



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

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)

Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

Vicki Lynne Carmichael

B. Current home and office addresses, including email addresses and telephone numbers.

Home address:

Office address: 501 East Court Avenue, Room 253, Jeffersonville, Indiana 47130

E-mail address:

Home telephone:

Office telephone: (812) 285-6294

C. Date and place of birth.

July 6, 1962, Bloomington, Indiana

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

III. A. State in what county you currently reside and since what date.

Clark County, Indiana since 1970.

B. List all previous counties of residence, with dates.

Monroe County, Indiana, 1962-1966

Marion County, Indiana, 1966-1970

C. When were you admitted to the Indiana Bar?

October 14, 1988

D. Are you currently on active status?

Yes.

E. What is your attorney number?

14206-49

IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Michigan State University	08/1980-12/1981	None
Indiana University Southeast	01/1982-05/1984	Bachelor of Arts

B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
University of Louisville	08/1984-05/1987	J.D. 20/86

C. Describe any academic honors, awards, and scholarships you received and when.

Winner of the Pirtle-Washer Moot Court Competition (1985). This was an oral argument competition competed in during my first year of law school. For winning the competition, I received one semester scholarship which paid in-state tuition costs.

Elected as President of the Student Bar Association and served from August 1986 until May 1987 at the University of Louisville School of Law. For winning this election, I received a one year scholarship which paid in-state tuition costs.

Selected as Staff Member of the Journal of Family Law from August 1985 until May 1987.

Member of the National Moot Court Team for the University of Louisville School of Law participating in National Moot Court competitions in Virginia in 1986.

Jeffersonville Optimist Club Scholarship for a speech entitled "What My Country Means to Me" awarded in May 1980.

- V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

Membership Secretary, Louisville Zoological Society, 1100 Trevilian Way, Louisville, Kentucky 40204, May 1984-August 1984

Law Clerk, Frank E. Haddad, Jr., Suite 500, Kentucky Home Life Building, 239 South Fifth Street, Louisville, Kentucky 40202, May 1985-June 1987

Staff Attorney, Justice Charles M. Leibson, Kentucky Supreme Court, 514 West Liberty, Louisville, Kentucky 40202, August 1987-August 1988

Private Practice, Carmichael & Skaggs, 1119 Kentucky Home Life Building, 239 South Fifth Street, Louisville, Kentucky 40202, August 1988-January 1989

Chief Public Defender, Clark County Public Defender Department, Clark County Government Building, 501 East Court Avenue, Jeffersonville, Indiana 47130, January 1989-August 1994

Assistant Public Defender, Clark County Public Defender Department, Clark County Government Building, 501 East Court Avenue, Jeffersonville, Indiana 47130, August 1994-January 2000

Solo Private Practice, 432 East Court Avenue, Jeffersonville, Indiana 47130, September 1994-May 1996

Private Practice, Carmichael, Mosley, Stonebraker & McCall, 100 West Court Avenue, Jeffersonville, Indiana 47130, May 1996-May 1997

Solo Private Practice, 332 Spring Street, Jeffersonville, Indiana 47130, May 1997-September 1997

Solo Private Practice, Post Office Box 910, Jeffersonville, Indiana 47131, September 1997-April 1998

Solo Private Practice, 430 Watt Street, Jeffersonville, Indiana 47130, April 1998-December 2006

Jeffersonville City Court Judge, 500 Quarter Master Court, Jeffersonville, Indiana, January 2000-December 2006

Judge of Clark Superior Court No. 1, 501 East Court Avenue, Jeffersonville, Indiana, January 2007-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.

My former practice of law was focused on criminal defense, both public defender and private defense work, for most of my practice. When I became City Court Judge in January 2000, I ceased practicing in the criminal defense area and began focusing my practice on family law issues. I was a registered family law mediator. During my private practice of law, as well as my years as the Chief Public Defender in Clark County, I also handled a great deal of appellate work.

My most recent office mates included my husband, Lonnie Thomas Cooper, and (now) Magistrate William A. Dawkins. Also sharing space at the office building owned by my husband was attorney Andrew Adams. I previously practiced law in offices with David E. Mosley, William Perry McCall, III, Jennifer Bertrand, Matthew S. Jacobs, John R. Vissing, Joni L. Grayson, Charles Gregory Read, and Gary Miller.

C. Describe the extent of your jury experience, if any.

As an attorney, I participated as sole counsel, lead counsel and co-counsel in well over thirty (30) jury trials. One case involved a death penalty request by the State. I have represented several defendants charged with murder, as well as charges related to drugs, drunk driving, rape, burglary, confinement, theft and habitual offender counts.

As a sitting trial court judge, I have conducted six (6) civil jury trials and three (3) criminal jury trials since January 2007.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

I began my judicial career as Judge of Jeffersonville City Court where I presided over approximately 1,500 misdemeanor and 1,200 traffic infraction cases per year. The misdemeanor offenses included Operating a Vehicle While Intoxicated and other alcohol-related offenses. I started the first "Alcohol Court" program in Clark County. I began a Victim Impact Panel program and a defensive driving program while City Court Judge. I served as City Court Judge for seven (7) years.

I was elected to Clark Superior Court No. 1 in 2006 and began service January 1, 2007. Superior Court No. 1 has the exclusive juvenile jurisdiction in Clark County. In addition, I handle major felony cases, civil matters, estates and domestic relations cases. I began the first Family Court project in Clark County, which provides a "one family - one judge" model as well as an information sharing model to assist families in need. I serve as the Judicial Liaison to District 14's Pro Bono Program. And, I am the District 14 Representative on the Board of Directors for the Judicial Conference of Indiana. I am a 2009 graduate of the Indiana Judges Program.

As a sitting trial court judge, I have conducted six (6) civil jury trials and three (3) criminal jury trials since January 2007.

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

1. "Jane Doe" v. Carl M. Tobias, 72A01-9712-CV-394, Brief of Appellant, filed March 16, 1998. The Indiana Supreme Court ruled in favor of my client, "Jane Doe," in *Doe v. Tobias*, 715 N.E.2d 829 (Ind. 1999).

2. Doris Duffy v. Stanley J. Duffy, 88D01-0811-CT-382, Order Granting Defendant's Motion to Dismiss, entered September 1, 2009. Decision was affirmed by Indiana Court of Appeals, 88A01-0910-CV-00610.

3. Tracey L. Grube v. Paul Jeffrey Grube, 22C01-0606-DR-107, Findings of Fact and Conclusions of Law, entered September 15, 2009. Decision was affirmed by Indiana Court of Appeals, 22A01-0912-CV-00596.

4. B.J. Alan Fireworks of Indiana d/b/a Phantom Fireworks v. the Town of Clarksville, et al, 10D01-0906-PL-501, Findings of Fact and conclusions of Law Denying Temporary Restraining Order, entered June 19, 2009.

5. Environmental Management Corporation v. City of Jeffersonville, Indiana and City of Jeffersonville Sanitary Board, 10D01-0808-PL-757, Findings of Fact, Conclusions of Law and Judgment, entered April 12, 2010.

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, by date, and by subject matter.

I participated in drafting the first Local Criminal Rules for Clark County Courts in 1995.

I participated in re-drafting the Local Administrative Rules for Clark County in 2007 and 2009.

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.

Case Note, *Constitutional Law*, Journal of Family Law, Vol. 24, No. 1 (1985), pp. 87-93. This was the Case Note I submitted for publication as a student at the University of Louisville School of Law. It involved the martial exemption in the rape and sodomy statutes of the New York Penal Law and the gender exemption in the rape statute. These were found to be unconstitutional violations of the equal protection clause of the fourteenth amendment to the United States Constitution.

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

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

I was an active participant in the Clark-Floyd County Pro Bono Project from its inception in 1996 until January 2007. I won the award in 1997 for providing the most hours of any individual attorney in Clark or Floyd Counties to pro bono service. My office at that time, Carmichael, Mosley, Stonebraker & McCall, was also recognized as the leading office providing pro bono hours of service that same year.

I currently serve as the judicial liaison and Chair of the Board of Directors for District 14's Pro Bono Program under the executive leadership of Amy Roth.

F. 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. The most recent significant legal matter entrusted to me is my appointment by the Indiana Supreme Court as Special Judge in the case of State of Indiana v. Mike Deatrick. This is a high profile, highly publicized case in Southern Indiana involving the Sheriff of Harrison County who has been indicted on ten felony counts

and two misdemeanor counts. The appointment as Special Judge was necessary due to the publicity and the political nature of Mr. Deatrick's position in Harrison County. I believe this case was entrusted to me by the Supreme Court because of my reputation as a trial court judge. My peers have always been very supportive of my work as a judicial officer, and the attorneys practicing before me have been very complimentary of my demeanor. The trust given to me by the appointment is significant because I believe politics should play no part in judicial decision making.

2. Another significant legal matter entrusted to me was a criminal case involving the Clark County Republican Party Chairman, Glenn Murphy. Even though this case involved a lot of publicity and politics, I was not asked to recuse myself from the case nor did I feel compelled to do so. As stated above, politics plays no role in my decision making as a judge. Mr. Murphy entered a plea of guilty and was sentenced by me. The fact that our political opinions may be different did not preclude me from rendering a fair and just disposition. While I could have rejected the plea agreement and forced Mr. Murphy to trial, the attorneys involved trusted me to make the right decision in the case without taking politics or my position into consideration. The plea agreement was accepted and the case was concluded.

3. Another criminal case comes to mind that was significant. This case involved a young woman, Sheila Granger, who was found guilty by a jury of several felony counts of child molesting against two young boys. While the public outcry against such crimes was not as severe because Ms. Granger was a female and the victims were male, my sentence reflected my belief that the gender of the victim is not relevant nor is the gender of the defendant. The young boys who were victimized will never be the same, and the defendant expressed no remorse for her actions. While many in the community assumed I would pronounce a "lenient" sentence, including the mothers of the victims, all were surprised and pleased that the sentence imposed was one of sixty (60) years.

4. A significant legal matter entrusted to me as an attorney was my appointment as the first Chief Public Defender for Clark County. I was given the responsibility of creating a unified office. The judges appointed me over the application of some of the then part-time public defenders. I was appointed despite my being out of law school only one year and having no trial experience. The position involved all of the appellate work, which my law school clerking and position with the Kentucky Supreme Court prepared me for and set me apart from the other applicants. The trust given to me by the judges resulted in a transformation of the way public defender services were provided to Clark County. The system I created in 1989 continues in large part to the present day.

5. The most significant legal matter entrusted to me has been my position as Judge -- first in Jeffersonville City Court and now in Clark Superior Court No. 1. I have been elected three times to these positions, and the citizens of Clark County continue to put their trust in me to handle the legal affairs in a fair, efficient manner.

My position in Superior Court No. 1 involves the exclusive handling of all juvenile related matters, including delinquency, status offenses, as well as abused and neglected children cases. The juvenile caseload is the most significant that I deal with in my position. As judge, I affect the lives of so many families in our community on a daily basis by my decisions. I take that trust very seriously and continue to improve my skills in order to have a positive impact on the lives of the juveniles and their families.

G. Provide the names, addresses, and telephone numbers 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.

Jeremy Mull, Chief Deputy Prosecutor
501 East Court Avenue
Jeffersonville, Indiana 47130
Phone: (812) 285-6264
Cell: (502) 432-7156

C. Gregory Fifer, Attorney at Law
Applegate, Fifer & Pulliam
428 Meigs Avenue
Jeffersonville, Indiana 47130
Phone: (812) 284-9499

R. Scott Lewis, Attorney at Law
530 East Court Avenue
Jeffersonville, Indiana 47130
Phone: (812) 288-6820

VII. 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 a regular speaker in the local school districts where I speak to students about the importance of the law, of education and of serving the community. In addition, I have spoken to various civic organizations about the legal system and particular programs in Clark County.

I began a Youth Roundtable in 2007 after taking office in Superior No. 1 to bring together once a month the "stakeholders" in the lives of the children in our community. There are over 40 representatives of the school systems, Department of Child Services, Prosecutor's Office, Public Defender's Office, foster homes, child care facilities, mental health facilities and other agencies who work with children who meet once a month to discuss the

various programs offered by the different agencies, any suggestions for improvements in the way services are delivered to children and families, and to provide support for one another in this work related to our community.

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

One of the social issues facing our community is truancy. I reformed the Clark County Absence Review Panel, which now meets twice a month to address specific students and their parents about their truancy issues. I began a Truancy Court project out of the Youth Roundtable meetings listed above. If the Absence Review Panel makes a referral to court, the parents and students are brought before the court to further address the truancy problems.

As stated above, I am also a regular speaker at various schools and various civic organizations where I speak about the local justice system and the various programs offered by the courts. As a sitting judge, I have not been active in political issues in years when I am not campaigning for office. But, when I am campaigning for office, I have been involved in numerous activities in support of local office holders.

C. 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.

I have been a volunteer with the American Cancer Society, Clark County Chapter, in various positions since 1989. I served as the Board Chair, District Representative and member of the Indiana Division Board of Directors. I continue to participate in the Relay for Life fundraising efforts as a volunteer.

I have been a volunteer with the American Red Cross, Clark County Chapter, since 1987. I served on the Board of Directors as Board Chair and currently sit on the Advisory Board. I continue to assist with local blood drives.

I served on the United Way of Clark County Board of Directors from 1994 to 1996 and participated in fundraising efforts through the government employee campaigns.

I am a current (and past 1997-1998) member of the Jeffersonville Rotary Club, having joined the organization again in 2009.

I am a 2000 graduate, past Board member (2000-2007), and past Board Chair (2005-06) of Leadership Southern Indiana.

D. 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.

Member of the Clark County Bar Association since 1989. I served as the Activities Chairperson from 1992 to 1995.

Founding member of the Sherman-Minton American Inns of Court created in 1998 for Clark and Floyd County attorneys. I currently serve on the Executive Committee and have served as a team leader for the past three years.

Member of the American Bar Association since 1987 and the ABA National Conference of Specialized Court Judges, since 2000.

Member of the American Judicature Society since 2007.

Member of the Juvenile Justice Improvement Committee since 2007.

District 14 Representative on the Board of Directors of the Judicial Conference of Indiana since 2009.

E. 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.

Member, Clark County Democrat Women's Club, since 1994. The membership is not restricted.

Member, Clark County Democrat Men's Club, since 2008. The membership is not restricted.

Member, Jeffersonville Rotary Club, since 2009. The membership is not restricted.

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

1. Adjunct Professor, Vincennes University (1994-1995)
Taught three courses in Clark County, including Constitutional Rights of Prisoners, Criminal Law, and Criminal Justice Today.
2. Adjunct Instructor, Ottawa University (2003-present)
Teach Business Law and Employment Law & Policies.

3. Adjunct Instructor, Ivy Tech Community College (2008-present)
Teach Introduction to Courts, Juvenile Justice, and Juvenile Law & Procedures.

G. Describe your hobbies and other leisure activities.

My hobbies include traveling both in the United States and abroad. I also enjoy reading, and I am interested in writing for publication. I have taken some courses related to that interest, but have not published yet.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

Cecile A. Blau, Senior Judge
6418 Conservation Drive
Jeffersonville, Indiana 47130
Phone: (812) 282-9841
Cell: (502) 558-3285

Steven M. Fleece, Senior Judge
6608 Autumn Ridge Drive
Charlestown, Indiana 47111
Phone: (812) 256-2453
Cell: (502) 439-9148

Joseph P. Weber, Judge
Clark Superior Court No. 3
501 East Court Avenue
Jeffersonville, Indiana 47130
Phone: (812) 285-6316
Cell: (812) 987-6160

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

Brenda Johnston
2029 Cardinal Lane
Jeffersonville, Indiana 47130
Phone: (812) 283-6399
Cell: (812) 786-4245

Leonard Gardenour
503 Captain Frank Road
New Albany, Indiana 47150

Phone: (812) 941-9909
Cell: (502) 572-7349

Denise Schafer
215 E. 31st Street
Unit 4
Chicago, IL 60616
Phone: (312) 353-0752
Cell: (312) 480-0216

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

N/A

D. 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.

N/A

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

Kentucky, October 1987-present

F. 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.

N/A

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

N/A

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves

treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes.

062910
DATE


APPLICANT'S SIGNATURE

Vicki L. Carmichael
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

062910

DATE



APPLICANT'S SIGNATURE

Vicki L. Carmichael

PRINTED NAME