

Application of
Paul A. Felix
for the Court of Appeals of Indiana



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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.

Paul Arthur Felix

f/k/a Paul Arthur Sikler

- 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.

My wife, Nicki Simon Felix, is 50 years old. She is a realtor and works out of the Keller-Williams – Indy Metro North office. Nicki and I have three children, one who lives with us and two young adults who live with us during school breaks. In birth order, our children are Benjamin Nathan Felix, 20 years old (he is a junior at Wabash College); Ilana Lilly Felix, 18 years old (she is a freshman at Indiana University – Bloomington); and PSF, 10 years old.

- C. Business address, email, and telephone number.

**1 Hamilton County Square, Rm #337
Noblesville, Indiana 46060
paul.felix@hamiltoncounty.in.gov
(317) 776-9635**

- D. Attorney number.

18627-41

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

October 1995

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

Active

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

Not applicable

F. Date and place of birth.

October 3, 1969; Elkhart, Indiana

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

My wife and I moved to Hamilton County in May 2001.

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.*

Indiana University – Bloomington

August 1988 – May 1992

Bachelor of Science – Major in Political Science; Minor in Spanish

Transcript attached

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).*

Not applicable

3. Post-Secondary Education

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

Indiana University Maurer School of Law
August 1992 – May 1995
Juris Doctorate

4. Employment

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

State of Indiana, Hamilton Circuit Court, Noblesville, Indiana

Judge since January 2009

City of Carmel, Carmel City Court, Carmel, Indiana

Judge - January 2007 to December 2008

Johnson County Prosecutor's Office, Franklin, Indiana

Deputy Prosecuting Attorney – May 1995 to December 2006

Certified Legal Intern – August 1994 to May 1995

Legal intern – May 1993 to August 1993

American General Finance, Evansville, Indiana

Legal Intern – May 1994 to August 1994

- 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.

Johnson County Prosecutor's Office

I went to law school because I wanted to serve as a prosecutor. My desire to prosecute was rooted in wanting to help protect society from dangerous and violent people, but my primary interest was in stopping domestic violence in people's homes. After finishing my first year in law school, I had the opportunity

to serve as a legal intern for this office. I was tasked with researching and writing memoranda for other prosecutors and watching proceedings. After qualifying as a certified legal intern during my second year in law school, I started trying bench trials and helped with a jury trial. Upon becoming a lawyer, Lance Hamner (former Prosecutor, former Judge, and current Johnson County Prosecutor-elect) and Lew Gregory (current Greenwood City Court Judge) offered me a deputy prosecutor position in May of 1995. I started out prosecuting in city courts (not many dangerous or violent criminals here), but I learned the tools of the trade to advance forward.

The next destination was juvenile court where I prosecuted delinquencies and status offenses. In many instances, I was now prosecuting delinquent acts that would have been major felonies if they would have been committed by an adult. After a short stint in juvenile court, I was advanced to misdemeanor court where I had my first opportunity to prosecute domestic violence cases. I managed a very busy docket, reviewed police reports, filed formal charges, wrote persuasive legal briefs, prepared and offered plea agreements, negotiated with experienced defense attorneys, and tried cases. While in misdemeanor court, I tried at least 100 bench trials and some jury trials while applying the Rules of Criminal Procedure and the newly-adopted Rules of Evidence.

After a couple of years prosecuting misdemeanors, I was offered the opportunity to start prosecuting dangerous and violent criminals in the felony courts or to create the Prosecutor's Office's first Domestic Violence Unit. I jumped at the chance to create something from the ground up. It was exactly what I wanted to do – help end domestic violence in battered spouse's and children's homes. I hired a victim safety coordinator and together we created policies and procedures for how to run the Domestic Violence Unit. We created and offered investigative training for all the local police departments in Johnson County and began prosecuting abusers using best practices. I was successful in many of the trials, both bench and juries, sometimes even though the victim was opposed to the prosecution of the abuser.

My tenure as the domestic violence prosecutor was some of the most rewarding time I served as a deputy prosecutor. Making abusers see the wrongfulness of their actions and stopping the cycle of violence will forever be memorable to me. Understanding the realities of domestic violence cases, the prosecution of abuse also offered defendants the chance to rehabilitate and learn how to peacefully, not violently, handle disputes with their loved ones. During this time, I appeared before Judges K. Mark Loyd, Cynthia Emkes, James Coachys, and

Kim Van Valer. Nearly every public defender in Johnson County and I tried cases together, including Dan Vandiver, Jeff Eggers, Roy Dickinson, Phil Wilson, Richard Tandy, and others.

Throughout many of these years, I was also tasked with defending the State of Indiana against petitions for post-conviction relief ("PCR"). Ferreting out years-old records from cases and locating police, defense attorneys, and witnesses from crimes that occurred years earlier were skills I had to acquire while defending the State against PCR petitions. This was also my first chance to try quasi-civil cases and to learn the Rules of Trial Procedure. In one very memorable PCR hearing, I represented the State against an attempt to vacate a murder conviction from a defendant who killed a female classmate of mine when we were in high school. Her funeral was the first one I ever attended. It gives me chills to this day, knowing that I played a part in keeping the defendant in jail.

I had the pleasure of working with many of the people named above and also Joe Villanueva (current Johnson County Prosecutor), Ted Adams (current Brown County Prosecutor), Sheila Carlisle (Marion County Judge), Lisa Borges (Marion County Judge), Andrew Roesener (Johnson County Judge), Mike DeCourcy, Daylon Welliver, Brad Cooper, Tina Mann, Matt Solomon, Rob Seet, and David Abbott.

5. Trial/Judicial Experience

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

Johnson County Prosecutor's Office

I prosecuted approximately fifteen (15) jury trials. Nearly all the jury trials were for felonies. I served as lead prosecutor for most of the cases; however, in a couple of very serious cases, another deputy assisted me with the trial.

Many cases were domestic violence related, but I also prosecuted drug dealing, sexual assault, and burglary cases. Near the end of my prosecutorial career, I tried cases as a second chair supervisor for newly hired deputy prosecutors who were learning how to present cases to a jury.

In every trial, except one, I was able to obtain a guilty verdict on at least one of the charges.

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

Johnson County Prosecutor's Office

I can only estimate that I have tried over 100 bench trials during my prosecutorial career.

While directing the Domestic Violence Unit, I tried dozens of bench trials against abusers. I learned the nuances of hearsay exceptions in these trials. Many times, victims did not appear for the trial or did appear and denied the abuse, so I had to try cases with evidence obtained at the scene, with police and witness testimony, and through victim's statements made at the time of the offense while still under the stress of the abuse.

Additionally, I defended the State against all petitions for post-conviction relief and participated in several bench trials where convicted individuals attempted to have their convictions vacated based upon ineffective assistance of counsel or other allegations of error. After trial, I was commonly required to research relevant law and write detailed findings of fact and conclusions of law as a proposed order for the trial judge.

- 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.

Hamilton Circuit Court

I have had the honor of serving as the Judge of the Hamilton Circuit Court since 2009. I preside over a general jurisdiction court hearing major felony, family, civil, and juvenile cases. There are regularly over 1,000 cases pending in this court at any time and managing these cases to ensure a timely resolution is an ongoing task. I am pleased to report that the average age of all pending cases is approximately nine months.

Hearing cases is only one aspect of serving as a judge. Judges have the unique ability to lead with innovative ideas and approaches to make the administration of law more efficient, nimble, and easier to use. I take this part of the job seriously. I have served on the Indiana Supreme Court's Court Personnel Committee and Criminal Law Policy Committee. Currently, I proudly serve on the Indiana Judicial Conference and the Supreme Court's Committee on Rules and Procedures. Recently, I began serving on the Indiana Judges' Association after being recruited to serve as an at-Large member by the Association's current President, Darrin Dolehanty (Wayne County Judge).

In addition to serving in leadership positions on statewide committees, I have also led and helped with programs and initiatives closer to home. While I have been involved in more than four programs, I am most proud of helping to create the Hamilton County Youth Assistance Program (YAP), chairing the county's Juvenile Detention Alternative Initiative (JDAI), serving as the newly-appointed Presiding Judge of the county's first problem-solving court, the Hamilton County Drug Court, and creating a blue-ribbon panel of local lawyers to produce a local rule on the filing of dispositive motions.

I have presided over 60 jury trials in both civil and criminal settings. Some civil jury trials that are particularly memorable to me include a ten-day civil jury trial that resulted in a multimillion-dollar verdict in favor of several small insurance agencies and against a large corporate insurance company. Second, in one five-day legal malpractice jury trial, the parties reached a resolution to the matter at the exact same time as the jury ended its deliberations and reached a verdict. The parties pleaded with me to accept their agreement versus going back into court to accept the jury's decision. Finally, during the pandemic, I presided over one socially distanced, masked, and partially virtual jury trial regarding an automobile collision that resulted in a verdict of \$170,000 to the plaintiff.

Turning to criminal jury trials, I have presided over 30 trials which have included attempted murder, rape, child molest, neglect of a dependent resulting in death, armed robbery, and burglary cases. Most recently, I presided over a jury trial for a defendant accused of neglect resulting in his child's death. The facts were sad and emotional as the jury and I learned the extent of the child's malnourishment and abuse. The defendant was found guilty after a week-long trial.

I have presided over at least 100 bench trials primarily in family law matters and civil cases. One memorable case involved a contractor who sued his customer for not paying for a deck built on the side of her house. During the trial, the defendant-homeowner proved the plaintiff-contractor breached the contract and violated the Home Improvement Contract Act. The defendant-homeowner won the trial and received a five-figure money judgment in her favor. In another environmental clean-up case, the City of Noblesville proved that a local train museum allowed dangerous chemicals to seep into the land near a park. Although the train museum initially appealed my decision, the appeal was dismissed upon an agreement to change one small aspect of the decision related to how to manage and pay for future clean-up of the spill.

Finally, it is common for me to hear oral arguments on dispositive motions, discovery complications, and other pretrial motions.

Carmel City Court

In 2007, then-Governor Mitch Daniels appointed me to serve in the Carmel City Court. Here, I presided over misdemeanors, infractions, and ordinance violations. In the two years I served on this bench, I tried more than a hundred bench trials. Once again, leading was important to me, and I started a Teen Safe Driving Program that required young drivers adjudicated for more than one moving offense to attend a safe-driving program in lieu of license suspension. While there, I began the transition from our old paper files and records to the State's new Odyssey electronic record keeping system. Finally, I implemented an innovative plan to recover funds that collected thousands of dollars of unpaid fines, fees, and costs voluntarily.

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.

1. **D. Young Chevrolet, LLC v. Young Realty 96K, LLC,**
29C01-1712-PL-11504
Findings, Conclusions, and Order on Motions for Summary Judgment, July 21, 2020

WRITING SAMPLE #1 (TAB 2)

Two corporations were interpreting a lease contract differently and arguing whether a rent reduction provision should be implemented. I interpreted the contract differently than either party and decided there was insufficient evidence for me to decide whether the rent reduction provision applied. I sent the parties back to the drawing board, accumulate new evidence, or renegotiate a settlement. They ultimately settled.

2. **State of Indiana v. Bridgette Elmore,**
29C01-1809-MR-6494
Order on Defendant's Motion to Dismiss Counts I and II, April 22, 2019

WRITING SAMPLE #2 (TAB 3)

The defendant moved to dismiss two charges of murder after a car crash resulted in the death of two people. After researching the relevant statutes and caselaw, I decided to grant the motion. The decision allowed the parties to negotiate a resolution which resulted in the defendant pleading guilty to Causing Death when Operating a Vehicle with a Schedule I, II, or III Controlled Substance in the Blood, a Level 5 felony.

3. **State of Indiana v. Elijah Mills,**
29C01-1911-F1-9633
Order on Defendant's Motion in Limine, December 14, 2021

WRITING SAMPLE #3 (TAB 4)

In this case, the defendant abused a young child to the point of causing severe physical injury that ultimately resulted in the child's death. The State desired to present evidence that defendant had acted violently toward the child in the past. The defendant moved to prevent the State from introducing such evidence. Although normally this evidence is forbidden, I determined exceptions applied and allowed its presentation.

4. **In re: the Marriage of Lacy and Christopher Ingram,**
29C01-1603-DR-2658
Order on Custody, Parenting Time, and Child Support, March 22, 2022

WRITING SAMPLE #4 (TAB 5)

In this post-dissolution custody and contempt battle, two parents bitterly fought over missed parenting time and child support. They accused each other of reckless behavior and parental alienation. I determined which parent would receive custody by balancing each parent's strengths, deficiencies, and ability to provide a more stable home for their child.

5. **In re: the Marriage of Brandon and Amanda Godsey,**
29C01-1911-DC-10404
Findings of Fact and Conclusions, October 13, 2021

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. **Rules of Admission and Discipline, Rule 6.2, Pro Bono Publico License**
After the Coalition for Court Access recommended a proposal for increasing the provision of free representation to people who cannot afford to hire their own attorney, I took the lead with another member of the Rules Committee to draft rules to accomplish that goal. The rule allows retired attorneys and attorneys from other states to provide pro bono services in Indiana without returning to active service or obtaining a license to practice law in Indiana.
2. **Code of Judicial Conduct, Rule 2.12, comment 3** – While a member of the Supreme Court’s Personnel Committee, we proposed a rule (which became a comment) to reinforce the judge’s ethical responsibility to ensure staff receive continuous, ongoing training.
3. **Hamilton County Local Rule on Trial Rule 56, LR29-TR56-213** – After a judicial conference where Judges Mathias, Hill, and Bobay discussed “E-Writing and E-Reading,” I formed a committee composed of Hamilton and Marion County lawyers who represented the plaintiff and defense bar, Hamilton County Commercial Court Judge Jon Brown, and Marion County Commercial Court Judge Heather Welch to create a local rule on how to file designated evidence in dispositive motions. The local rule also answers common inquiries and issues that arise during the filing of dispositive motions.

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.

Not Applicable

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 v. D.M.** (Presiding Judge)

- In August 2018, a Noblesville middle school student brought two guns and hundreds of rounds of ammunition into his school with the intent to injure or kill a fellow student, teacher, and anyone else who attempted to prevent his actions.
- A student and teacher were shot by D.M., and both victims sustained very serious injuries requiring hospitalization.

Significance: The juvenile admitted the allegations filed against him. At the dispositional hearing, my goal was to provide a statement advising the juvenile what facts I considered important and why I chose to do what I did. Additionally, I felt compelled to provide a statement to the community to help it heal. This case was significant because of the public and national attention it received. More importantly, an entire community was traumatized, and it was my job to balance the community's need for punishment with the juvenile's need for rehabilitation.

2. **State v. William French** (Deputy Prosecutor)

- An abuser was jealous of his wife's independence and capabilities. He tied her to the bed, beat her head with a mallet, and left her to die.
- At trial, he was found guilty after a five-day jury trial that ended late on a Friday night.

Significance: Although I sat as second chair, I did much of the preparation work to start the trial. Sitting with the victim, going to the hospital to talk to the nurses and doctors, and gathering the certified conviction records from other jurisdictions to prove an habitual offender enhancement were all on my plate. Prosecuting the offender was a one-time event, but it brought a lasting relationship with the victim. This is significant to me because it impacted my view on "cases." Each "case" involves real people with emotions, physical pain, and trauma, and each one needs to be treated that way.

3. **State v. John Bochner** (Deputy Prosecutor)
- A defendant with multiple convictions for prior abuse was able to connive his way into another victim’s life. Once the victim realized the violent side of her husband, she asked him to leave.
 - Days after leaving the residence, he sat in wait one night, entered the home, beat, sexually assaulted, and then drove his wife to Illinois to bury her in a makeshift grave. He had the tarp, shovel, and gloves in the trunk of his car. She convinced him to turn around and admit himself into a hospital. She fled to the nearest police station.
 - I led the prosecution of this defendant and secured a conviction and an habitual offender finding in front of a jury.

Significance: This matter brought to the forefront the all-important work the law does to keep people and the community safe. Here, we had an individual who continually escaped significant punishment. I believed I had an opportunity to remove this individual from society for a long time, so focusing on the details and advocating for the victim’s and society’s safety was of utmost importance. In this matter, we were able to convince a judge that a maximum sentence was appropriate. The look of absolute relief I saw on the victim’s face after the sentencing hearing has left an indelible impression on me.

4. **State ex rel Securities Commissioner v. CFS, LLC** (Presiding Judge)
- A business entrepreneur played fast and loose with the life savings of hundreds of retirees by overselling fractional shares of single pieces of property. The retirees were buying shares of property to become eligible for federal benefits.
 - When he stopped recording the purchases with the county and the 2008 financial downturn occurred, the defendant’s finances turned upside down as some investor/retirees asked to withdraw their funds.

Significance: This was the first time I was asked to weigh the equitable resolution of dozens of people who all sat in similar but not entirely equal places. With the help of an appointed Receiver, we worked through the acquisition and sale of numerous properties. We gathered necessary documentation to learn of all investors, contacted them, and ultimately allowed them, in a “global claims hearing,” to testify how they ended up being a part of this action. This was significant to me because my decision would lead to thousands of dollars of loss for some investors but

not others. The relief I determined most equitable provided compensation to those people who had been victimized even though they proactively conducted due diligence to prevent financial harm.

5. **Custody/Relocation cases** (Presiding Judge)

- In divorce and paternity matters, I am tasked with making decisions that will severely restrict parenting for one parent due to no fault of that parent.

Significance: We live in a mobile society and people relocate for multiple reasons. When a relocation occurs, the non-moving parent's parenting opportunities become drastically limited. These are quite possibly the hardest of decisions for me because people have legitimate reasons for relocating. However, the move will result in one parent seeing his/her child much less often. These decisions are significant to me because of how greatly they can change a child's life.

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.

Continuing Judicial Education Presenter, 2015 – Present

- Southern Indiana Judges' Conference - Civility and Contempt - 2020
- State Annual Judicial Conference – Rules Update – 2018 – 2021 (preparing presentation for conference in 2022)
- General Jurisdiction Orientation – Civility in the Courtroom – 2019 and 2020
- Marion County Small Claims Conference – Civility for Judge and Court Staff – 2018
- Senior Judges Judicial Conference – Contempt – 2017
- State Annual Judicial Conference – Contempt – 2017
- City/Town Annual Judicial Conference – Contempt – 2016
- Long distance education series – Contempt – 2015

Continuing Legal Education Presenter, 2011 – Present

- Hamilton County Bar Association – Testifying as a Guardian ad Litem – 2011 - 2021
- Hamilton County Bar Association – Contempt for Lawyers – 2020
- Hamilton County Bar Association – Fireside Chat on Family Law – 2021

Above is a list of some of the presentations I have given to the state's judiciary and local bar associations. In 2015, I signed up to learn how to provide continuing education in a long-distance (virtual) format. With the assistance of members of the Indiana Office of Court Services and National Center for State Courts, we learned tips and tricks for making presentations clear and effective. At the time, in 2015, no one could have predicted how important this would become. While putting a sample presentation together, I decided to start with the topic of contempt. I was surprised how well the presentation developed and how well it was received by others who helped me perfect it. As can be seen from above, it was very well received, and I was asked to give the presentation at several conferences from 2015 through 2020. Extremely memorable to me, after giving the presentation at the State Annual Judicial Conference, former Chief Justice Brent Dickson, walked up to me and told me that the presentation was one of the best he had ever seen on the topic.

Contributor to “Great Educational Moments” (GEMS) – Council of Chief Judges and State Courts of Appeal, 2021

- “What Trial Judges Would Like to See from Appellate Decisions, a/k/a Remember We Lost Sleep Over the Decision You Are About to Reverse”
Video can be found at: <https://ccjsca.org/great-educational-moments/what-trial-judges-would-like-to-see-from-appellate-decisions/>

Judge Robb of the Indiana Court of Appeals asked me to create this short video for appellate and supreme court judges. The idea behind the video was to remind reviewing judges of what trial court judges would like emphasized in appellate court decisions. I also described the difficulties of deciding cases at the trial level and the dedication and commitment given to that task by trial court judges.

Supreme Court Committee on Rules of Practice and Procedure (“The Rules Committee”), February 2018 – Present

After a conversation with Chief Justice Rush about frustrations I had with a particular Trial Rule, she appointed me to the Rules Committee. It has been an honor to serve on this committee and something that I have immense pride in doing. In this committee we write, edit, wordsmith, debate, and propose rules of statewide importance to all the practicing attorneys. Our objective is to advance the efficiency of the administration of justice.

To date, I have personally been involved in creating a new rule of admission and discipline to expand the ability to provide pro bono representation. Retired attorneys and attorneys from out-of-state can apply for this limited license allowing them to practice for pro bono agencies.

I helped amend the former Administrative Rule 9 to make it easier to use and to expand the list of items that can be filed confidentially. Also, we believed the importance of this Rule required that it be moved out of the middle of the Administrative Rule set and that it be given its own rule set. Today, it is known as the “Access to Court Records” rules.

Just recently, after months of discussions, rewrites, and reorganization, the revised Rules of Criminal Procedure were submitted to the Supreme Court for

consideration and adoption. We are proposing, not always unanimously, rules that will change how criminal cases proceed in trial courts across the State.

Youth Assistance Program (“YAP”), 2011 – Present

In 2011, with the leadership of Judge Steven Nation (former Hamilton Superior No. 1 Judge) and Westfield Mayor Andy Cook, we implemented a program for at-risk children focused on preventing their entry into the justice system. To allow this program to be operated on a statewide scale, we proposed an enabling law that allows juvenile courts to start similar programs across the State. The Indiana General Assembly accepted the proposal, created a law which was signed by then-Governor Daniels (See Tab 6 – Exhibit 1), and it is now found at Indiana Code 31-32-3-11.

YAP provides mentoring, tutoring, and wrap-around services to at-risk youth upon referral from teachers, police, or other interested people. Although it started in Westfield, it quickly grew to all the municipalities in Hamilton County. Today, the program reaches thousands of children every school year around Indiana. We recently had one child’s story of transformation written about in a local periodical. (See Tab 6 – Exhibit 2).

To promote the preventative aspect of this program, I engage in community speaking to groups such as Kiwanis, Lions Club, and citizen police alumni groups. This is a significant program to me because I know first-hand the power and influence mentors can have in a young child’s life. I benefited from having mentors after my father died when I was 5 years old. Without mentors and people willing to show me that life had opportunities beyond what I could see at that moment, I am sure my life would be much different today. Providing children with a support network, before they commit acts of delinquency, empowers their success in ways the juvenile justice system cannot.

Juvenile Detention Alternative Initiative (“JDAI”), 2014 – Present

The JDAI was established more than 25 years ago “as a pilot project to reduce reliance on local detention.”¹ In 2006, the initiative took root in Indiana, initially in Indianapolis, and spread throughout the State. Today, through the leadership of Justice Steven David, 38 counties have started or are being introduced to the JDAI core principles in their juvenile justice system philosophies.

¹ Annie E. Casey Foundation website found at: aecf.org/work/juvenile-justice/jdai

When Justice David first requested Hamilton County become involved in the program, we were hesitant. We had concerns that our data would not help the State's overall data – we thought our data was too good, and that including it would hurt the State's averages. We were also concerned that taking on an initiative requiring dozens of meetings to occur on a regular basis could be an ineffective use of time. The results have proven that our concerns were misplaced.

JDAI has helped the county immensely since its inception. To start, I invited every juvenile justice stakeholder in the county to attend our first meeting. I was amazed to see nearly everyone attended. We had chiefs of police from several municipalities, county leaders, prosecutors, probation officers, defense attorneys, and leaders of churches and schools all in one place. With the help of the State's JDAI representatives, we were able to agree that JDAI should take root in Hamilton County.

Our collaboration with a diverse team has helped us create an objective screening tool to determine whether juveniles should be detained or whether we can release them on alternatives to detention. When we started, we regularly had 20+ juveniles in detention at any one time. Today, our daily average of detainees floats around 5-7 juveniles. For several weeks last summer, there were no local juveniles in our detention center at all.

Through this work, we focus on collecting accurate data, improving conditions of confinement, expediting case processing, and reducing racial and ethnic disparities. These workgroups meet separately in committees and report their ideas and findings to the larger Local Steering Committee. I lead, as Chair, most of these committees and work with our State Coordinator, Megan Horner, and our local coordinator, Amber Bishop, in generating discussions to further our objectives.

Hamilton County Drug Court – Presiding Judge, 2022 – Present
Assisting Judge, 2013 – 2021

As of July 2, 2022, I serve as the Presiding Judge of the county's drug court. The Drug Court was started more than 12 years ago by recently-retired Judge Gail Bardach. For most of that time, I served as Judge Bardach's back-up judge whenever she was unable to attend weekly drug court sessions.

The group of people admitted to the drug court are often referred to as High Risk/High Needs. In other words, they require very close supervision (high risk) and extensive therapeutic intervention (high needs). A drug court's mission is to help people who are seriously addicted to drugs to recover from their addiction and return them to society as productive, healthy individuals. We do this by wrapping them with services, such as individual and group therapies, counseling, and co-occurring treatment. Additionally, we provide very close supervision to reduce recidivism while in programming and beyond.

Well-run specialty courts have been shown to reduce recidivism by up to 20%. In our efforts to be a well-run court, we regularly review the nationally prepared Best Practices and Standards, attend trainings, and collect our own data. We are currently preparing a report detailing our compliance with the standards and hope to present data consistent with national averages proving that recidivism for drug court participants is much lower than for those who do not participate.

Judicial Conference of Indiana, Board of Directors, March 2016 – Present

I was selected by my peers in the judicial district to represent them on the Board of Directors of the Judicial Conference of Indiana. On this Board, we participate in meetings led by Chief Justice Rush to advance the administration of justice through newly proposed programs and vote on adopting rules advanced through specialized committees, such as for drug courts and in domestic relations cases. Lately, we have emphasized hearing from each judge about the successes and tribulations in each judicial district. Afterwards, it is my obligation to report to my district colleagues all that is happening around the State.

Youth Justice Oversight Committee (“YJOC”) – Data Workgroup, July 2022 – Present

Recently, the Indiana General Assembly established the YJOC to develop plans to improve the administration of the juvenile justice system. Dr. Matthew Aalsma of the IU School of Medicine, invited me to serve as a member of the Data Workgroup of the YJOC. The workgroup will develop a plan to collect and report statewide juvenile justice data. Thereafter, the workgroup will define data points and devise methods and ways to use the data effectively and ethically. I think it will be important to collect data that shows what programs

and policies help reduce recidivism and escort youth out of the system as quickly as possible.

Indiana Supreme Court's Innovation Initiative, December 2020 – 2022

The Innovation Initiative, which is a committee developed to pilot new ideas for the administration of the law, asked me and few other judges to oversee the implementation of a new software application called Caselines. The product improves the efficiency of exhibit acquisition and presentation by allowing attorneys to electronically submit all their intended exhibits to a cloud-based account. Once the exhibits are uploaded, they are immediately accessible to other attorneys involved in the case and to the court.

To hasten the effort of having other attorneys accept this product, I brought in a small group of people to perform a mock trial using Caselines. The mock trial was recorded and has been presented to other judges and attorneys to help them see the benefits of this application.

In the "old days," attorneys had to come to court pulling bankers boxes of exhibits with multiple copies of each exhibit planned to be admitted at trial. The use of paper and physical exertion is no longer necessary. Today, all those exhibits are uploaded and labeled ahead of time and are easily presentable to the court, other attorneys, and witnesses during trial.

State Board of Law Examiners Committee on Character and Fitness – Character and Fitness Interviewer, 2013 – Present

I interview applicants for admission to the Bar of the State to determine their character and fitness to practice law. As an interviewer, I have a unique ability to participate in young lawyers' admission to the profession. There is a profound sense of responsibility to assess and approve these applicants.

Hamilton County Community Corrections – member of Board of Directors, 2009 – Present

Hamilton County High School and Classical Conversations Home School Mock Trial competitions – Volunteer Judge, 2007 – Present (See Tab 6 – Exhibit 3)

Indiana University Maurer and McKinney Schools of Law Moot Court competitions – Volunteer Judge, 1998 – Present

- 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.

We the People practice sessions – Fishers High School, 2013-2016, 2021-2022

We the People is a classroom curriculum that teaches the history and principles of our nation’s founding. Students at both Fishers and Hamilton Southeastern High Schools regularly are involved in state and national competitions. Before the competitions, I attend practice sessions to help prepare the students for the upcoming competitions by questioning them on their stated beliefs and helping them find ways to advocate from stronger positions.

Constitution Day – multiple schools, 2008, 2013-2015 (See TAB 6-Exhibit 4)

I have presented to multiple schools from elementary to high school on importance of our Constitution and the representative democracy it created.

Boys and Girls Club of Noblesville – Youth in Government, 2014, 2017, and 2019 (See TAB 6-Exhibits 5, 6, and 7)

Scouts BSA – multiple local troops, 2009 – 2015

I have presented to multiple troops regarding Citizenship and Civics.

Additionally, I will never pass up an opportunity to promote my Eagle Scout son, who completely overhauled the Carmel High School’s show choir inventory room by organizing, inventorying, and electronically cataloguing every single prop and item of clothing owned by the show choir department.

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

Scouts BSA - Crossroads of America Council – Alumni Network - Co-Chair, 2022

In May of this year, I was recruited to serve as Co-Chair of this regional alumni network. My goal is to connect all those impacted by Scouts and help them foster meaningful relationships through networking, social events, and behind-the-scenes tours. We are building the network and establishing committees to advance the network’s mission.

Beth el Zedeck congregation - Member of Board of Directors, 2010 - 2014
Member of Executive Committee, 2014 - 2019
Secretary, 2014 - 2015
Treasurer, 2016 - 2017
Second Vice-President, 2018 - 2019

Being involved in my congregation is important to me. I am Jewish, but I was not raised religiously. Due to fear of discrimination and prejudice in the community where I grew up, my family did not reveal our religion to others. I distinctly remember my Mom telling me that if anyone asked about my religion to say, "I am American." I waited until I was a freshman in college to begin openly practicing my religion. When my wife and I started a family, it was important to live near a shul so we could raise our children in their Jewish heritage and traditions. As my son was preparing for his Bar Mitzvah, I taught myself how to read Hebrew so we could read together on the bimah.

While serving as a member of the Board of Directors, I became enmeshed in the day-to-day of congregational life. I enjoy our congregation's library and that is why I joined the library committee and helped them organize a book sale that raised funds for programming. After a significant rainfall and resultant flood, I helped clean up the mess and return the library to its pre-flood conditions.

Although I was in line to become the President of the congregation, my service as a judge prevented me from taking on some of the most significant duties of the presidency (raising funds). I had to step down after the conclusion of my term as Second Vice-President in 2019.

YMCA of Fishers – Member of Board of Managers, 2007 - Present

Presenter to Carmel Police Citizens Academy, 2019 - 2020

Presenter to Hamilton County Leadership Academy, 2015 - 2019

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

Hamilton County Bar Association ("HCBA") – Pro Bono Committee liaison, 2013 – 2019

District F Pro Bono – Access to Justice, Member of Board of Directors, 2014 – 2019

Both the HCBA Pro Bono Committee and the District F worked together to find local attorneys who could offer pro bono or sliding scale fee assistance to

people who could not afford an attorney. To reach as many attorneys as possible, the committee divided the entire bar association and made personal calls to each lawyer. For years thereafter, I promoted attendance at meetings to get more attorneys involved in the program. Regularly, I sent personal correspondence to attorneys letting them know that I was appreciative of their pro bono work.

Presenter to Hamilton County Guardian ad Litem Program, 2016 - 2019

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

I have not formally taught law school classes, but I have delivered, as mentioned above, numerous presentations to judges and lawyers. I have been invited to participate as a panelist in conferences conducted by the Indiana Bar Association (2019), National Business Institute (2018, 2022), Indiana Association of Family and Conciliation Courts (2019), Defense Trial Counsel of Indiana (2017), the Indiana Continuing Legal Education Forum (ICLEF) (2019), and the Indianapolis Bar Association (2014).

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.

Indiana Judges’ Association (“IJA”) – Member of Board of Managers, August 2021 – Present

Wayne County Judge Darrin Dolehanty asked me to accept his “presidential at-large” appointment to this association. The IJA advocates to the Indiana General Assembly issues that are important to the State’s judiciary. Generally, we do not advocate for substantive law changes; rather, we advocate for the third branch of government, the judiciary. On occasion, the association does advocate for changes in substantive areas of the law that improve our ability to do our jobs effectively or efficiently. I told Judge Dolehanty I would only consider the appointment if being a member required more than simply attending meetings. He assured me that it could, but it was dependent on my desire to be involved.

After accepting the appointment, I immediately began scheduling get-togethers with local legislators. Of course, I knew several of them already from attending other functions but beginning conversations about the advancement

of the judiciary was well worth the effort. I look forward to being involved with the IJA in the coming years.

Hamilton County Bar Association (“HCBA”) – Member, 2009 – Present; Member of Executive Committee, 2011 – 2013

The HCBA provides local attorneys with professional, social, and educational opportunities. I became involved in the Executive Committee as Secretary. I helped guide the direction of the HCBA by discussing and voting on appropriate goals for the association. I worked as the liaison to the *pro bono* committee and then moved into working with District F (f/k/a District 6) Access to Justice.

Sagamore Inn of Court – Member, 2018 – Present

The Sagamore Inn is a group of up to 100 attorneys and judges in various stages of their careers who gather and discuss ethical and substantive issues related to the practice of law. This is a great networking event because we start each meeting with open conversations and mingling, and then move to a CLE presentation. Our CLE presentations attempt to avoid the traditional formulaic ways of presenting education, and, instead, try learning through skits, game shows, and video dramatizations. My group’s last two presentations were on women’s rights and the history of alcohol laws in Indiana, respectively. In both, I took on the role of acting as President Benjamin Harrison and a local town scallywag, once again, respectively.

Johnson County Bar Association (“JCBA”), Member, 1996 – 2006

The JCBA is a local bar association providing attorneys with opportunities to meet for educational, professional, and social interactions.

- 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.

Benevolent and Protective Order of Elks of Noblesville – Member, 2019 – Present

This organization funds programs that help children, veterans, and cancer patients. In addition to promoting the Elks’ causes, it has been an enjoyable place to join colleagues in playing euchre at the end of a long week. Three attorneys and I have been playing euchre on Fridays for more than a decade. Our small group has grown into a small informal bar association meeting. Today,

we regularly have two and three groups of euchre players enjoying the comradery and competition of trumping each other's aces.

Kiwanis of Carmel Clay – President, 2008 – 2009; Member, 2005 – 2010

Kiwanis serves the needs of children in fighting hunger and improving literacy. As an executive committee member of a local club, I recruited speakers for weekly meetings. As President, I led the club to decide upon scholarships provided to local high school students and ways to raise funds.

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. Not applicable

D. Describe your hobbies and other leisure activities.

I walk regularly. I like being outside and clearing my mind from the day's tension and struggle. I started playing backgammon recently and taught my children how to play. My ten-year-old now regularly beats me in our family competitions.

A silver lining of the pandemic was that I found time to dust off the one-gallon beer kit I received as a gift years ago. Making beer has been a fun hobby. My friends enjoy helping me drink my creations, and my wife is still asking for her guest bathtub back (which is where I store the equipment, not where I make the beer). I also started brewing kombucha and mead.

With that said, my mead production has stalled. After noting how much honey I had to purchase to make a bottle of mead, I decided to buy beehives. Yes, I am now a partner in an apiary. Unfortunately, I am not a bee whisperer. The last time we attempted to harvest honey, the bees became so enraged that we ended up with multiple bee stings through our protective gear. Learning how to stay calm while being surrounded by hundreds of angry honeybees has to have some transferable value to being on the trial court bench, and, probably, on the appellate bench as well.

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.)

I have been sued six times from actions taken while serving in my official capacity as a Deputy Prosecutor or Judge. All cases were summarily dismissed. The lawsuits are:

Carolyn Wendy Herz v. Recovery Centers of America Holdings, LLC; et al., 79D01-1905-CT-0070; May 15, 2019.

Carolyn Wendy Herz v. Evan Goodman; et al., 29C01-1910-CT-9460; October 11, 2019.

Carolyn Wendy Herz v. Indiana Family and Social Services Administration; et al., 29D01-1912-CT-12057; December 23, 2019.

Maleeka Clary-Ghosh v. Hamilton County Court; et al., 29C01-1811-CT-10739; November 3, 2018.

Gersh Zavodnik; et al., v. Paul Felix; et al., 1:18-cv-00870-SEB-MJD; March 16, 2018.

Jeffrey Bringle v. State of Indiana; County of Johnson; et al., 41C01-0108-CP-000265; August 23, 2001.

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

Not applicable

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

Not applicable

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

Not applicable

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. Andrew Baldwin
2. Jennifer Culotta
3. Jim Crum

- 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. Lance Hamner
2. Ashley Barnett
3. Krista Radican

- 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. Terry Anker
2. Dan Fox
3. Brian Shapiro