022125. Petitioner Counsel, David W. Stewart, 931 S. Rangeline Road, Carmel, IN 46032 (317) 846-8999. Respondent counsel, Matthew Conner, One Indiana Square, Suite 1900, Tabbert, Hahn, Earnest & Weddle, LLP, Indianapolis, IN 46204 (317) 639-5444.
4. The Emerson Neighborhood Trust: A Public Charitable Trust, Marion Superior Court, Probate Division, Cause No. 49D08-0901-TR-000110. Petitioner Counsel, Justin G. Hazlett, Deputy Attorney General, Office of the Indiana Attorney General, Indiana Government Center South, 5th Floor, 302 W. Washington Street Indianapolis, IN 46204 (317) 232-0167. Respondent Counsel, Karen Freeman-Wilson, 700 Jackson Street, Gary, IN 46402 (219) 881-9484.
5. Estate of Dale Edward Yeley, Marion Superior Court, Probate Division, Cause No. 49D08-0904-ES-18003. Petitioner counsel, William S. Cohen 50 S. Meridian Street, suite 505, Indianapolis, IN 46204 (317) 639-1326 Respondent counsel, Richard Clem, 110 N. Delaware Street, Indianapolis,

IN 46204 (317) 634-9800.

6. Estate of K.L. Bergdoll and Estate of J.F. Bergdoll, Marion Superior Court, Probate Division; Cause No. 49D08-0705-ES-021123 and 49D08-0705-ES-021132. Petitioner counsel, Joseph K. Markel, 136 S. Main Street, P.O. Box 121, Brownstown, IN 47220 (812) 358-3200. John Green, Hume Smith Geddes Green & Simmons, LLP, 54 Monument Circle, Suite 400, Indianapolis, IN 46204 (317) 632-4402.
- e. Provide a list of all cases in which certiorari was requested or granted.
- None.
- f. Provide a brief summary of and citations for all of your 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.
1. Drummond v. State, 831 N.E.2d 781 (Ind. Ct. App. 2005). The appellate court reversed, finding that the trial court erred in denying defendant's motion to suppress a statement made to an officer who failed to advise defendant of his *Miranda* rights.
 2. Smith v. State, 777 N.E.2d 32 (Ind. Ct. App. 2002). The appellate court reversed defendant's murder conviction, holding that trial court committed reversible error in instructing the jury regarding the unavailability of an argument of self-defense.
 3. Bailey v. State, 669 N.E.2d 972 (Ind. 1996). On appeal, the court reversed and remanded defendant's conviction, holding that the proper procedure in a criminal trial when the jury was apparently deadlocked was for the trial court to call the jurors back into open court in the presence of all parties and their counsel and re-read all instructions given to the jurors prior to their deliberations, without emphasis on any of the instructions and without further comment.
 4. Kibbey v. State, 733 N.E.2d 991 (Ind. Ct. App. 2000). The State of Indiana both sought interlocutory review of an order that granted defendant's motion to dismiss theft and corrupt business influence charges. The Court of Appeals reversed in part, to reinstate the dismissed charges, and affirmed in part, leaving all charges in place, because the statutes under which defendants were charged could be harmonized so that prosecutors had discretion to charge all of them.
 5. Salter v. State, 906 N.E.2d 212 (Ind. Ct. App. 2009). Indiana police received information from Delaware authorities that defendant, an Indiana

resident, was charged with child exploitation for communicating in a sexual way with a girl in Delaware who was 16-years-old and for possessing digital images of naked minors. The Court of Appeals found that the child exploitation convictions could not stand because the relevant statute concerned creation of the material, and not the downloading of images from a computer and saving copies of them to a CD, as defendant had done. The appellate court also found that the dissemination convictions had to be reversed because he did not have fair notice that pictures of his genitals were patently offensive to prevailing standards in the adult community as a whole, especially since minors in Indiana could consent to sex at the age of 16.

6. Miller v. State, 726 N.E.2d 349 (Ind. Ct. App. 2000). The defendant was convicted of criminal recklessness, robbery, criminal confinement, auto theft; resisting law enforcement. The Court of Appeals reversed appellant's convictions for resisting law enforcement and criminal recklessness, and remanded two of those counts. The other convictions were affirmed.
7. State v. Holmes, 728 N.E.2d 164 (Ind. 2000). The appellate court reversed and vacated my order setting aside death sentence and ordering new penalty phase and sentencing hearing, and affirmed remainder.
8. Hood v. State, 877 N.E.2d 492 (Ind. Ct. App. 2007). Defendant appealed his conviction and sentence for voluntary manslaughter. The Court of Appeals held that a witness's testimony that he thought the victim was reaching for a gun was improperly excluded. Defendant's conviction for voluntary manslaughter was reversed and a retrial was ordered.
9. Eichelberger v. State of Indiana, 852 N.E.2d 631 (Ind. Ct. App. 2006). Court of Appeals reversed trial court's denial of habeas petition based on ineffective assistance of counsel.
10. Johnson v. State, 2008 WL 3983265 (Ind. Ct. App. 2008). The Court of Appeals affirmed defendant's murder conviction, reversed a robbery conviction, and remanded to the trial court with instructions to vacate the concurrent twenty-year sentence for robbery.
11. Morgan v. State, 2006 WL 3734585 (Ind. Ct. App. 2006). Defendant appealed trial court's denial of his Motion to Compel Attorney to Deliver Over Money. The Indiana Court of Appeals reversed and remanded for a hearing to determine the necessity of delivering the amount of unearned fees, if any.
12. Buggs v. State, 844 N.E.2d 195 (Ind. Ct. App. 2006). Following acquittals on felony murder and conspiracy to commit robbery, the defendant was

retried and convicted of murder and attempted robbery. The defendant appealed arguing, inter alia, that double jeopardy principles barred his retrial. The Indiana Court of Appeals found that, although principles of double jeopardy did not bar the defendant's retrial, the evidence does not support his conviction for attempted robbery. The trial court was affirmed in all other respects.

13. Johnson v. State, 835 N.E.2d 492 (Ind. 2005). After convictions and sentences for misdemeanor handgun charge, resisting arrest, and possession of controlled substance were affirmed on direct appeal, defendant filed petition for post-conviction relief, challenging double-enhancement of handgun sentence under both handgun statute and habitual offender statute. Post-conviction court denied the petition. The Indiana Supreme Court reversed, in part, and vacated the double-enhancement based on an intervening change in the law that the Supreme Court applied retroactively.
14. Jacobs v. State, 835 N.E.2d 485 (Ind. 2005). Defendant petitioned for post-conviction relief from his conviction for carrying a handgun without a license and his sentence enhancement for being a habitual offender. The post-conviction court denied the petition, and the Court of Appeals affirmed the post-conviction court's ruling. *Jacobs v. State*, 799 N.E.2d 1161, 1167 (Ind. Ct. App. 2003). The Indiana Supreme Court affirmed in part, and vacated in part.
15. Williams v. State, 827 N.E.2d 1127 (Ind. 2005). Defendant was convicted of aggravated battery and criminal confinement. Defendant appealed and the Indiana Court of Appeals affirmed. On a petition to transfer, the Indiana Supreme Court affirmed in part and vacated in part, holding that the enhanced sentences that were imposed violated defendant's right to a jury trial under the Sixth Amendment.
16. Hannoy v. State, 789 N.E.2d 977 (Ind. Ct. App. 2003), rehearing granted and original opinion affirmed 793 N.E.2d 1109 (Ind. Ct. App. 2003). Defendant convicted of operating a motor vehicle with a blood alcohol content of .10 percent or greater and causing death challenged the admissibility of blood alcohol evidence gathered in two different tests, one ordered by police and the other performed after hospital admission. The Court of Appeals reversed the conviction, concluding that the relevant statute did not authorize the police to take the first blood sample without obtaining a driver's consent. The court remanded the matter for re-trial, holding, for the trial court's guidance, that results of the second blood test, which the defendant had consented to, would be admissible at the second trial.

17. Griffith v. State, 791 N.E.2d 235 (Ind. Ct. App. 2003). Defendant was convicted of felony murder, theft, carrying a handgun without a license, and criminal confinement. On appeal, the Indiana Court of Appeals affirmed in part, reversed in part, holding as a matter of first impression that the trial court lacked jurisdiction to decide charges of theft, carrying a handgun without a license, and criminal confinement.
18. Francis v. State, 758 N.E.2d 528 (Ind. 2001). Defendant was convicted of robbery and murder. The Indiana Supreme Court affirmed in part and vacated in part, finding that convictions for robbery while armed with a deadly weapon could not stand due to defective charging information.
19. Robinson v. State, 730 N.E.2d 185 (Ind. Ct. App. 2000). Defendant was convicted of attempted murder, possession of a handgun with an obliterated serial number, possession of cocaine, and criminal gang activity. The Court of Appeals affirmed in part, and reversed only the criminal gang activity based on insufficient evidence.
20. Martin v. State, 714 N.E.2d 1140 (Ind. Ct. App. 1999). Defendant was convicted of two counts of attempted battery with deadly weapon. Defendant appealed his sentences and the Indiana Court of Appeals affirmed in part, reversed in part and remanded for resentencing.

In addition, a number of decisions made by a Master Commissioner under my statutory authority were reversed, and those include:

Harris v. State, 2008 WL 3497440 (Ind. Ct. App. 2008)
Hackett v. State, 2007 WL 2332503 (Ind. Ct. App. 2007)
Blake v. State, 860 N.E.2d 625 (Ind. Ct. App. 2007)
Reed v. State, 856 N.E.2d 1189 (Ind. 2006)
King v. State, 844 N.E.2d 92 (Ind.Ct. App. 2005)
Alexander v. State, 772 N.E.2d 476 (Ind. App. 2002)
Woodson v. State, 778 N.E.2d 475 (Ind. Ct. App. 2002)
Boyd v. State, 766 N.E.2d 396 (Ind. Ct. App. 2002)
Boykin v. State, 702 N.E.2d 1105 (Ind. App. 1998)

- g. 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.

None.

- h. 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.

None.

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, please 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;
- 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.

The Marion Superior Court does not have an automatic recusal system.

My husband practices criminal law in Marion County. On those occasions when he accepted representation of a criminal defendant whose case was assigned to my previous court, I would sua sponte issue an automatic recusal and the case would go back to the court clerk for re-assignment.

My Probate Division Commissioner has a spouse who on occasion accepts representation in probate matter. As presiding judge of the Probate Court, I have recused myself sua sponte from cases in which she appears and her cases are sent to the court clerk for re-assignment.

During my first few years as a judge, I would occasionally have to recuse myself if I had previously represented a criminal defendant during the period I worked as a public defender.

I do not recall any cases where recusal was requested by an attorney.

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, please 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.

None.

- 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.

I am a member of various Democratic Clubs, all located in Marion County, Indiana, including the Marion County Democratic Chairmen's Club, Indiana Democratic Club, Lawrence Township Democratic Club, Southside Democrats, Pike Township Democrat Club, Decatur Township Democrat Club, Washington Township Democrat Club and the 4th Ward Democratic Club. I do not hold any offices or render any services to any of the clubs.

I played a role in my own judicial campaign and established the Committee to Re-Elect Judge Tanya Walton Pratt.

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

1997 - present

Marion County, Indiana, Marion Superior Court

200 E. Washington Street

Indianapolis, IN 46204

Judge, Probate Division (2009 - present); Criminal Division (1997 – 2008)

1993 - 1996

Marion County, Indiana, Marion Superior Court

Criminal Division, Room One

200 E. Washington Street

Indianapolis, IN 46204

Master Commissioner (Pro Tempore Judge) (part-time)

1992 - 1996
Walton & Pratt
155 E. Market Street, Suite 714
Indianapolis, IN 46204
Attorney

1986 - 1991
Marion County, Indiana, Marion Superior Court
Criminal Division, Room Two
200 E. Washington Street
Indianapolis, IN 46204
Deputy Public Defender (part-time)

1984 - 1992
Moss & Walton
156 E. Market Street, suite 900
Indianapolis, IN 46204
Associate Attorney

- 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 never served as a mediator or arbitrator.

b. Describe:

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

Immediately after I graduated from law school in 1984, and through 1993, I practiced law with my father, Charles A. Walton, my husband Marcel A. Pratt, Jr. and my brother, Charles A. Walton Jr. The general character of my law practice consisted of criminal law, family law, personal injury, bankruptcy, wills and probate, Social Security and civil rights discrimination. My practice changed in 1993 when I began to serve part-time as a Master Commissioner (pro-tempore judge) for a judge in the Marion Superior Court Criminal Division. I was not allowed to defend criminal cases as part of my private practice so my law firm practice became concentrated on family law, probate law and bankruptcy until I was elected judge in 1996.

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

While in private practice, my typical clients were individuals in need of

criminal defense representation, bankruptcy relief, family law or probate services.

- 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.
- i. Indicate the percentage of your practice in:
 - 1. federal courts: 10%
 - 2. state courts of record: 80%
 - 3. other courts: 2%
 - 4. administrative agencies: 8%
 - ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 50%
 - 2. criminal proceedings: 50%
- 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 have tried approximately 100 cases to verdict or judgment, and I was sole counsel on approximately 60 of those cases.

- i. What percentage of these trials were:
 - 1. jury: 40%
 - 2. non-jury: 60%
- 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 name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. State v. Fraizer (Marion Superior Court, Criminal Division 2, Case No. 92178414) (1992). My client was an elderly gentleman who was charged with murder of his landlord. He claimed self-defense. After a one-week jury trial, he was convicted. There were extensive pre-trial motions on competency to stand trial due to dementia, and suppression of statements. The case was tried before Marion Superior Court Webster Brewer, retired. Opposing counsel was Deputy Prosecuting Attorney Philip Blowers, 251 E. Ohio Street, Indianapolis, IN 46204 (317) 327-3255.
 2. In the Matter of Taylor Children (Marion Superior Court, Juvenile Division, Case No. 49D09-9112-JC-63840) (1991). This case was initiated by the Indiana Department of Child Services, which filed a petition alleging children-in-need of services, based in part upon allegations that the working mother and father were too busy to take care of the three children. I represented the parents. The case was ultimately resolved by a dismissal of the petition. The proceedings included substantial pre-trial motions, and discovery hearings. The case was presided over by Judge James Payne, now Director Indiana Department of Child Services, Room W392 - MS03, 402 W. Washington Street, Indianapolis, Indiana 46204-2739, (317) 232-4705. Opposing counsel was Mary Jane Norman, Marion County Department of Public Welfare, now 4911 East 56th Street, Indianapolis, IN 46220-5719 (317) 254-1443.
 3. Lloyd v. Columbus Lloyd (Marion County Circuit Court, Case No. 49C01-9009-DR-3459) (1990). After the wife filed a Petition for Dissolution of Marriage and the parties entered into a property settlement agreement, my client, Columbus Lloyd, won the lottery. His wife sought to set aside the property settlement agreement. Following extensive discovery and substantial pre-trial motions, the husband prevailed on summary judgment. The case was presided over by Judge John M. Ryan, deceased. Opposing counsel was Lorine Regalus, 155 E. Market Street, Indianapolis, IN 46204 (317) 636-4722.
 4. State v. Reed (Marion Superior Court, Criminal Division 3, Case No. 88116212) (1988). My client, Gerald Reed, a prominent businessman, was charged with forgery following theft of credit cards from lockers at the YMCA where he was a member. Mr. Reed was acquitted by a jury, which agreed with his defense based on misidentification. The case was tried before Judge Jack Barney, deceased. Opposing counsel was Deputy Prosecuting Attorney Richard Plath, 251 E. Ohio Street, Indianapolis, IN 46204 (317) 327-3255.

5. State v. Rayford (Marion Superior Court, Criminal Division 3, Case No. 91080706) (1991). My client was charged with robbery of multiple persons in a fast food restaurant. After a one-week trial, my client was acquitted. I served as co-counsel at all stages of the proceedings, which included substantial discovery and other pre-trial motions. The trial was presided over by Judge Jack Barney, deceased. Co-counsel was Marcel A. Pratt, 155 E. Market Street, Indianapolis, IN 46204 (317) 686-2244. Opposing counsel was Deputy Prosecutor Richard Plath, 251 E. Ohio Street, Indianapolis, IN 46204 (317) 327-3255.
6. State v. Nixon, 593 E. 2d 1210 (Ind. App. 1992). The trial court granted my motion to suppress marijuana found during a warrantless search and seizure of the passenger's purse during a traffic stop. The State prevailed on appeal. The trial was presided over by Marion Superior Court Judge William Mercuri, deceased. Opposing counsel was Deputy Prosecutor Carol Johnson, deceased.
7. State v. Prater (Marion Superior Court, Criminal Division 2, Case No. 89066097) (1989). Represented defendant charged with child molestation. The case involving substantial pre-trial motions on DNA and other identification issues. Case resulted in acquittal following jury trial. The trial judge was Judge Webster Brewer, retired. Opposing counsel was Deputy Prosecutor Lisa Judd, now Judge Lisa Borges, 200 E. Washington Street, Indianapolis, IN 46204 (317) 327-4525.
8. State v. Rich (Marion Superior Court, Criminal Division 2, Case No. 90053714) (1990). Represented woman charged with child molestation and neglect of a dependent for failure to report allegations of child molestation. This case was tried by jury and resulted in an acquittal for my client on the defense that she suffered from a form of battered spouse syndrome. The trial was conducted by Judge Webster Brewer, retired. The co-defendant was represented by Mark Inman; 141 E. Washington Street, #200 Indianapolis IN, 46204 (317) 924-3545. Opposing counsel was Deputy Prosecutor Lisa Judd, now Judge Lisa Borges, 200 E. Washington Street, Indianapolis, IN 46204 (317) 327-4525.
9. State v. Schroeder (Marion Superior Court, Criminal Division 2, Case No. 89122812) (1989). I represented a mildly mentally disabled client who was charged with attempted rape and burglary. A jury trial resulted in an acquittal following a judgment on the evidence. There were extensive pre-trial motions on competency to stand trial and line-up identification. The trial was presided over by Judge Webster Brewer, retired. Opposing counsel was Deputy Prosecutor Jane Conley, P.O. Box 20543, Indianapolis, IN 46205 (317) 921-0106.
10. State v. Caston (Marion Superior Court, Criminal Division 2, Case No. 89086358) (1989). Represented individual who was charged with rape, criminal deviate conduct and criminal confinement. After extensive pre-trial hearings on discovery violations, the State dismissed the two lead charges. Defendant was acquitted following jury trial of the criminal confinement charge. The case was tried before Temporary Judge Andrew Fogle, Indianapolis IN, 46240. Co-counsel

was Carolyn Rader, 129 E. Market Street, #1100, Indianapolis, IN 4204 (317) 636-7703. Opposing counsel was Deputy Prosecutor Jane Conley, P.O. Box 20543, Indianapolis, IN 46205 (317) 921-0106.

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.)

The most significant legal activities I have pursued, apart from my duties on the bench and my work in private practice, involve reform of the Marion County Juvenile Detention Center (JDC). The JDC was at one time in crisis; the facility was overcrowded and unsafe. Reform efforts with the Annie Casey Foundation and JDAI (Juvenile Detention Alternatives to Incarceration) have allowed us to reduce overcrowding in our juvenile detention center, thus saving considerable sums in overtime and additional staff. Reducing overcrowding has greatly improved conditions, both for the youngsters who remained confined and those who stayed in the community; without jeopardizing public safety or court appearance rates.

I also have been involved in the Indiana Conference on Legal Education Opportunity (CLEO) since 2007 as a member of the Advisory Board. I work on recruitment efforts for CLEO programs, including a summer mentoring program.

I have performed no lobbying activities on behalf of any client or organization.

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 have not taught any courses other than continuing legal education courses.

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.

None

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.

No.

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.

None.

- 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, I will follow recusal statutes and the Code of Conduct for United States Judge. If any issue of potential conflict arises, I would consult the applicable statutes and cannons, and seek advice from the Codes of Conduct Committee of the Judicial Conference.

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.

In my private practice, I served on the Marion County Bar Association's Pro Bono panel and spent more than 300 hours each year on pro-bono work, mostly in the area of family law, land-lord tenant and other small claims issues.

As a judge, I am not allowed to practice law, however I continue to serve the indigent by doing community service work.

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.

Indiana does not have a selection commission to recommend candidates for nomination to the federal courts.

In March 2009, I expressed my interest in the district court to Senator Bayh's staff. In early May 2009, I met in person with one of Senator Bayh's staff members and, a few days later, I met with Senator Evan Bayh to discuss the position. I was contacted by the White House Counsel's Office on August 19, 2009. Since August 2009, I have been in contact with pre-nomination officials at the Department of Justice. On November 19, 2009 I was interviewed by representatives of the Justice Department and the Office of the White House Counsel. On January 15, 2010, Senator Bayh called to tell me that he intended to publicly announce his recommendation of me to the President for nomination to the district court, which he did on January 18. The President submitted my nomination to the 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.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Walton Pratt, Tanya M.	2. Court or Organization U.S. District Court, Southern District of Indiana	3. Date of Report 01/20/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Judge-Nominee	5a. Report Type (check appropriate type) ☒ Nomination, Date 1/20/2010 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 1/1/2009 to 12/31/2009
7. Chambers or Office Address Marion Superior Court T1721 200 East Washington Street Indianapolis, IN 46204	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Trustee, Board of Director	Cathedral High School
2. Member	American Inn of Court, Indianapolis
3. Advisory Board	United Negro College Fund
4. Judge, Marion Superior Court	Marion Superior Court
5. Secretary	Indiana State Bar Association

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. 2009	Indiana Judges Pension Fund; pension upon retirement at age 65
2. 1997	PERF (Public Employees Retirement Fund), payable upon retirement
3.	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Walton Pratt, Tanya M.

Date of Report

01/20/2010

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2008	State of Indiana	\$130,000.00
2. 2009	State of Indiana	\$130,000.00
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.
(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2009	Self employed, Attorney
2. 2010	Self-employed, Attorney
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Walton Pratt, Tanya M.

Date of Report

01/20/2010

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Exempt		
2.		
3.		
4.		
5.		

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐ NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. Bank of America	credit card	J
2.		
3.		
4.		
5.		

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Walton Pratt, Tanya M.

Date of Report

01/20/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. series EE bonds	A	Interest	J	T	Exempt				
2. series I bonds	A	Interest	J	T	Exempt				
3. CHASE Bank	A	Interest	J	T	Exempt				
4. National City Bank (CD, checking)	A	Interest	K	T	Exempt				
5. APPL (Apple) stock	A	Dividend	J	T	Exempt				
6. ARBA (Ariba Inc.) stock		None	J	T	Exempt				
7. CBMC (Calypte biomed) stock		None	J	T	Exempt				
8. CHK (Chesapeake energy) stock		None	J	T	Exempt				
9. ERIC (Ericsson) stock		None	J	T	Exempt				
10. MSTR (microstrategy inc.) stock	A	Dividend	J	T	Exempt				
11. Fidelity Diversified International Fund		None	K	T	Exempt				
12. Fidelity Low-Priced Stock		None	K	T	Exempt				
13. Vanguard Capital Opportunity		None	K	T	Exempt				
14. BlackRock Large cap Value Retirement K		None	K	T	Exempt				
15. Wells Fargo Capital Growth I		None	J	T	Exempt				
16. WBMD (Web M.D..)		None	J	T	Exempt				
17. PIMCO		None	L	T	Exempt				

1. Income Gain Codes: (See Columns B1 and D4)	A=\$1,000 or less F=\$50,001 - \$100,000	B=\$1,001 - \$2,500 G=\$100,001 - \$1,000,000	C=\$2,501 - \$5,000 H1=\$1,000,001 - \$5,000,000	D=\$5,001 - \$15,000 H2=More than \$5,000,000	E=\$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J=\$15,000 or less N=\$250,001 - \$500,000 P3=\$25,000,001 - \$50,000,000	K=\$15,001 - \$50,000 O=\$500,001 - \$1,000,000	L=\$50,001 - \$100,000 P1=\$1,000,001 - \$5,000,000 P4=More than \$50,000,000	M=\$100,001 - \$250,000 P2=\$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q=Appraisal U=Book Value	R=Cost (Real Estate Only) V=Other	S=Assessment W=Estimated	T=Cash Market	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Walton Pratt, Tanya M.

Date of Report

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Indiana Stable Value Fund		None	J	T	Exempt				
19. Allianz IRA's	A	Interest	L	T	Exempt				
20. Western National IRA	A	Interest	K	T	Exempt				
21. Indiana 529 Plan	A	Interest	K	T	Exempt				
22. Vanguard Institutional Index Fund		None	K	T	Exempt				
23. Artio International Equity Fund		None	J	T	Exempt				

1. Income Gain Codes:
(See Columns B1 and D4)A = \$1,000 or less
F = \$50,001 - \$100,0002. Value Codes
(See Columns C1 and D3)J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,0003. Value Method Codes
(See Column C2)Q = Appraisal
U = Book ValueB = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000R = Cost (Real Estate Only)
V = OtherC = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000S = Assessment
W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

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Name of Person Reporting

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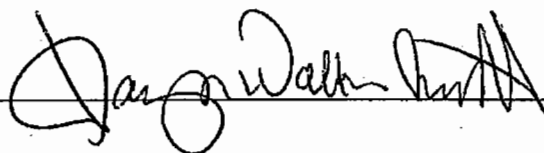
01/20/2010

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature



NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		30	000	Notes payable to banks-secured			
U.S. Government securities-add schedule		19	980	Notes payable to banks-unsecured			
Listed securities-add schedule		290	520	Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule			
Real estate owned-add schedule		250	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		60	000	Home equity loan		33	000
Cash value-life insurance				Credit Cards		3	000
Other assets itemize:							
529 College Fund		23	000				
				Total liabilities		36	000
				Net Worth		637	500
Total Assets		673	500	Total liabilities and net worth		673	500
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	NO		
On leases or contracts				Are you a defendant in any suits or legal actions?	NO		
Legal Claims				Have you ever taken bankruptcy?	NO		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

U.S. Government Securities

Series EE Bonds	\$ 12,730
Series I Bonds	7,250
Total U.S. Government Securities	<u>\$ 19,980</u>

Listed Securities

AAPL	\$ 2,059
ARBA	201
CMBC	1
CHK	837
ERIC	202
WBMD	1,742
MSTR	6,215
Fidelity Diversified International Fund	31,071
Fidelity Low-Priced Stock	25,061
Vanguard Capitol Opportunity	16,758
Vanguard Institutional Index Fund	20,856
BlackRock Large Cap Value Retirement k.	19,898
Wells Fargo Capital Growth I	14,889
PIMCO	51,505
Indiana Stable Value Fund	2,088
Artio International Equity II Fund	5,017
P.E.R.F	3,000
Allianz IRA #1	26,562
Allianz IRA #2	46,208
Western National IRA	16,350
Total Listed Securities	<u>\$ 290,520</u>

Real Estate Owned

Personal residence	\$ 250,000
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AFFIDAVIT

I, Tanya Walton Pratt, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

January 19, 2010
(DATE)

Tanya Walton Pratt
(NAME)

Kathy D. Zee
(NOTARY)

