

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Myra Consetta Selby

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

United States Circuit Judge for the Seventh Circuit

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.

Ice Miller LLP
One American Square, Suite 2900
Indianapolis, Indiana 46282

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

1955; Saginaw, Michigan

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.

1977 – 1980, University of Michigan Law School; J.D., 1980
1973 – 1977, Kalamazoo College; B.A., 1977

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.

1983 – 1993; 2000 – present
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, Indiana 46282
Partner (1988 – 1993; 2000 – present)
Hiring Partner (2011 – 2013)
Associate (1983 – 1988)

2010 – 2012

Indiana University Robert H. McKinney School of Law
530 West New York Street
Indianapolis, Indiana 46202
Adjunct Professor

1995 – 1999

Indiana Supreme Court
315 Indiana State House
200 West Washington Street
Indianapolis, Indiana 46204
Associate Justice

1993 – 1994

State of Indiana
Office of the Governor
200 West Washington Street
Indianapolis, Indiana 46204
Director of Health Care Policy

1980 – 1983

Seyfarth Shaw Fairweather & Geraldson
975 F Street NW
Washington, District of Columbia 20004
Associate

1979 – 1980

University of Michigan School of Law
Professor Harry T. Edwards
625 South State Street
Ann Arbor, Michigan 48109
Research Assistant

1978 – 1979

University of Michigan Law Library
801 Monroe Street
Ann Arbor, Michigan 48109
Library Assistant

Summer 1978

Lewis, White, and Clay (now Lewis & Munday, P.C.)
First National Building
660 Woodward Avenue, Suite 2490
Detroit, Michigan 48226
Summer Law Clerk

Summer 1977
Dow Chemical Company
Corporate Headquarters
2030 Dow Center
Midland, Michigan 48674
Laboratory Assistant

Other Affiliations (uncompensated unless otherwise indicated):

2007 – 2015
Jack and Jill of America, Inc.
Indianapolis Chapter
Post Office Box 681575
Indianapolis, Indiana 46268
Parliamentarian

1999 – 2014
Indiana University Lilly School of Philanthropy (formerly Indiana University Center on Philanthropy)
550 West North Street, Suite 301
Indianapolis, Indiana 46201
Board of Visitors

2005 – 2011
The Indianapolis Chapter of Links, Inc.
3515 Washington Boulevard
Indianapolis, Indiana 46205
President (2007 – 2011)
Vice President (2005 – 2007)

1997 – 1998; 2004 – 2010
American Health Lawyers Association
1620 I Street NW, Sixth Floor
Washington, District of Columbia 20006
Board of Directors

1994 – 2010
Indianapolis Museum of Art
4000 Michigan Road
Indianapolis, Indiana 46208
Board of Governors (2004 – 2010)
Trustee (1994 – 2010)

2001 – 2002, 2006 – 2007
Greater Indianapolis Progress Committee
200 East Washington Street, 25th Floor
Indianapolis, Indiana 46204

Board of Directors

2004 – 2006

Indiana University School of Public and Environmental Affairs

1315 East Tenth Street

Bloomington, Indiana 47405

Board of Visitors

2005

Indiana Economic Development Corporation

One North Capitol, Suite 700

Indianapolis, Indiana 46204

Board of Directors

2003

Ohio Casualty

9450 Seward Road

Fairfield, Ohio 45014

Board of Directors

(Stock options, meeting stipend)

1991 – 2002

Ballet Internationale

502 North Capital Avenue, Suite B

Indianapolis, Indiana 46204

President (1996 – 2001)

Board of Directors (1991 – 2002)

Vice President (1993 – 1995)

Secretary (1991 – 1993)

1996 – 2001

Kalamazoo College

1200 Academy Street

Kalamazoo, Michigan 49006

Board of Trustees

1995 – 1996

National Health Lawyers Association (now part of the American Health Lawyers Association)

1620 I Street NW, Sixth Floor

Washington, District of Columbia 20006

Board of Directors

1991 – 1993

Alpha Nursing Home

2640 Cold Spring Road

Indianapolis, Indiana 46222

President (1992 – 1993)
Board of Directors (1991 – 1993)
Vice President (1991 – 1992)

Approximately early 1990s
Flanner House
2424 Dr. Martin Luther King Jr. Street
Indianapolis, Indiana 46208
Board of Directors

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 required to register 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.

Best Lawyers in America, Health Care Law (2009 – present)

Indiana Super Lawyer, Health Care (2006 – present)

AV – Preeminent Rating, Martindale-Hubbell (1990 BV, 2014 AV)

Madame C.J. Walker Legacy Award, Center for Leadership Development (2014)

Legacy Award, James C. Kimbrough Bar Association (2013)

Woman of Impact Award – Business, NFL Players' Wives Association (2012)

Year in Review: The Midwest Region of the Black Law Students Association,
Recognition for First Woman and First African-American to be Appointed as Associate
Justice to Indiana Supreme Court (2011)

Distinguished Barrister and Up and Coming Lawyer, Leadership in Law Award, Indiana
Lawyer (2008)

Excellence in Leadership, Executive Women in Health Care (2008)

Indianapolis' Most Influential in Who's Who in Black Indianapolis, Indianapolis
Business Journal (2007)

Phyllis Wheatley Award, YWCA of Indianapolis (2006)

Torchbearer Award – Trailblazer, Indiana Commission for Women (2004)

Touchstone Awards, Girls Incorporated (2001)

Kalamazoo College Distinguished Achievement Award (1998)

Antoinette Dakin Leach Award, Indianapolis Bar Association (Women in the Law) (1997)

Influential Woman in Indianapolis, Indianapolis Business Journal (1996)

“A Breakthrough Woman” Award, Coalition of 100 Black Women (1990)

Stanley K. Lacy Leadership Series, Class XIII (1989)

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.

American Bar Association

“A Neutral’s Journey” Stories Women in Dispute Resolution Tell Subcommittee
Chair (2014)

Alternative Dispute Resolution Section
Council Member (2012 – present)

Annual Conference Planning Committee
Conference Co-Chair (2014)

Program Co-Chair (2013)

Technology Track Co-Chair (2013)

Coalition for Justice and Committee on State Justice Initiatives

Coalition on Racial and Ethnic Justice

Commission on Racial and Ethnic Diversity in the Profession

Committee on Legal Education and Admission to the Bar

Coordinating Committee on Diversity

Coordinating Committee on Nonprofit Governance

Dispute Resolution Section: Committee on Court ADR

Co-Chair (2014 – present)

Health Law Section, Business and Transactions Interest Group

Vice Chair (2002 – 2003)

Nominating Committee of Health Law Section

Non-Profit Governance Task Force

Presidential Advisory Council on Diversity in the Profession

Roadmap Subcommittee

Standing Committee on Judicial Independence

American Bar Foundation Fellow (2005)

American Health Lawyers Association

Advisory Council on Racial and Ethnic Diversity

Co-Chair (2006 – 2008)

Alternative Dispute Resolution Task Force

Chair (2010 – 2012)
Annual Meeting Planning Committee
Board of Directors (1997 – 1998, 2004 – 2010)
Dispute Resolution Service Review Board
Professional Resources Committee for the Journal of Health Law
Public Interest Committee
Special Interest and Special Law Committee

American Law Institute
Committee on Institute Size
Restatement of the Law, Charitable and Non-Profit Organizations
Member of Consultative Group (2013)
Restatement Third, Torts: Liability for Physical and Emotional Harm
Advisor (2010)

Indiana State Bar Association
Committee on Diversity in the Profession
Chair (2005 – 2008)
House of Delegates (2005 – 2008)

Indiana Supreme Court Board of Law Examiners
Character and Fitness Committee (2009 – present)

Indiana Supreme Court Commission on Race and Gender Fairness
Chair (2000 – present)

National Bar Association

National Health Lawyers Association
Board of Directors (1995 – 1996)

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, 1983
Washington, DC, 1980

There has been no lapse in my Indiana bar membership. I recall that, after I was admitted to the Indiana bar, I decided to relinquish my DC bar membership since I was no longer practicing in DC. During this nomination process, I contacted the DC bar and found there was no record maintained of my withdrawal; I therefore submitted a written resignation to the DC Bar on January 8, 2016 to resign my 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.

United States Court of Appeals for the Seventh Circuit, 1983

United States Court of Appeals for the Eighth Circuit, 1983

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

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

Supreme Court of Indiana, 1983

There have been no lapses in membership.

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.

Alpha Nursing Home

Board of Directors (1991 – 1993)

President (1992 – 1993)

Vice President (1991 – 1992)

American Diabetes Association

Community Leadership Board (2015)

American Pianists Association

Jazz Fellowship Awards Co-Chair (2014 – 2015)

Ballet Internationale

Board of Directors (1991 – 2002)

President (1996 – 2001)

Vice President (1993 – 1995)

Secretary (1991 – 1993)

Craine House

Capital Campaign Honorary Chair (2013 – 2014)

Eleanor D. Kinney Health Law and Compliance Conference

Steering Committee (2012)

Flanner House

Board of Directors (approximately early 1990s)

Hall Center for Law and Health Advisory Board (2013)

Healthcare Businesswomen Association
Executive Advisory Council (2006)

Indiana Coalition Against Domestic Violence
Honorary Gala Chair (2014)

Indiana Economic Development Corporation
Board of Directors (2005)

Indiana Gaming Commission
Disparity Study Advisory Committee Member – Minority Business
Enterprises and Women Business Enterprises (2006)

Indiana State Department of Health
Hospital Antitrust Task Force (1994)

Indiana University Lilly School of Philanthropy (formerly Indiana University
Center on Philanthropy)
Board of Visitors (2005 – 2014)

Indiana University-Purdue University at Indianapolis
Chancellor's Advisory Board (1993 – 2001)

Indiana University School of Nursing
Board of Advisors (1994)

Indiana University School of Public and Environmental Affairs
Board of Visitors (2004 – 2006)

The Indianapolis Chapter of Links, Inc.
President (2007 – 2011)
Vice President (2005 – 2007)

Indianapolis Children's Choir
Advisory Board (2013 – present)

Indianapolis Museum of Art
Board of Governors (2004 – 2010)
Trustee (1994 – 2010)
Community Relations Committee Chair (2004 – 2006)
Search Committee Chair (2005 – 2006)

Jack and Jill of Indianapolis
Parliamentarian (2007 – 2015)

Kalamazoo College

Board of Trustees (1996 – 2001)

La Plaza

Advisory Council (year unknown)

Methodist Hospitals

Foundation Board (2011)

Ohio Casualty

Board of Directors (2003)

Phi Delta Phi (year unknown)

Saving Orphans Through Healthcare and Outreach (“SOHO”)

Advisory Board (2012 – 2015)

Stanley K. Lacy Leadership Series, Class XIII (1989)

United States Law Firm Group, Diversity Committee Chair (2012 – 2014)

University of Michigan Law School

Committee of Visitors (1995 – 2000)

- 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.

To the best of my knowledge, none of the organizations listed above currently discriminates 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.

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.

Welcome Note, Homepage for the Indiana Supreme Court Commission on Race and Gender Fairness, (last visited Apr. 9, 2015). Copy supplied.

As a partner at Ice Miller LLP and a member of the firm's healthcare practice group, I provide written insights on topical matters for publication on the firm website. These insights generally have multiple drafters and my level of involvement has varied, ranging from not seeing a column before it is submitted for publication to doing most of the drafting. The practice has been to list the names of everyone in the group of authors on each column, even if one or more of us played little to no role in the drafting. Consistent with this practice, my name appears on each of the columns listed below.

With Mary Beth Braitman, Sarah Funke, Melissa Proffitt Reese, Shalina Schaefer, Tara Sciscoe, Christopher Sears, Tiffany Sharpley, & Kevin Woodhouse, Split Subsidy Decisions No Excuse to Delay ACA Preparation (July 24, 2014). Copy supplied.

With Robert J. Cochran, Could a Misdemeanor Guilty Plea Impact Your License to Practice Medicine? (July 9, 2014). Copy supplied.

With Robert Cochran, Kris Dawley, Sherry Fabina-Abney, Nancy Brigner Waite, & Bradley Williams, Provider Beware – The Collateral Consequences of a Guilty Plea (June 2, 2014). Copy supplied.

With Lu Carole West, Part 2: Why Strong Internal Compliance Programs Are Good Business (Dec. 5, 2013). Copy supplied.

With Lu Carole West, Why Strong Compliance Programs Are Good Business (Sept. 27, 2013). Copy supplied.

Advisor for RESTATEMENT (THIRD) OF TORTS: LIABILITY FOR PHYSICAL AND EMOTIONAL HARM (2010). Copy supplied.

As a member of the American Health Lawyers Association's Advisory Council on Racial and Ethnic Diversity, I was an author of Patient-Tailored Medicine, Part One listed below, and I participated in approving the content of Part Two.

American Health Lawyers Association's Advisory Council on Racial and Ethnic Diversity, Patient-Tailored Medicine, Part Two: Personalized Medicine and the Legal Landscape, J. HEALTH & LIFE SCI. L. vol. 2(2), 1–43 (2009). Copy supplied.

American Health Lawyers Association's Advisory Council on Racial and Ethnic Diversity, Patient-Tailored Medicine, Part One: The Impact of Race and Genetics on Medicine, J. HEALTH & LIFE SCI. L. vol. 2(1), 1–36 (2008). Copy supplied.

With Jamie Brashear et al., Survey of Recent Developments in Health Law, 39 IND. L. REV. 1051 (2006). Copy supplied.

With Thomas W. Coons, Medicaid Basics: A Question and Answer Guide About Eligibility, Coverage, and Benefits, American Health Lawyers Association, 2006. Copy supplied.

American Bar Association Coordinating Committee on Nonprofit Governance, GUIDE TO NONPROFIT GOVERNANCE IN THE WAKE OF SARBANES-OXLEY (2005). Copy supplied.

Alternative Dispute Resolution Can Save Money, INDIANAPOLIS BUS. J., July 8, 2002. Copy supplied.

Delaying Payroll Could Cost More in Long Run – Re: Legal Issues, INDIANAPOLIS BUS. J., May 13, 2002. Copy supplied.

It Pays to Pay, INDIANAPOLIS BUS. J., May 2002. Despite a diligent search, I have been unable to locate a copy.

The Employment Interview, INDIANAPOLIS BUS. J., Apr. 2002. Despite a diligent search, I have been unable to locate a copy.

Which Documents Should be Retained?, INDIANAPOLIS BUS. J., Mar. 11, 2002. Copy supplied.

Avoid Legal Pitfalls in Pre-Employment Interview, INDIANAPOLIS BUS. J., Jan. 14, 2002. Copy supplied.

Just Because It's Legal Doesn't Mean It's Right, INDIANAPOLIS BUS. J., Nov. 12, 2001. Copy supplied.

Equal Pay – Opportunity or Illusion?, INDIANAPOLIS BUS. J., Oct. 2001. Despite a diligent search, I have been unable to locate a copy.

The Real Y2K? National Medical Privacy Standards, INDIANAPOLIS BUS. J., Jun. 11, 2001. Copy supplied.

Women's Business Certification Gives an Edge, INDIANAPOLIS BUSINESS J., Mar. 12, 2001. Copy supplied.

Serving on a Board Involves Important Obligations, INDIANAPOLIS BUS. J., Jan. 8, 2001. Copy supplied.

Sound Bites Do Little to Address Pay Issue, INDIANAPOLIS BUS. J., Nov. 13, 2000. Copy supplied.

Examining Race and Gender Bias in the Courts: A Legacy of Indifference or

Opportunity?, 32 IND. L. REV. 1176 (1999). Copy supplied.

With Eleanor D. Kinney, History and Jurisprudence of the Physician-Patient Relationship in Indiana, 30 IND. L. REV. 263 (1997). Copy supplied.

Proposed Long Range Plan for the Federal Courts: Ambition or Abdication?, 71 IND. L.J. 869 (1996). Copy supplied.

HOSPITAL AND PHYSICIAN LIABILITY: A LEGAL AND RISK MANAGEMENT OVERVIEW, NATIONAL HEALTH LAWYERS ASSOCIATION FOCUS SERIES (1992). Copy supplied.

Contributing Author, MMI Companies Risk Management Resources Communique, Legal Perspective (1990 – 1993). Despite a diligent search, I have been unable to locate a copy.

Institutional Review Boards and Human Research Issues, Risk Management Handbook for Health Care Facilities, 18th Annual Meeting of the National Health Lawyers Association (1990). Copy supplied.

With Gregory L. Pemberton, Health Law Update, National Health Lawyers Association (1988). Despite a diligent search, I have been unable to locate a copy.

With James D. Kemper and Bonnie K. Simmons, Reform Revisited: A Review of the Indiana Medical Malpractice Act Ten Years Later, 19 IND. L. REV. 1129 (1986). Copy supplied.

With Geoffrey Segar, Terminating the Physician-Patient Relationship, Marion County Medical Society Bulletin (March 1985). Despite a diligent search, I have been unable to locate a copy.

- 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.

April 24, 2015 Letter from the American Bar Association Section of Dispute Resolution (2015). Although I did not draft or edit, my name appears on the letter as a council member for the ABA Section on Dispute Resolution.

Drew Klacik & Amy Seymour, A DISPARITY STUDY FOR THE INDIANA GAMING COMMISSION (2007). Although I did not draft, edit, or approve the contents of this report, I served as a member of the Disparity Study Advisory Committee,

which was consulted on the methodology used in the report. Copy supplied.

With Judge Ezra Friedlander, Indiana Supreme Court Commission on Race and Gender Fairness, HONORED TO SERVE: INDIANA SUPREME COURT COMMISSION ON RACE AND GENDER FAIRNESS EXECUTIVE REPORT AND RECOMMENDATIONS (2002). While co-chair of the Indiana Supreme Court Commission on Race and Gender Fairness, I participated in drafting this report. Copy supplied.

With Judge Ezra Friedlander, Indiana Supreme Court Commission on Race and Gender Fairness, INTERIM RECOMMENDATION OF THE INDIANA SUPREME COURT COMMISSION ON RACE AND GENDER FAIRNESS (June 21, 2002). While co-chair of the Commission on Race and Gender Fairness, I submitted this interim recommendation on behalf of the Commission. Copy supplied.

Margaret Fisher for the American Bar Association, YOUTH COURTS: YOUNG PEOPLE DELIVERING JUSTICE (2002). As a member of the Roadmap Subcommittee, I reviewed this Roadmap prior to its publication. Copy supplied.

Eleanore D. Kinney, Lisa Clark Copp, Marcia Gonzales, The Merits of State Action Immunity to Promote Hospital Collaboration: Report of the Hospital Antitrust Task Force to the Indiana State Department of Health, 28 IND. L. REV. 1169 (1995). Although I did not draft, edit, or approve the contents of this article, I served as a member of the Hospital Antitrust Task Force, and the article describes the deliberations, findings and conclusions of the Task Force in its study of the impact of antitrust laws on hospitals and health care providers. Copy supplied.

Eleanore D. Kinney, Lisa Clark Copp, Marcia Gonzales, The Merits of State Action Immunity to Promote Hospital Collaboration: Report of the Hospital Antitrust Task Force to the Indiana State Department of Health (January 1994). Copy supplied.

- 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.

Indiana Supreme Court Commission on Race and Gender Fairness Community Forum, Jeffersonville, Indiana (2010). I gave welcome remarks and provided an overview of the work of the Commission. I have no notes, transcript, or recording.

Indiana Supreme Court Commission on Race and Gender Fairness Community Forum, Lafayette, Indiana (2010). I gave welcome remarks and provided an overview of the work of the Commission. I have no notes, transcript, or recording, but press coverage is supplied.

Indiana Supreme Court Commission on Race and Gender Fairness Community Forum, Fort Wayne, Indiana (2001). I gave welcome remarks and provided an overview of the work of the Commission. I have no notes, transcript, or recording, but press coverage is supplied.

City of Columbus Town Meeting, Indiana (March 19, 1998). I spoke about the judicial branch of government on a panel at a public meeting. I have no notes, transcript, or recording.

Interview with the Indiana Judicial Nominating Commission (1994). I have no notes, transcript, or recording, but press coverage is supplied.

- 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.

September 24, 2015: Speaker, "Expanding Diversity in Court Connected ADR Programs and Panels" Webinar, American Bar Association Section of Dispute Resolution. I moderated the panel and contributed comments on alternative dispute resolution in the context of state courts. I have no notes, transcript, or recording. The address of the American Bar Association Section of Dispute Resolution is 1050 Connecticut Avenue NW, Suite 400, Washington, District of Columbia 20036.

April 16, 2015: Panelist, What Makes Arbitration in Healthcare Different?, American Bar Association Section of Dispute Resolution, Seattle, Washington. PowerPoint supplied.

February 27, 2015: Panelist, Women and Diversity: The New Trailblazers, the Indy Chamber, Indianapolis, Indiana. This panel was on the meaning and values of diversity in the workplace across different business and employment settings. I have no notes, transcript, or recording. The address of the Indy Chamber is 111 Monument Circle, Suite 1950, Indianapolis, Indiana 46204.

January 19, 2015: Speaker, Dr. Martin Luther King, Jr. Day Leadership Breakfast, Indiana University, Bloomington, Indiana. Video supplied.

January 12, 2015: Moderator, The Successful Road to Settlement: The Intersect of Mediation and Judicial Settlement Conferences, American Bar Association

Section of Dispute Resolution, Chicago, Illinois. The panel discussed strategies for settlement. I have no notes, transcript, or recording. The address of the American Bar Association Section of Dispute Resolution is 1050 Connecticut Avenue NW, Suite 400, Washington, District of Columbia 20036.

October 16, 2014: Moderator, Small Group Discussions on the Joint Opening Session, American Bar Association Section of Dispute Resolution, San Antonio, Texas. This panel discussed how mediators and advocates use the opening to set the stage for a successful outcome. I have no notes, transcript or recording. The address of the American Bar Association Section of Dispute Resolution is 1050 Connecticut Avenue NW, Suite 400, Washington, District of Columbia 20036.

August 9, 2014: Speaker, Indiana Coalition Against Domestic Violence Gala, Lucas Estate, Carmel, Indiana. I spoke about the importance of speaking out against domestic violence. I have no notes, transcript, or recording. The address of the Lucas Estate is 1143 West 116th Street, Carmel, Indiana 46032.

March 26, 2014: Speaker, Acceptance Speech for Receipt of the Madame C.J. Walker Legacy Award, Center for Leadership Development, Indianapolis, Indiana. I expressed my thanks to the Center for Leadership Development for all of its work in the community and for the recognition celebrating the legacy of Madame C.J. Walker. I have no notes, transcript, or recording. The address of the Center for Leadership Development is 2425 Martin Luther King Jr. Street, Indianapolis, Indiana 46208.

February 7, 2014: Presenter, Anatomy of ADR: The Bargaining Phase, Midyear Meeting, American Bar Association Young Lawyers Division, Chicago, Illinois. The presentation included discussion of bargaining and negotiating skills to the bargaining phase and in all aspects of alternative dispute resolution. I have no notes, transcript, or recording. The address of the American Bar Association Young Lawyers Division is 321 North Clark Street, Chicago, Illinois 60654.

November 20, 2013: Presenter, Opportunities Under the Affordable Health Care Act, Northwest Indiana Health Disparities Council and Methodist Hospital, Merrillville, Indiana. This presentation was on the opportunities under the Affordable Care Act to combat health disparities. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Methodist Hospital is 600 Grant Street, Gary, Indiana 46402.

November 5, 2013: Panelist, The Changing Landscape for Women Leaders, Indiana Governor's Conference for Women, Invent Your Future Enterprises, Indianapolis, Indiana. The panel discussed overcoming the challenges faced by women who occupy or desire to occupy leadership positions. I have no notes, transcript, or recording. The address of Invent Your Future Enterprises is Post Office Box 1206, San Carlos, California 94070.

August 8, 2013: Presenter, Women Advocates and Dispute Resolvers – Challenges and Strategies for Success, Annual Convention, American Bar Association, San Francisco, California. PowerPoint supplied.

April 5, 2013: Panelist, Women in Dispute Resolution – Challenges and Strategies, American Bar Association Section of Dispute Resolution, Chicago, Illinois. This panel reported on the findings of a Section of Dispute Resolution practice survey that related to the participation of women in the dispute resolution process. I have no notes, transcript, or recording. The address of the American Bar Association Section of Dispute Resolution is 1050 Connecticut Avenue NW, Suite 400, Washington, District of Columbia 20036.

March 2013: Speaker, Presenter of the Madame C.J. Walker Legacy Award to Tameka Catchings, Minority Achievers Awards Dinner, Center for Leadership Development, Indianapolis, Indiana. The presentation congratulated Ms. Catchings on her achievements in professional women's basketball and extended words of gratitude for her as a role model for young girls. I have no notes, transcript, or recording. The address of the Center for Leadership Development is 2425 Martin Luther King Jr. Street, Indianapolis, Indiana 46208.

December 28, 2012: Speaker, Investiture Ceremony for the Honorable Loretta Rush, Indiana Supreme Court, Indianapolis, Indiana. Video is available at <http://www.in.gov/judiciary/4045.htm>.

November 16, 2012: Speaker, Swearing-In Ceremony for Court Interpreters, Indiana Supreme Court, Indianapolis, Indiana. This speech discussed the importance of court interpreters and thanked the newly-certified court interpreters for their commitment. I have no notes, transcript, or recording. The address of the Indiana Supreme Court is 315 Indiana State House, 200 West Washington Street, Indianapolis, Indiana 46204.

September 14, 2012: Speaker, Retirement Ceremony and Recognition for Judge Carr L. Darden, Marion County Bar Association, Indianapolis, Indiana. I spoke about Judge Darden's outstanding career and his contributions to the judiciary. I have no notes, transcript or recording. The address of the Marion County Bar Association is 200 South Meridian Street, Indianapolis, Indiana 46204.

June 25 – 27, 2012: Presenter, Think About It NOW – Managing Health Care Disputes, Annual Meeting, American Health Lawyers Association, Chicago, Illinois. PowerPoint and audio webinar recording are supplied.

June 21, 2012: Panelist, Title IX 40th Anniversary Salute, WNBA's Indiana Fever and Indiana Humanities, Indianapolis, Indiana. The panel discussed the importance of and historical underpinning of Title IX. I have no notes, transcript, or recording, but press coverage is supplied. The address of the WNBA's Indiana Fever is 125 South Pennsylvania Street, Indianapolis, Indiana 46204.

May 10, 2012: Speaker, Gala Honoring Chief Justice Randall Shepard's Retirement, Indiana State Bar Association, Indianapolis, Indiana. The speech paid tribute to the Chief Justice's contributions to the judiciary and the legal profession. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Indiana State Bar Association is One Indiana Square #530, Indianapolis, Indiana 46204.

February 22, 2012: Presenter, Emergency Medical Treatment and Active Labor Act Update, Illinois Primary Health Care Association, Springfield, Illinois. The presentation provided an update of the law relating to the Emergency Medical Treatment and Active Labor Act since its inception. I have no notes, transcript, or recording. The address of the Illinois Primary Health Care Association is 500 South Ninth Street, Springfield, Illinois 62701.

February 3, 2012: Speaker, 2012 Women of Impact Award, Off the Field NFL Players' Wives Association, Indianapolis, Indiana. I accepted an award from the organization and thanked them. I have no notes, transcript or recording. Off the Field NFL Players' Wives Association has no mailing address.

2012: Moderator, Ethics Fundamentals Webinar, American Bar Association Health Law Section. This webinar discussed legal ethics as it relates to a health law practice. I have no notes, transcript, or recording. The address of the American Bar Association Health Law Section is 321 North Clark Street, Chicago, Illinois 60654.

October 6, 2011: Panel, "The Mentoring Dilemma," Women, Law & Leadership Symposium, Indianapolis Bar Association, Indianapolis, Indiana. This panel discussed workplace mentoring programs. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Indianapolis Bar Association is 135 North Pennsylvania Street, Suite 1500, Indianapolis, Indiana 46204.

September 13, 2011: Facilitator, Women's Leadership Conference, Integrating Woman Leaders, Inc., Indianapolis, Indiana. This panel was on how women lead. I have no notes, transcript, or recording. The address of Integrating Woman Leaders, Inc. is 47 West 96th Street, Indianapolis, Indiana 46260.

June 17, 2011: Panelist, "Judicial Independence in Peril?", American Constitution Society for Law and Policy, Washington, District of Columbia. Video is available at <http://www.acslaw.org/news/video/judicial-independence-in-peril>.

May 17 – 18, 2011: Speaker, "Managed Care Disputes and Litigation," American Conference Institute, Philadelphia, Pennsylvania. I spoke on the rise of litigation as a means for resolving disputes in the managed care setting. I have no notes,

transcript or recording. The address of the American Conference Institute is 45 West 25th Street, 11th Floor, New York, New York 10010.

March 23, 2011: Speaker, The Growing Role of Diversity and Inclusion in Healthcare Explained, The Knowledge Congress Live Webcast Series. I spoke about the need for addressing diversity in the healthcare system from all aspects, including delivery, education, and patient care. I have no notes, transcript, or recording. The address of The Knowledge Congress Live Webcast Series is 2500 Plaza 5, Harborside Financial Center, Jersey City, New Jersey 07311.

December 9, 2010: Panelist, What Physicians Should Know About Healthcare Reform for Their Practices, PNC Bank and American Health Lawyers Association, Indianapolis, Indiana. This panel discussed what physicians should know about healthcare reform for their practices. I have no notes, transcript, or recording. The address of the American Health Lawyers Association is 1620 I Street NW, Washington, District of Columbia 20006.

August 9, 2010: Speaker, Indiana Coalition Against Domestic Violence Gala, Indianapolis, Indiana. My remarks included recognizing the importance of public awareness for the issues surrounding domestic violence. I have no notes, transcript, or recording. The address of the Indiana Coalition Against Domestic Violence is 1915 West 18th Street, Indianapolis, Indiana 46202.

June 28, 2010: Speaker, Healthcare Reform and Health Disparities: Bridging the Gap, Annual Meeting, American Health Lawyers Association, Seattle, Washington. This speech discussed the gaps in the quality of health and health care across socioeconomic status, racial and ethnic background, and education level and the ways in which providers and healthcare advocates can take steps to bridge the gaps. I have no notes, transcript, or recording. The address of the American Health Lawyers Association is 1620 I Street NW, Washington, District of Columbia 20006.

March 30, 2010: Panelist, Beyond the Business Case: How to Customize Diversity Practices and Maximize Competitive Advantage, Defense Research Institute, Chicago, Illinois. This panel was on customizing diversity practices and maximizing competitive advantage. I have no notes, transcript, or recording. The address of the Defense Research Institute is 55 West Monroe, Suite 2000, Chicago, Illinois 60603.

November 10, 2009: Presenter, Patient-Tailored Medicine: The Impact of Race and Genetics on Medicine, American Public Health Association Annual Meeting, Philadelphia, Pennsylvania. Audio recording is available at <http://apha.confex.com/apha/137am/webprogram/Paper207874.html>.

October 8, 2009: Keynote Speaker, Diversity in the Legal Profession, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana. I spoke on

the importance of solid student achievement and the importance of diversity in the legal profession. I have no notes, transcript, or recording. The address of the Indiana University Robert H. McKinney School of Law is 530 West New York Street, Indianapolis, Indiana 46202.

October 4, 2009: Speaker, Religion, Race, and the Law, Forum and Reception, El Tonodola Gracca at Irvington Presbyterian Church, Indianapolis, Indiana. Video is available at <http://video.provocate.org/archives/1871>.

October 3, 2009: Panelist, Race, Religion and the Law: The Significance of the First Hispanic Justice on the U.S. Supreme Court; Church Federation of Greater Indianapolis, Indianapolis, Indiana. This panel discussed the significance of the appointment of the first Hispanic Supreme Court Justice. I have no notes, transcript, or recording. The address of the Church Federation of Greater Indianapolis is 1100 West 42nd Street #345, Indianapolis, Indiana 46208.

July 1, 2009: Moderator, Strategies for Recruitment and Retention of Diverse Lawyers, American Health Lawyers Association, Washington, District of Columbia. I spoke on strategies for recruiting diverse lawyers. I have no notes, transcript, or recording. The address of the American Health Lawyers Association is 1620 I Street NW, Sixth Floor, Washington, District of Columbia 20006.

June 11, 2009: Panelist, Ways to Raise Visibility; Women of Color in Leadership, Diversity for Success Conference, Defense Research Institute, Chicago, Illinois. PowerPoint supplied.

November 12, 2008: Panelist, "Power of Professional Imagination," Indianapolis Spirit and Place Festival, Indiana Repertory Theater, Indianapolis, Indiana. The panel discussed the applicability of creativity to different professional roles and endeavors. I have no notes, transcript, or recording. The address of the Indiana Repertory Theater is 140 West Washington Street, Indianapolis, Indiana 46204.

June 30, 2008: Presenter, "Race and Ethnicity in U.S. Medicine and the Intersection with Advancements in Personalized Medicine," American Health Lawyers Association, San Francisco, California. Outline and audio supplied.

June 30, 2008: Moderator, "Women of Color in Law Firms and Issues of Advancement in Corporate Law Departments Networking Breakfast," American Health Lawyers Association, San Francisco, California. The presentation discussed the challenges facing women of color in law firms and corporate law departments. I have no notes, transcript, or recording. The address of the American Health Lawyers Association is 1620 I Street NW, Sixth Floor, Washington, District of Columbia 20006.

June 4, 2008: Panelist, "A Crucial Conversation About Diversity," Eli Lilly and

Company, Indianapolis, Indiana. The panel was on the importance of global diversity in business. I have no notes, transcript, or recording. The address of Eli Lilly and Company is Lilly Corporate Center, Indianapolis, Indiana 46285.

April 4, 2008: Presenter, "Diversity at the Crossroads," Dayton Bar Association, Dayton, Ohio. The presentation was about the potential of expanding diversity in the legal profession. I have no notes, transcript, or recording. The address of the Dayton Bar Association is 109 North Main Street, Suite 600, Dayton, Ohio 45402.

January 21, 2008: Speaker, "Celebrating Dr. Martin Luther King's Legacy," Indianapolis Museum of Art, Indianapolis, Indiana. The speech was on the significance of Dr. Martin Luther King to American history. I have no notes, transcript, or recording. The address of the Indianapolis Museum of Art is 4000 Michigan Road, Indianapolis, Indiana 46208.

December 2007: Speaker, Swearing-In Ceremony for Court Interpreters, Indiana Supreme Court, Indianapolis, Indiana. The speech discussed the importance of court interpreters and thanked the newly-certified court interpreters for their commitment. I have no notes, transcript, or recording. The address of the Indiana Supreme Court is 315 Indiana State House, 200 West Washington Street, Indianapolis, Indiana 46204.

May 18, 2007: Speaker, Network of Women in Business, Indianapolis, Indiana. The speech was on the achievements of women in business. I have no notes, transcript, or recording. The address of the Network of Women in Business is Post Office Box 236, Fishers, Indiana 46038.

April 25, 2007: Speaker, "Diversity," Indiana Minority Supplier Development Council, San Francisco, California. The speech was on the business and legal issues regarding supplier diversity. I have no notes, transcript, or recording. The address of the Indiana Minority Supplier Development Council is 2126 North Meridian Street, Indianapolis, Indiana 46202.

October 25, 2006: Panelist, Washington Health Care Summit, American Bar Association Health Law Section, Seattle, Washington. The panel was on electronic health records. I have no notes, transcript, or recording. The address of the American Bar Association Health Law Section is 321 North Clark Street, Chicago, Illinois 60654.

August 2006: Speaker, Swearing-In Ceremony for Court Interpreters, Indiana Supreme Court, Indianapolis, Indiana. The speech discussed the importance of court interpreters and thanked the newly-certified court interpreters for their commitment. I have no notes, transcript, or recording. The address of the Indiana Supreme Court is 315 Indiana State House, 200 West Washington Street, Indianapolis, Indiana 46204.

January 16, 2006: Speaker, Martin Luther King Day Celebration, Indianapolis Museum of Art, Indianapolis, Indiana. The speech highlighted the Museum's recognition of the life and legacy of Dr. King. I have no notes, transcript, or recording. The address of the Indianapolis Museum of Art is 4000 Michigan Road, Indianapolis, Indiana 46208.

October 14 – 15, 2005: Panelist, Commission on Race & Gender Fairness Diversity Summit, Indiana Supreme Court, Indianapolis, Indiana. The panel was on the role of diversity in the legal system and the courts. Partial transcript supplied. The address of the Indiana Supreme Court is 315 Indiana State House, 200 West Washington Street, Indianapolis, Indiana 46204.

June 6, 2005: Panelist, "Non-Profit Management and Leadership," School for Public and Environmental Affairs at Indiana University-Purdue University Indianapolis, Indianapolis, Indiana. The panel was on leading non-profit organizations from the perspective of governance. I have no notes, transcript, or recording. The address of the School of Public and Environmental Affairs at Indiana University-Purdue University Indianapolis is 801 West Michigan Street, Business/SPEA Building (BS) 3025, Indianapolis, Indiana 46202.

June 1, 2005: Commencement Speaker, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana. I spoke on the many promises ahead for future lawyers and the importance of maintaining personal integrity throughout a career. I have no notes, transcript, or recording. The address of the Indiana University Robert H. McKinney School of Law is 530 West New York Street, Indianapolis, Indiana 46202.

October 7, 2004: Moderator, Gender Issues Breakout Session, Women in Law Conference, Indiana State Bar Association, Indianapolis, Indiana. I moderated a breakout session on women in the legal profession dealing with gender issues. I have no notes, transcript, or recording. The address of the Indiana State Bar Association is One North Illinois, Suite 530, Indianapolis, Indiana 46204.

May 17, 2004: Speaker, *Brown v. Board of Education*: 50-Year Celebration, Indiana State House, Indianapolis, Indiana. The speech was on the legacy of *Brown v. Board of Education*. I have no notes, transcript, or recording. The address of the Indiana State House is 200 West Washington Street, Indianapolis, Indiana 46204.

September 20, 2003: Speaker, Incredible Women Event, National Association of Women Business Owners, Indianapolis, Indiana. The speech discussed the achievements of women in business. I have no notes, transcript, or recording. The address of the National Association of Women Business Owners is 601 Pennsylvania Avenue NW, South Building, Suite 900, Washington, District of Columbia 20004.

February 28, 2003: Keynote Speaker, "Promoting Unity and Progress within the Community," Midwest Conference, National Black Law Students Association, Indianapolis, Indiana. The speech was on how law students can play a role in promoting unity. I have no notes, transcript, or recording. The address of the National Black Law Students Association is 1225 11th Street NW, Washington, District of Columbia, 20001.

February 20, 2003: Panelist, "Anatomy of a Health Care Transaction," Emerging Issues in Healthcare Law 2003, American Bar Association Health Law Section, Miami Beach, Florida. I spoke on some of the regulatory and compliance issues attendant to health care transactions. I have no notes, transcript, or recording. The address of the American Bar Association Health Law Section is 321 North Clark Street, Chicago, Illinois 60654.

February 4, 2003: Speaker, "Women in the Corporate Boards of America," Indianapolis Rotary Club, Indianapolis, Indiana. The speech was on the business case for more women on corporate boards. I have no notes, transcript, or recording. The address of the Indianapolis Rotary Club is 401 East Michigan Street, Indianapolis, Indiana 46204.

October 18 – 19, 2002: Speaker, Diversity Breakout Group, Indiana Legal Education Conclave, Indiana University Law School – Indianapolis, Indianapolis, Indiana. The presentation was on the importance of diversity in the future of legal education. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Indiana University Robert H. McKinney School of Law is 530 West New York Street, Indianapolis, Indiana 46202.

September 13, 2002: Presenter, Emergency Preparedness, Indiana Society for Healthcare Risk Management, Indianapolis, Indiana. The presentation was on the enabling features of law in emergency preparedness efforts. I have no notes, transcript, or recording. The Indiana Society for Healthcare Risk Management does not have a mailing address.

February 15, 2002: Speaker, Indiana State Police Cadet Induction, Indianapolis District of the Indiana State Police, Indianapolis, Indiana. The speech was on the role of law enforcement in the justice system. I have no notes, transcript, or recording. The address of the Indianapolis District of the Indiana State Police is 8620 East 21st Street, Indianapolis, Indiana 46219.

October 10, 2001: Speaker, "The Real Y2K? National Medical Privacy Standards," National Association of Health Underwriters, Mishawaka, Indiana. The speech was on medical privacy laws and compliance. I have no notes, transcript, or recording. The address of the National Association of Health Underwriters is 1212 New York Avenue NW, Suite 1100, Washington, District of Columbia 20005.

January 24, 2001: Speaker, Indiana University Maurer School of Law, Black Law Students Association, Bloomington, Indiana. The speech was on gathering the tools for success in the legal profession. I have no notes, transcript, or recording. The address of Indiana University Maurer School of Law, Black Law Students Association is 211 South Indiana Avenue, Bloomington, Indiana 47405.

December 1, 2000: Speaker, "Importance in Networking," Executive Women in Health Care, Indianapolis, Indiana. The speech was on why women in health care need to establish and maintain business networks. I have no notes, transcript, or recording. The address of Executive Women in Health Care is Post Office Box 68829, Indianapolis, Indiana 46268.

November 2, 2000: Speaker, "The Responsibility of Success," Women's Business Conference, Indiana Small Business Development Center, Eli Lilly and Company, Indianapolis, Indiana. The speech was on mentoring forward and gaining visibility. I have no notes, transcript, or recording. The address of Eli Lilly and Company is Lilly Corporate Center, Indianapolis, Indiana 46285.

September 18, 2000: Speaker, Ball State University, Muncie, Indiana. The speech was on preparing for a career in law. I have no notes, transcript, or recording. The address of Ball State University is 2000 West University Avenue, Muncie, Indiana 47306.

June 10, 2000: Speaker, Emergency Medical Treatment and Active Labor Act, Indianapolis, Indiana. The speech was on recent updates in law of the Emergency Medical Treatment and Active Labor Act. I have no notes, transcript, or recording, nor do I recall the sponsoring organization.

April 27, 2000: Panelist, "Health Care Policies Affecting Women, Particularly Government Funding for Women's Health Research," Midwest Region Women in the Law, Indianapolis, Indiana. The speech was on health care policies affecting women. I have no notes, transcript, or recording, nor am I aware of the address for the Midwest Region Women in the Law.

April 25, 2000: Speaker, "Race and Gender Fairness," Indianapolis Bar Association, Indianapolis, Indiana. The speech was on race and gender fairness in the legal profession. I have no notes, transcript, or recording. The address of the Indianapolis Bar Association is 135 North Pennsylvania Street, Suite 1500, Indianapolis, Indiana 46204.

March 22, 2000: Speaker, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana. The speech was on race and gender fairness in the legal profession. I have no notes, transcript, or recording. The address of the Indiana University Robert H. McKinney School of Law is 530 West New York Street, Indianapolis, Indiana 46202.

January 20, 2000: Presenter, "What Every Trial Lawyer Needs to Know About Experts," Indianapolis American Inn of Courts, Indianapolis, Indiana. The speech was on the use of expert witnesses at trial. I have no notes, transcript, or recording. The address of the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

November 4, 1999: Speaker, "View of Health Care Law from the Bench," Emerging Issues in Health Care, American Bar Association, Miami, Florida. The presentation included an emphasis on the importance of providing the foundational aspects of the complex regulatory and statutory framework of health care law. I have no notes, transcript, or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

October 9, 1999: Panel, "Inclusion in the System," American Bar Association, Los Angeles, California. The panel was on working for an inclusive bar and bench. I have no notes, transcript, or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

October 1999: Speaker, Departure Ceremony for Myra C. Selby, Indianapolis, Indiana. The speech marked the end of my tenure on the Indiana Supreme Court. I have no notes, transcript, or recording. The address of the Indiana Supreme Court is 315 Indiana State House, 200 West Washington Street, Indianapolis, Indiana 46204.

September 9, 1999: Speaker, Allen County Bar Association, Fort Wayne, Indiana. The speech was on gender equality in the legal profession. I have no notes, transcript, or recording. The address of the Allen County Bar Association is 924 South Calhoun Street, Fort Wayne, Indiana 46802.

July 16 – 18, 1999: Judge, American Bar Association Mock Trial, American Bar Association Section of Litigation, Indiana Black Expo, Inc., Indianapolis, Indiana. The mock trial event allowed attendees to see a live courtroom trial and experience firsthand the skills employed by attorneys and the role of the judiciary. I have no notes, transcript, or recording. The address of Indiana Black Expo, Inc. is 3145 North Meridian Street, Indianapolis, Indiana 46208.

May 1, 1999: Speaker, "Leaders of the New Millennium," Delta Sprites, Delta College, Saginaw, Michigan. The speech was on balancing career, family and personal life. I have no notes, transcript, or recording. The address of Delta College is 1961 Delta Road, University Center, Michigan 48710.

March 26, 1999: Keynote Speaker, Women in the Workplace Conference, Bloomington, Indiana. The speech was on balancing the demands of a working life with other personal and family demands. I have no notes, transcript, or recording, but press coverage is supplied. The event was held at Chapman's

Restaurant, 4506 East Third Street, Bloomington, Indiana 47401.

March 20, 1999: Speaker, Women's Professional Development Day, University of Michigan, Ann Arbor, Michigan. The speech was on balancing career, family and personal life. I have no notes, transcript, or recording. The address of the University of Michigan is 500 South State Street, Ann Arbor, Michigan 48109.

March 9, 1999: Speaker, Gender Equality Task Force, Indiana State University, Terre Haute, Indiana. The speech was on gender equality. I have no notes, transcript, or recording. The address of Indiana State University is 200 North Seventh Street, Terre Haute, Indiana 47809.

June 3, 1998: Speaker, Kiwanis Club, Indianapolis, Indiana. The speech was on access to justice. I have no notes, transcript, or recording. The address of the Kiwanis Club is 320 North Meridian Street, Indianapolis, Indiana 46204.

Approximately May 1998: Host, "We the People" National Finals Mock Hearing for Lawrence Central High School, Indiana Supreme Court, Indianapolis, Indiana. The students were involved in a mock hearing that I hosted with Justices Dickson and Sullivan. I have no notes, transcript or recording. The address of the Indiana Supreme Court is 200 West Washington Street, Indianapolis, Indiana 46204.

April 9, 1998: Speaker, "Arts and Community: Who Benefits? Who Pays?," University of Tampa Fellows Forum, Tampa, Florida. The speech was on the tradition of philanthropy in America. I have no notes, transcript, or recording, but press coverage is supplied. The address of the University of Tampa Fellows Forum is 401 West Kennedy Boulevard, Tampa, Florida 33606.

March 10, 1998: Speaker, Women's Caucus and Black Law Students Association, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana. The speech was on the importance of mentoring for success. I have no notes, transcript, or recording. The address of Indiana University Robert H. McKinney School of Law is 530 West New York Street, Indianapolis, Indiana 46202.

February 4 – 6, 1998: Speaker, Long Term Care and the Law, American Health Lawyers Association, San Diego, California. The speech discussed end-of-life issues and the consideration given to the same by state supreme courts. I have no notes, transcript, or recording, but press coverage is supplied. The address of the American Health Lawyers Association is 1620 I Street NW, Sixth Floor, Washington, District of Columbia 20006.

January 1998: Participant: "Day at the Legislature," National Association for the Advancement of Colored People Youth Council, Indianapolis, Indiana. The "Day at the Legislature" event allowed the NAACP Youth Council to meet and spend time discussing issues of concern with Indiana lawmakers and judiciary members.

I have no notes, transcript, or recording. The address of the National Association for the Advancement of Colored People is 4805 Mount Hope Drive, Baltimore, Maryland 21215.

October 28, 1997: Speaker, Rotary Club, Bloomington, Indiana. The speech was on access to justice. I have no notes, transcript, or recording. The address of the Rotary Club is Post Office Box 143, Bloomington, Indiana 47402.

September 8, 1997: Speaker, Saint Mary's College, Notre Dame, Indiana. The speech was on the importance of mentoring for success. I have no notes, transcript, or recording, but press coverage is supplied. The address of St. Mary's College is Saint Mary's College, Notre Dame, Indiana 46556.

May 13, 1997: Speaker, Kokomo Rotary Club, Kokomo, Indiana. The speech was on access to justice. I have no notes, transcript, or recording. The address of the Kokomo Rotary Club is 1801 Country Club Drive, Kokomo, Indiana 46901.

April 24, 1997: Speaker, "Take Your Daughter to Work Day," Naval Surface Warfare Center, Bedford, Indiana. The speech was on the transformational potential of taking daughters to work. I have no notes, transcript, or recording. The address of the Naval Surface Warfare Center is 300 Highway 361, Crane, Indiana 47522.

April 10, 1997: Panelist, Black Law Students Association, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana. The panel was on careers in the legal profession. I have no notes, transcript, or recording. The address of the Indiana University Robert H. McKinney School of Law is 530 West New York Street, Indianapolis, Indiana 46202.

October 9, 1996: Speaker, Educational Open Court for High School Students, Indiana Supreme Court, Indianapolis, Indiana. I spoke on the variety of careers in the law and legal profession. I have no notes, transcript or recording, but press coverage is supplied. The address of the Indiana Supreme Court is 200 West Washington Street, Indianapolis, Indiana 46202.

June 20, 1996: Speaker, Indiana Municipal Lawyers Association, Indianapolis, Indiana. The speech was on updates on the Indiana Supreme Court. I have no notes, transcript, or recording. The address of the Indiana Municipal Lawyers Association is 125 West Market Street, Suite 240, Indianapolis, Indiana 46204.

June 8, 1996: Speaker, "The End of Learning: Reflections on a Liberal Arts Education," Commencement Ceremony, Kalamazoo College, Kalamazoo, Michigan. Notes supplied.

May 4, 1996: Speaker, "Opportunity, Obligation, and Self-Sacrifice," Commencement Ceremony, Indiana University Maurer School of Law,

Bloomington, Indiana. I used substantially the same notes as provided for the June 8, 1996 speech at Kalamazoo College.

April 30, 1996: Speaker, Community Justice Center, Anderson, Indiana. The speech was on access to justice. I have no notes, transcript, or recording. The address of the Community Justice Center is 123 East Tenth Street, Anderson, Indiana 46016.

April 19, 1996: Speaker, "Health Care and the Law in America: The Dynamic Challenge," Bench and Bar Conference, Indianapolis Bar Association, Indianapolis, Indiana. The speech provided an overview of health care law. I have no notes, transcript, or recording. The address of the Indianapolis Bar Association is 135 North Pennsylvania Street, Suite 1500, Indianapolis, Indiana 46204.

April 2, 1996: Speaker, "Building Blocks to a Successful Supplier Diversity Program," Annual Corporate Luncheon, Indiana Business Diversity Council, Indianapolis, Indiana. I reviewed successful supplier diversity programs. I have no notes, transcript, or recording. The address of the Indiana Business Diversity Council is 2126 North Meridian Street, Indianapolis, Indiana 46202.

March 2, 1996: Speaker, "Indiana Health Care Law: History and Jurisprudence of the Physician-Patient Relationship in Indiana," *The History of Indiana Courts: People, Legacy and Defining Moments* Symposium, Indiana Supreme Court, Indianapolis, Indiana. I have no notes, transcript, or recording, but a copy of the paper on which the discussion was based is supplied in response to Question 12a.

March 1, 1996: Speaker, "Share Your Dreams," Bloomington Commission on Status of Women, Bloomington, Indiana. The speech was on the power of sharing professional goals and aspirations with others. I have no notes, transcript, or recording. The Bloomington Commission on the Status of Women does not have a mailing address.

February 6, 1996: Speaker, Indianapolis Council of Women, Indianapolis, Indiana. The speech was on the business case for diversity. I have no notes, transcript, or recordings. The address of the Indianapolis Council of Women is 1410 North Delaware Street, Indianapolis, Indiana 46204.

January 26, 1996: Speaker, Lake County Bar Association, Crown Point, Indiana. The speech was on access to justice. I have no notes, transcript, or recording. The address of the Lake County Bar Association is 291 West 84th Drive, Suite B, Merrillville, Indiana 46410.

November 3, 1995: Speaker, Moot Court Competition, Valparaiso University School of Law, Valparaiso, Indiana. I judged a moot court competition and answered students' questions after the moot. I have no notes, transcript, or

recording. The address of Valparaiso School of Law is 656 South Greenwich Street, Valparaiso, Indiana 46383.

November 3, 1995: Panelist, "Votes and Voices: American Women and the Law," Indiana University Maurer School of Law, Bloomington, Indiana. The panel was on the bench and bar in Indiana. I have no notes, transcript, or recording, but press coverage is supplied. The address of Indiana University Maurer School of Law is 211 South Indiana Avenue, Bloomington, Indiana 47405.

October 12, 1995: Speaker, Women Equality Day, United States Department of Housing and Urban Development Indianapolis Field Office, Indianapolis, Indiana. The speech was on various aspects and the meaning of equality. I have no notes, transcript, or recording. The address of the United States Department of Housing and Urban Development Indianapolis Field Office is 151 North Delaware Street, Indianapolis, Indiana 46204.

August 30, 1995: Speaker, Women in the Law, Indianapolis Bar Association, Indianapolis, Indiana. I spoke about pathways to success in the legal profession. I have no notes, transcript, or recording. The address of the Indianapolis Bar Association is 135 North Pennsylvania Street, Suite 1500, Indianapolis, Indiana 46204.

August 24, 1995: Workshop Teacher, Hospital Risk Management, University of Chicago, Chicago, Illinois. The workshop was on risk management in the hospital setting. I have no notes, transcript, or recording. The address of the University of Chicago is 5801 South Ellis Avenue, Chicago, Illinois 60637.

June 10, 1995: Keynote Speaker, National Council of Negro Women, Indianapolis, Indiana. The speech was on gender differences in the criminal justice system. I have no notes, transcript, or recording. The address of the National Council of Negro Women is 633 Pennsylvania Avenue NW, Washington, District of Columbia 20004.

May 18, 1995: Speaker, Boys and Girls Club of Indianapolis, Indianapolis, Indiana. I spoke about following your dreams to be what you want to be. I have no notes, transcript, or recording. The address of the Boys and Girls Club of Indianapolis is 3530 South Keystone Avenue, Suite 200, Indianapolis, Indiana 46227.

May 18, 1995: Speaker, Network of Women in Business, Indianapolis, Indiana. The speech was on the importance of mentoring for success. I have no notes, transcript, or recording. The address of the Network of Women in Business is Post Office Box 236, Fishers, Indiana 46038.

May 16, 1995: Speaker, Dr. Martin Luther King Essay Contest, Indiana Senate Chambers, Indianapolis, Indiana. The speech was on Dr. King's contributions to

American history. I have no notes, transcript, or recording. The address of the Indiana Senate Chambers is 200 West Washington Street, Indianapolis, Indiana 46204.

April 25, 1995: Speaker, Terre Haute Rotary Club, Terre Haute, Indiana. The speech was on the significance of Dr. Martin Luther King to American history. I have no notes, transcript, or recording. The address of the Terre Haute Rotary Club is Post Office Box 10125, Terre Haute, Indiana 47801.

April 22, 1995: Keynote Speaker, Anderson Young Women's Christian Association, Anderson, Indiana. The speech was on the importance of mentoring for girls and young women. I have no notes, transcript, or recording. The address of the Anderson Young Women's Christian Association is 304 West 11th Street, Anderson, Indiana 46016.

April 1995: Judge/Speaker, Oral Arguments in *Sweeney and Pfeifer v. Blackburn and Green*, Valparaiso School of Law, Valparaiso, Indiana. As a justice of the Indiana Supreme Court, I heard oral arguments in the case and took questions from law students and faculty afterwards. I have no notes, transcript, or recording. The address of Valparaiso School of Law is 656 South Greenwich Street, Valparaiso, Indiana 46383.

March 17, 1995: Speaker, "It Is Our History," Celebration of Black History Month, Butler University, Indianapolis, Indiana. The speech was on African American history. I have no notes, transcript, or recording. The address of Butler University is 4600 Sunset Avenue, Indianapolis, Indiana 46208.

March 17, 1995: Speaker, "What Kind of Mother Would Do That? A Study of Gender Differences in the American Criminal Justice System," Symposium on Women and the Criminal Justice System, Indiana University School of Public and Environmental Affairs, Bloomington, Indiana. The speech was on gender differences in the American criminal justice system. I have no notes, transcript, or recording. The address of the Indiana University School of Public and Environmental Affairs is 1315 East Tenth Street, Bloomington, Indiana 47405.

January 15, 1995: Speaker, "Remembering: Dr. Martin Luther King Day," Mayor's Office, Saginaw, Michigan. The speech was on the significance of Dr. Martin Luther King. I have no notes, transcript, or recording. The address of the Mayor's Office for Saginaw, Michigan is 1315 South Washington Avenue, Saginaw, Michigan 48601.

January 4, 1995: Speaker, Oath of Office, Indiana Supreme Court, Indianapolis, Indiana. I took the oath of office and made remarks about the significance and honor of being appointed to the Indiana Supreme Court. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Indiana Supreme Court is 315 Indiana State House, 200 West Washington Street,

Indianapolis, Indiana 46204.

April 14, 1989: Chair, "Liability Issues in the Hospital Setting," Medicine & Law Section Continuing Legal Education Seminar, Indiana State Bar Association, Indianapolis, Indiana. I chaired a panel on provider liability issues. I have no notes, transcript or recording. The address for the Indiana State Bar Association is One Indiana Square #530, Indianapolis, Indiana 46204.

- 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.

Although I do not have available copies of the transcripts of the interviews, I was interviewed for the following articles. Copies are supplied as available.

The Links Inc. Indianapolis Chapter Past Presidents, RECORDER, Apr. 3, 2015. Copy supplied.

Matt Adams, Selby to Receive Madame C.J. Walker Award, FOX 59 NEWS, Mar. 24, 2014. I was unable to obtain a copy of the video, but an article about the interview is supplied.

Dave Stafford, Mediating Justices: Former Justices Find that ADR is Often a Fertile Field for Life After the Court, IND. LAWYER, Sept. 25, 2013. Copy supplied.

Hannah Hayes, Government and Judiciary: On the Rise in Elected Office and Judicial Robes, PERSPECTIVES, Summer 2013. Copy supplied.

Press Release, Wiggins Joins Ice Miller, ICE MILLER LLP, July 1, 2013. Copy supplied.

Bench & Bar News: Fund Honoring Former Chief Justice to Further Diversity in Legal Profession, RES GESTAE INDIANA BAR JOURNAL (55 RES GESTAE 190), June 2012. Copy supplied.

Title IX Interview for Indiana Fever Event, June 2012. Copy supplied.

Dave Stafford, Fund Will Build on Shepard's Legacy of Promoting Diversity, IND. LAWYER, May 23, 2012. Copy supplied.

Eric Bradner, Fund to Honor Shepard, Back Legal Diversity, EVANSVILLE COURIER & PRESS, May 21, 2012. Copy supplied.

Dave Stafford, Fund Supports Diversity in Profession, IND. LAWYER, May 11,

2012. Copy supplied.

Lesley Weidenbener, Analysis: Daniels Could Appoint a Woman to the Indiana Supreme Court – Or Not, THE STATEHOUSE FILE, Mar. 12, 2012. Copy supplied.

Kelly Lucas, Editor's Perspective: Is Diversity Within the Judiciary Important?, IND. LAWYER, Feb. 15, 2012. Copy supplied.

Jennifer Nelson, Justice Applicant Pool Reflective of Indiana, IND. LAWYER, Feb. 15, 2012. Copy supplied.

Katie Maurer, Law Firms Inch Back Toward Hiring Mode, INDIANAPOLIS BUS. J., May 7, 2011. Copy supplied.

Michael Hoskins, Schedule Set to Fill Upcoming Indiana Supreme Court Vacancy, IND. LAWYER, June 9, 2010. Copy supplied.

Jon Murray, Bill Ruthhart, and Mary Beth Schneider, State Court Retirement Opens Door for Diversity, INDIANAPOLIS STAR, May 26, 2010. Copy supplied.

Linda C. Gugin & James E. St. Clair, JUSTICES OF THE INDIANA SUPREME COURT (2010). Copy supplied.

Peter Schnitzler, This Company Speaks 'FDA': Regulatory Compliance Consultant Snares Contracts with Lilly, Others: Small Business Profile: Safis Solutions, LLC, INDIANAPOLIS BUS. J., Dec 28, 2009. Copy supplied.

Marking a Decade of Dealing with Diversity: Court's Race and Gender Fairness Group Continues Work, IND. LAWYER, Oct. 28, 2009. Copy supplied.

Vivia Chen, Back Door to the Top: The American Lawyer's Second Hundred Turns Out to Be a Much More Hospitable Place for Women with Their Eye on Partnership, AMERICAN LAWYER, June 1, 2009. Copy supplied.

Michael W. Hoskins, No Women on Supreme Court - For Now: Majority of State's High Court Up for Retention; All Hope to Return, IND. LAWYER, Aug. 6, 2008. Copy supplied.

Jessica Williams-Gibson, 'Christmas in the City', INDIANAPOLIS RECORDER, Nov. 30, 2007. Copy supplied.

Cynthia Sequin, Is Justice Blind?: Few Women in Indiana are Appointed to High Judiciary Posts, INDIANAPOLIS BUS. J., Oct. 8, 2007. Copy supplied.

LaRue Receives ADL Award, IND. LAWYER, Sep. 19, 2007. Copy supplied.

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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.

I was appointed to the Indiana Supreme Court in 1995. In 1997, I ran unopposed for retention election on the statewide ballot. I was retained for a new term of ten years, but I stepped down in 1999 to return to private practice. The Indiana Supreme Court is the highest court in the state and is a court of appellate jurisdiction.

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

or judgment?

I have not presided over cases in a traditional sense, but heard 107 cases as an appellate judge, and considered and voted on approximately 1,200 cases.

i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	0%
civil proceedings:	43%
criminal proceedings:	57%

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

Please see attached list.

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. *Bayh v. Ind. State Bldg. and Const. Trades Council*, 674 N.E.2d 176 (Ind. 1996).

Appellees filed a pre-enforcement action against Indiana's Prevailing Wage Act, claiming that the statute violated the Indiana Constitution. The trial court granted the injunction, and then-Governor Bayh appealed directly to the Indiana Supreme Court. The Supreme Court reversed the trial court and rescinded the injunction, holding that the Prevailing Wage Act did not violate the Indiana Constitution.

Appellant's Counsel:

Pamela L. Carter
Cummins, Inc.
500 Jackson Street
Columbus, IN 47202
(812) 377-3519

Arend J. Abel
Cohen & Malad, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204
(317) 636-6481

Appellee's Counsel:

William R. Groth
Neil E. Gath
Fillenwarth, Dennerline, Groth & Towe, LLP
429 East Vermont Street, Suite 200
Indianapolis, IN 46202
(317) 353-9363

2. *Cincinnati Ins. Co. v. Willis*, 717 N.E.2d 151 (Ind. 1999).

Injured parties moved in their tort suit against an insured to disqualify the insured's counsel on the ground that his status as an in-house attorney employed by the insured's liability insurer meant that the insurer was engaging in the unauthorized practice of law. Another liability insurer moved to intervene, claiming an interest in the disqualification motion based on its practice of providing counsel for its insureds through a "captive" law firm. The trial court granted both motions, and a petition for emergency transfer to the Indiana Supreme Court was granted. The Court vacated the trial court's order, holding that: (1) a liability insurer does not necessarily engage in the unauthorized practice of law by using an in-house attorney to represent an insured; (2) such an arrangement also does not create an inherent conflict of interest; and (3) the name used by the intervening insurer's captive law firm was misleading.

Appellant's Counsel:

Judy L. Woods
Benesch Friedlander Coplan & Aronoff LLP
One American Square, Suite 2300
Indianapolis, IN 46282
(317) 632-3232

Joseph T. Bumbleburg
Michael J. Stapleton
Ball Eggleston P.C.
Post Office Box 1535
Lafayette, IN 47902
(765) 742-9046

Norman T. Funk
Krieg DeVault
One Indiana Square, Suite 2800
Indianapolis, IN 46204
(317) 238-6360

Keith A. Kinney
Duffin & Hash, LLP
251 East Ohio Street, Suite 900
Indianapolis, IN 46240

(317) 580-9348

Appellees' Counsel:

William W. Hurst
Mitchell Hurst Dick & McNelis, LLC
152 East Washington Street
Indianapolis, IN 46204
(317) 636-0808

Jon D. Krahulik (deceased)

Jeffrey A. Cooke
Cooke Law Firm
331 Columbia Street
Post Office Box 188
Lafayette, IN 47902
(765) 423-5628

3. *Continental Basketball Ass'n v. Ellenstein Enters*, 669 N.E.2d 134 (Ind. 1996).

Members of a Continental Basketball Association ("CBA") team sought an injunction against their team owner and the CBA to prevent them from excluding the team from the postseason playoffs. Litigation between the team owner, Ellenstein, and the CBA ensued – with the CBA seeking to enforce a franchise agreement with Ellenstein, and Ellenstein seeking damages from the CBA under the Indiana Franchise Disclosure Act and Indiana Deceptive Franchise Practices Act. The trial court ruled that Ellenstein's purchase of the team was subject to Indiana's Franchise Acts, and because the CBA had not complied with the Franchises Acts, the CBA could not enforce the franchise agreement. The CBA took an interlocutory appeal to the Court of Appeals, which affirmed. On transfer, the Indiana Supreme Court adopted the Court of Appeals' opinion finding that the contract between the CBA and Ellenstein was subject to the Franchise Acts, but held that Ellenstein's claims were contrary to law, and the contract between the CBA and Ellenstein was not void as against public policy.

Appellant's Counsel:

James H. Ham, III
Solo Practitioner
7450 Royal Oakland Drive
Indianapolis, IN 46236
(317) 823-0154

David K. Herzog
David A. Given
Faegre Baker Daniels LLP
300 North Meridian Street, Suite 2700

Indianapolis, IN 46204
(317) 237-0300

Appellee's Counsel:

Marilyn R. Ratliff
Solo Practitioner
41 Romerly Road
Savannah, GA 31411
(912) 660-8371

4. *Delta Tau Delta, Beta Alpha Chapter v. Johnson*, 712 N.E.2d 968 (Ind. 1999).

A college student who was sexually assaulted by an alumni member of a local chapter of a national fraternity during a party at the chapter sued the chapter and the fraternity, among others, alleging negligence and Dram Shop violations. The trial court denied the defendants' motions for summary judgment, and they appealed. The Court of Appeals reversed. The Indiana Supreme Court granted defendants' petition for transfer, and held that: (1) the totality of the circumstances test determines whether a landowner has a duty of care to protect an invitee from a third party's criminal act; (2) the chapter, as landowner, owed such a duty to the student as invitee; (3) the chapter was not liable under the Dram Shop Act; and (4) the fraternity did not gratuitously or voluntarily assume a duty of care toward the student. The Court affirmed in part, reversed in part, and remanded.

Appellants' Counsel:

Norman T. Funk
Krieg DeVault
One Indiana Square, Suite 2800
Indianapolis, IN 46204
(317) 238-6360

Douglas B. King
Michael Rabinowitch
Wooden & McLaughlin LLP
211 North Meridian Street
One Indiana Square, Suite 1800
Indianapolis, IN 46204
(317) 639-6151

Appellee's Counsel:

Ronald E. Elberger
Bose McKinney & Evans, LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204

(317) 684-5000

George T. Patton, Jr.
Bose McKinney & Evans, LLP
2000 M Street NW, Suite 520
Washington, DC 20036
(202) 470-2393

Scott A. Weathers
The Ken Nunn Law Offices
104 South Franklin Road
Bloomington, IN 47404
(800) 225-5536

C. Joseph Russell (deceased)

5. *Doe v. Methodist Hosp.*, 690 N.E.2d 681 (Ind. 1997).

Plaintiff, a postal worker, sued a fellow employee based on the employee's disclosure to other workers that plaintiff had tested positive for human immunodeficiency virus (HIV). The trial court granted defendant's motion for summary judgment. Plaintiff appealed, and the Court of Appeals affirmed. On transfer, the Indiana Supreme Court affirmed, holding that: (1) a tort claim for invasion of privacy based on public disclosure of private facts is not recognized, and (2) the disclosures in any event did not constitute publication of plaintiff's HIV-positive status, as could potentially support a claim.

Appellant's Counsel:

Sean C. Lemieux
Solo Practitioner
23 East 39th Street
Indianapolis, IN 46205
(317) 985-5809

Appellee's Counsel:

Mark E. Small
Solo Practitioner
1915 Broad Ripple Avenue
Indianapolis, IN 46220
(317) 252-4800

Joseph P. Maguire
Norris Choplin & Schroeder, LLP
101 West Ohio Street, Ninth Floor
Indianapolis, IN 46204
(317) 269-9330

6. *Erie Ins. Co. v. George*, 681 N.E.2d 183 (Ind. 1997).

An automobile insurer, which was subrogated to the insured's claim against a tortfeasor by reason of its payment of the insured's medical payments, brought a separate suit against the tortfeasor without notice to the insured and before resolution of the insured's suit. The trial court allowed the insured to intervene, permitted the tortfeasor's insurer to interplead for medical expenses, held that the insurer could not sue the tortfeasor in its own name until resolution of the insured's claim, and permitted the insured's attorney to seek fees. The Court of Appeals reversed, holding that a subrogated insurer was entitled to initiate its own action. On transfer, the Indiana Supreme Court remanded, holding that: (1) on issue of first impression, an insurer, as subrogee of some but not all of its insured's personal injury claims, could not sue independently to enforce a personal injury claim arising out of subrogation prior to resolution of its insured's claims absent an agreement with its insured, and (2) fact issues as to the insured's attorney's role in obtaining recovery precluded determination of the attorney's entitlement to fees.

Appellant's Counsel:

Robert A. Smith
Smith & Wade, LLP
40 South Ninth Street
Noblesville, IN 46060
(317) 814-4030

William F. McManus
Solo Practitioner
8440 Woodfield Crossing, Suite 200
Indianapolis, IN 46240
(317) 469-5700

Appellee's Counsel:

Gerald J. Sufleta
Solo Practitioner
8693 Wildcat Canyon Avenue
Las Vegas, NV 89178
(702) 203-7777

7. *Indiana High Sch. Athletic Ass'n, Inc. v. Carlberg by Carlberg*, 694 N.E.2d 222 (Ind. 1997).

A high school student athlete sued the Indiana High School Athletic Association ("IHSAA"), seeking to enjoin enforcement of IHSAA's rules against him or his school. The trial court granted the injunction and the Court of Appeals affirmed. The Indiana Supreme Court granted transfer and reversed. Among other things, the Court recognized that Indiana common law provided for judicial oversight of

the IHSAA's decisions; that the common law would treat the IHSAA as a private membership organization for purposes of enforcement actions brought by member schools, but as a government agency for purposes of enforcement actions brought by students and other non-IHSAA members; and that there is no constitutional right or interest to participate in interscholastic sports that is protected by the state or federal constitutions.

Appellant's Counsel:

Robert M. Baker, III
Law Office of Robert M. Baker III
9150 North Meridian Street
Post Office Box 90289
Indianapolis, IN 46260
(317) 569-0900

Appellee's Counsel:

James E. Carlberg
Ronald E. Elberger
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
(317) 684-5000

George T. Patton, Jr.
Bose McKinney & Evans LLP
2000 M Street NW, Suite 520
Washington, DC 20036
(202) 470-1944

8. *Journal-Gazette Co., Inc. v. Bandido's*, 712 N.E.2d 446 (Ind. 1999).

A restaurant operator brought a defamation suit against the local newspaper, following the restaurant's closing, when a newspaper sub-headline inaccurately reported that a health inspector had found rats at the restaurant. The trial court granted summary judgment in favor of the newspaper, which was reversed by the Court of Appeals. The trial court later entered judgment on a jury verdict in favor of the restaurant operator. The newspaper appealed, and the Court of Appeals again reversed. On transfer, the Indiana Supreme Court affirmed the Court of Appeals, but wrote to clarify that the actual malice standard of proof required in defamation cases involving matters of public or general concern applies not only to public figures, but to private individuals as well – and in this case, the restaurant operator failed to prove actual malice.

Appellant's Counsel:

James P. Fenton

Eilbacher-Fletcher LLP
803 South Calhoun Street
Fort Wayne, IN 46802
(260) 425-9777

Cathleen M. Shrader
Barrett & McNagny LLP
215 East Berry Street
Fort Wayne, IN 46802
(260) 423-8921

John D. Walda
National Association of College and University Business Officers
1110 Vermont Avenue NW, Suite 800
Washington, DC 20005
(202) 861-2509

Appellee's Counsel:

Edward L. Murphy Jr.
Murphy, Ice, & Koeneman, LLP
2020 East Washington Boulevard, Suite 400
Fort Wayne, IN 46803
(260) 423-1500

Diana C. Bauer
Carson Boxberger LLP
301 West Jefferson Boulevard, Suite 200
Fort Wayne, IN 46802
(260) 387-0492

Robert E. Connolly
Robert E. Connolly Law Office
110 West Berry Street, Suite 1910
Fort Wayne, IN 46802
(260) 422-9454

9. *Martin v. Richey*, 711 N.E.2d 1273 (Ind. 1999).

A patient brought a medical malpractice claim against her physician for his alleged failure to diagnose and treat her breast cancer in a timely manner. The cancer had a substantial latency period, which prevented the patient from discovering the doctor's alleged malpractice within the two-year statute of limitations. The Indiana Supreme Court found that the medical malpractice statute of limitations was unconstitutional as applied to the plaintiff because it was not uniformly applicable to all medical malpractice victims and required plaintiff to file a claim before she was able to discover the alleged malpractice and her resulting injury, and therefore, imposed an impossible condition on her access to

the courts and pursuit of her tort remedy.

Appellant's Counsel:

Mary A. Findling
Findling Park & Associates, P.C.
135 North Pennsylvania Street, Suite 1150
Indianapolis, IN 46204
(317) 231-1100

Appellee's Counsel:

Gary J. Clendening
Clendening Johnson & Bohrer, P.C.
409 West Patterson Drive, Suite 205
Bloomington, IN 47403
(812) 332-1000

Kendra G. Gjerdingen
Mallor Grodner LLP
511 Woodcrest Drive
Bloomington, IN 47401
(812) 332-5000

Karl Mulvaney
Bingham Greenebaum Doll LLP
2700 Market Tower
Ten West Market Street
Indianapolis, IN 46204
(317) 968-5400

10. *State Bd. of Tax Comm'rs v. Town of St. John*, 702 N.E.2d 1034 (Ind. 1998).

Taxpayers challenged the method by which the State assessed the value of real property for tax purposes. The Tax Court determined that the "true tax value" system violated the uniformity provision of the state constitution, and ordered the State Board of Tax Commissioners to consider all competent, real-world evidence of valuation presented by persons filing property tax appeals on or after May 11, 1999. The Board appealed. The Indiana Supreme Court held that: (1) the statute governing the valuation of real property for tax assessment purposes was not unconstitutional; (2) cost schedules for valuing property lacked a meaningful reference to property wealth, and, therefore, violated the state constitution; and (3) the Board was not required to consider all competent evidence of property's wealth in individual tax appeals. The Court affirmed in part, reversed in part, and remanded.

Appellant's Counsel:

Jeffrey A. Modisett
LOYAL3
150 California Street, Fourth Floor
San Francisco, CA 94111
(310) 487-6990

Jon Laramore
Faegre Baker Daniels LLP
300 North Meridian Street, Suite 2700
Indianapolis, IN 46204
(317) 237-8248

Appellee's Counsel:

Thomas M. Atherton
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
(317) 684-5348

Kenneth J. Falk
ACLU of Indiana
1031 East Washington Street
Indianapolis, IN 46202
(317) 635-4059

Peter H. Donahoe
Donahoe Irvin P.C.
111 North Rangeline Road
Carmel, IN 46032
(317) 580-3000

James K. Gilday
Gilday & Associates, P.C.
One Indiana Square, Suite 2580
Indianapolis, IN 46204
(317) 624-0033

Richard A. Waples
Waples & Hanger
410 North Audubon Road
Indianapolis, IN 46219
(317) 357-0903

- d. For each of the ten 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. *Delta Tau Delta, Beta Alpha Chapter v. Johnson*, 712 N.E.2d 968 (Ind. 1999).

Appellants' Counsel:

Norman T. Funk
Krieg DeVault
One Indiana Square, Suite 2800
Indianapolis, IN 46204
(317) 238-6360

Douglas B. King
Michael Rabinowitch
Wooden & McLaughlin LLP
211 North Meridian Street
One Indiana Square, Suite 1800
Indianapolis, IN 46204
(317) 639-6151

Appellee's Counsel:

Ronald E. Elberger
Bose McKinney & Evans, LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
(317) 684-5000

George T. Patton, Jr.
Bose McKinney & Evans, LLP
2000 M Street NW, Suite 520
Washington, DC 20036
(202) 470-2393

Scott A. Weathers
The Ken Nunn Law Offices
104 South Franklin Road
Bloomington, IN 47404
(800) 225-5536

C. Joseph Russell (deceased)

2. *Ellis v. Luxbury Hotels, Ind.*, 716 N.E.2d 359 (Ind. 1999).

Appellant's Counsel:

Robert Owen Vegeler
Vegeler Law Office, LLC
110 West Berry Street, Suite 1100
Fort Wayne, IN 46802

(260) 407-6161

Appellee's Counsel:

John L. Lisher
Kopka Pinkus Dolin
Post Office Box 40389
Indianapolis, IN 46240
(317) 814-4050

3. *Heck v. Robey*, 659 N.E.2d 498 (Ind. 1995).

Appellants' Counsel:

Keith M. Wallace
Law Office of Keith M. Wallace
401 Southeast Sixth Street, Suite 202
Evansville, IN 47713
(812) 463-2727

William P. Wooden (deceased)

Kevin C. Tyra
Tyra Law Firm
355 Indiana Avenue, Suite 150
Indianapolis, IN 46204
(317) 636-1304

Appellee's Counsel:

Barbara S. Barrett
Barrett Law Offices, P.C.
915 Main Street, Suite 205
Evansville, IN 47708
(812) 424-4878

4. *Hough v. State*, 690 N.E.2d 267 (Ind. 1997).

Appellant's Counsel:

Kevin L. Likes
Likes Law Offices LLC
Post Office Box 960
Auburn, IN 46706
(260) 925-6318

David L. Doughten
Law Offices of David L. Doughten

4403 Saint Clair Avenue
Cleveland, OH 44103
(216) 361-1112

Appellee's Counsel:

Pamela L. Carter
Cummins, Inc.
500 Jackson Street
Columbus, IN 47202
(812) 377-3519

Arthur Thaddeus Perry (current business information unknown)

5. *Katner v. State*, 655 N.E.2d 345 (Ind. 1995).

Appellant's Counsel:

Richard Kammen
Kammen & Moudy
135 North Pennsylvania Street, Suite 1175
Indianapolis, IN 46204
(317) 236-0400

Appellee's Counsel:

Pamela L. Carter
Cummins, Inc.
500 Jackson Street
Columbus, IN 47202
(812) 377-3519

Preston W. Black
Indiana Department of Health
Two North Meridian Street
Indianapolis, IN 46204
(317) 234-0002

6. *Martin v. Richey*, 711 N.E.2d 1273 (Ind. 1999).

Appellant's Counsel:

Mary A. Findling
Findling Park & Associates, P.C.
135 North Pennsylvania Street, Suite 1150
Indianapolis, IN 46204
(317) 231-1100

Appellee's Counsel:

Gary J. Clendening
Clendening Johnson & Bohrer, P.C.
409 West Patterson Drive, Suite 205
Bloomington, IN 47403
(812) 332-1000

Kendra G. Gjerdingen
Mallor Grodner LLP
511 Woodscrest Drive
Bloomington, IN 47401
(812) 332-5000

Karl Mulvaney
Bingham Greenebaum Doll LLP
2700 Market Tower
Ten West Market Street
Indianapolis, IN 46204
(317) 968-5400

7. *Smith v. State*, 689 N.E.2d 1238 (Ind. 1997).

Appellant's Counsel:

Kristina L. Lynn
Lynn and Stein, P.C.
102 South Wabash Avenue
Wabash, IN 46992
(260) 563-8020

Appellee's Counsel:

Pamela L. Carter
Cummins, Inc.
500 Jackson Street
Columbus, IN 47202
(812) 377-3519

8. *USA Life One Ins. Co. of Ind. v. Nuckolls*, 682 N.E.2d 534 (Ind. 1997).

Appellant's Counsel:

J. Lamont Harris
Henthorn, Harris & Weliever, P.C.
122 E. Main Street
Crawfordsville, IN 47933
(765) 362-4440

Appellee's Counsel:

Virginia King Shema (deceased)

9. *Vernon v. Kroger Co.*, 712 N.E.2d 976 (Ind. 1999).

Appellant's Counsel:

Gregory D. Ball
Bennett Boehning & Clary LLP
415 Columbia Street, Suite 1000
Lafayette, IN 47901
(765) 742-9066

Paul Kusbach (retired)

Appellees' Counsel:

John C. Hamilton
Hamilton Law Firm
300 North Michigan Street, Suite 454
South Bend, IN 46601
(574) 289-9987

John E. Doran (deceased)

R. Kent Rowe
Law Offices of Rowe & Rowe
1003 North Hickory
South Bend, IN 46615
(574) 233-8200

Stephen D. Groth
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
(317) 684-5000

10. *Wright v. State*, 690 N.E.2d 1098 (Ind. 1997).

Appellant's Counsel:

Ronald K. Smith
Solo Practitioner
225 North High Street, Suite 2D
Muncie, IN 47305
(765) 282-4022

Appellee's Counsel:

Pamela L. Carter
Cummins, Inc.
500 Jackson Street
Columbus, IN 47202
(812) 377-3519

Michael K. Ausbrook
Solo Practitioner
Post Office Box 1554
Bloomington, IN 47402
(812) 322-3218

- 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.

None.

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

The Indiana Supreme Court does not issue unpublished opinions.

- 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.

Bayh v. Ind. State Bldg. and Const. Trades Council, 674 N.E.2d 176 (Ind. 1996).

Indiana High Sch. Athletic Ass'n, Inc. v. Carlberg by Carlberg, 694 N.E.2d 222 (Ind. 1997).

Martin v. Richey, 711 N.E.2d 1273 (Ind. 1999).

State Bd. of Tax Comm'rs v. Town of St. John, 702 N.E.2d 1034 (Ind. 1998).

- 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.

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.

Any recusal determination that I made while on the Indiana Supreme Court started with a review of the basis for recusal or disqualification set forth in Rule 2.11 of the Indiana Code of Judicial Conduct. If any of the circumstances for required recusal or disqualification existed, I notified the court immediately. If circumstances fell short of required recusal, I analyzed the particular facts and circumstances involved in both Rule 2.11 and Rule 2.7, which requires a judge to hear and decide matters "except when disqualification is required by Rule 2.11 or other law." Given the relatively small size of the Indiana Supreme Court, tradition has been to respect the need for recusal while understanding that any recusal significantly reduces the number of voting judges.

I recused myself sua sponte from any cases coming before the Court in which the law firm of Ice Miller LLP or any of its attorneys was involved, as I had been employed as an associate and later an equity partner in the firm before joining the Court. A request for recusal from or on behalf of a party was not made during my tenure.

I recused myself from the following cases on this basis while on the Court:

Como, Inc. v. Carson Square, Inc., 689 N.E.2d 725 (Ind. 1997).

Howard Publ'ns, Inc. v. Lake Michigan Charters, Ltd., 658 N.E.2d 582 (Ind. 1995).

Matter of Fisher, 684 N.E.2d 197 (Ind. 1997).

Mayhue v. Sparkman, 683 N.E.2d 1384 (Ind. 1995).

RJR Nabisco Holdings, Corps. v. Dunn, 657 N.E.2d 1220 (Ind. 1995).

Shewmaker v. Etter, 659 N.E.2d 1021 (Ind. 1995).

Small v. Cmty. Hosps., 698 N.E.2d 1194 (Ind. 1998).

Stiller v. Leatherman, 659 N.E.2d 1021 (Ind. 1995).

Town Bd. of Orland v. Greenfield Mills, Inc., 663 N.E.2d 523 (Ind. 1996).

Witt v. Lutheran Hosp., 726 N.E.2d 305 (Ind. 1999).

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.

I have not held public office, other than judicial office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

- 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.

None.

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 did not serve 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.

1980 – 1983

Seyfarth Shaw Fairweather & Geraldson
975 F Street NW

Washington, District of Columbia 20004
Associate

1993 – 1994
State of Indiana
Office of the Governor
200 West Washington Street
Indianapolis, Indiana 46204
Director of Health Care Policy

1983 – 1993; 2000 – present
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, Indiana 46282
Associate (1983 – 1988)
Hiring Partner (2011 – 2013)
Partner (1988 – 1993; 2000 – present)

- 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 recently reshaped my law practice, and a significant portion of my practice is now devoted to alternative dispute resolutions. I serve as a mediator and arbitrator in commercial disputes and complex health care cases, and as a hearing officer in hospital medical staff hearings. I have conducted a number of mediations in health care matters as well as several arbitrations in commercial disputes and complex health care insurance matters. Due to the confidential nature of these proceedings, I provide only the name of the matter and a brief overview below.

1. *Alfred Bassett v. Am. Transitional Care*. Claim by resident against nursing home for negligence and breach of duty of care in failing to properly care for the resident, resulting in a fall and related injuries. Damages alleged included pain and suffering, past and future medical expenses, and decreased quality of life.
2. *Austin Diagnostic v. BCBSTX*. Dispute over applicability of Texas Prompt Pay Act to health care provider claims for service.
3. *Capital Emergency Assocs. v. Health Care Servs. Corp.* Dispute over payment of penalties to health care provider under Texas prompt pay laws and whether certain penalties are barred by ERISA preemption.
4. *Jonathan Sheinberg d/b/a Cardiovascular Assocs. v. Health Care Servs. Corp.* Physician group sued under preferred provider contract for payment of penalties, attorney fees and costs in connection with claims

submitted to Health Care Services Corporation operating as Blue Cross and Blue Shield of Texas.

5. *St. Alexius Hosp. Corp. v. Alexian Bros. Cmty. Servs.* Dispute under health care provider agreement challenging both payment and payment method under Medicare for PACE program inpatient and outpatient services.

6. *Valle Vista Ltd., LLC v. Selective Ins. Co. of South Carolina.* Commercial arbitration involving a dispute over whether a replacement cost insurance policy for commercial buildings was limited to restoration to pre-loss condition or requires full replacement at the current market cost of materials.

7. I presided as a hearing officer over a three-week medical staff due process hearing between a large multi-hospital health system and a group of orthopedic surgeons and neurosurgeons. The hospital terminated the medical staff privileges of physicians who held a financial interest in a competing surgery center. The issues included economic credentialing, violation of antitrust laws and breach of contract.

b. Describe:

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

As an associate at Seyfarth Shaw from 1980 to 1983, my practice focused on labor and employment matters, representing employers.

As an associate at Ice Miller Donadio & Ryan from 1983 to 1988, I worked in the Health Care Group and litigated in the areas of medical malpractice, hospital and nursing home liability, toxic torts and health care reimbursement. My practice also included medical staff and peer review matters.

As a partner in the Health Care Group at Ice Miller Donadio & Ryan from 1988 to 1993, my practice focus grew to include compliance counseling and defense, government and commercial reimbursement, litigation and government investigations.

As the Director of State Health Policy from 1993 to 1994, I provided counsel to the Governor on health care policy on both state and federal issues and concerns.

As an Associate Justice on the Indiana Supreme Court 1995 to 1999, I presided over all cases coming before the Court. The Supreme Court is the highest court in the state and is a court of appellate jurisdiction.

As a partner at Ice Miller, LLP from 2000 to the present, my focus has changed somewhat. The high stakes and significant risk included in litigation within the healthcare industry has resulted in fewer and fewer cases being litigated. Indeed, for most clients, the optimum goal is the avoidance of litigation and, short of this, an early resolution. As such, my focus has been on assisting clients in regulatory and compliance matters in order to avoid litigation or to achieve optimum operational and financial results in litigation. My practice includes representing clients in government investigations which may include the various state and federal agencies, such as the State Attorney General, Medicaid Fraud Control Unit, the U.S. Health and Human Services Office of Inspector General, and the U.S. Department of Justice.

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

In the early part of my career, my clients included large employers, mobile home manufacturers, hospitals, and physicians. The focus of my practice narrowed to health care beginning in the mid-1980's through the early 1990's, and my clients were predominantly health care industry clients, including hospitals and hospital systems, long-term care facilities, physicians, health care providers, a medical research institute, pharmaceutical manufacturers, and medical device manufacturers. In the mid-2000's I added internal investigations and dispute resolution to my practice and my clients expanded to include public universities, large casualty insurance companies and various other companies.

- 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 practice was litigation-based in the early part of my career. I appeared frequently before administrative agencies and in state and federal courts. When my law firm discontinued the medical malpractice group, my practice focus shifted to other areas of litigation within the health care industry. This phase of my health care practice primarily focused on the regulatory, compliance, and risk management aspects of health care, but continued to include litigation before state and federal agencies and courts. After returning to Ice Miller from the Indiana Supreme Court in 2000, my practice included an additional component of counseling clients to achieve desired results early in the litigation process and to avoid or redirect litigation. This phase of my career included court appearances regularly.

I was in court frequently during the early part of my career. In the early 1990's I was in court on a regular basis. Since 2000, I continue to appear regularly in state court and before regulatory bodies.

- i. Indicate the percentage of your practice in:
 1. federal courts: 10%
 2. state courts of record: 75%
 3. other courts: 0%
 4. administrative agencies: 15%

- ii. Indicate the percentage of your practice in:
 1. civil proceedings: 100%
 2. criminal proceedings: 0%

- 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.

Based on a diligent search of the records, including published and unpublished decisions, I have been involved in approximately 51 cases litigated to verdict, judgment or final decision. I was not the sole counsel in any of these. I served as associate counsel in 41 cases and chief counsel in ten.

- i. What percentage of these trials were:
 1. jury: 2%
 2. non-jury: 98%

- 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. *Cnty. Hosp. of Anderson and Madison County v. McKnight*, 482 N.E.2d 280 (Ind. Ct. App. 1985).

The question in this medical malpractice action was whether or not plaintiffs in a wrongful death action could pursue the claims as individuals, without having been appointed as personal representatives. The trial court denied defendant health care providers' motion for summary judgment, and that denial was appealed. The Court of Appeals reversed the denial of summary judgment, holding that the "parties eligible" requirement of the Indiana Wrongful Death Act applied in cases in which the alleged cause of death is medical malpractice. Although the decision was consistent with prior case law, it served to clarify the state of the law and the requirements for bringing a wrongful death action. I represented the defendant/appellant health care providers at both the trial and appellate level. I served as lead counsel at trial and was responsible for drafting major motions and briefs at both levels of courts. After the case was remanded back to the trial court, the parties settled.

Dates of representation: 1983 – 1985

Name of the court and the name of the judge or judges before whom the case was litigated:

Boone County Circuit Court
Ronald Drury

Indiana Court of Appeals
Patrick Ratliff
John Robertson
Robert Neal

Co-Counsel:

Mary Watts
Bingham Greenebaum Doll LLP
2700 Market Tower
Indianapolis, IN 46204
(317) 968-5420

Plaintiffs' Counsel:

Melvin Richards (deceased)

Bruce Boje
Richards, Boje, Pickering, Benner & Becker
1312 Maple Avenue
Noblesville, IN 46060
(317) 565-4846

2. *GPH v. Giles, M.D.*, 578 N.E.2d 729 (Ind. Ct. App. 1991).

The patient appealed from an order of involuntary commitment based on a diagnosis of chronic paranoid schizophrenia and upon a finding that he was dangerous to himself and

others. The patient had been represented, over objection, by a court-appointed public defender. The patient appealed the commitment order, claiming that there was insufficient evidence to support his commitment, and that his right to assistance of counsel had been violated. The Court of Appeals affirmed the trial court's commitment order, holding that there was substantial evidence to support the commitment and that the patient's right of assistance of counsel was not violated. My role was as lead counsel representing Dr. Giles, and as such, I prepared the witnesses and testimony for trial and was lead counsel at trial. This was a one-day trial resulting in a final judgment. I also led the team on the appeal in both drafting the briefs and oral argument before the Court of Appeals.

Date of representation: 1991

Name of the court and the name of the judge or judges before whom the case was litigated:

Marion Municipal Court
Vickie Yaser

Indiana Court of Appeals
John T. Sharpnack
George B. Hoffman
Robert D. Rucker

Co-Counsel:

Sherry Fabina-Abney
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, IN 46282
(317) 236-2446

Petitioner's Counsel:

Winston R. Hay (retired)

3. *Islami, M.D. v. Covenant Med. Ctr., Inc.*, 822 F. Supp. 1361 (N.D. Iowa 1992).

This case was an early test of the applicability of the immunity afforded under the Health Care Quality Improvement Act. A hospital suspended a cardiovascular and thoracic surgeon's medical staff privileges due to substandard patient care based on a chart review and analysis of his patient care. The physician sued on grounds of breach of contract, intentional interference with business relationship, intentional infliction of emotional distress and federal antitrust violations. The parties filed cross-motions for summary judgment. Plaintiff's motion was denied, and defendants' motion was granted in part and denied in part. I was co-lead counsel representing the hospital and medical staff leaders. In this role, I was responsible for the strategic and practical aspects of the defense of the

hospital. My work included evidence development, preparing medical staff and physician witnesses, preparing expert witnesses, and coordinating the overall defense. The case resolved by settlement.

Dates of representation: 1991 – 1992

Name of the court and the name of the judge or judges before whom the case was litigated:

United States District Court for the Northern District of Iowa
Michael J. Melloy, Chief Judge
John A. Harvey, Chief Magistrate Judge

Co-Counsel:

Edward Gallagher (deceased)

Plaintiff's Counsel:

Nick Critelli
Critelli Law
317 Sixth Avenue
Des Moines, IA 50309
(515) 243-3122

4. *Kiracofe v. Reid Mem'l Hosp.*, 461 N.E.2d 1134 (Ind. Ct. App. 1984).

A physician sued after a hospital summarily suspended and ultimately terminated his medical staff privileges following a peer review fair hearing. The physician claimed that he was entitled to due process under the Due Process Clause of the Fourteenth Amendment because the hospital was a public institution. The trial court dismissed the complaint on grounds that the plaintiff failed to establish a nexus between the termination of privileges and government involvement as functions. I participated in the trial preparation and served as second chair at trial. I assisted in the preparation of motions and briefs. I actively participated in the appeal including drafting briefs and at oral argument. The Court of Appeals affirmed.

Date of representation: 1984

Name of the court and the name of the judge or judges before whom the case was litigated:

Wayne County Superior Court
J. Brandon Griffis

Indiana Court of Appeals
Jonathan Robertson
Robert Neal

Wesley Ratliff

Co-Counsel:

Ralph Cohen (retired)

George Reller (retired)

Plaintiff's Counsel:

Gregory Hoke
Dillard, Hardaman, Cohen
12201 Champlin Drive
Champlin, MN 55316
(763) 712-3777

David Cutshaw
Cohen & Malad
One Indiana Square, Suite 1400
Indianapolis, IN 46204
(317) 636-6481

5. *Liberty Landowners Ass'n, Inc. v. Porter County Comm'rs*, 913 N.E.2d 1245 (Ind. Ct. App. 2010).

The landowners group brought a declaratory judgment action challenging the County Commissioners' decision to rezone certain property in order to allow for a hospital to be built on the land. The hospital intervened in the proceedings and I represented the hospital. The trial court granted defendants' motion to dismiss the case, and the Court of Appeals affirmed. As co-lead counsel, I was involved in all aspects of the case, including drafting motions and briefs, witness preparation, depositions and dispositive motion hearing. On appeal, I continued to represent the hospital as intervenor and drafted the briefs.

Dates of representation: 2008 – 2009

Name of the court and the name of the judge or judges before whom the case was litigated:

Porter Superior Court
James Sarkesian

Indiana Court of Appeals
John Baker
Ezra Friedlander
Patricia Riley

Co-Counsel:

Michael Lewinski
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, IN 46282
(317) 236-2467

Abigail (Cella) Langebartles
DEFENDER Direct, Inc.
3750 Priority Way South Drive, Suite 200
Indianapolis, IN 46240
(317) 810-4720

Plaintiff's Counsel:

Martin R. Lucas
Solo Practitioner
307 Lane Street
North Judson, IN 46366
(574) 896-5800

6. *Menorah Med. Ctr. v. Heckler*, 768 F.2d 292 (8th Cir. 1985).

This was a Medicare group appeal brought by several hospitals, challenging the validity of the Medicare rule requiring calculation of reimbursement for malpractice insurance premiums. This case was one of several similar appeals challenging the malpractice rule across several federal circuits. My role in this case was to develop the evidence, including reviewing the entire federal rulemaking record and public comments to the proposed rule, and prepare the analysis, expert witnesses and evidence in support of the hospitals. I was counsel on the brief and argued the case before the Eighth Circuit. The Court ruled in favor of the hospitals that the malpractice rule was invalid and remanded the case.

Dates of representation: 1983 – 1985

Name of the court and the name of the judge or judges before whom the case was litigated:

United States Court of Appeals for the Eighth Circuit
Richard S. Arnold
George Gardner Fagg
Ray Harper (sitting by designation)

Co-Counsel:

Geoffrey Segar (retired)

Defendant's Counsel:

Barbara Biddle
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 514-2541

7. Parkview Hosp., Inc. v. Debra Minott, Sec'y of Fam. and Soc. Servs. Agency, and the Methodist Hosps., Cause No. 02D01-1212-PL-443, 36 N.E.3d 1185 (Ind. Ct. App. 2015).

This case involved a hospital's challenge to a determination by the state Medicaid agency that the hospital was not eligible for a disproportionate share Medicaid reimbursement of over \$40 million. The administrative law judge denied the hospital's challenge on the grounds that the hospital did not properly submit all of the appropriate data. The hospital sought judicial review of the agency denial. The trial court affirmed the agency and held that the agency's decision was consistent with the Administrative Orders and Procedures Act. On judicial review, the trial court decided that while the Medicaid agency had violated federal Medicaid law in adopting and implementing certain procedures, such violation was not fatal to the state's disproportionate share formula. I served as lead counsel from the administrative law hearing through the judicial review in the trial court and on appeal to the Indiana Court of Appeals. In addition to leading the litigation team, an important aspect of my role was client counseling, as there was not a substantial likelihood of success and so there was a critical need to manage expectations. The Indiana Court of Appeals affirmed the trial court and the Indiana Supreme Court denied transfer.

Dates of representation: 2011 – 2016

Name of the court and the name of the judge or judges before whom the case was litigated:

Allen County Superior Court
Nancy Eshcoff Boyer

Indiana Court of Appeals
Elaine Brown
Patricia Riley
Margaret Robb

Co-Counsel:

Erin Webley
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, IN 46282
(317) 236-2100

Jim Fenton

Kate Brogan
Eilbacher & Fletcher, LLP
803 South Calhoun Street
Fort Wayne, IN 46802
(260) 425-9777

Defendant's Counsel:

Jefferson Garn
Office of the Indiana Attorney General
302 West Washington Street
Indianapolis, IN 46204
(317) 232-6292

8. *St. Joseph's Hosp. of Kansas City v. Heckler*, 786 F.2d 848 (8th Cir. 1986).

The case was filed as a group appeal by hospitals seeking to challenge the Medicare payment decision by the fiscal intermediary. The hospitals sought review by the Provider Reimbursement Review Board (PRRB) under a regulation authorizing extension of 180 days' time to file for good cause shown. The district court affirmed the PRRB's refusal to hear the case and concluded it had no jurisdiction to hear the case, as there was no final PRRB decision. The Eighth Circuit affirmed, concluding that the filing time period was a jurisdictional pre-requisite and, because the court lacked the authority to hear the case, there was no judicially-reviewable final decision. I was lead counsel in this Medicare group appeal, which was one of a handful of cases moving through the appeals process. My work included presenting the case to the PRRB and drafting and arguing the appeal of the PRRB ruling to the District Court and the Eighth Circuit.

Date of representation: 1986

Name of the court and the name of the judge or judges before whom the case was litigated:

United States District Court for the Western District of Missouri
Joseph E. Stevens, Jr.

United States Court of Appeals for the Eighth Circuit
George Gardner Fagg
Gerald W. Heaney
James R. Gibson

Plaintiff's Counsel:

Donald G. Kosin, Jr.
Human Services – OGC
330 Independence Avenue SW
Washington, DC 20201

(202) 619-2738

9. *State of Indiana v. Cacdac, M.D.*, Cause No. 85 MLB 0030 (1988).

The Indiana Attorney General brought this action against the medical license of a board-certified Filipino neurosurgeon in Terre Haute, Indiana. The case was tried through final order before the Indiana Medical Licensing Board. The State's case consisted of over 32 individual patients and related surgical procedures, counseling, and care. The central theory of the State's case was that Dr. Cacdac's approach to certain neurosurgical procedures and surgeries was substantially different from what was considered standard in the profession. What began as a fairly straightforward unnecessary surgery case quickly turned into a multi-layered litigation involving many first impression issues concerning medical standard of care as well as due process and fairness issues across multiple tribunals. What was exposed through the hundreds of pages and several days of medical evidence, expert witness opinion evidence, and the like was nothing more than the difference in training as between different medical residency programs. However, the State's case advanced to the point of a full 15-day trial before the administrative law judge. I was second chair at trial and handled the direct and cross-examination of several witnesses and our expert. The administrative law judge ruled in Dr. Cacdac's favor and against the State of Indiana on all counts, and the Board affirmed and in a final order removed all restrictions on licensure.

Dates of representation: 1986 – 1989

Name of the court and the name of the judge or judges before whom the case was litigated:

Indiana Medical Licensing Board
Rob Elberger

Co-Counsel:

James Peterson
Ice Miller, LLP
One American Square, Suite 2900
Indianapolis, IN 46282
(317) 236-2308

State of Indiana Counsel:

Michael Minglin
Miller & Minglin, P.C.
2155 Canvasback Drive
Indianapolis, IN 46234
(317) 908-4123

10. *Unity Physician Group, P.C. v. Porter Hospital, LLC, d/b/a Porter Hospital, Community Health Systems, Inc., ApolloMD, Inc., Board of Trustees of Porter Memorial Hospital, Jonathan S. Nalli, and John Does 1-5*, Porter Superior Court, Cause No. 64D05-0904-CT-4219.

This lawsuit concerned a dispute between the exclusive provider of emergency medical services and the hospital for which the services were provided. The emergency physician group lost their contract after more than a decade of exclusivity. The claims included express and implied breach of contract, fraud, constructive fraud, tortious interference with contract, promissory and equitable estoppel. We represented the hospital and hospital defendants. I served as lead counsel. In that role, I was responsible for devising our strategy, and advising and reporting to the hospital chief executive officer and hospital board. I directed our litigation team in all phases of the litigation including discovery, motions practice, through and including trial preparation, and mediation. I argued all significant motions and deposed the key witnesses. This case was finally resolved by settlement following mediation.

Dates of representation: 2009 – 2015

Name of the court and name of the judge or judges before whom the case was litigated:

Porter Superior Court
Mary R. Harper

Co-Counsel:

Sherry Fabina-Abney
Erin Webley
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, IN 46282
(317) 236-2100

Plaintiff's Counsel:

Christopher Roberge
Elizabeth Roberge
Roberge & Roberge
9190 Priority Way West Drive, Suite 100
Indianapolis, IN 46240
(317) 818-5500

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.)

I was appointed to chair the Indiana Supreme Court Commission on Race and Gender Fairness when it was established by the court in 2000. I continue to serve as the chair of this Commission today. The Commission was created to study and address race and gender fairness in Indiana's courts and legal system. The Commission's recommendations to the court have included: education and training of judges and lawyers to address perceptions of unfairness; programs to reduce barriers to full participation in the legal system; and coordination across judicial and legal organizations and entities to expand and enrich data and share best practices. The Commission's work has included broad-based implementation of these recommendations resulting in, among other things, an establishment of a statewide certified court interpreter program; a state-wide Legal Professions Diversity Summit; and a study on women in law, examining the issue of gender within the legal profession in Indiana. The work of the Commission continues in these areas as well as in the criminal and juvenile justice areas.

Ice Miller is a member of the United States Law Firm Group ("USLFG"), a network of 18 law firms from across the nation. Each firm has a substantial market presence in its headquarters city, and the firms meet through committees to share information about various legal developments as well as current topics relating to law firm management. I am the chair of the USLFG Diversity Committee, which consists of partners from each member firm and works to share best practices in law firm diversity and lawyer professional development.

I have not performed lobbying activities for 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 taught Health Care Reimbursement in Fall 2010 and Spring 2011, at the Indiana University Robert H. McKinney School of Law. This course examined the Medicare and Medicaid systems and the regulation of health care providers participating in those programs. The course also provided an overview of the Medicare, Medicaid, and State Children's Health Insurance Program, as well as the administrative law framework for governmental decisions. No syllabus available.

In Fall 2011 and Spring 2012, I taught Food and Drug Law at the Indiana University Robert H. McKinney School of Law. This course surveyed statutes and regulations dealing with the production, distribution, and sale of food, drugs, cosmetics, and medical devices. The course focused primarily on administrative and procedural requirements of the Food, Drug and Cosmetic Act. Representative syllabus supplied.

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 participate in the Ice Miller 401K plan, intended for retirement at age 65, but subject to an elective lump sum distribution if I leave employment.

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.

If I were to assume a position on the Seventh Circuit, I would recuse myself in any litigation in which I have been involved in any capacity. Additionally, I would recuse myself in litigation involving Ice Miller for some period of time. I would adhere to the requirements of 28 U.S.C. § 455 and the Code of Conduct for United States Judges in these and any other possible recusal determinations.

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

If appointed to the Seventh Circuit, I would carefully analyze any potential conflict of interest and follow the rules concerning conflict of interest, including 28 U.S.C § 455 and the Code of Conduct for United States Judges. Additionally, I would consult with other judges and appropriate court personnel for guidance and advice.

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.

I have fulfilled my pro bono obligation in various ways over the course of my career. A substantial amount of my pro bono efforts have been devoted to building capacity for various nonprofit organizations in the community, including arts organizations, children's theatre and health care providers for the poor.

From time to time, I have provided legal advice at no charge to my church and certain church members. I have also volunteered as a moot court jurist for various law school moot court competitions, including Indiana University McKinney School of Law, Valparaiso University School of Law and the University of Michigan Law School.

Currently, I am on the volunteer lawyer panel for the Neighborhood Christian Legal Clinic. I completed a training session in 2013 and have had one case assignment involving issues of domestic violence.

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.

In May 2014, I was contacted by Senator Donnelly's office and asked if I would be interested in applying for a vacancy on the Seventh Circuit Court of Appeals. I met with Senator Donnelly's staff in Indianapolis on May 19, 2014. I met with Senator Donnelly and his staff on July 10, 2014 in Washington, D.C. On August 14, 2014, I spoke by phone with an attorney at the White House Counsel's Office. Since August 26, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 24, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On January 12, 2016, the President submitted my nomination to the Senate.

- 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.