

Judge Marc T. Rothenberg
Marion Superior Court

Application for Summer/Fall 2022 Vacancy
Indiana Court of Appeals



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Application for Judicial Vacancy Indiana Appellate Courts

PART ONE

This document will become a matter of public record and may be published on the courts.in.gov website once your application is complete, so do not include confidential information that must be redacted.

1. Contact/General Information

A. Full legal name and any former names.

Marc Thorn Rothenberg

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.

<u>Name</u>	<u>Age</u>	<u>Relation</u>	<u>Occupation</u>	<u>Employer/School</u>
Stephanie Lynn Rothenberg	49	Spouse	Attorney	Hamilton County Prosecutor's Office
Soren Celeste Rothenberg	19	Daughter	Student	IU Bloomington

C. Business address, email, and telephone number.

Judge Marc Rothenberg
Marion Superior Court, Civil Division, Room 7
675 Justice Way
Indianapolis, IN 46203
Marc.Rothenberg@indy.gov
(317) 327-3901

D. Attorney number.

My attorney number is 21064-49.

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

I was admitted to the Indiana Bar in October 1998.

a. *Indicate current law license status (i.e. active/inactive/retired).*

My law license is in Active Status.

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 a member of the Bar of another state.

F. Date and place of birth.

I was born on May 7, 1972, in Skokie, Illinois.

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

I am currently a resident of Marion County. I became a resident of Marion County approximately on or about July 1, 1975.

From 1990-1995, I attended Indiana University-Bloomington and lived in Monroe County, Indiana, during the school year.

From 1995-1998, I attended Valparaiso University School of Law and lived in Porter County, Indiana, during the school year.

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. **As part of your Supplemental Materials, provide a transcript—including a certified transcript for your original hard copy—for each school listed; redact your Social Security number if it appears on the transcript.*

Undergraduate University

I attended Indiana University in Bloomington, Indiana, from August 1990 through May 1995. I earned a Bachelor of the Arts Degree in Political Science with

concentration on domestic politics and the legal system. (Transcript found at TAB 1)

I took a summer macroeconomics class at Indiana University-Purdue University-Indianapolis during the summer of 1991.

I took a summer literature class at Indiana University-Purdue University-Indianapolis during the summer of 1992.

- B. 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. **As part of your Supplemental Materials, provide a copy of your Certificate of Release or Discharge from active duty ("DD 214" paperwork).*

I have not served in the military.

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. **As part of your Supplemental Materials, provide a transcript—including a certified transcript for your original hard copy—for each school listed; redact your Social Security number if it appears on the transcript.*

Law School

I attended Valparaiso University School of Law from August 1995 through May 1998, when I graduated with my Juris Doctor. My class rank was 74/121. (Transcript found at TAB 2)

I received the Charles Vaughn Award for honors in trial practice.

I served as the Student Bar Association President (Student Body President) for the 1997-98 academic year.

I served as the Jewish Law Student Association President from 1995-1997.

I served as a Justice on the Valparaiso University Honor Court from 1996-1997.

Post Juris Doctor programs

I graduated from the Indiana Judicial Graduate Program in 2012.

I have participated and successfully completed the following classes from the National Judicial College:

- 1) Judicial Philosophy and American Law April 2013
- 2) Handling Capital Cases November 2015

4. Employment

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

Post College Employment

- 1) 1985-1998
MCD500/McDonalds
Crew/Manager/Owner
Indianapolis, IN

Since moving to Indianapolis in 1975, my family owned and operated McDonald's restaurants in the greater Indianapolis area. I worked there starting at the age of 14 and on and off as needed until I graduated law school.
- 2) Summer 1996
Hamilton County Prosecutor's Office
Summer Intern
Noblesville, IN

In my position as a summer intern, I worked with prosecutors in processing, interviewing, and prosecuting non-custodial parents who were delinquent on child support payments.
- 3) Summer 1997
Marion County Prosecutor's Office
Certified Intern
Indianapolis, IN

I aided in the prosecution of felony defendants for all levels of felonies.
- 4) Summer 1998
Marion County Prosecutor's Office
Certified Intern
Indianapolis, IN

I prosecuted major felony drug defendants, as well as assisted prosecutors in preparing the capital murder case against defendant Kerrie Price.

Post Law School/Practice of Law

See section 4B for description of employment/practice of law

- 5) October 1998 - October 2003
Marion County Prosecutor's Office
Deputy Prosecuting Attorney
Indianapolis, IN
- 6) October 2003
State Farm Litigation
Attorney
Indianapolis, IN

I worked briefly for State Farm Litigation. I left after receiving an offer to take the bench as a Master Commissioner in Marion Superior Court.

- 7) October 2003 - December 2008
Marion Superior Court
Master Commissioner
Indianapolis, IN
- 8) January 2009 - Present
Marion Superior Court Judge
Indianapolis, IN

- 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.

After I graduated from law school and while studying for the Bar Exam, I worked as an intern for the Marion County Prosecutor's Office assisting in the capital murder case of State of Indiana v. Kerrie Price. Once I was admitted to the Indiana Bar in October 1998, I joined the Marion County Prosecutor's Office as a deputy prosecutor in the juvenile division. While there, I was responsible for prosecuting juvenile delinquency cases of all levels, including violent crimes such as armed robbery and reckless homicide. In April 1999, following the Columbine High School shooting, I was designated the prosecutor on all juvenile school threats in Marion County. It was in this capacity that I began working directly with members of local police agencies on policies and procedures concerning such cases.

In October 1999, I was promoted to the D-Felony Unit of the Marion County Prosecutor's Office. In that position, I prosecuted thousands of criminal cases, ranging from Operating a Vehicle While Intoxicated to Sexual Battery charges. During this time, I prosecuted hundreds of bench trials and multiple jury trials, as well as helped train and supervise new prosecuting attorneys.

In January 2002, I was assigned to the Major Felony Division of the Marion County Prosecutor's Office, with a primary focus on violent felons with crimes involving handguns. In this capacity, I worked with local law enforcement and the United States Attorney's Office in investigating, assessing, prosecuting, and sentencing major felons who were eligible for state and federal prosecution. I trained law enforcement on handgun prosecution procedures, as well as interacted with community leaders to help stem the spread of gun violence. During this time, I conducted approximately 10 to 15 jury trials of A, B, and C level felony defendants, including charges of Aggravated Battery and Attempted Murder.

In 2003, I joined State Farm Litigation as a trial attorney. I accepted this opportunity to gain broader legal experience while still remaining active in the courtroom. My time was very short there as I received an offer from the Marion Superior Court to become a Master Commissioner shortly after starting.

5. Trial/Judicial Experience

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

As a practitioner, all of my experience trying juries was with the Marion County Prosecutor's Office. During that time, I gained not only an affinity for jury practice but a respect for the right to trial by jury. Aside from teaching me the processes and rules that govern jury practice, the experience made me realize the vital role the community plays in the justice system. It became clear to me that the jury process is hallowed, and that reverence has continued throughout my entire career as a judge.

As a young deputy prosecutor, I tried several misdemeanors and low-level felony jury trials from jury selection to sentencing. This would include case, exhibit, and witness preparation. Following my promotion to the Major Felony Division, I tried approximately 10 to 15 jury trials over a one-year period. These charges ranged from criminal recklessness to attempted murder and often included the charge of the defendant being a serious violent felon in possession of a handgun. I also assisted in trying multiple major felony jury trials.

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

I received extensive bench trial experience starting as early as my first day as a juvenile deputy prosecutor. In the year that I spent in juvenile court, I tried well over one hundred delinquency cases to the bench. This trend continued as I moved into the Marion County D-Felony courts. While there, I often tried multiple bench trials per week, totaling in the hundreds. In the Major Felony Courts, bench trials were not especially common, as most defendants opted for jury trials. I would estimate that I conducted 40 to 50 bench trials during that portion of my career.

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.

My judicial career has had several chapters. In October 2003, my first judicial assignment was to preside over the night shift at the recently opened Arrestee Processing Center (APC). The APC was a new concept in Marion County. The APC court operated 24 hours a day, seven days a week. It primarily handled criminal initial hearings but also resolved probation and community corrections violations. I spent over two years as an APC judicial officer on the overnight shift. My duties included not only conducting criminal initial hearings and violations but also reviewing probable cause affidavits for search and arrest warrants. During this period, the Marion County Jail faced a significant population problem. The United States District Court had set parameters concerning jail overcrowding. As a result, the APC judicial officers were responsible for reviewing the jail population on a nightly basis. I developed lists of potential candidates for release per the Emergency Release Protocol. It was a challenging and difficult task. Additionally, I participated on various committees that dealt with public defender appointments and other APC operations.

In July 2005, the Marion Superior Court Executive Committee selected me to preside over the Marion County Traffic Court. This was an unusual assignment in Marion County. Normally, a judicial officer is assigned to work in tandem with a judge, taking a court session or two per week to facilitate the judge's schedule. In Traffic Court, I was responsible for the entire court and its operations. My supervising judge was Judge Cale Bradford, and he not only entrusted the operation of the court to me but he also requested that I evaluate and present options for its improvement. Traffic Court is where I learned the intricacies of managing a high-volume docket, conducting trials, and addressing massive amounts of written pleadings. Traffic Court also introduced me to numerous self-represented parties who wanted their day in court. As it was one of the highest volume courts in the state, I developed a customer care policy for all litigants. When someone came in

front of my bench, it was probably not one of their best days. I was committed to never making it worse through my treatment of them. It is a philosophy that I follow to this day. Certainly, there were times when the need for courtroom decorum dictated sternness, but I always specifically made it a point to treat everyone with courtesy and respect. In addition, per Judge Bradford's request, I examined the dockets and proposed changes, some of which included grouping police witnesses in certain sessions, as well as setting interpreter specific sessions. Those changes resulted in faster settings for all citizens requesting trial dates, as well as efficiencies with law enforcement and other witnesses. I am incredibly proud of the three and a half years that I presided over the Marion County Traffic Court.

In the fall of 2008, I ran and was elected to the Marion Superior Court Bench. The Executive Committee assigned me to preside over Marion Superior Criminal Court 9. Criminal Court 9 handled all manner of D-Felony level charges, except for domestic violence related matters. The dockets were heavy and varied. In Criminal Court 9, I conducted several jury trials, as well as hundreds of court trials. Some of my cases were quite complex, like a large 10 co-defendant dog fighting ring or a multi-codefendant underground gambling organization. Court 9 was also the only court in Marion County that was assigned interstate extraditions. If an individual had a warrant out of another state and they were arrested in Marion County, they would come before me for an extradition hearing. In this capacity, I conducted hundreds of extradition hearings.

It was during this time that I also became quite active in the administration of the Marion Superior Court. In January 2009, I was asked to chair the Facilities Committee for the courts. This entailed managing equipment and approving physical court changes requested by the Marion County judiciary. With 36 judges, and almost 70 court and hearing rooms, it was not an easy task. I also served on several state court committees ([See §7A for more detail](#)). In 2011, I was elected by my peers to the Executive Committee. ([See §7A for more detail](#)). Also in 2011, I became the supervisor of the Marion County Juvenile Detention Center. ([See §7A for more detail](#)).

In January 2013, I took the bench in Marion Superior Court, Criminal Room 2. Criminal Court 2 was designated to handle A, B, C, and Levels 1, 2, 3, and 4 felonies. While the dockets were not as heavy as in my previous assignments, the cases were much more time intensive, and almost every case that went to trial was tried to a jury. While on the Criminal Court 2 bench, I estimate that I presided over 200 jury trials and approximately 70 to 80 murder trials. While the trial work was rigorous, the work that impacted me the most was the sentencings. In my mind, when someone's liberty was at stake, I not only had to understand each case, but I

had to understand each party, both victim and defendant. I had to understand the intricacies and details. If I could, I had to understand the motivations and the impact of the crimes. It was by far the most intellectually and emotionally challenging endeavor that I have ever had to do in my career. After a difficult sentencing, I often left the courtroom sullen, but because of the time I invested in both preparation and analysis, I was never unsure of my decisions. In many of those cases, I realized I could never make any victim whole, and often the only recourse for a defendant's rehabilitation was to be found in the Indiana Department of Correction. In 2013, I was re-elected on the Executive Committee for a second term. I also began to take a direct role in the court's technological future, an activity that continues today. (See §7A for more detail).

In 2014, I ran for re-election as Superior Court Judge. Prior to the primary, the Indianapolis Bar Association's Judicial Excellence Committee, whose goal was to educate voters on the qualifications of judicial candidates, released their judicial candidate peer evaluation results. This data was gathered through an anonymous survey of the attorneys who practiced in Marion County. I was proud to be recommended for re-election by 94.7% of those surveyed and I was re-elected as a judge in the fall of 2014.

After 6 years in Criminal Court 2, an opportunity for me to preside over a civil bench arose. In January 2019, I became the presiding judge of Marion Superior Court Civil Division Room 7. The judge that preceded me in Civil Court 7 was the Honorable Michael Keele, a judge whose experience on the civil bench was almost unmatched. I was fortunate to continue to work with Judge Keele who remained as a Senior Judge in Marion County, where he kept his special judge cases in Civil Court 7. As Special Judge, he was available to answer questions and give counsel to me on difficult cases. I credit Judge Keele for helping me succeed these last several years. On the civil bench, I have presided over several family law cases, hundreds of summary judgment arguments, judicial reviews, and multiple bench trials. Civil Court 7, by local rule, also hears all zoning appeals filed in our county. The complex legal issues, variety of subjects, and talented litigators have made these past years on the civil bench enjoyable, exciting, and enlightening. Without a doubt, it has made me a better judge. I have always strived to expand my knowledge, skill, and ability, and I value my time on the civil bench for doing just that. Whether it is a family law case, a contract dispute, or a personal injury matter, every civil case stands on its own and presents a unique opportunity for edification.

In 2021, I took on another responsibility as the chair of the Marion Superior Court Technology Committee. This role took the lead on developing, implementing, and training on all technology, equipment, and procedures in the new Marion County

Courthouse, the Community Justice Campus (CJC). This was a major undertaking of effort, time, and coordination. (See §6D(5))

6. Professional Experience

**As part of your Supplemental Materials, include as writing samples four selections (in total) from the written materials listed below in Questions 6A through 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.

For my list of briefs, orders, and opinions I have selected five orders from various periods in my career.

- 1) **State of Indiana v. Romeo Navarrete** 49F09-0309-PC-167037. Findings of Facts and Conclusions of Law on a petition for post-conviction relief. Filed April 6, 2010. This was a petition for post-conviction relief concerning ineffective assistance of counsel and the lack of advisement of immigration consequences. This order was signed within a week of Padilla v. Kentucky, 559 U.S. 356 (2010) being decided, hence the incomplete cite within the order. (See writing sample #1 TAB 3)
- 2) **State of Indiana v. Robert Bonds et al.** 49F09-1003-FD-014714. Conclusions of Law Supporting Order Denying Defendants' Motion to Suppress. Filed January 4, 2011. This order was the result of a challenge to a search warrant surrounding a large underground gambling ring. (See writing sample #2 TAB 4)
- 3) **State of Indiana v. Clarence Sanders et al.** 49G02-1511-MR-040239. Finding of Fact and Conclusions of Law in Support of Court's Order Closing Proceedings to the Public. Filed April 13, 2016. (See 6D(3) for case background) (See writing sample #3 TAB 5)
- 4) **Tim Springer v. JPH Group, Inc. d/b/a/ Kingsley-Rose** 49D07-1706-PL-025386. Findings of Fact and Conclusions of Law supporting bench trial verdict. Filed January 6, 2020. This was an order after a multi-day bench trial involving breach of fiduciary duty, breach of contract, tortious interference with business relationships, and wage payment claims.
- 5) **Jennifer Asbury v. James Berry** 49D07-2011-CT-040560. Order and Finding of Fact and Conclusions of Law on Defendant's Motion for Summary Judgment. Filed July 27, 2022. This is a short, simple order denying a

Defendant's Motion for Summary Judgment on a dog bite case based upon issues of material fact. (See writing sample #4 TAB 6)

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) LR49-CR2.3-101 Case Consolidation

This is the Marion County Local Rule that manages Criminal Case Consolidation. I worked on this revised local rule in 2017 in tandem with opening the new Initial Hearing Court.

2) Indiana Code § 33-33-49-13.1, 13.2, 13.3, 13.4, & 13.7, Marion County Judicial Selection

I worked with legislators, the Indianapolis Bar Association, and other judges to help develop, draft, then effectuate the Marion County Judicial Selection Bill.

3) Indiana Code § 33-33-49-32 Court and Court Officers, Magistrate Conversion.

As a member of the Executive Committee, in 2011 and 2012, I met with Senator Luke Kenley and Representative Gregory Steuerwald to add Magistrates to Marion County and eventually convert Master Commissioners to Magistrates. Part of this process also included working to balance and equalize both Commissioner and Magistrate powers.

4) Indiana Criminal Benchbook

As a member of the Criminal Benchbook Committee, I helped in revising and reorganizing sections of the Criminal Benchbook, a resource for Indiana Judges.

5) Marion County Local Rules

Per the Executive Committee's request, I am currently in the process of reviewing and revising the Marion County local rules to simplify them for the judges, attorneys, and the public.

- 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.

I have not published any traditional journal articles; however, I have published two publicly accessible articles or media that would help give insight to my thought process and personality.

- 1) **Off the Record with James Bell**. Published March 26, 2020. Recorded eight days into the pandemic lockdown, we discuss my career and the impact criminal court had on me. I believe it is an accurate portrait of who I am and my judicial philosophy. It is available here:

Apple:

<https://podcasts.apple.com/us/podcast/off-the-record/id1459675961?i=1000469586059>



Spotify:

<https://open.spotify.com/episode/6Svn590RWYdwWg2W93WFUi?si=NCCcWvjBQB-FeYrMwarQWw>



- 2) **“The TCM and the CJC”** Published April 22, 2022, The Indiana Lawyer. This is a tongue-in-cheek article addressing misconceptions regarding the Community Justice Campus prior to its opening.

- 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) **State of Indiana v. Major Davis, 49G02-1407-MR-034656**

This case stemmed from the shooting death of Indianapolis Metropolitan Police Officer Perry Renn. Officer Renn was called to the scene on a report of a man walking down the street with a high-powered assault rifle. Upon arrival, a shootout occurred, and Officer Renn was fatally wounded. The State of Indiana filed Murder charges on the defendant and subsequently filed the death penalty enhancement. Any judge will tell you that a death penalty case is different. It is complex, laborious, and intensive work. It is unlike any other

type of case that exists. It requires patience and attention. The United States Supreme Court has pointed out that the difference between a regular criminal case and a death penalty case is real. First, states must reserve the death penalty for the most serious and heinous of crimes. Secondly, as the sentence of death is constitutionally different from other punishments, it requires what many have called “super due process” protections. This requires strict adherence to procedures and constitutional protections throughout every stage of the proceedings. Those factors, in and of themselves, would have made the State of Indiana v. Major Davis one of the most significant legal matters of my judicial career. However, there was an unexpected factor in this case. The defendant, who had issues involving competency due to mental conditions, was receiving advice from a “spiritual advisor.” This advisor was a well-known community personality, who had been very vocal regarding the case on social media, and who himself had a past criminal record. This advisor would visit the defendant in the jail and would advise him to disregard his court-appointed attorneys’ advice. This created a dynamic wherein the defendant would attempt to file pleadings, set hearings, and make arguments without his attorneys’ consent, and often in conflict with his attorneys’ advice and constitutional obligations. At one point, the defendant refused to speak to his attorneys but did not wish to proceed pro-se. The case progressed through various stages of discovery, trial preparation, and mitigation, albeit at an extremely slow pace considering the defendant’s relationship with his attorneys. Eventually, there was a motion for competency to stand trial, which, after the court’s hearings on the matter, resulted in the defendant being committed to the Indiana Division of Mental Health and Addiction for treatment and competency restoration. Ultimately, after mental health treatment and successful competency restoration, the defendant began to disregard the outside interference of his “spiritual advisor,” and trust in his attorneys grew. The case was then able to proceed and ultimately the defendant plead guilty to life in prison without the possibility of parole. This case taught me, more than any other case, the value of patience as a judge.

2) **State of Indiana v. David Garden 49G02-1405-FC-026051**

The State of Indiana v. David Garden is one of the most significant cases I ever handled for several reasons. The case itself involved a realtor who was being charged with twenty-seven varied counts of fraud related crimes including Corrupt Business Influence, Theft, and Forgery. The defendant had an intricate scheme set up to defraud his victims. First, the defendant would seek out victims of modest means, who would often be facing economic difficulties. Then, the defendant would convince his victims that he could sell their home

for them, assuring them some income. Next, the defendant would have the victims quitclaim deed the home to him. Often, the defendant would rent the home to a third party, collecting the lease proceeds for himself. If the homes were undergoing a sheriff's sale, the defendant would convince his victims to file bankruptcy, thus staying the sale and allowing the defendant to continue to profit from leasing out the properties. Also, at times, the defendant would convince his victims to move into other victims' homes and pay him rent for living there. No homes were ever sold, and most ended in foreclosure, leaving the victims almost penniless. This case was extremely complex, with multiple victims and over 100 document exhibits. By anyone's objective view, the case would have been significant. It was significant to me for another reason. By the time State of Indiana v. David Garden had come before me, I had seen horrible crimes. I had seen murders, rapes, and child molests. The harm the defendant caused to ordinary people just trying to survive was as devastating as any violent crime I had seen. He destroyed lives. He was found guilty of 22 of the 27 counts and was sentenced to a lengthy sentence, serving three years in the Indiana Department of Correction, three years on community corrections, and eight years of monitored probation.

3) State of Indiana v. Clarence Sanders et al. 49G02-1511-MR-040239

This matter was a multiple co-defendant case involving a robbery gone wrong. It tragically ended with two victims dead, and a third shot, only surviving after playing possum to avoid being killed. The significance of the case was the unusual nature of the trial itself. All four co-defendants had requested early jury trials, and the State, as the case approached, had lost contact with its essential witnesses. On the morning of the trial, the State's witnesses unexpectedly appeared, and the trial commenced. Throughout the trial, members of the gallery, most of whom were related to or supporting the co-defendants, caused multiple disturbances. On the first day of the trial, members of the gallery were admonished not to use cameras or recording equipment, as several were seen trying to photograph the State's witnesses. There were also several disturbances involving members of the gallery throughout the courthouse, including the express threat of violence. I then once again admonished the entire courtroom that if the situation continued, I would consider closing the proceedings to the public for purposes of safety. Additional sheriff's deputies were added, as well as metal detectors for anyone entering the courtroom. On the second day of the trial, several jurors were approached by members of the gallery in the hallway of the courthouse, as well as during lunch breaks. Further, it was reported by police that two witnesses had been shot at the night before. Throughout the entire trial, multiple people

were removed and banned from the courthouse, yet threats and disruptions continued. I then held a hearing outside of the presence of the jury, where I addressed the potential closure of the court to the public for the remainder of the trial. All but one defendant's attorney objected to the closure. The State did not object. I made a finding that less stringent means, other than closing the proceedings to the public, could not be taken to assure a fair and safe trial for everyone. Consequently, I closed the court to the public, aside from members of the media. I did not take this action lightly. The right to a public jury trial in legal disputes is a fundamental, sacred right. I had done all I could, and while the decision weighed heavily on me, I felt it was the only choice I had. The final day of the trial went peacefully. Multiple co-defendants were found guilty and sentenced to over 100 years in the Indiana Department of Correction. Upon appeal, the Indiana Court of Appeals upheld my decision, specifically finding that the restrictions that were placed on the trial were no broader than necessary to protect the trial court's overriding interest in its "concern for the safety, decorum and administration of justice." (See writing sample TAB 5)

4) **In the Matter of the Paternity of B.R. 49D07-0212-JP-002715**

When I made the transition from Major Felony Criminal Court to the Civil Division, one category of cases that was entrusted to me was family law matters. These included divorces, child custody, child support, and children in need of services cases. One case that resonates with me is In the Matter of the Paternity of B.R. This case involved the son of a divorced couple. The son was 17 at the time of the petition. The child, B.R., was living with their mom but wanted to live with their dad. That was the sole issue. The case was not dramatic. Unlike some other cases, the parents were not "at each other's throats." As a matter of fact, everyone was completely civil and willing to leave the decision on whether to allow the child to move in with dad up to me. I felt it was a tremendous responsibility. Both parties agreed, and requested, that I speak to the child *in camera*. I have always considered my office a place to relax. It has pictures, not diplomas, on the walls. It is filled with pop culture references and film posters. As the child entered my chambers, he immediately relaxed. He took a moment to look around and then asked me about a movie poster near my desk. It turned out that he loved movies, video games, and music. We connected. I was no longer simply a judge; I was someone to whom he could relate. We spent time talking about his hobbies. I was familiar with all the things he liked. The conversation naturally transitioned to his request to change residences. He was open and honest, telling me exactly why he wanted the modification. I was honest as to some

of the issues that I foresaw. I explained that he was 17, and soon he could make his own decision, and asked why I should grant a modification now. He gave me a very honest and logical answer. In the end, after thinking about it, balancing all the factors into what was in the child's best interest, I told him I would grant his request, but only if we set a status hearing to evaluate the change in six months. The six-month status hearing arrived and again the child wanted to speak to me *in camera*. Once again, we spoke, talking about the things he liked, new television shows, etc. Then he made a further request, to reverse the modification. When asked why, he thought about it, and told me that after experiencing both households, he felt his home was with his mom. Again, I evaluated all the factors in the best interest of the child, and I granted his request. This case was significant to me not because of the type of case it was, nor was it significant because it involved a child. Very rarely have I had the opportunity to understand a party, as I did B.R., simply by having a conversation. It is the only *in camera* interview that I have ever conducted, and it made me realize truly how much authority, influence, and power is entrusted to a judge. We have great power and authority, and it must be used carefully and responsibly. As a judge, one needs to listen, one needs to understand, and one needs to care. Only then can a judge properly use the power they have been given.

5) **The Marion County Community Justice Campus**

In 2019, I became the co-chair of the Technology Committee as we began the most important administrative project of my lifetime, the movement of the Marion Superior Court to the new Community Justice Campus (CJC). To that end, we inventoried and closely examined all current court operations and technology. We began developing new equipment, processes, and procedures that would be going into the CJC. For example, one idea we had early on was to investigate a company called Zoom. Little did we know that this was an idea ahead of its time. Our goal in designing the operations of the CJC was to make a cutting-edge courthouse, one that would be fully capable of handling whatever the future held. In March of 2020, the COVID-19 pandemic shut down most of the world. Recently Indiana Office of Judicial Administration Chief Innovation Officer, Robert Rath, told us that we were among the first courts in the country to be fully virtual during the pandemic. That achievement was a direct result of the work that we had already done with remote court providers for the CJC. In early 2021, I took over as the solo chair of the Technology Committee. My focus was to be the completion of the CJC. I attended countless meetings, poured over blueprints, and tested equipment. Our goal was a Spring 2022 move-in date. I worked with architects, builders,

tech vendors, and city-county officials to make the CJC a reality. As 2021 progressed, the Executive Committee and I realized that a hands-on approach would be necessary to achieve the Spring 2022 goal. In October 2021, I moved my physical office to the in-progress CJC. I adjusted my dockets to have all hearings scheduled on two days a week while reviewing my pleadings at night. It was as if I was working two jobs. Much of my time was spent in meetings, monitoring, and inspecting building progress and testing all aspects of the new CJC courtrooms. This hands-on approach was the key to making the CJC a success. On May 9, 2022, the CJC opened for business. It has 71 individual state-of-the-art courtrooms, 85 judicial chambers, and room for over 200 court staff. It has over 70 attorney work and conference rooms, a contemporary jury assembly area, and an expansive legal resource center for public use. It is by far the most ambitious, important, and significant administrative court project of which I have ever been a part.

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

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

While a trial judge's primary job is to preside over cases, I believe the duties of a judge do not end on the bench. Not only is it a judge's job to hear cases, but it is also a judge's responsibility to help foster confidence in the community, help educate the bench and bar, and improve their court system as much as possible. Throughout my career, I have strived to accomplish those goals through bar participation, teaching continuing legal education, and participating in various committees within Marion County and the State of Indiana.

Early Efforts

In 2004, due to my position at the Arrestee Processing Center (APC), I was assigned to two ad hoc Marion Superior Court committees, the Bail Bond Committee, and the Public Defender Appointment Committee. The Bail Bond Committee was made up of judges of various levels to examine and discuss the current state of Marion County's bail matrix and to suggest changes that might be made to improve it. The Public Defender Appointment Committee consisted of judges of various levels and studied the appointment rate of public defenders in the Marion Superior Court. It also attempted to develop a uniform process for both indigency

determination and public defender appointment at the misdemeanor/D-Felony levels.

After my election to the bench in 2009, I took a much more active role in court administration.

First, in January 2009, I was appointed to be the chair of the Marion Superior Court Facilities Committee. This committee oversaw capital improvements to the courts. It was my task to review all requests by the judges and administration, triage them, and then suggest approval of projects to the Executive Committee.

Technology Committee

In December 2009, I was appointed to be a member of the Technology Committee, a position that I have held for the past 14 years. I grew up around technology, and I understand its potential in the administration of law. The purpose of the Technology Committee is to assess both the needs and deficiencies of the court. Then, the committee develops, tests, and implements solutions through equipment and processes. The Technology Committee is near and dear to my heart and has driven quite a bit of my work within the Marion Superior Court. As you can see, many of the projects that I have completed have been related to technological improvements in our court system. In 2021, I became the chair of the technology committee and subsequently the Marion Superior Court's appointment to the Marion County Information Technology Board.

The Marion Superior Court Executive Committee

In January 2011, I was elected by my peers to the Marion Superior Court Executive Committee. The Executive Committee, by statute, is the administrative head of Marion Superior Court. It manages the fiscal operations, sets court policy, and represents the court in dealings with other government entities. There were several challenges that the court faced during my two terms on the Executive Committee. During my time on the committee, the entire county was adjusting to lowered tax revenues, resulting in a constricted budget. The Executive Committee adjusted, working hand in hand with state legislators, city-county councilors, and legal partners to continue to provide the services necessary to our citizens. I worked on issues such as Guardian ad Litem funding, Commissioner and Magistrate powers, and Odyssey funding and implementation just to name a few. The lower budget required that the court operate more efficiently with fewer resources, a challenge that I feel my terms on the Executive Committee accomplished. In addition, my term on the Executive Committee was responsible for hiring the first female court administrator and chief probation officer in Marion County history. Finally, in 2012, I worked with the Marion Superior Court Local Rules Committee, converting many of the Executive Committee's standing orders into local rules.

Unfortunately, not all of my term on the Executive Committee was positive. One of the duties of the Executive Committee is to “counsel and assist other judges in the performance of their responsibilities in the administration of the Court.” During my term, one of the Superior Court judges faced multiple complaints. We tried to counsel and assist the judge as best we could; however, she was resistant. This eventually resulted in the Judicial Qualification Committee removing her from the bench. It was a very challenging experience for the Executive Committee.

Supervisor of the Marion County Juvenile Detention Center

On July 18, 2006, the United States Department of Justice notified Marion County of its intent to investigate the conditions of the Marion Superior Court Juvenile Detention Center. This investigation included the areas of protection from harm, custodial sexual misconduct, special education, and environmental health and safety. The Superior Court cooperated with the investigation completely. In August 2007, the government issued its findings. On April 9, 2008, the Marion Superior Court entered into a consent decree pledging to correct deficiencies in the facility. This decree dictated improvements, training, and monitoring that would be implemented in our system. In January 2011, I became the supervisor of the Juvenile Detention Center. During that time, I implemented a lower population cap on the facility, worked with partners on new educational programming, and implemented the Juvenile Accountability Block Grant, which was a pre-IRAS risk assessment tool. Prior improvements at the Juvenile Detention Center along with the implementation of these new measures resulted in an agreement to end the consent decree successfully on October 19, 2011. The ending of the consent decree is one of my proudest accomplishments.

Weighted Caseload Supervisor

In 2012, I became Marion County’s weighted caseload supervisor, a position I held until 2017 and then again from 2019 through 2020. As the weighted caseload supervisor, I oversaw the caseloads of the courts, the allocation of our judicial officers, and the development and submission of our biennial weighted caseload plan. In this capacity, I met with judges and members of the State Court Administration to adjust how Marion County allocated its judicial resources based on case filings.

The Odyssey of Odyssey

In 2011, I met with Justice Frank Sullivan in a small restaurant in Nashville, Indiana. In that meeting, Justice Sullivan described an ambitious task to implement a statewide case management system named Odyssey. At this point not even half of Indiana counties had taken on Odyssey. What began with that initial discussion became one of the most daunting undertakings in the history of the Marion Superior

Court. Up until that time, the Marion Superior Court had been on a proprietary case management system called JUSTIS. JUSTIS was used by the courts, attorneys, and law enforcement to access case information across the county. Prosecutors used it to screen and file cases. Attorneys used JUSTIS to send out subpoenas. It was all-encompassing, and it was old. Its continued maintenance and storage were cost prohibitive. We needed a new solution. After examining it, the Executive Committee decided to move forward with onboarding Marion Superior Court onto the Odyssey system. The Technology Committee asked Judge James Osborn to head up the implementation of Odyssey in the civil division of the Marion Superior Court, and I was asked to head up the criminal division implementation. We went live with Odyssey in the civil courts in 2013, with Odyssey in the criminal division planned for 2015. However, due to increasing costs and the newly passed criminal statute reform, House Enrolled Act 1006, we accelerated the criminal division implementation plan to finish in 2014. It was a massive undertaking and one that I am pleased to say we successfully completed on schedule.

The Arrestee Processing Center and the Initial Hearing Court

In 2016, I became the supervisor of the Arrestee Processing Center (APC). One of the first things I did in this position was help deploy e-Filing in Marion County. This was a revolutionary change in our county, requiring parties to file all pleadings electronically. Next, I helped develop and implement the electronic search warrant system. This allowed law enforcement to file requests for search warrants from anywhere and judicial officers to review them from any location. I also reviewed all APC statistics and measured its productivity. The results were clear; there were huge deficiencies in its operations. Defendants were not being seen in a timely fashion, bonds were not being set in a reasonable time, and no violations were being resolved. An obvious aftereffect of this was the increase in the jail population which sometimes caused prisoners to be housed out of county at great expense to the taxpayers. Working with the Marion County Sheriff's Office, I personally began a redesign of the entire enterprise. On September 29, 2017, the first court that I ever presided over, the Marion County Arrestee Processing Center, closed, and the Marion County Initial Hearing Court opened. All physical processing and hearings were moved to the City-County Building. Bonds were now set swiftly and could be posted in a timely manner. In custody arrestees went before a judge promptly. Pretrial release procedures were developed in accordance with guidelines that would eventually become Indiana Criminal Rule 26. Jail population numbers went down within 45 days of opening. The Initial Hearing Court was a success and, I am happy to say, operating today much as it was when it first opened, with the same best practices and efficiencies.

The Marion County Community Justice Campus

In 2019, I began work on the Community Justice Campus. I have listed this experience as one of the five most significant legal matters entrusted to me. (See 6D(5) of this application.)

Judicial Committees

In addition, even before my election in 2009, I was active and have remained active in Indiana Judicial committees. The following are brief summaries of my assignments:

2007-2009 Special Courts Committee

As the judicial officer presiding in the Marion County Traffic Court, I was assigned to the Special Courts Committee. The Special Courts Committee monitors developments concerning misdemeanors, traffic, and small claims. The committee also reviews, revises, and approves for publication the City and Town Court Manual; the Traffic, Misdemeanor, and Small Claims Benchbook; and the Small Claims Litigant Manual. My participation was largely traffic court-related and involved input on matters involving the Traffic Benchbook as well as weighted caseload as it related to Traffic Cases.

2009-2011 Criminal Benchbook Committee

The Criminal Benchbook Committee writes the Criminal Benchbook distributed to judges who exercise criminal jurisdiction. As a member of this committee, I was tasked and completed revisions of various sections of the Criminal Benchbook.

2011-2017 Court Security Committee

The Court Security Committee oversees issues of court security and disaster preparedness plans. During my time on this committee, we reviewed court security policy as it related to best practices involving court line deputies, security screening equipment, and active shooter situations. Also, during my term, the committee developed several firearms training sessions for judges.

2019-2021 Ethics & Professionalism Committee

The Ethics and Professionalism Committee meets regularly and at the request of the Supreme Court to give a judicial perspective on ethical and professionalism issues. In addition, this committee makes recommendations for education programs on ethics and professionalism topics. During my short time on this committee, I helped develop educational programs for judges, including ethics of social media and sections of the “Seven Deadly Sins” of judging.

2021-Present Judicial Education Committee

The mission of the Judicial Education Committee is to provide education of such depth, breadth, and quality to continually develop Indiana's judicial branch as a

learning institution. My time on the committee has been spent helping originate ideas and educational programs for the Indiana Judicial Conference.

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

In my capacity as a criminal court judge, between 2013 and 2019, I spoke to several groups of juveniles on the topic of gun violence.

I have also spoken to middle and high school students about the importance of civics.

I have been a member or attended the following synagogues while living in Indianapolis:

- 1) Congregation B'nai Torah
- 2) Congregation Beth-El Zedek
- 3) Congregation Beth Shalom

At various times, I have volunteered during events at these congregations.

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

As a prosecutor, I spoke to middle school classes regarding civics and civic duties.

As a judge, I have spoken to high school classes on the law and the judicial branch.

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

During law school, I participated in pro bono clinics assisting modest-means citizens with advice on simple legal issues.

As a judicial officer there are limitations as to what pro bono work can be done. I have worked with the Indianapolis Bar Association and the Indianapolis Bar Foundation to help support various pro bono programs in our community. I also helped promote the modest means attorney program when it launched.

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

While I have not formally taught any academic classes, I have been a guest lecturer a number of times, such as speaking to middle and high school students as well as being a guest speaker during criminal law classes at the University of Indianapolis. The subject matter has always been civics and our legal system, more specifically, the Indiana and Marion County court systems. On numerous occasions I have also volunteered as a judge for law school trial practice classes and mock trial competitions at the Indiana University Robert H. McKinney School of Law.

In addition, I have prepared and presented several Continuing Legal Education programs for attorneys and the judiciary. These include:

- 1) **6/18/2004: “Perspectives on the Arrestee Processing Center,” Indianapolis Bar Association Bench Bar Conference 2004**

As a commissioner assigned to the Arrestee Processing Center, I was on a panel presenting the processes and procedures involved in the facility.

- 2) **6/19/2009: “Perspectives from the Bench,” ICLEF**

As a newly elected judge, I was on a panel with other Marion Superior Court judges discussing the court as a whole and upcoming changes to the court.

- 3) **12/3/2012: “Primer on Indiana State Criminal Appeals,” Indianapolis Bar Association**

I was on a panel that presented the relevant cases and statutes that guided the appeals processes in Indiana. This included information on both interlocutory and final appeals from a trial court perspective.

- 4) **10/30/2015: “Effects of Sentencing Statutes,” Indianapolis Bar Association**

I presented information on newly enacted sentencing statutes and their effects on defendants.

- 5) **12/9/2015: “Essentials for Starting or Improving Your Solo Practice,” Indianapolis Bar Association**

I was on a panel with several attorneys discussing tips, pitfalls, and advice for solo practitioners.

6) 11/29/2018: 2018 “Criminal Caselaw Update,” Marion Superior Court

I presented the 2018 Criminal Case update to the judges and magistrates of the Marion Superior Court.

7) 12/07/2018: “Ethics from a Judicial Perspective,” Marion County Public Defender Agency

I was a member on a panel that included Chief Justice Rush and Court of Appeals Judge Tavitias discussing ethical boundaries and duties that both judges and practitioners have in the courtroom.

8) 1/28/2019: “Primer on Sovereign Citizens for New Judges,” Indiana Judicial Conference

I presented the history, beliefs, and common practices of sovereign citizen practitioners in the courtroom.

9) 5/1/2019: “Tools for Sovereign Citizen Cases for Judges,” Indiana Spring Judicial Conference

In addition to the history of the sovereign citizen movement, I also presented the tools that can be used in managing evidence, the record, pleadings, and courtroom decorum in a case with a sovereign citizen party.

10) 7/24/2019: “Evidentiary Foundation Issues,” Indianapolis Bar Association

I was a member of a panel discussing common issues such as misconceptions and realities of evidentiary foundations, as well as, the difference in the role of discovery versus evidence admission.

11) 12/6/2019: “Discovery, Trial Strategies and Cross Examination,” ICLEF

I served as a judge during mock trial scenarios, discussing judicial reasoning and best practices in various courtroom situations.

12) 12/13/2019: “E-Discovery from a Judge’s Perspective,” Indianapolis Bar Association

I was on a panel discussing the practicalities of E-Discovery in both small and class action lawsuits, as well as, protective orders and trade secret law.

13) 1/24/2020: “Sovereign Citizens in Court,” Marion County Prosecutor’s Office

In this presentation, I discussed the unique role that a prosecutor or co-defendant counsel is in when faced with a sovereign citizen party and how to best preserve your position on the record in such cases.

14) 5/28/2020: “Evidence for Shut-Ins,” Marion Superior Court

I presented a review and overview of the Indiana Rules of Evidence apart from the hearsay rules for the Marion Superior Court judges and magistrates.

15) 5/29/2020: “Evidence for Shut-Ins,” Marion County Prosecutor’s Office

I presented a review and overview of the Indiana Rules of Evidence apart from the hearsay rules for the Marion County Prosecutor’s Office. This presentation was more geared to practical uses and objections.

16) 7/10/2020: “Evidence for Shut-Ins,” Marion County Public Defender Agency

I presented a review and overview of the Indiana Rules of Evidence apart from the hearsay rules for the Marion County Public Defender’s Agency. This presentation was more geared to practical uses and objections.

17) 9/15/2020: “2020 Ethics Medley: Current Events, Social Media and the Post-COVID Courtroom,” Indiana Office of Court Services

I presented part of this webinar about the considerations and consequences of judges and social media.

18) 2/2/2021: “Evidence for Shut-ins: Hearsay Edition,” Marion Superior Court

I presented a review and overview of the hearsay rules for the Marion Superior Court judges and magistrates.

19) 4/15/2021: “The Seven Deadly Ethical Sins,” Indiana Office of Court Services.

My part in this virtual panel CLE was focusing on the consequences of delayed releases.

20) 6/17/2022: “New Building, New View: The New and Innovative Community Justice Campus,” Indianapolis Bar Association.

I presented, with a panel of other judges and the Marion County Superior Court Chief Information Officer, a view of the new Marion County courthouse building, technology, and procedures.

8. Memberships and Other Activities

- A. List any memberships and offices you have held in professional organizations, including dates and descriptions of both the organization’s purpose and your involvement.

I was a member of the American Trial Lawyers Association (ATLA) from 1995-2000.

I have been a member of the Indiana State Bar Association since 1998.

I have been a member of the Indiana Judges’ Association since 2009.

I have been a member of the Indianapolis Bar Association since 2000. During my time as a member of the Indianapolis Bar Association, I have held the following positions:

- Vice President, 2013
- Board of Directors, at Large Member 2011-2012; 2014-2015
- Co-chair of the Bench Bar Planning Committee 2015
- Member of the Bench Bar Planning Committee 2009 and 2012

I am currently on the Board of Directors for the Indianapolis Bar Foundation.

- B. List any memberships and offices you have held in civic, charitable, or service organizations, including dates and descriptions of both the organization’s purpose and your involvement.

2001-2003: The Ronald McDonald House Charities of Indiana

I was on the Resource Development Committee where we explored methods of raising funds to help families who had children admitted to Riley Children’s Hospital. This involved developing programs, contacting donors, and maintaining relationships with both business and civic leaders to gain support for the charity.

2008-2009: Congregation Beth-El Zedek

I was on a small ad hoc subcommittee at my temple attempting to organize a short film festival.

2020-Present: Indianapolis Bar Foundation

I am currently on the board of the Indianapolis Bar Foundation, the charitable arm of the Indianapolis Bar Association. The Bar Foundation's mission is "to advance justice and lead positive change in Indianapolis through philanthropy, education and service." This is done through grants, scholarships, and activities designed to connect the legal profession with the community. My role on the board is to contribute ideas, programming, and representation of the judiciary to the foundation.

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

I have been a member of the Jewish Community Center of Indianapolis.

- D. Describe your hobbies and other leisure activities.

One of my favorite pastimes is playing strategic board games. These games often take hours to play and involve complex, calculated decisions. I find that it is not only a fantastic social activity, but it keeps my mind fresh. I am also an avid book reader, music lover, and film buff. Two of my favorite books are *The Haunting of Hill House* by Shirley Jackson and *Something Wicked This Way Comes* by Ray Bradbury. I love fiction as it can provide an escape from the realities and stress of being a trial court judge. Growing up in the 1980s, my music taste varies greatly. I listen to everything from rock to punk to R&B. Two of my favorite albums are U2's *Achtung Baby* and Madness' *One Step Beyond*. Finally, I adore movies. My favorite film is 1981's *Raiders of the Lost Ark*. I share my hobbies with my wife, Stephanie, and my daughter Soren. We often play games, share music discoveries, and watch films together.

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.)

1) **Hatcher v. Hill et al.**

Case Number: 1:2001cv01700

US District Court for the Southern District of Indiana

Filed: 11/8/01

This matter was a lawsuit filed by a prisoner regarding prison conditions.

Status: Matter closed on 1/15/2002

2) **Pienaar v. Young et al.**

Case Number: 1:2007cv00609

US District Court for the Southern District of Indiana

Filed: 5/15/2007

This was a Habeas Corpus matter filed by a defendant regarding prison conditions.

Status: Matter closed on 6/19/2007

3) **Hatcher v. Rothenberg**

Case Number: 1:2009cv01377

US District Court for the Southern District of Indiana

Filed: 11/3/09

This matter was a lawsuit filed by a prisoner regarding prison conditions.

Status: Closed 11/6/09

4) **Hatcher v Hill et al.**

Filed: 12/04/09

US District Court for the Southern District of Indiana

This matter was a lawsuit filed by a prisoner regarding prison conditions.

Status: Closed 4/15/10

5) **Shrivastava v. David Orentlicher et al.**

Case Number: 45D04-0912-PL-00019

Lake County Superior Court

Filed: 12/30/2009

This matter was a lawsuit filed by Carolyn Herz Srivastava (also known as Carolyn Herz), a serial and restricted filer, against several elected officials in

Indiana. The case itself concerned claims of conspiracy and the defendants being part of a “cabal” against the plaintiff.

Status: Closed. Date unknown due to the age of the record and the conversion of Lake County to Odyssey

6) **Srivastava PHD v. Daniels et al.**

Case Number: 2:2010cv00053

US District Court for the Southern District of Indiana

Filed: 1/28/10

This was a civil case involving a personal injury claim against multiple defendants by a plaintiff who has been deemed a restricted filer.

Status: Matter closed on 6/14/10

7) **Ankh El et al v Hill et al.**

Case Number 1:2013cv01471

US District Court for the Southern District of Indiana

Filed: 9/13/2013

This is a civil rights case filed by a sovereign citizen, also known as Wendell Brown. Mr. Ankh-El (Brown) is known as one of the more active sovereign citizens in the state and at the national level. In this action he filed a lawsuit against most judicial officers in Marion County. This case was dismissed.

Status: Matter closed on 10/21/2013

8) **Ankh El v. State of Indiana et al.**

Case Number 2:2015cv00280

US District Court for the Southern District of Indiana

Filed: 9/14/15

This is a civil rights case filed by a sovereign citizen, also known as Wendell Brown. Mr. Ankh-El (Brown) is known as one of the more active sovereign citizens in the state and at the national level. In this action he filed a lawsuit against judicial officers and prosecutors involved in his criminal case in Marion County.

Status: Matter closed on 4/18/2016

9) **Ankh El v. State of Indiana et al.**

Case Number 2:2015cv00391

US District Court for the Southern District of Indiana

Filed: 11/23/2015

This is a civil rights case filed by a sovereign citizen, also known as Wendell Brown. Mr. Ankh-El (Brown) is known as one of the more active sovereign citizens in the state and at the national level. In this action he filed a lawsuit

against judicial officers and prosecutors involved in his criminal case in Marion County.

Status: Matter closed on 1/22/2016

10) Ankh El v. State of Indiana et al.

Case Number 1:2016cv00852

US District Court for the Southern District of Indiana

Filed: 4/18/2016

This is a civil rights case filed by a sovereign citizen, also known as Wendell Brown. Mr. Ankh-El (Brown) is known as one of the more active sovereign citizens in the state and at the national level. In this action he filed a lawsuit against judicial officers and prosecutors involved in his criminal case in Marion County. The Defendants were granted Summary Judgement.

Status: Matter closed on 3/24/2017

11) Ankh El v. Robert Altice et al.

Case Number 1:2018cv03452

US District Court for the Southern District of Indiana

Filed: 11/7/2018

This is a civil rights case filed by a sovereign citizen, also known as Wendell Brown. Mr. Ankh-El (Brown) is known as one of the more active sovereign citizens in the state and at the national level. In this action he filed a lawsuit against judicial officers and prosecutors involved in his criminal case in Marion County.

Status: Matter closed on 5/14/19

12) Herz v. Young et al.

Case Number: 1:2018cv03447

US District Court for the Southern District of Indiana

Filed: 11/7/2018

This was a civil case involving a personal injury claim against multiple defendants by a plaintiff who has been deemed a restricted filer. This claim was removed from Marion Superior Court and was originally filed under 49D04-1810-CT-043145.

Status: Matter closed on 12/12/2018

13) Herz v. Indianapolis Hebrew Congregation Inc. et al.

Case Number: 49D13-1906-CT-026047

Marion Superior Court

Filed: 6/26/2019

This matter was a lawsuit filed by Carolyn Herz Srivastiva (also known as Carolyn Herz), a serial and restricted filer, against several elected officials in Indiana. The case itself concerned claims of conspiracy and the defendants being part of a “cabal” against the plaintiff.

Status: This case was closed on 2/5/2020 on a 41(e) dismissal

14) Wendell Brown v. Robert Altice et al.

Case Number 19-2703

US Court of Appeals, Seventh District

Filed: 9/5/2019

This is a civil rights case filed by a sovereign citizen, also known as Wendell Brown. Mr. Ankh-El (Brown) is known as one of the more active sovereign citizens in the state and at the national level. In this action he filed a lawsuit against judicial officers and prosecutors involved in his criminal case in Marion County.

Status: Matter closed on 11/21/2019

15) Herz v. Congregation Beth-El Zedeck et al.

Case Number: 1:2019cv041810

US District Court for the Southern District of Indiana

Filed: 12/6/2019

This was a civil case involving a personal injury claim against multiple defendants by a plaintiff who has been deemed a restricted filer. This claim was removed from Marion Superior Court and was originally filed under 49D06-1911-CT-049302.

Status: Matter closed on 12/31/2019

16) Herz v. United States Department of Justice et al.

Case Number: 1:2020cv01412

US District Court for the Southern District of Indiana

Filed: 5/15/2020

This was a civil case involving a personal injury claim against multiple defendants by a plaintiff who has been deemed a restricted filer. This claim was removed from Marion Superior Court and was originally filed under 49D03-2004-CT-014933.

Status: Matter closed on 5/28/2020

17) Herz v. Evan Goodman et al.

Case Number: 49D06-2010-CT-036679

Marion Superior Court

Filed: 10/16/2020

This matter was a lawsuit filed by Carolyn Herz Srivastiva (also known as Carolyn Herz), a serial and restricted filer, against several elected officials in Indiana. The case itself concerned claims of conspiracy and the defendants being part of a “cabal” against the plaintiff.

Status: This case was closed on 11/13/2020 per dismissal.

18) Herz v. Richard Young et al.

Case Number: 1:2021cv00075

US District Court for the Southern District of Indiana

Filed: 1/12/2021

This was a civil case involving a personal injury claim against multiple defendants by a plaintiff who has been deemed a restricted filer. This claim was removed from Marion Superior Court and was originally filed under 49D14-2012-CT-045076.

Status: Matter closed on 2/3/2021

19) Herz v. US District Court for the Southern District of Indiana et al.

Case Number: 1:2021cv00618

Filed: 3/15/2021

US District Court for the Southern District of Indiana

This was a civil case involving a personal injury claim against multiple defendants by a plaintiff who has been deemed a restricted filer. This claim was removed from Marion Superior Court and was originally filed under 49D04-2102-CT-007211.

Status: Matter closed on 6/21/2021

20) Herz v. US District Court for the Southern District of Indiana et al.

Case Number: 1:2021cv02315

Filed: 8/24/2012

US District Court for the Southern District of Indiana

This was a civil case involving a personal injury claim against multiple defendants by a plaintiff who has been deemed a restricted filer. This claim was removed from Marion Superior Court and was originally filed under 49D06-2108-CT-026209.

Status: Matter closed on 9/9/2021

21) Ash v. Marc Rothenberg et al.

Case Number: 1:2021cv02534

US District Court for the Southern District of Indiana

Filed: 9/27/2021

This is a civil rights case filed by a prisoner against several officials in Marion County, Indiana. After review by the District Court, the case was closed.

Status: Matter closed on 11/17/2021

22) Herz v. Scott Rivkees et al.

Case Number: 49D05-2110-CT-035304

Marion Superior Court

Filed: 10/19/2021

This matter was a lawsuit filed by Carolyn Herz Srivastiva (also known as Carolyn Herz), a serial and restricted filer, against several elected officials in Indiana. The case itself concerned claims of conspiracy and the defendants being part of a “cabal” against the plaintiff.

Status: Closed on 12/8/2021

23) Mattingly v. Marion Superior Court, et al.

Case Number: 1:2022cv00369

US District Court for the Southern District of Indiana

Filed: 2/21/2022

The plaintiff in this case is a former employee of the Marion Superior Court who has filed a lawsuit claiming discrimination concerning her termination.

Status: Pending

24) Herz v. Congregation Beth-El Zedek, et al.

Case Number: 49D06-2203-CT-009779

Filed 3/25/2022

This matter was a lawsuit filed by Carolyn Herz Srivastiva (also known as Carolyn Herz), a serial and restricted filer, against several elected officials in Indiana. The case itself concerned claims of conspiracy and the defendants being part of a “cabal” against the plaintiff.

Status: Pending

- 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.

I have never been arrested or cited for any violation of law other than routine traffic violations.

- 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.

I have not been disciplined or cautioned in any fashion by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by any similar entities.

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

I do not have any outstanding tax obligations.

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

1. Mr. Lee Christie, Esquire
2. Ms. Michelle Sharpe, Esquire
3. Mr. James Voyles, Esquire

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

1. Mr. John Trimble, Esquire
2. Hon. Michael Keele, Marion Superior Court Judge, *retired*
3. Mr. Elliot Patrick, Chief Information Officer Marion County Information Services Agency

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

1. Mr. Drew Young, Esquire
2. Hon. Jeffrey Graham, Chief Judge, US Bankruptcy Court, Southern District of Indiana
3. Mr. Angel Rivera