



Indiana Judicial Nominating Commission

30 South Meridian Street, Suite 500
Indianapolis, IN 46204
(317) 232-4706

Application for the Indiana Supreme Court

The application for the Spring 2017 vacancy on the Indiana Supreme Court includes two parts. Both Part One and Part Two must be completed. Part Two *must* be provided separately as directed in the instructions. Answers in Part One and Part Two are a matter of public record and will be supplied to the media and public upon request. However, only answers in Part One may be posted online by the Indiana Judicial Nominating Commission.

Part One, Sections 1-11

1. Contact/General Information

A. Full legal name and any former names.

Steven Linn Hostetler. There are no former names.

B. State the full name (use initials for minor children), age, and relationship of each person residing in your household. For each adult living in the household (other than yourself), also state the person's occupation and employer.

Steven L. Hostetler (age 58), applicant.

Jane A. Hostetler (age 57), spouse of applicant, elementary school teacher, Penn Harris Madison School Corporation, Mishawaka, Indiana.

C. Business address, email, and telephone number.

St. Joseph County Courthouse, 101 S. Main Street, South Bend, IN 46601. SHostetl@co.st-joseph.in.us. 574-235-9591.

D. Attorney number.

8346-71.

E. Month and year you were admitted to the Indiana Bar.

Admitted to Indiana Bar in June of 1983.

a. Indicate current law license status, i.e. active/inactive/retired.

Law license is active.

b. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide date(s) of admission and current license status.

I have never been a member of the Bar of any other state.

F. Date and place of birth.

Born on July 12, 1958, in Kokomo, Indiana.

G. County of current residence and date you first became a resident.

I have been a continuous resident of St. Joseph County, Indiana since May of 1983.

2. Secondary Education/Military Experience

- A. List all undergraduate colleges and universities you attended. Include the school name; dates enrolled; degree or certificate earned; and any academic honors, awards, or scholarships you received and when.

Graduated Magna Cum Laude with B.S. in Business Administration from Olivet Nazarene College (n/k/a Olivet Nazarene University) in May of 1980.

- B. Include with your original application a certified transcript from each school named in Subsection 2A, and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it *before* copying.)

- C. If applicable, list any military service. Include the name of the military branch; dates of service; last rank achieved; and any honors, awards, or commendations received and when. Attach a copy of your Certificate of Release or Discharge from active duty ("DD 214" paperwork).

No military service.

3. Post-Secondary Education

- A. List all law schools, graduate schools, and post-J.D. programs attended. Include the school name; dates enrolled; degree or certificate earned; class rank; and any academic honors, awards, or scholarships you received and when.

Graduated Cum Laude with J.D. from Indiana University School of Law-Bloomington in May of 1983.

- B. Include with your original application a certified transcript from each school named in Subsection 3A, and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it *before* copying.)

4. Employment

- A. Provide your employment history since graduation from college. Include name of employer, titles or positions, locations, and dates of employment.

Kankakee Area Chamber of Commerce, Kankakee, Illinois. Membership Liaison and Summer Youth Employment Program Director. Summer 1980.

Part time law clerk/work study at Morgan County Circuit Court, Judge James Harris, 1981-1982 school year.

Raver, Federoff and Bloom, Ft. Wayne, Indiana. Summer Associate. Summer of 1982.

Thorne Grodnik, LLP. (a/k/a Thorne, Grodnik & Ransel, and Thorne, Grodnik, Ransel, Duncan, Byron & Hostetler), Mishawaka, Indiana. Associate (1983-1988) and Partner (1988-2013).

Laidig Industrial Systems, Mishawaka, Indiana, member board of directors/advisory board 1998-2013 (approximate).

Legal Officer (part time position) for St. Joseph County Sheriff's Department, South Bend, Indiana. January of 1999 through March of 2001.

Judge, St. Joseph Superior Court, South Bend, Indiana. June 3, 2013-present.

- B. If applicable, describe the nature and extent of your practice of law (present and former), and provide the names of your partners, associates, office mates, and employers.

From 1983 until my appointment to the bench, I maintained a diverse law practice with the firm of Thorne Grodnik, LLP. (and various related firm names of Thorne, Grodnik & Ransel, and Thorne, Grodnik, Ransel, Duncan, Byron & Hostetler), with emphasis on the areas of creditors rights and bankruptcy, as well as commercial, agricultural and real estate litigation and transactions.

Former law partners: William A. Thorne, Charles H. Grodnik, J. Richard Ransel, Glenn L. Duncan, James R. Byron, Michael A. Trippel, Jamie C. Woods, and William G. Lavery.

Partner of firm while I was an associate: Nancy W. Proudfit.

Of counsel attorneys with the firm while I was partner or associate (not including of counsel attorneys who were formerly partners and are identified above): F. Richard Kramer and Joseph C. Zakas.

Former associates (including fellow associates while I was an associate, but not the individuals listed above who were at one time associates, but became partners): Joseph J. Jensen, James H. Milstone, Margaret Robinson, Lee Lorentzen, Robin Klopenstein, Jordan Williams, Daniel Herbster, J.A. Whitmer, Philip A. Garrett, Susan Miller, Jacob Frost, and Joseph Flanders.

5. Trial/Judicial Experience

- A. Describe the extent of your jury trial experience, if any.

I participated in two (2) civil jury trials while in private practice. One was as "second chair" in a construction dispute between a remodeling contractor and homeowners. The other case was a landlord-tenant dispute tried by me alone.

- B. Describe the extent of your bench trial experience, if any.

I tried a large number of bench trials while in private practice. The matters tried to the bench include a substantial number of bankruptcy court matters, such as nondischargeability adversary proceedings, relief from stay motions and confirmation proceedings. State court bench trials ranged from small claims proceedings to construction disputes. I also appeared in court on countless occasions arguing motions, such as in receivership proceedings and summary judgment motions.

- C. If applicable, describe the nature and extent of your judicial experience (including as a judge *pro tempore*). Include a description of your experience presiding over jury trials, if any.

I have been a judge of the St. Joseph Superior Court since June 3, 2013. I have presided over 5 civil jury trials. My experience is primarily in the Civil Division, presiding over a wide variety of cases, including family law matters, foreclosures, collections, tort litigation, and various other types of civil law proceedings. In connection with those matters I have presided over many kinds of hearings and bench trials.

As a Superior Court judge, I have had some experience in criminal matters, such as issuing search warrants, and making probable cause determinations. I have been appointed as special judge by the Indiana Supreme Court in 2 criminal cases. One was a post-conviction relief matter and the other a felony case that resulted in disposition by plea bargain. I also serve as the presiding judge of the St. Joseph County Veterans Treatment Court. The Veterans Treatment Court is a problem solving criminal court addressing the mental health and substance abuse issues facing U.S. Military veterans who are involved in the criminal justice system in St. Joseph County.

Prior to becoming a judge, I presided as judge pro tem in the St. Joseph Superior Court on 2-3 occasions during the 1980's.

6. Professional Experience

Include as writing samples, four selections (in total) from the written materials listed below in Subsections 6A – 6C.

- A. If applicable, list up to five trial or appellate briefs and/or judicial opinions you have written. Refer to them by caption, case number, and filing date.

1. Order on Cross Motions for Dismissal and Judgment on the Pleadings entered on April 20, 2015, in ESPN, Inc. and Paula Lavigne v. University of Notre Dame Security Police Department, a Department of The University of Notre Dame Du Lac, St. Joseph Superior Court, Cause Number 71D07-1501-MI-000017.
2. Order of Dismissal entered on August 17, 2015, in Basic, et al v. Chaudhry, et al., St. Joseph Superior Court, Cause Number 71D07-1505-PL-000174.
3. Order on Custody, Relocation, and Attorney Fee Matters entered on July 23, 2014, in Janetski v. Spears, St. Joseph Superior Court, Cause Number 71D07-0803-DR-000185.
4. Order on Plaintiff's Motion for Temporary Restraining Order and Scheduling Bench Trial entered December 5, 2016, in Aladean DeRose v. Andrew Straw, St. Joseph Superior Court, Cause Number 71D07-1611-PL-000418.
5. Order on Plaintiff's Motion for Class Certification entered on January 23, 2017, in Musselman v. Teachers Credit Union, St. Joseph Superior Court, Cause Number 71D07-1508-PL-000297. This order was written with the assistance of two externs from the University of Notre Dame as a part of the complex motion pilot project pursuant to Ind. Code § 33-38-15-1. One of the externs provided a 6 1/2 page

memorandum, including approximately 4-5 pages of written materials that were incorporated (following editing) into the 20 page order. The other extern provided proofreading assistance and confirmed quoted materials and citations. This order is included not only as a writing sample, but also to demonstrate experience in working with law clerks.

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, date, and subject matter.

- (1) I took the lead in working with other judges in our county and our local Bench and Bar Committee in drafting a new return of summons form in civil cases, resulting in new St. Joseph County Local Rule 201.4.2.
- (2) I authored St. Joseph Superior Court Magistrate Review Policy that has been adopted and implemented by the Court.
- (3) During the fall of 2016, I took the lead in creating an updated Employee Handbook for employees of the St. Joseph Superior Court, with the input and assistance of Brenda Rodeheffer of Indiana Office of Court Services.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

“Farm Reorganizations under Chapter 12 of the Bankruptcy Code,” *Res Gestae*, Indiana State Bar Association Journal, November, 1987. This was an article discussing the then-recently enacted amendments to the United States Bankruptcy Code providing for Chapter 12 Farm Reorganizations.

“Doing Business with Bankrupt Companies,” *Indiana Business Magazine*, April, 1992. This was a column briefly discussing some of the legal issues involved in business transactions with entities operating in bankruptcy.

D. Identify the five most significant legal matters entrusted to you, whether as a judge or lawyer, and describe why you believe them to be so.

- (1) I served as trial court judge in ESPN, Inc. and Paula Lavigne v. University of Notre Dame Security Police Department, a Department of The University of Notre Dame Du Lac, St. Joseph Superior Court, Cause Number 71D07-1501-MI-000017. The matter was significant in light of the complex and important legal issues involved, and the effect resolution of the issues presented could have on the parties, as well as the public. My order dismissing the case was affirmed by the Indiana Supreme Court in Cause No. 71AS05-1606-MI-359.
- (2) I served as trial court judge in Janetski v. Spears, St. Joseph Superior Court, Cause Number 71D07-0803-DR-000185. The matter is significant as an illustration of the cases heard and difficult decisions reached concerning child custody and parenting time issues where each of the parents is qualified to serve as custodial parent, but disagreements and/or long distance made it necessary for a court to make custody and parenting time decisions.

- (3) I served as trial court judge in Peggs-Monnier v. Monnier, St. Joseph Superior Court, Cause Number 71D07-1004-DR-000238. The matter is significant as an illustration of cases heard and difficult decisions made concerning child custody and parenting time where mental health and/or substance abuse issues were present.
- (4) I served as trial court judge in Basic, et al. v. Chaudhry, et al., St. Joseph Superior Court, Cause Number 71D07-1505-PL-000174. This matter is significant in light of the complexity of the facts and the important separation of church and state issue presented. My order dismissing case was affirmed by the Indiana Court of Appeals on August 19, 2016, in Cause No. 71A03-1510-PL-01820.
- (5) I am serving as trial court judge in Musselman v. Teachers Credit Union, St. Joseph Superior Court, Cause Number 71D07-1508-PL-000297. In that case I have addressed complex class certification and statute of limitation issues presented in a class action lawsuit involving thousands of potential class members seeking potentially millions of dollars in damages. The case, and my decisions, could have a significant financial impact on thousands of Hoosier consumers as well as on the financial institution involved.

7. Efforts to Improve the Legal System, Administration of Justice, or Society

A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice. Include a description of any management or leadership roles you undertook to achieve these goals, and describe any specific instances in which your collaborative efforts helped achieve these goals.

1. From 2015 through the Fall of 2016, I was a member of the Civil Benchbook Committee of the Judicial Conference of Indiana.
2. Since November of 2016, I have been a member of the Strategic Planning Committee of the Judicial Conference of Indiana.
3. I am currently a member of the Board of Directors of the Judicial Conference of Indiana.
4. In the early 1990's I was a District Representative on the Board of Directors of the Young Lawyers Section of the Indiana State Bar Association. In that capacity I organized a St. Joseph County Bench and Bar meeting and dinner. That dinner meeting was very well attended and resulted in a productive panel discussion among our county's judicial officers and the bar on issues of common concern.
5. I made presentations to high school students for Constitution Day at Penn High School in 2014 and 2015. Those presentations were on the jury trial system (2014) and the juvenile justice system (2015).
6. I have frequently attended and actively participated at activities of the St. Joseph County Bar Association New Lawyers Section, including

attending breakfast gatherings of new lawyers, ball games and other events. In 2014, I made a presentation to the New Lawyers Section concerning tips from the bench.

7. I have frequently attended and actively participated in activities of the St. Joseph County Bar Association Family Law Section. As a trial court judge, I am a strong believer that the Family Law Section is one of the most important sections of the Bar Association for reasons that include the contentious nature of Family Law Practice. I have strongly encouraged attendance at section meetings by members of the bar practicing in this area.
8. In 2014, I served as a judge of a “We The People” competition for Washington High School Students. I have also served as a judge of at least one previous “We The People” competition in Indianapolis while serving on the ISBA Young Lawyers Section Board of Directors.
9. During 2013-2016, I served on 4 occasions as judge for mock trials by law students at the University of Notre Dame Law School.
10. From 1989-1993 (approximately) I served as the Chair of the Grievance Committee of the St. Joseph County Bar Association. That Committee investigates and reports on attorney disciplinary matters as assigned by the Indiana Supreme Court Disciplinary Commission.
11. Since the Fall of 2016 I have served as the coordinator for the St. Joseph County Superior Court’s participation in the complex motion pilot program pursuant to Ind. Code § 33-38-15-1.

- B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

Prior to being appointed to the bench I was involved in various political campaigns and activities, including being a candidate for St. Joseph County Commissioner in 1988.

In 2012, I collaborated on a song that encourages remembering fallen U.S. Military Service Members. A video of the song has appeared on the Armed Forces Network and is available for viewing on YouTube.

- C. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) to improve your local, state, or national community through charitable work or public service. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

1. The Salvation Army of St. Joseph County. Advisory Board Member from approximately 1995-present. I served as Advisory Board Chair for the Mishawaka Salvation Army Corps. during the late 1990's. After the Mishawaka Corps. and the South Bend Corps. merged in the early 2000's, I continued to serve on the Advisory Board of the combined organization.

In approximately 2008, our local Salvation Army applied for, and after an extensive process was approved to receive, an extremely generous grant from the Joan Kroc estate to build and operate a sizeable community center in South Bend. I also served as a member of the Kroc Center Advisory Council during the planning of that Center.

In January of 2012, after a long fundraising campaign during the midst of the Great Recession, as well as an extensive construction period, the Ray and Joan Kroc Salvation Army Corps. and Community Center opened. Today the Kroc Center provides an invaluable resource for the entire St. Joseph County community. Located on the near west side of South Bend, the Kroc Center has a budget of approximately \$5 Million Dollars, with approximately 200 full and part time employees.

I am presently serving in my third year as Chairman of the Advisory Board of the organization.

2. Previously served as a mentor under South Bend Community School Corporation mentoring program.
3. Osceola Little League in various capacities, including coach, manager, member of board of directors, and Director of Senior Baseball (approximately 1992-2001).
4. Member of Board of Directors of The Children's Campus, Mishawaka, Indiana (unsure of years of service, approximately 3 years during early 2000's).
5. Member of Board of Directors of Parish Resource Center, Mishawaka, Indiana (unsure of years of service, approximately 3 years during early to mid 1990's).
6. From May of 2016, and continuing to the present time, I am working diligently to learn the Spanish language.

D. Describe the nature and extent of any *pro bono* legal services you have contributed.

1. While in private practice I was a member of the volunteer panel of Indiana Legal Services, Inc. My law firm and I were recognized in 2002 for providing the highest number of pro bono hours for the work performed on a litigation matter on which I was lead counsel.

2. Performed pro bono legal work for The Salvation Army of St. Joseph County, especially during the construction of the Ray and Joan Kroc Corps. and Community Center.
3. During 2016 I implemented two new practices to encourage pro bono participation by lawyers in St. Joseph County. The first was to work with the Volunteer Lawyer Referral Network to find new ways to regularly advertise to the bar information concerning specific cases for which pro bono representation is needed. Second, I implemented an ongoing practice of judges of the St. Joseph Superior Court to personally call and thank lawyers who accepted a pro bono referral during the previous calendar quarter.

E. Indicate your experience teaching law. Provide the dates, names of institutions or programs, and a description of the subject matter taught.

1. Instructor for American Institute of Banking course on Law and Banking in 1985 and 1986 (approximately).
2. Lecturer at various ICLEF and National Business Institute seminars on Real Estate (Mechanic's Liens), Farm and Small Business Reorganization, Collection Law and Creditors Rights.
3. Presenter for Local Practice Seminar presented by St. Joseph County Bar Association on the topic of summary judgments, November 12, 2015.
4. Presenter for litigation seminar presented by St. Joseph County Bar Association on "Lincoln and Legal Ethics," November of 2016.
5. Presenter for Demystifying the Judicial Nomination Process panel discussion sponsored by the St. Joseph County Bar Association, February 22, 2017.

8. Memberships and Other Activities

A. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

1. St. Joseph County Bar Association, member 1983-present. Chair of Grievance Committee 1989-1993 (approximate).
2. Indiana State Bar Association, member 1983-present. Young Lawyers Section Board (late 1980's – early 1990's approximately). Member of Bankruptcy & Creditors Rights Section (Board Member during 2013 until assuming the bench in 2013). Member of Diversity Committee, Fall of 2016 through Present.
3. Member Board of Directors of the Judicial Conference of Indiana.

4. Member of Robert A. Grant Inn of Court, St. Joseph County, Indiana, 2013-present. Currently serve on Executive Committee as Counselor of the organization.
5. Member of American Society of Composers, Authors and Publishers, member 2007-present.

B. List any memberships and offices you have held in civic, charitable, or service organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

1. Mishawaka Lions Club, member 1983 until approximately 2001. Served on a variety of committees and projects.
2. The Salvation Army of St. Joseph County, member of Advisory Board from approximately 1995-present. Current Advisory Board Chair. Past Advisory Board Chair for Mishawaka Corps.
3. Attend Nappanee Missionary Church, Nappanee, Indiana, and participate in music ministry.

C. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

None.

D. Describe your hobbies and other leisure activities.

I enjoy playing piano, reading, and traveling to visit children and grandchildren.

9. Legal Proceedings

A. List any lawsuits or legal proceedings in any jurisdiction, including but not limited to bankruptcies, dissolutions, and criminal matters to which you have been a party. Provide dates, case numbers, courts, names of other parties, and, if needed, a brief explanation. (If minor children are involved [i.e. an adoption], use initials only.)

None.

I am aware of lawsuits naming the St. Joseph Superior Court as a party that were filed or pending during my term of office as a judge of that court. I believe that there have been approximately four (4) such lawsuits. I am not aware that any of those lawsuits involved me personally as a party. I had some minimal involvement in the case of Straw v. Sconiers, et al., United States District Court for the Northern District of Indiana, Case Number 3:14-cv-1772, as that case was related to a case of which I was the presiding judge. The above referenced district court case was dismissed as to all parties on or about December 30, 2014. Plaintiff thereafter amended his complaint, but did not name the St. Joseph Superior Court as a defendant in the

amended complaint. To the best of my knowledge and belief, that lawsuit no longer involves the St. Joseph Superior Court, if it is pending at all. To the best of my knowledge and belief, the other three lawsuits involving the Superior Court involve accessibility of county facilities, and complaints about the appointment and use of magistrates. One of those lawsuits was filed in the St. Joseph Superior Court and assigned to me. Therefore I had the minimal involvement of issuing a recusal order and then naming a panel pursuant to our local rules whereby the successor judge was selected. Finally, the only other lawsuits would have been the collection lawsuits filed many years ago, while I was an associate with my former law firm, to collect fees payable to the firm. The practice of filing such collection suits may have continued to a limited extent after I became a partner. However, such collection suits either ceased or became quite rare while I was a partner and I have no recollection of any involvement in such suits after I became a partner in 1988.

B. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

No.

C. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number (if applicable), and describe the circumstances and the nature of the outcome or resolution.

No such disciplinary actions.

D. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

None.

10. References

A. Provide the names of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court (contact information to be included in Part Two of this application).

James M. Lewis, Esq.

Michael B. Watkins, Esq.

R. William Jonas, Esq.

- B. Provide the names of three professional references other than those listed in Subsection 10A (contact information to be included in Part Two of this application).

Hon. Jenny Pitts Manier

Jamie C. Woods, Esq.

Hon. Evan P. Roberts

- C. Provide the names of three personal references other than those listed in Subsection 10A or 10B (contact information to be included in Part Two of this application).

Douglas D. Small Esq.

Major Robert Webster

Hon. Elizabeth C. Hurley

11. State Police Release Form and Photograph

- A. Complete a State Police release form printed on green paper (you may obtain the release form by contacting the Nominating Commission Office at 317-232-4706). Include the release form with the original application only and not with the copies.
- B. Attach a recent photograph of you to the front of the original application and to each copy of your application. (This allows the Commission members to put a face with a name if you are interviewed in person.)

Date

Applicant Signature

Printed Name