

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.

Ryan Kenneth Gardner

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.

- | | | | |
|--------------------------|---------|--------------------|-----------------------|
| 1. Shayla Lenese Gardner | Age: 40 | Relationship: Wife | Occupation: Homemaker |
| 2. B.C.G. | Age: 14 | Relationship: Son | |
| 3. B.H.G. | Age: 8 | Relationship: Son | |
| 4. B.A.G. | Age: 5 | Relationship: Son | |

C. Business address, email, and telephone number.

675 Justice Way
Indianapolis, IN 46203

Ryan.Gardner@indy.gov

(317) 507-4348

D. Attorney number.

24893-49

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

October 2004.

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.*

N/A.

F. Date and place of birth.

August 6, 1978

Gary, Indiana

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

Marion County – August 2001 to July 2005; January 9, 2019

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: September 1996 – December 2000

Degree: Bachelor of Arts, African-American and Diaspora Studies

Minor: Biology

Honors and Awards:

- Faculty and Administration for Student Excellence (FASE) – Outstanding Achievement Award (1999)
- Black Student Union – Black Graduation Ceremony – Commencement Speaker (2000)

- 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).*

N/A.

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 Robert H. McKinney School of Law: August 2001 – May 2004

Degree: Doctor of Jurisprudence

Honors and Awards:

- *Indiana International and Comparative Law Review*: Articles Editor (2003-2004)
- Who's Who: American Law Students – Volume 23
- Student Bar Association President (2003-2004); Vice President (2002-2003)
- National Labor Relations Board – Region 25 Honoree (2004)
- Dean's List (2004)
- Commencement Speaker (2004)

Scholarships:

- Clara Lee Kittle Scholarship (2002)
- Charles C. Carey Memorial Scholarship (2003)
- Franklin D. and Susan H. Tally Scholarship (2004)

4. Employment

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

<u>Organization</u>	<u>Address</u>	<u>Position</u>	<u>Dates</u>
Methodist Hospital	8701 Broadway Merrillville, IN 46410	Medical Systems Clerk	January 2001-July 2001
Marion Sup. Court	200 E. Washington Street W-541 Indianapolis, IN 46204	Law Clerk/ Bailiff - Hon. Judge Gerald Zore	May 2002-December 2002

I N D I A N A J U D I C I A L N O M I N A T I N G C O M M I S S I O N

Indiana Ct. of Appeals	200 W. Washington Street 411 Statehouse Indianapolis, IN 46204	Law Clerk Hon. Judge Patricia Riley	June 2003-August 2003
Lewis Wagner, LLP	501 Indiana Avenue STE 200 Indianapolis, IN 46202	Associate Attorney	May 2004 - February 2008
Marion County Public Defender Agency	151 N. Delaware Street STE 200 Indianapolis, IN 46204	Contract Attorney	February 2008 – June 2013
Ryan Gardner, P.C.	155 E. Market Street STE 450 Indianapolis, IN 46204	Owner/ CEO	February 2008 – March 2019
Child Advocates, Inc.	8200 Haverstick Road STE 240 Indianapolis, IN 46240	Staff Attorney	June 2013 – March 2019
Marion Sup. Court Juvenile Division	2451 N. Keystone Avenue Indianapolis, IN 46218	Magistrate	March 2019 – January 2021
Marion Sup. Court Family Division	200 E. Washington Street T-1441 Indianapolis, IN 46204	Presiding Judge	January 2021 – Present

- B. If applicable, describe the nature and extent of your practice of law (present and former), and provide the names of your partners, associates, office mates, and employers.

Before starting my position as the Presiding Judge in Marion Superior Court 10, I served as a Magistrate in Marion Superior Court 15 - Juvenile Division. I presided over delinquency and Termination of Parental Rights (TPR) matters. Prior to taking the bench, I practiced law for over fourteen (14) years. I began my professional career at Lewis Wagner, LLP, where I practiced primarily insurance defense litigation. I also practiced asbestos and mixed dust litigation, as well as workers' compensation. I mostly worked with John Trimble, Richard Shoultz, Sue Mehringer, and Robert Foos.

In February of 2008 I left Lewis Wagner to establish my own plaintiff's practice. I had a general litigation practice, but the majority of my cases were plaintiff employment discrimination matters under Title VII of the Civil Rights Act of 1964, and 42 U.S.C. § 1981. I spent much of my time in federal court, but also handled personal injury and contract disputes. I shared space with other solo practitioners: Allan Reid; Ryan Frasher; Nicholas Huang; Robert Tresslar; Rae Feller; and Todd Woodmansee. At the time I started my solo practice, I also became a contract

attorney for the Juvenile Division of the Marion County Public Defender Agency. I represented parents in Child in Need of Services (CHINS) and TPR cases.

After five years as a contractor with the Public Defender Agency, I accepted a position as a Staff Attorney with Child Advocates, Inc. I represented the Guardian ad Litem/CASA, and advocated for the best interests of children in CHINS and TPR cases, as well as guardianships and custody matters. With the blessing of Child Advocates, I also continued my private employment discrimination and personal injury practice until I took the bench as a Juvenile Magistrate on March 1, 2019.

5. Trial/Judicial Experience

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

While most of my private cases settled at or before the mediation phase, I represented a plaintiff in an employment discrimination case in the Southern District of Indiana that went to jury trial in 2015.

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

Over the course of my career as a private attorney, contractor with the Public Defender Agency, and Staff Counsel for Child Advocates, Inc., I have tried hundreds of cases to conclusion, mainly in bench trials in CHINS; TPR; Guardianship; Custody; and Small Claims matters. As a Presiding Judge and Juvenile Court Magistrate, I have presided over hundreds of bench trials in matters involving CHINS; TPR; Delinquency; Custody; Adoption; Guardianship; Dissolution; Paternity; and Protective Orders.

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.

As a Juvenile Magistrate, I presided over delinquency and TPR cases, from initial hearings to bench trials. I served as judge pro tempore for the Honorable Judge Tanya Walton Pratt shortly after I completed law school. As a Presiding Judge in the Family Division, I preside over matters of Dissolution; Paternity; Adoption; Custody; Guardianship; CHINS; TPR; Delinquency; and Protective Orders. I preside over subsequent filings involving modification and contempt. I have also begun to accept cases involving attorney discipline as a Hearing Officer.

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.

ESG Technical Services, LLC v. Advantage Health Solutions, Inc., et al., 1:09-cv-0030-TWP-TAB, February 24, 2011 – Brief in Support of Plaintiff’s Cross-Motion for Partial Summary Judgment and Response in Opposition to Advantage Health Solutions, Inc.’s Motion for Summary Judgment

Jeffrey Stringer v. Cambria Fabshop-Indianapolis, LLC, 1:13-cv-0659-SEB-TAB, August 15, 2014 – Plaintiff’s Memorandum of Law in Opposition to Defendant’s Motion for Summary Judgment

The Marriage of Kishore Kumar Kayitha and Kameshwari Vallabhajosyula, 49D10-1902-DC-006194, June 4, 2021 - Decree of Dissolution of Marriage

The Marriage of Thomas Egold, II and Sara Egold, 49D10-1612-DR-045016, February 22, 2021 – Order on Respondent’s Verified Petition for Contempt, Modification of Legal Custody and Parenting Time, and Respondent’s Petition for Appointment of a Parenting Coordinator

- 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.

N/A.

- 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.

New Judge in COVID, American Bar Association: Judicial Division Record, Volume 24, Issue 3, April 5, 2021 – I discussed the effect of COVID on court operations, and our efforts to respond to it in order to ensure access to the courts and timely resolution of cases.

- 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. My Delinquency and CHINS dockets. I preside over one of the two delinquency dockets in my court. I also preside over one of the CHINS dockets. Whether it is presiding over cases that involve abused or neglected children, or cases that involve

- at-risk youth who have committed delinquent acts, I believe that the court plays an integral part in the lives of the children and families that we serve. I have learned that many of the families that come before the court feel a sense of hopelessness. By ordering services to help address trauma and behavior, the court plays a vital role in restoring hope for the families that we serve and putting the family on a better path than that which the family initially presented to the court. As a problem-solving court, my goal is not so much to ask, “What’s wrong with you?” as it is to ask, “What happened to you?” and “What can we do to help?” When we address underlying issues while treating the families that we serve with basic human dignity, that goes a long way toward reunifying children with their families or otherwise achieving permanency for the children, and fostering trust in the system, its process, and its stakeholders. It also helps to put youth in delinquency cases on the right track by not only holding them accountable, but also exposing them to people and places that encourage them that they can achieve much greater things.
2. Pro Bono guardianship and third-party custody matters. From February of 2008 to June of 2013, during my time as a contractor with the Public Defender Agency, I would oftentimes file petitions for guardianship and third-party custody on behalf of family or friends of my clients in order to achieve permanency for children in a manner that avoided termination of my clients’ parental rights. I always handled these proceedings pro bono. In June of 2013, when I became a Staff Attorney at Child Advocates, Child Advocates had begun to take on the responsibility of filing guardianship and third-party custody petitions in cases where the Guardian Ad Litem believed that either was the appropriate permanency plan. I filed the majority of the petitions, and Child Advocates always handled the matters pro bono. I believe that this was important because the overwhelming majority of the families that we served were indigent. We ensured equal access to the courts to achieve permanency for children in a manner that preserved the integrity of the family unit without cost to the families.
 3. *ESG Technical Services, LLC v. Advantage Health Solutions, Inc., et al.*, 1:09-cv-0030-TWP-TAB – This was one of the first cases I was entrusted with when I began my solo practice in 2008. Plaintiff was a minority-owned business that was included as a participant in a bid to secure a contract with the State of Indiana. When the Defendant was awarded the contract, the Plaintiff was prevented from participating as planned, and the work that the Plaintiff was supposed to perform was contracted to a majority-owned business. I filed a discrimination claim in the Southern District of Indiana. The case was active for approximately three years, and ultimately resolved at mediation. I believe that the long, hard process sent a clear message to the Defendants not to attempt to abuse the process and take advantage of minority and women-owned businesses.

4. *House v. City of Indianapolis and Courtney Harris*, 1:10-cv-0973-SEB-MJD – My client alleged that a police officer raped and intimidated her. The matter resolved prior to trial. This case was important because my client did not trust the legal process, and she thought that no one would believe her. After the case concluded, my client believed that the process did indeed work. She had new respect for the court and lawyers. We live in a society that oftentimes thinks the worst of those in the legal profession. Exposure to attorneys who worked diligently and conducted themselves with integrity changed one person’s generalization of an entire profession.

5. *Stringer v. Cambria Fabshop-Indianapolis, LLC* – 1:13-cv-0659-SEB-TAB – My client alleged racial discrimination after he was terminated from his employment, while similarly situated employees were not treated the same. The matter went to jury trial. While we did not prevail at trial, my client told the court how happy he was with my representation. I took all my employment discrimination cases on a contingency fee basis, as my clients were usually unable to pay an hourly rate for matters that could be active for several years. It was important for me to ensure equal access to the courts regardless of a person’s financial status, and to do my absolute best for them whether or not they were able to pay me.

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.

I am a founding Board Member of the Fair Housing Center of Central Indiana (FHCCI). I was recently honored for dedicated service to the Board of Directors. The FHCCI continues to combat housing discrimination throughout the State. I served for several years on the Board of Directors and the Litigation Committee of the American Civil Liberties Union of Indiana. I have provided pro bono service to those who are indigent through the Indianapolis Bar Association’s Homeless Legal Aid Project, the Neighborhood Christian Legal Clinic, and the Marion County Bar Association.

I am a member of the Indiana Supreme Court Commission on Race and Gender Fairness, serving on the Judicial Selection Committee. I am also a member of the Race, Equity and Inclusion Committee of the Juvenile Detention Alternatives Initiative (JDAI), serving on both the Alternatives and Conditions of Confinement Sub-committees. I am a Co-Chair on the JDAI Deep End Steering Subcommittee, and the Chair of the Transforming Juvenile Probation Steering Committee. I am also a Board Member of Indiana Legal Services.

- 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.

Please see answer to 7A. In my work with JDAI, we have examined Probation’s detention screening tool for youth to identify and address any factors which lead to disproportionately worse outcomes or higher rates of detention for youth of color. We are also actively discussing ways to improve probation such that services are specifically targeted to youths’ respective needs. Part of that discussion involves an exploration of not only alternatives to detention but also alternatives to probation. We are having these discussions with community stakeholders, and youth and families who have engaged with probation in the past to explore community-based alternatives to probation for youth who are not in need of formal probation, but something more informal like a restorative justice program. Over the past year, our Diversion Program through the Boys and Girls Club has diverted over 200 youth and assisted them and their families with everything from therapy and tutoring to rent assistance and groceries.

- 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.

Please see Sections A and D. I have served as a mentor for Crown Mentoring, a character mentoring program for elementary school students. I have served as a big brother for Big Brothers Big Sisters of Central Indiana. I have served on the Board of Directors for Reach for Youth, and as a judge and mentor for its Teen Court program. I have also served as a mentor for Indiana University Robert H. McKinney School of Law’s Street Law Program, where mentors went to local high schools with law school students to discuss basic legal issues to foster an interest in law. On July 2, 2021 and June 30, 2022, I spoke to a group of youth leaders through the Benjamin Harrison Presidential Site’s Future Presidents of America Program. I am a mentor to the program.

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

In addition to the pro bono services mentioned above, while I worked as a contractor with the Public Defender, and subsequently as a Staff Attorney at Child Advocates, Inc., I routinely handled the filing of guardianships and third-party custody matters on behalf of the children and at no cost to the proposed guardians or custodians, or even the parents, who were often indigent. These proceedings lead to better outcomes by establishing permanency for the children while at the same time maintaining the integrity

of the family unit. In total, throughout my career I have performed hundreds of hours of pro bono legal service.

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

As a Staff Attorney at Child Advocates, I conducted training for CASA Volunteers on the juvenile court process and the life of CHINS and TPR cases. I also conducted training of Guardians Ad Litem and CASA Volunteers regarding updates in the law and preparation for trial. I conducted sexual harassment training for the staff at Child Advocates as well. During my solo practice, in approximately 2010, I presented a CLE on employment discrimination for the Indianapolis Bar Association. On May 5, 2020, I presented a CLE with Magistrate Scott Stowers about TPR cases.

I was invited to Butler University on December 3, 2019 and October 6, 2020 to discuss the juvenile justice system and the work of the Juvenile Court and the Unified Family Division. I spoke to Butler’s Experimental Program for Preparing School Principals (EPPSP) students. These students are future leaders in school administration.

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 Council of Juvenile and Family Court Judges – Board of Directors (March 2022-present)
 - Indiana Legal Services – Board of Directors (March 2022-present)
 - Marion County Community Corrections – Board of Directors (February 2021 – present)
 - Benjamin Harrison Future Presidents of America – Mentor (July 2021-present)
 - Indiana Judges Association (March 2019 – present)
 - Indiana Supreme Court Commission on Race and Gender Fairness – Member and serve on the Judicial Selection Committee (June 2019 – present)
 - Juvenile Detention Alternatives Initiative (JDAI) – Co-Chair of Deep End Steering Committee (December 2021 – present); Chair - Transforming Juvenile Probation Steering Committee (January 2022 – present); Race, Equity and Inclusion Committee (July 2019 – present); Alternatives Sub-Committee (January 2020 – present); Conditions of Confinement Sub-Committee (January 2020 – present)

- National Association of Counsel for Children - Member (2013 – 2019)
- Association of Family and Conciliation Courts – Member (May 2018 – February 2019)
- Indiana State Bar Association – Member (2013 – present)
- Marion County Bar Association - Marion County Bar Association: Board of Directors (2010-2012); President (2009-2010); President-Elect (2008-2009); Vice President (2006-2007)
- Indianapolis Bar Association - Board of Directors (2010-2012; 2007-2008); Diversity Job Fair Committee (2007-2009); Diversity Task Force (2006-2008); Advocates' Committee (2006-2008);
- National Trial Lawyers Association – Member (2011)
- Defense Trial Counsel of Indiana – Member (2004-2008)
- DRI: Member of Lawyers’ Professionalism and Ethics Committee (2005-2008)
- American Bar Association – Member (2004-2008)

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.

- Founding Board Member, Fair Housing Center of Central Indiana (Vice President 2012-2017; Chair of the Board Development Committee 2012-2017)
- Board of Directors, Reach for Youth; Executive Committee (Vice Chair 2007-2009; Secretary 2006-2007); Member of Recruitment Committee; Teen Court Judge and Mentor
- Board of Directors, ACLU of Indiana (2006-2010); Litigation Committee (2008-2011)
- Board of Directors, Life Restoration Ministries: Nonprofit organization formed in order to facilitate clothes, coat, and food drives to assist the homeless (2008-2019)
- Board of Directors, Indianapolis Professional Association: Plan and facilitate community programs in order to raise funds to provide college scholarships to high school achievers (2004-2007)
- Pro Bono Volunteer, Homeless Legal Aid Project: Provide legal advice and recommendations (2006-2010)

- Pro Bono Volunteer, Neighborhood Christian Legal Clinic: Provide legal advice and recommendations (2006-2010)
 - Volunteer, Street Law Program: Mentor high school students on areas of law taught by law students (2007-2009)
 - Big Brothers Big Sisters of Central Indiana: Mentor and provide positive role model to male youth (2006-2009)
- 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.
- Kappa Alpha Psi Fraternity, Inc.
 - Phi Alpha Delta Law Fraternity, International
- D. Describe your hobbies and other leisure activities.

In my spare time, I love to spend time with my wife and children. I am an avid reader. I love to listen to music and watch sports.

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.)

State of Indiana ex rel. Philimingo Young v. Marion Superior Court 10 and Ryan K. Gardner, Indiana Supreme Court, 21S-OR-548, filed December 9, 2021. Matter has been dismissed.

Ryan and Shayla Gardner v. Hendrick Pool and Lawn Service, Hancock Superior Court 2, 30D02-2101-SC-000032, filed January 25, 2021. Matter has been resolved.

- 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.

N/A.

- 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.

N/A.

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

Federal tax obligations:

2017 – \$13,653.49

2018 – \$7,747.35

2020 - \$12,044.61

- My wife took money from her retirement account in 2017 and 2018 to assist with bills/living expenses after she left her job to care for our children. In 2020, she did the same so that we could make significant repairs to our new home, including replacing the entire HVAC system. We have a payment plan in place to pay off the 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. Valerie Johnson
2. Stephanie Chey-Sluss
3. Danielle Gregory

- 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. John Trimble
2. Hon. Tanya Walton Pratt
3. Hon. Judge Carr Darden

INDIANA JUDICIAL NOMINATING COMMISSION

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. Tammy Meyer
2. Jimmie McMillian
3. Hon. Peter Haughan