

Application for the Court of Appeals of Indiana

Stephen R. Creason

PART ONE, Sections 1 – 11

1. Contact/General Information

A. Full legal name and any former names.

Stephen Richard Creason

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.

- Katie Marie Creason (36), wife, family & child therapist, self-employed
- E.R.C. (7), son
- G.M.C. (3), daughter
- E.A.C. (4 mos.), daughter

C. Business address, email, and telephone number.

Office of the Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204
steve.creason@atg.in.gov
317-232-6222

D. Attorney number.

22208-49

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

October 2000

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

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 not been admitted in any other state, however I have been admitted to the bars of the following federal courts:

- Supreme Court of the United States, February 2004, active
- U.S. Court of Appeals for the Seventh Circuit, April 2001, active
- U.S. District Court for the Southern District of Indiana, October 2000, active
- U.S. District Court for the Northern District of Indiana, October 2000, active

F. Date and place of birth.

August 6, 1975, in Danville, Illinois

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

Marion County

First became a resident in 1977

Most recently moved back in August 2011

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.

Wabash College, Crawfordsville, Indiana

August 1993-May 1997

Bachelor of Arts

- Indianapolis Water Company Eagle Scout Scholarship, 1993
- Various need- and merit-based scholarships from Wabash College (no record of precise details), 1993-1997
- Delta Sigma Rho-Tau Kappa Alpha forensic honorary society, 1996
- Runner-Up in Student Congress event, National Forensic Competition, Delta Sigma Rho-Tau Kappa Alpha Nationals, 1996
- High Pass, Senior Comprehensive Examination, 1997
- William Norwood Brigance Speakers Bureau Award, 1997
- James E. Bingham Award (pre-law studies), 1997

- 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.)

See attached pages

- 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).

Not applicable

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.

Indiana University Robert H. McKinney School of Law

August 1997-August 2000

Doctor of Jurisprudence

class rank not known and unreported on transcript

- Dean's List, Fall 1999 & Spring 2000

Oxford University, Brasenose College, Oxford, United Kingdom

Summer 1999

Certificate, ungraded

Summer program post-modernism critique

- 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.)

See attached pages (no transcript exists for Oxford program)

4. Employment

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

State of Indiana, Office of the Attorney General

Indianapolis, Indiana

February 1999–present

- Deputy Attorney General, October 2000–present
- Chief Counsel of Appeals, April 2010–present
- Section Chief of Habeas Corpus and Capital Litigation, January 2004–April 2010
- Law Clerk, February 1999–October 2000

Indiana University Robert H. McKinney School of Law

Indianapolis, Indiana

August 2011–present

Adjunct Professor of Law

Crossroads of America Council, BSA, Inc.

Indianapolis, Indiana

July–August 1997, June–August 1998

Counselor, Camp Belzer Cub Scout Day Camp

J.C. Penney Company, Inc.

Bradenton, Florida

June–July 1997

Associate

- 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.

For sixteen years, I have had the honor and privilege of serving the people of Indiana as a deputy attorney general in a wide-ranging practice before the state and federal appellate and trial judiciary. I began law school believing that I wanted to be an appellate attorney, prosecutor, or a litigator of cases of public concern; in the Office of the Attorney General, I have been fortunate to do all three within a single position in one of the most diverse legal practices in the State. I have handled or consulted on cases in nearly every area of law, in many of the most important issues that faced the State, and had the incredible opportunity to help shape and improve the law at the local, state, and national levels. Perhaps most important is the obligation, unique to government attorneys, to do justice first and before all other interests of my clients. In my role as leader of the State's advocates before the appellate courts, I have been able to bring that responsibility to life through my leadership.

Foremost, public service and servant leadership defines my career. I have served in the administrations of four Attorneys General of both political parties, and have represented state government under the leadership of four Governors of both parties. My civil case clients have included state employees, agencies, state officers and executives, the General Assembly and its members, and the Judiciary and its courts, agencies, and judges. In criminal cases, while my client is the people in the name of the State, I have been particularly sensitive to the interests of victims in my cases and have taken seriously our state constitutional command to treat them with fairness, dignity, and respect.

The cases that I have handled include issues touching upon nearly every area of law and my position requires deep knowledge of a wide variety of law. The appellate cases that I supervise include every criminal and post-conviction relief appeal filed in the Indiana Supreme Court or Court of Appeals, habeas corpus petitions filed in the federal courts, most civil appeals (except those assigned to the Solicitor General, tax matters handled by the Revenue Division, or appeals handled directly by a State agency with special legislative authorization), and appeals in child welfare cases involving the Department of Child Services such as children in need of services, termination of parental rights, and some adoption cases. The

civil cases run the gamut of legal issues, but primarily involve administrative law, constitutional law, civil rights, employment matters, statutory interpretation, and consumer protection suits. In these cases, we represent the State as a plaintiff and defendant, but always in the public interest.

My career is also marked by leadership both in my office and among the practicing Bar. Within my office, I have held increasing levels of responsibility, culminating with the leadership of the Appeals Division, the state's appellate practice group comprising over 35 attorneys, several support staff, and anywhere from five to twenty law students depending on the time of year. In this role, I am chiefly responsible for approximately 95 percent of the State's appellate cases, or over 2000 criminal and civil matters annually in the Indiana and federal courts. Some of my primary goals have been to standardize appellate practice across the different practice areas in my Division, as well as to move our practice to a paperless workflow. It is a fast-paced, dynamic law practice with very talented and knowledgeable colleagues.

Among the practicing Bar, I have a record of service and leadership. This summer, I am completing a term as the president of a national bar association of prosecutors that focuses on training in ethics, litigation skills, and criminal justice policy. I have taught a course at the Indiana University McKinney law school on governmental practice for the past four years. I am active in the appellate practice sections of national, state, and local bar associations, and I am a frequent presenter on appellate practice, and governmental or criminal law issues in continuing legal education seminars across the country and here locally. Our Supreme Court has also asked me to serve on committees to improve appellate practice and modernize appellate court management through the greater use of technology.

The hallmark of practice at the Attorney General's Office, however, is our obligation to see that justice is done in every case. In our criminal cases, this is a constitutional command; in our civil cases, it is a commitment. This means that I review cases where our attorneys believe that the State should concede, confess error, or settle because the interests of justice require it. The principle behind this expectation is that a government's interest is not merely to win or gain an advantageous position in litigation,

but rather it is to always see that justice is served for all of its citizens. We therefore frequently decide to concede a case or decline to pursue it further because the State should lose or seek another resolution, and it is partly my responsibility to discuss ways to resolve an appeal with prosecutors, government officials, and opposing counsel even if the resolution does not serve the State's other interests in the case.

The variety of cases, challenging subjects, fast pace, and high-level of advocacy required continues to provide me with a highly rewarding career of public service for which I am honored and thankful to have.

Attorney General's Office Senior Staff (Attorneys)

Gregory Zoeller, *Attorney General*

Matthew Light, *Chief Deputy Attorney General*

Gary Damon Secrest, *Assistant Attorney General*

Richard Bramer, *Director and Chief Counsel of Consumer Protection*

Patricia Erdmann, *Chief Counsel of Litigation*

Thomas Fisher, *Solicitor General*

Abigail Kuzma, *Chief Counsel of Victim Services & Outreach*

Allen Pope, *Chief Counsel of Professional Licensing*

Andrew Swain, *Chief Counsel of Revenue*

Matthew Whitmire, *Director of Medicaid Fraud Control Unit*

[colleagues in Appeals Division listed on following page]

Attorneys in Appeals Division

Mark Conner, *Criminal Prosecutions Section Chief*

Robert Henke, *Child Services Appeals Section Chief*

Andrew Kobe, *Criminal Appeals Section Chief*

David Steiner, *Civil Appeals Section Chief*

Larry Allen

Eric Babbs

Frances Barrow

James Boyer

Katherine Cooper

David Corey

Aaron Craft

Jesse Drum

Henry Flores

Kristin Garn

Lyubov Gore

Tyler Banks

Chandra Hein

Kyle Hunter

Marjorie Lawyer-Smith

James Martin

Ian McLean

Ellen Meilaender

Kelly Miklos

Christina Pace

Cynthia Ploughe

Brian Reitz

Abigail Recker

Justin Roebel

Angela Sanchez

Karl Scharnberg

George Sherman

Jodi Stein

Monika Prekopa Talbot

Richard Webster

James (J.T.) Whitehead

Michael Worden

5. Trial/Judicial Experience

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

I have not personally tried a case before a jury, as my practice has been focused on appellate matters. However, in the course of handling appellate proceedings, I have reviewed the trial proceedings in hundreds of criminal and civil cases. I have also assisted numerous prosecutors with recommendations, research, and strategic advice in numerous criminal cases being tried before a jury, often in the middle of trial.

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

I have served as lead counsel or second chair in six capital post-conviction relief evidentiary hearings (the criminal law equivalent of a bench trial in post-conviction cases) in Indiana trial courts. These death penalty hearings lasted a week or longer and typically involved numerous expert witnesses, as well as lay witnesses. The judges included the Hon. Robert Aylsworth (Warrick Superior Court), Hon. Cynthia Emkes (Johnson Superior Court), Hon. James Humphrey (Dearborn/Ohio Circuit Court, Hon. Patricia Gifford (Marion Superior Court), Hon. T. Edward Page (Lake Superior Court), and Hon. Frances Gull (Allen Superior Court). Opposing counsel were attorneys from the Indiana Public Defender's Office.

As primarily an appellate attorney, I have presented 47 oral arguments in 50 cases before the Indiana Supreme Court, Seventh Circuit, and Court of Appeals of Indiana. I have personally briefed hundreds of criminal and civil appeals before those courts.

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 not had the opportunity to serve as a judicial officer because to do so while also being a deputy attorney general would be unconstitutional dual-office holding.

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. Brief of Amici Curiae Indiana and 17 other States, *Burton v. Waddington* (later titled *Burton v. Stewart*), No. 05-9222 (U.S., filed October 2, 2006). I am the author of this brief, which argued that the U.S. Supreme Court should decline to make retroactive its new interpretation of the Sixth Amendment to criminal cases that have been final for many years. This brief was filed as part of my Supreme Court Fellowship, and it also earned a “Best Brief Award” from the National Association of Attorneys General for excellence in brief writing before the U.S. Supreme Court during the 2006-07 term of the Court.
 2. Brief of the Attorney General, *State ex rel. Commons, et al. v. Superior Court of Lake County, et al.*, No. 45S00-1303-OR-209 (Ind., filed April 18, 2013). In this rare writ of mandamus case in the Indiana Supreme Court, the Court invited the Attorney General to file this brief, which defended the constitutionality of the Lake County merit selection system for Superior Court judges. The Lake County judges had refused to follow the merit selection statutes when filling a vacancy on the juvenile court.
 3. Brief of Amicus Curiae State of Indiana in Support of Transfer, *Evansville Courier & Press, et al. v. Vanderburgh County Health Dept.*, No. 82A04-1302-PL-57 (later No. 82S04-1401-PL-49) (Ind., filed Sept. 30, 2013). This amicus curiae (“friend of the court”) brief urged the Indiana Supreme Court to review a Court of Appeals decision that allowed county health departments to refuse to allow public access to all parts of death certificates. The brief successfully argued that the Court should affirm long-standing precedent holding that the Access to Public Records Act (Indiana’s version of a Freedom of Information Act) does in fact allow some limited public access to these documents.

4. Appellants' Petition to Transfer, *Ind. State Ethics Comm'n, et al. v. Sanchez*, No. 49A02-1301-PL-12 (Ind., filed Nov. 3, 2013). This brief successfully asked the Indiana Supreme Court to review and affirm the State Ethics Commission's sanctions on a former state executive who, after being fired for financial mismanagement, stole some state property. The case had implications for all ethics agencies in state government when investigating wrongdoing that may also be criminal, and the brief defends the independence of the Ethics Commission from county prosecutors and the criminal justice system.
5. Brief of Amici Curiae Indiana and 16 other States, *Oregon v. Ice*, No. 07-901 (U.S., filed June 9, 2008). My colleague Ellen Meilaender and I are the authors of this brief, which explained to the U.S. Supreme Court the negative impact on state judiciaries and criminal justice systems if the Court were to expand one of its prior decisions about criminal sentencing. The majority opinion relied upon and cited the brief in deciding that the rule should not be expanded. *See* 555 U.S. 160, 171-72 (2009).

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. Senate Bill 261 (2015). Primary draftsman of several versions of this bill, which sought to increase parity in the ability of the prosecution to appeal matters of law as compared to criminal defendants.
2. Indiana Rules of Appellate Procedure (2001). While in law school, I assisted in the drafting and editing of parts of the new Appellate Rules that modernized appellate procedure in Indiana.
3. Indiana Rules of Appellate Procedure for Electronic Filing Pilot Project (proposed 2015). I serve on the committee tasked by the Supreme Court project to update the Rules of Appellate Procedure so that they can be used in the upcoming pilot project for electronic filing in the appellate courts. Our work is ongoing, but our proposed rules should be submitted to the Court before the end of spring.

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.

1. S. Creason, *A Broader View of Recent Sentencing Revision Cases*, INDIANA LAW BLOG, http://indianalawblog.com/archives/2013/07/ind_courts_a_br.html (July 22, 2013). A commentary piece on the role of the appellate courts in reviewing and revising criminal sentences on appeal, as well as correcting misunderstandings about the Attorney General's Office's approach in handling those cases.
2. D. Schweitzer, S. Creason, and M. Leforestier, SUPREME COURT REPORT (Nat'l Ass'n Att'ys Gen., Washington, DC, March-July, 2006). Authored summaries of new U.S. Supreme Court decisions on criminal law and related cases issued in latter half of the October 2005 term of the Court, as well as summaries of criminal cases where the Court granted certiorari review for the next term.
3. S. Creason, *Seventh Circuit Practice: Common Errors and How to Avoid Them*, THE APPELLATE ADVOCATE (Ind. St. Bar Ass'n, Indianapolis, IN, Spring 2006). An article for the State Bar Association Appellate Practice Section's publication that discussed procedural errors frequently made by attorneys handling appeals in the Seventh Circuit and made recommendations as to how practitioners could avoid those pitfalls.
4. S. Creason, *The Value of Procedure*, 80 IND. LAW JOURNAL 102 (2005). My article, which was an edited version of remarks given at the Law Journal's symposium about reform of capital punishment systems, discussed the importance and policy purposes behind procedural rules during the appeals process in capital cases specifically, and criminal matters generally.
5. S. Creason, *Seventh Circuit Practice: The Future of Citation to Unpublished Decisions in Federal Court*, THE APPELLATE ADVOCATE (Ind. St. Bar Ass'n, Indianapolis, IN, Winter 2005). My article, for the publication of the State Bar Association's Appellate Practice Section, discussed a major change in the Federal Rules of Appellate Procedure that for the first time allowed attorneys to cite to unpublished appellate court decisions in the federal Courts of Appeals.

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. **Capital Punishment Matters.** For six years, one of my primary responsibilities was to personally handle or directly supervise the State's capital punishment cases on appeal. These are unquestionably the most important criminal cases, not only because they are some of the most heinous crimes imaginable, but because they involve the most serious and solemn power that a government has: the ability to take a life. Consequently, prosecutors who handle death penalty cases must act with the highest ethical standards, ensure fairness at all stages, and remain consummate professionals. I have been involved in over fifty capital cases at both the trial and appellate levels, including twelve executions. These cases involved appeals before the Indiana Supreme Court; post-conviction hearings in county trial courts; habeas corpus litigation in the federal trial and appellate courts; clemency proceedings before the Clemency Commission/Parole Board; civil lawsuits attacking the process; and advising officials as to their duties in the process. Each case has presented unique circumstances and involved different concerns. All of these cases require heightened fairness, zealous advocacy for justice, and proper application of the law. Sometimes, that meant that we reached a settlement, or a criminal defendant properly obtained relief from the courts or executive clemency. Prosecutors, judges, and state officials have relied upon my judgment for advice and advocacy to ensure that Indiana's capital punishment system remains a model for the nation.
2. *Ind. Democratic Party ex rel. Parker v. White.* This case was a judicial review of the election contest made by the state Democratic Party over the 2010 Secretary of State election. I represented the Indiana Recount Commission and its three members, not the political party or candidate, in the Indiana Supreme Court. This case was important to establish what political parties and candidates can do after an election to overturn the will of the voters. The Supreme Court adopted my clients' position that if someone wants to challenge the eligibility of a electoral candidate, they cannot wait until after an election but must instead make any challenge well before election day. It is an important election law precedent that reminds political actors that the judiciary is not ordinarily the proper place to decide elections and that judges must be highly reticent to overturn elections absent substantial electoral fraud.

3. *State ex rel. Commons, et al. v. Superior Court of Lake County, et al.* This case was an unusual original action before the Indiana Supreme Court filed by several magistrates in the Lake County juvenile court after the Superior Court judges decided that a state law governing judicial selection was partially unconstitutional and that the judges themselves had the power to fill vacancies on their court as they deemed proper. I represented the State of Indiana and the Attorney General in defending the constitutionality of that judicial merit selection law. The Supreme Court upheld the statute and ensured that the juvenile court judgeship was properly filled according to law and preserved Lake County's unique merit selection laws.
4. *State v. Barker.* This case tested the constitutionality of Indiana's death penalty and life without parole statute after the U.S. Supreme Court changed the interpretation of the Constitution about what facts related to criminal sentencing had to be proven to a jury beyond a reasonable doubt instead of just found by a judge acting alone. The case was the seminal case in Indiana about whether our death penalty and life without parole statute remained constitutional. The Indiana Supreme Court upheld Indiana's statute, which had important implications for over 30 death penalty cases and many more life without parole cases then pending in Indiana.
5. *Brewington v. State.* This case tested the limits of the First Amendment's free speech guarantee when a man who became disgruntled with the justice system during his divorce and child custody dispute made threatening statements to a witness, a trial judge, and the judge's family in court proceedings, filings, and on the internet. He was convicted of intimidation of the judge, witness, and judge's wife, among other offenses. The appeal of Brewington's convictions attracted attention of the national legal media and First Amendment scholars. The case concluded with the Indiana Supreme Court upholding the intimidation of a judge conviction because Brewington's speech constituted "true threats" that are unprotected by the First Amendment. The case is important, even nationally, to illustrate the limits of both criminal law and the First Amendment when it comes to threatening speech in today's world.

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.

I am passionate about improving the law and serving the profession. First, as an appellate attorney for state government, my responsibility to the court is greater than merely to my client. In each case, my colleagues and I take care to ensure that the court is fully aware of the consequences to the law, legal system, and cause of justice that any particular case poses, irrespective of whether it would be otherwise advantageous to our clients' positions. The appellate courts hold the attorneys of my division to this high standard and I have earned a reputation for instilling high expectations for my colleagues in this regard.

Through my experience with capital cases, I work at the local, state, and national levels to ensure that the prosecutors in these cases maintain the highest ethical standards and receive quality training. I have had several opportunities to make a difference in this area. First, following President Bush's 2005 State of the Union address in which he announced his Capital Litigation Improvement Initiative, I was asked to serve on a Justice Department panel of experts to develop, promote, and execute a new national training program for prosecutors, public defenders, and judges that handle death penalty litigation. The result was a previously unheard of collaboration of organizations to carry out the mission of the Initiative. I also worked with the National District Attorneys Association in continuing the work of the Initiative through its own training seminars for prosecutors nationally.

In 2012, I was asked to join the board of the leading national bar association for prosecutors that handle capital and other serious homicide cases at all levels of the justice system. The Association of Government Attorneys in Capital Litigation organizes the premier training conference for prosecutors and similar government attorneys who handle these cases. Its priority is on high ethical standards, quality skills training, and education on policy concerns. I have served as its vice-president from 2013-14 and its president for the past year.

I am also engaged in bar associations through their sections focused on appellate practice. Through my involvement with the Indiana State Bar Association's Appellate Practice Section, for example, I have served on many CLE programs on a wide-range of topics in addition to having served on its governing council for several years. I am also an active member of the national Council of Appellate Lawyers and the Indianapolis Bar Association's Appellate Practice Section.

Courts have also called upon me to provide assistance to improving the appellate courts. Most recently, I have been involved with a committee of appellate practitioners and court administrators organized by the Indiana Supreme Court to revise the Rules of Appellate Procedure in order to properly implement electronic filing in the appellate courts. The challenge of modernizing case management in our appellate courts is great, and I am assisting in multiple ways to help facilitate the transition. In 2012-13, I also served on a committee to organize a year and a half test of an audio-visual recording system that could replace paper transcripts for appellate review in an effort to identify the best way for Indiana to reduce delays in appellate litigation.

I also volunteer as the moderator of an e-mail based discussion list for government attorneys who handle federal habeas corpus cases that challenge state court criminal convictions. The list is national network and resource for government attorneys in this highly specialized area of law.

Finally, I started teaching the "Representing the Government" class at McKinney law in 2011 to promote public service in the profession. Many of my students have gone on to serve in various public service positions across the county.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

I have been involved in the Republican Party as a precinct vice-committeeman in Marion County from 1997-1999 and a delegate to the State Convention in 1996, 2002, and 2008. I also was involved with the Indiana Federation of College Republicans from 1993-1997, serving as Wabash College chapter president, state committee parliamentarian, and state committee vice-president. I also volunteered with the Richard Lugar

for Senate campaign in 1994, and assisted in various campaigns around the Montgomery County area during my time at Wabash College.

I participated multiple times in the Indiana Supreme Court's and Indiana State Bar Association's "Why Lincoln was a Lawyer: Abraham Lincoln, the Law and Civic Education" program during the mid-2000s by speaking to students at Hancock County's Mt. Comfort and New Palestine Elementary Schools in about President Lincoln's years as a practicing attorney and how that experience shaped him and helped prepare him for the presidency.

- 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.

I am deeply committed to public service and servant leadership. The most important example is my work for the people of Indiana at the Attorney General's Office for over 16 years and foregoing opportunities in private practice. I have been a leader in state government devoted to mentoring and developing attorneys so that they are capable of high-level work representing the public before our appellate courts.

I also regularly volunteer time to mentor students from my alma maters, which I have found to be incredibly rewarding. At Wabash College, on various occasions I have organized panels of alumnus attorneys who have served in public interest positions in order to encourage students to consider careers a public servant lawyers, or at least make public service a part of their lives in some way. I have also served for many years as a judge in Wabash's unique undergraduate moot court competition. I was honored when the pre-law society recognized me for this work in 2012 with its Richard O. Ristine Award.

At McKinney Law, I teach a course on representing the government as a way to encourage and prepare law students to make room in their careers for service to the public. I also make internships and clerkships within the Office of the Attorney General regularly available to law students of all schools; my staff mentors between 12 to 20 law students with summer positions every year in the Appeals Division, and employs several others during the school year. These students are given the extraordinary opportunity to handle several appeal cases themselves, including writing

full briefs, during their service. I have also regularly volunteered to judge moot court competitions at the law school.

This commitment to service began during my time as a boy scout while a teenager. I pay back to Scouting by having volunteered in many positions either working to preparing boys and young men for life, or playing a supporting role within the organization to bring Scouting to more young people's lives. Among other roles within the organization, I am a den leader to 10 first grade Tiger Cub Scouts at my son's elementary school.

Together with my wife, I also volunteer with the faith formation program for preschool and grade school students at my church.

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

I have represented *pro bono* several students at Indiana colleges who have required legal assistance with issues regarding harassment, protective orders, and free speech issues.

Because of my position within state government and the State's wide-ranging legal interests that are often not readily apparent at first glance, I have limited my outside legal work in the past five years in order to avoid any possible conflict of interest.

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

I teach a regular course at the IU McKinney Law School entitled "Representing the Government" which introduces students to the issues, concerns, and law surrounding being an attorney for a government entity, whether it be at the local, state, or federal level. Topics that are covered include the question of who exactly is the client when the government is concerned, how government lawyers handle political influences, legal issues between the different levels of government such as home rule and federalism, ethical responsibilities of prosecutors, preemption of laws, and the emerging influence on the national policy by some government lawyers such as state attorneys general. I have taught this course since the fall of 2011.

I have presented at the following continuing legal education seminars and conferences:

- Moderator, *E-Filing in the Indiana Appellate Courts: Preparing for the Future of Appellate Practice*, Indiana State Bar Association, May 2015 (I will moderate a panel discussion that will introduce the upcoming electronic filing system to appellate practitioners at this year's "Evening with the Appellate Judges" State Bar Association event)
- Faculty, *Advanced Habeas Corpus Practice*, National Attorneys General Training Institute, April 2015 (I will give a presentation on the statute of limitations for federal habeas corpus petitions to habeas practitioners from attorneys general offices nationwide)
- Indiana Prosecuting Attorneys Council, regular presenter on various topics at their several conferences each year.
- Moderator, *Criminal Appeals*, State Solicitors and Appellate Chiefs Conference, National Association of Attorneys General, July 2014 (lead a discussion of recent U.S. Supreme Court decisions and other national criminal law issues at a meeting of the heads of appellate practices in state attorneys general offices nationwide)
- Panelist, *Cameras in the Courtroom: An Update on the A/V Transcript Pilot*, Indianapolis Bar Association, April 2014 (discussed experiences with the pilot project undertaken by the Supreme Court to study the feasibility of recording trials and using video "transcripts" instead of written transcripts at the appellate level)
- Faculty, *Habeas Corpus Practice*, National Attorneys General Training Institute, February 2014, May 2013, October 2009, and April 2009 (at each seminar, presented on federal court jurisdiction over habeas corpus petitions, restrictions on filing successive habeas petitions, and federal appellate procedure in habeas cases)
- Co-Chair, *Evening with the Appellate Judges CLE Program*, Indiana State Bar Association, May 2013 (served as emcee of the CLE portion of the program and with another attorney interviewed Justices Massa and Rush as the newest members of the Indiana Supreme Court)

- *Litigation Topics*, Sagamore American Inn of Court, March 2013 (presented the portion of program on practices disfavored by judges and issues about protecting the record for appeal)
- Panelist, Indiana Criminal Justice Summit, October 2012 (served on panel discussing possible legislative solutions to issues impacting the presentation of forensic and expert testimony caused by the U.S. Supreme Court's changes to the law on the Sixth Amendment's right of confrontation in criminal trials)
- Planning Committee, Annual Conference of the Association of Government Attorneys in Capital Litigation, 2012-2015 (planned the leading national training conference for prosecutors in life without parole and capital murder prosecutions and appeals; served as conference chair at August 2014 conference)
- *Mediation*, Sagamore American Inn of Court, April 2012 (created multimedia presentation for discussion of mediation skills)
- Presenter, Indiana Criminal Justice Summit, October 2010 (presented on the appellate and collateral review procedures in Indiana death penalty cases)
- *Judicial Selection*, Sagamore American Inn of Court, September 2010 (member of team that organized panel discussion on judicial selection in Indiana)
- Faculty, *Capital Litigation Seminar*, Indiana Prosecuting Attorneys Council/National District Attorneys Association, October 2006 (moderated a panel discussion of elected prosecutors on how they decide whether to seek the death penalty or life without parole for a murder suspect, and co-presented a session on protecting the record for appeal)
- Organizer, *Capital Litigation training course*, National College of District Attorneys, October 2005-present (served on a committee of prosecutors from around the nation that developed a national training course on prosecuting death penalty cases that arose out of President Bush's Capital Punishment Improvement Initiative)
- Symposium Panelist, *Toward a Model Death Penalty Code: The Massachusetts Governor's Council Report*, Indiana Law Journal, Indiana University Maurer School of Law, September 2004 (served

on panel discussing the application of procedural rules in capital punishment cases)

- Faculty, *Developing Appellate Skills Seminar*, Indiana Continuing Legal Education Forum, November 2003 (served as a reviewer and provided critique of mock appellate briefs written during the seminar)
- Faculty, *New Indiana Appellate Rules Seminar*, Office of the Attorney General, November 2000 (presented about a portion of the new Rules of Appellate Procedure to a group of government attorneys, public defenders, and judicial law clerks)

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.

- Indiana State Bar Association, intermittently since 2000
 - Appellate Practice Section Council, 2012-present

The ISBA is the largest legal organization in the state and strives to advance the profession of law and secure a more effective administration of justice; promote reforms in the law; and encourage excellence in legal education for both the law student and the practicing lawyer. The Appellate Practice Section Council is the governing body for the section that encourages and plans continuing legal education forums for those in appellate practice, and work to simplify and expedite appellate procedure where appropriate.

- American Bar Association, 2000-03, 2011-present
 - Judicial Division
 - Council of Appellate Lawyers
 - Litigation Section

The ABA is the national bar association. The Judicial Division works to promote an independent judiciary and plan educational opportunities. The Council of Appellate Lawyers does the same with a focus on appellate practice and judiciary. The Litigation Section provides educational opportunities and publications on matters related to courtroom litigation.

- Seventh Circuit Bar Association 2012-present

A bar association of lawyers practicing in the federal courts located within the Seventh federal Judicial Circuit.

- Indianapolis Bar Association, 2014-present
 - Appellate Practice Section

A bar association of Indianapolis area lawyers and judges. The Appellate Practice section provides CLE opportunities related to appellate practice.

- Association of Government Attorneys in Capital Litigation, 2004-present
 - President, 2014-2015
 - Vice-President, 2013-2014
 - Board of Directors 2012-present

AGACL is the national bar association of prosecutors who are involved with prosecuting capital cases. Its priority is hosting an annual national conference of prosecutors for training on ethics, skills, and policy issues surrounding litigation of these cases.

- Federalist Society for Law and Public Policy Studies, 1997-present
 - I.U. School of Law—Indianapolis Chapter, 1997-2000
 - Indianapolis Lawyers Chapter board, 2000-present

The Federalist Society is an organization of conservative and libertarian law students, lawyers, professors, and judges that promote the rule of law, individual liberty, separation of powers, and a restrained judiciary. The Indianapolis lawyers chapter board plans monthly luncheon speakers on a variety of timely legal topics of interest to central Indiana lawyers.

- Sagamore American Inns of Court, 2010-2014

The American Inns of Court is a national bench-bar organization modeled after the British Inns of Court and is aimed at fostering skills, professionalism and ethics among litigators and judges. The Sagamore Inn is one of two Inns of Court in Indianapolis.

- Philadelphia Society, 2014-present

An organization of scholars, educators, business leaders, clergy, professionals, and public officials interested in pressing economic, political, cultural and other issues, as well as fostering a discussion about freedom and its future around the world.

- National Association of Extradition Officials, 2001-present
NAEO is an organization that educates, trains, and supports extradition officials in the respective states and promoting uniform laws pertaining to extradition matters.
- United States District Court for the Southern District of Indiana Historical Society, 2010-present
This historical society promotes awareness of and educates the public about the history of the federal courts in Indiana.
- Supreme Court of the United States Historical Society, 2006-2009
This organization promotes the history of and scholarship about the United States Supreme Court.

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

- Boy Scouts of America
 - Youth Member, 1982-1993
 - Eagle Scout, 1988
 - National Eagle Scout Association, 1988-present
 - Council (Central Indiana) NESA Committee, 2008-present
 - Camp Staff, Camp Belzer, summers 1989-1998
 - Cub Scout Day Camp Counselor, 1989-1993, 1997-1998
 - Boy Scout Day Camp Program Director, 1994-1996
 - Assistant Scoutmaster, Boy Scout Troop 488, 1993-2005
 - Northeast District Committee, 2008-present
 - District & Council Membership Committees, 2011-12, 2014-present
 - Den Leader, Cub Scout Pack 444, 2014-present

The Boy Scouts of America is a Congressionally chartered youth organization that is part of the World Scout Movement. It provides a program for boys and young men and women that builds character, trains them in the responsibilities of participating citizenship, and develops personal fitness. Its programs serve boys age 6-10 in Cub Scouting, young men age 11-18 in Boy Scouting, and young men and women age 14-21 in Venturing. It also provides programs at schools and community-based organizations through its Learning for Life and Exploring programs. The Crossroads of America Council is the BSA's organization in central Indiana.

- Foundation for a Traditional Wabash, Ltd.
 - Board of Directors, 1997-2010

The Foundation is a non-profit organization that supports students of Wabash College who publish the Wabash Commentary, an independent publication at the College that voices conservative and libertarian views on campus life and activities.

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.

I do not belong to any social club or organization.

D. Describe your hobbies and other leisure activities.

My favorite hobbies are photography, technology, and computers. I started photography while in junior high school covering school events and athletics for the newspaper and yearbook. That hobby developed into coursework, but after realizing that a career with National Geographic was quite unlikely, I have been taking pictures for personal enjoyment. A highlight of my photography “career” is one of my photos being used by the University of Notre Dame as a mural in its administrative offices.

Following technology and computer developments has always interested me since I used my first Apple II computer in elementary school. Now, it primarily causes me to spend too much time playing with my iPad and iPhone. I also enjoy outdoor activities such as camping and hiking, a hobby picked up from my days as a Boy Scout. Reading is also important to me, although most of my reading is professional these days.

Finally, but most importantly, I love spending my free time involved in all sorts of activities with my three young children. They are fun and inspire me as a man and father.

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.)

- *City of Indianapolis v. Creason*, No. 49F31-9507-OV-95550 Marion Superior Court, Traffic Div., July 24, 1995 speeding infraction, \$95 fine
- *State v. Creason*, No. 30D02-9607-IF-300, Hancock Superior Court 2, July 23, 1996, disregarding traffic control device infraction, \$65 fine
- *State v. Creason*, No. 67D01-9807-IF-1846, Putnam Superior Court 1, July 17, 1998, speeding infraction, \$122 fine
- *City of Indianapolis v. Creason*, No. 49F31-9911-IF-200543, Marion Superior Court, Traff. Div., Oct. 12, 1999, speeding infraction, \$110 fine
- *Carl A. Coleman v. Creason*, No. 77D01-0306-MI-173, Sullivan Superior Court, June 26-30, 2003, prisoner's petition for writ of habeas corpus, dismissed prior to service for failure to state claim
- *City of Janesville, Iowa v. Creason*, No. 2091JASTWG518912, speeding, Iowa District Court for Bremer County, July 3, 2003, speeding infraction, \$43 fine
- *Iowa v. Creason*, No. 02661STA2863, Iowa District Court for Mitchell County, May 31, 2010, speeding infraction, \$87 fine
- *City of Indianapolis v. Creason*, No. 49G13-1208-OV-72785, Marion Superior Court, Traffic Div., Aug. 8, 2012, speeding infraction, unknown fine
- *Ohio v. Creason*, No. B689844, Van Wert Municipal Court, May 25, 2014, speeding infraction, \$140 fine

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.

Not applicable.

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.

Not applicable.

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

None, however we filed for an extension to file our 2014 federal and Indiana tax returns due to missing forms needed to complete the returns. Full estimated taxes have been paid.

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 Court of Appeals of Indiana (contact information to be included in Part Two of this application).

- Brian J. Paul
- Jon B. Laramore
- Monica Foster

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).

- Gregory F. Zoeller
- Todd J. Meyer
- Scott Himsel

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).

- Thomas D. Thibault, Ph.D.
- Rev. William Marks
- William Hobbs

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.)

April 27, 2015

DATE

APPLICANT'S SIGNATURE

Stephen R. Creason

PRINTED NAME