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

APPLICATION

FOR THE

INDIANA TAX COURT

(SEE INSTRUCTIONS)
Deadline – Monday, September 20, 2010

I. Provide your:

A. Full legal name and any former names.
Michelle Lee Baldwin
Michelle Lee Kirby (former)

B. Current home and office addresses, including email addresses and telephone numbers.
Home:
Office: 9728 Fortune Drive, Fishers, IN 46037
Phone: 317-242-8124 (only phone)
Email: mlbaldwinlaw@gmail.com

C. Date and place of birth.
November 9, 1973
Anderson, Indiana

II. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.
See tab 1.

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

IV. A. State in what county you currently reside and since what date.
Hamilton County since April 2009

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

September 2005 – April 2009: Marion County
April 2005 – September 2005: Collier County, Florida
August 1998 – April 2005: Marion County
August 1992 – May 1994: Monroe County (Indiana University)
November 1973 – August 1998: Madison County

C. When were you admitted to the Indiana Bar?

2001

D. Are you currently on active status?

Yes

E. What is your attorney number?

22697-49

V. 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.)

School	Dates Enrolled	Degree or Certificate
Kelley School of Business (Indiana University)	Fall 1992–Fall 1997	Bachelor of Science in Business

Transcript attached at tab 2.

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.)

School	Dates Enrolled	Degree and Class Rank
Indiana University-Indianapolis	Fall 1998-Fall 2000	Juris Doctorate 84/262

Transcript attached at tab 2.

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

First Indiana Bank A-Core Prize Winner (currently known as I-Core) – Kelley School of Business

Spring 1997

Students are divided into teams to integrate their knowledge learned during the three A-Core courses (Financial Management, Marketing, and Operations Management) to bring a product to market. The two teams with the highest scores from their presentations receive the First Indiana Bank Prize (currently known as M & I Bank Prize).

Dean's List – Indiana University School of Law – Indianapolis
Fall 1999, Spring 2000, Fall 2000

Katz Sapper & Miller Tax Award (currently known as the Patrick J. Burns Excellence in Tax Award) – Indiana University School of Law – Indianapolis
Spring 2000
Awarded to two students annually who excel in at least two tax courses.

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

Ernst & Young LLP, Tax Associate, Indianapolis, Indiana (1998)

Tabbert Hahn Earnest & Weddle, LLP, Law Clerk, (1999-2000)

PricewaterhouseCoopers LLP, Associate Tax and Legal Services Group, Indianapolis, Indiana (2001)

Tyra & Collesano, LLP, Litigation Associate, Indianapolis, Indiana (2001-2003)

Advocate Consulting, LLC, Tax Consultant, Indianapolis, Indiana and Naples, Florida (2003 -2005)

Lewis and Wilkins, LLP, Associate and Partner, Indianapolis, Indiana (2005 – 2009)

Ivy Tech Community College, Adjunct Professor, Indianapolis, Indiana (January 2010 – present)

Total Energy Solutions Company, Inc., General Counsel, Indianapolis, Indiana (July 2009 – present)

Baldwin Legal Services, LLC, Partner, Fishers, Indiana (July 2009 – 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.

I started practicing as a Tax and Legal Services Associate at PricewaterhouseCoopers LLP immediately out of law school. I worked with members of our group to defend client's Internal Revenue audits, prepare Indiana business property tax compliance forms, and manage a client's tax department, including federal and Indiana taxes.

I then accepted a position as a litigation associate at Tyra & Collesano, LLP where I was responsible for all aspects of litigation of files assigned to me. I prepared all discovery, wrote and argued all motions, and negotiated settlements.

My cases were settled before trial, however, I had an opportunity to sit second chair in a three day trial. Jim Bleeke and Doris Sweetin were partners that guided and counseled me through litigation.

I accepted a position at Advocate Consulting, LLC, with Lou Meiners in 2003 where I consulted businesses on the federal, state and local tax consequences of their aircraft ownership. This position allowed me to use my legal knowledge of taxes, but also the accounting skills I learned in my classes during my undergraduate education and accounting firm position.

After relocating the company to Naples, Florida, I moved back to Indiana and accepted a position as senior associate at Lewis and Wilkins, LLP. I worked with John Lewis defending the State of Indiana against tort claims. I defended all cases in which a prosecutor was a named defendant, including filing pleadings and motions. The majority of the cases ended with a successful Motion to Dismiss and argument thereon. I later worked with Mike McMains on pharmacy and medical licensing issues with the Indiana state licensing boards. These matters generally consisted of preparing a client for re-establishment of his license by arguing his case in front of the board. I also continued my tax work in the aviation industry and broadened my tax representation to include Indiana sales tax credits and exemptions in certain industries. I also broadened my business law practice.

In July 2009 I became a sole practitioner representing tax and business clients. I continue representing businesses regarding their structure, compliance and taxes. Additionally I am general counsel to Total Energy Solutions Company, Inc. in which I research federal and state tax laws in the energy industry.

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

I sat second chair in a three-day jury trial in which the plaintiff claimed my client negligently hit her vehicle. I prepared exhibits, prepared and questioned witnesses and participated in voir dire.

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

None.

VII. 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.

In Re Matter of Indiana License of CVS Pharmacy 6580, 6594, 6254, 4982, 8674, 6557, 8682, 6583, 6605, 7791, Low Cost Rx #2, Terry Cole, R.Ph.; 49D12-0807-MI-32641, 32645, 32648, 32649, 32650, 32652, 32653, 32656, 32659, and 32662; filed September 9, 2008.

David W. Lewis v. The State of Indiana and Carl Salzman, in his capacity as Monroe County Prosecutor; 53C06-0606-CT-1092; filed November 1, 2006.

In the Matter of the Indiana License of CVS Pharmacy #6254 License Number: 60004549A; 2007 IPB 0064; filed July 10, 2008.

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.

None.

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.

None.

D. Include with your application copies of any four of the written materials listed above in Section VII. A., B., and C. (An adequate sampling can usually be supplied in 75 pages or less.)

Samples attached at tab 3.

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

I represented a soldier who returned from duties in the Middle East to discover his wife filed for divorce. I helped him find local counsel in Kentucky to handle the proceedings and assisted with the rules and regulations of the Servicemembers Civil Relief Act.

I represented an aunt who recognized her sister was not providing adequate care to her teenage niece. After years of the niece living in several homes, I represented the aunt in her fight for guardianship of her niece to provide the niece a stable home environment in which to thrive and become a productive member of society.

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.

A pharmacy client plead guilty to an A misdemeanor for filling pain medication prescriptions for a terminally ill patient without a doctor's authorization in 1999. Because of his criminal guilt, the Office of Inspector General of the U.S. Department of Health and Human Services has the authority to exclude pharmacists from payment for any services provided to any patient that receives federal funds for his prescriptions, such as Medicaid and Medicare. In the pharmacy industry, virtually all pharmacies receive federal funds for their

patients. A pharmacist on the exclusion list effectively causes him to be unemployable as a pharmacist for a minimum of three years. The client was placed on the exclusion list in 2000, but never received notice. During the exclusion period the client continued to work as a pharmacist and the pharmacy received federal funds for some of his work.
Nine years after the plea agreement, the client's pharmacy employer notified him that he was on the exclusion list and terminated him. The client immediately contacted me and explained that after practicing for almost thirty years, being excluded for the next three years would end his career. I quickly learned from an OIG contact that the client's information in its system was incorrect making it difficult to determine that he was on the exclusion list. After arguing fairness based on the fact the client had no subsequent problems and was rehabilitated, he was removed from the exclusion list in such a short time that his previous employer hired him immediately.

A.K. was a pharmacist client who had taken numerous painkillers from the pharmacy to feed her addiction she developed after a surgery. She was a young wife and mother whose family depended on her income. The Indiana Board of Pharmacy was willing to return her license after being clean for one year, but the local prosecutor wanted to use her as an example. I traveled to New Albany on two separate occasions. The first to speak with the deputy prosecutor assigned to the case and to the judge. The second to speak directly with the elected prosecutor to explain that the conviction he wanted, of which the evidence proved she was guilty, would cause the OIG to place her on the exclusion list for a minimum of 5 years. After arguing to the prosecutor that this matter is best taken care of by the Indiana Board of Pharmacy because it is empowered by the legislature to regulate and control the practice of pharmacy and further criminal prosecution would be excessive, the prosecutor agreed to accept her plea to a lesser crime that would not trigger the OIG exclusion.
A.K. is not a tremendous active and positive role model in her community.

The client was a freshman at Indiana University and depended on her part-time job and scholarship to pay for her education. While working at a restaurant, she took an order from a couple for one alcoholic drink and one non-alcoholic drink (the customers were undercover police officers). She verified the customer ordering the alcoholic drink was of age. She was not close to the table when the bartender brought the drinks. The under-aged customer claimed the alcoholic drink. When she returned to the table the police officer wrote her a ticket for providing the alcohol to a minor. A conviction would cause her to lose her scholarship and gravely affect her ability to attend college.
I worked directly with the prosecutor's office to immediately dismiss the charges. The client and her family were the most thankful clients I have had.

The client was a company that manufactured and installed machines in surgery centers and immediate care centers to vend prescription drugs. The idea was to allow patients to take the drugs home with them immediately instead of requiring a separate and timely trip to an outside pharmacy. The safety features required the same prescription information as a pharmacy, however it also required a nurse to assist with the vending. After taking the Board of Pharmacy on a tour of a surgery center and an immediate care center and watching patients vend their prescription drugs with the assistance of a nurse, the board agreed that the machines met the statutory safeguard requirements.

I personally realized how important this was when my two year old had his tonsils and adenoids removed at a surgery center. I didn't have to take him to another pharmacy to fill the pain prescription and the nurse was able to explain how to administer the prescriptions as she showed them to me. I left the surgery center comforted that I knew how to take care of my child better. The overall patient care rose to a new level.

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 Tax Court.

Mark Mader
Office of the Indiana Attorney General
Indiana Government Center South
302 W. Washington St., 5th Floor
Indianapolis, IN
317-233-3972

Dana Johnson
GEO Foundation
333 N. Pennsylvania St.
Indianapolis, IN 46204
317-536-1027

Stanley LaBuz
Internal Revenue Service
575 N. Pennsylvania St.
Indianapolis, IN 46204
317-685-7500

VIII. 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.

None.

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

None.

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.

Indianapolis Board of Public Safety, board member (2008-2009)

I worked with Director Scott Newman and the members of the board to shift to a proactive mode of operations to better protect the citizens of the City of Indianapolis within Indianapolis Fire Department, Indianapolis Metropolitan Police Department, Animal Care and Control, Emergency Management, Indianapolis Commission on African-American Males and Weights and Measures.

Second Chance, board member (2008-2009)

Second Chance is a charitable organization that provides life skills to ex-felons after being released into society. A significant portion of ex-felons never learned the necessary life skills to be a productive member of society, such as how to work with others or balance a checkbook. In addition to these skills, Second Chance also provides education in building trades and continued counseling for its graduates.

Humane Society for Hamilton County, board member (2009-present)

The Humane Society for Hamilton County is a no-kill shelter. The economic downturn has caused an eruption of owner surrendered animals as the owners fall on difficult times and also caused a significant decrease in donations. The facility currently houses 343 cats and 127 dogs and has 210 cats and 77 dogs in foster homes awaiting adoption. The board continues to find creative ways to raise awareness and donations.

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.

American Bar Association, member, 2001-2009

Indiana State Bar Association, member, 2001-2010

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.

None.

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

IvyTech Community College, Adjunct Professor (Spring 2010-present)
I teach legal writing and civil procedure within the paralegal studies program.

G. Describe your hobbies and other leisure activities.

In addition to spending time with my two boys and our family, I also enjoy training and riding my family's horses. We often spend time camping, fishing, hiking, canoeing, and riding at the outstanding state parks in the state. During our less active days, we cheer on the Colts and watch Big 10 football and basketball.

I also participate in endurance events. This June I rode my bike 100 miles around Lake Tahoe in one day to benefit the Leukemia and Lymphoma Society as a member of its Team in Training. I am currently training for my first marathon next month.

We attend East 91st Street Christian Church weekly and enjoy social activities with other members.

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

Mike McMains
Plews Shadley Racher & Braun LLP
1346 N. Delaware St.
Indianapolis, IN 46202
317-637-0700

Mark Bowell
7153 Bel Moore Cir.
Indianapolis, IN 46259
317-840-8111

Jerry Slusser
10804 Brooks School Road
Fishers, IN 46037
317-508-6834

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

Bob Bowen
Bowen Engineering
8802 N. Meridian Street
Indianapolis, IN 46260
317-842-2616

Indiana Judicial Nominating Commission
Tax Court Vacancy
Agenda – September 27, 2010
Room 319, State House
Indianapolis, Indiana

- 9:00 a.m. – 9:20 a.m. – Ms. Martha Wentworth
- 9:20 a.m. – 9:40 a.m. – Mr. George Angelone
- 9:40 a.m. – 10:00 a.m. – Hon. Karen Love

(Break)

- 10:15 a.m. – 10:35 a.m. – Mr. Andrew Swain
- 10:35 a.m. – 10:55 a.m. – Hon. Bruce Kolb
- 10:55 a.m. – 11:15 a.m. – Ms. Marilyn Meighen

(Break)

- 11:30 a.m. – 11:50 a.m. – Mr. Joseph Pearman
- 11:50 a.m. – 12:10 p.m. – Mr. Joby Jerrells
- 12:10 p.m. – 12:30 p.m. – Ms. Melony Sacopulos

(Break – Lunch)

- 1:30 p.m. – 1:50 p.m. – Mr. Dan Carwile
- 1:50 p.m. – 2:10 p.m. – Hon. Carol Comer
- 2:10 p.m. – 2:30 p.m. – Mr. Randle Pollard

(Break)

- 2:45 p.m. – 3:05 p.m. – Ms. Michelle Baldwin
- 3:05 p.m. – 3:25 p.m. – Mr. Thomas Ewbank
- 3:25 p.m. – 3:45 p.m. – Mr. Richard Hofmann

(Break)

- 4:00 p.m. – Deliberations in Executive Session followed by public vote to select semi-finalists

Col. Marjorie Courtney, Ret.
7916 Crossgate Ln
Indianapolis, IN 46227
317-885-7008

Kris Roberts
8068 Hopkins Ln
Indianapolis, IN
317-442-6887

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.

Michelle L. Baldwin v. Timothy C. Baldwin,
Filed May 15, 2009, Cause Number 29D02-0905-DR-633, divorce proceedings, finalized August 10, 2009.

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.

None.

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

None.

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.

None.

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

None.

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

Attached at tab 4.

9/20/2010
DATE

APPLICANT'S SIGNATURE

Michelle L. Baldwin
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.

9/20/2010
DATE

APPLICANT'S SIGNATURE

Michelle L. Baldwin
PRINTED NAME